

# AGENDA

## Development Control Committee

**Friday, 11 June 2021 AT 10:00**

**In the Council Chamber, Civic Centre, Carlisle, CA3 8QG**

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

### **Minutes of Previous Meetings**

**5 - 18**

To approve the minutes of the meetings held on 30 April, 9 June and 9 June (site visits).

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 CONTROL OF DEVELOPMENT AND ADVERTISING**

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

<b>Explanatory Notes</b>	<b>19 - 24</b>
<b>Item 01 - 20/0586 - Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU</b>	<b>25 - 90</b>
<b>Item 02 - 21/0212 - Land adjacent to Chapelfield Lane, Thurstonfield, Carlisle, CA5 6HP</b>	<b>91 - 106</b>
<b>Item 03 - 19/0935 - Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ</b>	<b>107 - 132</b>
<b>Item 04 - 21/0286 - Fairfield Cottage, Wetheral Pasture, Carlisle, CA4 8HR</b>	<b>133 - 140</b>
<b>Item 05 - 19/0871 - Land North of Holme Meadow, Cumwhinton, Carlisle, CA4 8DR</b>	<b>141 - 182</b>
<b>Item 06 - 21/0038 - Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB</b>	<b>183 - 316</b>

## **PART B**

**To be considered when the Public and Press are excluded from the meeting**

**-NIL-**

### **Members of the Development Control Committee**

**Conservative** – Christian, Finlayson, Meller, Morton, Nedved, Shepherd, Mrs Bowman (sub), Collier (sub), Tarbitt (sub)

**Labour** – Alcroft, Mrs Glendinning, Southward, Miss Whalen, Birks (sub), Brown (sub), Dr Tickner (sub)

**Independent** - Tinnion, Paton (sub)

**UKIP** - Denholm

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk - [jacqui.issatt@carlisle.gov.uk](mailto:jacqui.issatt@carlisle.gov.uk)

To register a Right to Speak at the meeting please contact  
DCRTS@carlisle.gov.uk





**DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 30 APRIL 2021 AT 10.00 AM**

**PRESENT:** Councillor Tinnion (Chair), Councillors Alcroft, Birks (until 12:30pm), Christian, Finlayson, Meller, Morton, Nedved, Shepherd and Whalen.

**OFFICERS:** Corporate Director of Economic Development (until 12:30pm)  
Development Manager  
Legal Services Manager  
Principal Planning Officer  
Planning Officer x 3  
Planning/Landscapes Compliance and Enforcement Officer  
Mr Allan – Flood Development Officer, Cumbria County Council

**DC.035/21 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Glendinning.

**DC.036/21 DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Tinnion declared an interest in respect of application 21/0182 – Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ. The interest related to the applicant and objectors being known to him.

Councillor Alcroft declared an interest in respect of applications:

- 21/0076 – 17 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR. The interest related to the applicant being known to her.
  - 20/0477 – Land to the north east of Windsor Way (Tarraby View), Carlisle. The interest related to her husband working for the Local Education Authority
- Councillor Alcroft indicated that she would not take part in the determination of either application.

**DC.037/21 PUBLIC AND PRESS**

**RESOLVED** – That the Agenda be agreed as circulated.

**DC.038/21 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** 1) - That it be noted that Council at its meeting of 27 April 2021 received and adopted the minutes of the meetings held on 17 February (site visits) and 19 February 2021.

2) That the minutes of the meetings held on 26 March and 28 April (site visits) 2021 be approved.

**DC.039/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Legal Services Manager set out the process for those Members of the public who had registered a Right to Speak at the Committee.

## **DC.040/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

### **1. Erection of 7no. Dwellings (Reserved matters Application Pursuant to Outline Permission 18/0994) Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB (Application 21/0038).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; site layout plan; floor and elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The principle of development had been established on the site through the granting of 3 applications for Outline planning permission. The current application solely considered the Reserved Matters comprising the layout, scale, appearance, access and landscaping which, for the reasons detailed in the report, were deemed acceptable.

The development remained subject to 15 other planning conditions which sought to further control the development, for example, through appropriate construction hours, highway detail, use of appropriate materials, finished floor levels, foul and surface water drainage.

Historically, the site was subject to a requirement to provide on-site affordable units. This was revised during a subsequent application to provide an off-site contribution. Since that time, the current Local Plan had been adopted and Policy HO4 did not require an affordable housing contribution in Affordable Housing Zone B (in which this site was located) on sites of fewer than 10 units. Therefore, no affordable housing or financial contribution was required.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

Mr Jackson (Objector) spoke against the application in the following terms: it was not Council policy to permit buildings to be erected over existing septic tanks, associated pipe work or other underground services; the proposal was not compliant with Building Regulations; existing residents needed to retain access to the underground infrastructure in order to carry out maintenance, cleansing and repairs of the structures; the application site was not allocated for housing development in the Local Plan; the scheme would have an adverse impact on the Listed turret in an adjacent field; the Outline permission had required an archaeological brief be carried out prior to the commencement of development; the highway network in the vicinity of the application site comprised narrow roads often used by agricultural vehicles, the increased vehicle movements generated from the site would have a negative impact on highway safety; the development should seek to protect a tree with the curtilage of Mr Jackson's property from damage happening to the roots; the local Parish Council did not support the application.

Mr Rigg (Objector on his own behalf and on behalf of Mr Hitchons) spoke against the application in the following terms: he set out a timeline for the construction of dwellings which had underground infrastructure in the application site; the applicant for the Outline application advised that were the scheme approved, any repairs needed to the infrastructure would require the digging up of the proposed dwellings or their gardens in order to gain access; in 2004 an individual associated with the current applicant built across the only access to the underground

infrastructure, following court proceedings, which Mr Rigg won, access was re-granted and a new Deed of Access was made which stated “... to ensure the right of way granted by the Deed is not impeded or obstructed in any way...”; the Deed also gave rights at all times for the construction, cleansing, maintenance repair and renewal of the tank and pipes and to pass over the access track; the cumulative effect of permitted development in and around Monkhill had a negative impact on highway safety in the area around the application site and particularly the road junction that would be used by future occupiers were the application to be approved – Mr Rigg displayed slides on screen illustrating a number of road traffic issues on the adjacent highway network; the existing drainage network in the village already struggled to cope and flooding occurred in times of rain, the scheme would make the matter worse; the development would over look and over shadow a number of existing properties.

In conclusion, Mr Rigg noted that through a Deed he had right of access to the underground infrastructure, he asked whether it was right that he be expected to return to court to defend them again.

The Development Manager read out a submission on behalf of Councillor Allison (Ward Member) which contained the following points:

- It was disappointing that the Highway Authority had not shared the concerns expressed by the Parish Council in relation to the junction which emerged on to the C2042, as it had been estimated that the development would generate at least 50 additional vehicle movements per day;
- Access to septic tanks and service pipes by existing residents were dismissed as a civil matter. Detailed drawings of the site and the dwellings, were now available, however, the locations of those services were not shown in the plans, were they found to be close to or even under a dwelling that may result in non-compliance with Building Regulations. As a condition for approval, Councillor Allison suggested that the inclusion of those services being included in the Approved Plans be a material consideration. The existence of those services and access rights would then be evident to prospective purchasers and should not be hidden;
- The original application proposed two affordable houses which had subsequently been amended to an equivalent financial sum, presumably as a financial contribution under a S106 agreement, or to support affordable dwelling of equivalent value elsewhere. The Parish Council, Countryside Officer and Councillor Allison as Cumbria County Council Ward Member were seeking funding for the protection of Hadrian's Wall Walk a short distance away at Beaumont.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- There was an underground infrastructure corridor on the application site to the rear of Gracelands and Bushy Bank properties, the Agent had confirmed the development would not affect the existing underground services;
- Were the proposal not to be compliant with Building Regulations, a redesign of the scheme may be necessary in which case the applicant would need to submit an application for a variation to any permission granted in respect of the current application;
- Any damage to the existing underground infrastructure during the construction of the scheme would need to be rectified by the developer, the issue was a civil matter;
- The Agent had advised there was no map of the existing underground infrastructure, but that those structures would be taken into account and would not be built over;

- Condition 16 of the Outline permission stipulated “*Any subsequent application for Reserved Matters shall take account of existing underground infrastructure on the site and the layout shall take account of such to avoid inhibiting future access for maintenance and repair by the relevant entitled party.*”
- A separate application would consider the means of foul and surface water drainage from the site;
- At the time of the Outline application, the Highway Authority had requested the imposition of a number of conditions which were contained in the associated permission. The Highway Authority confirmed that subject to those conditions the development was acceptable;
- The layout provided with the Outline application was indicative only;
- The current application did not meet the trigger in terms of the number of dwellings to necessitate an affordable housing contribution.

Members remained concerned about the access for third parties to the underground infrastructure within the application site and for the proposed scheme to potentially construct buildings, gardens etc over those structures. A number of Members considered that in order to be certain that the infrastructure was not built over the applicant/agent must be in possession of a plan which contained those details. A Member asked if a condition may be imposed requiring that plan to be submitted.

The Planning Officer responded that in such instances it was usual for conditions to be added at the Outline application stage, it was only reasonable to add a condition to a Reserved Matters application when a material change had occurred.

The Legal Services Manager reminded Members of condition 16 on the Outline application, which the developer had advised had been done.

Members remained concerned about access to the underground infrastructure, and that without a map detailing where those structures were in the site felt they did not have sufficient information to properly determine the application.

The Corporate Director advised the Committee that it needed to be mindful of acting within its powers. Whilst it was not feasible to impose a condition regarding the submission of an underground infrastructure plan, given Members serious concerns in relation to the matter, she suggested Members considered deferring the application in order for the applicant to submit those details.

A Member proposed that determination of the application be deferred in order to allow the applicant to submit a drawing showing the layout of underground services within the site. The proposal was seconded and following voting it was:

**RESOLVED:** That determination of the application be deferred in order to allow the applicant to submit a drawing showing the layout of underground services within the site.

**2. Proposed rear extension to provide annexe accommodation comprising living room & W.C. on ground floor with 2no. bedrooms & 1no. bathroom above (Revised Application), Rose Cottage, Uppertown, Kirklington, Carlisle, CA6 6BD (Application 20/0834)**

The Planning Officer submitted the report on the application which had been deferred by the Committee following its consideration at its meeting of 26 March 2021. The reason for deferral was for additional information and images to be provided to understand the potential impact of the proposal in its setting/context which was contained in the Main and Supplementary Schedules. Slides were displayed on screen showing: site location plan; proposed block plan; existing ground floor plan; existing elevation plan; proposed floor plans; previously approved elevation plans; revised proposed elevation plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be refused for the reasons set out in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The application sought permission for a householder extension, therefore the most relevant Local Plan policy for its assessment was HO 8 – House Extensions. Policy SP 6 – Securing Good Design required proposed developments to respond to their local context. With reference to the block plan, the Planning Officer described the extensions at Bramley Cottage and Bramley Mews, which had a variety of forms but were all single storey and where therefore read as subservient to the main dwellings. The current application proposed an extension with a ridge height that exceeded the original dwelling so would not be viewed as subservient and as such was contrary to policy HO 8;
- The position of the dwelling on a corner would increase the visual impact of the proposed extension;
- There was an extant planning permission at the site for the construction of a flat roof extension.

A Member asked whether approving the application would set a precedent.

The Corporate Director responded that the policies of the Local Plan had been agreed by Council at the time of its adoption. The application had been assessed by the Planning Officer as not being compliant with policy HO 8 and therefore recommended it be refused. Were the Committee to grant permission, it was possible that a precedent may be set as a developer could reference the approval in a future application judged as not in compliance with that policy.

A Member moved the Officer's recommendation which was seconded and following voting it was:

**RESOLVED:** That the application be refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

### **3. Erection of 2no. Dwellings, Roseville Terrace, Edward Street, Carlisle (Application 21/0095)**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; block plan; floor, elevation and section plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

With respect to the provision of residential car parking permits a number of Members commented that as the previously existing dwellings would have been issued with a permit, they expected such provision to be made for the new dwellings.

A Member moved the Officer's recommendations which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

### **4. Erection of 8no. Dwellings (Reserved Matters Application Pursuant to Outline Approval 18/0214, Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ (Application 21/0182).**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; proposed site plan and sections plan; floor and elevations plan; landscape masterplan, and photographs of the site, an explanation of which was provided for the benefit of Members.

Further to the production of the report, a further letter of objection had been received, the Principal Planning Officer summarised the main points as follows: 24 Velux windows was excessive; The proposed use of brick was not in keeping with the surrounding area so was not acceptable, the houses should be rendered to fit in with the area; the proposed dwellings would be the first properties seen upon entering the village, as such they should be in keeping with the dwellings on Rectory Road and The Glebe; there was no turning point at the end of the development

The Principal Planning Officer provided the following response;

- 6 of the dwellings would have 2 rooflights in the front and 2 in the rear to serve a room in the roof. The original proposal had been for 4 in the front but had been amended to address residents' concerns;
- 2 dwellings would be render, 6 would be stone. There were a lot of stone properties in the village, and the particular stone used would be agreed via a Discharge of Conditions application;
- A turning head would be provided at the start of the development which led on to a private road. Waste Services and the Highway Authority had confirmed they were satisfied with the proposed access and turning arrangements.

The Principal Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

*Councillor Birks advised that she had lost connection to the virtual meeting for a period of time and therefore would not take part in the discussion nor voting on the application*

In response to questions from Members, Officers confirmed:

- The ridge height of the proposed dwellings was 87cm higher than the existing properties at The Glebe when viewed from the road. The properties would be set back 15 to 20 metres from the road with the finished floor levels being 1m higher than the road;
- The topography of the application site varied, but the levels would be reduced in places to keep the ridge heights of the dwellings down;
- Discussion had taken place with the North Pennines AONB, whose principal concern was the design and palette of materials. 6 of the proposed dwellings would be stoned faced, the particular stone used was subject to agreement by condition which would enable Officers to ensure it was in keeping with the vernacular of the village;
- Impact on the North Pennines AONB Dark Skies initiative – the proposed roof lights would serve a bedroom, therefore the light spillage was likely to be less than that from a streetlight. Given the existing dwellings and street lighting in the village, the impact of the roof lighting was not considered to be significant;
- A Swept Path Analysis of the access proposals had indicated that an HGV/refuse vehicle was able to egress the site in a forward gear;
- The proposed layout of the road within the development was not of a standard that would lead to it being adopted by the Highway Authority;
- The provision of a field gate at the western end of the site had been included in the proposal by the applicant as it had been a contractual requirement of the purchase of the site.

A Member moved the Officer's recommendation which was seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

**5. Erection of building for use as a function room in support of self-catering holiday lets; Erection of a timber-framed shelter for wedding ceremonies (Part Retrospective), Carwinley Mill House, Carwinley, Longtown, Carlisle, CA6 5PE (Application 20/0077).**

The Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 28 April 2021. Slides were displayed on screen showing: site location plan, existing and proposed block plans; overall site plan; proposed elevations and site plan/roof plan; sections plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

During the virtual site visits, Members had asked for clarification of numbers of guests expected at any event. The Planning Officer advised that the maximum number would be 40, it was expected that normal parties would tend to range from 30 to 40 guests. The Planning Officer further advised that the site currently included five 2-person units for tourism accommodation, but that two of the units can provide accommodation for 1- 2 more guests, meaning that the maximum number of persons staying at the site after an event would be 14, but this was not intended to be the norm.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The Highway Authority had assessed the application in relation to car parking provision and vehicular access arrangements and was satisfied that both meet the relevant requirements;
- The applicant had provided an Operating Strategy which set out how noise from the site would be managed, were the application to be approved the onus would be on the applicant to implement those measures.

Members discussed the issue of noise management at the site and considered imposing the following conditions: no noise after 11pm, that the building be constructed with dense block work structure.

In response Officers advised that a condition relating to the block work was appropriate. However, a condition stipulating no noise after 11pm was likely not to be enforceable and as such it was not reasonable to include in any permission granted.

A Member moved the Officer's recommendation, along with the imposition of a condition requiring the building to be constructed with dense block work structure. The proposal was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

**6. Change of Use of former flat to specialist support gym together with alteration to the window and door (Part Retrospective) 17 Maltmill, Bridge Lane, Caldewgate, Carlisle. CA2 5SR (Application 21/0076).**

*Councillor Alcroft having declared an interest in the item of business took no part in the discussion nor determination of the application.*

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; existing and proposed site plan; existing and proposed floor and elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

A Member moved the Officer's recommendations which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

*Councillor Birks and the Corporate Director of Economic Development left the meeting at 12:30pm.*



*The meeting adjourned at 12:30pm and reconvened at 2:00pm*

## **DC.041/21 STANDING ORDERS**

It was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

### **7. Erection of 90no. dwellings (Revision of Previously Approved Permission 14/0778 to increase dwellings from 72no. to 90no. (Phase 2) Land to the north east of Windsor Way, Carlisle (Application 20/0477).**

*Councillor Alcroft having declared an interest in the item of business took no part in the discussion nor determination of the application.*

The Development Manager submitted the report on the application which had been subject of a virtual site visit by the Committee on 28 April 2021. Slides were displayed on screen showing: site location plan; site layout plan; layout phase 2 plan; surface treatment plan; and photographs of the site, an explanation of which was provided for the benefit of Members.

The application proposed an alteration to an existing development, therefore Members considerations must be based on the impact of the increase in dwellings, not the principle of development which had been established. The Development Manager noted that the implementation of the existing permission constituted the back stop position and was able to be lawfully implemented.

The Development Manager recommended that:

a) Authority to Issue an approval be given the Corporate Director of Economic Development subject to the completion of an appropriate Section 106 Agreement regarding:

- 30% of the proposed additional dwellings to be affordable of which 50% are to be rented and 50% shared ownership or discounted sale over and above those already given permission;
- The payment of an education contribution of £14,500 per primary school pupil generated by the increased number of units (i.e. £71,316);
- Pro-rata increase of the off-site contributions towards open space; and
- Maintenance and management of on-site open space.

b) Should the Section 106 Agreement not be completed, authority to refuse the application be given to the Corporate Director of Economic Development.

The Development Manager read out a submission on behalf of Councillor Dr Davison (Ward Member) which contained the following points: the lack of resident response to the consultation does not necessarily equate to a lack of resident concern about this development; the application had been processed during the time of the Covid 19 pandemic which may have affected resident's capacity to respond; an objector who had wished to address the Committee on the matter had not been aware that the application was being considered at the meeting.

Members' attention was drawn to objection 0065 on the Council's Planning Portal webpage which set out a number of issues;

- Flood risk - were the Committee confident that the proposed flood risk mitigation measures were sufficient to deal with the increased number of dwellings;

- The Hanbury house design provided a bedroom size that did not comply with new guidance, were those dwellings being marketed as two or three bedroomed properties; the issue of providing an additional school in the north of the city was not yet resolved - paragraph 6.23 stated *"Whilst officers endeavour to be consistent in relation to the Committee's decisions, it is notable in this instance that the developer has already made a significant contribution towards educational provision on the basis of a financial contribution ..."* Cllr Dr Davison questioned the relevance of that statement to the decision around additional school places for this development;
- Traffic implications: Residents remain concerned about the impact of the additional traffic being generated by the estate, although another 18 houses did not seem that much it all added to the traffic. If a new school was to be built at Windsor Way, as had been suggested by Cumbria County Council, that would result in further traffic movements in and out of the estate, had the traffic assessments taken this into account;
- Exit into Newfield: Concerns have been raised about the access into Newfield crossing California Lane and whether the process was legal given that, although it was identified as a public footpath, it was a road and as such should surely come under the classification of a public highway. Along with this, issues around loss of any significant Roman remains in the process of creating the crossing of it have been raised and the hope that no further loss of damage occurs to any Roman remains along California Lane;
- California Lane provided a potentially useful cycle route Councillor Dr Davison hoped that any plans around boundaries to the estate didn't prevent any future work to upgrade California Lane as a through route for pedestrians and cyclists as part of a move towards more sustainable travel.

The Development Manager responded:

- Flood Risk - None of the statutory consultees had objected to the proposed increase in dwellings however, additional information in relation to drainage had been provided during consideration of the application to ensure that the proposed scheme did not increase risk;
- Hanbury House style - This house style already had permission however, it should be noted that the concern arose from the reference to an office rather than a third bedroom. This style and reference had not changed from the original permission and was referenced as two bedrooms with an office on the first floor. It was not referenced in the application as a bedroom;
- Traffic Implications - The Highway Authority had considered the increase in numbers and the traffic generation and were satisfied that the increase was able to be accommodated with the measures already introduced. The Development Manager advised the Committee could not consider potential applications and must only consider the proposed increase in housing proposed by the current application;
- The exit in Newfield - As well as the original application, the details were considered in a separate application and the access had been constructed. In response to reports of Roman remains being found a number of trial trenches dug under archaeological supervision. The County Council's Historic Environment Officer had not objected to the application;
- Educational Provision - This application generated demand for additional primary school places, Cumbria County Council, as Local Education Authority, had requested an increase in the financial contribution. With reference to paragraph 6.24 of the report - contributions had already been agreed and made by the developer. Whilst acknowledging further contributions would be required as a result of the increased number of dwellings, the level would be small as only four extra pupil places would be generated. The overall numbers of housing on the site were 294 including the increase created by the current application,

which was comparable to the Local Plan estimated 300 dwellings and therefore the potential numbers of pupils was envisaged when the site was allocated.

The Chair read out a submission on behalf of Councillor Mrs Mallinson (Ward Member) which contained the following points:

- The Gosling beck drained into the Eden River at a point on the bottom of the Scaur at Etterby Terrace Stanwix where it was culverted and caused flooding. A solution needed to be found up stream where the proposed Reed Bed, subject of the application was sited:
- The siting of the reed bed - the various authorities and the developer needed to ensure that further surface water drainage into the beck was better controlled on the site to stop (in a flood) the fast flow into the culvert and problems at the Etterby Terrace End of the Gosling Beck e.g. flooding of homes. To do this could the reed area be planted with Willow trees

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The reed beds and wider drainage system had been approved as part of the original application and were being worked on over time as the whole development was constructed;
- Safety measures in relation to SUDS had evolved as the mechanisms were utilised more. The use of high fences was not now considered good practice as they prevented oversight of the features so that were a child to cross a fence it may not be seen and could become trapped, as such different measures such as reed beds were preferable;
- The ongoing issues of the flooding at Gosling Syke were acknowledged. The Environment Agency was currently undertaking works (culvert expansion) to improve that situation;
- The application site in its state as a field discharged its surface water into Gosling Syke. Subject to discussions with the developer, Cumbria County Council, as Lead Local Flood Authority was seeking to secure a greenfield run-off rate of surface water from the development. In conjunction with the works to expand the culvert at Gosling Syke and the restriction of surface water drainage discharge into the beck, it was not anticipated that the development would increase flood risk;
- Vehicular access to the development via Drumbrugh Avenue had been consented as part of the original application;
- The majority of dwellings in the overall development were two storey properties. They would be built in compliance with the Life Time Homes Standard which would enable ground floor living, subject to necessary adaptations being implemented;
- The consultation response submitted by Cumbria Constabulary in respect of surveillance measures needed in relation to California Lane was based on an assessment of existing properties. In order for the proposed properties whose rear gardens would back on to the lane, the height of their rear fences would need to be increased in order to achieve Secure by Design accreditation;
- Provision of lighting on the adopted highway was a matter for Cumbria County Council as Highway Authority;
- Tarraby Lane – there was no vehicular access from the site, as defined by its red line boundary.

A number of Members expressed serious concerns in relation to school provision noting that the cumulative level of permitted development in the north of the city was exacerbating an already serious issue. Members asked for: an update on the progress of the matter, where the school

age children from the development would be schooled, and whether they would be able to access the school by walking or cycling.

The Development Manager responded that Members were aware that there was to be a new primary school north of the river within a short walk of the new dwellings. However, no planning application to construct the school has so far been forthcoming. The developer would not be the applicant for any future school provision and it had already complied with its obligations to provide contributions to education provision via a Section 106 agreement as such it was not reasonable to delay the development in this instance where a further contribution was being asked for.

It was anticipated that the new school site would be within walking distance of the development, where school aged children were educated prior to the completion of the school was a matter for Cumbria County Council as Local Education Authority.

A Member moved the Officer's recommendations which was seconded and following voting it was:

RESOLVED: 1) That Authority to Issue an approval be given the Corporate Director of Economic Development subject to the completion of an appropriate Section 106 Agreement regarding:

- 30% of the proposed additional dwellings to be affordable of which 50% are to be rented and 50% shared ownership or discounted sale over and above those already given permission;
- The payment of an education contribution of £14,500 per primary school pupil generated by the increased number of units (i.e. £71,316);
- Pro-rata increase of the off-site contributions towards open space; and
- Maintenance and management of on-site open space.

2) That should the Section 106 Agreement not be completed, authority to refuse the application be given to the Corporate Director of Economic Development

#### **DC.042/21 TPO 310 LAND WEST OF TANGLEWOOD, CUMWHINTON**

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.14/21 which considered the confirmation of Trees Preservation Order (TPO) 310 Land west of Tanglewood, Cumwhinton in light of representations received to the making of the Order.

The Planning/Landscapes Compliance and Enforcement Officer recommended that the Order be confirmed with the following modification: the removal of trees T2 and T13; the repositioning of Tree 17 (T17) on the site plan.

Mr Stamper (Objector) spoke against Tree Preservation Order 310 and 311 in the following terms: the TPO had been made as a result of the refusal of planning application 20/0602, therefore the Orders needed to be considered in the context of the proposed layout of the site (a slide was displayed on screen showing the layout plan); prior to the submission of the planning application, Mr Stamper had the right to remove any number of the trees, subject to felling volume limits, however, Mr Stamper recognised the value of the trees and decided to retain them; application 20/0602 only required the removal 4 trees which were either dead or at the end of their life; the Orders sought to protect already damaged trees; the local Parish had not objected to the application; The Council had commissioned a tree assessment report which in the main produced the same findings as his own assessment report, Mr Stamper questioned the

qualifications of the person who had prepared the report; Mr Stamper was insulted that as the owner, he was not trusted with the protection of the trees; the purpose of the TPOs was to prevent development of the site. Mr Stamper displayed the following slides on screen: application 20/0602 as proposed site plan and a plan from a tree survey carried out in December 2019.

*Councillor Morton having heard Mr Stamper's objection became aware that the objector was known to him. Accordingly, in line with the Council's Code of Conduct, he declared an interest and took no part in the discussion nor determination of the item.*

The Committee then gave consideration to the Order.

In response to questions from Members, Officers confirmed:

- The purpose of a TPO was to protect tree(s) from having unnecessary works being undertaken on them, they did not preclude the development of a site. Works to a tree subject of a TPO were able to be undertaken, subject to permission being given by the local authority;
- Planning application 20/0602 had been refused permission by the Committee principally on the grounds that the application site was considered not to be well integrated with the adjoining settlement as it was separated from it by trees and therefore would constitute development in the open countryside. The issue of the trees had been a secondary issue cited in the reasons for refusing the application.

A Member moved the Officer's recommendations which was seconded and following voting it was:

RESOLVED: That Tree Preservation Order 310 Land west of Tanglewood, Cumwhinton be confirmed subject to the following modification: the removal of trees T2 and T13 and repositioning of T17.

*Councillor Nedved had lost connection to the virtual meeting and therefore took no part in the discussion nor voting on the item. As he had not heard the entirety of the objector's submission the Legal Services Manager advised that he may not take part in the discussion nor determination of item A.3 – TPO 311 Land North of Tanglewood, Cumwhinton.*

#### **DC.043/21 TPO 311 LAND NORTH OF TANGLEWOOD, CUMWHINTON**

*Councillor Morton having declared an interest took no part in the discussion nor determination of the application.*

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.14/21 which considered the confirmation of Trees Preservation Order (TPO) 311 Land north of Tanglewood, Cumwhinton in light of representations received to the making of the Order.

The Planning/Landscapes Compliance and Enforcement Officer recommended that the Order be confirmed.

A Member moved the Officer's recommendations which was seconded and following voting it was:

RESOLVED: That Tree Preservation Order 311 Land north of Tanglewood, Cumwhinton be confirmed.

#### **DC.044/21 PUBLIC AND PRESS**

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

#### **DC.045/21 QUARTERLY REPORT ON PLANNING ENFORCEMENT**

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.13/21 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. She provided a verbal update on progress regarding several of the cases therein.

The Committee gave consideration to a number of enforcement cases set out in the report.

A Member moved the Officer's recommendation which was seconded, and following voting it was:

RESOLVED - That the content of the report be noted

[The meeting closed at 3:21pm]

# **Development Control Committee Main Schedule**

## **Schedule of Applications for Planning Permission**

**11<sup>th</sup> June 2021**

## The Schedule of Applications

This schedule is set out in five parts:

**SCHEDULE A – Applications to be determined by the City Council.** This schedule contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
- Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
- Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030>
- Conservation Principles, Policies and Guidance - <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
- Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>



- Consultee responses and representations to each application;  
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit  
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)  
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)  
[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)
- Equality Act 2010  
[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)
- Manual For Streets 2007  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

Condition 2 of each application details the relevant application documents; except the following where the associated documents are located at –

21/0286 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**SCHEDULE B – Applications determined by other authorities.** This schedule provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any

planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 27/05/2021 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 11/06/2021.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	20/0586 A	Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU	JHH
02.	21/0212 A	Land adjacent to Chapelfield Lane, Thurstonfield, Carlisle, CA5 6HP	SD
03.	19/0935 A	Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ	RJM
04.	21/0286 A	Fairfield Cottage, Wetheral Pasture, Carlisle, CA4 8HR	SD
05.	19/0871 A	Land North of Holme Meadow, Cumwhinton, Carlisle, CA4 8DR	JHH
06.	21/0038 A	Land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB	RJM

## SCHEDULE A

Applications to be  
determined by the  
City Council.

SCHEDULE A

## SCHEDULE A: Applications with Recommendation

20/0586

Item No: 01

Date of Committee: 11/06/2021

**Appn Ref No:**  
20/0586

**Applicant:**  
Mr R Little

**Parish:**  
Kirkandrews

**Agent:**  
Graham Anthony  
Associates

**Ward:**  
Longtown & the Border

**Location:** Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU

**Proposal:** Creation Of A Lorry Park Up to 40no. Spaces Including Conversion Of Existing Buildings To Provide Welfare Facilities & Storage Unit; Erection Of Commercial Vehicles Maintenance Building & Associated Preparation Yard; Installation Of 2.5m High Acoustic Fence (Bund).

**Date of Receipt:**  
03/09/2020

**Statutory Expiry Date**  
29/10/2020

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impacts on highway safety
- 2.2 Impacts on residential amenity
- 2.3 Impacts on tourism
- 2.4 Impacts on biodiversity
- 2.5 Landscape and visual impacts
- 2.6 Impacts on the water resource
- 2.7 Foul drainage
- 2.8 Crime prevention
- 2.9 User/resident safety
- 2.10 Impact on trees
- 2.11 Development principle

### **3. Application Details**

#### **The Site:**

- 3.1 The site is situated close to where the national border between Scotland and England occupies the line of the River Sark. In terms of nearby settlements, Gretna is the main substantial settlement which is approximately 1km to the west of the site at its nearest point, albeit on the other side of the River Sark and the M6/A74(M) motorways.
- 3.2 The nearest settlement of any substance within England is the hamlet of Blackbank, which arguably includes Rosetrees Lane, a line of 12 dwellings opposite (to the north of) the expansive 'DSDA' Ministry of Defence site, sometimes known as 'DLO Longtown'. Longtown itself is approximately 3.5km east north-east of the site.
- 3.3 The relatively modern A6071 highway is located to the south of the application site. There is no direct access off the A6071. A flat, triangular field is situated between the southern boundary of the main body of the site and the A6071.
- 3.4 The A6071 connects Longtown to Gretna via Junction 45 of the M6/A74(M) at Guardsmill.
- 3.5 The main railway line from England to Scotland is located a little over 300m south-west of the site.
- 3.6 The site has two accesses. The first is located approximately 60m north north-west of the A6071, and comprises a pull-in area adjacent to the U1059 unclassified public road with double metal gates set back from the road. This was already an access but it has been cleared and augmented in very recent times. The second access is located approximately 90m further along the unclassified public road, around the corner and beyond Richardson House, a vacant building having the form of an extended bungalow, but possibly last used as offices. This second access seems to have been formalised in lieu of a previous access to the ground within, which was further east until very recent times.
- 3.7 Located just beyond the northern boundary area, and generally separated from the site by mature trees and/or a man-made earth mound, is the operational and fairly substantial 'Scotts' commercial site which produces and distributes compost and related products from the site.
- 3.8 There is a dwelling called 'Mill Hill Bungalow' close to the unclassified public road at the western end of the operational 'Scotts' premises. East of the Scotts site and adjacent to the public road (Gretna Lonning) on the south side of the road) is a detached dwelling called 'Midways', and a little further to the east again is Barrasgate House, another detached dwelling.
- 3.9 To the south, and on the opposite side of the A6071, is a junction which appears to be appropriately formed where it meets the A6071, but beyond

peters out into what may be a private lane. It appears to lead eventually to a smallholding of some kind, but not to a dwelling.

- 3.10 On the other side of the public road that runs along the site's western boundary are open fields, although these contain a main overhead electricity supply line and several very tall metal-framed pylons are present. Further again west is the Mill Hill farmhouse and farm holding, which is bounded on its west side by the mainline railway.
- 3.11 The surrounding land is generally fairly flat and intervisibility over distance across the landscape is possible, although it is regularly punctuated by trees, hedgerows, buildings and man-made structures.

## **Background**

- 3.12 It may be noted that Richardson House itself, and associated curtilage, is specifically excluded from this application. It is understood that a separate planning application may be forthcoming in relation to that part of the overall land shown to be within the ownership/control of the current applicants.

## **The Proposal**

- 3.13 The planning application relates to the re-development of the site/land at Richardson House, in order that a lorry park with associated operational buildings would be introduced. The proposals effectively come in two separate, but related parts. The first part entails the following items:
- (i) creation of a lorry parking area for up to 40 lorries (detachables, aka pantechicons)
  - (ii) conversion of an existing toilet block into a cafe with customer toilets, kitchen and service area, resulting in a 10m x 7m (approx) building with a front porch canopy;
  - (iii) formation of a roadway associated with the lorry parking area which creates an inwards/outwards loop
  - (iv) introduction of 2 no. fuel islands which would be arrived at before the lorry parking area
  - (v) erection of a 2.5m high close-boarded timber acoustic fence around the lorry park, cafe and fuelling area
  - (vi) associated landscape planting alongside much of the southern site boundary
- 3.14 These items (i to vi inclusive) relate principally to the eastern section of the site and would all be served off the access closest to the A6071
- 3.15 The second part entails the following items:
- (vii) erection of a shed (788 square metres, as stated on submitted drawings) to provide a maintenance and service (workshop) building for up to 7 no. lorries (7 individual bays served by individual roller-shutter garage doors) plus associated office, meeting room, staff room and toilets
  - (viii) formation of a hardsurfaced yard area associated with (vii) to be used as a preparation, sales and parking area

- (ix) formalisation of the new access to serve this area
- 3.16 These items (vii to ix inclusive) relate to the western area of the overall site and would all be served off the access furthest away from the A6071.
- 3.17 The western and eastern areas of the site would be connected via a locked gate, according to the plans. It is clearly the intention to segregate the lorry park from the service/sales/preparation area.
- 3.18 It is proposed to create a visibility splay to serve the southernmost of the accesses i.e. the access to the lorry park area. The submitted drawing shows northerly and southerly splays of 2.4m x 48m in each direction.

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

- 4.1 The application has been advertised by way of a site notice, a press notice and neighbour letters initially sent to four properties.
- 4.2 In response to advertisement of the original proposals, and to re-notification carried out in relation to revised proposals, a total of 33 letters of objection representing 20 households/third parties; and 14 letters of support representing 13 households/third parties have been received.
- 4.3 It may be noted that several households submitted new letters of representation, further to re-advertisement of the application in March 2021.
- 4.4 A summary of the issues of relevance raised in the letters of objection is as follows:

##### Pollution:

- (i) development would add further air pollution to a locality already considered to be subject to higher-than-average pollution;
- (ii) development would add to carbon emissions, already higher-than-average in part due to proximity to main transportation routes;
- (iii) concerns about pollution of the water environment - can drainage infrastructure safeguard against this?
- (iv) concern relating to contamination potentially present within the site - adequate information?

##### Noise:

- (v) concern that proposed acoustic fencing would not be adequate to safeguard properties and wildlife against excessive noise;
- (vi) noise generated would exceed acceptable levels as decreed by the World Health Organisation; acoustic screen fence would not effectively mitigate against potential noise disturbance to local residents and animals (including livestock);
- (vii) adverse impact on social wellbeing of nearby residents due to nature of



- development and adverse impacts it would cause on communities due to increased vehicle movements in relation to settlements;
- (viii) concern that noise assessment has not considered potential impacts on Gretna including local businesses that would potentially be affected adversely by noise;
  - (ix) concern that there are inconsistencies in the noise assessment in terms of predicted vehicle movements;
  - (x) additional noise created by more vehicles attending and commercial workshop would be harmful to residential amenity;

Light:

- (xi) development would introduce substantial light pollution which would occur for 24 hours, impacting on wildlife, security and residential amenity;

Highway safety:

- (xii) traffic movement already exceeds legal speed limits on average - locality known for fast driving; local road network may be unable to safely absorb additional traffic;
- (xiii) traffic generated likely to further impact on safety of all local users including cyclists, horse riders, walkers, tourists;
- (xiv) incompatibility between additional traffic generated by the development and farm vehicle movement - each could impact harmfully on one another;
- (xv) transport assessment (including survey) undertaken during pandemic and therefore not reflecting true circumstances of usage;
- (xvi) site does not benefit from direct access off the motorway, meaning that traffic using the site would have to use small country roads;
- (xvii) likely to be danger arising from slow speed of lorries leaving motorway and associated overtaking/queuing;
- (xviii) junction of A6071 and service road is dangerous due to people overtaking when travelling from Gretna and not being aware of the existence of the junction;
- (xix) concern that site access is not adequate to safely allow entry and departure for all vehicles due to location/design/layout;
- (xx) concern that separation of users between the lorry park and the workshop/sales area does not accord with weight limitations on road;
- (xxi) general concern that local roads are not constructed to an adequate specification to permit additional vehicles (refers to weight limits on local roads);
- (xxii) the majority of commercial vehicles using the A6071 have their own depots within a 10m radius - the development would draw more traffic to the locality off the A7 and motorway;

Ecology:

- (xxiii) redevelopment of the site would potentially harm wildlife and habitat (much of site cleared at pre-application stage)

*Adequacy of infrastructure:*

- (xxiv) infrastructure present in locality has previously been deemed inadequate in relation to proposed housing - how can it be acceptable for 24-hour lorry park?
- (xxv) insufficient electrical infrastructure present to support future use of electric vehicles and to preserve electricity supply to other properties in the locality;

*Appropriateness of site for this development:*

- (xxvi) rejected housing application in 2015 was better suited to site than current development proposed - this proposal should be resisted;
- (xxvii) other sites likely to be available for this (type of) development which are better served by, or more accessible from the major road network; for example, 'Harker View' logistics 'hub' being developed at Junction 44;
- (xxviii) wrong site for this development - quiet, rural location - would be better suited to industrial location;
- (xxix) applicant could look at alternative of re-developing existing premises (in Harker);
- (xxx) not considered to be a shortfall in lorry park provisions in the locality at the present time - adequate facilities already in existence within 10-20 miles of the site;

*Litter:*

- (xxxi) additional litter discarded by greater number of road users would exacerbate existing litter problem associated with traffic using the locality;

*Safety:*

- (xxxii) concerns about potential usage of the development by vehicles carrying hazardous substances, especially in the light of the site being in a Ministry of Defence 'blast zone';

*Impacts on residential amenity:*

- (xxxiii) concern about ad hoc parking outside nearby residences and knock-on effects on amenity/safety;

*Impact on local businesses:*

- (xxxiv) the development would require transport deviating from their routes to get back onto the primary road network via Gretna, Springfield or Longtown; in relation to Gretna/Gretna Green, likely to adversely impact on wedding getaway culture

*Lack of community engagement:*

(xxxv) failure of applicants to engage with local communities at pre-application stage;

Trees:

(xxxvi) adverse impact on the health of trees nearby as a result of increased air pollution;

(xxxvii) application does not provide adequate coverage in relation to trees on site; for example, there is no tree survey submitted

Employment:

xxxviii) possibility that development would not create additional jobs because it would involve redeployment of staff already working on applicants' existing premises;

(xxxix) development could have an adverse impact on local employment, for example due to impacts on farming and tourism;

Uncertainty/lack of clarity:

(xxxx) lack of clarity in relation to whether fuel pumps are going to be provided;

(xxxxi) questions have been inaccurately answered in the planning application form, suggesting that the form does not validly cover all relevant matters;

(xxxxii) submitted documentation has not adequately appraised all issues impartially;

xxxxiii) development would potentially exacerbate flooding issues relating to groundwater run-off in fields adjacent to the Solway;

4.4 A summary of the issues of relevance raised in the letters of support is as follows:

- (i) development would address lack of facilities for lorry drivers in the local area;
- (ii) increased opportunities for lorry drivers to take welfare breaks etc, important due to increasing limitations on drivers' safe working hours;
- (iii) development would not increase numbers of vehicles movements unacceptably - would be compatible with movements already taking place on the local road network;
- (iv) proximity of site to motorway would mean less vehicles driving through small towns;
- (v) development would help alleviate problems associated with drivers having to park in public lay-bys;
- (vi) employment opportunities would arise from the development - local job creation (during development and after implementation);
- (vii) presence of site would potentially reduce littering and urination in lay-bys;
- (viii) security/convenience for female drivers would be increased;
- (ix) development would bring back into use derelict site;

- 4.5 It should be noted that several objectors have mentioned the clearance of vegetation from the site prior to the planning application being made, along with the depositing of hardcore material and the installation of gates. The planning service considers that none of the works undertaken at pre-application stage were of a nature that gave rise to unauthorised works requiring to be redressed via planning enforcement.

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

### **Kirkandrews Parish Council:**

24.3.21: Objects to the application on grounds of (i) impact on locality as habitat for wildlife; (ii) insufficient energy infrastructure to serve or futureproof development; (iii) pollution of ground environment (diesel spillage); (iv) combined noise emanating from lorries using site, notwithstanding proposed acoustic fence; (v) potential impact of MOD blasts on site (safety).

23.9.20: Objects to the application on the grounds of (i) potential surface water management/pollution effects and uncertainties relating to the proposals (existing pond already filled in); (ii) service road (access lane) potentially not capable of accommodating traffic generated (existing 7.5T weight restriction mentioned); (iii) concern that the Transport assessment does not reflect wider road safety implications, with the site being described as 'within the strategic M6 corridor'; (iv) Transport Assessment potentially underestimates the likely generation of traffic associated with the development in the longer term; (v) impacts on health and wellbeing arising from additional traffic generated; (vi) disruption to local agricultural movements due to additional traffic utilising the local road network; (vii) adverse impacts on local businesses including nearby kennels, especially due to additional noise and light generated by the development; (viii) harmful impacts on local walking, running and cycling routes/increased likelihood of accidents with cyclists and pedestrians; (ix) inaccuracies within planning application submissions in relation to (1) unauthorised works carried out prior to the application being made; (2) absence of a tree survey; (3) relevance/importance of proposed opening hours; (4) generation/disposal of trade waste; (x) impacts on landscape and wildlife; (xi) more suitable sites for this development are available elsewhere.

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

19.3.21: No objection to principle; advises in respect of matters that may lead to planning conditions: (i) upgrading of carriageway to accommodate traffic; (ii) provision of visibility splays at site access and at junction of service road with the A6071; (iii) suitable construction of the access area between the public road and the site; (iv) provision of a construction traffic management plan; (v) provision of a construction surface water management plan.

25.9.20: No objection to principle; considered there to be insufficient information in terms of both highway and drainage detail to make an adequate assessment before planning permission could be granted. Advised that if further information and clarity is not provided the application should be refused until it has been demonstrated that the proposal is acceptable in terms of (a) access; (b) visibility splays; (c) surface water drainage; (d) its effect on local traffic conditions and public safety.

**Highways England:**

No response.

**Cumbria Constabulary:**

23.3.21: Confirms application is compliant with Local Plan Policy CM 4, further to receipt of information from the applicants in relation to crime prevention.

22.3.21: Queries potential security issues relating to site perimeter, in light of new scheme with 2.5m acoustic fence.

16.9.20: Describes absence of adequate information relating to crime prevention - requests further specific information from applicants.

**MOD Safeguarding:**

14.10.20: No objection.

**Natural England - relating to protected species, biodiversity & landscape:**

29.9.20: Advises that because it is evident from the aerial photos supplied in the submitted Ecology Report that the site has been cleared in preparation for this proposal without relevant permissions in place; therefore prior to any approval the applicant will need to provide an updated Ecology Report which assesses the habitats that have been destroyed and how the application will provide a biodiversity net gain that not only seeks to compensation for the loss of habitat but provides additional habitat and provision for protected species.

4.9.20: Provides generic advice relating to a wide range of potential concerns.

**Local Environment - Environmental Protection (Env Health):**

No response.

**Local Environment, Waste Services:**

15.9.20: No comment as any waste facilities provided will be serviced by private trade waste contractors.

**Springfield & Gretna Green Community Council:**

9.9.20: Objects to the applications on grounds of (i) increased impact of traffic having to pass through villages of Springfield and Gretna Green (HGVs using the proposed site and wanting to head north to Scotland and access the M74 North or A75 West will have to use the B7076 Glasgow Road or the C141 A through the villages of Springfield and Gretna Green) - increased noise and incidents of speeding (ii) there are already truck stop facilities with in 20 to 30 minutes of the proposed site at Longtown, Carlisle and Ecclefechan - is there a need for another one?

**Dumfries & Galloway Council:**

No response.

**Gretna & Rigg Community Council:**

No response.

**Transport Scotland:**

9.3.21 & 28.9.20: No objection.

**United Utilities:**

29.9.20: Advises that United Utilities does not have any wastewater assets in the area. Provides generic advice relating to drainage provisions, water supply and its own assets.

**6. Officer's Report**

**Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The proposed development requires to be assessed against the National Planning Policy Framework (2019) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
- (i) Impacts on highway safety
  - (ii) Impacts on residential amenity
  - (iii) Impacts on tourism
  - (iv) Impacts on biodiversity
  - (v) Landscape and visual impacts
  - (vi) Impacts on the water resource
  - (vii) Foul drainage
  - (viii) Crime prevention
  - (ix) User/resident safety
  - (x) Impact on trees
  - (xi) Development principle
- 6.4 Taking into consideration the range and nature of matters for consideration in respect of this major planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:

Policy SP 1 - Sustainable Development

Policy SP 2 - Strategic Growth and Distribution  
 Policy SP 5 - Strategic Connectivity  
 Policy SP 6 - Securing Good Design  
 Policy CC 4 - Flood Risk and Development  
 Policy CC 5 - Surface Water Management and Sustainable Drainage  
 Policy CM 4 - Planning Out Crime  
 Policy CM 5 - Environmental and Amenity Protection  
 Policy GI 3 - Biodiversity and Geodiversity  
 Policy GI 6 - Trees and Hedgerows  
 Policy IP 2 - Transport and Development  
 Policy IP 4 - Waste Minimisation and the Recycling of Waste  
 Policy IP 6 - Foul Water Drainage on Development Sites  
 Policy IP 1 - Delivering Infrastructure  
 Policy EC 11 - Rural Diversification

### **Applicants' Supporting Information:**

- 6.5 The application is supported by a number of significant documents. Each has been summarised below:

*Agent email 4 January 2021 (appearing on website as received 3 March 2021):*

- responds to consultation reply of Springfield and Gretna Green Community Council, advising in relation to highway usage and impacts on the local highway network (refers to Transport Statement);
- discusses suitability of the submitted ecological report in the light of the condition of the site when the application was in preparation; recommends condition relating to biodiversity to promote net gains;
- mentions that information relating to drainage has been submitted in response to the consultation reply of Cumbria County Council;
- mentions that a Transport Assessment Addendum has been submitted in response to the consultation reply of Cumbria County Council;
- describes potential crime prevention measures to be implemented including (i) Natural surveillance afforded by the vehicle flow position which offers clear view to the back of the site; (ii) establishing a secured perimeter through a combination of structure planting and security fencing (iii) security lighting (iv) access control managed by a number plate recognition barrier system; (v) commercial building designed to ensure resistance to forced entry (specification of exterior doors, roller shutters will satisfy such requirements); (vi) an effective alarm system implemented on site (vii) CCTV system linked to the applicant's phone to be installed.

*Planning, Design and Access Statement (Graham Anthony Associates, received 3 September 2020):*

- 6.6 This document has not been updated since the application was submitted in

September 2020; a summary of the matters of most relevance and interest is as follows:

- application submitted in context of pre-application advice sought formally from local planning authority;
- none of the technical reports submitted in relation to highway safety, ecology, trees, landscaping, contamination, flood risk and drainage indicate any insurmountable matters that would preclude support of the application;
- the development would make maximum use of previously developed land and has excellent road and rail connections, supporting a key element of the districts strategy to grow the economy;
- lists supporting documents submitted with the application (NB - identifies a Tree Survey - such an item has never been submitted);
- describes the characteristics of the site including its location in relation to the strategic transportation network and provides an aerial photograph of the site as it is now, with vegetation cleared and hardcore areas introduced;
- discusses the applicant's current operations in Harker and advises in relation to the decision to pursue this site on the basis of expanding because the existing site is now at maximum developable capacity;
- describes the likely activity at the new development along with access and landscaping proposals;
- under the heading of Planning Policy, states the following:

"The Development will make use of surplus, former MOD land within the strategic M6 Corridor, with such development seen as a key element of the strategy to grow the economy. The Commercial vehicle repair yard will further support the freight/ commercial industry and help support existing commercial operations in this locality. Furthermore, the development will provide employment to help offset the losses that have been incurred in traditional rural industries over recent years. This creates both social and economic benefits ensuring that rural communities have access to employment which in turn prevents outmigration. The proposed development will create strategic planting corridors that will connect areas of existing planting and promoting net gains in biodiversity. Furthermore, the application is supported by a detailed ecological assessment that confirms the proposal will incur no harm to any ecological features on site."
- seeks to justify the principle of development in relation to Policies IP 2 (Transport and Development) and EC 11 (Rural Diversification) of the Local Plan.

Transport Assessment (SCP Transport, received 3 September 2020):

- 6.7 Concludes/Summarises as follows:



- Analysis of accident data reveals that no road traffic accidents occurred during the most recent 5 year period available within the vicinity of the site.
- The three existing access points from the service road to the north of the A6071 are to be retained, whilst the junction between the A6071 and service road is to be widened to more comfortably accommodate passing HGVs, which will benefit both existing users and mitigate the additional trips generated by the development of the development.
- Internally within the lorry park an anti-clockwise loop arrangement is proposed with an automated gate system proposed at the exit to manage vehicle movements. The swept path of a 16.5m articulated vehicle accessing the loop is accommodated.
- Appropriate visibility splays are achievable from each of the site access junctions and also the service road junction with the A6071.
- Based on robust assumptions it is calculated that the development would generate approximately 60 trips during the peak hours, equating to 1 trip per minute.
- The number of goods vehicle trips generated by the lorry park is robustly estimated at 40 movements during the peak hours or a vehicle movement every minute and a half. It should be noted that these movements are unlikely to be a primary trip and will already be passing the site on the A6071 or nearby on the local or strategic highway network.
- This is not considered to represent a material impact on the local highway network, whilst representative junction capacity modelling is not possible in the current conditions affected by the pandemic.
- In their pre-application comments, the local highway authority requested that the impact of the additional trips generated through the communities of Gretna and Gretna Green be considered to access the A74(M) to / from the north.

*Transport Assessment Addendum (SCP Transport, received 3 March 2021):*

- 6.8 Purpose of the document to respond to highway safety matters raised in the consultation response of Cumbria County Council;
- describes agreement between applicants' transport consultant and Cumbria County Council that a planning condition could appropriately deal with matters relating to vehicular access, including (i) visibility splays from the site access, (ii) swept paths and (iii) the weight limit traffic regulation order on the access road;
  - describes/explains traffic speed survey undertaken to ascertain speeds of vehicles using the stretch of public road between the A6071 and the proposed site access;

- advises that the recorded speed would give rise to requirement for visibility splays of 2.4m x 35.8m to the north and 2.4m x 36.7m to the south;
- proposes relocation of weight limitation signs to a location further north beyond the lorry park access when approached from the south;
- corrects previous error relating to potential access to the lorry park from the north; confirms all access to/from the lorry park will be from the A6071 (swept paths shown in updated drawings);

*Flood Risk Assessment (Reford Consulting Engineers Ltd, received 3 September 2020):*

6.9 Concludes that:

- The Site lies within Flood Zone 1, the lowest risk which is identified as land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%)
- The Environment Agency Risk of Flooding from Surface Water map indicates the site is at a very low risk of surface water flooding;
- The risk of fluvial flooding is very low;
- The risk of flooding from canals, reservoirs and other artificial sources is low;
- The flood risk from groundwater is low;
- The risk from sewer flooding and pluvial runoff is low;
- The risk of flooding from the development drainage is low.

*Drainage Strategy (Reford Consulting Engineers Ltd, received 3 March 2021):*

- 6.10 Confirms trial pits created within the site to test permeability/make-up of the soil; confirmed soil is red clay and not suitable for infiltration;
- Confirms surface water and foul water are already managed on site (separate systems) and that no public sewers are present in the locality; an existing drainage system comprising a piped network and drainage ditches alongside the unmade tracks is said to collect surface water runoff from the existing site. The surface water is then said to pass through an underground chamber and be attenuated within the existing pond that lies at the development site's south eastern corner, prior to discharging via an existing outfall under the A6071 into a culverted drain, classed as an 'ordinary watercourse', that flows to the south.
  - Foul water is said to be treated by septic tanks
  - Proposes that the existing surface water management items would be

incorporated into the scheme that would serve the development, as far as is practicable;

- Surface water management would be augmented with the introduction of (i) a Hydrobrake control system to control discharge rate before water disperses into the ordinary watercourse via culvert under the A6071; (ii) additional underground attenuation apparatus within the sales and preparation yard area; (iii) a fuel interceptor relating to run-off from hardstandings (installed after the Hydrobrake on the north side of the A6071); (iv) separate surface water drainage system around the fuel islands with a second fuel interceptor;
- foul water from the developed site would be treated in a new sewage treatment plant (septic tanks no longer to be used);

Noise (Acoustic) Assessment (Martin Environmental Solutions, received 3 March 2021):

- 6.11 confirms that potential impact on neighbouring amenity is the reason the report has been produced;
- advises that the World Health Organisation recommends that maximum sound levels at night should not regularly exceed 45dB(A) within bedrooms to prevent sleep disturbance;
  - advises that relevant British Standard includes recommendation that the 'daytime' period internal noise levels should be 35dB LAeq,16hr, for resting in living rooms and bedrooms while for night time a level of 30dB LAeq,8hr is recommended;
  - provides in-depth coverage of how and why noise assessments are undertaken, and relevant policy/guidance/standards;
  - describes how and when the assessment was carried out on the site in January 2021;
  - provides a summary of the sound recording results and makes recommendations specifically relevant to the proposed development, being (i) incorporation of existing earth bund on north-east boundary into sound attenuation regime; (ii) proposed earth bund or close-boarded fence (2.5m high) around the lorry park to act as sound attenuation in relation to amenity of dwellings in vicinity;
  - advises that operation of the maintenance shed would not promote unacceptable levels of noise;
  - concludes that development could go ahead, with mitigation, without causing unacceptable levels of noise.

Preliminary Ecological Assessment /Hedge Survey (Openspace, received on 3 September 2020):

- 6.12 An Executive Summary of this report is usefully provided. It has been reproduced here as it gives appropriate coverage to the subject matter/conclusions within:
- The bare ground, disturbed ground/ephemeral vegetation, species-rich secondary vegetation, semi-improved neutral grassland and damp semi-improved neutral grassland are of limited conservation interest in terms of the vegetation, with no impacts expected from the removal of this habitat and no mitigation required.
  - There are two hedges along the western boundary of the site, a length of derelict hedge and a length of native species-rich hedgerow with trees. The current proposal does not require the removal of these hedgerows and therefore no impact is expected and no mitigation is required. If any hedgerow is to be removed, mitigation measures, including the planting of native hedgerow, will suitably offset the impact of removal. Recommendations on hedge protection have been provided;
  - One ash tree has been identified as having low potential for roosting bats. This tree is not proposed for removal in the indicative outline plans. Should this tree be removed or require significant pruning a full preliminary ground based roost assessment may will be required to determine the status of any potential roost feature.
  - Protection measures should be put in place to protect the roots system of the retained hedges and the RPA of the retained trees.
  - The water feature around the septic tank and the attenuation pond on site are suitable for Great Crested Newts and therefore eDNA surveys should be conducted to determine presence or absence prior to any works being undertaken on site.
  - Pollution control measures should be put in place to reduce the impact on the water courses on site.
  - The four buildings on site have potential to be used by roosting bats. Only the derelict toilet block is currently proposed for conversion/refurbishment. A preliminary roost assessment will be required to determine the status of any potential roosts within the building prior to commencement of works.
  - There are habitats on site with some suitability for use by local populations of bats, birds and other species. Recommendations on further survey effort required, timing, methods, good practice and habitat enhancement have been provided in this report.
  - All European protected species and species of conservation concern should be considered at all times during construction, and if individual animals are suspected or appear within the construction phase, works must stop and further guidance to protect from harm and disturbance should be sought by contacting an approved ecologist.

- There is an opportunity to increase the biodiversity of the site. The proposed landscape plan to accompany a planning application should be produced in accordance with the National Planning Policy Framework (NPPF) in order to 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...' and the local planning authority should take into account the policies contained in the Framework when making any decision. The proposed landscape features need to be created in a way that they are suitable for and will be used by wildlife. The proposed landscape plan should also use UK native species from reputable sources.

*Contaminated Land Phase One Desk Study (Martin Environmental Solutions, 2019):*

- 6.13 This report appears to have been commissioned in relation to a potential residential development at Richardson House, prior to the current application being submitted. However, it does relate to the application site and is therefore relevant. A summary of its conclusions is as follows:
- no contaminants identified on or off site that are likely to present a significant possibility of significant harm to any identified receptor;
  - the area to the rear, north, of the site together with the grassed field area to the east and south of the site are to form commercial uses and hardstanding for vehicles as such there is limited potential for any contamination to affect receptors.

**Consideration of Development Proposals:**

- 6.14 To enable full consideration of whether the principle of development can be accepted in the light of the development shown in the application, it is necessary to first appraise various aspects of the development, in the light of information submitted by the applicants, relevant responses of specialist consultees, and views of the public and/or their representative Parish/Community Councils. Whether or not individual (or linked) aspects of the development are deemed acceptable will, ultimately, enable it to be concluded whether or not the principle is acceptable.

**(i) Impacts on highway safety**

- 6.15 The A6071 is a busy connecting route between Longtown and Gretna, providing access to and from the motorway for a range of vehicles, including lorries. It is a relatively fast road, including at the point where the U1059 meets it, just south of the application site. The junction is not heavily used at present but is fully useable by most vehicles, albeit with a weight limitation of 7.5 tonnes from the edge of the A6071 to the southernmost site access.
- 6.16 The development would, according to the application, and specifically in terms of the lorry park section of the development, be accessed only from the south i.e. it would not be accessed from the C1002 road from Mill Hill (to the north).

- 6.17 The applicants' stated intention is to pick up passing trade from vehicles already using the A6071, and not to advertise or try to divert vehicles off the motorway to visit. This approach is based on an understanding that the route is already used by a significant number of potential customers, and that the development is located adjacent to that oft frequented route. As such, the indication from the applicant is that it is not advocating a substantial increase in the number of vehicles using the A6071 to access the development, because they would already be utilising that route.
- 6.18 During the consideration period for the application, the applicants have sought to provide an appropriate level of information relating to how the development would impact on highway safety, and how it has been designed to ensure it is compliant with highway safety objectives as observed in detail by Cumbria County Council, in particular, in its role as highway safety advisor to Carlisle City Council.
- 6.19 Policy IP 2 from within the Carlisle District Local Plan is the most pertinent to consideration of the current application. Of particular relevance is the first paragraph of the Policy, which states:

*"All new development will be assessed against its impact on the transport network. Development that will cause severe issues that cannot be mitigated against will be resisted. Development likely to generate significant levels of transport within isolated and poorly accessible areas will be resisted unless a clear environmental, social or economic need can be demonstrated."*

- 6.20 Of further relevance is the section of the Policy under heading 'Travel Plans and Transport Assessments' specifically because, due to the nature of the development proposed, a Transport Assessment and an Addendum to the initial assessment have been provided. This section reads as follows:

*"Development which through reference to national guidance requires the submission of a Transport Assessment and/or Travel Plan, should, in addition to responding to national guidance, demonstrate how:*

- 1. the needs of cyclists and pedestrians will be met and prioritised on site;*
- 2. the development will help to reduce the need to travel, particularly by private motor car;*
- 3. the movement of freight and goods by rail will be maximised where possible and appropriate;*
- 4. the site will safely and conveniently connect to public and green transport routes, and contribute to creating a multifunctional and integrated green infrastructure network;*
- 5. the accessibility needs of more vulnerable people have been taken into account;*
- 6. the impact of heavy goods vehicles accessing the site, where this is a*

*required aspect of operations, will be minimised, including restrictions on operating hours and how route plans involving the movement of HGVs will avoid residential areas where possible; and*

*7. all other sustainable transport concerns will be addressed."*

6.21 **Policy EC 11** 'Rural Diversification' is also of relevance in this context, requiring that new development permitted in the context of the policy must include adequate access and car parking arrangements and not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.

6.22 Within the NPPF is Chapter 9 'Promoting sustainable transport'. In the context of appraising this application, the pertinent advice (with irrelevant text removed and replaced with ".....") appears within **Paragraph 102**, as follows:

*"Transport issues should be considered from the earliest stages of.....development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed;*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

*e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places."*

6.23 **Paragraph 103** follows on, advising that:

*"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

6.24 **Paragraph 107** is of specific relevance to the proposed development. It

states:

*"Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use."*

6.25 Paragraphs 108 to 111 inclusive, under the heading 'Considering development proposals', are all of relevance in relation to highway safety:

**Para. 108:** *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users; and*

*c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

**Para. 109:** *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

**Para. 110:** *"Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."*

**Para. 111:** *"All developments that will generate significant amounts of*



*movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."*

- 6.26 Not all of the aforementioned national or local policy text is specifically focussed on highway safety, but this provides a broader context for consideration of the application in a transport context, and includes a number of references to ensuring development is not prejudicial to highway safety.

Increased volume of traffic:

- 6.27 It is acknowledged that usage of the site would be likely to generate a noticeable level of new traffic, especially because the existing site is not in use. Despite assurances from the developer that there is no intention to try to attract customers other than those who are passing or who are aware of the site through word of mouth, a successful development will undoubtedly be popular and will attract new customers.
- 6.28 The A6071 route is already busy with commercial traffic, to a great extent because it connects the A7 at Longtown with the M6/M74 motorways, meaning that traffic can swiftly and easily cut across and can either approach, or leave Scotland on either the main route to the Scottish Borders or on the more westerly main route that heads towards Dumfries and Galloway, the west coast, Glasgow and Edinburgh.
- 6.29 A dedicated lorry park with capacity for 40 lorries, a fuelling station, and an associated sales/preparation area would undoubtedly give rise to an increase in traffic movement in both directions on the A6071, but this increase has been appraised in detail by specialist consultees at Cumbria County Council and, presumably, by colleagues at Transport Scotland, leading to conclusions on both sides of the Border that the resultant development has no attributes that would render it to be unsupportable, taking into consideration proposed access arrangements, the likely level and nature of movement, and mitigation proposed in terms of modification to the junction(s) and provision of visibility splays.
- 6.30 It is likely that although public perception is that the development would add significantly to the amount of commercial traffic on the local road network, it would not likely be particularly noticeable because the proposed development is (a) only for lorries; and (b) of a reasonably modest scale overall. Further, it is accepted that current traffic movement includes commercial vehicles passing through the locale at a significant level, and although this would be increased, it does not give rise to a brand new principle not previously experienced. The existing highway network leading to and from the site via the A6071 is adequate to accommodate any additional traffic generated by this specific development.
- 6.31 Of specific note is the fact that users of the lorry park who wish to join, or rejoin the M74 in a northerly direction would have to drive through Gretna via the B7076 (along Glasgow Road) to get to the one-way junction that connects Gretna to the motorway because there is no return slip-road route to enable

vehicles to go back onto the motorway from Junction 45. Although this is considered to be not ideal, it would potentially exacerbate current circumstances by a modest amount, but not so much as to render the proposal unacceptable.

*Turning/Manoeuvring/Entering/Departing from the site:*

- 6.32 Driving in this locale requires more than average concentration and care to be taken, because it is a fast stretch of road which, despite the presence of junctions and associated signage, and because it is utilised by such a range of vehicles, regularly promotes overtaking manoeuvres. Arguably, highway safety concerns could arise from the introduction of the development with more traffic using the U1059/A6071 junction and therefore with more vehicles slowing down on approach, and with more vehicles necessarily exiting from the U1059 carefully and slowly onto the A6071. This would have the potential to create conflict, more so than at present.
- 6.33 However, despite this, the locality is not the subject of a high number of recorded traffic incidents; plus, the development proposes to improve the layout of the access so that it would be able to safely accommodate the lorries coming and going.
- 6.34 The site layout is such that vehicles would drive through/around the lorry park area in a one-way anti-clockwise loop system, so there would be adequate room to manoeuvre safely for users.
- 6.35 Again, Cumbria County Council has appraised the ability of the site to safely accommodate traffic and has assessed that the development would not be prejudicial to highway safety, as long as works are undertaken to the junctions and access to enable them to be safely used by lorries.
- 6.36 It should be noted in this context that it would be unacceptable for commercial vehicles to seek to approach the development from the north if they opted to exit the M74 at either the Gretna Services sliproad exit or the sliproad exit at Junction 22 of the M74, because this would lead to potential use of the site accesses in a way that has not been designed to cater for the manoeuvring of lorries.

*Pedestrian/Cyclists/Horserider safety:*

- 6.37 The development is intended to be accessed only from the main A6071 via the short section of the improved U1059, and although it is likely that walkers, runners, cyclists and horseriders will be active at a low level in the locality, if they are using the main road and junction(s) in this area there is already a level of risk involved because there is no dedicated series of pavements, rights of way or trails - users would be active on the public road network notwithstanding the existence of a development such as that now proposed. The locality does not lend itself to leisure uses 'per se' although the public is fully entitled to use the road network.
- 6.38 Any change or increase of usage resulting from the development would not

impact on a specific leisure resource such as a national cycle trail or a long distance path, and therefore such increases could be accommodated without giving rise to overriding, or severe road safety concerns.

- 6.39 In relation to highway safety especially bearing in mind the applicants' commitment to ensuring all access points are constructed to accord with acceptable safety standards, the application would broadly comply with the aforementioned Policy IP 2, and relevant advice from within the NPPF in the Paragraphs listed above.
- 6.40 However, given that usage of the junction would change, increase and be affected by improvements to visibility, plus the presence of the lorry park resources and associated sales/preparation area of development, which in itself is a significant introduction with the potential to generate traffic over and above the lorry park operations, if planning permission is granted it would be appropriate to impose a condition requiring a scheme of signage to be submitted to, and approved by the local planning authority, in conjunction with Cumbria County Council. This would ensure all possible actions have been taken to increase safety for, and minimise risk to highway users.
- 6.41 It would be expected that any such signage scheme would include signs advising drivers of there being no access to the development from the north (only from the A6071).

**(ii) Impacts on residential amenity:**

- 6.42 As discussed in the previous section, there would be an increase in traffic utilising the road network in the immediate locality. This, in itself, could give rise to actual, or perceived impacts on residential amenity; or in other words, how others in occupancy of properties nearby live in, use and enjoy those properties.
- 6.43 In addition to the potential impacts of additional traffic, the development could, by virtue of its nature, scale of use, the nature and number of vehicles coming and going, and the day-to-day (and night-by-night) activities at the lorry park in particular, promote nuisances from noise, vibration, light and air pollution. The site has never before been brought into use for such a substantial commercial use, and inevitably future circumstances will be compared against the existing circumstances of what is essentially a relatively (or partially) undeveloped and inactive site that extends for the most part into what is fundamentally an agricultural field.
- 6.44 There is no residential or other amenity impact assessment submitted at this time, but the noise assessment is intended to look at how the development would impact on residential amenity, so it is relevant within this section.
- 6.45 Of the greatest relevance within the Local Plan are Policies SP 6 'Securing Good Design', and CM 5 'Environmental and Amenity Protection'. Criteria 8 of Policy SP 6 states:

*"Proposals should ensure there is no adverse effect on the residential*

*amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development."*

- 6.46 Policy CM 5 is of relevance in this context. It states (with irrelevant text omitted using "....."):

*"The Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers. Development will not be permitted where:*

- 1. it would generate or result in exposure to, either during construction or on completion, unacceptable levels of pollution (from contaminated substances, odour, noise, dust, vibration, light and insects) which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning conditions;*

*.....*

- 5. proposals for new hazardous installations (e.g. certain gases, liquids and explosive chemicals) pose an unacceptable risk to the health or safety of users of the site, neighbouring land and/or the environment.*

*Proposals may be required to submit detailed assessments in relation to any of the above criteria to the Council for approval. Where development is permitted which may have an impact on such considerations, the Council will consider the use of conditions or planning obligations to ensure any appropriate mitigation measures are secured."*

- 6.47 Within the NPPF is Chapter 15 'Conserving and enhancing the natural environment'; within that Chapter are the Paragraphs most relevant to the proposal in the context of residential amenity impacts. **Paragraph 180** states:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

**Traffic Movement:**

- 6.48 It is considered that traffic increases relating to the A6071 as a whole, as reflected in the previous section of this report, are likely not to be of great influence because it is already a busy commercial connecting route. In any event, in the vicinity of the development site, there are no properties close to, and accessed from, the A6071 directly, so the potential affects of traffic movement on residential amenity, in this context, are likely to be negligible.
- 6.49 Properties served off the stretch of road north of the site (Gretna Lonning) should also not be noticeably affected because no traffic using the proposed development should be attempting to access the site via this stretch of road. Examples are Wood Villa, Midways and Barrasgate.
- 6.50 What would potentially be very noticeable, given that there would be an intensification of use to the junction of the U1059 and the A6071 and the associated stretch of the U1059 providing access to both parts of the development, is the change in experience for those residents living in properties in the hamlet known as Mill Hill, which are all served off the public road that connects to the U1059 approximately half way between the two commercial accesses proposed. Properties in this hamlet/building group include:
- Mill Hill Farm (operational commercial farm)
  - Roses Halt
  - Station Cottages
  - Graham Arms House
  - Guards Mill Cottage
  - Meadowbank
  - Mill View
  - Guards Mill Farm (operational commercial farm)
- 6.51 Clearly, some of the traffic utilising the junction and the stretch of road from the A6071 to where the lane to Mill Hill begins is currently agricultural traffic, which would include tractors, trailers, implements and lorries.
- 6.52 Intensification of use of the junction/connection stretch of the U1059 would undoubtedly lead to an impact on the day-to-day movements of persons living and working in the Mill Hill hamlet. The proposed lorry park and preparation/sales areas, if the development becomes operational and is a success, would attract considerable numbers of users in their vehicles, and with many of these being lorries, at times this would be to the inconvenience/detriment of local amenity because residents would be more likely to encounter lorries as they go to and from their homes. This would lead to actual change and also a potential perception of negative change, because presently the locality is fairly quiet and vehicle movement is likely to be limited to residential and agricultural traffic. Although the 'Scotts' commercial site nearby on Gretna Lonning operates with the use of lorries delivering materials and products, its vehicles would not tend to use the connecting section of the U1059 because it does not lend itself to an easy passage for long commercial vehicles (and has the 7.5 tonne weight restriction), and the much better alternative junction with the A6071 is available at the eastern end of Gretna Lonning.

- 6.53 It is considered that this specific effect of the development is relevant to consideration of the overall balance of impacts and compliance with national and local policy, as set out above. In this particular respect, the proposals are not fully compliant with either Policy CM 5, Policy SP 6 or the NPPF.

Noise:

- 6.54 Presently, the locality is considered to be subject to noise arising from a variety of sources including traffic from the motorway and other public roads, agricultural activity including vehicles and machinery, commercial activity at the Scotts commercial site and the nearby commercial wind farm north of Mill Hill.
- 6.55 It is highly likely that the overall level of perceived noise would presently lessen at night as activities dissipate, although the major roads would still be in use throughout the night, and the wind farm would tend to be operational on a 24-hour basis.
- 6.56 The site itself is currently noise-free, as there is no activity taking place, and over the course of time previous uses of the site have drifted away so that for all intents and purposes, this is a redundant site with no current usage; although, it may be accepted that the presence of existing development on the site including the bungalow/office buildings (not within the current application site, but forming part of the overall unit) and the rather dilapidated service buildings imply that activity could take place if it simply meant bringing these available volumes back into (an authorised) use.
- 6.57 It is intended that the lorry park would be operational on a 24-hour basis, according to the application. This is stated within the Noise Report/Assessment submitted earlier this year. The maintenance/preparation side of the development is not intended to be in operation at night-time.
- 6.58 The application/development currently includes a proposal for an acoustic fence (2.5m height) around the lorry park section. The fence has been proposed further to the findings of the noise assessment and was not an original component of the proposed development. This is the only recommendation of the noise assessment and is proposed to render noise emanating from the site as acceptable in relation to residential properties that may be affected. The recommendation in the noise assessment is for either a bund (presumably formed from earth) or a fence.
- 6.59 It is envisaged that a 24-hour, operational lorry park would promote noises from manoeuvring vehicles, reversing horns, air brakes, air horns, vehicle doors closing, cumulative noise arising from people working at and using the site, and vehicle movements associated with operational deliveries and staff. The preparation/sales area would also generate noise during the daytime, but this would likely be a less intensely used area and visitations from users are likely to be far less than those from users of the actual lorry park.
- 6.60 Due to the presence of the aforementioned noise-generating entities

mentioned earlier in this section already in existence in the locality, it could not reasonably or logically be described as a 'tranquil' or peaceful location. In particular, proximity to the M6/M74 motorway corridor means that the wider locale is highly unlikely ever to be fully at rest. Ambient daytime noise already includes the range of noise generating activities/entities; and night-time would be subject to a lesser, but still noteworthy range of such activities, because it would include less traffic and less commercial/agricultural activity but would still include traffic on arterial routes and the wind farm.

- 6.61 In the locality, other than the wind farm, all commercial activities tend to cease overnight. The introduction of a 24-hour lorry park, therefore, would change the circumstances significantly in terms of the promotion of a site which is actively in use at night. However, it would be logical to expect that not as many lorries would use the lorry park in terms of dropping in and out at night-time - many would likely be sleeping in their cabs overnight, and in that respect operational activity at night is likely to be less intense than during the daytime. There is likely to be a proportionate drop in activity overnight, in line with most (although not all, as many lorry drivers do drive the nightshift) sleeping patterns and habits.
- 6.62 Notwithstanding the likelihood that night-time operations would be less intensive than daytime uses, movement of vehicles slowing down to access the junction or to enter the site itself, plus movement of vehicles exiting the development would include rises and falls of noise emanating from the vehicles, and this may be noticeable, more so at night-time than during the daytime.
- 6.63 The noise assessment has been accepted as fit for purpose by the Carlisle City Council Environmental Health Service (EHO), has been carefully considered, and has found to conclude acceptably that no overriding noise concerns arise. It is accepted that the acoustic fence would be adequate/appropriate for the purpose of containing site noise to the extent where any noise emanating from within the site would not exceed acceptable levels.
- 6.64 Furthermore, it has been agreed by the EHO and the applicants that a Noise Management Plan would be required to ensure any ongoing problems can be managed and mitigated if they occur. The planning service accepts this position in respect of on-site noise management. If the development goes ahead, measures put in place to offset, manage and mitigate noise would be able to address issues arising in an appropriate way.
- 6.65 Unfortunately, these management/mitigation tools would not overcome the potential noise emanating from vehicles accessing and departing the site, as described in Paragraph 6.62 above, and if it is accepted that the development can go ahead, it must also be accepted that night-time movement would have the potential to generate noise which could register audibly at residences in the locality. However, there are no dwellings in such close proximity to the site that this would be likely to be an overriding matter, and although it cannot be assumed 'across the board', it is very likely that most properties in the locality already have significant noise attenuation in place, for example newer, more

soundproof windows and doors which are not left wide open at night.

- 6.66 With respect to noise, therefore, it can be concluded that there are no overriding issues arising that would put the development in conflict with the aforementioned Policies SP 6 and CM 5, or the NPPF, if the development goes ahead with the acoustic fence implemented.

Light pollution:

- 6.67 As yet, no lighting information has been provided. It is known that the site will require to be lit, and it is assumed that a range of external lighting would be required throughout the site to ensure it is operationally safe during hours of low light or darkness, which would include night-time hours.
- 6.68 The site presently does not include any lighting, therefore its appearance would significantly change when it is required to be artificially lit. At night, it is likely that the development would stand out in the locality visually, because being operational 24-hours means keeping a site operationally safe at all times.
- 6.69 Adjacent to the site to the north are areas of mature woodland, which would help to absorb and/or 'backcloth' some of the new lighting, when viewed from certain directions. However, judgement as to whether or not light proposals are acceptable cannot be formed at the moment, because the applicant has opted not to provide lighting information.
- 6.70 The option not to provide a lighting scheme at this stage/prior to determination was taken despite suggestions by the planning service that information would be more appropriately be provided before the recommendation is made, to help inform it.
- 6.71 The Committee is asked to note that dialogue between the applicants and the EHO about lighting has resulted in an interim conclusion that the matter of lighting could be dealt with via planning condition(s). However, the Committee is also asked to note that this proposition does not sit entirely comfortably with the planning service, because lighting of the site is fundamental, not optional to the applicants and so it is known that substantial lighting is likely to be required. Not knowing where lighting apparatus would go, the type of lighting intended and not having proposals to manage and mitigate so that lighting is not problematic is not conducive to enabling a fully informed recommendation.
- 6.72 With this in mind, the potential impacts of lighting on the residential amenity of nearby occupiers cannot be fully considered. However, on balance it is unlikely that the absence of such information would preclude support of the application, because the local planning authority would retain its full prerogative to accept or not accept any lighting scheme put forward in response to conditions imposed.
- 6.73 With regard to potential impact of light pollution on residential amenity, subject to the imposition of suitable conditions, it can therefore be concluded



that the development could accord with Policies SP 6, CM 5 and the NPPF.

Vibration:

- 6.74 Vehicular movements of lorries can promote vibration in the ground that transfers to adjacent properties and ground. Taking into consideration how close the site is to private residences, and the provision for commercial vehicles only to approach the site from the south via the A6071 and the improved section of the U1059, vibration is unlikely to become a significant concern because vehicles will be travelling slowly and carefully on approach and departure from the lorry park and the vehicle sales/preparation area - this is inevitable taking into account the junction and road layout.
- 6.75 That is not to say that vibration would not occur, and would not occasionally be felt at a very low level, but it is unlikely to become a significant or overriding concern at this particular site, under general/normal day-to-day scenarios.
- 6.76 One scenario that could occur is that a number of vehicles on site together, for whatever reason, leave their engines running or their compressors (for example if vehicles are refrigerated) are simultaneously in operation. This can give rise to perceived noise that has vibrational tones in it, which can be sensed in the hearing. As this is more a noise matter than a vibration matter, but as the two are linked, it would be reasonable and appropriate to suggest that the Noise Management Plan mentioned in a previous section could become a Noise and Vibration Management Plan, if planning permission is granted. This could enable the application to accord with Policies CM 5 and SP 6, and with the NPPF.

Air pollution:

- 6.77 There is no supporting information submitted that relates to potential air pollution associated with the development. This was not identified as a specific requirement at pre-application stage, and has not been requested during the consideration period. It has also not been requested by the EHO during the consideration period, or identified as an outstanding item that would prevent appropriate assessment of the application.
- 6.78 An air pollution assessment would look at the potential impacts of fumes and dust generated by a development, and would offer mitigation if required. Of these two matters, it is more likely that the emission of fumes, which include particulates, would be relevant to this application.
- 6.79 Not having any information relating to air pollution causes a degree of concern, given the nature of the development and the number of new vehicular movements in the locality, and the potential effects of those movements on the air quality available at residences such as Red Brae, Mill Hill Bungalow, Midways, Wood Villa and Barrasgate.
- 6.80 Air quality impacts have not been called into question to date, and therefore it would be unreasonable at this stage to require a pre-determination air quality

assessment - especially having regard to guidance received from the EHO, which does not seek to challenge the absence of such information.

- 6.81 However, consideration must be given to imposing a condition requiring an air quality assessment to be undertaken if planning permission is granted, to enable potential effects to be identified, and mitigation to be proposed in response. Such mitigation could include dense planting of new vegetation in areas between the site and the aforementioned residences, or to augment existing vegetation by improving the quality of existing woodlands and hedgerows.
- 6.82 In respect of potential air pollution, it can be accepted that, subject to appropriate mitigation secured via planning condition(s), the development could accord with Policies SP 6, CM 5 and the NPPF.

**(iii) Impacts on tourism:**

- 6.83 Tourism in Carlisle District, generally speaking, is reliant on its visitor offer, which includes at least one world class site, being the Hadrian's Wall World Heritage Site and associated long distance walking route. Other major assets include Carlisle Castle, Talkin Tarn, the excellent network of walking and cycling routes and the presence of two Areas of Outstanding Natural Beauty. Outwith its built up areas, much of Carlisle is agricultural land and some of it is designated forestry land with public access. In and around the rural areas, a range of larger and smaller tourism accommodation sites exist which help to support the local economy very significantly.
- 6.84 Adjoining Carlisle District, and of particular relevance in this scenario where a lorry park would be introduced adjacent to the A6071 and require users to approach or depart via the local road network, is Dumfries and Galloway Council's area within which, just over the national border and in Scotland, is the world famous Gretna Green/Gretna wedding getaway network of attractions and supporting assets.
- 6.85 It has been suggested that the lorry park would adversely impact on the attractiveness and prosperity of Gretna as a destination because it would promote an increase in traffic through the settlement and cause its quality to diminish. To a certain extent, this matter has been appraised already under the heading of 'highway safety' (specifically, within paragraph 6.31) and the general view of the planning service is that any increase in the level of movement, although perceptible would be highly likely to be so problematic as to promote a reason to refuse the application. As a side effect of development, residents and businesses within the Gretna Green/Gretna settlements may notice a slight increase in traffic using its roads, but Gretna's brand and presence in the local economy is so strong that it could not reasonably be concluded that the lorry park could trigger any significant diminishment to tourism, having particular regard to the fact that similar traffic utilises the road network at present. Any increase, although unlikely to be highly perceptible, could be accommodated without significant concern arising, and in this regard the application would comply with Policies SP 6 and SP 2 of the Local Plan.

**(iv) Impacts on biodiversity:**

- 6.86 The site is bounded in part by roads, in part by the Scotts commercial site, in part by mature woodland, in part by open paddock (east of/attached to the site) and in part by man-made embankments. Also belonging to the site is Richardson House, which in effect has a 'curtilage', the possibility of which is accentuated by its exclusion from this application. Said curtilage includes some vegetation. The overall site includes traditional hedgerows and trees on its margins. The overall setting is agricultural but further to the north-east and east are substantial woodlands/plantations, and to the north is the wind farm mentioned earlier in the report.
- 6.87 The site has been partially cleared in recent times. The central area was populated by trees and hedgerows to a significantly greater extent than it is now. It is evident that the site was 'prepared' to be transferred to a new use: the apparent open area was increased and hardcore has been brought in and laid down in areas that may previously have included grass and other vegetation.
- 6.88 It is easy to see that the site has changed much in terms of its characterisation by vegetation since, for example, Google Earth street photography was taken in 2010 and 2011 in the locality. What was until recently a heavily vegetative site has been denuded of much of its potential habitat, in order to make the site easier to develop.
- 6.89 This is unfortunate, and disappointing. It is a practice thought to have been curtailed in recent times because generally it is recognised by all responsible parties concerned that any such intervention should be done sensitively and with a view to maximising the ecological potential of a site even it is developed. However, two things must be noted:
1. This intervention was not undertaken by the current applicants.
  2. None of the interventions gave rise to any breach of planning legislation or regulations.
- 6.90 The site itself has limited ecological value at the moment but relates to ecological assets including woodlands, and is of sufficient size that, if development goes ahead in the light of this application, opportunities to substantially improve the biodiversity quality of the site are available.
- 6.91 The Preliminary Ecological Assessment mentioned earlier identifies that (i) further investigation would be required in relation to protected species; and (ii) that the site has the potential to be improved in terms of its ecological contribution.
- 6.92 The most pertinent Policy from within the Local Plan is GI 3 'Biodiversity and Geodiversity'. This is a comprehensive and detailed policy, but its main objectives (in relation to this planning application) may be summarised as follows:

- biodiversity should always aim to be conserved and enhanced in the context of developments;
- developments should incorporate and integrate existing biodiversity assets;
- mitigation and improvement should be secured to offset development effects during the planning process.

6.93 Policy SP 6 is also of relevance, in particular Criteria 8 which requires that development proposals *"should aim to ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats through avoidance, including alternative design. If the loss of environmental features cannot be avoided, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought."*

6.94 In terms of the NPPF, Chapter 15 'Conserving and enhancing the natural environment' is highly pertinent to this application. In particular, the following may be noted:

**Para. 170** (with non-relevant text replaced with ".....") states:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

.....

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

.....

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

**Para. 175** states;

*"When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

.....

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

- 6.95 The application is for a lorry park and associated commercial development, which in itself does not seem to lend itself to alignment with biodiversity conservation; and the site has been altered so that its current ecological value has been diminished, although not by the current applicants. It would seem that the clearance of the site was not for the purpose of reducing biodiversity, but for the purposes of increasing the potential developability of the site.
- 6.96 Supporting information submitted with the application indicates recognition that improvement to biodiversity would be appropriate, and that it would be achievable. The site is well related to mature woodland, hedgerows and there is plenty of space within which to undertake planting and/or protective measures.
- 6.97 However, to date the potential measures proposed are quite limited and there is no committed approach to provision of substantive improvement to habitat or to any specific feature that could be enhanced or made the focus of a scheme of enhancement. The site plan indicates 'proposed planting' along the southern embankment, but this area was already well populated with trees before site clearance was undertaken, so this amounts merely to putting back what was felled, to a great extent. It would be difficult to describe this as enhancement, as such and in the light of the previous felling/clearance undertaken.
- 6.98 Essentially, at this stage enhancement of biodiversity at the site has not been a primary focus of the application; therefore the application is lacking in terms of its attention to this matter, and as a result the aforementioned objectives of Policies from the Local Plan, and the NPPF have not been adequately responded to. However, neither the site nor its surroundings are deemed to be of a highly sensitive nature, i.e. no protected/designated areas such as Sites of Special Scientific Interest. Supporting information is positive in a biodiversity context because it tends to support enhancement and recognises the opportunity that is available. Therefore, if there is a willingness by the applicants to accede to a condition that requires greater focus on biodiversity improvement, e.g. to submit a biodiversity protection and enhancement plan which goes a lot further than the current application does, there is no reason why the application could not meet the objectives of SP 6, GI 3 and the NPPF.
- 6.99 To conclude in respect of biodiversity, therefore, as long as all are in agreement with a condition requiring matters of biodiversity to be looked at again in more detail, and to include proposed mitigation and enhancement to an acceptable level, the application has the potential to comply with relevant

national and local planning policy, and biodiversity matters would not preclude support of the application.

(v) **Landscape and visual impacts:**

- 6.100 All development must visually harmonise, as best it can taking into consideration its nature, with its surroundings. The potential acceptability of development can be aided by intelligent design including the proposed use of sympathetic materials and by taking advantage of existing topography and vegetation.

Landscape impacts:

- 6.101 Generally, the locale is not noteworthy in terms of its landscape quality. It is relatively flat, it includes major infrastructure including the motorway, bridges, pylons, large commercial wind farm, commercial and agricultural structures. It is neither pristine nor of landscape interest by comparison to many of the better landscape settings in the District and beyond in most directions. In this context, it not especially sensitive to change.
- 6.102 Landscape impacts, therefore, are likely to be relatively low in terms of any noteworthy harm arising from the development, and it could accord with Policy GI 1 of the Local Plan.

Visual impacts:

- 6.103 This is potentially a more complicated matter for consideration, because the development would introduce not only a new large building in the preparation/sales section of the site; it would also tend to be populated by a fleet of various lorries which, by their nature and having regard to the proposed layout and expectations of visitation by vehicles, would introduce a moving visual impact over time, as well as a static visual impact caused by the presence of parked vehicles. This would certainly cause visual change to the locality, which is presently not in use, quiet and generally backdropped by mature vegetation.
- 6.104 Further, visual impact of development would occur due to lighting both from the vehicles (bearing in mind that this is intended to be a 24-hour facility) and from the lighting placed within and around the development, details of which are not yet known.
- 6.105 The principal Policy from within the Local Plan in the context of visual impact is SP 6 'Securing Good Design', which states (with irrelevant text omitted and replaced with "....."):

*"Development proposals will be assessed against the following design principles. Proposals should:*

- 1. respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns and by making use of appropriate materials and detailing;*

2. *take into consideration any important landscape or topographical features and respect local landscape character;*

3. *reinforce local architectural features to promote and respect local character and distinctiveness;*

.....

5. *ensure all components of the proposal, such as buildings, car parking, and new connections, open space and landscaping are accessible and inclusive to everyone, safe and well related to one another to ensure a scheme which is attractive and well integrated with its surroundings;*

.....

9. *include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;*

10. *ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features, or cause visual cluttering;*

....."

6.106 Also of relevance in this context is **Policy EC 11** 'Rural Diversification', which requires that proposals must be compatible with their rural setting and be in keeping, in terms of scale and character, with the surrounding landscape and buildings.

6.107 Chapter 12 of the NPPF is 'Achieving well designed places', and while none of the specific Paragraphs are reproduced here, it is clear from the Chapter that the Government places great emphasis on ensuring that any new development with the potential to cause significant visual impacts must be well designed to integrate harmoniously with its surroundings.

6.108 The site benefits from reasonably good containment in visual terms, in particular because its southern edge is bounded by an earth bund along much of its length, providing a level of screening across the relatively flat ground when viewed from the south, including the A6071. The curtilage and building forming Richardson House also intervene within the site in terms of breaking up the internal openness, although as mentioned earlier, the site used to be a lot gentler (visually) and included many trees in areas now cleared of vegetation. The site is very well backdropped when viewed from the south (for example, on approach in either direction along the A6071), and screened when viewed from the north, as a result of the presence of Mill Hill Wood and also the buffer created by the Scotts commercial development.

6.109 The bund would not prevent views to within the site for users of vehicles with

higher seating positions such as lorries and buses/coaches at present.

- 6.110 The only significant new planting proposed relates to proposed new vegetation along the length of the bund. This would introduce landscaping that would be likely, in time, to provide additional screening and reduce the visibility of the development.

**New building:**

- 6.111 Looking first at the buildings intended to be placed, physically, on the development as permanent structures, the only item shown in the proposed plans is the preparation/sales shed in the western section. Within the eastern section (lorry park) no new buildings are proposed. No canopies are proposed adjacent to the fuel islands. Existing buildings are to be retained and upgraded to their new uses.
- 6.112 The new building would be very well backdropped by the existing woodland area behind which, according to the location plan, is at least partially controlled by the current applicant. The presence of the woodland, taking into consideration its scale, means that it provides visual mitigation by reducing the potential starkness of the new building, which is intended to be clad externally with coloured metal profiled sheeting (it is intended to be a fairly standard utilitarian building - hybrid agricultural/industrial in appearance) and which would have an upper height of between 7.5 and 8m.
- 6.113 Although it is the only building proposed, it would be large, of functional appearance and potentially highly visible without mitigation. Notwithstanding the quality of the surroundings in visual terms, it would be important to ensure that it is not only backdropped for the future by the existing trees, but also that additional landscaping is provided to further limit visual impacts. From this it may be concluded that as long as the landscaping is provided and maintained appropriately, the visual impacts could be accepted and would not be so harmful as to conflict with Policy SP 6, Policy EC 11 or the NPPF. However, to date the landscaping proposed for screening/visual purposes does not attempt to mitigate potential visual impacts of the building - the proposed landscaping is strategic and structural, being on the southern boundary only and not targeting the building. For this reason, to ensure the development is compatible with Policy SP 6 and EC 11, it would be necessary to require, by condition, an augmented and improved landscaping proposal for the site, if planning permission is granted.
- 6.114 The committee may note that the original Proposed Site Plan, submitted in September 2020 and supported by an Indicative Planting Plan, included more landscaping than currently proposed and did appear to target the preparation/sales area with new native planting proposed on two sides (south and east). Additional planting was also shown to be provided on the eastern boundary of the lorry park area. The current, revised Proposed Site Plan seems to show that these areas have been removed from the proposals for reasons that are not entirely clear, but are likely to have been influenced by the introduction of the 2.5m high acoustic fence now proposed.



### **Stationary/moving vehicles:**

- 6.115 The visual experience of the resultant development (notwithstanding any movement during construction) would include a potentially high level of presence and movement associated with the stationing, arrival, manoeuvring and departure of vehicles. Up to 40 lorries would be able to utilise the park when it is at full capacity and, given the size and bulk of large lorries including detachables, this would without doubt be noticeable - it would change the visual nature of the site substantially. The lorries would stand out against the backdrop of trees and woodland. Visual impacts would likely be experienced at night-time too, but that particular aspect is given more focussed coverage in subsequent paragraphs.
- 6.116 If planning permission is granted, the visual intrusion caused by the lorries would arguably be detrimental to the local visual environment and the lorries would likely be the most prominent static and moving visual component/aspect of the development. Mitigation would likely only be relevant if it provides as much screening as possible, which makes the landscaping mentioned in previous paragraphs (relating primarily to the new building) just as important, if not more so, in respect of the lorries.
- 6.117 From a developer/operator point of view, it might be argued that greater visibility would enhance potential trade, but any such argument in this case would not be sustainable because the applicants have already indicated that publicity would be limited and word of mouth, remembering that this is a local business already operating out of a premises in Harker, would be invoked to ensure the existence of the facility would be known. Adequate and appropriate signage installed in accordance with the scheme likely to be necessary (see Paragraph 6.40 above) would ensure users know where the site is and how to safely access it.
- 6.118 Lorry parks, and indeed service stations open to all the public can be greatly enhanced by appropriate landscaping and other planting, not only for the purposes of reducing visual impact but also to improve the quality of the environment within the development for users. If the application is supported, it would be essential to ensure visual impact of the lorry element is minimised; and at present, as suggested earlier in this report, proposed landscaping is inadequate and would require improvement/augmentation to render it acceptable in relation to the development proposed. New landscaping would have to be empathetic, targeted and proposed within a specialist-led formal landscaping scheme for it to serve its most valuable mitigation purposes.
- 6.119 Essentially, an improved landscaping scheme, although highly unlikely to fully screen the facility, would help greatly to reduce potential visual impacts of lorries and enable the application to accord with Policies SP 6 and EC 11 purely in relation to this factor. That is not to say that all visual harm would be fully offset, but the potential is there for a landscaping scheme to be implemented that would be adequate to render visual impacts acceptable.

### **Lorry lights/security & site lighting:**

- 6.120 Although mentioned as a separate topic, consideration of the potential visual impacts of lighting has already been provided to a certain extent within this report. Visual impact is highly likely, but it will be possible to assess and negotiate to agreement in respect of on-site lighting at a 'post-determination' stage.
- 6.121 The provision of such a lighting scheme via condition, which has been agreed as an acceptable way to enable this element of the development to be considered (this action endorsed by the Carlisle City Council EHO), would not extend to coverage of lighting emanating from vehicles, however. Although vehicle movement is likely to be lower during most hours of darkness than it is during daylight hours, lorries are known for occasionally being very well lit with extra light adornments in some cases, but even without them the headlamps, sidelights and rear lights can make lorries stand out in darkness to what some may perceive as an accentuated degree. The presence of lit-up lorries during hours of darkness would certainly change the visual nature of the site by comparison to what it looks like now.
- 6.122 A substantive landscaping scheme would have the potential to mitigate the effect of lorry lights to some extent, although full mitigation could not be reasonably expected. Lorry lamps are powerful and penetrative, and even if landscaping is provided which is comprehensive and fit for purpose, it would take many years to mature to the stage where it properly reduces the visual impacts of the lights on the vehicles, especially while they are moving and the lamps are sweeping around in arcs or otherwise changing direction.
- 6.123 This means that if the development principle is to be accepted, notwithstanding mitigation it will have to be accepted that the lights from moving and sometimes static vehicles, potentially up to 40 lorries at any one time on the lorry park area after dark, will have a significant, and additional negative effect on the locality because it would cause the site to be highly noticeable - this could be experienced at any time during hours of darkness and would potentially have the effect of causing visual incongruity.
- 6.124 The requirement for a condition has already been identified in relation to site lighting, should planning permission be granted. Such a condition is likely to enable a good degree of certainty in relation to future effects of such lighting. One option available to the local authority would be to impose a separate condition relating to the management of vehicle lighting impacts on the site, or to extend the lighting condition to cover this issue as well. It would not provide for as much certainty as it would for site lighting, and would depend to a great extent on the site operators being vigilant and active in ensuring any management/mitigation proposals are implemented and monitored. However, it would ensure all steps have been taken to ensure this area of concern has been mitigated as far as possible, and would place the onus on the applicants/operators to come forward with a suitable scheme. With this in mind, it is considered that the visual impacts of lighting are unlikely to be of such an extreme nature that they would render the application unacceptable, and with appropriate mitigation in place, the application could accord with Policy SP 6 and Policy EC 11.

6.125 Applying or extending the condition in this manner would also provide further opportunity to consider if and how any lighting from vehicles could potentially impact on residential amenity of nearby occupiers.

**(vi) Impacts on the water resource:**

6.126 First, it may be noted that the application site is not within either Flood Risk Zone 2 or 3, which by default means it is within Flood Zone 1. The application is accompanied by both a Drainage Strategy and a Flood Risk Assessment that jointly conclude no significant issues concerning potential flood risk or surface water management. The planning service accepts this position, and acknowledges that the consultation responses of Cumbria County Council indicate satisfaction that surface water management has been appropriately covered in the application.

6.127 It is known that the site is generally not suited to infiltration because of its geological make-up. It is also acknowledged that the scheme would introduce new development components that would require surface water to be channelled through and to existing and proposed discharge and attenuation points. Surface water is channelled via on-site ditches and pipes, is treated via a filtration pond and is then appropriately discharged to the water environment. Additional on-site measures to prevent pollution of the water resource are proposed, have been considered and have been deemed to be acceptable by relevant consultees.

6.128 The submitted Drainage Strategy is fit for purpose and includes detailed recommendations that have informed a proposed surface water management scheme. Having regard to all consultation responses and the information contained within the Drainage Strategy it is considered, subject to securing implementation of the surface water management via an appropriate condition in the event of planning permission being granted, that the development would accord with Policy CC 5 in this context.

**(vii) Foul drainage:**

6.129 The Drainage Strategy mentioned under the previous heading also provides coverage of intended foul water management, indicating that it would require to be served by a new sewage treatment plant, to take the place of an existing septic tank (in a similar location towards the south-east corner of the site). The treated effluent from the plant would be released into the water environment via an existing outfall into a culverted drain.

6.130 There are no public sewers available in the locality, hence the requirement for the new treatment plant to be provided.

6.131 The sewage treatment plant would require approval under the Building Regulations, which would ensure it is installed in accordance with accepted standards.

6.132 This mode of management of future foul drainage is considered to be appropriate to the development in principle, and would enable the application

to accord with Policy IP 6 of the Local Plan. However, the application lacks details in respect of the proposed location of the plant, therefore if planning permission is granted, it would be appropriate to require this information to be submitted and considered via planning condition.

**(viii) Crime prevention:**

6.133 The proposed development is of a nature that requires consideration to be given to how it would respond to potential threats from criminal activity. Policy CC 4 of the Local Plan requires that *"new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime."*

6.134 During the consideration period for the application, Cumbria Constabulary as specialist consultee queried a range of matters relating to crime prevention, the applicant responded and this enabled the consultee to conclude all reasonable steps were to be taken to enable the application to accord with Policy CM 4.

**(ix) User/resident safety:**

6.135 This matter is mentioned having regard to concerns stated in objection(s) regarding potential parking of vehicles associated with the development in locations where they could prejudice the safe passage of road network users. The road network, in this context, includes public pavement and the users includes children.

6.136 Specifically, mention is made about the potential for the development to give rise to parking of lorries and other vehicles associated with the development in Blackbank.

6.137 The site is generous and offers parking for 40 lorries, therefore adequate space would be available within the site to ensure that traffic could be accommodated. Further, Blackbank is situated over 1km away and does not have direct sight-lines to the site for the proposed development; therefore, it is highly unlikely that vehicles unable to use the new site would 'retrench' to Blackbank instead while they wait for space within the lorry park. It is more likely that they would find other locations to stop within more spacious locations or other facilities.

**(x) Impact on trees:**

6.138 The site overall has been changed substantially in terms of its tree cover, prior to the current application being submitted. As mentioned earlier in the planning report, many trees (and likely ground cover, shrubs and possibly hedges) were cleared out to prepare the site for some kind of development, but no planning breach has occurred with the removal of the vegetation.

6.139 Although the site still contains a number of individual trees dotted within and on the edges, and includes groups of trees and part of Mill Hill Wood along the northern boundaries, and despite reference to it in the Planning, Design

and Access Statement, there is no tree survey accompanying the application. This was highlighted by the Kirkandrews Parish Council in its consultation response.

6.140 The role of the trees in relation to the development proposed is an important one. The woodlands to the north, in particular, provide essential backdrop/assets in terms of potential amenity, landscape and visual impacts. It is highly likely, in the context of the planning application and the previous interventions where many trees were felled, that remaining trees and woodlands affected by, or adjacent to the development would require to be protected by a Tree Preservation Order. This would be the case whether or not the current proposal gains planning permission, as it would be essential to prevent further unwarranted diminishment of the trees as a multipurposeful resource, although it is noted that there is no stated intention to fell further trees, within the application. There is an indication that the applicants recognise the potential environmental value of the site and are willing to enhance it.

6.141 Policy GI 6 of the Local Plan 'Trees and Hedgerows' is relevant to consideration of this aspect of the development. It states (with irrelevant text omitted and replaced with "....."):

*"Proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Planning conditions requiring protective fencing around trees to be retained, in line with the current and most up to date British Standard: BS 5837 will be used to ensure adequate protection of valued trees during construction.*

*Tree Surveys: Where trees and hedges are present on a development site a survey, in accordance with the current and most up to date British Standard: BS 5837 must be carried out by a qualified arboriculturist and presented as part of the planning application.*

*Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.*

*Proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges identified within the survey will be resisted.*

.....

*Landscaping and Replanting: Any proposals for onside landscaping schemes should seek to incorporate the planting of native tree species where practicable. Where trees are lost due to new development, the Council will require developers to replant trees of an appropriate species on site where it is practicable to do so, or to contribute via planning conditions and/or legal agreement, to the replanting of trees in an appropriate, alternative location. The extent of replanting required will be representative of the age, number*

*and size of trees, or length of hedgerows, originally lost.*

*All new development should also have regard to the current Trees and Development Supplementary Planning Document."*

- 6.142 This Policy is supported by Criteria 8 of Policy SP 6 which, generally, requires trees, hedges etc. to be protected, included, or mitigated for if removed. Broadly, this approach aligns with Chapter 15 of the NPPF.
- 6.143 The absence of a tree survey, which would normally include reference to tree protection, retention, categorisation and replacement of felled trees, is not helpful in this instance, particularly with recent history including such a noteworthy level of vegetation removal. The fact that the document is mentioned as being submitted in the Planning, Design and Access Statement means that there is an expectation that it should have materialised so that it could be scrutinised, along with all other documents submitted, by all interested parties.
- 6.144 The preliminary Ecological Appraisal makes reference to trees in a biodiversity context but is not in itself a tree survey and does not perform the function of one.
- 6.145 Practically, and having regard to the site and its environs/margins as it stands today, there is room in amongst the trees for the development to be implemented. If (i) a Tree Preservation Order is made, if (ii) appropriate conditions add protection, and if (iii) the developer adheres to the protective requirements, it would be possible to avoid any further significant intervention relating to trees on or adjacent to the site. The Proposed Site Plan clearly identifies that the areas intended for actual development do not further impinge on the canopies of trees, which means that it would be straightforward to install protective barriers in appropriate locations to protect remaining trees during construction.
- 6.146 This is a sensitive topic to consider, especially because of the previous site clearance which has changed the character and environmental value of the site substantially, although as noted earlier, it was not the current applicant's undertaking. It is necessary to look at what is present now, whether development would enable all existing tree cover to be preserved or indeed enhanced; and whether adequate proposals for replanting are in place to offset tree loss and to improve the visual and environmental quality of the locale.
- 6.147 It has already been noted in the Landscape and Visual Impact section of this report that the current proposals for on-site planting (landscaping) are inadequate and that such proposals have been substantially reduced since the application was originally submitted. It has also already been recognised that there would be a requirement for proposed landscaping to be improved if planning permission is granted, and that conditions relating to this matter would be included as part of any positive recommendation.
- 6.148 It may be further noted that the landscaping scheme could legitimately be

extended to include coverage of all existing trees, shrubs and hedgerows, their protection and a proper regime of new planting, including maintenance proposals. This could enable the application to accord to some extent with Policy GI 6 at the point of recommendation, although in the absence of the Tree Survey discussed in the Policy, the application would not be fully compliant and, therefore, is still not fully aligned with the Policy.

- 6.149 It is challenging to summarise in relation to trees and hedgerows at this point as a singular issue, mainly because it is considered that the subject/resource/asset has not been given its full attention during the application process: (a) by the developer in opting not to provide adequate information; and (b) by the local planning authority in not being able to make a full and proper assessment because the information is not present.
- 6.150 To omit a Tree Survey despite it being promised as part of the application package is remiss of the developer and unfortunately causes this aspect of the application to be deficient at this time. However, and this is not to be taken lightly because it is tantamount to a modest leap of faith, having regard to comments above about including outstanding tree and hedgerow matters in the context of an enhanced landscaping proposal, it could be accepted in the overall planning balance that the matter is not overriding. Whether or not this is the case will be discussed under the next heading.

**(xi) Development Principle:**

- 6.151 Up to this point in the report, despite uncertainties of differing levels relating to trees, landscaping, lighting, visual impacts, amenity impacts and drainage, every one of these topics has been discussed in the light of opportunities that are likely to be available to propose planning conditions, if the application is supported, to ensure that outstanding information is provided and that (a) implementation and (b) operation could be carried out acceptably.
- 6.152 All of the matters covered thus far indicate that in themselves and, to a great extent in combination, none promote such conflict with local and national policy that any would be overriding.
- 6.153 Having assessed the individual areas of concern/interest, to some extent that is likely to inform how the principle is perceived. For example, no specialist consultees have identified overriding concerns relating to highway safety, nuisance, crime, amenity or drainage. There is an outstanding concern stated in the second consultation response by Natural England about the relevance of the Ecological Appraisal, but this can be taken into consideration in the wider assessment; and, in any event, if the application is approved it would be conditional in respect of biodiversity - a further ecological assessment and mitigation would inevitably be required due to the nature and potential magnitude of the development.
- 6.154 The Policies of most relevance in terms of the development principle tend to be strategic and so include SP 1 'Sustainable Development', SP 2 'Strategic Growth and Distribution', and SP 5 'Strategic Connectivity'. EC 11 is also relevant at this point of analysing whether the principle is acceptable.

6.155 **Policy SP 1** states:

*"When considering development proposals Carlisle City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants, and communities, jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the District.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood development plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:*

- 1. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- 2. specific policies in the NPPF indicate that development should be restricted."*

**Policy SP 2** (with irrelevant text omitted and replaced with ".....") states:

*"To ensure that objectively assessed development needs are met, and met in the most sustainable manner, strategic growth within the District of Carlisle will be governed by the following principles:*

*.....*

- 2. Sufficient land will be identified to create the right conditions for economic growth:*
  - a) the focus for development will be within the urban area of Carlisle and locations which can maximise the benefits of Carlisle's highly accessible position in relation to the M6 Corridor; and*
  - b) whilst efforts will be focussed across the Plan period on realising the residual capacity within existing employment areas, this approach will be complemented by the allocation of an additional 45 Ha for employment related purposes.*
- 3. Development of surplus land at Ministry of Defence (MOD) Longtown, which lies within the strategic M6 Corridor and benefits from excellent road and rail connections, will also be supported as a key element of the strategy to grow the economy, and to secure modal shifts in freight transport.*



.....  
*6. Where possible and appropriate, the re-use and redevelopment of previously developed land will be encouraged across the District. ....*

.....  
*8. Within the open countryside, development will be assessed against the need to be in the location specified."*

**Policy SP 5** (with irrelevant text omitted and replaced with ".....") states:

*"The City Council will support improvements to the transport network, in partnership with delivery partners and operators, including the Highway Authority, in order to support the District's growth aspirations and Carlisle's role as a strategic transport hub.*

*Proposals in line with the objectives of the 3rd Cumbria Local Transport Plan will be supported. Interventions to facilitate growth as identified in the Infrastructure Delivery Plan will be prioritised. Opportunities will also be taken to:*

- 1. increase the provision for walking and cycling, including improved connectivity across the District;*
- 2. retain and enhance existing public transport services and to improve and modernise key public transport infrastructure including Carlisle Railway Station and interchange;*
- 3. promote economic growth and seek to attract new and growing investment along the M6 corridor;*
- 4. improve transport networks for all modes to ensure access and movement are maintained;*

.....  
*7. secure a modal shift in the transport of freight from road to rail and improve connections with the Port of Workington;*

.....  
*Land will be safeguarded and/or allocated through the planning process to support the realisation of new or improved transport infrastructure."*

**Policy EC 11** states:

*"Development proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well*

*designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting.*

*Proposals must:*

- 1. be compatible with their existing rural setting;*
- 2. be in keeping, in terms of scale and character, with the surrounding landscape and buildings;*
- 3. include adequate access and car parking arrangements; and*
- 4. not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network."*

6.156 Within Chapter 2 of the NPPF ('Achieving sustainable development') is **Paragraph 8**, which states:

*"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being; and*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

**Paragraph 9** is also of specific relevance. It states:

*"These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."*

6.157 Within Chapter 4 of the NPPF, which is also of a strategic nature

('Decision-making'), the following paragraphs are of relevance to the application:

**Para. 38:**

*"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

**Para. 54:**

*"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

- 6.158 Also of strategic relevance to economic development is Chapter 6 'Building a strong, competitive economy', within which the following paragraphs are of particular relevance:

**Para. 80:**

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

**Para. 82:**

*"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations."*

**Para. 83(a):**

*"Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;"*

**Para. 84:**

*"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*

6.159 All of the above policies point towards one overarching question: Is this the right development in the right place? If it is accepted that the design, layout and scale of the development could be appropriately accommodated at the site, and that conditions could effectively respond to outstanding technical and practical matters, more strategic considerations are required, which in this case are:

1. Does the development need to be in the location specified?
2. Would this constitute re-development of previously development land?
3. Is the location right for this type of development?
4. Does 'need' for the development influence consideration of the application?
5. Is the promotion of support for road freight sustainable?
6. Does the application represent proposals that represent community need and that have benefitted from pro-active engagement with communities?

#### **Need to be in this location:**

6.160 This site has not been compared 'sequentially' to any other potentially available sites in the District, or indeed outside the District, which is relevant given the proximity of the site to the national border with Scotland. It therefore has to be considered in terms of its own merits, having regard to its nature and its relationship with surroundings, including the strategic road network.

6.161 The site has been selected on the basis that it is conveniently and strategically located between two arterial routes which already connect via the A6071, and which already accommodate a high level of traffic, including lorries and other commercial vehicles. Indeed, the applicant's ethos is apparently one which expects 'passing trade' and 'word of mouth' to promote a successful level of usage to make the development viable.

6.162 The site has also inevitably been selected because it is 'available' whereas other sites with similar, or better credentials are not. This, arguably, supports a case for 'need' because options to develop on other land are not available.

6.163 It may be difficult to find a reason to resist the application on the basis of whether it needs to be in this location.

#### **Previously developed land?**

- 6.164 It could be argued that the site has to some extent got a 'previously developed' character because previous uses were implemented, although they have not been operational for many years and the overall site returned to nature by some degree; plus, it already contains a number of items indicating development (notwithstanding the recent introduction of the hardcore areas, which in itself does not indicate or support the site being previously developed).
- 6.165 It cannot be accepted that the overall site is previously developed because part of the site remains as paddock/field and part is actually woodland. Its previously developed character is dissected and has been diluted by time and by vegetative reclamation.
- 6.166 The site feels like it has been the subject of human intervention on more than one occasion, which is true having regard to the planning history and the presence of buildings and drainage infrastructure. However, it is not in the truest sense a brownfield site and therefore any inference of a previously developed nature must be looked at precautionarily and guardedly, because it is not obvious. Its 'partially previously developed' nature can be accepted and may be influential.

### **The right location?**

- 6.167 Notwithstanding earlier comments relating to 'need', consideration must be given to whether this type of development would be more appropriately guided to an available (or potentially available) site closer to an existing commercial, industrial or urban locale.
- 6.168 Close to Junction 44, and within Kingstown Industrial Estate is a comparable (although slightly larger) facility being the Carlisle Truckstop. It could be argued that where Carlisle Truckstop is makes that a more logical location because it is much closer to distribution centres. The proposed development under consideration has no immediate relationship with any other commercial transport or distribution cluster other than the Scotts operational site to the north of the application site. It is not next to an industrial estate like the similar truckstop at Whitesyke, off the A6071 between Longtown and Brampton. It is not within an existing rest area/services facility like at Gretna Services and is less well sited than the Ecclefechan Truckstop which is immediately adjacent to, and easily accessed from the M74 motorway without having to go through any settlements.
- 6.169 However, acknowledgement must be given to the fact the applicants (Robert Little) currently operate a more modest site within Harker, which in itself is arguably less logical than the aforementioned sites in Paragraph 6.168, although it is not far from Junction 44 via the A7. Whether the site currently proposed is any less well located to the strategic road network is open to debate, but there are similarities, and the applicants are alleged to run the existing operations in Harker efficiently and to have outgrown that limited site, hence the push for expansion on a large site elsewhere.

6.170 There is certainly a case to be made that the site is not so far away from the strategic/arterial road network to render it an illogical choice; indeed, it would be unlikely that the current application would be in front of the local authority if it were not considered to be in a workable location with good access to the main road routes, taking into consideration the type of vehicle that would be using it. Poor connectivity would be a disincentive to potential users.

**'Need', taking into account the existence of other facilities:**

6.171 Mentioned on several occasions in objections is that existing facilities exist in Carlisle, at Gretna Services, at Ecclefechan and in Longtown. The applicants' existing site, although not a lorry park as such, represents at least in part another facility for the sale and preparation of commercial vehicles. Interested parties are asking why there needs to be another facility when these already exist.

6.172 The planning system is not entitled to quell competition or to manipulate the market; moreso, it is vital that competition exists to ensure that the best developments thrive and to ensure the market is not false. The existence of other facilities as mentioned would not provide a reason to resist a further development of this type, if the applicants deem it to be viable. The applicants operate a known, successful local business in the commercial vehicle arena, and as such cannot be approaching the new site without first having understood that it could be successful financially.

6.173 There is no area of the aforementioned national or local policy that would preclude support of the principle of another facility of this nature, as long as it does benefit from being the right development in the right place.

6.174 It would be true to say that the presence of lorries parking overnight in lay-bys in the District is observable on many occasions, and that the development would provide another resource and potentially fulfil an ongoing need to ensure adequate provision continues, especially because overnight lay-by parking, as evidenced in both letters of support and objections submitted, is seen to be problematic for a number of reasons.

**Sustainability of development supporting road freight:**

6.175 This consideration is, in current times, in a juxtaposition. On the one hand, national and local policy is aiming to shift transport away from roads and onto other modes such as rail. The ongoing transportation of goods etc via road freight invokes greater fossil fuel usage, and pollution of more than one kind.

6.176 Road transportation is in transition, however, and alternative fuel solutions including electric vehicles are having to be found because the long term use of fossil fuels will end at some stage when the resources actually run out. Although only a very small percentage of vehicles on the road are powered by alternative means at present, realistically road freight will continue into the future by utilising other fuelling technologies.

6.177 It would not be logical, therefore to conclude that the application would give

rise to an unsustainable form of development simply because it would support future road freight. Transportation is in transition away from fossil fuels and (note: new road routes are still being developed and existing road routes are constantly being upgraded in the UK) although it may still take a long time for a full transition, it is inevitable.

### **Community engagement:**

- 6.178 This is an area that the application does not represent well. It does not reflect a community-led development, was not the subject of any known pre-application community engagement and has divided the community somewhat in terms of the number and nature of representations received. Many of the objections are known to be from local residents; whereas, the source of letters of support is more varied and represents a less geographically coherent community.
- 6.179 Both Kirkandrews Parish Council and Gretna Green & Springfield Community Council have both objected to the application; whereas, Gretna and Rigg Community Council has opted not to comment.
- 6.180 In this respect, the application does not comply with the NPPF because no account has been taken prior to submission of what the development might mean to the community. The development would impact on nearby settlements and rural communities, but how said communities feel about that has only been possible to judge, to a great extent, since the application has been submitted.
- 6.181 While the application has been 'live', i.e. since September 2020, there has been no new evidence introduced that indicates taking opportunities to gauge local opinion, for example by holding events (these are likely to have been required to be 'virtual' events) or by communicating by letter to local bodies, residents and businesses within a chosen radius.
- 6.182 It could be argued that the level of interest in the application, although noteworthy, is not high and does not represent a substantial campaign either for or against. However, the local Mill Hill (hamlet and surroundings) community is not particularly populous and as such interest was perhaps never likely to be strikingly high. It does, however, represent a reasonable level of local interest. Whether or not this would be such a significant issue as to require the application to be refused would need to be looked at in the overall balance.

### **Conclusion:**

- 6.183 The development of a lorry park and associated preparation/sales facility in this location is not necessarily what would be thought of as first choice, if alternative proposals were forthcoming. The locality, though, is by no means pristine and includes the Scotts commercial site to the north, so although it has been concluded that the site is not fully previously developed, it is previously partially developed and relates to other commercial (non-agricultural) major activity close by. It can be accepted, to some extent,

that the development would give rise to a form of rural diversification.

- 6.184 A range of individual subject areas have been appraised and have led to the conclusion that although on a number of levels the application is deficient in its current form, in practical terms it would be acceptable to address all outstanding individual matters such as landscaping, trees, drainage, noise, light and air pollution through planning conditions. Imposition of a Tree Preservation Order on trees at the northern peripheries of the site would be appropriate, and would help protect the woodland areas as amenity and biodiversity assets.
- 6.185 The intended development would add another facility, this being a 24-hour facility, for overnight parking of lorries whereas in the broader locale there are at least four other such sites in operation in Carlisle, Longtown, Gretna and Ecclefechan. All of these sites have differing facilities available, but in essence all are of a 'truckstop' nature.
- 6.186 The development would enable a local business to operate from a larger site, and in so doing expand and diversify an existing successful business, which is already set in a semi-rural location (Harker) and which would move to another semi-rural location.
- 6.187 Although the development would undoubtedly give rise to impacts which local residents and businesses become aware of through activity, movement, light, air quality and noise impacts, these either have, or could be mitigated acceptably.
- 6.188 It is important to support local economic development if possible, and to ensure local and national policy requiring every effort to be made to support applications for sustainable development is observed. Economic objectives must be balanced against social and environmental objectives. Rural diversification must be supported where it is appropriate to a rural location.
- 6.189 It is, however, important also to acknowledge that there is no evidence of community engagement at any stage during the planning process which, given the scale and nature of development, is likely to have been beneficial to all concerned, including the potential developer.
- 6.190 It is partially due to the way the application was submitted without community engagement, and with certain information not clear or absent in the application, that a significant level of community interest has been generated post-submission indicating objections in respect of various matters, all of which have been given coverage in this report. In response, a number of letters of support were submitted pointing out the benefits of the development. Some are for, and some are against the application. Of the three Parish/Community Councils consulted, those two most likely to be affected have submitted detailed objections, and the other has opted not to submit a response.
- 6.191 However, there are no overriding objections submitted by specialist consultees including those with an interest in safety and crime prevention,



and those interested in pollution (i.e. Environmental Health). All such consultees are content that outstanding matters relating to safety and amenity can be addressed through conditions, post-determination of the application.

- 6.192 It is therefore not considered that there are any singular or overlapping matters outstanding that would prevent the application being supported, either in relation to individual/technical matters or in relation to the principle, which would accord, on balance, with the aforementioned strategic policies within both the Local Plan and the NPPF.
- 6.193 The application, therefore, is recommended for approval subject to a number of conditions requiring matters still outstanding to be addressed either before or during development, as per the procedural norm and in line with recommendations within specialist consultees' responses.
- 6.194 It may be noted that potential ground contamination has not been discussed in the report because the findings of the contamination report are accepted and have not been challenged by the Council's EHO. However, as a precautionary measure, standard conditions relating to the discovery, during development, of unforeseen contaminants would appropriately be included in any planning permission granted.

## **7. Planning History**

- 7.1 In 2016, planning application ref. 15/1079, for the demolition of Richardson House; erection of dwellings and ancillary infrastructure was refused.
- 7.2 In 2008, under County Council ref. 08/9024/CTY, Carlisle City Council made observations in relation to a Section 73 application for the modification of Condition 6 of 1/02/9010, to authorise the use of Wood Villa for offices and the construction of the revised vehicular access (retrospective). Said County Council application was granted.
- 7.3 In 2002, under County Council ref. 02/9010/CTY, Carlisle City Council made observations in relation to a 'County Matter' planning application, for change of use and extension to Wood Villa to form offices, construction of new access road and car park, provision of despatch office and weighbridge and other ancillary development associated with existing peat processing works. Said County Council application was approved.
- 7.4 In 1979, a planning application was made under ref. 79/0226 for the erection of a bungalow. The application appears to have been refused.
- 7.5 In 1977, a planning application was made under ref. 77/0223 for a caravan site and toilet block. The application was approved, and may have led to one or more of the items now present, in dilapidated condition, on the site.
- 7.6 In 1971, under ref. BA5249, planning permission was granted for the use of land as a caravan site.

**8. Recommendation: Grant Permission**

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. the submitted planning application form;
2. drawing ref. GA3237-SP-01A 'Amended Existing Site Plan', received on 3 March 2021;
3. drawing ref. GA3237-PSP-01B 'Amended Proposed Site Plan', excluding references to proposed landscape planting, received on 3 March 2021;
4. the amended Drainage Strategy (Revision A, Reford Engineers Limited, December 2020), received on 3 March 2021;
5. drawing ref. GA3237-PPBLK-01 'Proposed Toilet Block' (Depicting Toilets, Kitchen, Seating Area and Service Area), received on 3 September 2020;
6. drawing ref. GA3237-PSHED-01 'Proposed Shed Plans and Elevations', received on 3 September 2020;
7. drawing ref. GA3237-LP-01 'Location Plan', received on 3 September 2020;
8. the Planning, Design and Access Statement, received on 3 September 2020;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

Site investigations should follow the guidance in BS10175.

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

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

4. The development arising from this planning permission shall be at all times operated in accordance with a site specific Noise and Vibration Management Plan, which shall first have been submitted to, and approved in writing by the local planning authority.

**Reason:** To ensure that the development does not have an adverse impact on the residential amenity of nearby occupants of private dwellings due to operational noise occurring within the site, and to accord with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

5. Notwithstanding any information already submitted with the planning application, a comprehensive landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of trees, hedgerows and shrubs to be planted including planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting
- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policy SP 6 and GI 6 of the Carlisle District Local Plan 2015-2030.

6. Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings, including roofs, walls and cladding, shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies SP 6 and EC 11 of the Carlisle District Local Plan 2015-2030.

7. No lighting shall be installed as part of the development unless otherwise in accordance with a scheme of lighting that has first been submitted to, and approved in writing by the local planning authority. The scheme shall include details relating to the following (this list is not exhaustive):

- (i) floodlighting including support column specifications;
- (ii) ground level lighting for parking/manoeuvring areas;
- (iii) lighting installed on any building, tree, gate, fence or other structure for the purposes of illumination of the site or security;
- (iv) any lighting associated with the fuel pumps and/or the surrounding area that relate to fuelling activities;
- (v) any lighting to be installed in relation to, or as part of any signage components;
- (v) the level of luminance and the projected extent of light emanating from each element of the lighting scheme (light mapping)

**Reason:** The application does not currently include information relating to proposed site lighting, which will be necessary as part of the development in relation to the proposed operational hours and activities identified in the approved documents. The detailed information required by this condition will enable the local planning authority to further assess the acceptability of the lighting required, to ensure it is compatible with the locality in terms of (a) its overall appearance and potential visual impacts and (b) its relationship with existing properties nearby, and that it is in accord with the objectives of Policies SP 6, EC 11 and CM 5 of the Carlisle District Local Plan 2015-2030.

8. The development shall be operated at all times in strict accordance with a mitigation strategy relating to minimisation of the effects of vehicle lights during hours of darkness, that has first been submitted to and approved in writing by the local planning authority. The strategy should include mitigation relating both to vehicle lights on commercial vehicles stationed within the site and to vehicles entering and departing the site.

**Reason:** To minimise the potential impacts on the residential amenity of occupiers in the locality, to ensure that the development

accords with Policies SP 6, CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

9. Prior to its installation as part of the development hereby approved, drawn details, an ongoing maintenance scheme and a specification of the acoustic fence shown in the approved drawings and required to mitigate noise emanating from the site shall be submitted to, and approved in writing by the local planning authority. The fence shall be installed in strict accordance with the details approved in response to the condition prior to the lorry park becoming operational, and shall be retained and maintained thereafter in accordance with the approved scheme.

**Reason:** Inadequate detail has been provided in relation to this item, which is essential in terms of its noise reducing properties in respect of potential noise emanating from the site, and to ensure that the development is in accord with Policies SP 6, CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

10. The development shall operate in strict accordance with a schedule of opening/operating hours relating to both the lorry park area and the maintenance/sales/preparation area, that has first been submitted to, and approved in writing by the local planning authority.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

11. Other than those trees and hedgerows identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted, layered or otherwise structurally altered without the prior written consent in writing of the local planning authority. A scheme of protection, based on the advice provided within the adopted Carlisle City Council Supplementary Planning Document 'Trees and Development' relating to the retained trees and hedgerows shall be implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The said scheme shall provide details of how protection will be afforded to the retained items prior to, during and after construction.

**Reason:** To ensure that the existing tree and hedgerow resource is preserved appropriately, in the interests of public and environmental amenity, in accordance with Policies SP 6 and GI 6 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of development, an air quality assessment shall be submitted to and approved in writing by the local planning authority, identifying consequential impacts of the development in respect of local air quality, and identifying mitigation measures to minimise air pollution. The development shall thereafter be operated at all times in strict accordance with the mitigation measures agreed in response to this condition.

**Reason:** To ensure that the development operates in such a way that impacts on the air quality afforded to nearby properties is minimised, to enable the application to accord with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

13. The new vehicle workshop associated with the maintenance of commercial vehicles shall be utilised only for the purposes of the repair and maintenance of commercial vehicles, and shall not be utilised for any other purpose in Class B2 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To ensure that the development remains compatible with surrounding uses, and to accord with Policy CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

14. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in strict accordance with a specification (including timing/phasing) that has first been approved by the local planning authority.

**Reason:** In the interests of highway safety and to accord with the National Planning Policy Framework (2019) especially Paragraph 108.

15. The carriageway of the access onto the U1059 shall be designed, constructed, drained and lit to a standard suitable for adoption by the County Council and in this respect further details, including longitudinal/cross sections, shall be submitted to and approved in writing by the local planning authority before any work commences on site. All works approved in response to this condition shall be undertaken in strict accordance with the approved documentation before the development becomes operational.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to accord with Policies SP 6 and IP 1 of the Carlisle District Local Plan 2015-2030.

16. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- (i) 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 Highway Authority at the applicants expense;
- (ii) details of proposed crossings of the highway verge;
- (iii) retained areas for vehicle parking, manoeuvring, loading

and unloading for their specific purpose during the development;

- (iv) cleaning of site entrances and the adjacent public highway;
- (v) details of proposed wheel washing facilities;
- (vi) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- (vii) construction vehicle routing;
- (viii) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- (ix) surface water management details during the construction phase.

Development of the site, in the context of this permission, shall be undertaken in accordance with the CTMP at all times.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network, in the interests of highway and pedestrian safety and to accord with Paragraph 108 of the National Planning Policy Framework 2019.

17. No development shall commence until the visibility splays shown in drawing ref. SCP/190638/F03 forming part of the submitted Transport Assessment Addendum (SCP, 4 December 2020) have been provided. Notwithstanding any provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays at any point in the future.

**Reason:** In the interests of highway safety, to ensure compliance with Policy SP 6 and IP 2 of the Carlisle District Local Plan 2015-2030.

18. A scheme of signage shall be implemented on land within the control of the developer and on the highway network in accordance with details that have first been submitted to, and approved in writing by the local planning authority. The scheme shall including the following (this list is not exhaustive):

- (i) directional signage proposed on any public highways intended to direct vehicles to the site;
- (ii) any signage required for security purposes;
- (iii) signage advising of local weight limits in effect further to partial reconstruction of the U1059 public highway;
- (iv) details of any illumination proposed in relation to said signage;
- (v) details of timing of implementation, maintenance and repair of said signage.

**Reason:** To ensure that signage for the development is included at the development stage, in order that it does not accrue on an ad hoc basis, and in order that it would align with highway safety objectives to accord with Policies SP 6 and IP 2 of the Carlisle District Local Plan 2015-2030.

19. A Biodiversity and Habitat Protection and Enhancement Strategy, informed by a detailed, supplementary, updated Ecology Report relating to the site, shall be submitted to and approved in writing by the local planning authority, which shall include details of all measures proposed to protect, improve and augment the site, to support and promote a net gain in biodiversity.

**Reason:** In the context of the proposed development, taking into consideration the relatively recent clearance of a substantial amount of vegetation within the site in preparation for development, the site offers opportunities to secure a net gain for biodiversity, in line with Paragraph 175 of the National Planning Policy Framework 2019 and Policy GI 3 of the Carlisle District Local Plan 2015-2030.

20. Surface water shall be treated, channelled and attenuated in accordance with the Drainage Strategy (Reford Engineers Ltd, December 2020, Revision A) forming part of this planning permission, and identified in Condition 2 as an approved document.

**Reason:** To protect the water environment, and to accord with Policy CC 5 of the Carlisle District Local Plan 2015-2030.

21. The development shall not be brought into operational use until details of the proposed sewage treatment plant including its precise location have been submitted to and approved in writing by the local planning authority, and the plant has been installed and made operational.

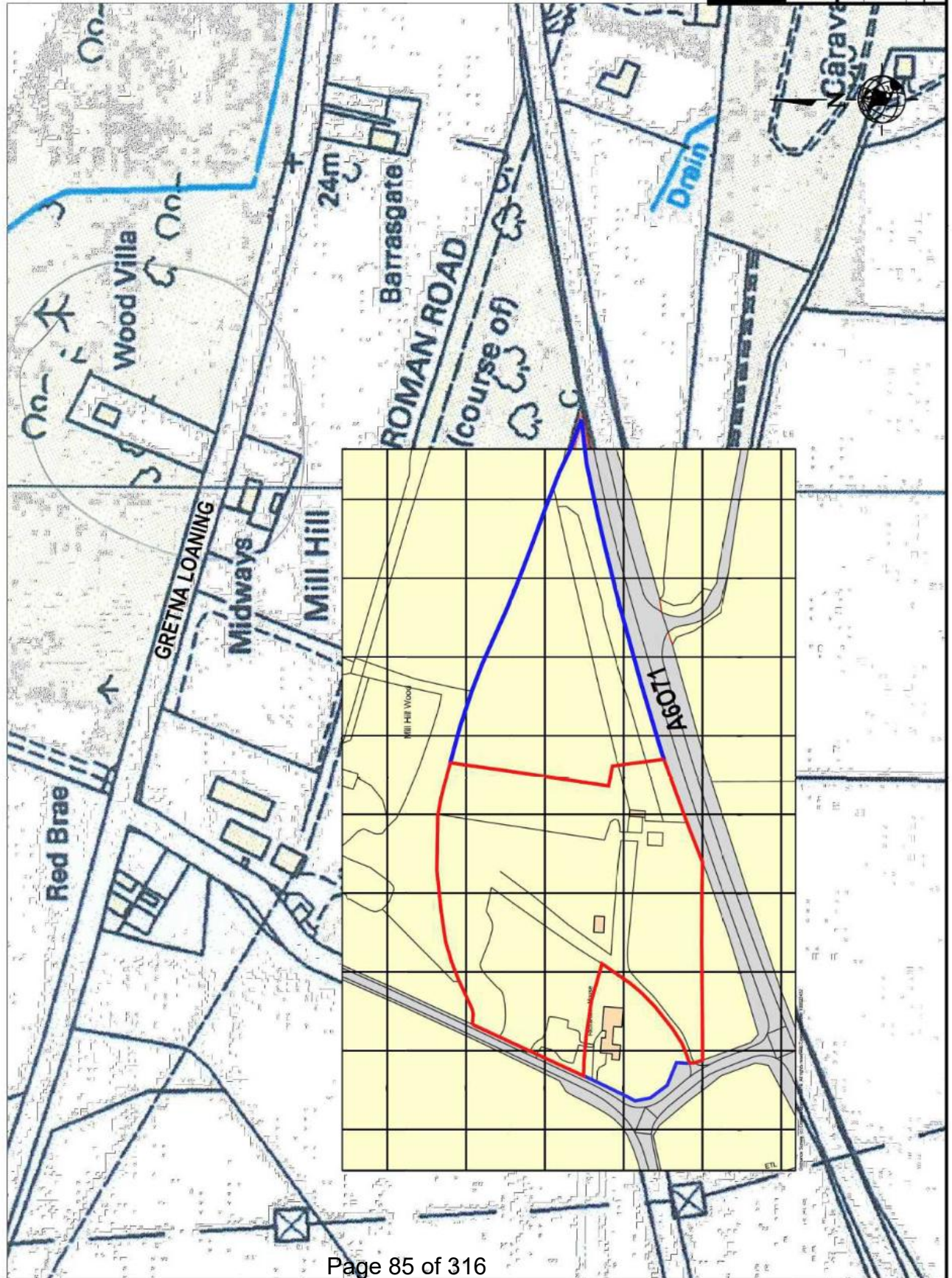
**Reason:** The application does not contain adequate detail relating to the sewage treatment plant, therefore this information is required to ensure that the development will accord with Policy IP 6 of the Carlisle District Local Plan 2015-2030.

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# LOCATION PLAN

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU



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MR LITTLE

LOCATION PLAN:  
GRETNA LOANING, MILL HILL, GRETNA, CARLISLE,  
DG16 5HU

GA3237-LP-01

PLANNING PURPOSES ONLY



# EXISTING SITE PLAN

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU

## KEY



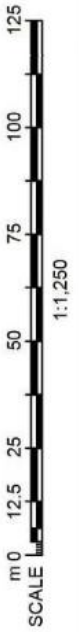
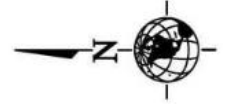
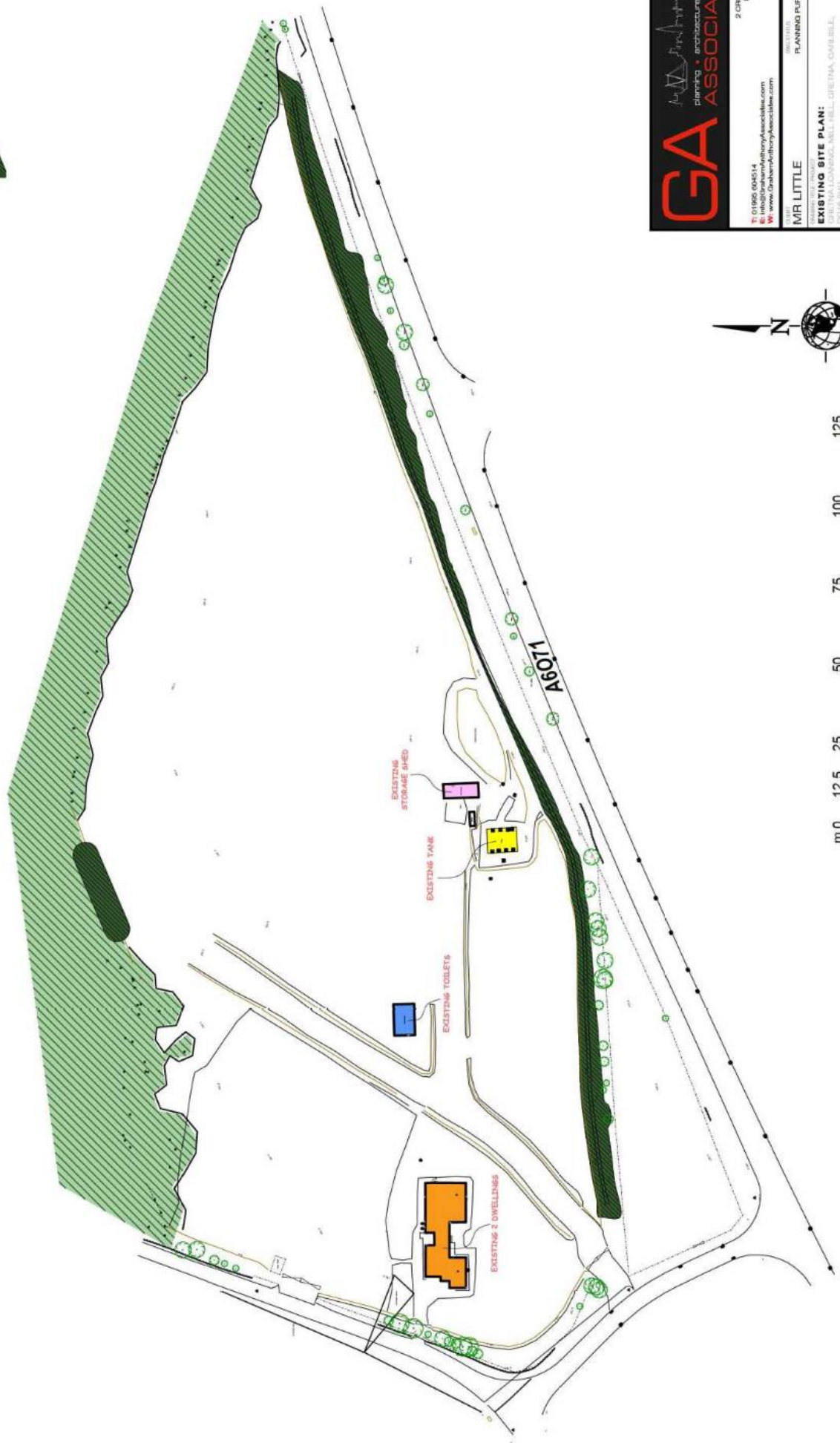
EXISTING TREES



EXISTING PLANTING



EXISTING BUILDING



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EXISTING SITE PLAN:  
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DG16 5HU

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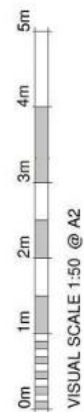
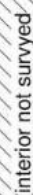




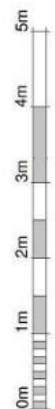
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VISUAL SCALE 1:50 @ A2

## SCHEDULE A: Applications with Recommendation

21/0212

Item No: 02

Date of Committee: 11th June 2021

**Appn Ref No:**  
21/0212

**Applicant:**  
Haddon Construction Ltd

**Parish:**  
Burgh-by-Sands

**Agent:**  
Robinson Drafting &  
Design

**Ward:**  
Dalston & Burgh

**Location:** Land adjacent to Chapelfield Lane, Thurstonfield, Carlisle, CA5 6HP

**Proposal:** Erection Of 9no. Dwellings & Associated Access/Infrastructure (Outline)

**Date of Receipt:**  
11/03/2021

**Statutory Expiry Date**  
14/06/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.4 Highway Issues
- 2.5 Drainage Issues
- 2.6 Impact On Biodiversity

#### 3. Application Details

##### The Site

- 3.1 The application site, which measures 0.79 hectares, is currently an agricultural field. The previous use of the site was general agricultural land for housing/feeding live-stock but the site is currently vacant. The eastern and western site boundaries consist of hedgerows.

- 3.2 Residential properties (The Briars, Thornleigh and Kimberley) adjoin the site to the north and would be separated from it by a strip of land. Chapelfield Lane adjoins the eastern site boundary, with a road also adjoining the site to the west. The land to the south would be retained as a field and this can be accessed from the road that lies to the west of the site.

## **The Proposal**

- 3.3 The proposal is seeking outline planning permission for residential development, with all matters reserved for subsequent approval. The indicative layout plan that has been submitted with the application shows nine detached bungalows. The Design and Access Statement states that this approach has been taken to address the significant lack of single-storey accommodation available in the current housing stock, particularly in semi-rural locations.
- 3.4 Access is shown being taken from Chapelfield Lane, close to the junction with Chapelfield. A buffer, which varies in depth from 13m to 18m, is shown between the proposed dwellings and the existing dwellings that lie to the north and this area lies outside the application site.
- 3.5 The type, size and style of the proposed dwellings would be determined through a subsequent reserved matters/full planning application. The Design and Access Statement states that the size of the dwellings would be commensurate with typical three/ four bedroom properties and would provide a comfortable living environment whilst maintaining sufficient amenable space externally. The surrounding properties consist of a mixture of red facing brick, natural sandstone and cement render finishes, with a mixture of dark timber or white PVC windows and doors. Roof coverings typically consist of a natural slate or concrete tiled finish. It is generally envisaged that the finished palette would be consistent with the finishes of the neighbouring vernacular.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of two site notices and notification letters sent to seven neighbouring properties. In response, two letters of objection and one letter of comment have been received.
- 4.2 The letters of objection raise the following concerns:
- there are a lack of amenities in Thurstonfield - there is only a village hall, a primary school and two religious institutions in Kirkbampton. The site is beyond walking distance to get to any shop, pub or surgery. Villagers are reliant on cars and there is a very limited bus service;
  - trust the intention is to build bungalows and this is not a ploy to obtain outline planning permission;



- am re-assured to an extent by the proposals for bungalows;
- the proposal is incomplete and leaves important details unspecified - e.g. what the bungalow will look like, the road layout, details of parking, build quality etc. Every important decision is deferred to the Reserved Matters stage;
- the development doesn't mimic the layout of existing dwellings on the eastern side of Chapelfield Lane - the layout is arbitrary and unimaginative;
- have some concerns with adding traffic to Chapelfield Lane itself. It is a narrow road and only suitable for two vehicles to pass with care;
- Chapelfield Lane is quite narrow and a single car parked in the lane presents an obstacle to larger vehicles - has thought be given to widening Chapelfield Lane?
- there is no turning circle at the end of the access road which must be essential for any cul-de-sac;
- only last year, this field was advertised for sale as "agricultural land" - unless things have changed, isn't a change of use application necessary and doesn't notice of this have to be given?;
- the Council previously looked at this field and concluded that drainage issues made it unsuitable for use for residential properties. How has this changed?;
- who is responsible for maintaining the landscaped buffer between the existing and proposed dwellings? - there does not seem to be any access;
- what will happen to the southern part of the field? - it seems too small to be of any agricultural value;
- the field is very wet - is the land suitable for building?;
- periodic flooding occurs in the centre of Thurstonfield - any drainage solution must not exacerbate the situation downstream;
- hope due consideration will be given to climate change considerations.

#### 4.3 The letter of comment makes the following point:

- Chapelfield Lane is quite narrow and does not have a pavement for its full length. There are currently 12 dwellings and the Chapel without this resource. The planning application does not appear to provide one for these 9 extra dwellings. As there would then be 21 dwellings plus the chapel we feel a pavement must be an essential addition for the safety of residents and visitors.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to conditions (visibility splays; provision of parking/ turning within the site; Construction Traffic Management Plan; surface water drainage scheme; Construction Surface Water Management Plan; condition and capacity survey of culverted watercourse);

**Burgh-by-Sands Parish Council:** - object to the application.

Policy HO2 (Windfall sites) - states that new residential developments in the rural areas will be focussed in sustainable locations. There is a chapel in Thurstonfield and a very infrequent bus service and no other facilities and the site was not included in Policy HO1. There have already been other houses built or approved in the village and a pending application, amounting to over 22 houses plus this application and another pending (15) in total.

Notes that both the Highways and the LLFA have concerns and that Carlisle City Council Development Management have recommended refusal of this application because of 10 points regarding inadequate details - outlined in their consultation on this application 21/0212 - there have already been flooding problems within the village.

Feels that this site although within the village is an unacceptable intrusion into the countryside and will not enhance the community being in a prominent location;

**Local Environment - Waste Services:** - no objections to the revised layout that shows a turning head - this needs to be 15m long but can be sorted at RM stage;

**Local Environment - Environmental Protection:** - no objections subject to conditions (contamination; installation of 32Amp single phase electrical supply; working hours; Construction Management Plan).

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the NPPF, Policies SP2, SP6, HO2, CC5, IP2, IP3, IP6, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 and the council's Supplementary Planning Document (SPD) Achieving Well Designed Housing.
- 6.3 The proposal raises the following planning issues:
  1. Whether The Proposal Is Acceptable In Principle

- 6.4 The application site is located in Thurstonfield, which given its proximity to Kirkbampton (which contains a range of services) is considered to be a sustainable location for new housing. The proposal to site a small residential development within the village would, therefore, be acceptable in principle.
2. Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 6.5 These matters are reserved for subsequent approval and do not form part of this application. The indicative layout plan that accompanies the application shows nine detached bungalows within the site. A condition has been added to the permission to limit the number of dwellings on the site to nine and to ensure that any dwellings constructed on this site are bungalows or dormer bungalows.
3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 6.6 Three residential properties lie to the north of the site and are separated from it by a buffer that would vary in width from 13m to 17m. The Briars is a two-storey dwelling and this has a side elevation (which doesn't contain windows at first floor level) facing the site. Thornleigh and Kimberley are single-storey dwellings.
- 6.7 The indicative layout submitted with this application shows that Plot 6 would have a side elevation 22m from the side elevation of The Briars. Plots 7 and 8 would lie to the rear of Thornleigh and would be over 30m away. Plot 9 would lie to the rear of Kimberley and would have a rear elevation over 35m from this property. Although indicative only at this stage, the required distances to meet the Council's SPD on "Achieving Well-Designed Housing" can be complied with.
- 6.8 Three dwellings and a chapel on Chapelfield Lane adjoin the site to the east, with one of the dwellings having a front elevation directly facing the site. The side elevations of the proposed bungalows would face Chapelfield Lane and would partly be screened by the existing hedge which is largely to be retained. The existing dwellings would be separated from the site by Chapelfield Lane and this would ensure that the separation distances would be acceptable.
- 6.9 In light of the above, it is clear that dwellings could be accommodated on this site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. This is a reflection of the indicative layout and therefore it would be appropriate to limit the number of dwellings on the site to reflect this.
4. Highway Issues
- 6.10 The access would be reserved for subsequent approval. The proposed development is onto the U1381 which has a 30mph speed limit. The visibility

splays required for the proposed access onto the U1381 are 2.4m x 60m at a height of 1.05m above the carriageway in accordance with the Cumbria Development Design Guide. The applicant should note that within the visibility splay there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicant's ownership.

- 6.11 The access width into the development is to be 4.8m for the first 15m then 4.1m, with 6m kerb radii. Within the suite of documents submitted as part of this outline application, no details relating to the car parking provision have been provided. In accordance with the Cumbria Development Design Guide, 2 car parking spaces would be required for 2, 3 & 4 bedroom dwellings, with 3 spaces being required for 5 bedroom dwellings. A garage may form part of the parking provision only if its minimum internal size is at least 3m by 7m. A turning head would also need to be provided within the site so that refuse vehicles can turn within the site and enter and leave the site in a forwards gear.
- 6.12 The Highways Authority has determined that the information required regarding the visibility splays, car parking provision and bin storage areas can be provided at a later stage of the planning process and secured through the use of planning conditions. Therefore to conclude the Highways Authority has no objections with regards to the approval of planning permission subject to the conditions (visibility splays; provision of parking/turning within the site; Construction Traffic Management Plan).
- 6.13 Objectors have asked if a pavement could be installed on Chalepfield Lane or if the road could be widened. The road is not currently wide enough to provide a pavement. The widening of the road would not be possible as not all of the land is in the applicants ownership, with part being within the garden to Kimberley. The Highways Authority does not consider that the proposed development of nine dwellings would justify Chapelfield Lane being widened or a pavement being provided along this road.

## 5. Drainage Issues

- 6.14 Surface water for the development would discharge into an existing culverted watercourse. As part of the suite of documents submitted it is noted that the applicant has provided details of working through the hierarchy of drainage options as stated within the Cumbria Development Design Guide. As such a series of infiltration tests in accordance with the BRE 365 method to ascertain if soakaways are a valid method of surface water disposal have been undertaken. The Lead Local Flood Authority (LLFA) has reviewed the results of the infiltration tests and has determined that soakaways are not a viable method of surface water disposal for the development site. As such it can be considered discharging surface water into an ordinary watercourse in line with the hierarchy of drainage discharge options.
- 6.15 The discharge rate from the development into the ordinary watercourse is to

be equal to the greenfield runoff rate for the development site. The applicant is to calculate the greenfield runoff rate and agree the discharge rate with the LLFA. Attenuation would also be required on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event.

- 6.16 The applicant at a later stage of the planning process is to submit detailed calculations stating how the drainage network is accommodating this attenuation and also that the discharge rate from the site is controlled through a hydrobrake to the greenfield runoff rate. The attenuation is to be provided through a series of rain gardens, permeable paving, attenuation ponds and swales. It is the preference of the LLFA that drainage features are not piped but surface features which are easily maintainable and provide additional biodiversity benefits. It is also likely that any surface water strategy to meet the requirements of the NPPF and Carlisle's Local Plan will require above ground storage which will have an impact on the landscape proposal. The applicant is also to demonstrate that the drainage proposals incorporate sufficient treatment of the surface water prior to discharge for a residential development in accordance with the SuDS manual.
- 6.17 It is deemed that the information stated above regarding the surface water discharge method and treatment can be submitted at a later stage of the planning process and secured through the use of planning conditions. Therefore, to conclude the LLFA has no objections with regards to the approval of planning permission subject to conditions (surface water drainage scheme; Construction Surface Water Management Plan; condition and capacity survey of culverted watercourse).

## 6. Impact On Biodiversity

- 6.18 The existing field is of low ecological value. The hedgerows around the edge of the field, which provide the most ecological value, would largely be retained. The erection of dwellings on the site, with front and rear gardens and additional planting is likely to enhance the biodiversity value of the site.

## Conclusion

- 6.19 In overall terms, the proposal would be acceptable in principle. The scale and design of the dwellings would be addressed through a Reserved Matters application but conditions have been added to the permission to limit the number of dwellings on the site to nine and to ensure that the proposed dwellings are either bungalows or dormer bungalows. The indicative layout plan illustrates that dwellings could be accommodated on the application site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access and foul and surface water drainage would be dealt with through subsequent applications. The proposal would not have an adverse impact on biodiversity. In all aspects, the proposal is considered to be compliant with the objectives of the relevant adopted Local Plan policies.

## **7. Planning History**

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

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

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- i) the expiration of 3 years from the date of the grant of this permission, or
- ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

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

- 1. the submitted planning application form, received 11th March 2021;
- 2. Location & Block Plan (Dwg No. RDD-431-21-01 Rev A), received 11th March 2021;
- 3. Design & Access Statement, received 11th March 2021;
- 4. Desk Top Study, received 11th March 2021;
- 5. Initial Infiltration Assessment, received 11th March 2021;
- 6. Drainage Investigation Report, received 11th March 2021;
- 7. the Notice of Decision; and
- 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. The development shall then be undertaken in strict accordance with the approved materials.

**Reason:** To ensure the design of the dwellings is appropriate to the area and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. 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.

6. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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.

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

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

NPPG.

9. 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.
10. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should also include mitigation measures where it is deemed the improvements are required.  
**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.
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 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.
13. 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 dwellings.  
**Reason:** To ensure adequate provision of infrastructure and to accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.
14. 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.

15. 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.

16. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 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 SP6 of the Carlisle District Local Plan 2015-2030.

17. Prior to the commencement of development, the applicant shall submit a Construction Management Plan (CMP) for approval in writing by the Local Planning Authority. The development shall then be undertaken in strict accordance with the details contained within the CMP.

**Reason:** In order to protect the residential amenity of the occupiers of neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. Prior to the commencement of development, the applicant shall submit details of hedgerow protection fencing to be installed on the site for approval in writing by the Local Planning Authority. This fencing shall be erected prior to the commencement of development and shall remain in place until the works are completed.

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

19. 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 grow 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 and LD8.

20. 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 and LD8.

21. 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)

**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.

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

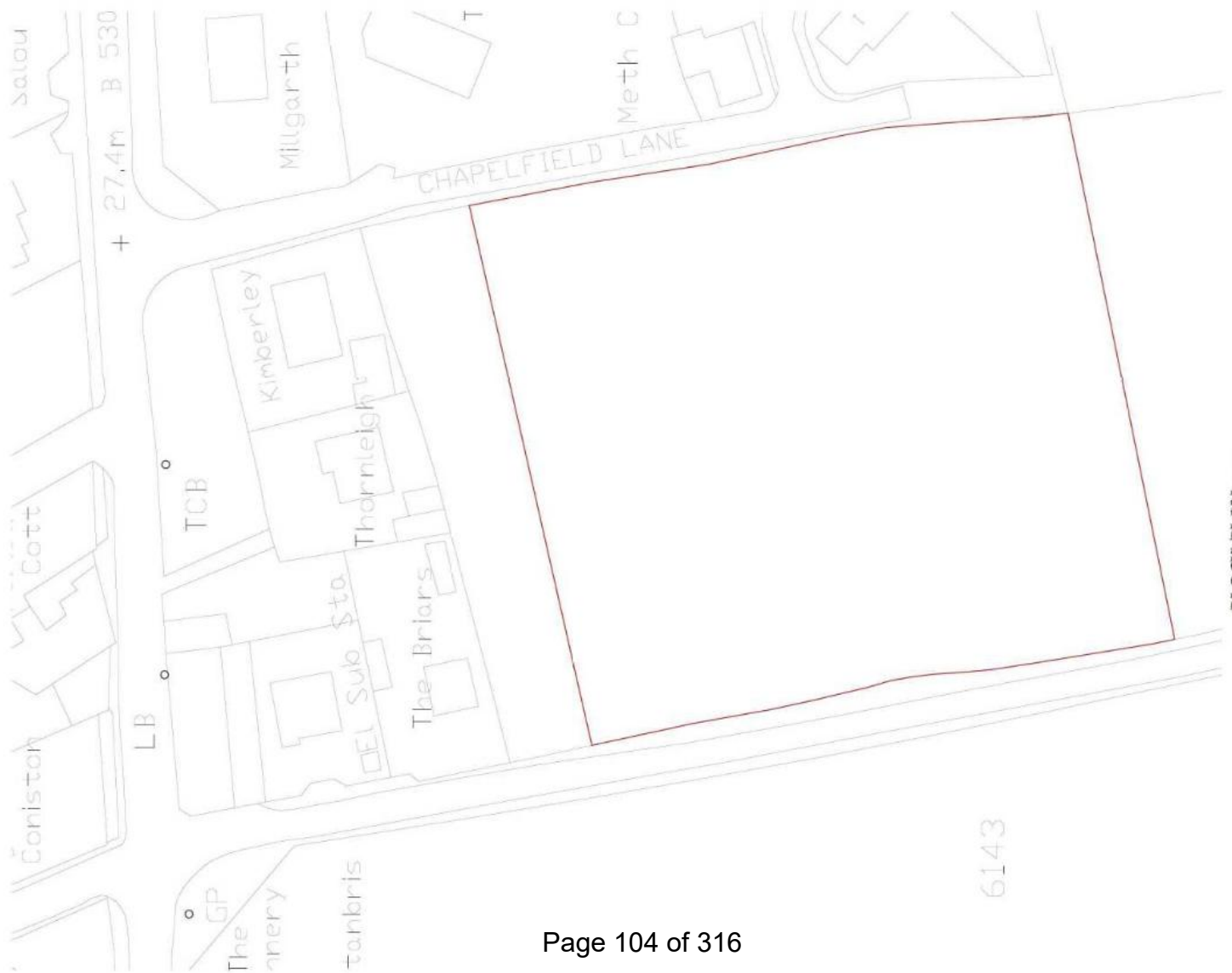
**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

23. A maximum of nine dwellings shall be erected on the site.

**Reason:** To ensure that the proposal fits in with the character of the area, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

24. The dwellings hereby approved shall be single-storey or one-and-a-half-storey, with accommodation on one floor only or on one floor and within the roofspace, and shall be retained as such unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of preserving the privacy and amenity of the neighbouring residents and to ensure that the development respects the scale and character of the built environment in the locality, to accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.



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10 0 10 20 30 40 50  
SCALE BAR (A2 PAPER SIZE)

A - SITE BOUNDARIES UPDATED

08/03/2021

**ROBINSON**  
DRAWING & DESIGN LTD

100, LINDSEY STREET, LONDON, E14 7AB  
TEL: 020 7461 1111  
WWW.ROBINSONDRAWING.CO.UK

LOCATION

L/A CHAPELFIELD LANE, THURSTONEFIELD

DATE	PROJECT
MARCH 2021	HOUSING DEVELOPMENT
S. ROBINSON	FOR THURSTONE
RDD-431-21	RDD-431-21-01
AS NOTED	LOCATION & BLOCK PLANS
A2	A

This Drawing is the property of Tyler Design Services and must not be copied or submitted to a third party without the written consent of the company



**VISIBILITY SPLAY**  
2.4 M X 60 M.  
(Hedge / fence to be maintained at a max. height of 1.05 M (within the visibility splay)).

**INDICATIVE  
SITE LAYOUT  
PLAN**

**Proposed Housing Development of 9 No Bungalows at Land adjacent to  
Chapelfield Lane, Thursonfield, Carlisle, Cumbria CA5 6HP.**

Rev.	Date	Amended		Drawing No	IR / DEV / SITE1	Rev C
		Visibility Splays added				
		Original Issue				
		Description				
C	24 / 05 / 21	Proposed Housing Development of 9 No Bungalows at Land adjacent to Chapelfield Lane, Thursonfield, Carlisle, Cumbria CA5 6HP.				
B	23 / 05 / 21					
A	12 / 04 / 21					
				Scale	1:500 A3	G. Tyler
				Date	12th April 2021	





## SCHEDULE A: Applications with Recommendation

19/0935

Item No: 03

Date of Committee: 11/06/2021

**Appn Ref No:**  
19/0935

**Applicant:**  
Citadel Estates

**Parish:**  
Carlisle

**Agent:**  
Sam Greig Planning

**Ward:**  
Denton Holme & Morton  
South

**Location:** Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ

**Proposal:** Variation Of Condition 2 (Approved Documents) And Removal Of Condition 13 (Emergency Vehicle Access) Of Previously Approved Application 18/0125 (Erection Of 43no. Dwellings) To Amend The Site Layout To Allow Units 12-31 (Inclusive) To Use The Adopted Highway East Of The Site (Retrospective Application)

**Date of Receipt:**  
10/12/2019

**Statutory Expiry Date**  
04/02/2020

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Highway Issues
- 2.3 Crime Prevention, Safety And The Fear Of Crime And Anti-Social Behaviour
- 2.4 Impact On The Amenity Of neighbouring Residents
- 2.5 Other Matters

#### 3. Application Details

##### The Site

- 3.1 This application relates to the former Key Safety Systems (car accessories) factory located at the eastern end of Constable Street within Denton Holme,

Carlisle. The submitted application form indicates that the factory closed in September 2014. The site measures approximately 0.59 hectares and is generally flat varying in level between 17.45 and 17.60m AOD. Vehicular access is from Constable Street with a crossing over the Little Caldew mill race. The western boundary of the application site follows the Little Caldew/ mill race (which flows south to north) with the River Caldew approximately 250m to the south and east. To the immediate south and east there is a playground and residential development in the form of Ashman Close, Shankly Road, and Blunt Street. To the immediate north there is Freer Court. The former Kangol Factory site, partly developed as student accommodation, lies to the north-west.

- 3.2 The majority of the site was previously occupied by a metal clad building with a circular tank on the western boundary. The remainder of the site was largely tarmac or gravel surfaced hardstanding. The building has been demolished since the submission of the previous planning applications.
- 3.3 The site falls within Flood Zone 2 i.e. a medium probability of flooding. The River Caldew is part of the River Eden and Tributaries SSSI and SAC.

## **Background**

- 3.4 Members will note the varied planning history relating to the site. Planning permission has previously been granted with a central access road through the site with the access taken from Constable Street. A second access was permitted onto Leicester Street, albeit for use by cyclists, pedestrians and in the event of an emergency only.
- 3.5 Additionally, a condition was imposed on the planning permissions which reads:

*“Prior to first occupation of any dwelling a suitable emergency access on to Leicester Street shall be designed and constructed to a suitable standard and in this respect further details shall be submitted to the local planning authority for written approval before work commences. No work shall be commenced until a full specification has been approved and the development shall be undertaken in accordance with the approved details. The approved works shall be complete prior to the occupation of the last dwelling.”*

## **The Proposal**

- 3.6 The current application is seeking permission to vary condition 2 of the planning permission (i.e. the approved documents) to allow the retention of the access unencumbered access onto Leicester Street which, if successful, would also necessitate the removal of condition 13. In addition, the proposal seeks permission for the retention of bollards that have been installed on the access road through the site.

## **4. Summary of Representations**



4.1 This application has been advertised by means of two site notices and direct notification to the occupiers of 57 of the neighbouring properties. In response, 16 letters of objection from residents, 1 petition containing 27 signatures and 1 anonymous objection have been received and the main issues raised are summarised as follows:

1. Blunt Street is a quiet street in the residential street with the original scheme approved with no access through Blunt Street. All access, deliveries and contractors were supposed to success the site through Constable Street which was not the case resulting in damage to residents' cars;
2. the street is narrow being roughly 2.5 metres across with zoned parking on both sides;
3. the volume of traffic has increased as has the speed of vehicles;
4. residents from the new dwellings park at the bottom of Blunt Street causing an obstruction;
5. the use of the access poses a danger to residents' children playing in the street and a danger to pupils at nearby Robert Ferguson school through increased traffic;
6. the housing development was only supported on the condition that the temporary access was only during the construction phase would revert back to the original plans with bollards installed. To change this now is very misleading from the developer and increased traffic on a quiet street is not welcome;
7. turning area at the end of blunt street is already difficult large vehicles struggle or cannot use the area so adding further vehicles to it is not going to help. The construction vehicle certainly struggled when using this entrance;
8. when the new access did appear, it was a surprise as it was meant to be solid wall. Apparently, there was another application to alter it to bollards but no one knew about it; residents on Blunt Street were not informed;
9. the previous occupiers of the site could not get an entrance to the factory here because of the school crossing;
10. the entrance onto blunt street is unnecessary and unacceptable. Plans have always said entrance to the new houses on constable St, or there's a perfectly good existing and safe access point. This has been agreed not a problem so why do they think it's OK to upset residents of blood straight by doing this?

4.2 Following the receipt of a Road Safety Audit and further third party consultation, no response has been received.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the following response has been received:

### Local Highways Authority

Following on from the previous Highways Authority response to this

application dated 8 September 2020, a Stage 3 Road Safety Audit has been undertaken for the access onto Blunt Street and Leicester Street from the development site. As stated previously the Highways Authority had no objections with regards to the temporary access approved as part of the application 18/0125 becoming permanent.

The Highways Authority have reviewed the Stage 3 Road Safety Audit and agree with its findings. It is noted that the report does identify two minor safety issues which are stated below:

1. The absence of appropriate traffic signs and road markings for the speed hump at the entrance to Carrick Square.
2. The condition of the road surface on Leicester Street between Blunt Street and Carrick Square.

The applicant has stated that they are willing to provide the Road Hump warning sign and sharks tooth road marking at the speed hump, and to undertake the patching works on Leicester Street at the Carrick Square / Blunt Street junction. In light of this the Highways Authority have no objections with regards to the proposals along with the granting of planning permission.

#### Lead Local Flood Authority (LLFA)

The LLFA has no objection to the proposed variation of condition 2 and removal of condition 13 as it is considered that the proposal does not increase the flood risk on the site or elsewhere.

#### Conclusion

The Highways Authority and LLFA have no objections with regards to the approval of planning permission subject to the resurfacing works on Leicester Street and Carrick Square/ Blunt Street Junction along with the road markings required as part of the Road Safety Audit being undertaken by the applicant;

**Cumbria Constabulary - Community Safety Unit Liaison:** - no comment.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ 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 the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP6, IP2, IP3, CM4 of The Carlisle District Local Plan 2015-2030 are relevant. The proposal raises the following planning issues.

#### **1. Whether The Principle Of Development Is Acceptable**

- 6.3 The principle of development has been established through the planning permission that has been granted for the development and work has commenced on site. The agent has summarised the proposed revisions in a separate email which include:
- 6.4 The issues of the impact on designated heritage assets, impact on neighbouring occupiers, public access, archaeology, contamination, crime and disorder, and biodiversity are unaffected by this application. The remaining issues are discussed in the following paragraphs.

## **2. Highway Issues**

- 6.5 The restrictive use of the access onto Leicester Street was at the request of Cumbria County Council as the Local Highway Authority (LHA). Following the submission of this application, the LHA initially raised objections to the proposal with the following consultation response:

*“The application under consideration is to allow plots 12-31 to be accessed permanently via Leicester Street rather than Constable Street as was agreed within the planning approval 18/0125. Please find attached the adoption records for this area. You will note that red lines annotate un-adopted / private roads*

*As part of the conditions associated with the planning approval 18/0125, conditions 12 and 13 state that there shall be no vehicular access to, or egress from the site, other than via the approved access onto Constable Street and an emergency access onto Leicester Street. This was agreed to avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.*

*The Highways Authority have reservations regarding permanently increasing usage of the network to the east of this site onto Leicester Street. The reasons for this are:*

- 1. Only Blunt Street (to the east) is an adopted highway. We would therefore not encourage usage of these private roads. The Private Street works authority’s view on the increased usage of these roads should be sought.*
- 2. The network to the east (Blunt Street) is constrained by parked cars.*

*In light of the above the Highways Authority recommend that the proposed change of conditions are refused. Not only will the proposed changes increase the risk of highway safety issues to the east of the site, but it would also decrease the current users (to the east of the site) amenity.”*

- 6.6 In addition, Officers employed an independent highway consultant to advise on the highway issues raised by this application. The report concludes:

*“16.1 It has been satisfactorily demonstrated that the proposed vehicular access to the site from Leicester Street will result in increased traffic*

*using an inappropriate route that in turn will result in an unacceptable increase in accident risks for all road users including vehicles, cyclists and pedestrians.*

- 16.2 *This view has been supported by the Local Highway Authority that has stated in their responses to 3 previous planning applications that vehicular access from Leicester Street should not be permitted for the following reason:*

***To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.***

- 16.3 *It is evident that the safe, suitable existing access to the site from Constable Street is available and satisfactorily served the previous commercial use on the site. This existing access arrangement to the site has been approved by the Local Highway Authority for the previous planning applications.*
- 16.4 *To summarise, the previously approved access arrangement to the site has satisfactorily served the site with no access to Leicester Street provided or required. The proposal to provide a vehicular access to Leicester Street would result in increased safety issues for all road users and has previously, and still is, opposed by the Local Highway Authority and local residents.*
- 16.5 *It is concluded therefore that the application should be refused in the interests of highway and pedestrian safety as recommended by the Local Highway Authority."*

- 6.7 Since that time, the applicant engaged a highway consultant who, following meetings with the LHA, submitted a report to them which raises the following points in relation to highway safety:

- the temporary access has been in use for nearly two years and the effects on road safety can be established from the accident records. The temporary access to Blunt Street came into use in 2018, and there have been no personal injury accidents from the opening of the access until 30 April 2020 which is the date of the most recent accident data available;
- the accident record shows that the temporary access has not resulted in an increase in accidents on Blunt Street during its period of operation;
- further evidence as to the effect of a 20-home development being accessed from the end of a terraced street can be gained from Freer Court. This development the same size of the application site, 20 homes, located at the end of Freer Street which is identical to Blunt Street in width, length and onstreet parking arrangements.
- Crashmap has been interrogated for accidents over the last 20 years and shows, below, that between 2000 and the 31 December 2019 there have been no accidents in Freer Street. This clearly shows that Freer Court has had no adverse impact on road safety on Freer Street and given the similarities between the two sites, a similar outcome would reasonably be expected at Blunt Street if the present access, limited to 20 homes, was

- to be made permanent;
  - taking both the road safety record of Blunt Street during the period of operation of the temporary access (0 accidents in 2 years) and the road safety record of Freer Street (0 accidents in 20 years) there is no reasonable expectation that there would be an unacceptable impact on road safety if the application was to be approved;
  - the consultation responses report a damage only accident involving damage to a car's wing mirror, but there is no indication that this damage was caused by residents at the development site and could have equally been caused by a resident of Blunt Street, and if so would have occurred whether or not the access to the site was open. The use of damage only accident in road safety assessments is not recommended because there is no statutory duty to report them;
  - the temporary access serves 29 homes, and if the application is approved the number of homes will be reduced by 30% to 20 homes which will reduce the number of vehicle movements between the site and Blunt Street reducing accident risk compared to the present situation.
- 6.8 Responding to this information, the LHA confirmed that "*...the Highways Authority agree with the conclusion that the proposed access if made permanent would not create an unacceptable impact on road safety.*" and no is raised to vary conditions 2 and 13 of the planning approval.
- 6.9 In response to both these responses, the council's highway consultant queried whether the highway authority would be content that bollards would be adequate to prevent tampering, removal and creation of a 'rat-run'. He also recommended that a Stage 1 Road Safety Audit be provided followed by Sages 2 and 3 as the design and construction progresses.
- 6.10 The LHA agreed with the recommendation for the Road Safety Audit and also requested a swept path analysis. They also clarified that there are no objections to the use of bollards which have worked in other locations throughout the county.
- 6.11 A Stage 3 Road Safety Audit was submitted and the LHA's further consultation response can be found in Section 5 of this report. Members will note that subject to the undertaking of the works recommended in the report, no objection is raised. Therefore, subject to the imposition of a condition requiring these works to be completed, the proposal does not raise any highway issues.

### **3. Crime Prevention, Safety And The Fear Of Crime And Anti-Social Behaviour**

- 6.12 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments "*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*"

- 6.13 In order to comply with Policy CM4 of the local plan, all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime. The policy proceeds to list a range of criteria that should be applied to all development proposals.
- 6.14 It would be a concern if there were to be unrestricted access directly through from Constable Street to Leicester Street and visa versa which would lead to a 'rat-run' being created through the development; however, the proposal includes the installation of bollards within the site. Thereby, half the residents would access the site from Constable Street with the remaining residents accessing the site from Leicester Street. The LHA has confirmed that the use of bollards is an appropriate solution and Cumbria Constabulary has raised no objection. As such, it is not considered that the proposal would result in the potential for an increase in crime and disorder and is therefore compliant with planning policies.

#### **4. Impact On The Amenity Of Neighbouring Residents**

- 6.15 There are properties adjacent to the applicant site and importantly, adjacent to both Constable Street and Blunt Street that would form the vehicular access into the site. Criterion 7 of Policy SP6 requires that development proposals should:

*“ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development;”*

- 6.16 The proposal would lead to an increase number of vehicles using the access from 20 of the properties within the development. The remaining 23 properties would use Constable Street as their means of access. The highway issues raised are discussed in the preceding paragraphs of this report. In terms of amenity, Blunt Street would continue to operate as a highway albeit with the additional vehicles from the development; however, the level of use is considered acceptable and the proposal would not be detrimental to the living conditions of the occupiers of these properties.

#### **5. Other Matters**

- 6.17 This application has been submitted under section 73A of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.
- 6.18 Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

*“Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.*

*A decision notice describing the new permission should be issued, setting out*

*all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation."*

- 6.19 The development has been completed with the properties occupied since August/ September 2020 and there is therefore no requirement to impose a condition requiring the commencement of development. Similarly, the majority of the conditions attached to the previous permission which would ordinarily be imposed as part of the revised scheme, have fallen away. Therefore, it is only necessary to attach the conditions outlined in this report.

## **Conclusion**

- 6.20 In overall terms the development of the site has previously been accepted and the development is established. The principle of the formation and use of a permanent access onto Leicester Street has been supported by the applicant's highway consultant which in turn has assessed by the LHA and the council's independent highway consultant. Following the receipt of additional information and a Stage 3 Road Safety Report, the LHA raises no objection. The works outlined in the Road Safety Audit are the subject of a condition requiring them to be undertaken together with a condition requiring the retention of the bollards.
- 6.21 The use of the access onto Leicester Street would not adversely affect the amenity of the occupiers of neighbouring properties or result in an increase in crime and disorder in the locality due to the restriction of cars to travel through the site from one side to another. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

## **7. Planning History**

- 7.1 In 1973, under application numbers TP 2584 and TP 2711, planning permission was refused for residential development.
- 7.2 Planning permission was granted in 1978, application 78/0136, for the erection of buildings for general industrial purposes.
- 7.3 In 1979, application 79/0728, permission was given to convert wasteland to a car park.
- 7.4 Planning permission was granted in 1980, application 80/0312, permission was given for the provision of a water tank and pump house for fire

protection.

- 7.5 In 2016, planning permission was refused for the erection of 50no. houses and a subsequent appeal to the Planning Inspectorate was dismissed.
- 7.6 With regard to neighbouring land to the site:
- in 1999, under application 99/0120, planning permission was given for the erection of 28 dwellings to form Freer Court;
  - in 2010, under application 10/0415, full permission was given for the erection of 19 dwellings on the south side of Constable Street; and
  - in 2012, application 11/0863, permission was given for student accommodation on land at Norfolk Street.
- 7.7 In 2017, a revised application for planning permission was granted for the erection of 44 dwellings, including formation of riverside path, landscaping and sustainable urban drainage systems.
- 7.8 Planning permission was granted in 2018 for the erection of 44no. dwellings, including formation of riverside path, landscaping and sustainable urban drainage systems (revised application) without compliance of condition 2 imposed by planning permission 17/0232 to reduce the number of units from 44 to 43 and revise the layout including alterations to elevations.
- 7.9 Later in 2018, planning permission as granted for erection of 43no. dwellings, including formation of riverside path, landscaping and sustainable urban drainage systems (revised application) without compliance with condition 2 imposed by planning permission 18/0125 to provide temporary vehicular access onto Leicester Street.

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

1. The approved documents for this Planning Permission comprise:
1. the Planning Application Form received 10th December 2019;
  2. the Planning Application Form received 15th February 2018 approved as part of application 18/0125;
  3. the Site Location Plan received 7th February 2018 (Drawing no. 01/2014/00A Rev A) approved as part of application 18/0125;
  4. the Site Plan received 10th December 2019 (Drawing no. 01/2017/05G rev G)
  5. the Typical Ground Floor Plan received 23rd February 2018 (Drawing no. 01/2017/05F Rev F) approved as part of application 18/0125;
  6. the Proposed Front Street Elevation received 23rd February 2018 (Drawing no. 09/2017/10B Rev B) approved as part of application 18/0125;
  7. the Proposed Rear (Garden) Elevation received 7th February 2018 (Drawing no. 09/2017/06C Rev C) approved as part of application 18/0125;
  8. the Gable Elevations received 7th February 2018 (Drawing no.



- 01/2017/07B Rev B) approved as part of application 18/0125;
9. the Flood Risk Assessment received 7th March 2018 approved as part of application 18/0125;
  10. the Flood Risk Assessment Addendum received 8th March 2018 approved as part of application 18/0125;
  11. the Stage 3 Road Safety Audit received 19th April 2021;
  12. the Notice of Decision;
  13. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

2. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- 1. Finished floor levels are set no lower than 18.15m above Ordnance Datum (AOD).*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** In order to provide resilience in case flooding did occur in accordance with Policy CC4 of the Carlisle District Local Plan 2015-2030.

3. 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 establish an acceptable level of access to connectivity resources in accordance with Policy IP4 of the Carlisle District Local Plan 2015-2030.

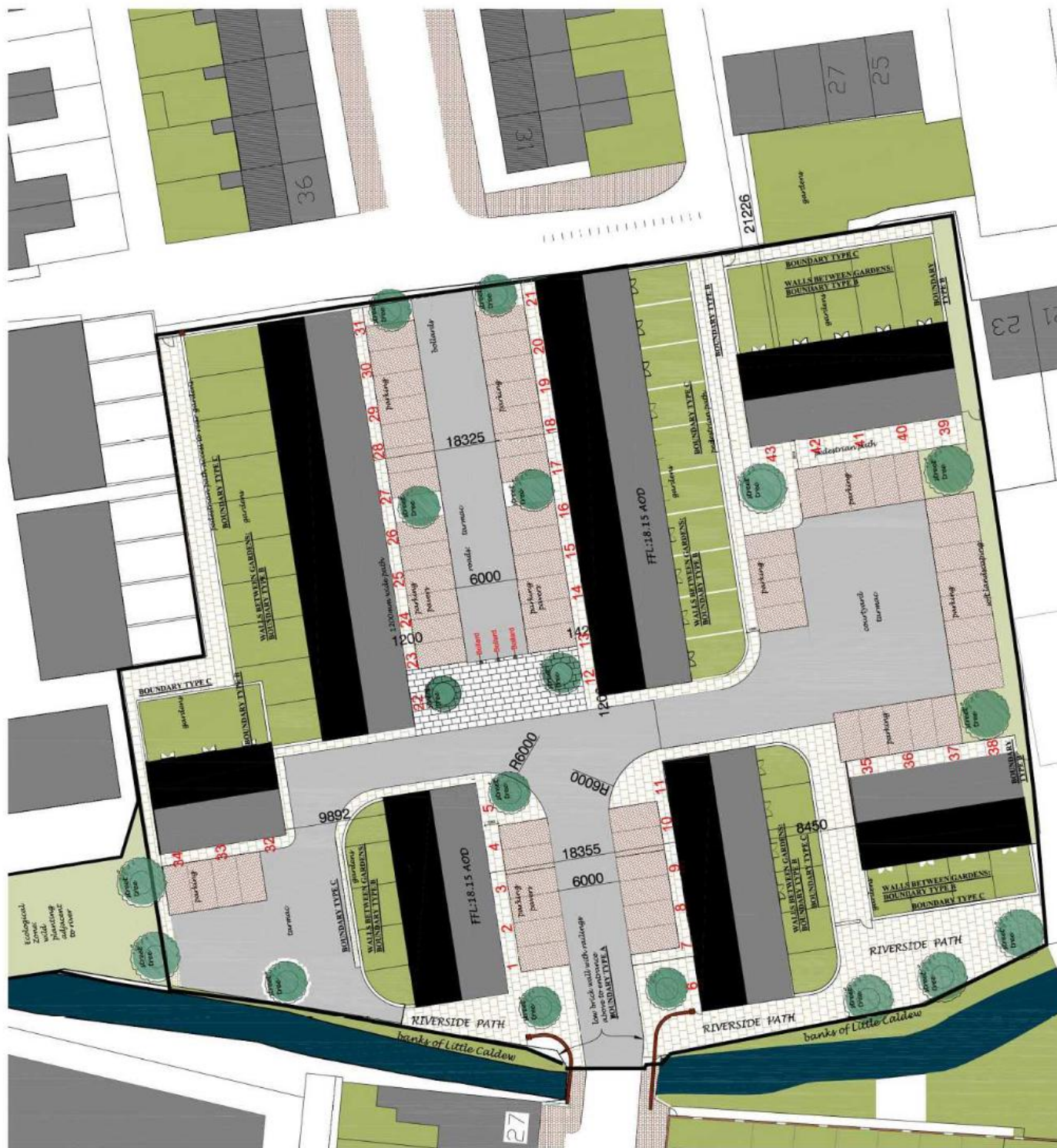
4. The bollards shown on the Proposed Site Access And Visibility Splays (Drawing no. SK004) shall be retained and shall not be removed or altered unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure prevent access through the development to ensure an adequate means of access and to prevent potential crime and anti-social issues in accordance with Policies SP6, HO2 and CM4 of the Carlisle District Local Plan 2015-2030.

5. The works required by the Stage 3 Road Safety Audit comprising the resurfacing works on Leicester Street and Carrick Square/ Blunt Street Junction along with the road markings shall be undertaken and completed within 3 months from the date of this permission.

**Reason:** To ensure adequate means of access and highway infrastructure in accordance with Policies SP2 and HO2 of the Carlisle District Local Plan 2015-2030.

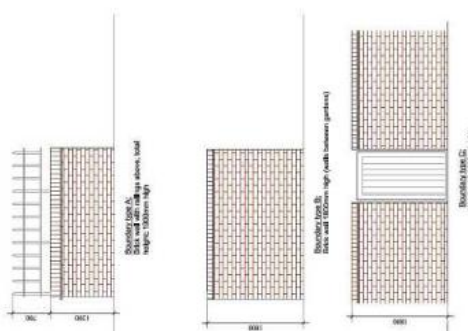
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**SITE LAYOUT PLAN 1:200**

SITE PLAN		
43 NEW TERRACED HOUSES, FORMER KISS FACTORY		
SITE, DENTON HOME BY CITADEL ESTATES LTD		
22-02-18	DWG. 01/2017/05G	1:200
PAPER:	A1	REV.G
amended layout		

EXTERNAL HARD LANDSCAPING	
Materials:	<ul style="list-style-type: none"> <li>Gravel: Quarried, rock bound blue-grey, not flint.</li> <li>Grass: Turf, 100mm deep, 100mm wide.</li> <li>Traditional facing bricks, spec: Horrocks Queens.</li> <li>Blind red-brown tiles &amp; natural buff sandstone.</li> <li>Horrocks Queens 'Blind' red-brown bricks with.</li> <li>Suffolkstone blue cap bricks.</li> <li>White speck composite upvc door (colour: dark grey).</li> <li>Black upvc, cope profile.</li> </ul>
Walls to dwellings:	<ul style="list-style-type: none"> <li>Painting black patina, 'triveter', colour: grey.</li> <li>Paints to front of houses: black patina, 'triveter' colour: grey.</li> <li>Paints and paving areas at the rear of houses (where buff colour is shown):</li> <li>Paints &amp; patina: Horrocks Queens 6000 buff concrete paving flags.</li> <li>with charcoal oil-painting borders.</li> <li>Hard gardens: gravel.</li> </ul>



## BOUNDARY TREATMENTS

GATES TO REAR PEDESTRIAN AREAS:  
Boundary treatment C above.

## ACCESS & FACILITIES FOR THE FIRE SERVICE

Maximum distances to all new properties within the site meet current regulations:

1. Maximum length access roads within the site are 20m.
2. Minimum width of roads between kerbs is 3.70m.
3. All new properties are within a 45m radius from access roads within the site.



DO NOT SCALE. CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY DISCREPANCIES OR ERRORS.



Key

- Proposed Kerbline
- MFS Visibility Splay
- Available Visibility Splay



REV	DESCRIPTION	BY	CHK	APP	DATE
1	CITADEL ESTATES LTD				

**wyg**  
2 St. James Gate  
Newcastle Upon Tyne  
NE1 4JD  
TEL: +44 (0)191 255 7300  
FAX: +44 (0)191 255 7301  
e-mail: newcastle@wyg.com

Project:  
FORMER KSS SITE, CARLISLE

Drawing Title:  
PROPOSED SITE ACCESS AND VISIBILITY SPLAYS

Scale	Drawn	Date	Checked	Date	Approved	Date
A3	CGJ	13.07.20	MB	13.07.20	MB	13.07.20
91	18	5K004				
A054387						

Tetra Tech

Residential Development, Former KSS Factory, Carlisle  
Junction of Blunt Street, Leicester Street and Carrick Square  
Completed Highway Works

Stage 3 Road Safety Audit





REPORT CONTROL			
Document	Stage 3 Road Safety Audit		
Project	Residential Development, Former KSS Factory, Carlisle Junction of Blunt Street, Leicester Street and Carrick Square Completed Highway Works		
Client	Tetra Tech		
Report Number	NS21/623/RSA3		
Primary Author	Kevin Nicholson		
Reviewer	Nancy Sloan		
Revision History			
Issue	Date	Status	Checked for Issue
1	13/04/21	Issued to Client	



## Contents

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4. AUDIT TEAM STATEMENT .....	6
5. DRAWINGS AND DOCUMENTS PROVIDED.....	7
6. LOCATION PLAN OF ITEMS RAISED BY THIS AUDIT .....	8





## 1. INTRODUCTION

- 1.1. This report results from a Stage 3 Road Safety Audit carried out on the completed highway works along the eastern boundary of the redevelopment of the former KSS Factory in Carlisle. The works subject to audit comprise the vehicular and pedestrian access into Carrick Square at the junction of Blunt Street with Leicester Street. Both entry and exit for vehicles from this section of Carrick Square are via this access, the Square being closed to vehicular traffic at its western end by a series of bollards.
- 1.2. Originally, the access was to be used for construction purposes only and was to be closed to vehicular traffic following completion of the building and highway works. Access would then have been from the western end only (via Constable Street and Richardson Street). However, the eastern access has been retained, and the purpose of this audit is to assess its previous and ongoing operation in road safety terms.
- 1.3. The streets in the area are subject to a speed limit of 30 mph and are lit, with a disc zone in operation (with resident's permit exemption). There are footways on both sides of Blunt Street and on the western side of Leicester Street. Carrick Square has a shared space central carriageway with parking bays adjacent to the properties on both sides. Although the access for Carrick Square is bounded by high walls, visibility for motorists on exit is adequate due to the presence of build-outs on both sides on Leicester Street, which also form the ends of informal parking bays. As with many other junctions in the area, there are no marked priorities for road users at the junction of Blunt Street, Leicester Street and Carrick Square.
- 1.4. An investigation of the Crashmap Database shows that there have been no recorded collisions in the vicinity of the works in the 5 years to March 2020.
- 1.5. The Road Safety Audit was requested by Eleanor Bunn of Tetra Tech and was carried out during March and April 2021. The Audit Team visited the site together (in compliance with current Covid-19 guidelines) during the hours of both daylight and darkness on Thursday 25 March, during which the weather was overcast and cold, and the road surfaces were dry. There was some vehicular activity, and a number of pedestrians and cyclists were observed. Also in attendance at the daytime site visit were Sarah Steel, representing Cumbria County Council (the Overseeing Organisation) and Norman Black, representing Cumbria Police.
- 1.6. The Audit Team membership was as follows: -
  - Kevin Nicholson      Nicholson Sloan Consultancy Limited (Audit Team Leader);
  - Nancy Sloan          Nicholson Sloan Consultancy Limited (Audit Team Member).





- 
- 1.7. The terms of reference for this audit are as described in GG 119 in the Design Manual for Roads and Bridges. The Team has reported only on the road safety implications of the proposals and has not examined or verified the compliance of the design to any other criteria. However, and without being prescriptive, the Audit Team might refer to a design standard or technical guidance where this would help to clarify a safety problem or recommendation. In addition, there may be alternative methods of addressing a problem that would be equally acceptable in achieving the elimination or mitigation of a problem, and these should be considered in the light of the recommendations in this report.
- 1.8. The detail provided for the audit is shown in Section 5. All comments and recommendations are referenced to the design drawings and related documents and the locations of the items raised by the audit are shown on the plan in Section 6.
- 1.9. Where relevant within this report traffic signs will be described either by their reference numbers on the drawings or by their diagram number within the Traffic Signs Regulations and General Directions 2016 (TSRGD).
- 1.10. Within this report the generic term “pedestrians” can include walking pedestrians, wheelchair users, mobility scooter users, dismounted cyclists, the blind, partially sighted and mobility impaired. Reference may be made to specific groups where appropriate.



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## 2. ITEMS RAISED BY PREVIOUS ROAD SAFETY AUDITS

- 2.1 The Audit Team are unaware of any previous Road Safety Audits carried out on the works.

### 3. ITEMS RAISED BY THIS STAGE 3 ROAD SAFETY AUDIT

#### 3.1. PROBLEM

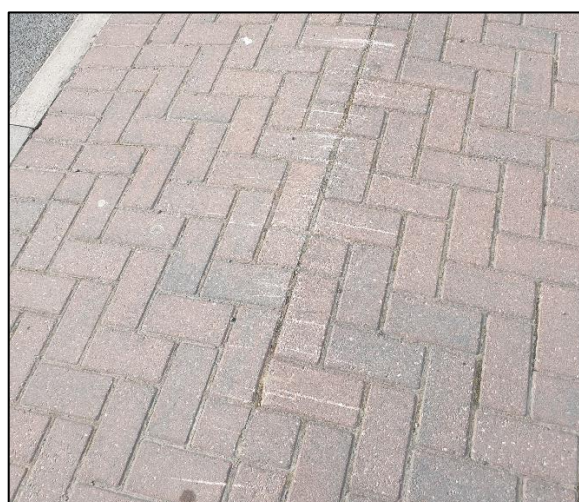
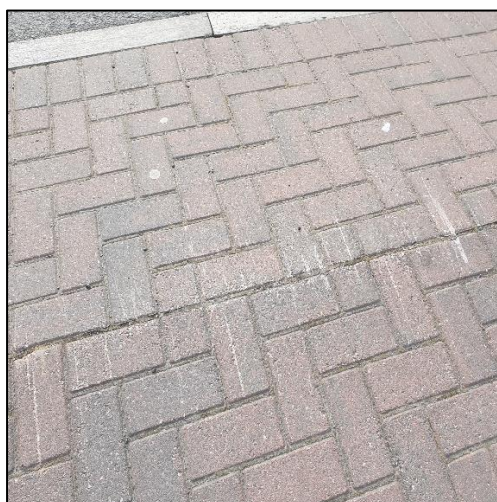
Location: The speed hump at the entrance to Carrick Square.

Summary: The absence of road markings could increase the risk of loss of control collisions.

There is evidence of vehicles grounding on the speed hump, but there are no shark's tooth markings on the ramps or warning signs present. In their absence, drivers and riders could fail to identify the hump, strike it at speed or brake suddenly and lose control.

#### RECOMMENDATION

It is recommended that road markings to Diagram 1062 are installed on the speed hump, and a sign to Diagram 557.1 provided, together with an appropriate supplementary plate.



*Scratch marks on the speed hump*

#### 3.2. PROBLEM

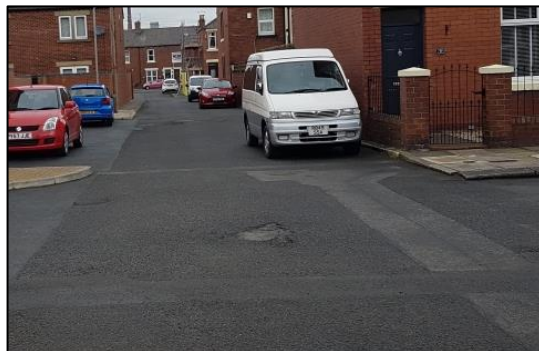
Location: The junction of Blunt Street with Leicester Street.

Summary: The condition of the carriageway could increase the risk of collisions.

While perhaps a routine maintenance issue, the carriageway is patchy, broken out and worn in places. Motorists and two-wheelers could strike the damaged areas, with the risk of loss of control and of collisions. There is one area that has been plucked out that could further deteriorate, retain water and freeze, with the attendant risk of skidding collisions.

#### RECOMMENDATION

It is recommended that the damaged areas are repaired.



*Broken out carriageway*



## 4. AUDIT TEAM STATEMENT

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

### ROAD SAFETY AUDIT TEAM LEADER

Kevin Nicholson BSc, CMaths, MCIHT, FSoRSA,  
HE Certificate of Competency  
Director, Nicholson Sloan Consultancy Limited  
Cherry Tree Cottage  
Hayton, Brampton, Cumbria, CA8 9HT

Signed:

Date: 13/04/21

### ROAD SAFETY AUDIT TEAM MEMBER

Nancy Sloan MCIHT, MSoRSA  
Nicholson Sloan Consultancy Limited  
Cherry Tree Cottage  
Hayton, Brampton, Cumbria, CA8 9HT

Signed:

Date: 13/04/21



## 5. DRAWINGS AND DOCUMENTS PROVIDED

As this is a Stage 3 Road Safety Audit, no drawings or documents required assessment. However, the drawing below was used for information and for the Location Plan in Section 6.

DRAWING OR DOCUMENT NUMBER	PROJECT AND TITLE	DATE
A054387-SK004 REVISION -	FORMER KSS SITE, CARLISLE PROPOSED BOLLARDS AND EXISTING VISIBILITY SPLAYS	13.07.20

## 6. LOCATION PLAN OF ITEMS RAISED BY THIS AUDIT







## SCHEDULE A: Applications with Recommendation

21/0286

Item No: 04

Date of Committee: 11th June 2021

**Appn Ref No:**  
21/0286

**Applicant:**  
Mr Derek Johnston

**Parish:**  
Wetheral

**Agent:**  
Croft View Construction

**Ward:**  
Wetheral & Corby

**Location:** Fairfield Cottage, Wetheral Pasture, Carlisle, CA4 8HR

**Proposal:** Erection Of Garage With Office Above (Revised Application)

**Date of Receipt:**  
31/03/2021

**Statutory Expiry Date**  
01/06/2021

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Scale And Design Is Acceptable  
2.2 Impact Of The Proposal Upon The Living Conditions Of Neighbouring Residents  
2.3 Impact Of The Proposal On Highway Safety

#### 3. Application Details

##### The Site

- 3.1 This application relates to a residential property, Fairfield Cottage, located at Wetheral Pasture, Carlisle. A 1m high stone wall with a hedge to the rear lies to the front of the property. A single-storey detached garage/store is located in the northwest corner of the site, abutting Steele's Bank which is a B class road (B6263). The existing garage/ store is adjoined by a large area which is laid to stone and which is used for parking.

##### Background

- 3.2 Under application 19/0513, planning permission was refused for the erection of a detached outbuilding, comprising of a double garage on the ground floor and an office in the roof area, and the re-siting of the access. The application was refused predominantly due to the scale of the proposed roadside outbuilding; it was considered that the proposed roadside outbuilding would not be a subservient addition and it would not complement the existing dwelling or the visual amenity of the area.
- 3.3 In November 2020, an applicant for the erection of a garage, relocation of the existing vehicular access from highway and associated external works to improve parking and turning within the front forecourt was approved (20/0540).

## **The Proposal**

- 3.4 The proposed garage/ store would measure 10.8m in length, with the width varying from 4.7m to 6.3m. The building would measure 3.7m to the eaves and 5.7m to the ridge. The north (roadside) elevation would contain a pair of timber doors that would provide access to a store. The west elevation would contain a timber door that would provide access to the store, two garage doors and a window at ground floor level. An additional window would be provided at first floor level above the garage doors and this would serve the first floor office space. The rear elevation would contain a further door which would provide access to a staircase with a window at first floor level to serve the office.
- 3.5 The north elevation and the front section of the west elevation would be constructed of random coursed natural stone, with the remainder of the building being finished in smooth render. The roof would be natural slate, with rainwater goods being black aluminium. Windows would be upvc double glazed units with natural stone lintels and sills. The garage doors would be aluminium roller doors, with all other doors being timber.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of notification letters sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

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

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - this application does not need to be submitted to the Highway Authority or Lead Local Flood Authority - the highway and drainage implications would therefore have to be decided by the Local Planning Authority;

**Wetheral Parish Council:** - no observations;

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

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

### **Assessment**

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 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 HO8 and SP6 of the Carlisle District Local Plan 2015-2030.

The proposal raises the following planning issues:

1. Whether The Scale And Design Would Be Acceptable
- 6.3 Section 12 of the NPPF relates to the creation of well-designed places. Paragraph 127 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In addition, decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and that the development will be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.4 Meanwhile, paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 6.5 This coincides with the objectives of the adopted CDLP Policies SP6 and HO8. Policy SP6 (criterion 1) requires proposals to respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns and by making use of appropriate materials and detailing. Criterion 3 of this policy states that proposals should respect local character and distinctiveness. Criterion 5 seeks to ensure that all components of the proposal are well integrated with their surroundings.
- 6.6 Policy HO8 of the CDLP seeks to ensure that house extensions and alterations are designed to relate to and complement the existing building in scale, design, form and materials (criterion 1) and maintain the established character and pattern of the street scene and be a positive addition (criterion 5). The design of an extension should respond to the characteristics of the specific site, as well as the distinctiveness of the wider setting. As such, whether or not the scale of an extension will be considered acceptable will

depend on the size of the plot, the size of the original dwelling and the impact on neighbours and the street scene.

- 6.7 The proposed building would be partially finished in stone and partially finished in render to match the finishes of the main dwelling and the existing roadside outbuilding. The proposed structure would have a natural slate roof which matches the main dwelling. In light of this, the proposed materials are considered to be acceptable.
- 6.8 The garage that was approved on this site in November 2020 had a ridge height of 4.6m which is similar to the existing outbuilding that lies to the front of the property. The proposal is seeking to add a first floor office and the ridge height of the building would be increased by 1.1m to 5.7m to accommodate this. Whilst this is lower than the ridge height of the previously refused garage (which was 6.2m), it is significantly higher than the existing outbuilding and the previously approved garage.
- 6.9 The proposed structure would measure 10.8m in length, with the width varying from 4.7m to 6.3m, and would have an eaves height of 3.7m and a ridge height of 5.7m. Whilst in direct comparison with the scale of the host dwelling, the proposed structure could be seen as subservient in size, the dwelling is set back approximately 10.5m from the front boundary of the plot, whereas the proposed structure would directly abut the roadside. Whilst it is acknowledged that there is already an existing roadside outbuilding within the application site, this has a much smaller footprint than the proposed building and has a maximum height of 4.7m. The proposed building, with a ridge height of 5.7m would be viewed as a large and imposing structure on the street scene.
- 6.10 This part of Wetheral Pasture is generally characterised by front gardens, with any garages or outbuildings set back from the public highway, and the front boundaries to dwellings along this part of Wetheral Pasture are predominantly defined by trees and shrubs, low walls and hedges. Apart from Fairfield Cottage's existing roadside outbuilding, none of the other dwellings in the vicinity have garages abutting the roadside.
- 6.11 Furthermore, given that all other properties along this street are set back from the highway, and that there is already an existing roadside outbuilding abutting the highway, the cumulative effect of an additional roadside structure would reduce the openness of the area, causing an enclosing and overbearing impact upon the street scene.
- 6.12 In light of the above, it is considered that the proposal, due to its scale, is unacceptable in its current form and would fail to complement the existing dwelling. Due to its scale, it would not be a subservient addition, and the proposed structure would therefore, by virtue of its size and massing, be an incongruous and unduly obtrusive feature in the street scene and harmful to the visual amenity of the area. Consequently, it is recommended that this application should be refused, as it fails to comply with Policies SP6 (criteria 1) and HO8 (criteria 1, 2 and 5) of the Carlisle District Local Plan 2015-2030, and paragraphs 127 and 130 of the NPPF.

## 2. Impact Of The Proposal Upon The Living Conditions Of Neighbouring Residents

- 6.13 The proposed structure would be located to the front of Fairfield Cottage, abutting Steele's Bank. Although it would be visible to neighbouring occupiers, there would be adequate distance between this proposed structure and the neighbouring properties to prevent any adverse impact on residential amenity.

## 3. Impact Of The Proposal On Highway Safety

- 6.14 The proposed access would be moved from the eastern end of the plot to the centre. The proposed visibility from the new access would be acceptable.

## Conclusion

- 6.15 In overall terms, it is considered that the proposal would fail to complement the existing dwelling. Due to its scale and massing, it would not be a subservient addition, and the proposed structure would therefore be an incongruous and unduly obtrusive feature in the street scene and harmful to the visual amenity of the area. The proposal would, therefore, be contrary to Policies SP6 (criteria 1) and HO8 (criteria 1, 2 and 5) of the Carlisle District Local Plan 2015-2030, and paragraphs 127 and 130 of the NPPF.

## 7. Planning History

- 7.1 In October 2019, an application for the erection of a detached double garage with office above together with re-siting of access was refused (19/0513).
- 7.2 In November 2020, planning permission was granted for the erection of garage; resiting of existing vehicular access from highway and associated external works to improve parking and turning within front forecourt (revised application).

## 8. Recommendation: Refuse Permission

1. **Reason:** Due to its scale and massing, the proposed roadside outbuilding would not be a subservient addition, nor would it complement the existing dwelling. The proposed roadside garage would reduce the openness of the area and have an enclosing impact upon Steele's Bank, which the front boundaries to dwellings along this part of Wetheral Pasture are predominantly defined by trees and shrubs, low walls and hedges. The proposed roadside garage would be an incongruous and unduly obtrusive feature in the street scene and harmful to the visual amenity of the area. The proposal would not have any benefits that would outweigh the harm

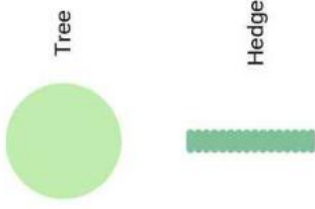
caused upon the character of the dwelling and the street scene. The proposal would, therefore, contrary to Policies SP6 (criteria 1) and HO8 (criteria 1, 2 and 5) of the Carlisle District Local Plan 2015-2030, and paragraphs 127 and 130 of the NPPF.



BLOCK PLAN 1:500



LOCATION PLAN 1:1250



**Croft View  
Construction**  
Unit 13C  
Allenbrook Road  
Rosehill Business Park  
Carlisle  
Cumbria, CA1 2JT.

**Project Title**

Proposed: Garage / Office,  
Fairfield, Wetheral Pasture,  
Wetheral, Carlisle.

**Drawing Title**

**AS PROPOSED**  
Planning drawing  
Block & Location Plan

**Issue:**

Planning Stage

File: Fairfield Location Plan

Dwg No: 03417 / 02

Scale: A3: 1:500 / 1:250

Date: 18/03/2021

THIS DRAWING MAY NOT BE USED WITHOUT PLANNING PERMISSION & FULL BUILDING CONTROL APPROVAL.  
DRAWINGS ARE NOT TO BE SCALE FROM ALL CRITICAL DIMENSIONS TO BE CONFIRMED ON SITE.

All drawings to be approved and build supervised  
by an Architect or Building Surveyor

TEL UK: 01228 511100

info@croftviewconstruction.com





## SCHEDULE A: Applications with Recommendation

19/0871

Item No: 05

Date of Committee: 11/06/2021

**Appn Ref No:**  
19/0871

**Applicant:**  
Magnus Homes Ltd

**Parish:**  
Wetheral

**Agent:**  
Hyde Harrington

**Ward:**  
Wetheral & Corby

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

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

**Date of Receipt:**  
13/11/2019 16:00:52

**Statutory Expiry Date**  
12/02/2020 16:00:52

**26 Week Determination**

---

### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

- 1.1 It is recommended that authority to issue an approval be given to the Corporate Director of Economic Development subject the completion of an appropriate Section 106 Agreement regarding:
- limiting defined units to self-build and custom build dwellings;
  - drainage strategy; and
  - maintenance and management of on-site open space and reference to off-site contributions where necessary.

Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development.

#### 2. Main Issues

- 2.1 Whether the principle of the introduction of housing development is acceptable, taking into consideration the number of plots proposed, the identified split between market and self-build/custom-build housing, the arrangement of said housing within the site, the relationship of the site with

the existing village in terms of its scale, form and landscape effects, and the appropriateness of the structural landscaping proposed to create a new outer edge to this part of the village;

- 2.2 Impacts on residential amenity;
- 2.3 Whether the proposals are acceptable in terms of road/pedestrian safety impacts;
- 2.4 Whether the layout design is appropriate in terms of designing out opportunities for criminal activity;
- 2.5 Whether the proposals are acceptable in terms of flood risk impacts;
- 2.6 Whether an acceptable drainage strategy would be provided to manage surface and foul water;
- 2.7 Potential to unlock further development land behind the site;
- 2.8 Impacts on trees and hedgerows
- 2.9 Whether the proposals to provide a new amenity woodland, open space and subterranean attenuation apparatus are acceptable;
- 2.10 Impacts on biodiversity
- 2.11 Energy efficiency;
- 2.12 The significance of other issues raised in representations;
- 2.13 Requirement for Section 106 Legal Agreement;
- 2.14 Any other technical matters

### **3. Application Details**

#### **The Site:**

- 3.1 The site occupies the most part of field OS 8300, which is adjacent to Broomfallen Road at the western end of Cumwhinton village. Broomfallen Road abuts the site's entire western boundary, which consists of two long sections of hedgerow either side of a field gate access. The hedgerow is complete but is relatively insubstantial and has been replanted at some point. It does not contain any individual trees. The section north of the existing field access is more substantial than the section to the south of the access.
- 3.2 The overall site area is 2.25 hectares.
- 3.3 The entire site is presently a grassed field used for agriculture. It is situated within the 'Low Farmland' landscape character type as described within the

Cumbria Landscape Character Guidance and Toolkit document from 2011. It 'crests' near the centre, falling gently to the south and north and a little steeper in the north-east corner, where it slopes downhill in a north-easterly direction.

- 3.4 The northern boundary connects to the western boundary by the road and is formed by a field hedge containing a number of mature trees, several of which are in the central section of the hedge and 2-3 clumped in each corner. This hedge is likely to be older than the road frontage hedge and is less likely to have been recently replanted. Several of the trees within it are mature, individual, deciduous specimens.
- 3.5 The southern boundary is relatively recent and is demarcated by vegetation and fences installed to separate the Holme Meadow development from the remainder of the field. This boundary treatment is a result of landscaping provided in response to conditions of planning permissions for the Holme Meadow estate (00/1006, 99/0864 and 98/0440), although it is likely to have been augmented by householder planting. To the south of this boundary are the rear garden areas to 1, 2, 3, 4 and 5 Holme Meadow. Trees planted as part of the landscaping are beginning to mature and, alongside other vegetative and hard landscaping installations, provide a fairly deep separation between the site and Holme Meadow dwellings
- 3.6 The eastern boundary is more complex, and has changed in the current proposal amended in November 2020. The northernmost section connects to the north-east end of the hedge forming the northern site boundary, and then runs south-east but steps around a small square section of field before making a junction with the hedgerow that then returns first south-west, and then south-east for approximately 150m until it meets the curtilage boundary of 6 Holme Meadow.
- 3.7 It then runs around the extended garden area serving 6 Holme Meadow, before meeting up with the southern site boundary between the site and 1-5 Holme Meadow. The extended garden area boundary to 6 Holme Meadow consists of a close-boarded timber fence (approximately 1.8m height) supplemented by trees and shrubs behind (on the garden side).
- 3.8 The eastern boundary includes more mature hedgerow trees in corners and along the straight stretches.
- 3.9 At the southern corner a small strip of land is included within the site which would facilitate installation of a connecting footpath/pavement, meeting with the path that then goes into Holme Meadow (ultimately leading into the village core).
- 3.10 Beyond the site to the east and north are more agricultural fields, presently pasture. Beyond the fields further to the east and south is the village core.
- 3.11 On the opposite side of Broomfallen Road in relation to the northernmost part of the site is open farmland (currently arable) for a length of around 150m; south of that is an area of mature woodland fronting the road for a length of

around 145m now covered by a Tree Preservation Order.

- 3.12 The area proposed for the main site access is opposite the point where the northern corner of the curtilage to a detached dwelling called The Brambles meets the mature woodland mentioned in the previous paragraph.
- 3.13 The small strip intended for the connecting path is opposite Laburnum Cottage, and Rose Cottage a little further to the south.
- 3.14 It may be noted that the site area has been increased in the November 2020 amendment, and that more ground has been included in the vicinity of the northern/north-east corner. It is not clear why the site has been enlarged in this area because no development is proposed there, but it is acceptable under current governmental guidance to allow an increase in site area during the consideration period for an application of this nature, as long as it does not change the principles under consideration or influence the recommendation.

**Site Constraints:**

- 3.15 A gas pipeline is situated in the verge alongside the road, along the entire western boundary of the site. This has been referred to in the consultation reply of Northern Gas Networks.
- 3.16 There is a surface water sewer passing through the eastern area of the site which has been indicated as being within an easement strip affecting several potential house plots. This comes into the site from the extended rear garden to No. 6 Holme Meadow, runs north-west for approximately 80m and turns north-east, where it is shown to run for approximately 100m before it meets an outlet point in a neighbouring field. Just before it reaches this outlet point, the surface water sewer is shown to cross the path of an existing foul sewer, part of which is just within the application site in its north-east corner.

**The Proposal:**

- 3.17 The proposed development is applied for in outline. It is 'Major Development' because the site area exceeds 0.5 hectares. The submissions indicate a potential layout including locations for 14 plots, an access road, woodland areas, attenuation area, structural landscaping (tree planting) and open spaces.
- 3.18 The potential plot layout has been developed to respond to the site's topography, taking into consideration the rise and fall of land and the crest towards the centre, which peaks between the centre and Broomfallen Road.
- 3.19 The layout would include a single service road which enters the site close to where a current field gate is situated, the road running first east then north to work with the contours of the land i.e. road position set to avoid highest area and to loosely follow a lower contour.
- 3.20 In the southern section of the site and infilling an area between the extended rear garden to 6 Holme Meadow and the public road opposite The Brambles and Laburnum Cottage, a series of 6 plots has been proposed. The first 5 of

these (Plots 1-5) are intended to provide self/custom-build plots whereas the 6<sup>th</sup> (Plot 6) is proposed as a plot for market housing.

- 3.21 In the eastern area of the site intended for housing plots, 4 further market housing plots (Plots 7, 8, 9 and 10) are proposed.
- 3.22 Plots 1-10 inclusive would be on the right hand side of the service road when driving into the site from Broomfallen Road.
- 3.23 A further four plots (Plots 11-14 inclusive) are proposed to the west of the service road; these are proposed as self/custom-build plots.
- 3.24 A substantial tract of land forming the northern area of the overall site (a long rectangle), plus a significant area of land between plots 11-14 and Broomfallen Road (a smaller rectangle with an additional 'tail' on its south-eastern corner) are identified as amenity space including woodland areas and pathways.
- 3.25 The amenity/woodland areas would occupy around half of the overall site, and would therefore be in the region of 1.2 hectares in area.
- 3.26 The northern amenity area is intended to include an underground attenuation tank to form part of the surface water drainage for the site. It would be grassed over so that the surface can be utilised as part of the amenity area.
- 3.27 In March 2020, when the scheme was previously under scrutiny, all matters (i.e. scale, appearance, layout) apart from the access road and structural landscaping were reserved for future consideration, according to all submitted documentation. However, it was evident that there was the potential for the illustrative layout to become adopted as a sort of 'plot map' if this particular application achieves a planning permission.
- 3.28 The proposal now under consideration, as submitted in November 2020, has notably changed in terms of its intention to deliver more infrastructure, and the only matter now reserved for future consideration is 'appearance'. Layout, scale, landscaping and access are all now to be considered at this outline stage.
- 3.29 If planning permission is granted, this will still set out a plot map likely to be adopted because the layout is now required to be considered.
- 3.30 It is intended to develop around half the overall site with houses, the remainder either becoming amenity/woodland space, access road or simply to remain as open field.
- 3.31 Each plot as depicted would have an area of around 0.05-0.07 hectares; plots 7, 8, 9 and 10 include a 10m easement strip for surface water sewer.
- 3.32 Two new sections of hedge separating the northern edge of the housing area from the woodland, and a new section in between plots 11-14 and the adjacent amenity area/woodland are also depicted in the indicative drawings.

Because landscaping has not been reserved for future consideration, it would be anticipated that this would be provided as part of the serviced layout.

**Applicant's Supporting Information:**

*Relating to November 2020 Revised Proposal*

3.33 A supporting letter submitted by the stated agent gives coverage to the following matters:

1. Amended scheme responds to concerns raised following advertisement of the previous proposals, and has resulted from extensive discussions;
2. The nature of the amended scheme and the intended provision of both market and self/custom-build plots;
3. The developer's intentions in terms of providing serviced plots and infrastructure;
4. Reasoning and developer objectives relating to the current layout including structural landscaping;
5. National and local planning policy context, including indication that there is no policy within the current Carlisle District Local Plan ensuring the delivery of self-build plots nor any land allocated for development that accords with the statutory definition
6. Why the principle is considered to be acceptable in terms of Local Plan policy;
7. The duty of local authorities through national housing policy to providing self and custom building homes within their districts and the local context, with 25 applicants being on the current register;
8. How the scheme responds to potential visual amenity and landscape impacts via the introduction of new structural woodland planting;
9. Why the scale of development is considered to be appropriate and proportionate to the existing settlement of Cumwhinton;
10. How the development would relate to existing development in terms of impacts on others' private amenity;
11. Highway safety, biodiversity and drainage matters are briefly mentioned.

3.34 The summary to this supporting letter reads as follows:

"The proposal, for which there is a recognised need for self/custom build dwellings in the District, is acceptable in principle with any impact on the character of the area mitigated by the layout, design, and proposed landscaping. The proposed landscaping also providing a definite limit on development. The proposal is acceptable scale; will deliver traffic calming measures at the approach to the village from Broomfallen Road; and not lead to flood risk. In addition, the proposal will enhance biodiversity.

In overall terms, any harm associated with the proposal is outweighed by the benefits when assessed against the policies of the Framework when taken as a whole. On this basis, and irrespective of any issues arising concerning the absence of a policy ensuring the delivery of self-build plots, the proposal represents sustainable development in accordance with the Framework."

- 3.35 Drawing ref. 19-C-15617/03 Rev D is a 'proposed layout' drawing showing technical information. Specifically within this drawing there are notes relating to the provision of the new section of roadside pavement connecting the site with Holme Meadow and the village. It identifies where manholes and sewers are present as existing; existing and proposed landscaping including hedgerows and trees is shown; intentions for planting to relate to habitat creation/biodiversity; and dual purpose intentions for the attenuation/amenity space area within the proposed woodland.
- 3.36 Within the drawing, existing and proposed 30mph speed limit sign positions are identified.
- 3.37 The drawing is annotated clearly to identify that 5 of the housing plots would be limited to single storey dwellings - no. 10 (market housing plot) and nos. 11-14 inclusive (self/custom-build plots).
- 3.38 Drawing ref. 19-C-15617/04 Rev D is a technical drawing identifying potential visibility for the main service road access for a distance of 60m either side of the centre of the access road. Revision D is stated in the drawing, identifying that the location of the proposed access has changed in this iteration.
- 3.39 Drawing ref. 19-C-15617/05 Rev D is an updated Planting Specification (as opposed to a drawing) relating to all new planting in the context of the revised scheme. It provides information relating to proposed species and specification including maintenance for the new woodland, new hedgerows and standard individual trees. A note on the drawing identifies removal of a section of hedgerow on the roadside frontage.
- 3.40 Drawing ref. 2064-04 is a new drawing identifying the intended layout including landscaping. It should be read in conjunction with 19-C-15617/03 Rev D mentioned earlier.
- 3.41 Updated Drainage Strategy Statement dated November 2020 by A L Daines & Partners discussing both surface and foul water management.
- 3.42 Updated Flood Risk Assessment by A L Daines & Partners (November 2020) considering potential flood risks to the site, and surface water management implications associated with the development of the site. The report registers no matters which are overriding or serious in relation to flood risk.
- 3.43 The Planning (Including Design and Access) Statement by Hyde Harrington

dated November 2019 gives coverage to the following matters:

1. Definitions of self and custom build
2. Advantages of this development approach
3. Obligations of local authorities in relation to provision of self and custom build homes
4. Site description including information about Cumwhinton village
5. The nature of the proposal including new associated works
6. How the development might be delivered (e.g. by individual purchasers)
7. The potential role of a Management Company for future maintenance
8. What role the developer would play in terms of assisting delivery i.e. infrastructure
9. The relationship of the proposals with adopted planning policy at national and local levels including Supplementary Planning Documents and Planning Policy Guidance
10. Appeal decisions relating to similar applications
11. Likely material considerations in a planning context, from the applicants' perspective

3.44 The applicant has advised within the Design & Access Statement of a potential definition of self-build and custom build housing according to The Self-build and Custom Housing Act 2015 (as amended). The Act is said not to distinguish between self-build and custom house building and provides that both are where: "an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals".

3.45 Letter composed by Hyde Harrington dated 11.2.20 intended to respond to matters raised within the letter of objection submitted by Friends of the Lake District (Council for Protection of Rural England).

3.46 A copy of Draft Heads of Terms for a Section 106 Agreement, intended to provide coverage for:

1. On-site open space
2. Limitation of development to defined 'self-build' and 'custom-build' status
3. Drainage Strategy Statement

3.47 Letter dated 4.12.19 by A L Daines & Partners explaining current surface water dispersal and the relationship of the proposed attenuation with future surface water management.

3.48 Drawing ref. 19-C-15617/06 identifies 9 trial pit locations within the main site area where the housing is proposed. These are in a grid formation, more or less a square, and have been done to identify the nature of the soil strata



present at and close to the surface. The results claim that the amount of topsoil across the main field ranges in depth from 200mm in the north-west corner to 300 and 400mm across the remainder of the site. The four northernmost trial pits (TP1-4) indicate a layer of sandy soil underneath the topsoil with thicknesses ranging from 200mm to 1000mm. The southernmost pit (TP9) shows a layer of sandy soil beneath the topsoil with a thickness of 300-500mm. The remainder (T5-T8) central to the field indicate no layer of sandy soil with subsoil present directly beneath the topsoil. The drawing incidentally shows the location of an existing 225mm diameter surface water drain located on the far side of the field when viewed from Broomfallen Road, with a second leg returning north-eastwards where it connects to a minor watercourse ('issue').

- 3.49 Letter dated 6.11.19 by A L Daines & Partners accompanies Drawing 19-C-15617/06, confirming in writing the findings and conclusions of the Trial Pit investigations.

Relating only to previous scheme:

- 3.50 Superseded drawing ref. 19-C-15617/03 Rev C was a 'proposed layout' drawing showing technical information (see notes on Drawing 07/Rev B). Specifically within this drawing there are notes relating to the provision of the new section of roadside pavement connecting the site with Holme Meadow and the village. It identifies where manholes and sewers are present as existing; existing and proposed landscaping including hedgerows and trees is shown; intentions for planting to relate to habitat creation/biodiversity; and dual purpose intentions for the attenuation/amenity space area within the proposed woodland.
- 3.51 Superseded drawing ref. 19-C-15617/04 Rev C was a technical drawing identifying potential visibility for the main service road access for a distance of 60m either side of the centre of the access road.
- 3.52 Superseded drawing ref. 19-C-15617/07 Rev. B was a technical drawing identifying potential visibility along with 19-C-15617 Rev. C. It is intended to clarify how visibility is to be achieved for the individual plots as well as the main service road access. The drawing also contains information relating to:
1. Potential relocation of retained sections of roadside hedgerow further back into the site in relation to visibility
  2. Location of 30mph speed limit signs: as existing and as proposed
  3. Dual purpose intentions for the attenuation/amenity space area within the proposed woodland
- 3.53 Superseded drawing ref. 19-C-15617/05 Rev C was a Planting Specification (as opposed to a drawing) relating to all new planting. It provides information relating to proposed species and specification including maintenance for the

new woodland, new hedgerows and standard individual trees. A note on the drawing identifies removal of a section of hedgerow on the roadside frontage.

- 3.54 Superseded Flood Risk Assessment by A L Daines & Partners (January 2020) considering potential flood risks to the site, and surface water management implications associated with the development of the site. The report registers no matters which are overriding or serious in relation to flood risk.
- 3.55 Superseded Drainage Strategy Statement dated November 2019 by A L Daines & Partners discussing both surface and foul water management.
- 3.56 Letter of explanation dated 18.12.19 by Hyde Harrington giving commentary to the additional information: submitted to support the application and to augment the applicants' position in relation to the application.

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

- 4.1 The application was initially advertised by way of a site notice, press notice and neighbour letters sent to 26 addresses. 24 letters of representation were received during the original consultation process, which included new neighbour letters (twice) and two new site notices being posted further to receipt of additional information in December 2019 and January 2020. Of these, 23 were submitted in objection and 1 was submitted in support. The 23 letters of objection represent 14 households (7 households objected more than once).
- 4.2 Some of the responses were supplementary and were submitted in response to notification of the additional information.
- 4.3 A summary of the matters raised in objections in respect of the previous scheme under consideration at the beginning of 2020, that are relevant to the proposals is as follows:
  - (i) development breaks into open countryside, beyond edge of village identifiable by substantial landscape planting implemented on northern boundary to Holme Meadow (in context of conditions of planning permission for Holme Meadow); proposed woodland would not effectively screen development due to topography;
  - (ii) no buffer zones provided in relation to existing vegetation to support applicants' claim that retention of said items helps limit landscape impacts;
  - (iii) development not in keeping with village in terms of scale, form, function and character of existing village due to size and density of development; disproportionate addition to village (size);
  - (iv) too many houses being built in Cumwhinton village; village has already seen high level of new housing introduced; potential overdevelopment of village; village changing to suburb of Carlisle rather than rural village; allocated sites already being built out; St Cuthbert's Garden

- (v) Village intended to alleviate pressure for housing in rural villages; no overriding reasons to support self/custom build housing of this nature and in this location as an exception to normal housing policy;
- (vi) development likely to give rise to increase in flood risk (reduction in land available to absorb flood water); village already experiencing flood problems; site susceptible to waterlogging at present and thereby not suitable for development; site has drainage difficulties despite previous attempts by landowner to alleviate; flooding issues occurring elsewhere in village in relation to other developments; this development has potential to add to flood risk potential in village;
- (vii) no evidence to clarify whether existing surface water infrastructure could accommodate additional volume generated by development; should new system be provided?; uncertainty relating to operation and maintenance of drainage installations including attenuation proposals;
- (viii) additional traffic generated by development giving rise to increased road safety concerns due to increased local road usage; roads in locality already at maximum capacity;
- (ix) conflict between vehicles using Broomfallen Road (including those of existing residents) and development site (danger to road users);
- (x) uncertainty relating to phasing of development and potential impact on road safety during construction; requirement for construction traffic compound within site for duration of development;
- (xi) loss of/damage to verge where new footpath is proposed, including to roots of vegetation in separate ownership to site;
- (xii) potential adverse impact on protected species (barn owls); absence of impact assessment in relation to protected species;
- (xiii) adverse visual impacts arising from additional infrastructure;
- (xiv) no capacity at local school for additional students and no potential for extension;
- (xv) local services inadequate to serve additional development e.g. school, dentist, doctor, shop; additional pressure on oversubscribed school;

4.4 A summary of the matters raised in support in respect of the previous scheme under consideration at the beginning of 2020, that are relevant to the proposals is as follows:

- (i) proposed development more in keeping with village than alternative very large dwellings;
- (ii) more local students for school would in long term reduce number of students travelling in from outside village;
- (iii) space within development promotes less on-street parking;
- (iv) development provides adequate opportunities for attenuation of surface water;
- (v) development well away from area of village which floods (near village hall);
- (vi) development would help sustain local services/businesses e.g. pub, shop.

4.5 In response to new neighbour letters and a site notice being sent/displayed in November 2020, letters of objection from two households were received. The households were previous objectors to the scheme under consideration at the

beginning of 2020. No further letters of support have been received in response to the November 2020 advertisement/notifications.

4.6 The following new issues were raised in the two letters of objection received in relation to the current scheme:

- (i) existing landscape edge provided when Holme Meadow was built is supposed to define the edge of the village in this locale;
- (ii) amended application includes market dwellings which erodes any argument for exception as self-build;
- (iii) allowing village edge to be relocated and recreated with new woodland could be deployed elsewhere in village - potential precedent set;
- (iv) development more appropriate to St Cuthbert's Garden Village, which in part is intended to alleviate pressure for additional development in villages.

## 5. Summary of Consultation Responses

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

#### Previous advice at the beginning of 2020:

No objection but offers extensive advice relating to highway safety, drainage and contributions required (Section 106). Conditions recommended in relation to:

- detailed design of road layout including drainage and lighting
- provision of ramps at junctions;
- provision and maintenance of visibility splays;
- surfacing of access drive;
- limitation of fences in relation to highway visibility;
- provision and lighting of footways;
- provision of area of parking and turning for visiting vehicles;
- submission/approval of a construction phase plan.

#### Current advice (Nov/Dec 2020):

No objection - advice is essentially the same in terms of most of the conditions recommended, but has proposed two further conditions relating to surface water management; and has significantly changed in terms of contributions required. This now relates only to the following:

- Provision of a £5500 contribution to enable relocation of the 30mph speed limit signs

Previous requirements listed in relation to the provision of financial contributions towards education provision and transportation of children to and from school have been omitted in the light of the revisions.

**United Utilities:-** No formal responses received to date. Case Officer (UU) has contacted planning service to advise that a response will be submitted as

soon as possible.

**Northern Gas Networks:** - No objection; advice offered (no change in November/December 2020).

**Wetheral Parish Council:** - Objects on the grounds of (i) overdevelopment, especially in light of planned Garden Village; (ii) intrusion into open countryside; (iii) uncertainty in relation to drainage and flooding in the village; site and surrounding land waterlogged and unsuitable for building (no change in November/December 2020).

**Local Environment, Waste Services:** - No objections subject to layout at reserved matters stage (previous response early in 2020). In updated response (November 2020) advises no objection provided turning head remains at proposed current length.

**Local Environment - Environmental Protection:** - No objection; provides advice relating to noise, vibration, dust, ground contamination, air quality/emissions (transport context) which would promote related conditions/advisory notes if planning permission is granted (no change in November/December 2020).

**Cumbria County Council - (Archaeological Services):** - No comments (No change in December 2020).

**Cumbria Constabulary - North Area Community Safety Unit:** - No objection; advice offered in relation to potential reduction of crime through design (position maintained in December 2020).

**Planning - Access Officer:** - No objections (No change in November 2020).

**Health & Wellbeing (Green Spaces):** -

*Previous advice at the beginning of 2020:*

No objection; provides advice relating to open space provision, accessibility and financial contributions required in relation to off-site play and sports pitch provision.

*Current advice (Nov/Dec 2020):*

No further consultation response received.

**Friends of the Lake District:** - Objects on the grounds of landscape and settlement character and overdevelopment (original scheme). No further response in relation to amended scheme.

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

**Assessment:**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 36 of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the NPPF, specifically Paragraphs 11, 61, 64, 68, 78, and Policies SP1, SP2, SP6, SP8, SP9, HO2, IP2, IP3, IP4, IP5, IP6, IP8, CC3, CC4, CC5, CM4, CM5, GI1, GI4, GI6 of the Carlisle District Local Plan 2015-2030.
- 6.3 National Planning Policy Guidance (PPG) is also of relevance, specifically:
- Self-build and custom housebuilding (2017)
  - Rural housing (2016)
  - Water supply, wastewater and water quality (2019)
  - Planning obligations (2019)
- 6.4 Carlisle City Council Supplementary Planning Guidance is also of relevance, specifically:
- Achieving Well-Designed Housing
  - Affordable and Specialist Housing
  - Energy Efficiency
  - Trees and Development
  - Designing Out Crime

**Whether the principle of the introduction of housing development is acceptable, taking into consideration the relationship of the site with the existing village in terms of its location, scale, form and landscape effects, the number of plots proposed, the identified split between market and self-build/custom-build housing, the arrangement of said housing within the site, and the appropriateness of the structural landscaping proposed to create a new outer edge to this part of the village.**

- 6.5 In terms of the principle of the use of the site for housing development, notwithstanding its specific context as a part open market, and part self/custom-build site, the local plan policy of greatest relevance is HO2 'Windfall Housing Development'. This policy is linked to Paragraph 68 of the NPPF, which requires local authorities to support the development of windfall sites through their decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. It is also linked to Paragraph 78 of the NPPF, which requires that housing should be located where it will enhance or maintain the vitality of rural communities, and that opportunities for villages to grow and thrive should be identified through planning policies.

This development would meet the objectives of Policy HO2 if:

1. The scale and design of the proposed development is appropriate to

- the scale, form, function and character of the existing settlement;
- 2. The scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement;
- 3. The site is well contained within existing landscape features, is physically connected, and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside;
- 4. There are either services in the village or in nearby villages; and
- 5. The proposal is compatible with adjacent land users

6.6 Criteria 7 of Policy SP2 'Strategic Growth and Distribution' is also of relevance; it states:

"Within the District's rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive."

6.7 Policy SP6 'Securing Good Design' is also of some significance; it states:

"Development proposals will be assessed against the following design principles. Proposals should:

- 1. respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns and by making use of appropriate materials and detailing;
- 2. take into consideration any important landscape or topographical features and respect local landscape character;
- 3. reinforce local architectural features to promote and respect local character and distinctiveness;
- 4. take into consideration the historic environment including both designated and undesignated heritage assets and their settings;
- 5. ensure all components of the proposal, such as buildings, car parking, and new connections, open space and landscaping are accessible and inclusive to everyone, safe and well related to one another to ensure a scheme which is attractive and well integrated with its surroundings;
- 6. seek to ensure that streets are designed, where appropriate, to encourage low vehicle speeds which allow streets to function as social spaces;
- 7. ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development;
- 8. aim to ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats through avoidance, including alternative design. If the loss of environmental features cannot be avoided, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 9. include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 10. ensure that the necessary services and infrastructure can be

- incorporated without causing unacceptable harm to retained features, or cause visual cluttering;
- 11. ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection; and
- 12. when agreed by the Highway Authority, the reinstatement of existing traditional materials will also be sought, following repairs to roads, pavements, kerbs and underground services.

All proposals should be designed to maximise opportunities to employ sustainable design and construction techniques."

- 6.8 Paragraph 61 of the NPPF requires planning policies to take into account the requirement for self and custom build sites. It requires local authorities to give enough suitable development opportunities to meet the demand identified in a relevant register of persons seeking to acquire plots for this purpose. Further guidance has been issued by the current Government in February 2021 update of Planning Practice Guidance, which states (Paragraph 025 Reference ID: 57-025-20210508):

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

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

- 6.9 The development has the potential to comply with Policy HO2 and Policy SP2 (and thereby NPPF Paragraph 68) because of its siting in the context of the village which is recognised as a sustainable settlement and in relation to adjacent uses. However, there are a number of other considerations in relation to this policy, namely the containment of the site within existing landscape features as it occupies a prominent location containing a low crest central to the site and at its northern extent is adjacent to further open fields beyond the hedgerows and is visible on the approach from the north along Broomfallen Road.

- 6.10 The visibility of the site and its containment by hedgerows has been considered in the proposal which seek to strengthen the village edge using



woodland planting to complement the woodland opposite (recently the subject of a new Tree Preservation Order) and enhancing biodiversity. This would take many years to fully establish/provide a significant landscape feature and raises concerns on the establishment of village limits and whether this would create precedents elsewhere. Members may be aware that the Environment Bill is now continuing its progress through Parliament and whilst it has not yet been given Assent to become an Act there are indications that net gain for biodiversity and tree planting are considered to be positive elements to tackle climate change. Being able to provide structural landscaping to link to existing woodland areas can be a way of tackling these issues and also perform a dual role of setting a limit to village development.

- 6.11 In considering recent applications in Cumwhinton some members raised concerns about the scale of development which have also been echoed by the Parish Council in relation to this application. When this application was originally proposed, it sought permission for 24 units of housing however through negotiation this has been reduced to 14 units with enhanced landscaping to increase the benefits from the development and reduce the pressure increased housing brings. Give Cumwhinton's proximity to Carlisle there have been a number of developments, some brought forward through Local Plan allocations and others as a result of the windfall policies. The two Local Plan allocations (How Park and adj Beech Cottage) are currently being completed and there has been a gradual redevelopment at Thornedge in the centre of the village which recognise the demand for housing in this village. There is however no limit on the number or scale of windfall sites and each must be treated on its merits.
- 6.12 A further 5 dwelling units, being self and custom-build plots, will be delivered if the Section 106 Legal Agreement is concluded on land adjacent to St John's Hall (planning application ref. 19/0898).
- 6.13 The Local Plan strategy is directing development towards St Cuthbert's Garden Village and this work continues. In parallel, work will commence on a review of the Local Plan for the remainder of the district and how development will be directed to different areas however until such work progresses, the Local Plan remains the Development Plan for the area and proposals must be considered in accordance with those policies. This includes Policy HO2 and SP2 on the distribution of housing.
- 6.14 The development of Holme Meadow adjacent to this site defined a village edge at the time of development and this current proposal challenges that earlier definition of extending and redefining a boundary however it does so on the basis of providing a strong woodland edge linking to existing woodland which is a feature of the local setting.
- 6.15 Although it is not appropriate to impose any kind of informal moratorium on development within a specific settlement simply because it has been the subject of a high level of cumulative previous development, it is reasonable to question whether a settlement has, by virtue of its accommodation of previous development, reached saturation point or capacity in terms of how much future development can add to the vitality or sustainability of the settlement.

Shops will always benefit from additional customers and would welcome more trade by their commercial nature but its future depends on those running the business and often village shops find the pressure of competition from outside the area and changes to shopping habits limits the viability of small village shops. Other services may provide some indication. For example, the school is currently at capacity but recognition of this was taken into account when a neighbouring development set aside land to provide additional space and housing allocations have made financial contributions towards extending the school. Pupils at the school come to Cumwhinton (because it is known to be a very good school) from other villages and from the city of Carlisle and it will take time to turn this around and provide the priority for those in the parish.

*Evolution of the proposals:*

- 6.16 Since the previous scheme for 24 plots (100% self/custom-build) was under consideration at the beginning of 2020, much dialogue has taken place between the local planning authority and the developer. Negotiations have taken place in the light of concerns raised not only in representations made by all interested parties, including statutory consultees, but also by the planning service.
- 6.17 In working with the applicants (in a 'without prejudice' manner and as advocated by the NPPF and Local Plan Policy SP1) towards a scheme that might be able to fit better with Policy HO2, acknowledging the significance and importance of the requirement to support self and custom-build housing of an appropriate nature, the potential to seek an acceptable compromise was discussed on several occasions and considered to present a possible opportunity to enable the local planning authority to be more sympathetic to the development ambitions.
- 6.18 This discussion resulted in guidance by the local planning authority which would permit the developers, through sensitive and intelligent use of topography, and having regard to the presence of other residential development in the immediate locale, to bring forward a scheme which introduced a degree of open market housing adjacent to the rear boundaries of Holme Meadow that would in itself potentially be an appropriate windfall site under Policy HO2; and, on the back of that, and in recognition of the importance of taking an apparent opportunity to support a degree of self and custom-build housing, to bring forward a modest number of serviced self-build plots in the finger of land that stretches northwards behind (north of) 6 Holme Meadow. This would keep away from the highest ground towards the centre and west (roadside) 'crest' within the site; would present an opportunity to create an open, focal, amenity/landscape area west and north-west of the service road; would protect the integrity of the local landscape by keeping the crest area clear of buildings; and would promote a proportionate level of self and custom-build housing 'enabled' by the market housing in an appropriate location.
- 6.19 This approach was recommended during negotiations and when finalising the current proposals, it raised questions over the visibility of the site once the developer had increased the planting along the site frontage. The centre of

the site remained open and would lead to questions about future intentions which although not part of the planning application would suggest uncertainty. There also remained a consideration about the efficient use of land once the landscaping had developed and the topography indicates that although there is a slight crest, by lowering the height of the potential plots they would be seen in the context of other housing on the site. This would mitigate any landscape and visual impacts combined with the additional planting. Whilst it was the planning authorities intention that the market housing would be adjacent to Holme Meadow the ability to market the self-build plots and the need to provide serviced plots would be guaranteed by the market housing being provided within the site. The windfall policy does not distinguish between the different house types and whilst it could be argued that the market housing should link directly to the existing form of the village once the site is developed its natural form would not be distinguishable.

Potential mitigation:

- 6.20 In mitigation, and in the light of guidance from the local planning authority, the developer has stipulated that 5 of the 14 plots including the cluster of 4 plots closest to the crest would be limited to single storey dwellings. The intention of this would be to enable the overall development to work with the landscape rather than follow its contours with an array of similar height buildings. Arguably, if the application is approved in outline form and 'reserved matters' applications come forward in the future, dimensions and levels could be considered on a case by case basis. It is accepted that this self-imposed limitation to single storey could be advantageous in the event of development going ahead. Although on outline applications, layout plans are not normally approved documents, the need to set out the plots, landscaping and drainage location means that this would form an approved document including the reference to single storey units.
- 6.21 Further, and taking into consideration the potential long-term impacts of the new woodland planting on the village edge setting, this in itself would potentially be highly mitigative because the vegetation would inevitably be higher in the long-term than the heights of the nearby buildings, taking into consideration the nature of the planting proposed including large species of tree.
- 6.22 Looking more closely at the woodland aspect of the proposal, the developer is proposing to plant one substantial and one secondary area with new woodland to provide a new strong edge to the village beyond (to the north and west of) the site; the woodland areas are intended to provide recreational/open space for residents with a below ground attenuation facility within the northern section, but still with deep sections of woodland to separate it from farmland to the north. It is also intended that this would serve as a new positive landscape feature.
- 6.23 Notwithstanding the earlier points about the principle/precedent set by allowing a village edge to be recreated further out subsequent to the implementation of a strong village edge via the planning permission ref. 00/1006, it can be acknowledged that the new woodland would provide both a

backdrop (looking generally north) and a screen (looking generally south). With this in mind, even though the development, and especially the built elements of it, would start to push away from the village edge and natural containment provided by the current topographical situation, it would be difficult to argue that the overall development footprint would be unreasonable, disproportionate or even harmful to the village setting in the long term. For instance, it would be reasonable to assume that widespread support would be given for a pure scheme of planting in the field/site. Arguably, this could be an indicator that the development principle would potentially be acceptable in the light and context of the proposed mitigation, in these particular circumstances.

- 6.24 It is acknowledged that the revisions to the development from 24 to 14, the reduction in plot number and the increase of landscaping and amenity/woodland areas has potentially brought the scale and character of development (in terms of plot numbers and development 'spread') closer to an acceptable range.

Summary in relation to principle:

- 6.26 The principle of development of this site raises interesting issues when considering Policy HO2 and the balance of other policy issues to tackle environmental and climate change matters and provide self-build/custom-build housing. Some of these issues are still emerging in a planning context and it is a matter of balancing the arguments in relation to each proposal. The site itself extends the village into the open countryside beyond the existing housing at Holme Meadow and therefore sets a clear indication of its conflict with part of the Local Plan. In order to significantly mitigate that concern structural landscaping by way of a wooded area which has increased during negotiations seeks to create a new woodland edge to the village redefining the feeling of open countryside. A strong proposal of mitigation to the policy which is given greater weight when the site's environmental aspects are taken into account. The biodiversity enhancement of the site outweighs what you would usually expect from a development of this scale, and therefore seeks to meet greater environmental credentials, although at this stage there are no details on individual plot sustainability.
- 6.27 For Members, the latest consideration is also the issue of self-build/custom-build housing. This is not a new concept in housebuilding however the imposition on Council's to have self-build registers and ensure that they are providing sufficient housing to meet those on the register is. Many plots are given permission as windfall sites which can indicate that self-builders are able to access the market however recent planning appeals and the Governments's continuing emphasis on self build have increased the need to be able to evidence that serviced plots for self-build/custom-build are being provided. The developer sought to do this in one hit by providing 24 plots on on-site, whilst welcome to meet the target, it doesn't meet the need by providing them all in one village given another scheme is also being promoted so the reduction in numbers provides a more realistic measured approach to meeting demand. Work on the Council's provision has indicated that we will not be meeting demand unless additional plots are brought forward. This

scheme contributes a significant element to meeting demand from those on the register in advance of other schemes being prepared.

- 6.28 Through negotiations with the developer this proposal has reduced the number of self-build plots, provided a small amount of market housing to ensure that infrastructure to service those plots is provided, increased the amount of structural landscaping to strengthen the natural environment and reduced the height of some plots to mitigate the visual impact. In combination, these measures have sought to deal with a number of policy concerns and provide a comprehensive scheme which on balance will comply with the Council's Development Plan and emerging/current planning issues developing since the plan had been adopted.

**Impacts on residential amenity:**

- 6.29 The proposals would introduce development that interacts with existing dwellings on its southern boundary (6 dwellings on the north side of Holme Meadow) in terms of its proximity and the presence of buildings (and their curtilages/associated items). The proposals would also introduce new effects in relation to dwellings on the opposite side of Broomfallen Road (Laburnum Cottage and The Brambles), particularly in terms of the access proposals for the site.
- 6.30 The potential effects of the development on any nearby residents are likely to be tangible, but not of a level or nature that would give rise to a planning policy reason to oppose the application.
- 6.31 Highways impacts would be noticeable with the use of the road and nearby junctions by users of the development (and construction traffic at times), but the design of the development, including its access, is acceptable and is not considered to give rise to significant planning concerns relating to private amenity.

**Overlooking:**

- 6.32 The development is not considered to promote any significant concerns relating to overlooking from new dwellings into existing dwellings, because there is a substantial garden area between the nearest dwellings (i.e. Holme Meadow to the south) and the development site.
- 6.33 This application, although supported by theoretical layout information, is submitted in outline form and as such, the specific design of any new component of the overall site would be assessed in the future on its merits. Therefore, potential issues of overlooking from habitable rooms would be a consideration reserved for the relevant time in the future.

**Whether the proposals are acceptable in terms of road/pedestrian safety impacts:**

- 6.34 Consideration must be given to the impact of the main service road access, connecting vehicular traffic from Broomfallen Road to the site. Although it is

not a major connecting route, the affected/nearby section of Broomfallen Road does attract significant traffic and speeds can be fairly high as vehicles leave or approach the 30mph zone, signposts for which are located 40m north-west of where the northern corner of The Brambles' garden meets the corner of the existing woodland.

- 6.35 The route is utilised by traffic moving between the villages of Scotby and Cumwhinton, but is also one of the popular ways for traffic to get to and from Carlisle for Cumwhinton residents. It is likely also to provide a connecting route to/from Carlisle for residents in rural areas such as Cotehill and even Armathwaite.
- 6.36 The consultation response of the highway safety specialists in this case, Cumbria County Council, has indicated that the principles set out in the application are agreeable, although a range of conditions has been recommended (adoption of roads, construction details, visibility splays) . This advice has taken into consideration the potential for safe access into and from the main service road, on the basis that the frontage would be within an extended 30mph limit zone and that adequate visibility is available in each direction. Care would need to be taken to ensure that the area alongside the road would provide adequate visibility in perpetuity.

*Adequacy of parking:*

- 6.37 In respect of parking, each plot within the overall site would be at large enough to accommodate domestic vehicles. It is proposed only to establish the principle that each plot would provide parking for its dwelling - no communal car or service vehicle parking areas are shown at this stage.
- 6.38 However, it would be essential to ensure that the site can accommodate construction vehicles and any plant utilised during any plot development, to prevent vehicles parking on Broomfallen Road and thereby causing a hazard to road users. In the event of planning permission being granted, it would be reasonable and necessary to impose conditions requiring the developer to set out a proposal for the management of construction traffic.

*Pedestrian safety:*

- 6.39 The implementation of a development in this location would not prejudice general pedestrian safety within the village intrinsically, although it may be argued that introducing 14 new houses into the village, along with the related movements of vehicles, could have an incremental effect on the safety of pedestrians by relative number.
- 6.40 The layout is designed so that it would provide suitable pedestrian access via pavements or paths in relation to the overall site.
- 6.41 The intention is to set out a pedestrian pavement to connect in with the existing pavement which terminates adjacent to 1 Holme Meadow.
- 6.42 The overall impact on pedestrian safety is considered to be acceptable and

the development has been designed to make some logical provisions for those moving to, from and within the overall site on foot.

**Whether the layout design is appropriate in terms of designing out opportunities for criminal activity:**

- 6.43 The site has a relationship with the village, being adjacent to it and having a relational context with nearby dwellings, the local public house and a mature woodland on the opposite side of Broomfallen Road. Cumwhinton village is not exceptional in terms of its potential to attract criminal activity. The overall layout of the housing area is considered to be logical and not to incorporate any abnormal elements that would compound or invite criminal actions.
- 6.44 The Cumbria Constabulary, as consultee, has identified a number of issues in a crime prevention context that require to be considered in this context, some of a generic nature and some site specific. The site specific issue of most significance relate to the potential for the new woodland/amenity area. Provision of a 'clearing' within a woodland for use by residents as an amenity open space, alongside the provision of the woodland itself, could present opportunities for crime if not properly managed; but placing the amenity space within the woodland, as well as it adjoining one plot, an open field boundary and a road end provides opportunities for surveillance.
- 6.45 Encouragement should generally be given for the creation and use of woodlands for amenity as well as habitat. Crime considerations are relevant but not overriding in this case, in respect of which the location and design of the open space within the woodland area is logical, manageable and supportable.

**Whether the proposals are acceptable in terms of flood risk impacts:**

- 6.46 Although the site is situated within Flood Zone 1 and is therefore considered not to be at significant risk of flooding, Cumwhinton village has relatively recently been the subject of flooding. This occurred in the centre of the village close to the war memorial, flooding the main street and at least one property on the southern side of the street. This was understood to have been caused by heavy rainfall rather than river flooding, and has been documented photographically.
- 6.47 Wetheral Parish Council has identified potential exacerbation of the existing problem in its objection, suggesting that until this has been resolved, no further development should be permitted in the village.
- 6.48 The application site is located on higher ground that links into the area that floods through neighbouring fields. The Flood Risk Assessment concludes that the development would neither be at significant risk from flooding, nor would it give rise to flooding concerns elsewhere. The position is supported by the County Council as flood risk specialist. United Utilities do not contend with the conclusions of the Assessment.

**Attenuation:**

- 6.49 As part of the development, the developer proposes to provide on-site attenuation. The precise nature of the apparatus is not yet known, but its location would be beneath the area of public open space formed within the new woodland. This area of land would provide for both purposes.
- 6.50 It is considered that the principle of attenuation of this type is agreeable, presenting an opportunity to help slow down run-off rates and hold excess water during extreme weather. This would go some way towards ameliorating the current circumstances, insofar as it would provide an opportunity to manage and hold surface water; whereas, presently it is not properly controlled.

**Whether an acceptable drainage strategy would be provided to manage surface and foul water:**

- 6.51 Taking into consideration the local presence of both surface and foul water infrastructure, the tendency of water to flow towards a natural drainage point and the added attenuation, it is considered that the site could be adequately drained. This is reflected in the consultation response of Cumbria County Council and is anticipated to be broadly agreed with in the consultation response of United Utilities.
- 6.52 The development would present an opportunity to improve circumstances for existing residents within the village in a surface water context. Rear gardens in Holme Meadow tend to be wet although the houses have not flooded. The moisture in those gardens is likely to be in part run-off from the application site/field. Placement of the housing development and infrastructure would potentially reduce the amount of permeable surface available for natural drainage, but the ground is already known not to have great capacity to store water because of its geological make-up. This latter point is reflected in the objection submitted by the Wetheral Parish Council, within which it states that the proposed site and surrounding land are already waterlogged and unsuitable for building.
- 6.53 If planning permission is granted, it would be appropriate to impose conditions as discussed in the aforementioned Cumbria County Council and United Utilities responses, relating to site and/or plot specific drainage along with advisory notes, including during construction. Drainage as a planning matter is considered to be acceptable in principle in accordance with the proposals, not giving rise to significant or overriding planning concerns.

**Potential to unlock further development land behind the site:**

- 6.54 There would be some concerns that the delivery of the development would have the potential to enable vehicular access to further land to the east to be created. The development layout would not preclude this and cannot be avoided as access is required for all plots to the main access road. This is not however, a matter for consideration in this application and would not promote any reason to request, in a precautionary way, modifications of the layout. Any application for development on an adjacent site would be considered on



its own merits.

### **Impacts on trees and hedgerows:**

- 6.55 There is no direct threat to existing trees and hedgerows on the peripheries of the site. Indirectly, it is possible that inclusion of boundaries as part of housing plots could lead to pressure arising to trim or fell trees overhanging private gardens or encroaching towards dwellings. However, there are only 2-3 substantial boundary trees that would find themselves being on the rear boundaries of individual plots - around Plots 7 to 10 as indicated in the layout.
- 6.56 These plots are potentially long enough that the existing trees could be retained as end-of-garden features, but consideration of this matter could be delayed until reserved matters are pursued.
- 6.57 It may be noted that although some of the peripheral trees are of some significance in terms of their contextual contribution to the site setting, a Tree Preservation Order is unlikely to be required. The site is not substantially characterised by the trees on the boundaries, and the general condition of the trees is as expected in these circumstances. Whilst all show reasonable vigour, structurally there are likely to be issues with at least half of the mature specimens. It would be appropriate for a separate assessment to be carried out prior to concluding whether or not to afford formal protection to any of the trees on the site margins.
- 6.58 It is noted that there is an intention to provide a new native hedgerow along most of the southern boundary of the new woodland/amenity area if the development is implemented.

### **Whether the proposals to provide a new amenity woodland, open space and subterranean attenuation apparatus are acceptable:**

- 6.59 Introduction of the new woodland areas has several aims. The first is to provide a new endstop to the village, in recognition that the application site protrudes in a northerly direction away from the existing village edge, over a low crest and into what becomes open countryside. The second is to provide areas which serve as informal recreation space(s); the area would be handed over to a management committee of those occupying the new development. Within the northernmost area, a clearing with no trees planted upon it would be created over an underground attenuation facility, and while that open space would be more like an intended and useable space, there are no intentions at this stage to deliver any equipment - it would purely be open space, presumably grassed. Access is intended to be throughout the open and planted area(s).
- 6.60 The woodland area is also intended to create a new visual element of the locality - overall it would be planted with large species of trees with the potential to grow into a substantial feature akin to the area of woodland on the opposite side of Broomfallen Road. If successful, it would create the impression that the village approach would be 'wooded' generally, as the two areas would visually connect.

- 6.61 There is no doubt that the area set aside for woodland planting is a good size, and would have the potential to deliver a tangible and useable asset. It is unlikely that it would be regularly utilised by residents from all of the village, but as a feature to serve the development as proposed, it would be acceptable and adjacent, thereby potentially invoking positive usage.
- 6.62 The attenuation element of this part of the development is positive in principle, although little is known about the operational aspects of it. If planning permission is granted, it would be necessary to ensure that conditions are imposed which secure the details and delivery of the attenuation apparatus as infrastructure that would serve the development at the outset.

Open space provision:

- 6.63 Subsequent to the submission of the application and to discussion between the planning department and the applicants, designated areas of amenity space (for activities - not equipped) have been introduced within the woodland areas proposed in the northern and western regions of the site. The areas are intended for communal use but could also be accessed by residents from further afield.
- 6.64 The woodland/amenity area is considered to be a positive component of the scheme, complementary to the proposals for housing and planting, located logically away from the loop of the road.
- 6.65 It may be noted that the City Council's Greenspaces Team has identified a requirement to make a financial contribution towards off-site open space. This is contested by the applicants, who in basic terms advocate the on-site provision within the woodland as their adequate contribution.
- 6.66 The provision of a contribution towards off-site play areas is required in relation to this application (see later paragraphs relating to potential planning obligation/legal agreement).

**Impacts on biodiversity:**

- 6.67 The site is an open field in the main, with associated hedgerows that include a number of mature trees. The site is not exceptional in biodiversity terms and is not designated for any special ecological reason. It links to minor watercourses in the north-east fringes of the site.
- 6.68 The introduction of housing into agricultural land has the potential to increase its ecological potential, if new elements of development are set aside with the primary purpose of improvement. For example, household and structural planting could give rise to new hedgerows, trees, shrubs and other flora that promote habitat and encourage wildlife. Some of the potential ecological improvements in this case would be therefore incidental. However, clear benefits would arise from the newly planted woodland and hedgerow in the northern part of the site.

- 6.69 It has been queried whether an ecological impact assessment, which it may be noted is not required for the development proposal, may have provided evidence that the application would impact adversely on protected species (barn owls). Such an assessment was not requisite in respect of this application. However, it would be appropriate, if planning permission is granted, to remind the developer within any decision issued of the legal obligation to not harm species protected by law and/or their habitat.

**Energy efficiency:**

- 6.70 There is no firm indication that the development would have energy efficiency credentials. The nature of the application is such that new dwellings would be delivered in ones and twos, with the level of intention towards energy efficiency varying from build to build. The Building Regulations would provide for a level of certainty that the dwellings would each need to meet minimum standards of energy conservation. There is the intention that all plots will provide for electric vehicle charging although concerns have been raised about the strength of supply and demand and therefore options for a lower output are being considered to ensure all plots are capable of providing for future needs. These lower levels have been used by other planning authorities where there are concerns about future electricity supply demands.

**The significance of other issues raised in representations (Objection):**

*Role of St Cuthbert's Garden Village in relation to proposed housing planning applications in Cumwhinton:*

- 6.71 It is likely that development within the garden village project will see its implementation begin in 2022, thereby providing opportunities for a substantial amount and range of new housing to be built. The opportunities will include those for self-build projects and, inevitably, for a high level of other types of housing. Arguably, the garden village would provide a more logical platform off which to promote provision of specialist, or non-standard housing, because these could more readily be absorbed within a broader housing range.
- 6.72 That, in itself, would not preclude consideration of support for other appropriate windfall sites within other settlements; although it is intended to provide the greater part of all housing in the District in the coming years, as required by the current development plan. For these reasons, the likely arrival of the garden village would not promote reasons to resist appropriate forms of housing development within rural settlements.

*Adverse visual impacts arising from additional infrastructure:*

- 6.73 In this context, the potential visual impacts in relation to a development of this nature are likely to relate to installation of services and roads including pavements, lighting, street furniture. It is considered that, if planning permission is granted, the likely requirement to implement infrastructure would be commensurate with the nature and scale of the development, and

would not in itself promote a reason to resist the development.

*Loss of/damage to verge where new footpath is proposed:*

- 6.74 It is not the intention of the developer to cause damage to existing items including property of neighbouring residents. The proposals at this outline stage are not considered to give rise to any specific threat to others' property including vegetation cultivated on adjacent properties. If damage is caused accidentally or incidentally to development, it is a matter for owning parties to resolve outwith the planning remit.
- 6.75 The specific item mentioned in the relevant objection is the hedgerow near Broomfallen Road forming the edge boundary to 1 Holme Meadow. It is not the intention to harm this item.

**The significance of other issues raised in representations (Support):**

*Proposed development more in-keeping with village than alternative very large dwellings:*

- 6.76 It is accepted that, if planning permission is granted for the current proposed layout (although submitted in outline form), the plot size is agreeable and not excessive.

*More local students for school would in long term reduce number of students travelling in from outside village:*

- 6.77 Although there is no firm evidence to support this position, it is understood that students are given places within local schools in the village they live in as a priority over incoming students from other villages and towns. This means that children from the development would go to primary school within the village. This would have the potential to change the demographic in terms of the school population.

*Space within development promotes less on-street parking:*

- 6.78 It is considered that the layout of the site, which in theory would enable every plot to provide its own off-street parking, is appropriate and adequate. It would not prevent additional on-street parking, but the layout indicates that all plots would be able to accommodate at least two vehicles within them. Any additional requirements would be considered at reserved matters stage in relation to design and layout of each plot.

**Requirement for Section 106 Legal Agreement:**

*Delivery and Occupancy:*

- 6.79 If planning permission is (in part) granted for the site as a self and custom build development in line with the intended use, it would be essential to ensure only bona fide entrants are able to implement the individual plots. This would require limitation and potential exclusion of mainstream developers in

terms of involvement and delivery of services that could compromise the self and custom build principles that would be established by the permission. The developer has indicated that its intentions align with this approach and therefore it is expected that, providing any draft agreement is found to be agreeable, it should not present insurmountable challenges if the application is supported.

*Affordable housing:*

- 6.80 It is accepted that the development would not promote a requirement to provide affordable housing on the overall site. Further, it is accepted that it would not be a requirement to seek a commuted off-site financial contribution towards affordable housing. These assessments relate to advice within the NPPF, specifically within Paragraph 64 which clearly advises that even within major developments, if the development is proposed or intended to be developed by people who wish to build or commission their own homes, this will invoke an exemption to the need to provide or contribute towards affordable homes.

*Speed Limit Signage Relocation:*

- 6.81 Consultation responses of Cumbria County Council have identified a requirement for a sum of £5500 to be provided because if the site is implemented, it would be necessary to relocate/provide new signage identifying the increased length of road requiring a 30mph limitation. The applicants accept that this is an appropriate sum and are not challenging the requirement. They have however requested that as this relates to later development rather than the outline stage, this matter is deferred through panning condition to enable this application agreement to focus on the self-build requirements.

*Recreation/play area(s)/sports pitches:*

- 6.82 The City Council's Greenspaces Officer has advised that there would be a requirement to make financial contributions including £5481 towards off-site sports pitches and £34800 towards upgrading of the existing play area in Cumwhinton. The applicants are challenging this requirement, on the basis that there was no similar requirement in respect of the housing site 'Land Adjacent to How Croft' (planning permission ref. 18/1104). The challenge has to date been based on the provision of on-site open space and this being a non-standard/non-market development, therefore the circumstances would not permit or require this type of contribution.
- 6.83 Planning Practice Guidance stipulates that S106 Agreements are required for this type of development, in particular to ensure that self-build/custom-build are provided. Once it is included within the agreement, the applicant may (on provision of construction information relating to commencement and completion) then apply for exemption to any Community Infrastructure Levy (CIL) charge. Whilst Carlisle does not have a CIL in place, we use the S106 process to set out the required payments. Effectively this sets up an equivalent process for each self build property there would be an exemption

to pay contributions. This exemption would not apply if they failed to occupy the property for at least three years which is the minimum period within our standard agreement for self-build properties. This would be a matter for inclusion within any Section 106 Legal Agreement introduced.

- 6.84 The Greenspaces Officer has indicated verbally, further to being advised that the developers do not agree to the stated contribution requirements, that in the event of a counter-proposal being received, consideration would be given however if the market housing alone was providing the contribution this would be reduced to just 5 dwellings and a contribution of £14,385 with additional contributions from plots not fulfilling all self-build criteria. This is the subject of further discussion with the Green Spaces Team.

### **Conclusion:**

- 6.85 The principle of delivering a development of part open market, part self and custom-build homes within the village of Cumwhinton would be acceptable in overall planning policy terms, at national and local level. Its appropriateness, however, would depend on it being the right development in the right place and specifically on it being consistent with Local Plan Policies HO2 and SP2, plus Policies SP6 and GI1. Taking into account a number of this proposal it is considered that on balance, the proposal is acceptable.
- 6.86 As this is an outline application, it is envisaged that all matters of detail can be met by the imposition of appropriate planning conditions and will not prejudice those concerns being addressed at the detailed design stage.
- 6.87 The current development plan is up to date and relevant to this application, therefore its policies are of primacy alongside those within the National Planning Policy Framework and Planning Practice Guidance.
- 6.88 It is therefore recommended that authority to issue an approval be given to the Corporate Director of Economic Development subject the completion of an appropriate Section 106 Agreement regarding:
- limiting defined units to self-build and custom build dwellings;
  - drainage strategy; and
  - maintenance and management of on-site open space and reference to off-site contributions where necessary.

Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development.

## **7. Planning History**

- 7.1 There is no planning history related to this site.

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

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

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

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

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

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

1. the submitted planning application form (as amended) received 9 November 2020;
2. the Location Plan - Dwg. No. 19-C-15617/01A;
3. the Block Plan (Dwg. No. 19-C-15617/02A) received 9 November 2020;
4. the Proposed Layout Plan (Dwg. No. 19-C-15617-03D) received 9 November 2020;
5. the Updated Layout Plan (Dwg. No. 2064-04) received 9 November 2020;
6. the Vertical Stopping Sight Distance and Visibility Splay (Dwg. No. 19-c-15617-04D) received 9 November 2020;
7. the Plant Specification for Woodland copse, boundaries and internal/site landscaping areas (Dwg. No. 15617/05D) received 9 November 2020;
8. the Drainage Strategy Statement by AL Daines and Partners received 9 November 2020;
9. the Flood Risk Assessment by AL Daines and Partners received 4 November 2020;
10. the Trial Hole Inspection by AL Daines and Partners (Dwg 19C1561706) received 13 Nov. 2019;
11. the Notice of Decision; and
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

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

5. Development shall not commence until a Construction Phase Plan (CPP) has been submitted to and approved in writing by the Local Planning Authority. The CPP shall include details of:
- pre-construction road condition established by a detailed survey for accommodation works within the highway boundary conducted with a Highway Authority representative;
  - the mechanism ensuring that all necessary repairs to the highway as a result of construction activities are carried out in accordance with the relevant standards at the relevant parties expense;
  - details of proposed crossings of the highway verge;
  - the retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
  - the 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); and
  - surface water management details during the construction of infrastructure phase.

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

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

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

7. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays



(nor at any times on Sundays or statutory holidays).

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

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

Site investigations should follow the guidance in BS10175.

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

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

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

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

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

constructed before the occupation of the first dwelling hereby permitted.

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

11. Development on each of the plots hereby approved shall not commence until visibility splays providing clear visibility of 2.4 metres by 60 metres measured down the centre of the estate road and the nearside channel line of Broomfallen Road have been provided at the junction of the estate road with the county highway in accordance with the Proposed Layout Plan – Dwg. No. 19-C-15617-03D.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

12. A 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary) shall be provided on both sides of the vehicular access.

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

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

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

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

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

15. 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 2016) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development hereby permitted shall be completed, maintained and managed in accordance with the approved details concurrently with the construction, and prior to occupation, of any dwelling.

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

16. Prior to the commencement of any development a scheme for the conveyance of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be undertaken in strict accordance with the approved details prior to the commencement of any dwelling subject of this approval.

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

17. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to any property within the application site and shall be completed prior to the occupation of the dwellings. Thereafter, notwithstanding the provisions of the Parts 15 and 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order) no distribution poles or overhead lines shall be erected to serve the development, other than with the express consent of the local planning authority.

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

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

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

19.

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

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

20.

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

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

21.

Prior to commencement of development within each plot, a construction surface water management plan for that plot shall be submitted to and approved in writing with the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

22. Prior to commencement of any development of each plot, details of the

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

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

23.

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

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

24.

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

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

25.

No dwelling hereby approved shall be occupied until the vehicular access and turning requirements serving that dwelling have been constructed in accordance with the approved plan and has been brought into use. The vehicular access and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** To ensure a minimum standard of access provision when the

development is brought into use. To support Local Transport Plan Policies: LD5, LD7, LD8.

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

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

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7300

7300

8300

65.4m

GRID REFERENCE:  
344768, 552902

PROPOSED SELF  
BUILD & MARKET  
HOUSING SITE

66.8m

The Brambles

Tanglewood

Rosehill

Hollyside

Ivy Cottage

Lowther Arms  
(PH)

Laburnum  
Cottage

Rose  
Cottage

HOLME MEADOW

CROWN COPYRIGHT RESERVED  
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Beech Cottage

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PLANNING

**AD** A L DAINES & PARTNERS  
CONSULTING CIVIL &  
STRUCTURAL ENGINEERS  
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Cumbria CA3 8TP  
TEL: 01273 524428  
EMAIL: [mail@aldaines.co.uk](mailto:mail@aldaines.co.uk)  
WEB: [www.aldaines.co.uk](http://www.aldaines.co.uk)

CLIENT	MAGNUS HOMES LTD
TITLE	LAND TO NORTH OF HOLME MEADOW CUMWHINTON, BLOCK PLAN
DRAWN	AJ
DATE	OCT 2019
SCALE	1:500
©AI	
DRAWING NO.	19-C-15617/02
A	







# Key to plots

- Self-build plots
- Market housing plots

# Key to planting

- Existing hedgerows
- Existing trees
- Proposed hedgerow planting
- Proposed copse planting
- Proposed standard trees
- Type 1 - *Fagus sylvatica* (1no.)
- Type 2 - *Quercus petraea* (2no.)
- Type 3 - *Prunus avium* (9no.)

Development: Land Adjacent to Holme Meadow, Cumwhinton, Carlisle
Drawing Title: Updated Layout for Discussion Purposes
Drawing No: 2064 - 04
Scale: 1:1000 @ A3
Date: Nov 20
Status: Outline Planning Drawing

50 40 30 20 10 0  
Scale in metres

## SCHEDULE A: Applications with Recommendation

21/0038

Item No: 06

Date of Committee: 11/06/2021

**Appn Ref No:**  
21/0038

**Applicant:**  
East Brownrigg Ltd

**Parish:**  
Beaumont

**Agent:**  
Concept Architectural  
Design Ltd

**Ward:**  
Dalston & Burgh

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

**Proposal:** Erection Of 7no. Dwellings (Reserved Matters Application Pursuant To Outline Permission 18/0994)

**Date of Receipt:**  
24/02/2021

**Statutory Expiry Date**  
21/04/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

### ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 30th April 2021 with a recommendation that the application was approved subject to the imposition of planning conditions.

Following a debate by Members, the committee was concerned about the potential adverse impact of the development on underground infrastructure owned by neighbouring residents. The committee resolved to defer consideration of the application in order to allow the applicant to submit a drawing showing the layout of underground services within the site and to await a further report on the application at a future meeting of the committee.

The applicant has submitted a Drainage Report, Local Authority Search Results, a Northern Gas Network Search results and a Drainage & Water Search report, copies of which are reproduced following this report.

The applicant has also submitted an amended Block Plan which shows Plots 1 to 6 (inclusive) being reoriented slightly further to the east which is accompanied by an email from the agent who states that the applicant:

*"...wants to work with the neighbours and we have decided to tweak the layout slightly to move the houses away from the houses and the drainage corridor."*

If Members are minded to approve the application, it is recommended that condition 2 is amended to include reference to the revised Block Plan within the list of approved documents.

## **COMMITTEE REPORT FOR 30TH APRIL 2021 MEETING**

### **1. Recommendation**

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

### **2. Main Issues**

- 2.1 Whether The Principle Of Residential Development Is Acceptable
- 2.2 Whether The Scale, Design Is Acceptable
- 2.3 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.4 The Impact Of The Development On The Character And Setting Of The Grade II Listed Buildings
- 2.5 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.6 Highway And Access Issues
- 2.7 Foul and Surface Water Drainage
- 2.8 Impact Of The Proposal On Biodiversity

### **3. Application Details**

#### **The Site**

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

#### **Background**

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



## **The Proposal**

- 3.5 The current application seeks reserved matters approval for the erection of seven dwellings on the site following the grant of outline planning permission. All other matters remain subject to the planning conditions attached to the outline planning permission and the matters under consideration as part of this application are limited to the layout, scale, appearance, access and landscaping.
- 3.6 The submitted layout plan shows the development utilising the existing access into the site. A central access road would be constructed centrally through the site which would serve the properties. The development would comprise of four two storey detached houses with double integral garages along the northern boundary; adjacent to the southern boundary would be a single storey bungalow; and adjacent to the eastern boundary would be a further two detached two storey houses with double integral garages.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 43 of residential properties. In response, ten letters of objection have been received and the main issues raised are summarised as follow:
1. the site lies within a world heritage site and a scheduled monument any new development, other than on established farmsteads or previously developed land is not permitted. The case and need for housing to be built on such a site has not been established by the local authority;
  2. the proposed site access off Monkhill Road is inadequate for the size of the proposed development. The local authority needs to advise how this site access hazard will be overcome as part of the development. The noise and vehicle movement impact on the two neighbouring properties, Hall Croft and Gracelands will be severely detrimental to the value of both properties. The increased vehicle movements will be both hazardous and affect the adjoining property owner's quiet enjoyment;
  3. the site lies at the highest point in Monkhill village and will be clearly seen from the surrounding area. This is further compounded, with the proposal to build 6 houses out of the 7 plots development;
  4. an archaeological survey of the proposed site is absent together with a proposed site level drawing;
  5. there is an absence of any safe guards in terms of construction methodology, disruption mitigation measures and timescale for the construction of the development;
  6. there is no demand for additional housing in Monkhill and the site does not form part of the local plan;
  7. Two storey houses are not in keeping with the character of the area;
  8. the development will result in construction over septic tanks and other infrastructure on the land;
  9. the development could affect water pressure, wildlife, privacy and noise.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the following response has been received;

### Local Highways Authority

The lengthy site history is noted with previous applications 06/1035, 13/0728, 15/0284 and 18/0994. The details submitted are unchanged from the previous, therefore all previous recommendations remain.

If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central [streetworks.central@cumbria.gov.uk](mailto:streetworks.central@cumbria.gov.uk) for the appropriate permit.

### Lead Local Flood Authority (LLFA)

The (LLFA) has no records of minor surface water flooding to the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk. The Planning Statement states surface water to soakaway and foul to package treatment.

### Conclusion

The previous recommendations remain unchanged;

**Cumbria Wildlife Trust:** - no response received;

**Local Environment - Environmental Protection:** - no response received;

**Historic England - North West Office:** - no comment;

**Local Environment, Waste Services:** - no objection;

**Natural England:** - no objection;

**Beaumont Parish Council:** - the parish council supported the residents' objections.

A road traffic accident occurred as a vehicle was turning out of the junction.

Data has been obtained by the speed indicator device sited in Monkhill opposite the Drivers Rest over three months last summer. Over this period, 118399 vehicles travelled through Monkhill from the Carlisle direction and 686 were travelling at more than 50 mph and two at more than 70 mph. The Parish Council believe that this is a very dangerous junction. The visibility for exiting from this junction is simply not adequate for family-sized vehicles pulling out onto the main road and despite repeated requests for assistance by the Parish Council it has not proved possible for the traffic to be slowed.

On 27th November 2020 a vehicle pulled out of the lane scraped the fence and knocked over the lamp post.

Large vehicles regularly enter and exit the lane. A potential 14 extra vehicles using this junction every morning and evening will make the situation worse.

The wall belonging to the house at the corner has been damaged three times by vehicles trying to turn into the lane.

The situation regarding the access for maintenance of pipes and septic tanks belonging to the houses adjacent to the proposed development has not been resolved. There are currently 4 septic tanks with associated pipework in the field and two of the owners of properties that will be affected by this development have clearly said that they do not want to be part of a shared sewage treatment system which serves 11 houses. Despite the fact that the presence of underground infrastructure would not normally be a barrier to a site being built upon, we believe that this is not a “normal” situation. The Parish Council understand that a developer, Monkhill Developments Ltd, now has a financial interest in the property, nevertheless the existing right of access to the land still applies and is mentioned in the Title to the property.

The right of unimpeded access for 80 years to the septic tank and associated pipework granted to occupiers of neighbouring properties and their successors by the previous owners (and their successors in title to this land) in April 2004 has not been shown to be encompassed within this proposal. The drainage pipes from the septic tank run across the entire field. Although an “access corridor” to the septic tank has been suggested, the Parish Council does not see how 7 properties can be built on this site without impinging on this right of access to both the septic tank and its associated inlet and outlet pipes.

Historically damage has been caused to the pipework caused by plant driven across the field. The sheer weight of any construction plant is likely to damage the pipework and any tarmac surface will make access to the pipework for future repair or replacement both expensive and disruptive for potential owners of new houses.

Although the parish council understand that exercise of this Deed of Grant may be a civil matter, and would need to be enforced by a court of law, the Parish Council cannot support a proposal which clearly transgresses parishioner’s legal rights;

**United Utilities:** - no response received.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application

for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

- 6.2 The Development Plan for the purposes of the determination of this application comprise Policies SP1, SP2, SP6, HO2, IP2, IP3, IP4, IP6, CC5, CM5, HE1, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are of particular relevance. The City Council's Supplementary Planning Document 'Achieving Well Designed Housing' (SPD) is also a material planning consideration. The proposal raises the following planning issues.

### **1. Whether The Principle Of Residential Development Is Acceptable**

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.4 Outline planning permission was granted for development of this site for housing. Members will note the objections received in respect of this application, many of which refer to the principle of development being unacceptable and that the junction with the Carlisle to Burgh-by-Sands road is unsuitable for additional vehicles.
- 6.5 Members are reminded that the outline planning permission remains extant. This application seeks to address the reserved matters comprising of the layout, scale, appearance, access and landscaping. As such, the application must be considered in accordance with these matters alone and the issues raised are discussed in the following paragraphs.

### **2. Whether The Scale And Design Is Acceptable**

- 6.6 Paragraphs 124 to 132 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 127 outlines that:

*“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an*



- appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.7 It is further appropriate to be mindful of the requirements in paragraph 130 of the NPPF which states:

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”*

- 6.8 Policy SP6 of the local plan requires that development proposals demonstrate a good standard of sustainable design that responds to local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness. Specific to householder proposals, Policy HO8 of the local plan requires that extensions and alterations be designed to relate to and complement the existing building in scale, design, form and materials which maintain the established character and pattern of the street scene resulting in a positive addition.

- 6.9 In addition to the planning policies, development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.

- 6.10 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

*“Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development,*

*including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances. " (para. 5. 45)*

- 6.11 The development would be set within the site to the rear of existing buildings and would not, therefore, occupy a prominent location within the village. The properties themselves would be of modern appearance but there is an eclectic mix of house styles in the village ranging from historic buildings through to modern, new- built properties. The buildings proposed as part of this application would therefore not be uncharacteristic of other properties in the locality.
- 6.12 The development achieves adequate amenity space within around the properties and the development as a whole with appropriate car parking provision. The scheme would be compliant with the requirements of the SPD and as such, the scale, design and impact on the character and appearance of the area would be appropriate.

### **3. The Impact Of The Development On Hadrian's Wall Buffer Zone**

- 6.13 Although not part of the Hadrian's Wall Vallum, the site is within the buffer zone of Hadrian's Wall Military Zone World Heritage Site where policies require that proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.
- 6.14 On the basis of the details submitted, Historic England has not raised any objection.

### **4. The Impact Of The Development On The Character And Setting Of The Grade II Listed Buildings**

- 6.15 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

#### **Impact Of The Proposal On The Character And Setting of the Grade II Listed Buildings**

- 6.16 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.17 Paragraph 195 of the NPPF states that local planning authorities should

refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.18 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.19 The Drovers Rest Inn and The Old Mill are both Grade II listed buildings and are located approximately 70 metres to the north and 20 metres to the west respectively.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.20 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.21 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.22 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.23 The development would be separated from the listed buildings by other non-listed intervening buildings and given the physical relationship, would not

be read in the same context. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

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

- 6.24 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.25 Earlier in this report, reference is made to the SPD which is again relevant in consideration of this issue. Furthermore, criterion 7 of Policy SP6 of the local plan requires that proposals ensure that there is no adverse effect on residential amenity or result in unacceptable conditions for future users and occupiers of the development.
- 6.26 The buildings would be arranged around the central access road with the rear elevations facing the neighbouring properties. The rear of the properties along the northern boundary would be compliant with the minimum distances in the SPD. The outline planning permission remain subject to a condition requiring the agreement of finished floor levels which would also have to demonstrate that the building are constructed to a suitable height in relation to the neighbouring properties.
- 6.27 Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers of the remaining properties would suffer from losses in privacy or daylight and sunlight or unacceptable levels of noise or disturbance due to the siting, scale and design of the property the development would not be over-dominant that merit the refusal of permission.
- 6.28 On this basis, the development would not conflict either the local plan policies or the council's SPD which requires a minimum distance of 21 metres between primary facing windows.

## **6. Highway And Access Issues**

- 6.29 The site is served by an existing vehicular access. Cumbria County Council, as the Highway Authority has raised no objection to the application which is subject to the previous highway conditions which requires the access to be constructed and drained to the appropriate standard; an area reserved for the parking of vehicles engaged in the construction process; and provisions of appropriate visibility splays.
- 6.30 This is a reserved matters application following the grant of outline planning permission to which the Highway Authority raised no objection. In light of the previous Highway Authority's comments, together with fact that the access is existing, it would be unreasonable to refuse the application on this basis.

## **7. Foul and Surface Water Drainage**

- 6.31 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. These matters are subject to conditions relating to the outline application and will therefore be considered as part of a separate application.
- 6.32 Some of the objections received make reference to septic tank and infrastructure that is under the site and crosses the land and that development of the site would impede further access and maintenance contrary to already established way leaves and legal judgements.
- 6.33 The outline application was subject to condition 16 which states:
- “Any subsequent application for Reserved Matters shall take account of existing underground infrastructure on the site and the layout shall take account of such to avoid inhibiting future access for maintenance and repair by the relevant entitled party.”*
- 6.34 The layout plans shows an access corridor for the occupiers of Gracelands and Bush Bank to service the septic tanks. In terms of additional infrastructure which crosses the site, the applicant has confirmed that he is aware of the potential for these services. He has stated that legal searches undertaken through his solicitor confirm that there is a drainage corridor which crosses the site and he has further clarified that the development has taken account of this. Notwithstanding this, any requirement to comply with an existing way leave or legal judgement would be a civil matter.

## **8. Impact Of The Proposal On Biodiversity**

- 6.35 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.36 The City Council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves a small piece of agricultural land, adjacent to existing buildings, it is unlikely that the proposal would affect any species identified; however, an informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **Conclusion**

- 6.37 In overall terms, the principle of residential development has been established through the grant of the outline planning permission which remains extant. This application purely relates to the reserved matters which comprise the layout, scale, appearance, access and landscaping.
- 6.38 The scale and design would be appropriate to the site and would not result in an adverse impact on the wider character or appearance of the area. Similarly, the development would be acceptable in terms of the Hadrian's Wall World Heritage Site Buffer Zone.
- 6.39 The submitted plans take account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced. The setting of any listed building would not be affected.
- 6.40 The development remains subject to 15 other planning conditions which seeks to further control the development, for example, through appropriate construction hours, highway detail, use of appropriate materials, finished floor levels, foul and surface water drainage etc.
- 6.41 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

## **7. Planning History**

- 7.1 An application for outline planning permission was submitted in 2006 for the erection of 12 dwellings but was withdrawn prior to determination.
- 7.2 Outline planning permission was granted in 2014 for the erection of 7 dwellings, including 2 affordable units and the change of use of agricultural land to domestic garden to serve the property known as 'Hallcroft'.
- 7.3 In 2019, outline planning permission was granted for the erection of 7no. dwellings (outline/renewal of previously approved permission 15/0284).

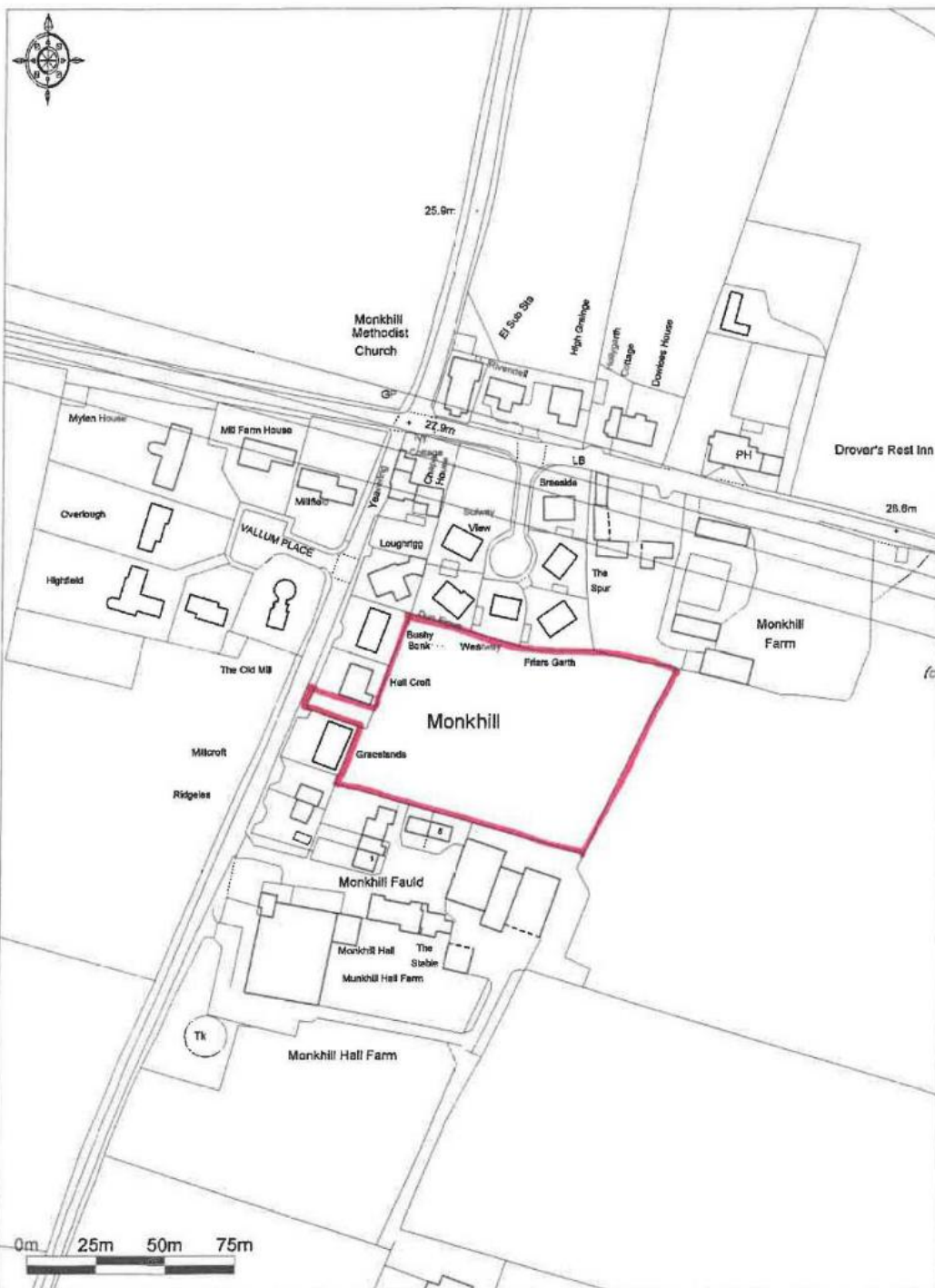
## **8. Recommendation: Grant Permission**

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 1 and 2 attached to the outline planning consent to develop the site granted under reference 18/0994.
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the Planning Application Form received 18th January 2021;
  2. the Site Location Plan received 18th January 2021;
  3. the Site Layout Plan received 2nd March 2021 (Drawing no. CA-272-06);
  4. the Plot 1 & 2 (Plot 2 Handed) received 18th January 2021 (Drawing no.

- CA-272-01 Rev A);
5. the Plot 3 received 18th January 2021 (Drawing no. CA-272-02 Rev A);
  6. the Plot 4 & 6 (Plot 6 Handed) received 18th January 2021 (Drawing no. CA-272-03 Rev A);
  7. the Plot 5 received 18th January 2021 (Drawing no. CA-272-04 Rev A);
  8. the Plot 7 received 18th January 2021 (Drawing no. CA-272-05 Rev A);
  9. the Notice of Decision;
  10. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

---









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PROJECT  
PROPOSED DEVELOPMENT AT  
WINDMILL  
CARLSLE

DRAWING TITLE  
SITE LAYOUT PLAN

CLIENT  
W. LEWIS

DRAWING NO.  
CA-272-06

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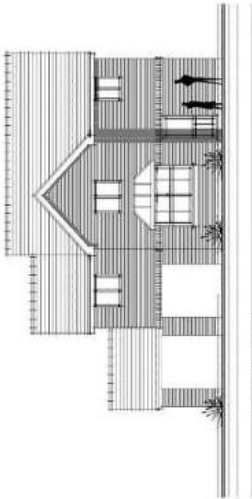
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SG

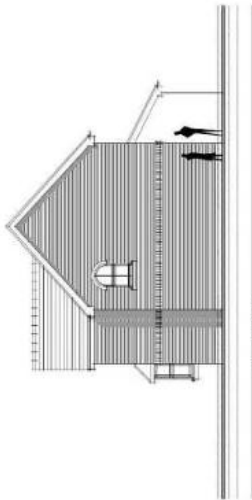
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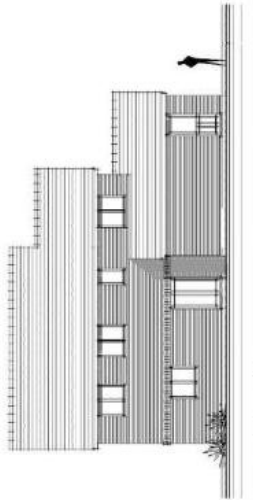
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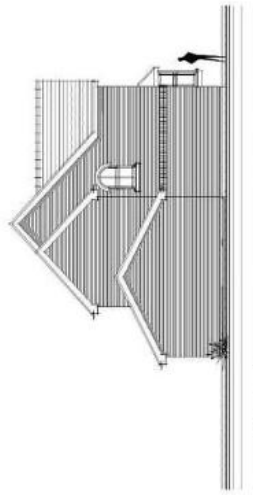
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ELEVATION



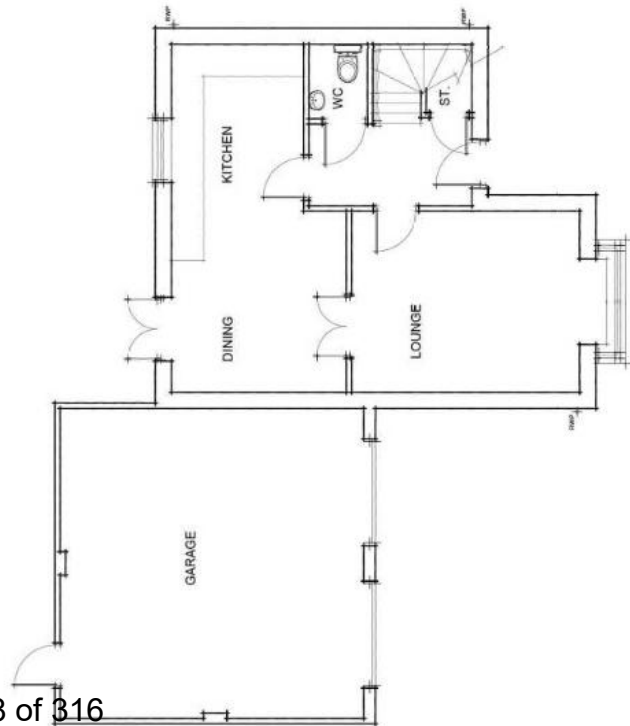
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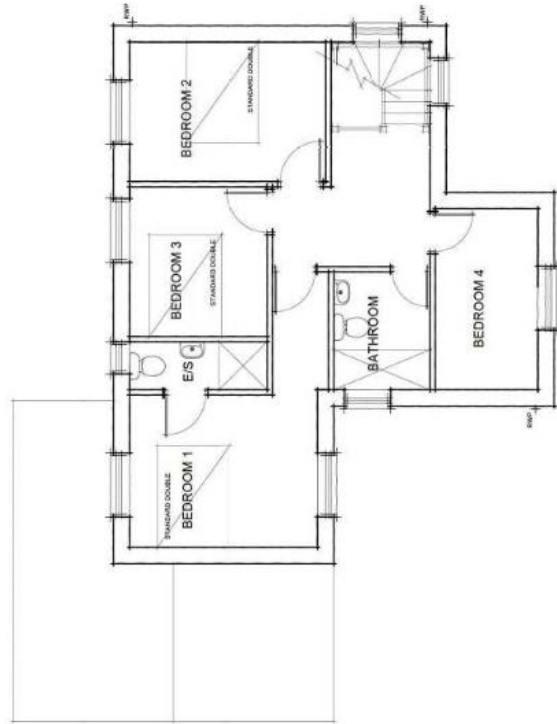
REAR  
ELEVATION



SIDE  
ELEVATION



GROUND FLOOR



FIRST FLOOR



PROPOSED DEVELOPMENT AT  
MOONHILL  
CARLSLE

Plotting Title  
PLOT 1 & 2 (PLOT 2 HANDED)

Client  
W. LEWIS

Drawing No.  
CA-272-01

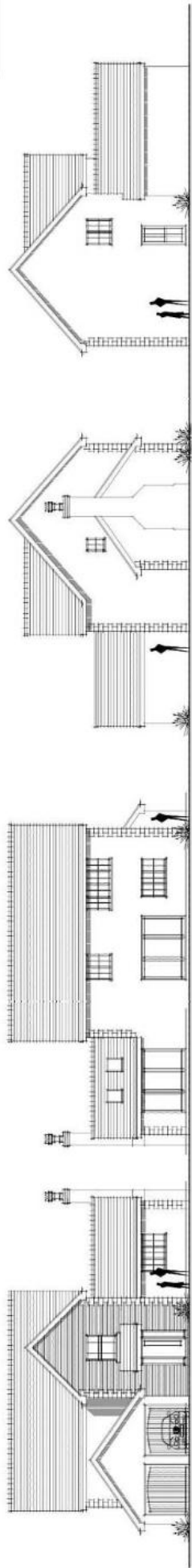
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AUG'20

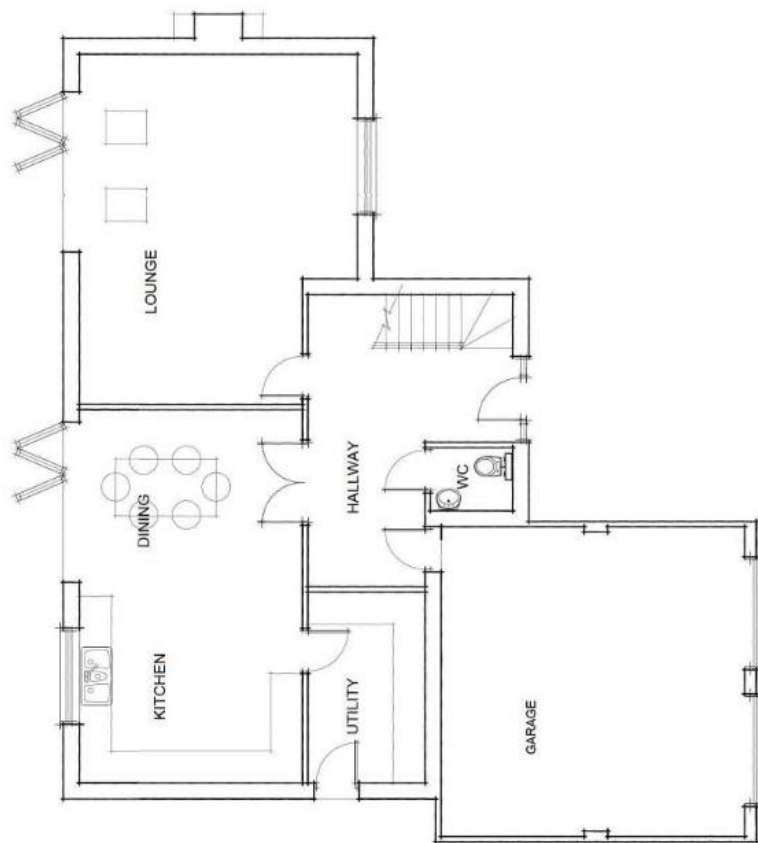
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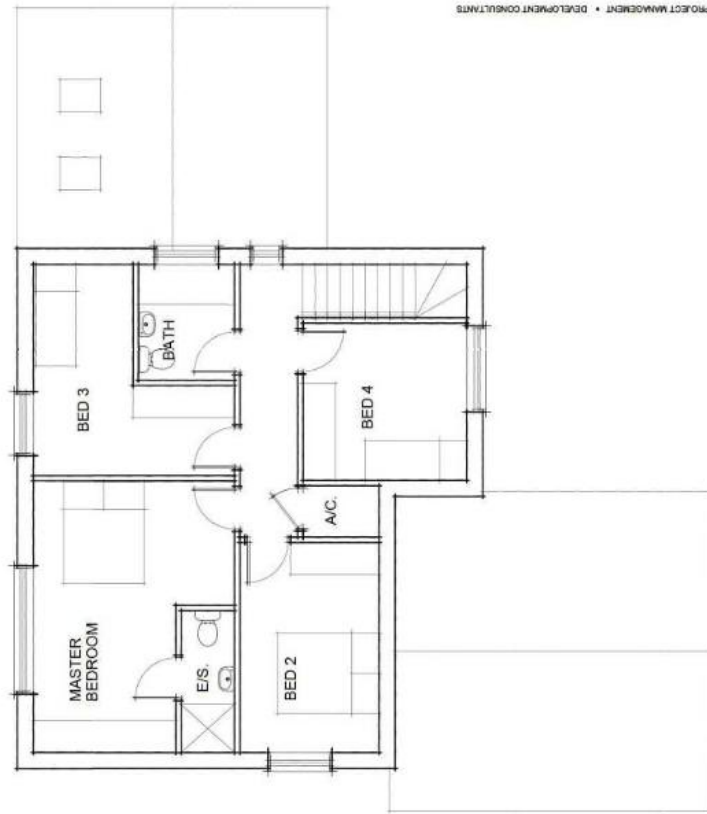
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FRONT ELEVATION      REAR ELEVATION      SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

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Project:  
**PROPOSED DEVELOPMENT AT  
MONKHILL  
CARLISLE**

Drawing Title:  
**PLOT 3**

Client:  
**W. LEWIS**

Drawing No.:  
**CA-272-02**

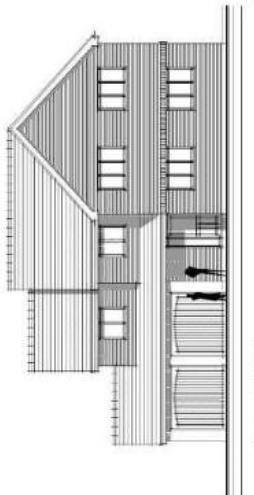
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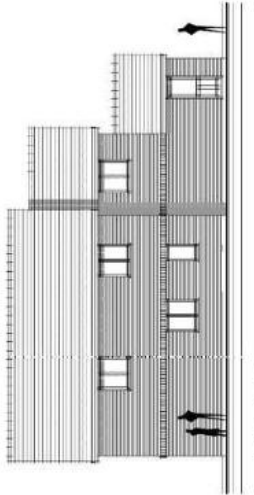
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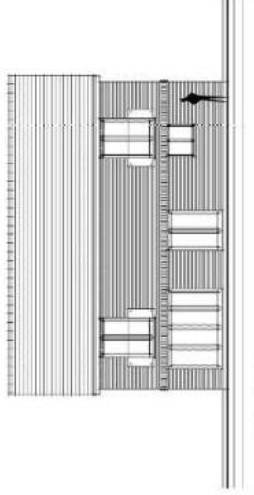
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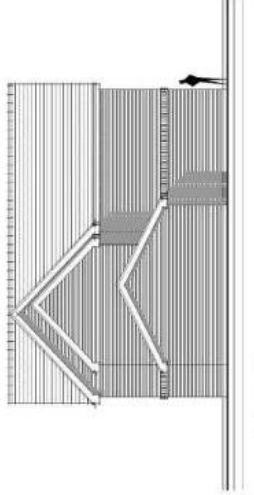
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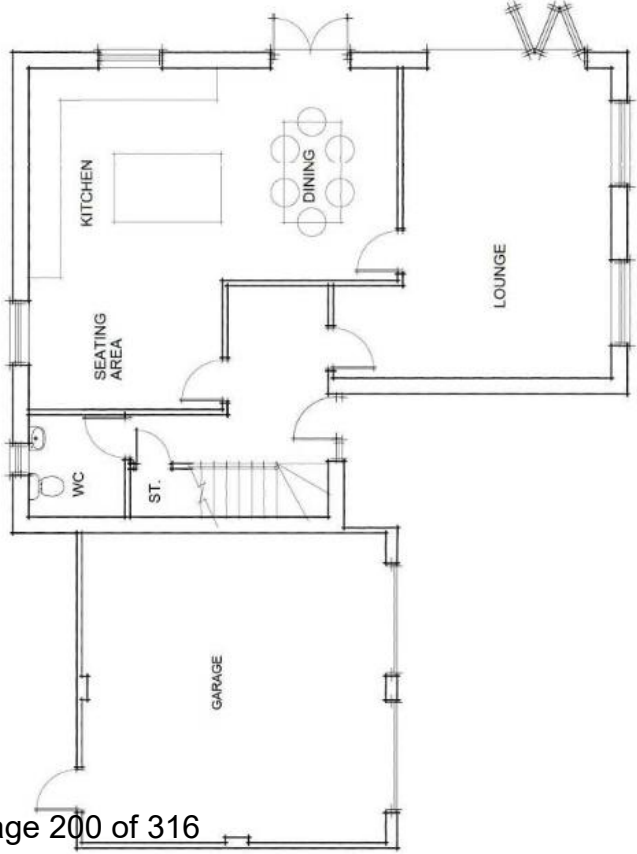
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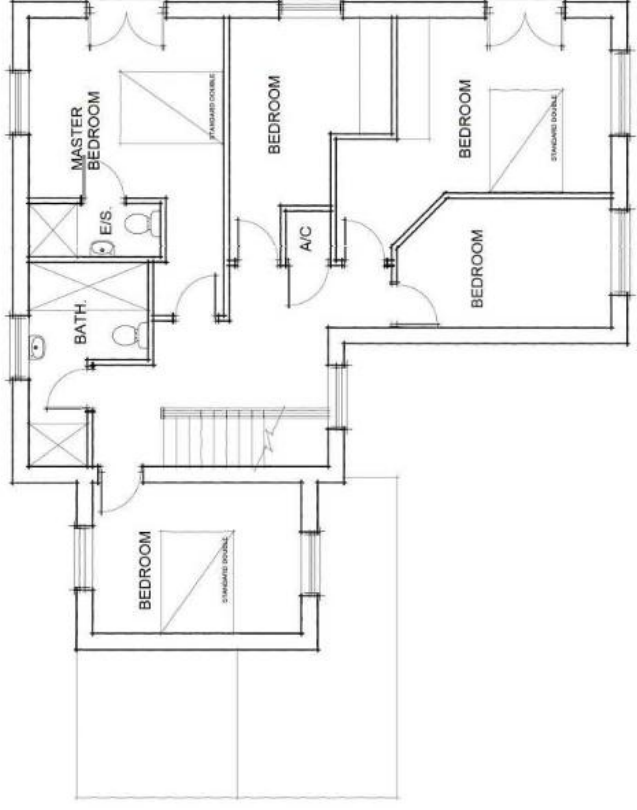
SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

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PROJECT  
PROPOSED DEVELOPMENT AT  
MONKHILL  
CARLISLE

Drawing Title  
PLOT 4 & 6 (PLOT 6 HANDED)

Client  
W. LEWIS

Project No.  
CA-272-03

Revision  
A

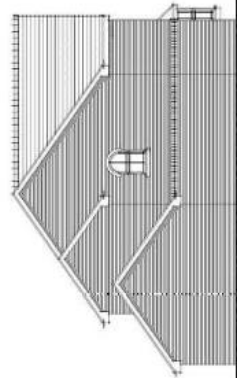
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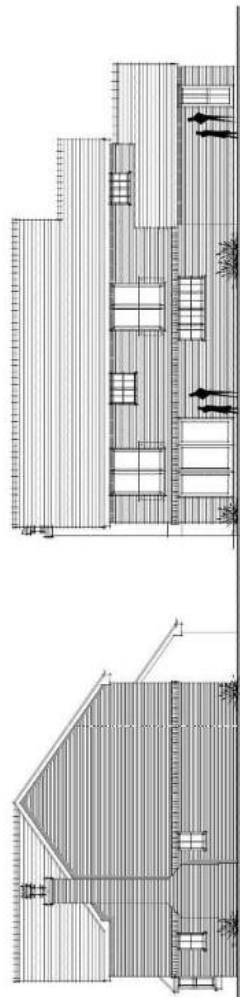
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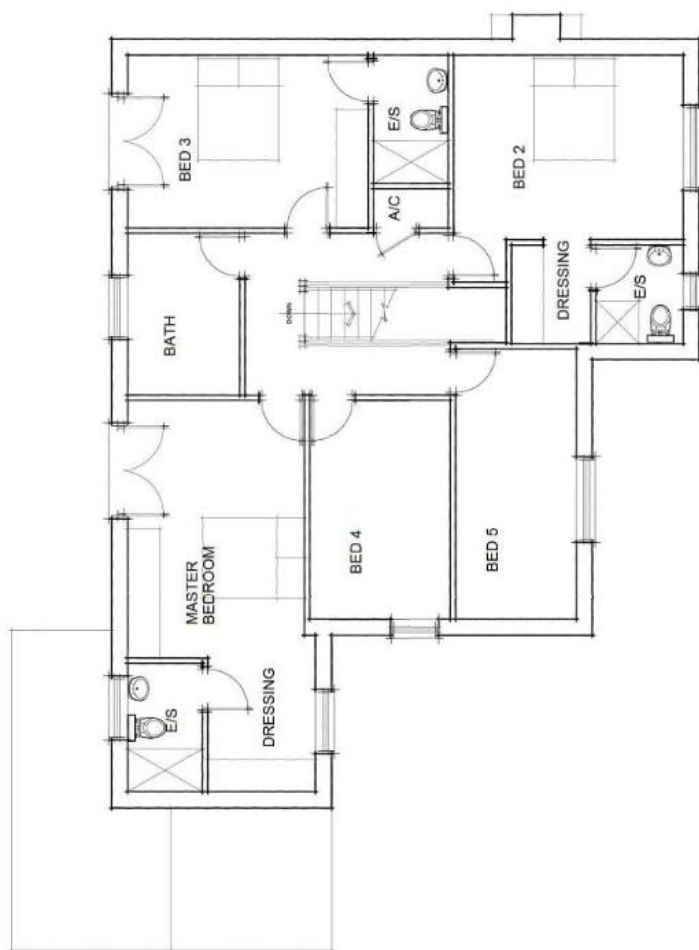




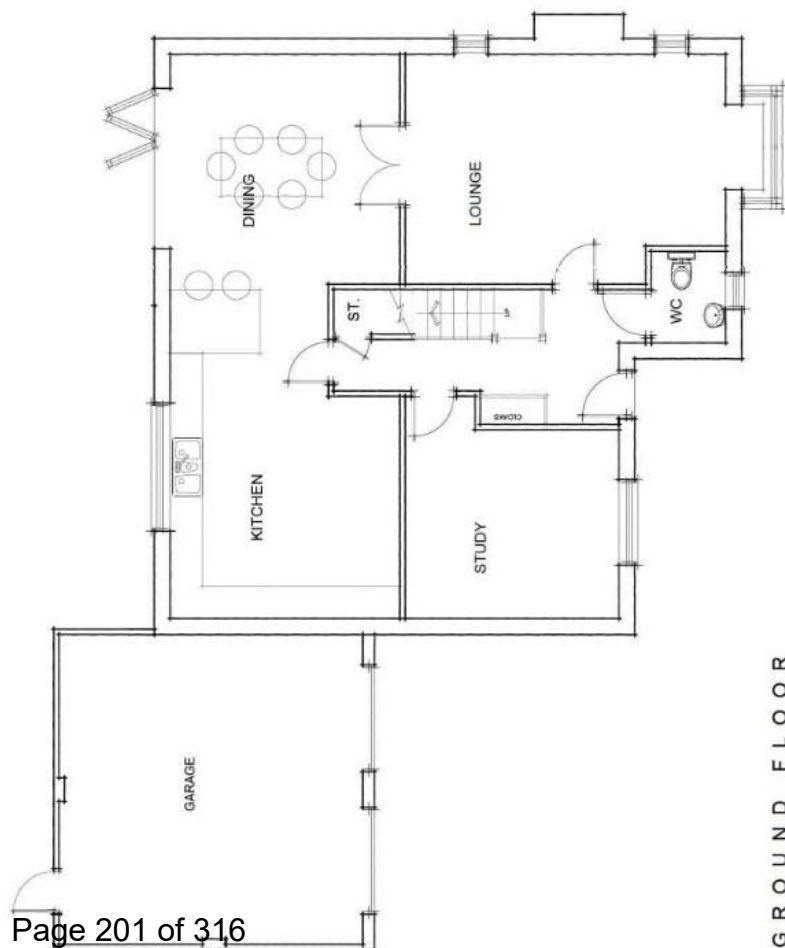
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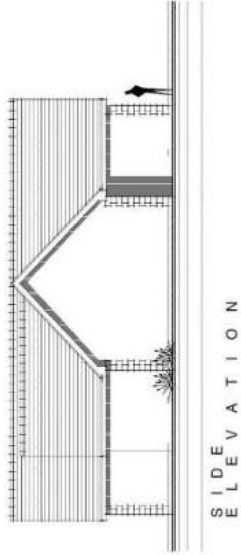
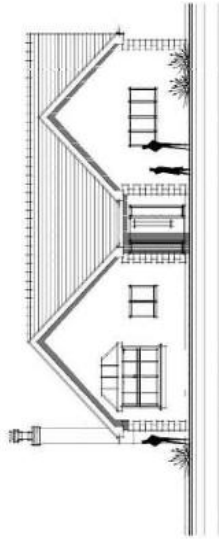
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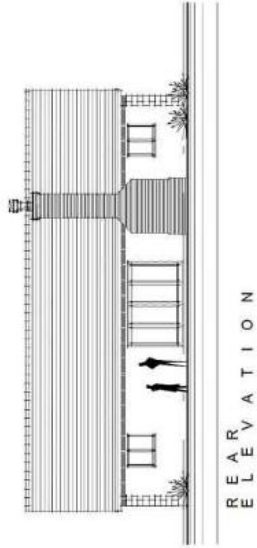
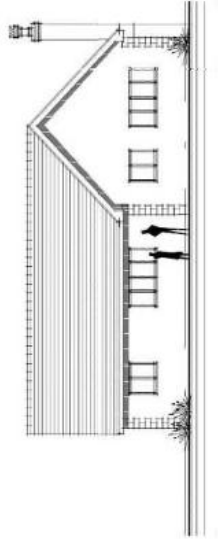
FIRST FLOOR



GROUND FLOOR



FLOOR PLAN



C

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PROJECT  
PROPOSED DEVELOPMENT AT  
MARKHILL  
CARLSLE

DRAWING TITLE  
PLOT 7

CLIENT  
W. LEWIS

DRAWING NO.  
CA-272-05

SCALE  
1:50/100@A1

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DATE  
AUG'20

DESIGNED BY  
SG

# AMBI<sup>ENT</sup>AL

## ENVIRONMENTAL ASSESSMENT

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### Surface and Foul Water Drainage Technical Note 5487

Land to the Rear of Hallcroft  
Monkhill  
Carlisle  
CA5 6DB

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## Document Issue Record

**Project:** Surface Water Drainage Technical Note

**Reference:** 5487 SWDS

**Site Location:** Land to the Rear of Hallcroft, Monkhill, Carlisle, CA5 6DB

**Proposed Development:** Construction of 7 residential dwellings on a greenfield site.

Consultant		Date	Signature
Author	Bojidar Boiadjiev	17/07/2020	
Document Check	Lydia Sayers	20/07/2020	
Authorisation	Mark Naumann	03/08/2020	

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## 1. Reason for Technical Note

1.1 This technical note is in response to Conditions 5 and 6 of planning application 18/0994. The application is for the erection of 7no. dwellings with associated access road. A topographic survey and proposed plans are provided in Appendix 1 of this technical note.

1.2 Planning Conditions 5 and 6 of planning application 18/0994 are detailed below:

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

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

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s for any storm event.

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

6. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans. The development shall then be undertaken in accordance with the approved plans.

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

## 2. SUDS Assessment

- 2.1 Surface water run-off generated by development sites has the potential, where impermeable surface areas are increased, to increase flood risk to others by increasing the peak rate of surface water discharged from the Site. Consequently, the NPPF requires that all developments requiring a drainage assessment consider the sustainable management of surface water, so as not to increase the peak rate of surface water run-off when compared to the baseline scenario.
- 2.2 Under the requirements of the non-statutory technical standards for sustainable drainage systems (SuDS), where practicable, peak surface water discharge rates should be limited to as close to the pre-development surface water run-off rate (greenfield) as possible.
- 2.3 In accordance with the SuDS management train approach, the use of various SuDS measures to reduce and control surface water flows have been considered in detail for the development.

### Infiltration Potential

- 2.4 In Infiltration tests conducted by the client have demonstrated that the water level in the trial pits dropped from 300mm to 290mm in 24 hours. This is deemed exceptionally slow and as such infiltration has been disregarded as a suitable method for managing the site runoff. Infiltration test results and photographs are shown in Appendix 2.

### Drainage Hierarchy

- 2.5 The management of surface water has been considered in respect to the SuDS hierarchy (below) (as detailed in the CIRIA 753 'The SuDS Manual', Section 3.2.3):


SuDS Drainage Hierarchy				
			Suitability	Comment
	1.	Infiltration	x	Exceptionally low infiltration rates
	2.	Discharge to Surface Water	x	No watercourse in practical proximity
	3.	Discharge to Surface Water Sewer, Highway Drain or another Drainage System	✓	Discharge into highway sewer under Monkhill road
	4.	Discharge to Combined Sewer	-	
	5.	Discharge to a foul sewer	-	

Table 1: SuDS Hierarchy

- 2.6 At the top of the drainage hierarchy is managing runoff through infiltration. As such, if infiltration is feasible, this would be the primary approach of managing the runoff from the site. However, based on the information from section "Infiltration Potential", infiltration devices are deemed unfeasible.
- 2.7 Next in the hierarchy is discharge to a watercourse. This is deemed unfeasible due to the distance and third-party land between the site and the nearest watercourse.
- 2.8 An asset location search with United Utilities confirms that public surface or foul sewers are not recorded in the practical vicinity of the site. See Appendix 3 for asset location search.
- 2.9 It is therefore proposed to utilise the existing highway drain under Monkhill Road.

2.10 Correspondence with the Environment & Infrastructure team of Cumbria County Council has confirmed that the surface water runoff from the site would be allowed to be discharged into the existing system beneath the highway provided that infiltration is shown to be unfeasible. Additionally, according to the letter from Cumbria County Council, the foul water runoff from the site would also be allowed in the surface water system under Monkhill Road if it is treated by a treatment plant prior to discharge. See Appendix 4 for email confirmation from Cumbria County Council.

### Suitability of SuDS Components

2.11 The suitability of SuDS components has been assessed in order to provide a sustainable means of providing the required attenuation volumes. The following components have been assessed as follows in Table 2:

Suitability of SuDS Components		
SuDS Component	Description	Suitability
<b>Infiltrating SuDS</b>	Infiltration can contribute to reducing runoff rates and volumes while supporting baseflow and groundwater recharge processes. The suitability and infiltration rate depends on the permeability of the surrounding soils.	x
<b>Permeable Pavement</b>	Pervious surfaces can be used in combination with aggregate sub-base and/or geocellular/modular storage to attenuate and/or infiltrate runoff from surrounding surfaces and roofs. Liners can be used where ground conditions are not suitable for infiltration.	x
<b>Green / Blue Roofs</b>	Green Roofs provide areas of visual benefit, ecological value, enhanced building performance and the reduction of surface water runoff. They are generally more costly to install and maintain than conventional roofs but can provide many long-term benefits and reduce the on-site storage volumes. Blue roofs provide additional attenuation by storing the rainwater in crates located in the roof structure. Runoff from these structures can be reduced significantly using small orifice devices due to the low risk of blockage.	x
<b>Rainwater Harvesting</b>	Rainwater Harvesting is the collection of rainwater runoff for use. It can be collected from roofs or other impermeable area, stored, treated (where required) and then used as a supply of water for domestic, commercial and industrial properties.	✓
<b>Swales</b>	Swales are designed to convey, treat and attenuate surface water runoff and provide aesthetic and biodiversity benefits. They can replace conventional pipework as a means of conveying runoff, however space constraints of some sites can make it difficult incorporating them into the design.	x
<b>Rills and Channels</b>	Rills and Channels keep runoff on the surface and convey runoff along the surface to downstream SuDS components. They can be incorporated into the design to provide a visually appealing method of conveyance, they also provide effectiveness in pre-treatment removal of silts.	x
<b>Bioretention Systems</b>	Bioretention systems can reduce runoff rates and volumes and treat pollution through the use of engineer soils and vegetation. They are particularly effective in delivering interception, but can also be an attractive landscape feature whilst providing habitat and biodiversity.	x
<b>Retention Ponds and Wetlands</b>	Ponds and Wetlands are features with a permanent pool of water that provide both attenuation and treatment of surface water runoff. They enhance treatment processes and have great amenity and biodiversity benefits. Often a flow control system at the outfall controls the rates of discharge for a range of water levels during storm events.	x
<b>Detention Basins</b>	Detention Basins are landscaped depressions that are usually dry except during and immediately following storm events, and can be used as a recreational or other amenity facility. They are generally appropriate to manage high volumes of surface water from larger sites such as a neighbourhoods.	x
<b>Geocellular Systems</b>	Attenuation storage tanks are used to create a below-ground void space for the temporary storage of surface water before infiltration, controlled release or use. The inherent flexibility in size and shape means they can be tailored to suit the specific characteristics and requirements of any site.	✓

<b>Proprietary Treatment Systems</b>	Proprietary treatment systems are manufactured products that remove specific pollutants from surface water runoff. They are especially useful where site constraints preclude the use of other methods and can be useful in reducing the maintenance requirements of downstream SuDS.	✓
<b>Filter Drains and Filter Strips</b>	Filter drains are shallow trenches filled with stone, gravel that create temporary subsurface storage for the attenuation, conveyance and filtration of surface water runoff. Filter strips are uniformly graded and gently sloping strips of grass or dense vegetation, designed to treat runoff from adjacent impermeable areas by promoting sedimentation, filtration and infiltration.	x

*Table 2: Suitability of SuDS Components*

- 2.12 Infiltration SuDS were deemed not feasible for the site (see section “Geology” of this report). Green and blue roofs are not feasible due to the pitch nature of the proposed roofs.
- 2.13 Swales, detention ponds, basins, wetlands are usually suitable for larger scale sites with more available public space.
- 2.14 Permeable pavement is not deemed suitable due to the slow infiltration rates, slope of the site, and the potential for adoption of the access road.
- 2.15 The proposal is to utilise geocellular crate systems to attenuate the runoff prior to discharge. If the access road is to be adopted and this arrangement is deemed unfeasible for adoption, the attenuation could be provided through an oversized pipe system. The details of such an arrangement are to be confirmed at a later stage.
- 2.16 Rainwater harvesting is also proposed to be considered by the developer in order to provide further benefits from the drainage strategy. This could be provided in the form of water butts for each dwelling.

### Rainwater Harvesting

- 2.17 Rainwater harvesting (RWH) systems should be considered for rainwater re-use. Rainwater harvesting can take various forms including simple water butts to utilise runoff for watering and irrigation, to more complex pumped RWH systems to be used in grey water uses.
- 2.18 Water Butts are considered suitable for this site to reduce peak discharges and downstream flood risk. Water butts often have limited storage capacity given that when a catchment is in flood, water butts are often full and have no spare capacity for flood waters. However, it is still considered that they have an important role to play in the sustainable use of water. There is potential to use ‘leaky’ water butts that provide overflow devices to the landscaped areas to ensure that there is always some volume available for storage during heavy rainfall events.
- 2.19 As such, downpipes could be routed through a water butt prior to discharging to planting areas in gardens and main building drainage.



### 3. Surface Water Drainage Strategy

- 3.1 In order to mitigate flood risk posed by the proposed development, adequate control measures are required to be considered. This will ensure that surface water runoff is dealt with at source and the flood risk on/off site is not increased over the lifetime of the development.

#### Runoff rates

- 3.2 As per condition 5 of the planning notice, the discharge from the development should be restricted to a peak rate of 5l/s.
- 3.3 The Lead Local Flood Authority has confirmed that a maximum discharge of 5l/s in line with the planning condition 5 is acceptable to the Lead Local Flood Authority and that the maximum discharge is to be controlled via a hydro-brake or similar device. See Appendix 4 for correspondence from Cumbria County Council.
- 3.4 As such, the proposals are to limit surface water runoff from the site to 5l/s utilising a Hydrobrake or similar vortex flow control device.

#### Attenuation Storage

- 3.5 Attenuation storage is needed to temporarily store water during periods when the runoff rates from the development site exceed allowable discharge rates from the site.
- 3.6 Rainfall depths for the 1 in 100-years return period plus 40% of CC were produced utilising the Causeway Flow software using the FEH rainfall model to estimate the largest volume, critical storm, for typical storm durations. A network model has been implemented to simulate the proposed drainage network and storage devices.
- 3.7 The proposed drainage layout and supporting construction details are provided in Appendix 5.
- 3.8 The total attenuation storage volume required for the site is 82.1m<sup>3</sup>. This includes all proposed storage structures, manholes and pipes.
- 3.9 The proposal is for two geocellular tank systems – Upper Tank (51.3m<sup>3</sup>) and Lower Tank (27.4m<sup>3</sup>) for a total of 78.7m<sup>3</sup>. The remaining 3.4m<sup>3</sup> of required storage is provided through the proposed network (pipes and manholes) shown in the layout in Appendix 5. Calculations demonstrating the feasibility of the proposed network are provided in Appendix 6.

#### Design Exceedance

- 3.10 In the event of drainage system failure under extreme rainfall events or blockage, flooding may occur within the site. In the event of the development's drainage system failure, the runoff flow will be dictated by topography on site. It is advised that the external ground levels, where possible, are laid to fall away from building thresholds.
- 3.11 It is noted that the wider site falls to the north, where possible ground levels should be designed to direct runoff towards the southeast.
- 3.12 Design of external ground levels will need to be undertaken at detailed design stage to finalise these routes, but some indicative flow paths have been indicated on the outline strategy drawings.

- 3.13 Some indicative finished floor levels are provided in drawing 5487-DR01. These would need to be confirmed with the architect prior to finalisation.
- 3.14 In terms of drainage mechanisms to mitigate the impacts of exceedance events on the site, it is advised that non-return valves should be provided to prevent the ingress/egress of waters from the highway drain and the foul sewer.

### Water Quality

- 3.15 Adequate treatment must be delivered to the water runoff to remove pollutants through SuDS devices, which are able to provide pollution mitigation.
- 3.16 The proposal is to treat runoff through proprietary devices like Naylor Passive Skimmers or similar oil treating product prior to release to the highway drain.
- 3.17 Separate treatment of the road and each plot may be required as part of any potential adoption process. This is to be confirmed with finalised plans and adopting authority and a suitable design of the treatment train is to be confirmed with a manufacturer.

### Adoption and Maintenance

- 3.18 A long-term maintenance regime should be agreed with the site owners. Alternatively, the proposed network on site could be offered for adoption by United Utilities. If the system is to be adopted, the geocellular crate system may need to be replaced by an oversized pipe system to provide the required attenuation.
- 3.19 In addition to a long-term maintenance regime, it is recommended that all drainage elements implemented on site should be inspected following the first rainfall event post-construction and monthly for the first quarter following construction. See Appendix 7 for a general maintenance schedule.

## 4 Foul Water Drainage Strategy

- 4.1 It is proposed to manage the foul water from the site using a package treatment plant with a discharge into the highway sewer.
- 4.2 See Appendix 4 for confirmation from Cumbria County Council that foul flows from the site would be accepted if they are treated prior to discharge.
- 4.3 Two existing properties may also be connected to the package treatment plant as per client's advice. The connection from these properties may require pumping. Further confirmation of the need to construct these connections is to be provided. At this stage, in order to provide a more conservative design, it is suggested to assume these connections would be constructed and the package treatment plant to be sized accordingly allowing for these properties.
- 4.4 The design population for the package treatment plant has been advised by the client to be 43. This is as per client's advice that the anticipated population is 5 people per new dwelling and 4 people per existing property ( $5 \times 7 + 4 \times 2 = 43$ ). Drawing 5487-DR01 shows an arrangement utilising a dual tank package treatment and is rated up to a population of 50. This proposal has to be confirmed with manufacturer and finalised proposals to confirm the population and suitability of the chosen system.



## Appendix 1 – Topographic survey and Proposed Plans



## Appendix 2 – Infiltration Tests

## Bojidar Boiadjiev

---

**From:** WARREN LEWIS  
**Sent:** 11 June 2020 11:00  
**To:** Bojidar Boiadjiev  
**Subject:** Warren

Trial pit 1  
12.34pm 28th may  
1000mm square  
300 mm deep .

Findings  
24 hours after  
290mm deep







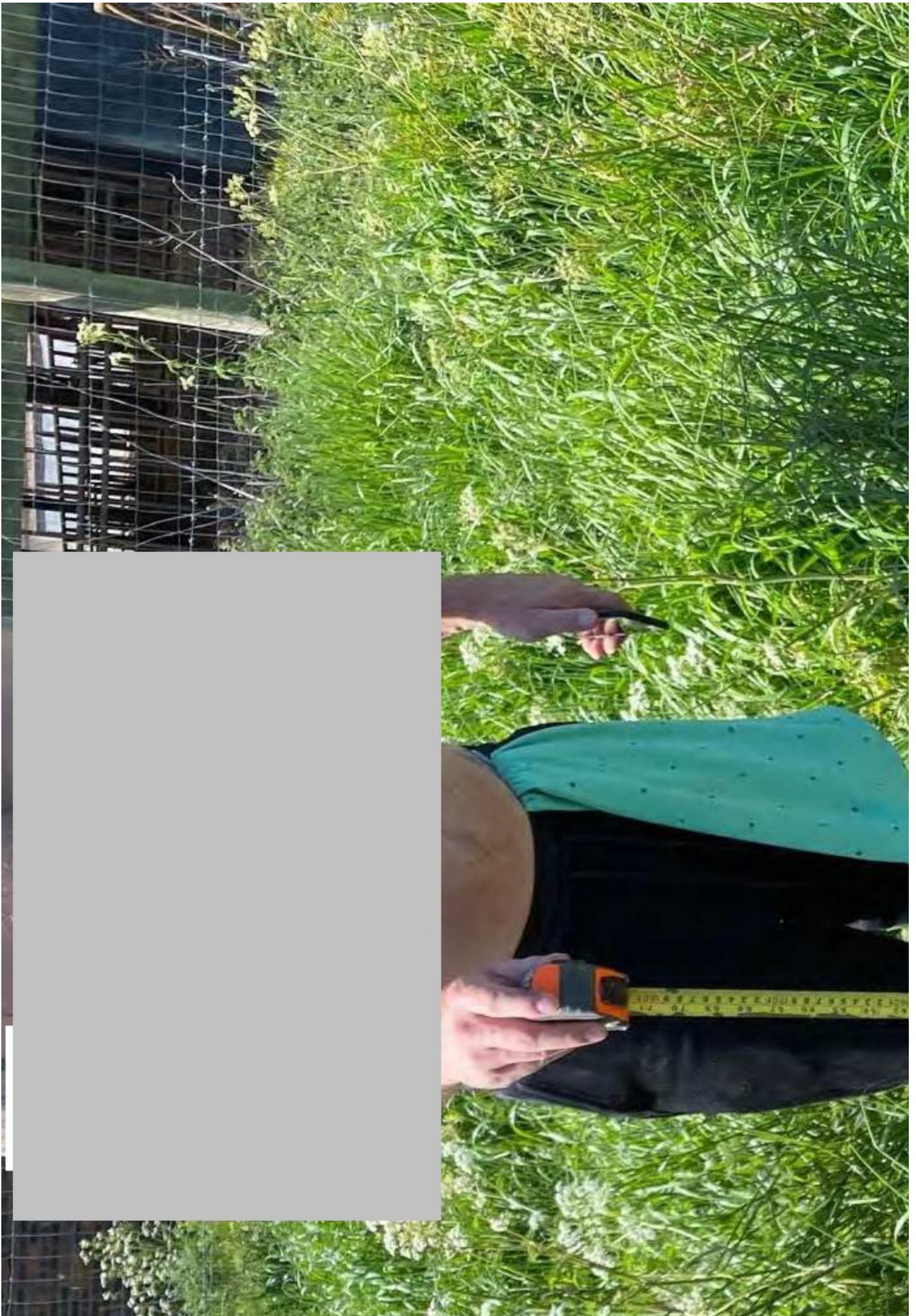
## Bojidar Boiadjiev

---

**From:** WARREN LEWIS  
**Sent:** 11 June 2020 11:00  
**To:** Bojidar Boiadjiev  
**Subject:** Warren

Trial pit 2  
28th may  
12.45pm  
1000mm square  
300mm deep

Findings  
24 hours after 290mm deep



## Bojidar Boiadjiev

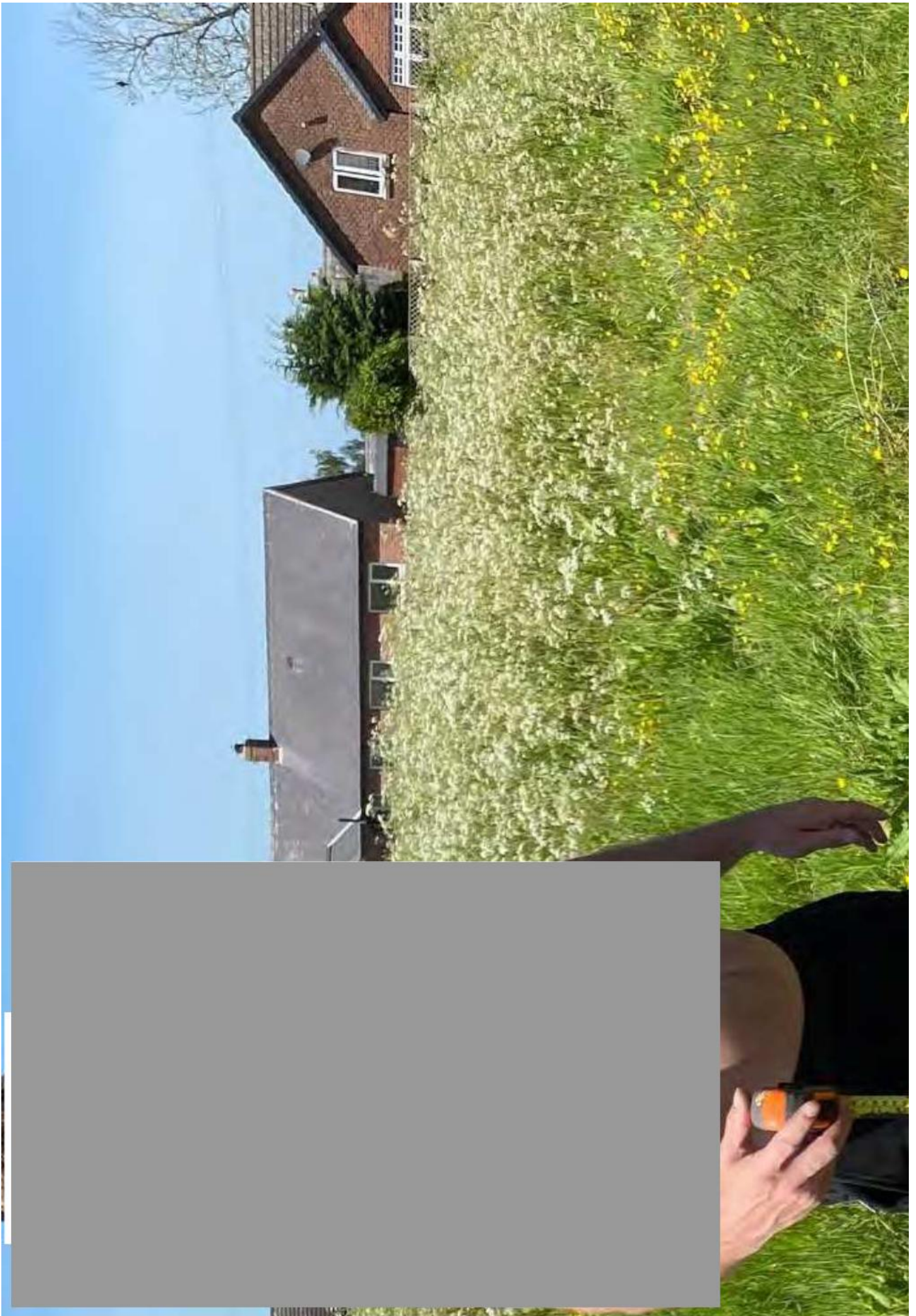
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**From:** WARREN LEWIS  
**Sent:** 11 June 2020 11:00  
**To:** Bojidar Boiadjiev  
**Subject:** Warren

Trial pit 3  
28th may 1pm  
1000mm square  
300 deep

Findings  
24 hours after  
290mm deep





## Bojidar Boiadjiev

---

**From:** WARREN LEWIS  
**Sent:** 10 June 2020 22:57  
**To:** Bojidar Boiadjiev  
**Subject:** Warren

Trial pit 4  
28th may  
1.15pm  
1000mm square  
300mm deep  
Findings  
24 hours after 290mm deep







## Appendix 3 – United Utilities Asset Location Search

# Drainage & Water Search (Commercial)



## Search Details

**Prepared for:** Minihan Mcalister Limited

**Matter:** JCM/1701/1

**Client address:** Warwick Mill Business Centre, Warwick Bridge, Carlisle, CA4 8RR

### Property:

Land at, Hallcroft, Monkhill, Burgh By Sands, Carlisle, CA5 6DB

### Water Company:

United Utilities Water Plc

Grasmere House, Lingley Mere Business Park, Warrington, WA5 3LP

**Date Returned:**  
31/03/2020

**Property type:**  
Commercial

This search was compiled by the Water Company above and provided by InfoTrack Ltd – t: 0207 186 8090, e: [helpdesk@infotrack.co.uk](mailto:helpdesk@infotrack.co.uk). This search is subject to terms and conditions issued by InfoTrack which can be viewed at [www.infotrack.co.uk](http://www.infotrack.co.uk) or supplied on request. This search is also subject to terms and conditions issued by the Water Company, available on request. InfoTrack are registered with the Property Codes Compliance Board (PCCB) as subscribers to the Search Code. The PCCB independently monitors how registered firms maintain compliance with the Code. Visit [www.propertycodes.org.uk](http://www.propertycodes.org.uk) for more information.



InfoTrack UK Limited, Level 11, 91 Waterloo Road, London, SE1 8RT  
T: 0207 186 8090 E: [helpdesk@infotrack.co.uk](mailto:helpdesk@infotrack.co.uk)

# Commercial drainage and water enquiry

Responses to a drainage and water enquiry for commercial premises or development sites.

Client:

Client ref: InfoTrack-8014951

InfoTrack Limited

91  
Waterloo Road,  
London,  
SE1 8RT

Order number: UUPS-ORD-159681

Received date: 30/03/2020

Response date: 31/03/2020

FAO:

The following records were searched in compiling this report:

The map of public sewers  
The map of waterworks  
Water and sewerage billing records  
Adoption of public sewers records  
Building over public sewer records  
Adoption of public water mains records  
Water supply clarification

**Property address: Land at, Hallcroft Monkhill, Burgh By Sands, Carlisle, CA5 6DB**

Please Note - We must make you aware that due to the introduction of the open market with effect from 1st April 2017 for commercial customers, Property Searches will no longer be able to resolve issues regarding some discrepancies within the report. Due to the change in the structure of the market the retailer is now responsible for taking ownership of certain issues, particularly relating to billing/tariff charges as well as, but not limited to change of usage of a property.

## Enquiries and Responses

The records were searched by Joanne Jones for United Utilities who does not have, nor is likely to have, any personal or business relationship with any person involved in the sale of the property.

This search report was prepared by Joanne Jones for United Utilities who does not have, nor is likely to have, any personal or business relationship with any person involved in the sale of the property.

## How to contact us:

United Utilities Water Limited  
Property Searches  
Haweswater House  
Lingley Mere Business Park  
Great Sankey  
Warrington  
WA5 3LP

Telephone: 0370 7510101

E-mail: [propertysearches@uuplc.co.uk](mailto:propertysearches@uuplc.co.uk)

## What is included:

1. Summary of findings and key
2. Detailed findings of the CON29DW
3. Guidance for interpretation
4. Terms and conditions
5. Complaints policy

If you are planning works anywhere in the North West, please read our access statement before you start work to check how it will affect our network. <http://www.unitedutilities.com/work-near-asset.aspx>.

**To help understand the implications of the drainage and water enquiries report a summary guide to the content of the full report is provided below.**

✓ This response represents the typical situation for a property.

⚠ The attention of the purchaser is drawn to this response. The purchaser may wish to make further investigations into this situation.

✗ This response represents an uncommon situation for a property and the purchaser should carefully consider its implications.

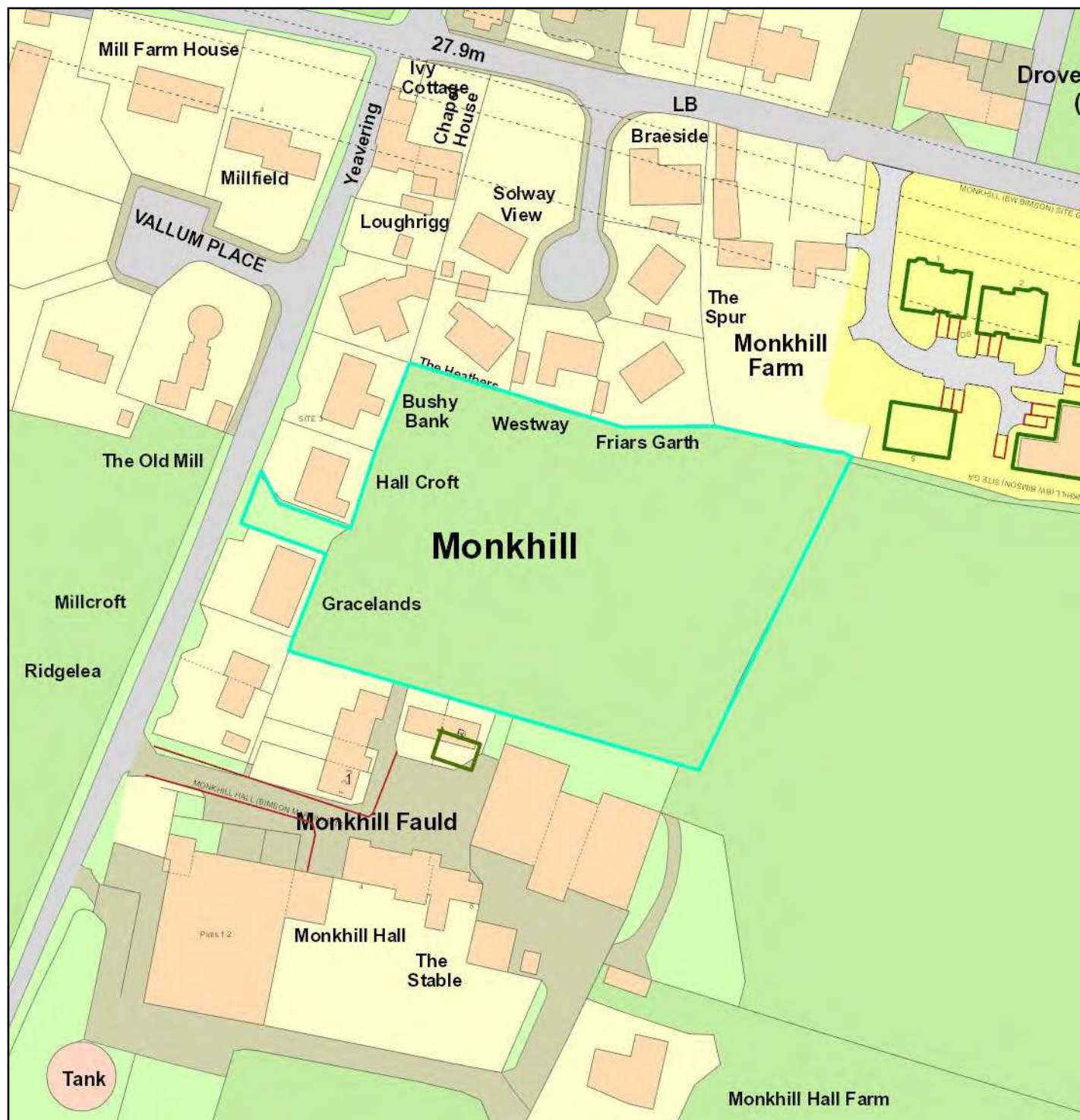
Question	Report Schedule	Answer	
1	Where relevant, please include a copy of an extract from the public sewer map.	Yes & in vicinity	✓
2	Where relevant, please include a copy of an extract from the map of waterworks.	Yes & in vicinity	✓
3	Does foul water from the property drain to a public sewer?	Plot of land	⚠
4	Does surface water from the property drain to a public sewer?	Plot of land	⚠
5	Is a surface water drainage charge payable?	No	✗
6	Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?	None	✓
6.1	Does the public sewer map indicate any pumping station or any other ancillary apparatus within the boundaries of the property?	None	✓
7	Does the public sewer map indicate any public sewer within 30.48 metres (100 feet) of any buildings within the property?	None	⚠
7.1	Does the public sewer map indicate any public pumping station or any other ancillary apparatus within 50 metres of any buildings within the property?	None	✓
8.1	Are any foul sewers or lateral drains serving or which are proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?	No	✓
8.2	Are any surface water pipes or lateral drains serving, or which are proposed to serve the property, the subject of an existing adoption agreement or an application for such an agreement?	No	✓
9	Has a sewerage undertaker approved or been consulted about any plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain?	None	✓
10	Is the building which is or forms part of the property at risk of internal flooding due to overloaded public sewers?	No	✓
11	Please state the distance from the property to the nearest boundary of the nearest sewage treatment works.	Yes	✓
12	Is the property connected to mains water supply?	Plot of Land	⚠
13	Are there any water mains, resource mains or discharge pipes within the boundaries of the property	No	✓

Question	Report Schedule	Answer	
14	Is any water main or service pipe serving or which is proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?	No	✓
15	Is the building at risk of receiving low water pressure or flow?	No	✓
16	What is the clarification of the water supply for the property?	Soft	✓
18	Please include details of the location of any water meter serving the property.	No meter	✓
19.1	Who is responsible for providing the sewerage services for the property?	United Utilities	✓
19.2	Who is responsible for providing the water services for the property?	United Utilities	✓
20	Who bills the property for sewerage services?	Retailer sewer	✓
21	Who bills the property for water services?	Retailer water	✓
22	Has a customer been granted a trade effluent consent at this property?	No	✓
23	Is there an easement affecting the property?	No	✓



SEWER RECORD

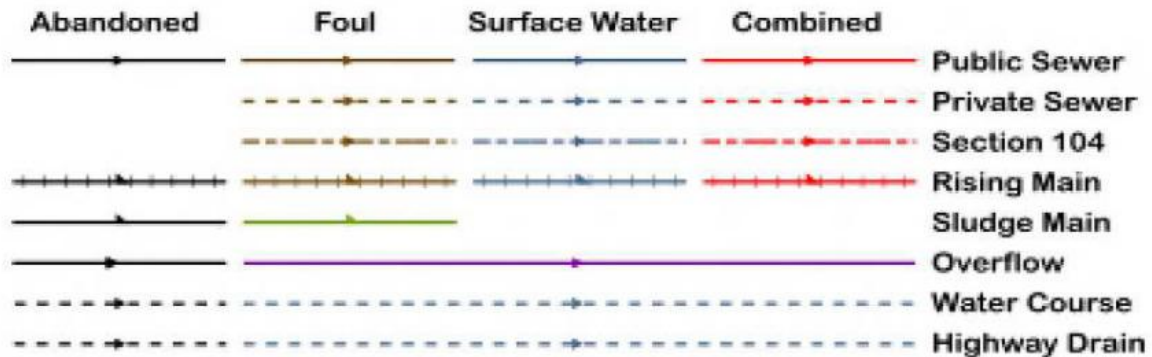
Land at, Hallcroft Monkhill, Burgh By Sands, Carlisle, CA5 6DB



The position of underground apparatus shown on this plan is approximate only and is given in accordance with the best information currently available. The actual positions may be different from those shown on the plan and private pipes, sewers or drains may not be recorded. United Utilities Water PLC will not accept any liability for any damage caused by the actual positions being different from those shown.

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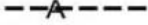


















## Wastewater Symbolology



All point assets follow the standard colour convention: **red** – combined **brown** - foul  
**blue** – surface water **purple** - overflow

- |                         |                                 |
|-------------------------|---------------------------------|
| <b>Manhole</b>          | <b>Side Entry Manhole</b>       |
| <b>Head of System</b>   | <b>Outfall</b>                  |
| <b>Extent of Survey</b> | <b>Screen Chamber</b>           |
| <b>Rodding Eye</b>      | <b>Inspection Chamber</b>       |
| <b>Inlet</b>            | <b>Bifurcation Chamber</b>      |
| <b>Discharge Point</b>  | <b>Lamp Hole</b>                |
| <b>Vortex</b>           | <b>T Junction / Saddle</b>      |
| <b>Penstock</b>         | <b>Catchpit</b>                 |
| <b>Washout Chamber</b>  | <b>Valve Chamber</b>            |
| <b>Valve</b>            | <b>Vent Column</b>              |
| <b>Air Valve</b>        | <b>Vortex Chamber</b>           |
| <b>Non Return Valve</b> | <b>Penstock Chamber</b>         |
| <b>Soakaway</b>         | <b>Network Storage Tank</b>     |
| <b>Gully</b>            | <b>Sewer Overflow</b>           |
| <b>Cascade</b>          | <b>Ww Treatment Works</b>       |
| <b>Flow Meter</b>       | <b>Ww Pumping Station</b>       |
| <b>Hatch Box</b>        | <b>Septic Tank</b>              |
| <b>Oil Interceptor</b>  | <b>Control Kiosk</b>            |
| <b>Summit</b>           |                                 |
| <b>Drop Shaft</b>       | <b>Change of Characteristic</b> |
| <b>Orifice Plate</b>    |                                 |

## Clean Water Symbolology

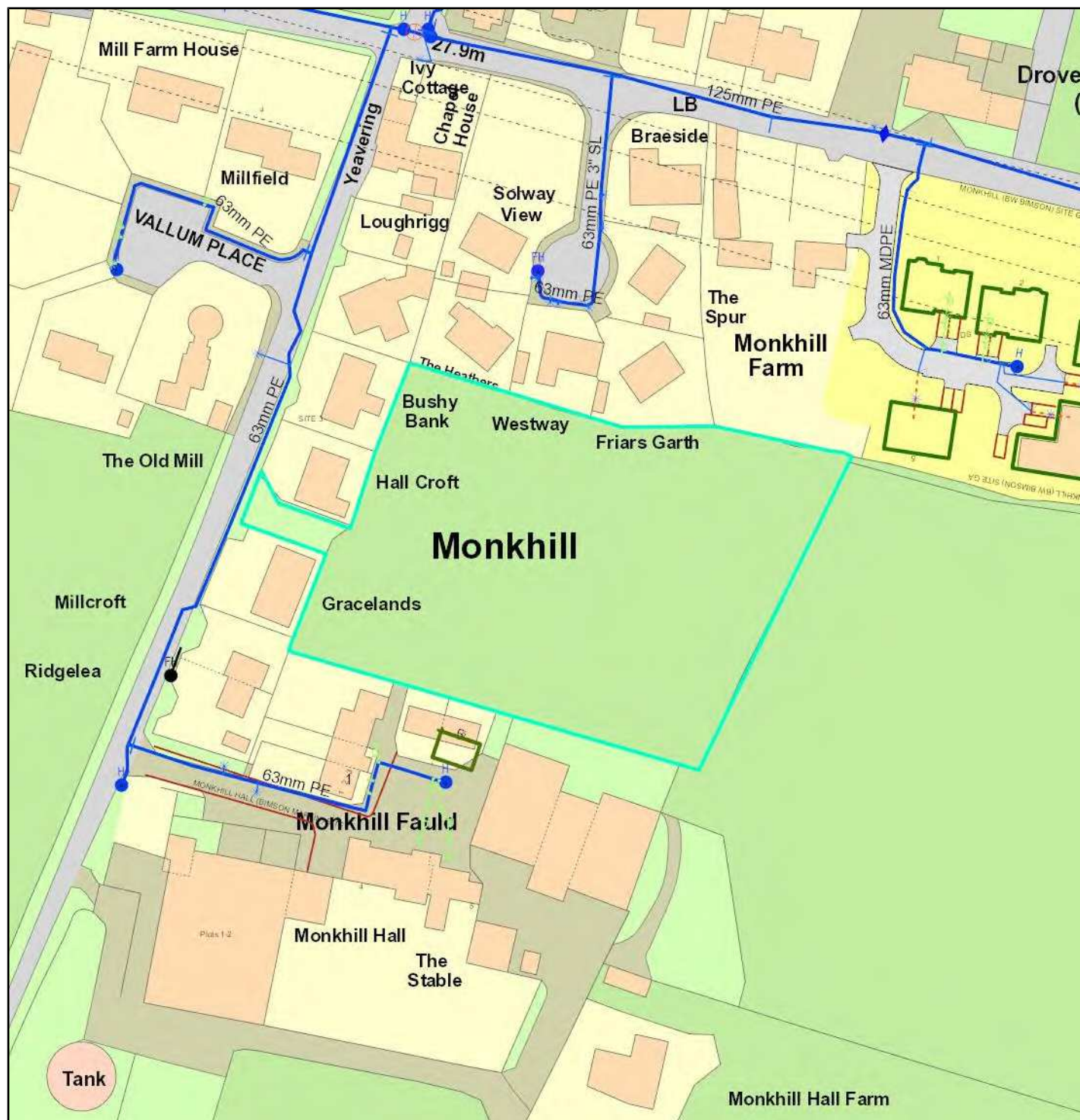
Proposed	Abandoned	Live	
			Distribution Main
			Trunk Main
			Comms Pipe
			Private Pipe
			Concessionary Service
			Raw Water
			LDTM Raw Water
			LDTM Treated Water
			Air Valve
			AC Valve, open
			AC Valve, closed
			CC Valve, open
			CC Valve, closed
			Non Return Valve
			Pressure Management Valve
			OMS Valve
			Stop Tap
			Flow Meter
			Domestic Meter
			Commercial Meter
			Pump
			Hydrant
			Fire Hydrant
			Anode
			Chlorination Point
			De-chlorination Point
			Strainer Point
			Access Point
			Hatch Box
			IP Point
			Sampling Station
			Logger Box
			Bore Hole
			Inlet Point
			Bulk Supply Point
			End Cap
			Site Termination
			Change of Characteristic
			Condition Report
			<u>Property Types</u>
			Water Tower
			Valve House
			Booster Pumping Station
			Intake Pumping Station
			Water Treatment Works
			Supply Reservoir
			Service Reservoir
			Impounding Reservoir
			Pipe Bridge

Symbology for proposed assets is the same as above, but shown in **green**  
Symbology for abandoned assets is the same as above, but shown in **black**



**WATER RECORD**

Land at, Hallcroft Monkhill, Burgh By Sands, Carlisle, CA5 6DB



The position of underground apparatus shown on this plan is approximate only and is given in accordance with the best information currently available. The actual positions may be different from those shown on the plan and private pipes, sewers or drains may not be recorded. United Utilities Water PLC will not accept any liability for any damage caused by the actual positions being different from those shown.

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<b>Question 1</b>	<b>Where relevant, please include a copy of an extract from the public sewer map.</b>
<b>Answer</b>	<b>A copy of an extract of the public sewer map within the vicinity of the property is included.</b>
<b>Guidance</b>	<p>1. The Water Industry Act 1991 defines Public Sewers as those which (United Utilities) have responsibility for. Other assets and rivers, water courses, ponds, culverts or highway drains may be shown for information purposes only.</p> <p>2. Any private sewers or lateral drains which are indicated on the extract of the public sewer map as being subject to an agreement under Section 104 of the Water Industry Act 1991 are not an 'as constructed' record. It is recommended these details be checked with the developer.</p> <p>3. The Sewerage Undertaker has a statutory right of access to carry out work on its assets, subject to notice. This may result in employees of the Sewerage Undertaker or its contractors needing to enter the property to carry out work.</p>
<b>Question 2</b>	<b>Where relevant, please include a copy of an extract from the map of waterworks.</b>
<b>Answer</b>	<b>A copy of an extract of the map of waterworks is included, showing water mains, resource mains or discharge pipes in the vicinity of the property.</b>
<b>Guidance</b>	<p>The "water mains" in this context are those which are vested in and maintainable by the Water Undertaker under statute.</p> <p>Assets other than public water mains may be shown on the plan, for information only. Water Undertakers are not responsible for private supply pipes connecting the property to the public water main and do not hold details of these. These may pass through land outside of the control of the seller, or may be shared with adjacent properties. The buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.</p> <p>If an extract of the public water main record is enclosed, it will show known public water mains in the vicinity of the property. It should be possible to estimate the likely length and route of any private water supply pipe connecting the property to the public water network.</p> <p>The presence of a public water main running within the boundary of the property may restrict further development within it. Water Undertakers have a statutory right of access to carry out work on their assets, subject to notice. This may result in employees of the Water Undertaker or its contractors needing to enter the property to carry out work.</p>
<b>Question 3</b>	<b>Does foul water from the property drain to a public sewer?</b>
<b>Answer</b>	<b>This enquiry appears to relate to a plot of land or a recently built property. It is recommended that drainage proposals are checked with the developer.</b>
<b>Guidance</b>	<p>Sewerage Undertakers are not responsible for any private drains or sewers that connect the property to the public sewerage system, and do not hold details of these.</p> <p>The property owner will normally have sole responsibility for private drains serving the property and may have shared responsibility, with other users, if the property is served by a private sewer which also serves other properties. These may pass through land outside of the control of the seller and the buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.</p> <p>If foul water does not drain to the public sewerage system the property may have private facilities in the form of a cesspit, septic tank or other type of treatment plant.</p> <p>If an extract from the public sewer map is enclosed, this will show known public sewers in the vicinity of the property and it should be possible to estimate the likely length and route of any private drains and/or sewers connecting the property to the public sewerage system.</p>

Question 4	Does surface water from the property drain to a public sewer?
Answer	<b>This enquiry appears to relate to a plot of land or a recently built property. It is recommended that drainage proposals are checked with the developer. If the property was constructed after the 6th April 2015 the surface water drainage may be served by a sustainable drainage system.</b>
Guidance	<p>Sewerage Undertakers are not responsible for any private drains or sewers that connect the property to the public sewerage system and do not hold details of these.</p> <p>The property owner will normally have sole responsibility for private drains serving the property and may have shared responsibility with other users, if the property is served by a private sewer which also serves other properties. These may pass through land outside of the control of the seller and the buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.</p> <p>In some cases, Sewerage Undertakers' records do not distinguish between foul and surface water connections to the public sewerage system. If on inspection the buyer finds that the property is not connected for surface water drainage, the property may be eligible for a rebate of the surface water drainage charge. Details can be obtained from the Sewerage Undertaker.</p> <p>If surface water does not drain to the public sewerage system the property may have private facilities in the form of a soakaway or private connection to a watercourse. If an extract from the public sewer map is enclosed, this will show known public sewers in the vicinity of the property and it should be possible to estimate the likely length and route of any private drains and/or sewers connecting the property to the public sewerage system.</p>
Question 5	Is a surface water drainage charge payable?
Answer	<b>Records indicate that a surface water drainage charge is not applicable for the property.</b>
Guidance	<p>Since 1st April 2017 commercial customers can choose their retailer for clean, waste or both services. For more information on any applicable surface water charges you will need to contact the current owner of the property to find out who the current retailer is. Details of the retailer for a property can be found on the current occupiers bill. For a list of all potential retailers of water and waste water services for the property please visit <a href="http://www.open-water.org.uk">www.open-water.org.uk</a>.</p> <p>Please note if the property was constructed after 6th April 2015 the Surface Water drainage may be served by a Sustainable Drainage System. Further information may be available from the Developer.</p>
Question 6	Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?
Answer	<b>The public sewer map included indicates that there are no public sewers, disposal mains or lateral drains within the boundary of the property. However from the 1st October 2011 there may be additional public sewers, disposal mains or lateral drains which are not recorded on the public sewer map which may further prevent or restrict development of the property. If you are considering any future development at this property which may require build over consent, please complete the enquiry form by accessing the following link <a href="http://www.unitedutilities.com/planning-wastewater-guidance.aspx">http://www.unitedutilities.com/planning-wastewater-guidance.aspx</a>.</b>
Guidance	<p>The approximate boundary of the property has been determined by reference to the Ordnance Survey record. A property of this type will normally be served by a shared sewer passing through the boundaries of several properties. It is therefore likely that a public sewer or lateral drain is present within the property boundary.</p> <p>Please note that from 1st October 2011 the majority of private sewers and lateral drains connected to the public network as of 1st July 2011 transferred into public ownership and therefore it is possible there may be additional public assets which may not be shown on the public sewer plan.</p> <p>The presence of public assets running within the boundary of the property may restrict further development. If there are any plans to develop the property further enquiries should be made to United Utilities Build Over department.</p>

United Utilities Water has a legal right of access to carry out work on its assets, subject to notice. This may result in employees of the Company or its contractors needing to enter the property to carry out work.

**Question 6.1** Does the public sewer map indicate any pumping station or any other ancillary apparatus within the boundaries of the property?

**Answer** The public sewer map included indicates that there is no public pumping station or other ancillary apparatus within the boundaries of the property. However, from the 1st October 2016 private pumping stations which serve more than one property will be transferred into public ownership but may not be recorded on the public sewer map until that time

**Guidance** From 1 October 2016 United Utilities will be responsible for private pumping stations (though we may take ownership of some stations before this date) that either:

- \* serve a single property, and are outside the property boundary or
- \* serves two or more properties

Only private pumping stations installed before 1st July 2011 will be transferred into our ownership. United Utilities will be responsible for all associated costs, maintenance, repairs and any necessary upgrade work.

Where the property is part of a very recent or ongoing development and the sewers/pumping station are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains, sewers and pumping stations for which they will hold maintenance and renewal liabilities.

**Question 7** Does the public sewer map indicate any public sewer within 30.48 metres (100 feet) of any buildings within the property?

**Answer** The public sewer map included indicates that there are no public sewers within 30.48 metres (100 feet) of a building within the boundary of the property. However from the 1st October 2011 private sewers will be transferred into public ownership and may not be recorded on the public sewer map and it is our professional opinion that there will be a public sewer within 30.48 (100 feet) of a building within the boundary of the property.

**Guidance** From 1st October 2011 there may be additional lateral drains and/or public sewers which are not recorded on the public sewer map but are also within 30.48 metres (100 feet) of a building within the property.

The presence of a public sewer within 30.48 metres (100 feet) of the building(s) within the property can result in the Local Authority requiring a property to be connected to the public sewer.

The measure is estimated from the Ordnance Survey record, between the building(s) within the boundary of the property and the nearest public sewer.

Sewers indicated on the extract of the public sewer map as being subject to an agreement under Section 104 of the Water Industry Act 1991 are not an 'as constructed' record. It is recommended that these details are checked with the developer, if any.

Assets other than public sewers may be shown on the copy extract for information only.

**Question 7.1** Does the public sewer map indicate any public pumping station or any other ancillary apparatus within 50 metres of any buildings within the property?

**Answer** The public sewer map included indicates that there is no public pumping station or other ancillary apparatus within 50 metres of any buildings within the property. However, from 1st October 2016 private pumping stations which serve more than one property will be transferred into public ownership but may not be recorded on the public sewer map until that time.



Guidance	<p>From 1 October 2016 United Utilities will be responsible for private pumping stations (though we may take ownership of some stations before this date) that either:</p> <ul style="list-style-type: none"> <li>* serve a single property, and are outside the property boundary or</li> <li>* serves two or more properties.</li> </ul> <p>Only private pumping stations installed before 1st July 2011 will be transferred into our ownership. United Utilities will be responsible for all associated costs, maintenance, repairs and any necessary upgrade work.</p> <p>If you think there might be a private pumping station on your land or near your business property, please let us know by completing this questionnaire with as much information as possible, please visit our website <a href="http://www.unitedutilities.com/ppstransfer.aspx">http://www.unitedutilities.com/ppstransfer.aspx</a>.</p> <p>Where the property is part of a very recent or ongoing development and the sewers/pumping station are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains, sewers and pumping stations for which they will hold maintenance and renewal liabilities.</p>
<b>Question 8.1</b>	<b>Are any foul sewers or lateral drains serving or which are proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?</b>
<b>Answer</b>	<b>Records confirm that foul sewers and/or lateral drains serving the development, of which the property forms part are not the subject of an existing adoption agreement or an application for such an agreement.</b>
Guidance	<p>This enquiry is of interest to purchasers of new property who will want to know whether or not the property will be linked to a public sewer.</p> <p>Where the property is part of a very recent or ongoing development and the sewers are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains and sewers for which they will hold maintenance and renewal liabilities.</p> <p>Final adoption is subject to the developer complying with the terms of the adoption agreement under Section 104 of the Water Industry Act 1991.</p>
<b>Question 8.2</b>	<b>Are any surface water pipes or lateral drains serving, or which are proposed to serve the property, the subject of an existing adoption agreement or an application for such an agreement?</b>
<b>Answer</b>	<b>Records confirm that the surface water sewer(s) and/or surface water lateral drain(s) are not the subject of an adoption agreement and it is recommended that responsibility for maintenance of these is checked with the developer as this may be due to a Sustainable Drainage Scheme (SUDS)</b>
Guidance	<p>This enquiry is of interest to purchasers of new property who will want to know whether or not the property will be linked to a public sewer.</p> <p>Where the property is part of a very recent or ongoing development and the sewers are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains and sewers for which they will hold maintenance and renewal liabilities.</p> <p>Final adoption is subject to the developer complying with the terms of the adoption agreement under Section 104 of the Water Industry Act 1991.</p>
<b>Question 9</b>	<b>Has a sewerage undertaker approved or been consulted about any plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain?</b>
<b>Answer</b>	<b>There are no records in relation to any approval or consultation about plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain. However, the sewerage</b>



**undertaker might not be aware of a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain.**

**Guidance**

From the 1st October 2011 private sewers, disposal mains and lateral drains were transferred into public ownership and the sewerage undertaker may not have granted approval or been consulted about any plans to erect a building or extension on the property over or in the vicinity of these assets.

Prior to 2003 United Utilities Water Limited had sewerage agency agreements with the local authorities therefore details of any agreements/consents or rejections may not have been forwarded on to our offices before this date.

Buildings or extensions erected over a sewer in contravention of building controls may have to be removed or altered.

**Question 10**

**Is the building which is or forms part of the property at risk of internal flooding due to overloaded public sewers?**

**Answer**

**The building is not recorded as being at risk of internal flooding due to overloaded public sewers. From the 1st October 2011 private sewers, disposal mains and lateral drains were transferred into public ownership it is therefore possible that a property may be at risk of internal flooding due to an overloaded public sewer which the sewerage undertaker is not aware of. For further information it is recommended that enquiries are made of the vendor.**

**Guidance**

1. A sewer is "overloaded" when the flow from a storm is unable to pass through it due to a permanent problem (e.g. flat gradient, small diameter). Flooding as a result of temporary problems such as blockages, siltation, collapses and equipment or operational failures are excluded.

2. "Internal flooding" from public sewers is defined as flooding, which enters a building or passes below a suspended floor. For reporting purposes, buildings are restricted to those normally occupied and used for residential, public, commercial, business or industrial purposes.

3. These are defined as properties that have suffered or are likely to suffer internal flooding from public foul, combined or surface water sewers due to overloading of the sewerage system more frequently than the relevant reference period (either once or twice in ten years) as determined by the Sewerage Undertaker's reporting procedure.

4. Flooding as a result of storm events proven to be exceptional and beyond the reference period of one in ten years are not included.

5. Properties may be at risk of flooding but not included where flooding incidents have not been reported to the Sewerage Undertaker.

6. Public sewers are defined as those for which the Sewerage Undertaker holds statutory responsibility under the Water Industry Act 1991.

7. It should be noted that flooding can occur from private sewers and drains which are not the responsibility of the Sewerage Undertaker.

8. This report excludes flooding from private sewers and drains and the Sewerage Undertaker makes no comment upon this matter. For reporting purposes buildings are restricted to those normally occupied and used for residential, public, commercial, business or industrial purposes.

**Question 11**

**Please state the distance from the property to the nearest boundary of the nearest sewage treatment works.**

**Answer**

**The nearest Sewage Treatment Works is 1.1 miles (1.77 km), North East of the property. The name of the Sewage treatment works is Cargo WwTW. The owner is United Utilities**

**Guidance**

The nearest sewage treatment works will not always be the sewage treatment works serving the catchment within which the property is situated i.e. the property may not necessarily drain to this works.

The Sewerage Undertaker's records were inspected to determine the nearest sewage treatment works.

It should be noted therefore that there may be a private sewage treatment works closer than the one detailed above that has not been identified. As a responsible utility operator, United Utilities Water Limited seeks to manage the impact of odour from operational sewage works on the surrounding area.

This is done in accordance with the "Code of Practice on Odour Nuisance from Sewage Treatment Works" issued via the Department of Environment, Food and Rural Affairs (DEFRA).

This Code recognises that odour from sewage treatment works can have a detrimental impact on the quality of the local environment for those living close to works.

However DEFRA also recognises that sewage treatment works provide important services to communities and are essential for maintaining standards in water quality and protecting aquatic based environments. For more information visit [www.unitedutilities.com](http://www.unitedutilities.com).

**Question 12** **Is the property connected to mains water supply?**

**Answer** **This enquiry relates to a plot of land or a recently built property. It is recommended that the water supply proposals are checked with the developer.**

**Guidance** If the property is supplied by private water mains please note that details of private supplies are not kept by the Water Undertaker. The situation should be checked with the current owner of the property.

**Question 13** **Are there any water mains, resource mains or discharge pipes within the boundaries of the property**

**Answer** **The map of waterworks does not indicate any water mains, resource mains or discharge pipes within the boundaries of the property.**

**Guidance** The boundary of the property has been determined by reference to the Ordnance Survey record.

The presence of a public water main within the boundary of the property may restrict further development within it. Water Undertakers have a statutory right of access to carry out work on their assets, subject to notice.

This may result in employees of the Water Undertaker or its contractors needing to enter the property to carry out work.

**Question 14** **Is any water main or service pipe serving or which is proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?**

**Answer** **Records confirm that water mains or service pipes serving the property are not the subject of an existing adoption agreement or an application for such an agreement.**

**Guidance** This enquiry is of interest to purchasers of new premises who will want to know whether or not the property will be linked to the mains water supply.

**Question 15** **Is the building at risk of receiving low water pressure or flow?**

**Answer** **Records confirm that the building is not recorded by the water undertaker as being at risk of receiving low water pressure or flow.**

**Guidance** The boundary of the property has been determined by reference to the Ordnance Survey record. "Low water pressure" means water pressure below the regulatory reference level which is the minimum pressure when demand on the system is not abnormal. Water undertakers report properties receiving pressure below the reference level, provided that allowable exclusions do not apply (i.e. events which can cause pressure to temporarily fall below the reference level). Reference level: The reference level of service is a flow of 9l/min at a pressure of 10m head on the customer's side of the main stop tap (mst). The reference level applies to a single property. The reference level of

service must be applied on the customer's side of a meter or any other company fittings that are on the customer's side of the main stop tap. Where a common service pipe serves more than one property, the flow assumed in the reference level must be appropriately increased to take account of the total number of properties served. Surrogate for the reference level: Because of the difficulty in measuring pressure and flow at the mst, companies may measure against a surrogate reference level. Companies should use a surrogate of 15m head in the adjacent distribution main unless a different level can be shown to be suitable. In some circumstances companies may need to use a surrogate pressure greater than 15m to ensure that the reference level is supplied at the customer's side of the mst (for example in areas with small diameter or shared communication pipes).

There are a number of circumstances under which properties identified as receiving low pressure should be excluded from the reported figure. The aim of these exclusions is to exclude properties which receive a low pressure as a result of a one-off event and which, under normal circumstances (including normal peaks in demand), will not receive pressure or flow below the reference level. Companies must maintain verifiable, auditable records of all the exclusions that they apply in order to confirm the accuracy and validity of their information. Allowable exclusions includes Abnormal demand, Planned maintenance, One off incidents, Low pressure incidents of short duration and common supply.

#### Abnormal demand:

This exclusion is intended to cover abnormal peaks in demand and not the daily, weekly or monthly peaks in demand, which are normally expected. Water undertakers exclude figures from properties which are affected by low pressure only on those days with the highest peak demands. During the yearly report water undertakers may exclude, for each property, up to five days of low pressure caused by peak demand.

#### Planned maintenance:

Water undertakers will not report low pressures caused by planned maintenance. It is not intended that water undertakers identify the number of properties affected in each instance. However, water undertakers must maintain sufficiently accurate records to verify that low-pressure incidents that are excluded because of planned maintenance, are actually caused by maintenance.

#### One-off incidents:

This exclusion covers a number of causes of low pressure; mains bursts; failures of company equipment (such as pressure reducing valves or booster pumps); fire fighting and action by a third party. However, if problems of this type affect a property frequently, they cannot be classed as one-off events and further investigation will be required before they can be excluded.

#### Low pressure incidents of short duration:

Properties affected by low pressures that only occur for a short period, and for which there is evidence that incidents of a longer duration would not occur during the course of the year, may be excluded.

A company must maintain a minimum pressure in the communication pipe of seven metres static head (0.7 bar). If pressure falls below this on two occasions, each occasion lasting more than one hour, within a 28-day period, the company must automatically make a GSS payment to the customer. There are exceptions to the requirement to make a GSS payment if the pressure standard is not met. These are: a payment has already been made to the same customer in respect of the same financial year; it is impractical for the company to have identified the particular customer as being affected, and the customer has not made a claim within three months of the date of the latter occasion; industrial action by the company's employees makes it not feasible to maintain the pressure standard; the act or default of a person other than the company's representative make it not feasible to maintain the pressure standard; or the pressure falls below the minimum standard due to necessary works taking place or due to a drought.

It should be noted that low water pressure can occur from private water mains, private supply pipes (the pipework from the external stop cock to the property) or internal plumbing which are not the responsibility of the Water Undertaker. This report excludes low water pressure from private water mains, supply pipes and internal plumbing and the Water Undertaker makes no comment upon this matter. For reporting purposes buildings are restricted to those normally occupied and used for residential, public, commercial, business or industrial purposes.

**Question 16**

**What is the clarification of the water supply for the property?**

**Answer**

**The water supplied to the property has an average water hardness of 97mg/l calcium carbonate, which is defined as soft by United Utilities**

**Guidance**

The hardness of water is due to the presence of calcium and magnesium minerals that are naturally present in the water. The usual signs of a hard water supply are scaling inside kettles, poor lathering of soaps and scum.

What is water hardness?

Hard water is formed when water passes through or over limestone or chalk areas and calcium and magnesium ions dissolve into the water. The hardness is made up of two parts: temporary (carbonate) and permanent (non-carbonate) hardness. When water is boiled, calcium carbonate scale can form, which can deposit on things like kettle elements. The scale will not stick to kettles that have a plastic polypropylene lining but will float on the surface. The permanent hardness that comprises calcium and magnesium sulphate does not go on to form scale when heated or boiled.

How is water hardness measured?

Hardness is usually expressed in terms of the equivalent quantity of calcium carbonate (CaCO<sub>3</sub>) in milligrams per litre or parts per million. You may also see hardness expressed as degrees of hardness in Clark (English) degrees, French or German degrees. Interconversion between the different measurements can be made by using the appropriate conversion factors below. There are no standard levels as to what constitutes a hard or a soft water. Table 1 gives an indication of the equivalents of calcium and calcium carbonate and the relative degree of hardness.

Water quality standards

There are no regulatory standards for water hardness in drinking water.

Water hardness in the North West

The majority of raw water in the United Utilities region comes from upland surface water reservoirs. The water in the reservoirs has little chance of passing through rocks and to dissolve the minerals that make water hard. Therefore, the majority of water in this region is soft or very soft. We supply water from a number of boreholes in the south of the region that are reasonably hard, but these tend to be blended with softer sources to meet demand. No water supply in the North West is artificially softened.

Can hard water be softened?

Yes, water can be softened artificially by the installation of a water softener or the use of 'jug type' filters. Medical experts recommend that a non-softened supply is maintained for drinking purposes because softened water may contain high levels of sodium. Softeners should be fitted after the drinking water tap and comply with the requirements of the Water Supply (Water Fittings) Regulations 1999. They should be maintained in accordance with manufacturers' instructions.

If you're interested in finding out more about the quality of your drinking water, please visit [www.unitedutilities.com/waterquality](http://www.unitedutilities.com/waterquality) and enter your postcode.

The Drinking Water Inspectorate is responsible for ensuring the quality of public water supplies. Visit their website at: [www.dwi.defra.gov.uk](http://www.dwi.defra.gov.uk).

**Question 18**

**Please include details of the location of any water meter serving the property.**

**Answer**

**Records indicate that the property is not served by a water meter.**

**Guidance**

Where the property is not served by a meter the current occupier can contact the retailer directly to advise on the current charging method, details of the retailer can also be found on the current occupiers bill.

**Question 19.1**

**Who is responsible for providing the sewerage services for the property?**

**Answer** **United Utilities Water Limited, Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP**

**Guidance** Not applicable

**Question 19.2** **Who is responsible for providing the water services for the property?**

**Answer** **United Utilities Water Limited, Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP**

**Guidance** Not Applicable

**Question 20** **Who bills the property for sewerage services?**

**Answer** **Since 1st April 2017 commercial customers can choose their retailer. If you wish to know who currently bills the property for sewerage services you will need to contact the owner of the property to find out who the retailer is.**

**Guidance** For a list of all potential retailers of wastewater services for the property please visit [www.open-water.org.uk](http://www.open-water.org.uk)

**Question 21** **Who bills the property for water services?**

**Answer** **Since 1st April 2017 commercial customers can choose their retailer. If you wish to know who currently bills the property for water services you will need to contact the owner of the property to find out who the retailer is.**

**Guidance** For a list of all potential retailers of water services for the property please visit [www.open-water.org.uk](http://www.open-water.org.uk)

**Question 22** **Has a customer been granted a trade effluent consent at this property?**

**Answer** **There is no record of a Trade Effluent consent at this property. Applications for Trade Effluent consents should be submitted via your retailer for info please visit <https://www.unitedutilities.com/services/wholesale-services/trade-effluent/>**

**Guidance** The owner/occupiers of Trade Premises do not have the right to discharge Trade Effluent to the public wastewater network. Any Trade Effluent Discharge Consent will be issued under Section 118 of the Water Industry Act 1991 and will be subject to conditions set by the Sewerage Undertaker.

Generally these conditions are to ensure:

- a) The Health and Safety of staff working within the wastewater network and at wastewater treatment plants.
- b) The apparatus of the wastewater network is not damaged.
- c) The flow of the contents of the wastewater network is not restricted.
- d) Equipment, plant, and processes at treatment works are not disrupted or damaged.
- e) Treatment of sewage sludge is not impeded and sludges are disposed of in an environmentally friendly manner.
- f) Final effluent discharge from wastewater treatment plants has no impact on the environment or prevents the receiving waters from complying with EU Directives.
- g) Potential damage to the environment via storm water overflows is minimised.

Disputes between an occupier of a Trade Premise and the Sewerage Undertaker can be referred to the Director General of Water Services (OFWAT).

Protecting Public Sewers - Discharges Section 111 of the Water Industry Act 1991, places prohibition on the discharge of the following into a public sewer, drain or a sewer that communicates with a public sewer.

i) Any matter likely to injure the sewer or drain, to interfere with the free flow of its contents or to affect prejudicially the treatment or disposal of its contents.

ii) Any chemical refuse or waste steam or any liquid of temperature higher than 43.3 degrees Celsius (110 degrees Fahrenheit).

iii) Any petroleum spirit or carbide of calcium. On summary conviction offences under this Section carry a fine not exceeding the statutory maximum or a term of imprisonment not exceeding two years, or both.

Please note any existing consent is dependant on the business being carried out at the property and will not transfer automatically upon change of ownership.

**Question 23**

**Is there an easement affecting the property?**

**Answer**

**There is no record of a formal easement affecting this property.**

**Guidance**

Not Applicable

## Appendix 1- General interpretation

1. (1) In this Schedule-

"the 1991 Act" means the Water Industry Act 1991(a);

"the 2000 Regulations" means the Water Supply (Water Quality) Regulations 2000(b);

"the 2001 Regulations" means the Water Supply (Water Quality) Regulations 2001(c);

"adoption agreement" means an agreement made or to be made under Section 51A(1) or 104(1) of the 1991 Act (d);

"bond" means a surety granted by a developer who is a party to an adoption agreement;

"bond waiver" means an agreement with a developer for the provision of a form of financial security as a substitute for a bond;

"calendar year" means the twelve months ending with 31st December;

"discharge pipe" means a pipe from which discharges are made or are to be made under Section 165(1) of the 1991 Act;

"disposal main" means (subject to Section 219(2) of the 1991 Act) any outfall pipe or other pipe which-

- (a) is a pipe for the conveyance of effluent to or from any sewage disposal works, whether of a sewerage undertaker or of any other person; and
- (b) is not a public sewer;

"drain" means (subject to Section 219(2) of the 1991 Act) a drain used for the drainage of one building or any buildings or yards appurtenant to buildings within the same curtilage;

"effluent" means any liquid, including particles of matter and other substances in suspension in the liquid;

"financial year" means the twelve months ending with 31st March;

"lateral drain" means-

- (a) that part of a drain which runs from the curtilage of a building (or buildings or yards within the same curtilage) to the sewer with which the drain communicates or is to communicate; or
- (b) (if different and the context so requires) the part of a drain identified in a declaration of vesting made under Section 102 of the 1991 Act or in an agreement made under Section 104 of that Act (e);

"licensed water supplier" means a company which is the holder for the time being of a water supply licence under Section 17A(1) of the 1991 Act(f);

"maintenance period" means the period so specified in an adoption agreement as a period of time-

- (a) from the date of issue of a certificate by a Sewerage Undertaker to the effect that a developer has built (or substantially built) a private sewer or lateral drain to that undertaker's satisfaction; and
- (b) until the date that private sewer or lateral drain is vested in the Sewerage Undertaker;

"map of waterworks" means the map made available under Section 198(3) of the 1991 Act (g) in relation to the information specified in subsection (1A);

"private sewer" means a pipe or pipes which drain foul or surface water, or both, from premises, and are not vested in a Sewerage Undertaker;

"public sewer" means, subject to Section 106(1A) of the 1991 Act(h), a sewer for the time being vested in a Sewerage Undertaker in its capacity as such, whether vested in that undertaker-

- (a) by virtue of a scheme under Schedule 2 to the Water Act 1989(i);
- (b) by virtue of a scheme under Schedule 2 to the 1991 Act (j);
- (c) under Section 179 of the 1991 Act (k); or
- (d) otherwise;

"public sewer map" means the map made available under Section 199(5) of the 1991 Act (l);

"resource main" means (subject to Section 219(2) of the 1991 Act) any pipe, not being a trunk main, which is or is to be used for the purpose of-

- (a) conveying water from one source of supply to another, from a source of supply to a regulating reservoir or from a regulating reservoir to a source of supply; or
- (b) giving or taking a supply of water in bulk;



"sewerage services" includes the collection and disposal of foul and surface water and any other services which are required to be provided by a Sewerage Undertaker for the purpose of carrying out its functions;

"Sewerage Undertaker" means the company appointed to be the Sewerage Undertaker under Section 6(1) of the 1991 Act for the area in which the property is or will be situated;

"surface water" includes water from roofs and other impermeable surfaces within the curtilage of the property;

"water main" means (subject to Section 219(2) of the 1991 Act) any pipe, not being a pipe for the time being vested in a person other than the water Undertaker, which is used or to be used by a Water Undertaker or licensed water supplier for the purpose of making a general supply of water available to customers or potential customers of the undertaker or supplier, as distinct from for the purpose of providing a supply to particular customers;

"water meter" means any apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from any premises;

"water supplier" means the company supplying water in the water supply zone, whether a water undertaker or licensed water supplier;

"water supply zone" means the names and areas designated by a Water Undertaker within its area of supply that are to be its water supply zones for that year; and

"Water Undertaker" means the company appointed to be the Water Undertaker under Section 6(1) of the 1991 Act for the area in which the property is or will be situated.

(2) In this Schedule, references to a pipe, including references to a main, a drain or a sewer, shall include references to a tunnel or conduit which serves or is to serve as the pipe in question and to any accessories for the pipe.

- (a) 1991 c. 56.
- (b) S.I. 2000/3184. These Regulations apply in relation to England.
- (c) S.I. 2001/3911. These Regulations apply in relation to Wales.
- (d) Section 51A was inserted by Section 92(2) of the Water Act 2003 (c. 37). Section 104(1) was amended by Section 96(4) of that Act.
- (e) Various amendments have been made to Sections 102 and 104 by Section 96 of the Water Act 2003.
- (f) Inserted by Section 56 of and Schedule 4 to the Water Act 2003.
- (g) Subsection (1A) was inserted by Section 92(5) of the Water Act 2003.
- (h) Section 106(1A) was inserted by Section 99 of the Water Act 2003.
- (i) 1989 c. 15.
- (j) To which there are various amendments made by Section 101(1) of and Schedule 8 to the Water Act 2003.
- (k) To which there are various amendments made by Section 101(1) of and Schedule 8 to the Water Act 2003.
- (l) Section 199 was amended by Section 97(1) and (8) of the Water Act 2003.



## Appendix 2 - DRAINAGE AND WATER ENQUIRY (COMMERCIAL) AGREEMENT

The Customer, the Client and the Purchaser are asked to note this Agreement which govern the basis on which this drainage and water report is supplied

### Definitions

'Company' means United Utilities Water Limited who produce the Report; its registered office being at Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington WA5 3LP, company number 2366678.

'Order' means any request completed by the Customer requesting the Report.

'Report' means the drainage and water report prepared by the Company in respect of the Property.

'Property' means the address or location supplied by the Customer in the Order.

'Customer' means the person, company, firm or other legal body placing the Order, either on their own behalf as Client, or, as an agent for a Client.

'Client' means the person, company or body who is the intended recipient of the Report with an actual or potential interest in the Property.

'Purchaser' means the actual or potential purchaser of the Property including their mortgage lender.

### Agreement

1.1 The Company agrees to supply the Report to the Customer and the Client subject to this Agreement. The scope and limitations of the Report are described in clause 2 of this Agreement.

Where the Customer is acting as an agent for the Client then the Customer shall be responsible for bringing this Agreement to the attention of the Client and the Purchaser.

1.2 The Customer, the Client and the Purchaser agree that the placing of an Order for a Report and the subsequent provision of a copy of the Report to the Client and/ or the Purchaser indicates their acceptance of this Agreement.

### The Report

Whilst the Company will use reasonable care and skill in producing the Report, it is provided to the Customer, the Client and the Purchaser on the basis that they acknowledge and agree to the following:

2.1 The information contained in the Report can change on a regular basis so the Company cannot be responsible to the Customer, the Client and the Purchaser for any change in the information contained in the Report after the date on which the Report was produced and sent to the Client.

2.2 The Report does not give details about the actual state or condition of the Property nor should it be used or taken to indicate or exclude actual suitability or unsuitability of the Property for any particular purpose, or relied upon for determining saleability or value, or used as a substitute for any physical investigation or inspection. Further advice and information from appropriate experts and professionals should always be obtained.

2.3 The information contained in the Report is based upon the accuracy, completeness and legibility of the address and/or plans supplied by the Customer or Client or Purchaser.

2.4 The Report provides information as to the location and connection status of existing services and other information in relation to drainage and water enquiries and should not be relied on for any other purpose. The Report may contain opinions or general advice to the Customer, the Client and the Purchaser. The Company cannot ensure that any such opinion or general advice is accurate, complete or valid and therefore accepts no liability in relation thereto.

2.5 The position and depth of apparatus shown on any maps attached to the Report are approximate and are furnished as a general guide only, and no warranty as to its correctness is given or implied. The exact positions and depths should be obtained by excavation trial holes and the maps must not be relied on in the event of excavation or other works made in the vicinity of the Company's apparatus.

### Liability

3.1 The Company shall not be liable to the Client or the Purchaser for any failure defect or non-performance of its obligations arising from any failure to provide or delay in providing the Report to the extent that such failure or delay is due to an event or circumstance beyond the reasonable

control of the Company including but not limited to any delay, failure of or defect in any machine, processing system or transmission link or any failure or default of a supplier or sub-contractor of the Company or any provider of any third party Information except to the extent that such failure or delay is caused by the negligence of the Company.

3.2 Where a Report is requested for an address falling within a geographical area where two different companies separately provide Water and Sewerage Services, then it shall be deemed that liability for the information given by either company will remain with that company in respect of the accuracy of the information supplied.

A company supplying information which has been provided to it by another company for the purposes outlined in this agreement will therefore not be liable in any way for the accuracy of that information and will supply that information as an agent for the company from which the information was obtained.

3.3 The Report is produced for use in relation to individual commercial property transactions where the property is used solely for carrying on a trade or business, the property is intended to be developed for commercial gain or the property is not a single residential, domestic property. The Company's entire liability (except to the extent provided by clause 3.5) in respect of all causes of action arising by reason of or in connection with the Report (whether for breach of contract, negligence or any other tort, under statute or statutory duty or otherwise at all) shall be limited to £2,000,000

In any event, the Company shall not have any liability in contract, negligence or any other tort or for breach of statutory duty or otherwise in respect of any loss of profit, loss of revenue, loss of opportunity or anticipated savings, or any indirect or consequential loss or damage that may be suffered by the Customer, the Client or the Purchaser howsoever arising. The plans attached to the report are provided pursuant to the Company's statutory duty to make such plans available for inspection (notwithstanding the provisions of this clause) and attention is drawn to the notice on the plan(s) attached to the report which applies to the plan and its contents.

3.4 Where the Customer sells this Report to a Client or Purchaser under its own name or as a reseller of the Company (other than in the case of a bona fide legal adviser recharging the cost of the Report as a disbursement) the Company shall not in any circumstances (whether for breach of contract, negligence or any other tort, under statute or statutory duty, restitution or otherwise at all) be liable to the Customer for any loss (whether direct, indirect or consequential loss (all three of which terms include without limitation, pure economic loss, loss of profit, loss of business, depletion of goodwill and like loss)) or damage whatsoever caused in respect of the Report or any use of the Report or reliance placed upon it and the Customer shall indemnify and keep indemnified the Company in respect of any claim by the Client or the Purchaser that the Company may incur or suffer.

3.5 Nothing in this Agreement shall exclude the Company's liability for death or personal injury arising from its negligence or for fraud.

#### **Copyright and Confidentiality**

4.1 The Customer, the Client and the Purchaser acknowledge that the Report is confidential and is intended for the personal use of the Client and the Purchaser. The copyright and any other intellectual property rights in the Report shall remain the property of the

Company. No intellectual or other property rights are transferred or licensed to the Customer, the Client or the Purchaser except to the extent expressly provided herein.

4.2 The Customer or the Client or the Purchaser is entitled to make copies of the Report but may only copy Ordnance Survey mapping or data contained in or attached to the Report if they have an appropriate licence from the originating source of that mapping or data.

4.3 The Customer, The Client and the Purchaser agree (in respect of both the original and any copies made) to respect and not to alter any part of the Report including but not limited to the trademark, copyright notice or other property marking which appears on the Report.

4.4 The maps contained in the Report are protected by Crown Copyright and must not be used for any purpose outside the context of the Report.

4.5 The enquiries in the Report are protected by copyright by the Law Society of 113 Chancery Lane, London WC2A 1PL and must not be used for any purpose outside the context of the Report.

4.6 The Customer, the Client and the Purchaser agree to indemnify the Company against any losses, costs, claims and damage suffered by the Company as a result of any breach by either of them of the provisions of clauses 4.1 to 4.4 inclusive.

#### **Payment**

5.1 Unless otherwise stated all prices are inclusive of VAT. The Customer shall pay the price of the Report specified by the Company, without any set off, deduction or counterclaim.

5.2 Payment must be received in advance unless an account has been set up with the Company. In these cases, payment terms will be as agreed with the Company, but in any event any invoice must be paid within 30 days.

5.3 The Company reserves the right to increase fees on reasonable prior written notice at any time.

#### **Data Protection**

6.1 We will process any personal data you provide to us in accordance with applicable data protection laws and our Data Protection and Privacy Notice (<https://www.unitedutilities.com/privacy/>). In addition we will use your personal data to manage and administer the provision of the Report under this Agreement and to develop and improve the business and services we provide to our customers. We may also disclose it to other companies in the United Utilities group (being United Utilities Water Limited, its holding companies (and their subsidiary companies) and its subsidiary companies) and their sub-contractors in connection with those purposes, but it will not be processed for other purposes or disclosed to other third parties without your express permission or without lawful purpose under data protection law.

#### **General**

7.1 If any provision of this Agreement is or becomes invalid or unenforceable, it will be taken to be removed from the rest of this Agreement to the extent that it is invalid or unenforceable. No other provision of this Agreement shall be affected.

7.2 This Agreement shall be governed by English law and all parties submit to the exclusive jurisdiction of the English courts.

7.3 Nothing in this Agreement and conditions shall in any way restrict the Customer's the Client's or the Purchaser's statutory or any other rights of access to the information contained in the Report.

7.4 This Agreement and conditions may be enforced by the Customer, the Client and the Purchaser.

7.5 Before you agree to this Agreement, please note it is your responsibility to ensure your client/customer is aware of them and that any objections are raised accordingly.

### Property Searches complaints procedure

In the event of any queries relating to this Report please e-mail, write or phone our customer team quoting the United Utilities reference detailed on the Report, We will endeavor to resolve any telephone contact or complaint at the time of the call.

Whilst we always try to resolve all complaints straight away, if this is not possible and you are not happy with the course of action taken by us you can ask us to escalate the issues internally via the complaints process detailed below.

We will listen to your complaint and do our best to deal with it immediately.

If we fail to give you a written substantive response within 5 working days the Company will compensate the Customer or the Client (as applicable) the amount of the original fee paid to the Company for the Report, regardless of the outcome of your complaint.

If it is a complex issue requiring more time, we will still get back to you within 5 working days and notify you of progress and update you with the new timescales.

If we consider your complaint to be justified or we have made any errors that substantially change the outcome of the search we will:

- Refund your Report fee
- Provide you with a revised Report (if requested)
- Take the necessary action within our power to put things right which may (where appropriate) include, at our complete discretion, financial compensation or the relocation/removal/installation of our affected water or sewerage assets.
- Keep you informed of any action required

If your complaint has gone through our full internal complaints procedure and you are not satisfied with the response or you believe that we have failed to comply with our internal complaints procedure you may be able to refer your complaint for consideration under The Property Ombudsman Scheme (TPOs). You can obtain further information by visiting [www.tpos.co.uk](http://www.tpos.co.uk) or email [admin@tpos.co.uk](mailto:admin@tpos.co.uk)

## Appendix 4 – Communication with the LLFA

## Bojidar Boiadjiev

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**From:** Allan, Peter T  
**Sent:** 17 June 2020 09:45  
**To:** Bojidar Boiadjiev  
**Cc:** Steel, Sarah; WARREN LEWIS  
**Subject:** RE: Monkhill [Filed 17 Jun 2020 09:59]

Dear Bojidar,

I can confirm that a maximum discharge of 5l/s in line with the planning condition 5 is acceptable to the Lead Local Flood Authority. This maximum discharge is to be controlled via a hydro-brake or similar device.

Kind regards,

**Peter Allan**  
Flood & Development Management Officer  
Flood & Development Management  
Environment & Infrastructure | Cumbria County Council  
Parkhouse Building| Baron Way | Carlisle | CA6 4SJ

[www.cumbria.gov.uk](http://www.cumbria.gov.uk)

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**From:** Bojidar Boiadjiev  
**Sent:** 17 June 2020 09:35  
**To:** Allan, Peter T

**Subject:** RE: Monkhill

Dear Peter,

Many thanks for your email.

Could I just confirm what discharge rate you would accept if the greenfield runoff rates (Qbar) are too low to be practical.

Planning condition 5 states:

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

I just wanted to confirm with you as well that 5l/s for all events up to and including 1:100+40%CC would be acceptable in this scenario.

Kind regards,  
**Bojidar Boiadjiev, MEng (Hons)** | Drainage and Flood Risk Consultant  
**Ambiental**, Science Park Square, Brighton, BN1 9SB, UK  
**DD** + 44 (0) 203 857 8540  
**W** [www.ambiental.co.uk](http://www.ambiental.co.uk) | **E** [bojidar@ambiental.co.uk](mailto:bojidar@ambiental.co.uk)

I am currently working without a direct phone number, but you can call 0203 857 8540 and it will be directed to our admin staff who will let me know that you've called. I will then call you back when I am available. We appreciate your patience at this time. **I will be available during our normal working hours via this email which will be the fastest method of contacting me.**

**Like many businesses, we're now following government guidance to work remotely due to the Coronavirus (COVID-19). We appreciate our customers patience at this time and we want to assure you that we remain open and working towards your projects with minimal disruption. If you have any questions, feel free to contact us via our direct emails as this will remain the fastest method of contacting our team at this time.**

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**From:** Allan, Peter T  
**Sent:** 17 June 2020 08:35  
**To:** Bojidar Boiadjev  
**Cc:** Steel, Sarah  
**Subject:** Monkhill

Dear Bojidar,

Thank you for your pre-application enquiry as to the drainage requirements at Monkhill near Carlisle.

It should be noted that this site has been subject to numerous outline planning approvals, most recently being in 2018 (18/0994) and 2015 (15/0284). It was stated as part of the response to the original 2015 application that no objections were raised with regards to the discharge of surface water into the existing system beneath the highway.

The discharge into this existing surface water system is to be at the green field runoff rate for the site and attenuation provided on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event. In order to confirm that infiltration is not possible on site a series of infiltration tests in accordance with the BRE 365 method are required to be undertaken and submitted to the Lead Local Flood Authority for comment. If the infiltration test results are negative then we can formally agree to the discharge into the existing surface water system. Foul water, as long as it is treated through a treatment plant, is acceptable to be discharged into the existing surface water system also.

If you have any further questions please get in touch.

Kind regards,

**Peter Allan**  
Flood & Development Management Officer  
Flood & Development Management  
Environment & Infrastructure | Cumbria County Council  
Parkhouse Building| Baron Way | Carlisle | CA6 4SJ

[www.cumbria.gov.uk](http://www.cumbria.gov.uk)

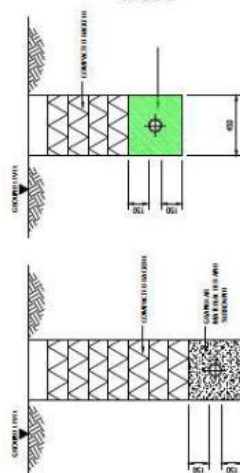
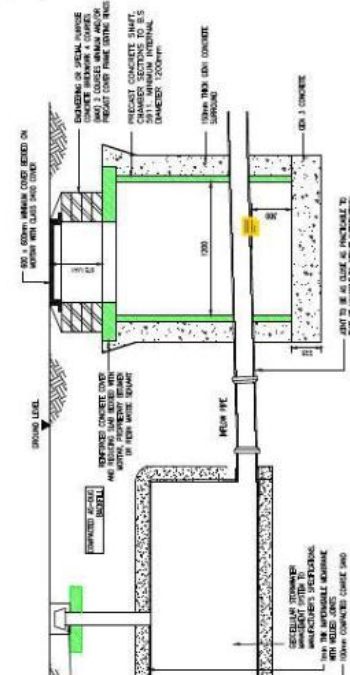
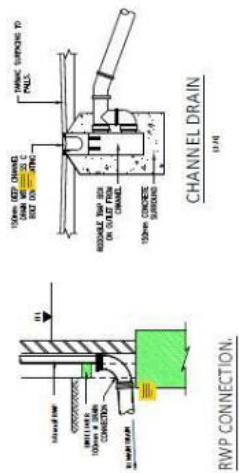
## Appendix 5 – Proposed Drainage Layout and Details







- [illegible]



GRANULAR BEDDING DETAIL FOR NON-FLEXIBLE PIPES. (WHITE COVER > 600mm)

**NOTE**  
ALL BACKFILLING AND REINSTATEMENT WITHIN ROADS AND STREETS TO BE IN ACCORDANCE WITH THE HIGHWAY AUTHORITY AND LOCAL SPECIFICATION.

## Appendix 6 – Calculations

### Design Settings

Rainfall Methodology	FEH-99	Time of Entry (mins)	4.00
Return Period (years)	100	Maximum Time of Concentration (mins)	30.00
Additional Flow (%)	40	Maximum Rainfall (mm/hr)	50.0
C (1km)	-0.026	Minimum Velocity (m/s)	1.00
D1 (1km)	0.312	Connection Type	Level Soffits
D2 (1km)	0.442	Minimum Backdrop Height (m)	0.500
D3 (1km)	0.392	Preferred Cover Depth (m)	0.600
E (1km)	0.281	Include Intermediate Ground	✓
F (1km)	2.339	Enforce best practice design rules	x
CV	0.750		

### Nodes

Name	Area (ha)	T of E (mins)	Cover Level (m)	Diameter (mm)	Easting (m)	Northing (m)	Depth (m)
23	0.012	4.00	34.150	1200	334402.733	558505.474	0.750
22	0.018	4.00	34.188	600	334385.565	558510.803	0.967
21	0.012	4.00	33.692	600	334416.680	558524.031	0.750
20	0.010	4.00	33.822	600	334404.430	558526.019	1.003
19	0.012	4.00	33.940	600	334394.990	558523.230	1.219
18	0.012	4.00	33.293	600	334402.601	558546.932	0.750
17	0.018	4.00	33.708	600	334397.806	558531.670	1.324
16			34.052	1200	334385.050	558520.293	2.552
15	0.013	4.00	33.155	600	334385.721	558550.494	0.750
14	0.014	4.00	33.832	600	334378.115	558530.194	1.642
UpperTank			33.976		334375.913	558524.300	2.226
12	0.010	4.00	32.973	600	334370.906	558552.455	0.750
11	0.013	4.00	33.622	600	334365.374	558536.407	1.568
9	0.008	4.00	33.714	600	334339.868	558513.107	0.751
8	0.010	4.00	33.478	600	334343.751	558525.254	0.750
7	0.010	4.00	33.471	600	334346.071	558528.904	0.786
6	0.010	4.00	32.609	600	334357.438	558557.676	0.750
5	0.013	4.00	33.185	600	334351.525	558541.412	1.498
4			33.452	750	334348.191	558532.239	2.012
1			31.294	900	334313.251	558541.526	0.844
LowerTank			32.638		334328.420	558535.344	2.088
24	0.019	4.00	31.925	1200	334315.813	558540.405	1.800
25			33.262	1200	334341.108	558531.494	2.962
26	0.020	4.00	33.747	1200	334362.710	558530.521	2.428

### Links

Name	US Node	DS Node	Length (m)	ks (mm) / n	US IL (m)	DS IL (m)	Fall (m)	Slope (1:X)	Dia (mm)	T of C (mins)	Rain (mm/hr)
1.008	24	1	2.797	0.600	30.500	30.450	0.050	55.9	150	5.75	50.0
1.007	LowerTank	24	13.585	0.600	30.550	30.500	0.050	271.7	300	5.74	50.0
1.006	25	LowerTank	13.259	0.600	30.600	30.550	0.050	265.2	300	5.50	50.0
1.005	4	25	7.122	0.600	31.440	31.410	0.030	237.4	300	5.27	50.0
1.004	26	4	14.620	0.600	31.664	31.515	0.149	98.1	225	5.15	50.0
7.002	7	4	3.952	0.600	32.685	32.645	0.040	98.8	150	4.29	50.0
6.001	5	4	9.760	0.600	31.687	31.590	0.097	100.6	150	4.45	50.0
6.000	6	5	17.306	0.600	31.859	31.687	0.172	100.6	150	4.29	50.0
7.001	8	7	4.325	0.600	32.728	32.685	0.043	100.6	150	4.23	50.0
7.000	9	8	12.753	0.600	32.963	32.728	0.235	54.3	150	4.16	50.0
1.003	UpperTank	26	14.595	0.600	31.750	31.664	0.086	169.7	225	4.97	50.0
5.001	11	26	6.461	0.600	32.054	31.739	0.315	20.5	150	4.33	50.0
5.000	12	11	16.975	0.600	32.223	32.054	0.169	100.4	150	4.28	50.0
1.002	16	UpperTank	9.977	0.600	31.800	31.750	0.050	199.5	225	4.72	50.0
4.001	22	16	9.504	0.600	33.221	33.126	0.095	100.0	150	4.46	50.0
3.002	19	16	10.365	0.600	32.721	32.618	0.103	100.6	150	4.54	50.0
2.001	17	16	17.092	0.600	32.384	31.875	0.509	33.6	150	4.43	50.0
1.001	14	16	12.088	0.600	32.190	31.875	0.315	38.4	150	4.48	50.0
1.000	15	14	21.678	0.600	32.405	32.190	0.215	100.8	150	4.36	50.0
2.000	18	17	15.998	0.600	32.543	32.384	0.159	100.6	150	4.27	50.0
3.001	20	19	9.843	0.600	32.819	32.721	0.098	100.4	150	4.37	50.0
3.000	21	20	12.410	0.600	32.942	32.819	0.123	100.9	150	4.21	50.0
4.000	23	22	17.976	0.600	33.400	33.221	0.179	100.4	150	4.30	50.0

Name	Vel (m/s)	Cap (l/s)	Flow (l/s)	US Depth (m)	DS Depth (m)	Σ Area (ha)	Σ Add Inflow (l/s)	Pro Depth (mm)	Pro Velocity (m/s)
1.008	1.347	23.8	44.4	1.275	0.694	0.234	0.0	150	1.373
1.007	0.949	67.1	40.8	1.788	1.125	0.215	0.0	169	0.993
1.006	0.960	67.9	40.8	2.362	1.788	0.215	0.0	168	1.003
1.005	1.016	71.8	40.8	1.712	1.552	0.215	0.0	162	1.047
1.004	1.320	52.5	31.1	1.858	1.712	0.164	0.0	125	1.376
7.002	1.011	17.9	5.3	0.636	0.657	0.028	0.0	56	0.882
6.001	1.001	17.7	4.4	1.348	1.712	0.023	0.0	51	0.831
6.000	1.001	17.7	1.9	0.600	1.348	0.010	0.0	33	0.654
7.001	1.002	17.7	3.4	0.600	0.636	0.018	0.0	45	0.778
7.000	1.368	24.2	1.5	0.601	0.600	0.008	0.0	25	0.764
1.003	1.001	39.8	23.0	2.001	1.858	0.121	0.0	123	1.035
5.001	2.234	39.5	4.4	1.418	1.858	0.023	0.0	34	1.479
5.000	1.002	17.7	1.9	0.600	1.418	0.010	0.0	33	0.655
1.002	0.922	36.6	23.0	2.027	2.001	0.121	0.0	129	0.971
4.001	1.004	17.7	5.7	0.817	0.776	0.030	0.0	58	0.895
3.002	1.001	17.7	6.5	1.069	1.284	0.034	0.0	62	0.922
2.001	1.743	30.8	5.7	1.174	2.027	0.030	0.0	44	1.336
1.001	1.629	28.8	5.1	1.492	2.027	0.027	0.0	42	1.230
1.000	1.000	17.7	2.5	0.600	1.492	0.013	0.0	38	0.706
2.000	1.001	17.7	2.3	0.600	1.174	0.012	0.0	36	0.687
3.001	1.002	17.7	4.2	0.853	1.069	0.022	0.0	50	0.821
3.000	1.000	17.7	2.3	0.600	0.853	0.012	0.0	36	0.686
4.000	1.002	17.7	2.3	0.600	0.817	0.012	0.0	36	0.688





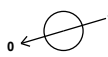


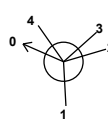

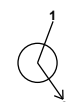





### Pipeline Schedule






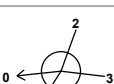





Link	Length (m)	Slope (1:X)	Dia (mm)	Link Type	US CL (m)	US IL (m)	US Depth (m)	DS CL (m)	DS IL (m)	DS Depth (m)
1.008	2.797	55.9	150	Circular	31.925	30.500	1.275	31.294	30.450	0.694
1.007	13.585	271.7	300	Circular	32.638	30.550	1.788	31.925	30.500	1.125
1.006	13.259	265.2	300	Circular	33.262	30.600	2.362	32.638	30.550	1.788
1.005	7.122	237.4	300	Circular	33.452	31.440	1.712	33.262	31.410	1.552
1.004	14.620	98.1	225	Circular	33.747	31.664	1.858	33.452	31.515	1.712
7.002	3.952	98.8	150	Circular	33.471	32.685	0.636	33.452	32.645	0.657
6.001	9.760	100.6	150	Circular	33.185	31.687	1.348	33.452	31.590	1.712
6.000	17.306	100.6	150	Circular	32.609	31.859	0.600	33.185	31.687	1.348
7.001	4.325	100.6	150	Circular	33.478	32.728	0.600	33.471	32.685	0.636
7.000	12.753	54.3	150	Circular	33.714	32.963	0.601	33.478	32.728	0.600
1.003	14.595	169.7	225	Circular	33.976	31.750	2.001	33.747	31.664	1.858
5.001	6.461	20.5	150	Circular	33.622	32.054	1.418	33.747	31.739	1.858
5.000	16.975	100.4	150	Circular	32.973	32.223	0.600	33.622	32.054	1.418
1.002	9.977	199.5	225	Circular	34.052	31.800	2.027	33.976	31.750	2.001
4.001	9.504	100.0	150	Circular	34.188	33.221	0.817	34.052	33.126	0.776
3.002	10.365	100.6	150	Circular	33.940	32.721	1.069	34.052	32.618	1.284
2.001	17.092	33.6	150	Circular	33.708	32.384	1.174	34.052	31.875	2.027
1.001	12.088	38.4	150	Circular	33.832	32.190	1.492	34.052	31.875	2.027
1.000	21.678	100.8	150	Circular	33.155	32.405	0.600	33.832	32.190	1.492
2.000	15.998	100.6	150	Circular	33.293	32.543	0.600	33.708	32.384	1.174
3.001	9.843	100.4	150	Circular	33.822	32.819	0.853	33.940	32.721	1.069
3.000	12.410	100.9	150	Circular	33.692	32.942	0.600	33.822	32.819	0.853
4.000	17.976	100.4	150	Circular	34.150	33.400	0.600	34.188	33.221	0.817

Link	US Node	Dia (mm)	Node Type	MH Type	DS Node	Dia (mm)	Node Type	MH Type
1.008	24	1200	Manhole	Adoptable-Type A and B	1	900	Manhole	Adoptable-Type A and B
1.007	LowerTank		Junction		24	1200	Manhole	Adoptable-Type A and B
1.006	25	1200	Manhole	Adoptable-Type A and B	LowerTank		Junction	
1.005	4	750	Manhole	Adoptable-Type E and F	25	1200	Manhole	Adoptable-Type A and B
1.004	26	1200	Manhole	Adoptable-Type A and B	4	750	Manhole	Adoptable-Type E and F
7.002	7	600	Manhole	Demarcation 600	4	750	Manhole	Adoptable-Type E and F
6.001	5	600	Manhole	Demarcation 600	4	750	Manhole	Adoptable-Type E and F
6.000	6	600	Manhole	Private IC/MH	5	600	Manhole	Demarcation 600
7.001	8	600	Manhole	Private IC/MH	7	600	Manhole	Demarcation 600
7.000	9	600	Manhole	Private IC/MH	8	600	Manhole	Private IC/MH
1.003	UpperTank		Junction		26	1200	Manhole	Adoptable-Type A and B
5.001	11	600	Manhole	Demarcation 600	26	1200	Manhole	Adoptable-Type A and B
5.000	12	600	Manhole	Private IC/MH	11	600	Manhole	Demarcation 600
1.002	16	1200	Manhole	Adoptable-Type A and B	UpperTank		Junction	
4.001	22	600	Manhole	Demarcation 600	16	1200	Manhole	Adoptable-Type A and B
3.002	19	600	Manhole	Demarcation 600	16	1200	Manhole	Adoptable-Type A and B
2.001	17	600	Manhole	Demarcation 600	16	1200	Manhole	Adoptable-Type A and B
1.001	14	600	Manhole	Demarcation 600	16	1200	Manhole	Adoptable-Type A and B
1.000	15	600	Manhole	Private IC/MH	14	600	Manhole	Demarcation 600
2.000	18	600	Manhole	Private IC/MH	17	600	Manhole	Demarcation 600
3.001	20	600	Manhole	Private IC/MH	19	600	Manhole	Demarcation 600
3.000	21	600	Manhole	Private IC/MH	20	600	Manhole	Private IC/MH
4.000	23	1200	Manhole	Adoptable-Type A and B	22	600	Manhole	Demarcation 600

### Manhole Schedule

Node	Easting (m)	Northing (m)	CL (m)	Depth (m)	Dia (mm)	Sump (m)	Connections	Link	IL (m)	Dia (mm)	
23	334402.733	558505.474	34.150	0.750	1200			0	4.000	33.400	150
22	334385.565	558510.803	34.188	0.967	600			1	4.000	33.221	150
								0	4.001	33.221	150
21	334416.680	558524.031	33.692	0.750	600			0	3.000	32.942	150
20	334404.430	558526.019	33.822	1.003	600			1	3.000	32.819	150
								0	3.001	32.819	150
19	334394.990	558523.230	33.940	1.219	600			1	3.001	32.721	150
								0	3.002	32.721	150
18	334402.601	558546.932	33.293	0.750	600			0	2.000	32.543	150
17	334397.806	558531.670	33.708	1.324	600			1	2.000	32.384	150
								0	2.001	32.384	150
16	334385.050	558520.293	34.052	2.552	1200	0.300		1	4.001	33.126	150
								2	3.002	32.618	150
								3	2.001	31.875	150
								4	1.001	31.875	150
								0	1.002	31.800	225
15	334385.721	558550.494	33.155	0.750	600			0	1.000	32.405	150
14	334378.115	558530.194	33.832	1.642	600			1	1.000	32.190	150
								0	1.001	32.190	150
UpperTank	334375.913	558524.300	33.976	2.226				1	1.002	31.750	225
								0	1.003	31.750	225
12	334370.906	558552.455	32.973	0.750	600			0	5.000	32.223	150
11	334365.374	558536.407	33.622	1.568	600			1	5.000	32.054	150
								0	5.001	32.054	150

### Manhole Schedule

Node	Easting (m)	Northing (m)	CL (m)	Depth (m)	Dia (mm)	Sump (m)	Connections	Link	IL (m)	Dia (mm)	
9	334339.868	558513.107	33.714	0.751	600			0	7.000	32.963	150
8	334343.751	558525.254	33.478	0.750	600			1	7.000	32.728	150
7	334346.071	558528.904	33.471	0.786	600			1	7.001	32.685	150
6	334357.438	558557.676	32.609	0.750	600			0	7.002	32.685	150
5	334351.525	558541.412	33.185	1.498	600			1	6.000	31.687	150
4	334348.191	558532.239	33.452	2.012	750			1	7.002	32.645	150
								2	6.001	31.590	150
								3	1.004	31.515	225
								0	1.005	31.440	300
1	334313.251	558541.526	31.294	0.844	900			1	1.008	30.450	150
LowerTank	334328.420	558535.344	32.638	2.088				1	1.006	30.550	300
								0	1.007	30.550	300
24	334315.813	558540.405	31.925	1.800	1200	0.375		1	1.007	30.500	300
								0	1.008	30.500	150
25	334341.108	558531.494	33.262	2.962	1200	0.300		1	1.005	31.410	300
								0	1.006	30.600	300
26	334362.710	558530.521	33.747	2.428	1200	0.345		1	5.001	31.739	150
								2	1.003	31.664	225
								0	1.004	31.664	225

### Simulation Settings

Rainfall Methodology	FEH-99	E (1km)	0.281	Skip Steady State	x
C (1km)	-0.026	F (1km)	2.339	Drain Down Time (mins)	240
D1 (1km)	0.312	Summer CV	0.750	Additional Storage (m³/ha)	0.0
D2 (1km)	0.442	Winter CV	0.840	Check Discharge Rate(s)	x
D3 (1km)	0.392	Analysis Speed	Detailed	Check Discharge Volume	x



### Storm Durations

15 | 30 | 60 | 120 | 180 | 240 | 360 | 480 | 600

Return Period (years)	Climate Change (CC %)	Additional Area (A %)	Additional Flow (Q %)
2	0	0	0
30	0	0	0
100	40	0	0

### Node 24 Online Hydro-Brake® Control

Flap Valve	x	Objective	(HE) Minimise upstream storage
Replaces Downstream Link	✓	Sump Available	✓
Invert Level (m)	30.500	Product Number	CTL-SHE-0100-5000-1400-5000
Design Depth (m)	1.400	Min Outlet Diameter (m)	0.150
Design Flow (l/s)	5.0	Min Node Diameter (mm)	1200

### Node 26 Online Hydro-Brake® Control

Flap Valve	x	Objective	(HE) Minimise upstream storage
Downstream Link	1.004	Sump Available	✓
Replaces Downstream Link	✓	Product Number	CTL-SHE-0085-3400-1200-3400
Invert Level (m)	31.664	Min Outlet Diameter (m)	0.100
Design Depth (m)	1.200	Min Node Diameter (mm)	1200
Design Flow (l/s)	3.4		

### Node LowerTank Depth/Area Storage Structure

Base Inf Coefficient (m/hr)	0.00000	Safety Factor	2.0	Invert Level (m)	30.550
Side Inf Coefficient (m/hr)	0.00000	Porosity	1.00	Time to half empty (mins)	110

Depth (m)	Area (m²)	Inf Area (m²)	Depth (m)	Area (m²)	Inf Area (m²)	Depth (m)	Area (m²)	Inf Area (m²)
0.000	36.0	0.0	0.800	36.0	0.0	0.801	0.0	0.0

### Node UpperTank Depth/Area Storage Structure

Base Inf Coefficient (m/hr)	0.00000	Safety Factor	2.0	Invert Level (m)	31.750
Side Inf Coefficient (m/hr)	0.00000	Porosity	1.00	Time to half empty (mins)	169

Depth (m)	Area (m²)	Inf Area (m²)	Depth (m)	Area (m²)	Inf Area (m²)	Depth (m)	Area (m²)	Inf Area (m²)
0.000	45.0	0.0	1.200	45.0	0.0	1.201	0.0	0.0

### Rainfall

Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)	Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)
2 year 15 minute summer	106.847	30.234	2 year 180 minute summer	20.761	5.342
2 year 15 minute winter	74.981	30.234	2 year 180 minute winter	13.495	5.342
2 year 30 minute summer	65.885	18.643	2 year 240 minute summer	16.540	4.371
2 year 30 minute winter	46.235	18.643	2 year 240 minute winter	10.989	4.371
2 year 60 minute summer	43.500	11.496	2 year 360 minute summer	12.802	3.294
2 year 60 minute winter	28.901	11.496	2 year 360 minute winter	8.321	3.294
2 year 120 minute summer	26.824	7.089	2 year 480 minute summer	10.199	2.695
2 year 120 minute winter	17.821	7.089	2 year 480 minute winter	6.776	2.695

### Rainfall

Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)	Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)
2 year 600 minute summer	8.434	2.307	30 year 600 minute winter	11.231	4.496
2 year 600 minute winter	5.762	2.307	100 year +40% CC 15 minute summer	572.562	162.015
30 year 15 minute summer	278.153	78.708	100 year +40% CC 15 minute winter	401.798	162.015
30 year 15 minute winter	195.195	78.708	100 year +40% CC 30 minute summer	327.122	92.564
30 year 30 minute summer	162.438	45.964	100 year +40% CC 30 minute winter	229.559	92.564
30 year 30 minute winter	113.991	45.964	100 year +40% CC 60 minute summer	200.116	52.885
30 year 60 minute summer	101.572	26.843	100 year +40% CC 60 minute winter	132.952	52.885
30 year 60 minute winter	67.482	26.843	100 year +40% CC 120 minute summer	114.332	30.215
30 year 120 minute summer	59.317	15.676	100 year +40% CC 120 minute winter	75.960	30.215
30 year 120 minute winter	39.409	15.676	100 year +40% CC 180 minute summer	84.627	21.777
30 year 180 minute summer	44.472	11.444	100 year +40% CC 180 minute winter	55.010	21.777
30 year 180 minute winter	28.908	11.444	100 year +40% CC 240 minute summer	65.321	17.263
30 year 240 minute summer	34.640	9.154	100 year +40% CC 240 minute winter	43.398	17.263
30 year 240 minute winter	23.014	9.154	100 year +40% CC 360 minute summer	48.350	12.442
30 year 360 minute summer	25.971	6.683	100 year +40% CC 360 minute winter	31.429	12.442
30 year 360 minute winter	16.882	6.683	100 year +40% CC 480 minute summer	37.320	9.863
30 year 480 minute summer	20.229	5.346	100 year +40% CC 480 minute winter	24.795	9.863
30 year 480 minute winter	13.440	5.346	100 year +40% CC 600 minute summer	30.112	8.236
30 year 600 minute summer	16.438	4.496	100 year +40% CC 600 minute winter	20.574	8.236

**Results for 2 year Critical Storm Duration. Lowest mass balance: 99.61%**

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
15 minute winter	23	10	33.431	0.031	1.7	0.0354	0.0000	OK
15 minute winter	22	10	33.274	0.053	4.3	0.0149	0.0000	OK
15 minute winter	21	10	32.973	0.031	1.7	0.0089	0.0000	OK
15 minute winter	20	10	32.863	0.044	3.2	0.0125	0.0000	OK
15 minute winter	19	10	32.777	0.056	4.9	0.0159	0.0000	OK
15 minute winter	18	10	32.574	0.031	1.7	0.0089	0.0000	OK
15 minute winter	17	10	32.423	0.039	4.3	0.0110	0.0000	OK
30 minute winter	16	29	31.910	0.110	12.2	0.1239	0.0000	OK
15 minute winter	15	10	32.438	0.033	1.9	0.0094	0.0000	OK
15 minute winter	14	10	32.228	0.038	3.9	0.0109	0.0000	OK
30 minute winter	UpperTank	28	31.909	0.159	12.6	7.1714	0.0000	OK
15 minute winter	12	10	32.253	0.030	1.5	0.0085	0.0000	OK
15 minute winter	11	10	32.084	0.030	3.4	0.0084	0.0000	OK
15 minute winter	9	10	32.986	0.023	1.2	0.0064	0.0000	OK
15 minute winter	8	10	32.771	0.043	2.7	0.0122	0.0000	OK
15 minute winter	7	10	32.739	0.054	4.2	0.0153	0.0000	OK
15 minute winter	6	10	31.888	0.029	1.5	0.0083	0.0000	OK
15 minute winter	5	10	31.733	0.046	3.4	0.0131	0.0000	OK
15 minute winter	4	10	31.523	0.083	10.6	0.0367	0.0000	OK
15 minute summer	1	1	30.450	0.000	4.1	0.0000	0.0000	OK
60 minute winter	LowerTank	49	30.668	0.118	6.6	4.2498	0.0000	OK
60 minute winter	24	50	30.668	0.168	4.6	0.1900	0.0000	SURCHARGED

Link Event (Upstream Depth)	US Node	Link	DS Node	Outflow (l/s)	Velocity (m/s)	Flow/Cap	Link Vol (m³)	Discharge Vol (m³)
15 minute winter	23	4.000	22	1.7	0.422	0.096	0.0732	
15 minute winter	22	4.001	16	4.3	0.804	0.241	0.0505	
15 minute winter	21	3.000	20	1.7	0.491	0.096	0.0434	
15 minute winter	20	3.001	19	3.2	0.618	0.180	0.0510	
15 minute winter	19	3.002	16	4.9	0.832	0.274	0.0605	
15 minute winter	18	2.000	17	1.7	0.544	0.096	0.0500	
15 minute winter	17	2.001	16	4.3	1.211	0.139	0.0604	
30 minute winter	16	1.002	UpperTank	12.1	1.100	0.329	0.2454	
15 minute winter	15	1.000	14	1.9	0.591	0.107	0.0697	
15 minute winter	14	1.001	16	3.9	1.115	0.134	0.0420	
30 minute winter	UpperTank	1.003	26	3.4	0.235	0.086	0.5097	
15 minute winter	12	5.000	11	1.5	0.604	0.085	0.0421	
15 minute winter	11	5.001	26	3.4	1.103	0.086	0.0605	
15 minute winter	9	7.000	8	1.2	0.421	0.050	0.0373	
15 minute winter	8	7.001	7	2.7	0.546	0.152	0.0213	
15 minute winter	7	7.002	4	4.2	0.779	0.234	0.0212	
15 minute winter	6	6.000	5	1.5	0.431	0.084	0.0608	
15 minute winter	5	6.001	4	3.4	0.753	0.190	0.0435	
15 minute winter	4	1.005	25	10.5	0.700	0.146	0.1071	
60 minute winter	LowerTank	1.007	24	4.3	0.243	0.064	0.4502	
60 minute winter	24	Hydro-Brake®	1	4.4				22.1

**Results for 2 year Critical Storm Duration. Lowest mass balance: 99.61%**

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
15 minute winter	25	11	30.677	0.077	10.5	0.0875	0.0000	OK
60 minute winter	26	48	31.911	0.247	5.3	0.2797	0.0000	SURCHARGED

Link Event (Upstream Depth)	US Node	Link	DS Node	Outflow (l/s)	Velocity (m/s)	Flow/Cap	Link Vol (m³)	Discharge Vol (m³)
15 minute winter	25	1.006	LowerTank	10.4	1.167	0.154	0.1822	
60 minute winter	26	Hydro-Brake®	4	3.3				

**Results for 30 year Critical Storm Duration. Lowest mass balance: 99.61%**

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
15 minute winter	23	10	33.451	0.051	4.5	0.0581	0.0000	OK
15 minute winter	22	10	33.315	0.094	11.3	0.0266	0.0000	OK
15 minute winter	21	10	32.994	0.051	4.5	0.0146	0.0000	OK
15 minute summer	20	10	32.896	0.077	8.3	0.0217	0.0000	OK
15 minute winter	19	10	32.823	0.102	12.8	0.0290	0.0000	OK
15 minute summer	18	10	32.595	0.052	4.5	0.0147	0.0000	OK
15 minute winter	17	10	32.447	0.063	11.3	0.0178	0.0000	OK
60 minute winter	16	59	32.269	0.469	18.8	0.5303	0.0000	SURCHARGED
15 minute summer	15	10	32.459	0.054	4.9	0.0154	0.0000	OK
60 minute winter	14	59	32.269	0.079	4.2	0.0224	0.0000	OK
60 minute winter	UpperTank	60	32.269	0.519	20.6	23.3449	0.0000	SURCHARGED
15 minute winter	12	10	32.271	0.048	3.8	0.0137	0.0000	OK
60 minute winter	11	59	32.269	0.215	3.6	0.0607	0.0000	SURCHARGED
15 minute winter	9	10	32.999	0.036	3.0	0.0101	0.0000	OK
15 minute winter	8	10	32.805	0.077	6.8	0.0217	0.0000	OK
15 minute winter	7	10	32.779	0.094	10.6	0.0267	0.0000	OK
15 minute winter	6	10	31.906	0.047	3.8	0.0133	0.0000	OK
15 minute winter	5	10	31.766	0.079	8.7	0.0224	0.0000	OK
15 minute winter	4	10	31.566	0.126	22.6	0.0558	0.0000	OK
15 minute summer	1	1	30.450	0.000	4.8	0.0000	0.0000	OK
60 minute winter	LowerTank	58	30.830	0.280	10.7	10.0902	0.0000	OK
60 minute winter	24	58	30.830	0.330	5.5	0.3733	0.0000	SURCHARGED

Link Event (Upstream Depth)	US Node	Link	DS Node	Outflow (l/s)	Velocity (m/s)	Flow/Cap	Link Vol (m³)	Discharge Vol (m³)
15 minute winter	23	4.000	22	4.5	0.534	0.254	0.1524	
15 minute winter	22	4.001	16	11.3	1.018	0.635	0.1052	
15 minute winter	21	3.000	20	4.5	0.626	0.255	0.0894	
15 minute summer	20	3.001	19	8.3	0.757	0.469	0.1077	
15 minute winter	19	3.002	16	12.8	1.045	0.721	0.1266	
15 minute summer	18	2.000	17	4.5	0.725	0.254	0.0994	
15 minute winter	17	2.001	16	11.3	1.276	0.367	0.2102	
60 minute winter	16	1.002	UpperTank	17.8	1.098	0.485	0.3968	
15 minute summer	15	1.000	14	4.9	0.781	0.277	0.1362	
60 minute winter	14	1.001	16	4.2	1.056	0.146	0.1634	
60 minute winter	UpperTank	1.003	26	3.3	0.218	0.083	0.5805	
15 minute winter	12	5.000	11	3.8	0.781	0.215	0.1607	
60 minute winter	11	5.001	26	3.5	0.843	0.090	0.1137	
15 minute winter	9	7.000	8	3.0	0.504	0.124	0.0782	
15 minute winter	8	7.001	7	6.8	0.655	0.384	0.0448	
15 minute winter	7	7.002	4	10.6	0.978	0.592	0.0427	
15 minute winter	6	6.000	5	3.8	0.540	0.215	0.1227	
15 minute winter	5	6.001	4	8.7	0.959	0.490	0.0882	
15 minute winter	4	1.005	25	22.6	0.857	0.315	0.1878	
60 minute winter	LowerTank	1.007	24	4.9	0.243	0.073	0.9434	
60 minute winter	24	Hydro-Brake®	1	5.0				52.2

**Results for 30 year Critical Storm Duration. Lowest mass balance: 99.61%**

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
60 minute winter	25	58	30.830	0.230	11.3	0.2606	0.0000	OK
60 minute winter	26	59	32.268	0.604	6.6	0.6835	0.0000	SURCHARGED

Link Event (Upstream Depth)	US Node	Link	DS Node	Outflow (l/s)	Velocity (m/s)	Flow/Cap	Link Vol (m³)	Discharge Vol (m³)
60 minute winter	25	1.006	LowerTank	10.7	0.900	0.157	0.8389	
60 minute winter	26	Hydro-Brake®	4	3.4				

**Results for 100 year +40% CC Critical Storm Duration. Lowest mass balance: 99.61%**

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
15 minute winter	23	10	33.494	0.094	9.4	0.1068	0.0000	OK
15 minute winter	22	10	33.457	0.236	23.1	0.0667	0.0000	SURCHARGED
15 minute winter	21	11	33.136	0.194	9.4	0.0549	0.0000	SURCHARGED
15 minute winter	20	11	33.100	0.281	16.1	0.0795	0.0000	SURCHARGED
15 minute winter	19	11	32.998	0.277	24.4	0.0783	0.0000	SURCHARGED
60 minute winter	18	60	32.904	0.361	3.7	0.1020	0.0000	SURCHARGED
60 minute winter	17	61	32.904	0.520	9.2	0.1471	0.0000	SURCHARGED
60 minute winter	16	61	32.904	1.104	35.3	1.2487	0.0000	SURCHARGED
60 minute winter	15	60	32.904	0.499	4.0	0.1411	0.0000	FLOOD RISK
60 minute winter	14	61	32.904	0.714	8.3	0.2020	0.0000	SURCHARGED
60 minute winter	UpperTank	61	32.904	1.154	40.5	51.9474	0.0000	SURCHARGED
60 minute winter	12	61	32.904	0.681	3.1	0.1926	0.0000	FLOOD RISK
60 minute winter	11	61	32.904	0.850	6.7	0.2404	0.0000	SURCHARGED
15 minute winter	9	10	33.015	0.052	6.2	0.0147	0.0000	OK
15 minute winter	8	10	32.924	0.196	14.0	0.0555	0.0000	SURCHARGED
15 minute winter	7	10	32.880	0.195	21.6	0.0552	0.0000	SURCHARGED
15 minute winter	6	10	31.928	0.069	7.8	0.0197	0.0000	OK
15 minute winter	5	10	31.832	0.145	17.9	0.0409	0.0000	OK
15 minute winter	4	10	31.622	0.182	42.2	0.0804	0.0000	OK
15 minute summer	1	1	30.450	0.000	5.0	0.0000	0.0000	OK
120 minute winter	LowerTank	118	31.224	0.674	11.6	24.2636	0.0000	SURCHARGED
120 minute winter	24	118	31.224	0.724	5.4	0.8185	0.0000	SURCHARGED

Link Event (Upstream Depth)	US Node	Link	DS Node	Outflow (l/s)	Velocity (m/s)	Flow/Cap	Link Vol (m³)	Discharge Vol (m³)
15 minute winter	23	4.000	22	9.2	0.600	0.518	0.2632	
15 minute winter	22	4.001	16	22.5	1.277	1.266	0.1628	
15 minute winter	21	3.000	20	8.5	0.699	0.481	0.2185	
15 minute winter	20	3.001	19	15.7	0.889	0.884	0.1733	
15 minute winter	19	3.002	16	24.0	1.366	1.359	0.1789	
60 minute winter	18	2.000	17	3.7	0.689	0.208	0.2816	
60 minute winter	17	2.001	16	9.0	1.139	0.294	0.3009	
60 minute winter	16	1.002	UpperTank	33.9	1.333	0.924	0.3968	
60 minute winter	15	1.000	14	4.0	0.715	0.225	0.3816	
60 minute winter	14	1.001	16	7.4	1.031	0.256	0.2128	
60 minute winter	UpperTank	1.003	26	-7.7	-0.193	-0.193	0.5805	
60 minute winter	12	5.000	11	2.9	0.682	0.162	0.2988	
60 minute winter	11	5.001	26	5.7	0.987	0.144	0.1137	
15 minute winter	9	7.000	8	6.2	0.536	0.256	0.1466	
15 minute winter	8	7.001	7	13.8	0.783	0.779	0.0761	
15 minute winter	7	7.002	4	21.5	1.221	1.202	0.0674	
15 minute winter	6	6.000	5	7.8	0.612	0.441	0.2196	
15 minute winter	5	6.001	4	17.6	1.083	0.992	0.1599	
15 minute winter	4	1.005	25	42.1	1.021	0.586	0.2935	
120 minute winter	LowerTank	1.007	24	4.9	0.241	0.074	0.9566	
120 minute winter	24	Hydro-Brake®	1	5.0				97.2



**Results for 100 year +40% CC Critical Storm Duration. Lowest mass balance: 99.61%**

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
120 minute winter	25	118	31.224	0.624	12.0	0.7060	0.0000	SURCHARGED
60 minute winter	26	61	32.904	1.240	11.6	1.4021	0.0000	SURCHARGED

Link Event (Upstream Depth)	US Node	Link	DS Node	Outflow (l/s)	Velocity (m/s)	Flow/Cap	Link Vol (m³)	Discharge Vol (m³)
120 minute winter	25	1.006	LowerTank	11.6	0.852	0.171	0.9337	
60 minute winter	26	Hydro-Brake®	4	3.5				

## Appendix 7 – General Requirements Maintenance

GULLIES, PIPEWORK, INSPECTION CHAMBERS AND CONTROLS	
<u>Required Action</u>	<u>Frequency</u>
<b>Regular Maintenance</b>	
Remove cover and inspect chambers and pipework ensuring water is flowing freely and that the exit route for water is unobstructed.	Annually
Undertake inspection after leaf fall in autumn, remove leaves from gullies, chambers and pipes	Every autumn
Inspect silt traps and clear of silt	Every 6 months or as required
Inspect catchpits and clear of silt	Every 6 months or as required
<b>Remedial work</b>	
Remove debris, silt and leaves from inspection chambers and flow control chambers.	As required
Remove debris and silt from pipework through high pressure jet washing.	As required
Repair physical damage if necessary	As required
<b>Monitoring</b>	
CCTV survey to establish condition of pipe runs. Cleansing or repair of physical damage to be conducted if necessary	Every 5 years or as required
GEOCELLULAR TANK SYSTEM	
<u>Required Action</u>	<u>Frequency</u>

<b>Regular maintenance</b>	
Inspect and identify any areas that are not operating correctly. If required, take remedial action.	Monthly for 3 months, then annually
Remove debris from the catchment surface (where it may cause risks to performance).	Monthly
Remove sediment from pre-treatment structures – all runoff entering the tank will need to have been routed through a catchpit with sediment filter.	Annually or as required
<b>Remedial</b>	
Repair/rehabilitate inlets, outlets and vents	As required
<b>Monitoring</b>	
Inspect/check all inlets, outlets and vents to ensure that they are in good condition and operating as designed	Annually
If product allows for internal inspection, CCTV survey inside of tank for sediment build-up and remove if necessary (this could be through the Polystorm Access product suitable for the Polystorm Xtra crate system). <b>Manufacturer's specific recommendation to be followed.</b>	Every 5 years or as required
<b>WATER BUTTS</b>	
<u>Required Action</u>	<u>Frequency</u>
<b>Regular maintenance</b>	
Empty and clean barrel thoroughly as winter approaches to prevent the risk of ice forming, expanding and cracking or splitting the container.	Annually, before winter

Use proprietary products made for cleaning the interior of water butts and enhancing the quality of the water.	As instructed by cleaning product manufacturer
<b>Remedial</b>	
Empty water butt and scrub out the interior to remove the sludge, algae and grime that builds up on the sides and bottom of the container	As required (usually several times a year)
<b>Monitoring</b>	
Inspect amount of sludge and algae within water butt	When emptying

# Official Local Authority Search Commercial (CON29R + LLC1)



## Search Details

**Prepared for:** Minihan Mcalister Limited

**Matter:** JCM/1701/1

**Client address:** Warwick Mill Business Centre, Warwick Bridge, Carlisle, CA4 8RR

### Property:

Land at, Hallcroft, Monkhill, Burgh By Sands, Carlisle, CA5 6DB

### Local Authority:

Carlisle City Council

Civic Centre, Civic Centre, Rickergate, Carlisle, CA3 8QG

**Date Returned:**  
19/04/2020

**Property type:**  
Commercial

This search was compiled by the Local Authority above and provided by InfoTrack Ltd – t: 0207 186 8090, e: [helpdesk@infotrack.co.uk](mailto:helpdesk@infotrack.co.uk). This search is subject to terms and conditions issued by InfoTrack which can be viewed at [www.infotrack.co.uk](http://www.infotrack.co.uk) or supplied on request. This search is also subject to terms and conditions issued by the Local Authority, available on request. InfoTrack are registered with the Property Codes Compliance Board (PCCB) as subscribers to the Search Code. The PCCB independently monitors how registered firms maintain compliance with the Code. Visit [www.propertycodes.org.uk](http://www.propertycodes.org.uk) for more information.

# CON29 ENQUIRIES OF THE LOCAL AUTHORITY WITH INFORMATIVES (2016 EDITION)

## PART 1 STANDARD ENQUIRIES AND PART 2 OPTIONAL ENQUIRIES

### HIGHWAYS & TRANSPORTATION, CUMBRIA COUNTY COUNCIL



Search No. | Date 03/04/2020

Search No: 20-00253

**BOX B**  
Property/Address: Land at Hallcroft, Monkhill, Burgh by Sands, CA5 6DB

Postcode/Grid Reference: CA

6DB 4SD If no Postcode a Grid reference must be provided

**BOX C**

\*\*PLEASE ANSWER Q4\*\*

## PART 1 STANDARD ENQUIRIES

	QUESTION	ANSWER	DETAILS
2.1	Roadways, footways and footpaths	Please see attached plan*	<p>a.) If maintainable at public expense, shown green on plan. If not maintainable at public expense, shown red on plan</p> <p>b.) If subject to Section 38 Agreement; shown blue on plan</p> <p>c.) If to be adopted by a local authority without reclaiming the cost from the frontages; shown as 'AT COST' on plan.</p> <p>d.) If to be adopted without cost to the frontages under a current Cumbria County Council resolution; shown as 'WITHOUT COST' on plan.</p> <p>* <input checked="" type="checkbox"/> If this box is checked, the plan is indicating the nearest adopted road in relation to the property</p>
2.2	Public Rights of Way	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
2.2	Public Rights of Way - plan	Please see attached plan**	** If answered 'YES' in Q.2.2, Please see copy of part of Cumbria County Council's 1976 Definitive Map of Recorded Public Rights of Way.
2.3	PRoW Pending Applications	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<a href="#">Click here to enter text.</a>
2.4	PRoW Legal Orders	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<a href="#">Click here to enter text.</a>
2.5	Plan Attached	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
3.2	Land to be acquired for Roadworks	NO <input checked="" type="checkbox"/>	<a href="#">Click here to enter text.</a>
3.4 (a-f)	Nearby Road schemes	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<p>(a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/></p> <p><b>DETAILS:</b> <a href="#">Click here to enter text.</a></p>
3.4	Road Schemes Trunk/Special Roads	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<p>If 'YES' please contact Highways England: Email: <a href="mailto:info@highwaysengland.co.uk">info@highwaysengland.co.uk</a></p>

# CON29 ENQUIRIES OF THE LOCAL AUTHORITY WITH INFORMATIVES (2016 EDITION)

## PART 1 STANDARD ENQUIRIES AND PART 2 OPTIONAL ENQUIRIES

### HIGHWAYS & TRANSPORTATION, CUMBRIA COUNTY COUNCIL



3.6 (a-l)	Traffic Schemes	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j) <input type="checkbox"/> (k) <input type="checkbox"/> (l) <input type="checkbox"/> <b>DETAILS***:</b> <a href="#">Click here to enter text.</a> *** This Traffic Scheme is subject to the consultation and statutory advertisement process and as such may be changed or abandoned subject to the decision of the relevant Local Committee.
	Traffic Schemes Trunk/Special Road	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If 'YES' please contact Highways England Email: <a href="mailto:info@highwaysengland.co.uk">info@highwaysengland.co.uk</a>
3.7 (e)	Outstanding Notices – Highways	NO <input checked="" type="checkbox"/>	(e) <input type="checkbox"/> (g) <input type="checkbox"/> <b>DETAILS:</b> <a href="#">Click here to enter text.</a>

## PART 2 OPTIONAL ENQUIRIES

4	Road proposals by private bodies	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	13/0728 - Erection of 7 dwellings (incl 2 affordable) and Change of Use of agricultural land to domestic garden to serve existing residential properties to the road frontage (outline app) – 20/09/2013
21	Flood Defence and Land Drainage Consents	YES <input type="checkbox"/> NO <input type="checkbox"/>	



# CON29 ENQUIRIES OF THE LOCAL AUTHORITY WITH INFORMATIVES (2016 EDITION)

## PART 1 STANDARD ENQUIRIES AND PART 2 OPTIONAL ENQUIRIES

### HIGHWAYS & TRANSPORTATION, CUMBRIA COUNTY COUNCIL



#### Public Rights of Way

##### 2.1 (a,b,c & d) ROADS

The reply to this is restricted to highways maintainable at public expense within the meaning of the Highways Act 1980 (s36). The reply does not imply the complete extent of the publicly maintainable highway or that the publicly maintainable highway directly abuts the boundary of the property. If you require more detailed information, a separate enquiry, including a plan showing the area in question, should be made to Highway Searches Department, Cumbria County Council, Kingmoor Business Park, Carlisle, CA6 4SJ.

Email: [searches@cumbria.gov.uk](mailto:searches@cumbria.gov.uk)

##### 2.2, 2.3, 2.4 Public Rights of Way

The replies to this enquiry are without prejudice to any other public rights of way that are not shown on Cumbria County Council's Definitive Map of Public Rights of Way.

#### OTHER MATTERS

##### 3.2 Land to be acquired for Road Works

This enquiry is answered with respect to schemes that have been approved by Cumbria County Council, or have been notified to Cumbria County Council by any other highway authority.

##### 3.4 (a) to (f) Nearby Road Schemes

The replies to these enquiries relate to roads that are, or it is proposed will become, highways maintainable at public expense within the meaning of the Highways Act 1980 (s36).

##### 3.6 Traffic Schemes

The response to all of 3.6 refers to schemes relating to the property address only.

###### a) permanent stopping up or diversion

In some circumstances, road closure orders can be obtained by third parties from magistrates' courts or can be made by the Secretary of State for Transport, without involving Cumbria County Council.

- (b) waiting or loading restrictions
- (c) one way driving
- (d) prohibition of driving
- (e) pedestrianisation
- (f) vehicle width or weight restriction

The reply to (f) relates to restrictions that will be covered by a legal order.

###### (g) traffic calming works e.g. road humps

The reply to (g) relates to proposals that involve physical construction on the carriageway

# CON29 ENQUIRIES OF THE LOCAL AUTHORITY WITH INFORMATIVES (2016 EDITION)

PART 1 STANDARD ENQUIRIES AND PART 2 OPTIONAL ENQUIRIES

HIGHWAYS & TRANSPORTATION, CUMBRIA COUNTY COUNCIL



- (h) Residents parking controls
- (l) Minor road widening or improvement
- (j) Pedestrian crossings
- (k) Cycle tracks
- (l) Bridge building

## 3.7 Outstanding notices

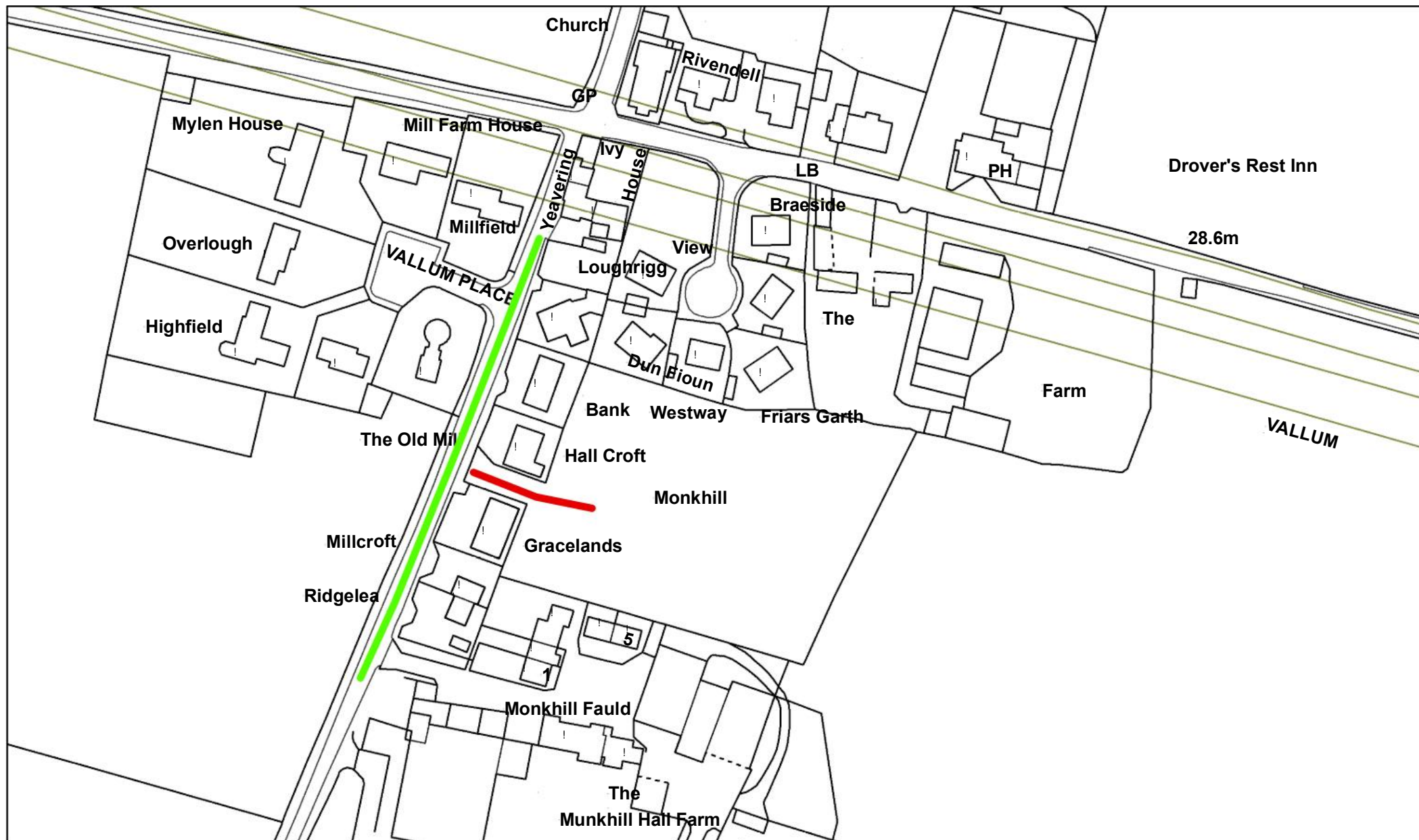
- (e) highways

## 4.0 Road proposals by private bodies

## 21 Flood Defence and Drainage Consents

You can view this information on the website:

[http://hims.cumbria.gov.uk/wip3\\_no\\_login/map.aspx?cg=lfrm](http://hims.cumbria.gov.uk/wip3_no_login/map.aspx?cg=lfrm)



Organisation: Cumbria County Council

Department: Environment, Highways & Transportation

Date: 17/04/2020

Search Number: 0253

Scale:

1:1,500

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Licence Number: 100019596

3

— Maintainable at public expense

— Not maintainable at public expense

— Subject to Section 38 Agreement

The line length and width does not represent any particular extent



## **Governance Directorate**

**Assistant Director (Governance): M D Lambert LLB (Hons)**

Civic Centre Carlisle CA3 8QG • Telephone 01228 817000 Fax 01228 817048

Document Exchange Quote DX 63037 Carlisle • Typetalk 18001 01228 817000

Register of Local Land Charges  
Schedule to the Official Certificate of Search

Date: 17 April 2020

Description of Property:  
Land at Monkhill Hall Farm, Monkhill, Burgh by Sands

### **Part 03 - Planning Charges**

**Description:** Outline Planning Permission application number 13/0728  
Proposal: Erection Of 7 Dwellings, Including 2 Affordable Units And The Change Of Use Of Agricultural Land To Domestic Garden To Serve The Property Known As 'Hallcroft' (Outline Application)  
Granted on 24/04/2014 subject to legal agreement

**Date of Registration:** 24/04/2014

**Originating Authority:** Carlisle City Council

**Place of inspection:** Civic Centre, Carlisle, CA3 8QG

**Description:** Outline Planning Permission application number 15/0284  
Proposal: Erection Of 7no. Dwellings And The Change Of Use Of Agricultural Land To Domestic Garden To Serve The Property Known As 'Hallcroft' (Outline/Revised Application)  
Granted on 21/08/2015 subject to legal agreement

**Date of Registration:** 21/08/2015

**Originating Authority:** Carlisle City Council

**Place of inspection:** Civic Centre, Carlisle, CA3 8QG

**Description:** Outline Planning Permission application number 18/0994  
Proposal: Erection Of 7no. Dwellings (Outline/Renewal Of Previously Approved Permission 15/0284)  
Granted on 22/03/2019

**Date of Registration:** 22/03/2019

**Originating Authority:** Carlisle City Council

**Place of inspection:** Civic Centre, Carlisle, CA3 8QG

**Description:** Agreement made under Section 106 of the Town and Country Planning Act, 1990 between The Council of the City of Carlisle and Patricia Ann Martin and Corrine Riley and Andrew Paper dated 24th April 2014.

**Date of Registration:** 24/07/2014

**Originating Authority:** Carlisle City Council

**Place of inspection:** Civic Centre, Carlisle, CA3 8QG

Signed: Authorised Officer

Dated: 17/04/2020

## Site History for BC.AID(Without Related)

**Address:** Land at Monkhill Hall Farm, Monkhill, Burgh by Sands  
**Grid Refs:** 334385.23 558526.83     **Land Parcel Ref:** 2141

**Application:** Building Regulation                      **Number:** 06/6304/CPS  
**Validated:** 27/11/2006 09:51:09                      **Type:**  
**Status:** Building Works Complete                      **Date:** 27/11/2006 09:51:09  
**Summary:**  
**Description:** NICEIC record for New installation, rewire or partial rewire, Dwelling house

**Application:** Building Regulation                      **Number:** 95/0499/BN  
**Validated:** 18/08/1995                      **Type:** G  
**Status:** Building Works Complete                      **Date:** 21/08/1995  
**Summary:** Migrated code  
**Description:** Erection of 2 semi-detached dwellings

**Last BC Completion Date:** 11.04.96

**Application:** Building Regulation                      **Number:** 15/0004/MK  
**Validated:**                      **Type:**  
**Status:** Received                      **Date:**  
**Summary:** Unknown  
**Description:** Erection Of 7no. Dwellings

## PART 3

PLANNING  
CHARGES

Notices deposited  
under Section 110(4)  
& Section 132(3) of  
The Town and  
Country Planning  
Act 1990

Description of Charge  
(including particulars of planning decision)

Originating Authority

Particulars of compensation  
and apportionmentPlace where relevant documents  
may be inspectedDate of  
Registration

1

2

3

4

5

HER  
ING  
GES

Description of Charge (including reference to appropriate statutory provision)

1

Originating Authority

2

Place where relevant documents may be inspected

Date of Registration

3

4

Included in an area defined as an area of 'special control'  
for the purposes of the control of Advertisements Regulations,  
1969.

Carlisle City Council

Civic Centre, Carlisle

Pre April 1974

DATE 17.04.2020

SIGNATURE

**Con29 Part I - Standard Enquiries**

**PLANNING AND BUILDING REGULATIONS**

Planning and Building Regulation Decisions and Pending Applications

1.1(a)-(d)    See attached schedule to official search

1.1.(e)        None

1.1.(f)        None.

1.1.(g)        None.

1.1.(h)        None.

1.1.(i)        None.

1.1.(j)        See attached

1.1.(k)        None

1.1.(l)        CPS - Any certificate required should be obtained from the Competent Persons Scheme and not from the Local Authority.

*Informative: (1) The reply does not cover other properties in the vicinity. (2) Column 1 of Schedule A of the Building Regulations lists certain categories of work which Regulation 16A permits the Local Authority to accept certificates of compliance, from persons registered under the Competent Persons Self Certification Scheme. (3) The Council's computerised records of Building Regulations do not extend back before 1993 and the reply covers the period since that date. Prior records would have to be searched manually at an additional cost. (4) In the case of an Initial Notice (I.N) the seller or developer should be asked to provide evidence of compliance with the building regulations.*

Planning Designations and Proposals

1.2.            Hadrian's Wall Military Zone World Heritage Site Buffer Zone  
                  Unscheduled Archaeological Site

*Informative: This reply reflects policies or proposals in any existing development plan and in any formally proposed alteration or replacement plan, but does not include policies contained in planning guidance notes.*

Roadways, footways and footpaths

2.1.(a-d)    See attached - Highways & Transportation, Cumbria County Council

Public Rights of Way

2.2.-2.5.    See attached - Highways & Transportation, Cumbria County Council.

Land required for Public Purposes

3.1.            No

Land to be acquired for Road Works

3.2.            None

*Informative: This enquiry is answered with respect to schemes that have been approved by Cumbria County Council, or have been notified to Cumbria County Council by any other highway authority.*

Drainage Matters

3.3.(a-c)    Carlisle City Council does not currently hold a database of records which allow for the provision of comprehensive answers in relation to enquiries 3.3a-3.3c. It is advisable that the purchaser undertakes additional checks with the vendor to establish whether any sustainable urban drainage systems are in place at the property.

Nearby Road Schemes

3.4.(a-f)    See attached - Highways & Transportation, Cumbria County Council.

3.5.(a) No.  
Nearby Railway Schemes  
3.5.(b) No.  
Traffic Schemes

3.6 (a)-(l) See attached - Highways & Transportation, Cumbria County Council.

*Informative: The response to all of 3.6 refers to schemes relating to the property address only.  
In some circumstances, road closure orders can be obtained by third parties from magistrates' courts  
or can be made by the Secretary of State for Transport, without involving the County Council.  
The reply to (f) relates to restrictions that will be covered by a legal order.  
The reply to (g) relates to proposals that involve physical construction on the carriageway.*

#### Outstanding Notices

3.7.(a) No

3.7.(b) No

3.7.(c) No

3.7.(d) No

3.7.(e) See attached - Highways & Transportation, Cumbria County Council

3.7.(f) No

3.7.(g) No.  
Contravention of Building Regulations

3.8. None  
Notices, Orders, Directions and Proceedings under Planning Acts

3.9.(a) None

3.9.(b) None

3.9.(c) None

3.9.(d) None

3.9.(e) None

3.9.(f) None

3.9.(g) None

3.9.(h) None

3.9.(i) None

3.9.(j) None

3.9.(k) None

3.9.(l) None

3.9.(m) None

3.9.(n) None  
Community Infrastructure Levy (CIL)

3.10.(a) No.



3.10.(b)	No.
3.10.(c)	No.
3.10.(d)	No.
3.10.(e)	No.
3.10.(f)	No.
3.10.(g)	No.
3.10.(h)	No.
Conservation Area	
3.11.(a)	No
3.11.(b)	No
Compulsory Purchase	
3.12.	No
Contaminated Land	
3.13.(a)	No
3.13.(b)	No
3.13.(c)	No
Radon Gas	
3.14.	No
Assets of Community Value	
3.15.(a)	No.
3.15.(b)	No.

## **Con29 Part II - Optional Enquiries**

### **ROAD PROPOSALS BY PRIVATE BODIES**

4.(a-b) See attached - Highways & Transportation, Cumbria County Council.

### **COMPLETION NOTICES**

6. None

### **PARKS AND COUNTRYSIDE**

Areas of Outstanding Natural Beauty

7.1. No

Nation Parks

7.2. No

### **PIPELINES**

8. No

### **LAND MAINTENANCE NOTICES**

15. No

### **MINERAL CONSULTATION AND SAFEGUARDING AREAS**

16. No

### **ENVIRONMENTAL AND POLLUTION NOTICES**

18. None

### **HEDGEROW NOTICES**

20.1. None

20.2.(a) Not applicable

20.2.(b) Not applicable

### **COMMON LAND and TOWN OR VILLAGE GREEN**

22.1. No

22.2. No

22.3. No

Signed:

Authorised Officer

Dated: 17/04/2020

Official Number: 20/00253

## Register of Local Land Charges

Carlisle City Council  
Local Land Charges Department  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG

## Details of Requisition for Search and Official Certificate of Search

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### Details of requisition for search

*(A separate requisition must be made in respect of each parcel of land except as explained on the LLC1)* An official search is required in the register of local land charges kept by the above-named registering authority for subsisting registrations against the land defined in the attached plan and described below.

---

Description of land sufficient to enable it to be identified:

Address: Land at Hallcroft, Monkhill, Burgh by Sands, CA6 6DB

Land parcel: /

---

Name and address to which certificate is to be sent:

Infotrack  
Level 11, 91 Waterloo Road

SE1 8RT

Date: 3 April, 2020

Telephone number: 02079225773

Reference:

Fee received: £271.80 (by BACS)

---

### Official Certificate of Search

It is hereby certified that the search requested above reveals the 5 registrations described in the schedule hereto up to and including the date of this certificate.

Signed:

on behalf of City of Carlisle

Date: 17 April, 2020

---

InfoTrack  
Capital Tower  
11th Floor  
91 Waterloo Road  
LONDON  
SE1 8RT

Our Ref: 1400003882  
Your Ref: 9706855

9<sup>th</sup> September 2020

**Re: Land at Hallcroft Monkhill, Burgh By Sands Carlisle CA5 6DB**

The subject area contains a Northern Gas Networks pipe-line lawfully placed and afforded the protection of the Gas Act 1986 (as amended by Gas Act 1995).

The position of service pipes are not recorded. If the subject area has or previously had the benefit of a gas supply, then the presence of service pipes should be anticipated. The above information is provided in good faith but its accuracy is not guaranteed. No liability of any kind is accepted by Northern Gas Networks, its agents or servants for any error or omission.

Yours faithfully,

Jennie Adams  
Administration Assistant

0800 040 7766 (option 5)



### **Important Safety Guidance**

Northern Gas Networks is the gas distribution company for the North East of England, Yorkshire and Northern Cumbria. We own about 37,000km of gas mains, and other vital equipment, which supply gas to some 2.7 million homes and businesses.

If you or one of your contractors plan to work near gas pipes or other Northern Gas Networks's equipment, you must let us know.

Damaging gas pipes is dangerous and potentially expensive. Not only could it lead to a fire or explosion, it could result in the loss of the gas supply to local communities.

Safety is therefore Northern Gas Networks's top priority. We need to ensure no-one damages our equipment and puts either themselves or members of the public at risk. Our work in this area is encapsulated in the Pipeline Safety Regulations, and by the Northern Gas Networks's safety case, which is approved by the Health and Safety Executive (HSE).

Our website, [www.northerngasnetworks.co.uk](http://www.northerngasnetworks.co.uk) has safety guidance booklets that can be downloaded to assist you when carrying out any works. Please use these as reference guides prior to commencing works. Should you have any difficulty in downloading these documents, please either call 0800 040 7766, option 5, or via email: [beforeyoudig@northerngas.co.uk](mailto:beforeyoudig@northerngas.co.uk)

The guidance documents include this one and the following:

1. Safe working in the vicinity of high pressure gas pipelines and associated installations
2. Avoiding injury when working near gas pipes up to 7 bar
3. Avoiding injury when working near gas pipes

**If at any point during your works, you smell gas, call the National Gas Emergency Service immediately on the Freephone 0800 111 999.**

Examples of higher risk works are, but not limited to, the following:

- Any excavation works within 0.5m of low/medium pressure mains and 3m of intermediate and high pressure mains (the distance is measured from the proven position of the gas main).
- Demolition works within 15m of low/medium pressure mains and 150m of intermediate and high pressure mains.
- The use of explosives within 30m of low/medium pressure mains and 250m of intermediate and high pressure mains.
- Excavations within 10m of a pressure reduction unit.
- Excavations deeper than 1.5m.
- Heavy loading eg cranes, spoil deposits and heavy construction traffic.



# Stay safe near our pipes

## A guide to working near infrastructure

### Who are Northern Gas Networks?

We look after the 37,000km of gas mains in the North of England. We don't own the gas but it's our job to transport it safely to you. We're responsible for most of Yorkshire, the North East and Northern Cumbria with our pipes running the equivalent distance of Leeds to Sydney, Australia and back.



# Before you start work



1 Identify the **exact location** of our gas infrastructure (pipes etc) by **hand digging** trial holes or using **electronic tracers**.

2 Use a **marker** to indicate the position of our pipes on site.

3 Make sure everyone involved has a copy of our **site plan** and everyone's read the

**HSG47 Avoiding Danger from Underground Services and Utilities Guidelines on Positioning and Colour Coding of Apparatus.** You can download these for free from [Streetworks.org.uk](http://Streetworks.org.uk)

## Surface boxes and manholes

Never cover surface boxes or build manhole covers or other structures over, around or under a gas pipe. Always ask our permission before doing work that may affect a cover or protection.

## Tree planting

- Make sure you carefully consider the impact of planting trees and shrubs as roots can cause damage to gas pipes and make future maintenance work difficult.
- You will need to get approval from the Before You Dig Team before you can start planting.



## Clearances

Never lay equipment along or above a gas pipe. Keep a minimum clearance of 250mm or 1.5 x the external diameter of the gas pipe (whichever is the greater) between the existing gas infrastructure and any new plant. If this isn't possible, please contact the Before You Dig Team.

250mm

## Backfilling

- Make sure concrete backfill and hard material is at least 300mm away from apparatus.
- Your backfill material must meet the following requirements:
  - sand must be well-graded in accordance with BS EN 1260:2002
  - it must not contain any sharp particles
  - it must not be foamed concrete
  - it must be laid at least 150mm above the crown of the apparatus, and a 250mm hand rammed layer must be added before power ramming can take place.

## Deep excavations

If you're building a sewer trench or something else for the water authority deeper than 1.5 metres near a buried cast iron main, you must contact the Before You Dig Team with detailed drawings showing the line and width of the proposed works along with the soil group classifications.

## Mechanical excavations

Never use mechanical excavators within 0.5 metres of a low or medium pressure pipe and 3.0 metres of an intermediate pressure pipe.



## Carrying out explosions, pilings, boring or deep excavations?

You need to call us for minimum safe working distances before you get started.

### Financial penalties

- You will need to cover the costs of any damage to our infrastructure.
- We will charge you for any alterations needed to surface boxes or manholes caused by your work.
- If we have to move our infrastructure as a result of your work, you will need to cover the cost.

### Exposed plant

- You must support our infrastructure at all times, and protect any exposed elements from impact.
- Never weld or use hot substances if there is a risk of damaging plastics or protective pipe coatings.

Make sure that you build shuttering to stop fresh concrete from encasing our infrastructure.

#### Access

We need access to our infrastructure at all times so make sure that access isn't blocked by temporary structures and piles of spoil.

#### Crossing our plant with heavy equipment

Always ask our permission before you place heavy goods, equipment and vehicles on our infrastructure.

#### Smell gas or suspect a gas leak?

1. Call **0800 111 999** immediately.
2. Move away from the gas pipe.
3. Don't attempt to block the leak.
4. Evacuate people from surrounding buildings.
5. Put out naked flames.

Questions?



Call: 0800 040 7766



Email: [beforeyoudig@northerngas.co.uk](mailto:beforeyoudig@northerngas.co.uk)





Legend

<b>Pipes</b> Existing Gas Main Proposed Gas Main Transmission Pipe Service Pipe Gas Main Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock	<b>Network Asset</b> Gas Main Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock	<b>Network Asset (on Road)</b> Gas Main Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock	<b>Network Asset (on Road)</b> Gas Main Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock	<b>Network Asset (on Road)</b> Gas Main Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock Gas Valve Gas Meter Gas Stopcock
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Disclaimer Information

This plan shows those pipes owned by Northern Gas Networks or the relevant Gas Distribution Network in their roles as Licensed Gas Transporters (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, the relevant Gas Distribution Network, or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSG47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue. This plan is reproduced or based on the OS map by Northern Gas Networks, with the sanction of the controller of HM Stationary Office. Crown Copyright Reserved.

User ID: Jennie Adams  
 Date: 09/09/2020  
 Grid Ref: 334380 / 558520  
 Northern Gas Networks  
 Internal Use Only

# Drainage & Water Search (Commercial)



## Search Details

**Prepared for:** Minihan Mcalister Limited

**Matter:** JCM/1701/1

**Client address:** Warwick Mill Business Centre, Warwick Bridge, Carlisle, CA4 8RR

### Property:

Land at, Hallcroft, Monkhill, Burgh By Sands, Carlisle, CA5 6DB

### Water Company:

United Utilities Water Plc

Grasmere House, Lingley Mere Business Park, Warrington, WA5 3LP

**Date Returned:**  
31/03/2020

**Property type:**  
Commercial

This search was compiled by the Water Company above and provided by InfoTrack Ltd – t: 0207 186 8090, e: [helpdesk@infotrack.co.uk](mailto:helpdesk@infotrack.co.uk). This search is subject to terms and conditions issued by InfoTrack which can be viewed at [www.infotrack.co.uk](http://www.infotrack.co.uk) or supplied on request. This search is also subject to terms and conditions issued by the Water Company, available on request. InfoTrack are registered with the Property Codes Compliance Board (PCCB) as subscribers to the Search Code. The PCCB independently monitors how registered firms maintain compliance with the Code. Visit [www.propertycodes.org.uk](http://www.propertycodes.org.uk) for more information.

# Commercial drainage and water enquiry

Responses to a drainage and water enquiry for commercial premises or development sites.

Client:

Client ref: InfoTrack-8014951

InfoTrack Limited

91  
Waterloo Road,  
London,  
SE1 8RT

Order number: UUPS-ORD-159681

Received date: 30/03/2020

Response date: 31/03/2020

FAO:

The following records were searched in compiling this report:

The map of public sewers  
The map of waterworks  
Water and sewerage billing records  
Adoption of public sewers records  
Building over public sewer records  
Adoption of public water mains records  
Water supply clarification

**Property address: Land at, Hallcroft Monkhill, Burgh By Sands, Carlisle, CA5 6DB**

Please Note - We must make you aware that due to the introduction of the open market with effect from 1st April 2017 for commercial customers, Property Searches will no longer be able to resolve issues regarding some discrepancies within the report. Due to the change in the structure of the market the retailer is now responsible for taking ownership of certain issues, particularly relating to billing/tariff charges as well as, but not limited to change of usage of a property.

## Enquiries and Responses

The records were searched by Joanne Jones for United Utilities who does not have, nor is likely to have, any personal or business relationship with any person involved in the sale of the property.

This search report was prepared by Joanne Jones for United Utilities who does not have, nor is likely to have, any personal or business relationship with any person involved in the sale of the property.

## How to contact us:

United Utilities Water Limited  
Property Searches  
Haweswater House  
Lingley Mere Business Park  
Great Sankey  
Warrington  
WA5 3LP

Telephone: 0370 7510101

E-mail: [propertysearches@uuplc.co.uk](mailto:propertysearches@uuplc.co.uk)

## What is included:

1. Summary of findings and key
2. Detailed findings of the CON29DW
3. Guidance for interpretation
4. Terms and conditions
5. Complaints policy

If you are planning works anywhere in the North West, please read our access statement before you start work to check how it will affect our network. <http://www.unitedutilities.com/work-near-asset.aspx>.

To help understand the implications of the drainage and water enquiries report a summary guide to the content of the full report is provided below.

✓ This response represents the typical situation for a property.

⚠ The attention of the purchaser is drawn to this response. The purchaser may wish to make further investigations into this situation.

✗ This response represents an uncommon situation for a property and the purchaser should carefully consider its implications.

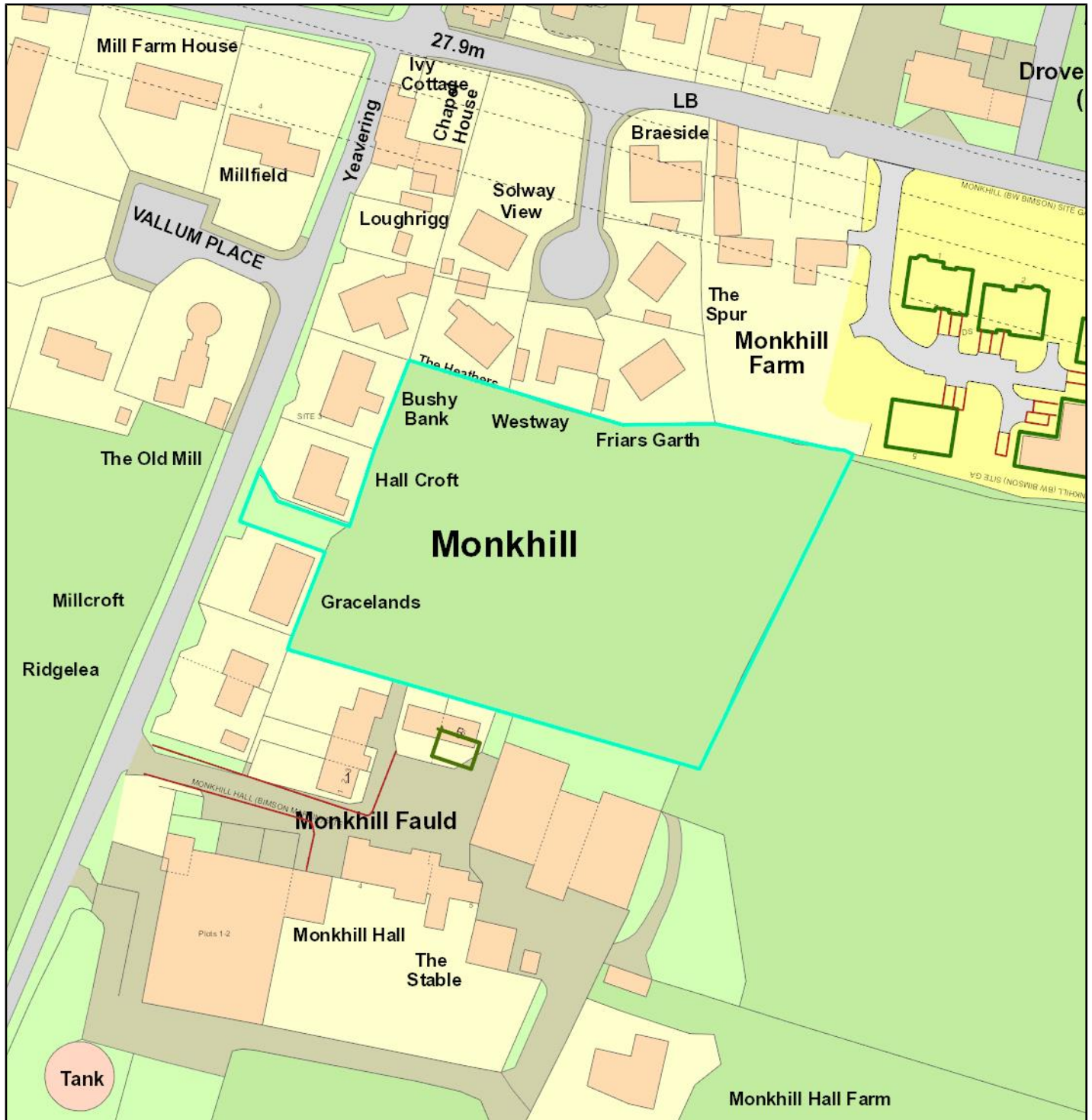
Question	Report Schedule	Answer	
1	Where relevant, please include a copy of an extract from the public sewer map.	Yes & in vicinity	✓
2	Where relevant, please include a copy of an extract from the map of waterworks.	Yes & in vicinity	✓
3	Does foul water from the property drain to a public sewer?	Plot of land	⚠
4	Does surface water from the property drain to a public sewer?	Plot of land	⚠
5	Is a surface water drainage charge payable?	No	✗
6	Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?	None	✓
6.1	Does the public sewer map indicate any pumping station or any other ancillary apparatus within the boundaries of the property?	None	✓
7	Does the public sewer map indicate any public sewer within 30.48 metres (100 feet) of any buildings within the property?	None	⚠
7.1	Does the public sewer map indicate any public pumping station or any other ancillary apparatus within 50 metres of any buildings within the property?	None	✓
8.1	Are any foul sewers or lateral drains serving or which are proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?	No	✓
8.2	Are any surface water pipes or lateral drains serving, or which are proposed to serve the property, the subject of an existing adoption agreement or an application for such an agreement?	No	✓
9	Has a sewerage undertaker approved or been consulted about any plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain?	None	✓
10	Is the building which is or forms part of the property at risk of internal flooding due to overloaded public sewers?	No	✓
11	Please state the distance from the property to the nearest boundary of the nearest sewage treatment works.	Yes	✓
12	Is the property connected to mains water supply?	Plot of Land	⚠
13	Are there any water mains, resource mains or discharge pipes within the boundaries of the property	No	✓

Question	Report Schedule	Answer	
14	Is any water main or service pipe serving or which is proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?	No	✓
15	Is the building at risk of receiving low water pressure or flow?	No	✓
16	What is the clarification of the water supply for the property?	Soft	✓
18	Please include details of the location of any water meter serving the property.	No meter	✓
19.1	Who is responsible for providing the sewerage services for the property?	United Utilities	✓
19.2	Who is responsible for providing the water services for the property?	United Utilities	✓
20	Who bills the property for sewerage services?	Retailer sewer	✓
21	Who bills the property for water services?	Retailer water	✓
22	Has a customer been granted a trade effluent consent at this property?	No	✓
23	Is there an easement affecting the property?	No	✓



**SEWER RECORD**

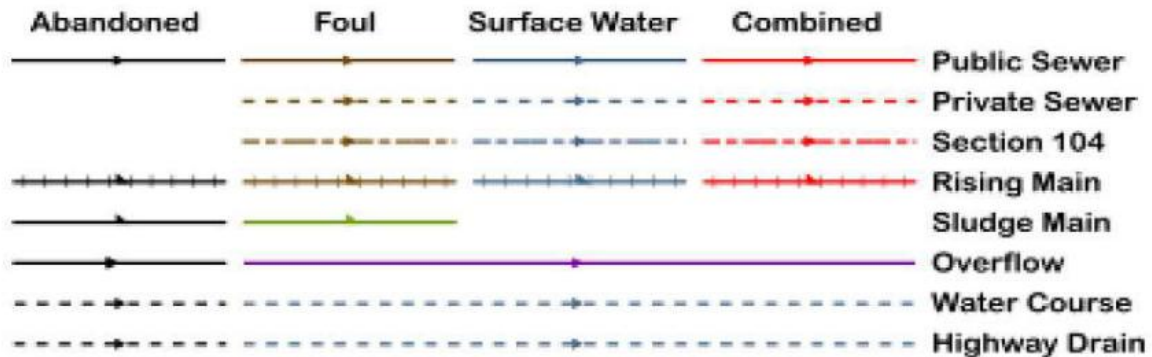
Land at, Hallcroft Monkhill, Burgh By Sands, Carlisle, CA5 6DB



The position of underground apparatus shown on this plan is approximate only and is given in accordance with the best information currently available. The actual positions may be different from those shown on the plan and private pipes, sewers or drains may not be recorded. United Utilities Water PLC will not accept any liability for any damage caused by the actual positions being different from those shown.

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## Wastewater Symbolology



All point assets follow the standard colour convention: **red** – combined **brown** - foul  
**blue** – surface water **purple** - overflow

<b>Manhole</b>	<b>Side Entry Manhole</b>
<b>Head of System</b>	<b>Outfall</b>
<b>Extent of Survey</b>	<b>Screen Chamber</b>
<b>Rodding Eye</b>	<b>Inspection Chamber</b>
<b>Inlet</b>	<b>Bifurcation Chamber</b>
<b>Discharge Point</b>	<b>Lamp Hole</b>
<b>Vortex</b>	<b>T Junction / Saddle</b>
<b>Penstock</b>	<b>Catchpit</b>
<b>Washout Chamber</b>	<b>Valve Chamber</b>
<b>Valve</b>	<b>Vent Column</b>
<b>Air Valve</b>	<b>Vortex Chamber</b>
<b>Non Return Valve</b>	<b>Penstock Chamber</b>
<b>Soakaway</b>	<b>Network Storage Tank</b>
<b>Gully</b>	<b>Sewer Overflow</b>
<b>Cascade</b>	<b>Ww Treatment Works</b>
<b>Flow Meter</b>	<b>Ww Pumping Station</b>
<b>Hatch Box</b>	<b>Septic Tank</b>
<b>Oil Interceptor</b>	<b>Control Kiosk</b>
<b>Summit</b>	
<b>Drop Shaft</b>	<b>Change of Characteristic</b>
<b>Orifice Plate</b>	

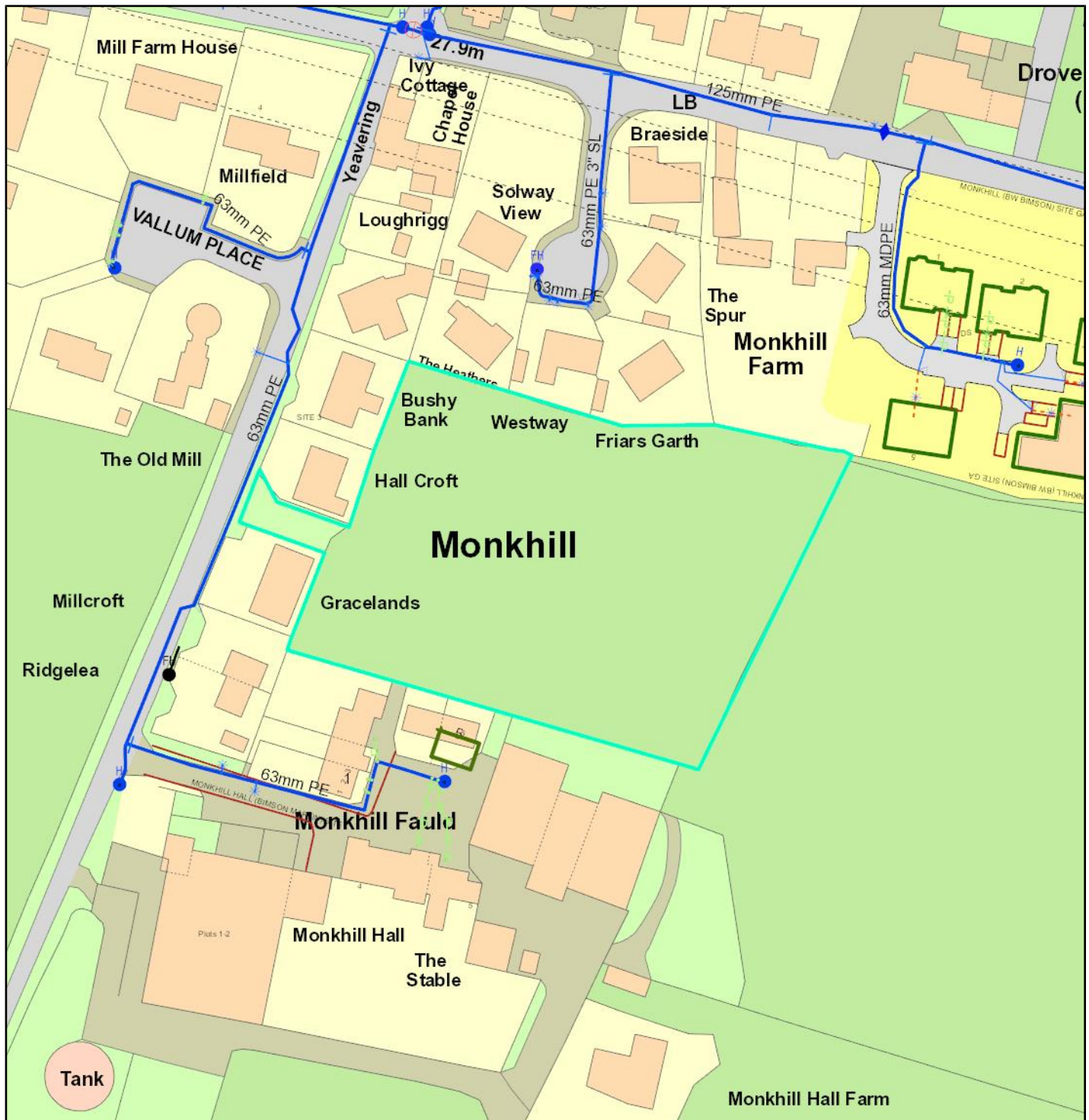
## Clean Water Symbolology

Proposed	Abandoned	Live	
			Distribution Main
			Trunk Main
			Comms Pipe
			Private Pipe
			Concessionary Service
			Raw Water
			LDTM Raw Water
			LDTM Treated Water
			Air Valve
			AC Valve, open
			AC Valve, closed
			CC Valve, open
			CC Valve, closed
			Non Return Valve
			Pressure Management Valve
			OMS Valve
			Stop Tap
			Flow Meter
			Domestic Meter
			Commercial Meter
			Pump
			Hydrant
			Fire Hydrant
			Anode
			Chlorination Point
			De-chlorination Point
			Strainer Point
			Access Point
			Hatch Box
			IP Point
			Sampling Station
			Logger Box
			Bore Hole
			Inlet Point
			Bulk Supply Point
			End Cap
			Site Termination
			Change of Characteristic
			Condition Report
			<u>Property Types</u>
			Water Tower
			Valve House
			Booster Pumping Station
			Intake Pumping Station
			Water Treatment Works
			Supply Reservoir
			Service Reservoir
			Impounding Reservoir
			Pipe Bridge

**Symbology for proposed assets is the same as above, but shown in green**  
**Symbology for abandoned assets is the same as above, but shown in black**



Land at, Hallcroft Monkhill, Burgh By Sands, Carlisle, CA5 6DB



The position of underground apparatus shown on this plan is approximate only and is given in accordance with the best information currently available. The actual positions may be different from those shown on the plan and private pipes, sewers or drains may not be recorded. United Utilities Water PLC will not accept any liability for any damage caused by the actual positions being different from those shown.

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<b>Question 1</b>	<b>Where relevant, please include a copy of an extract from the public sewer map.</b>
<b>Answer</b>	<b>A copy of an extract of the public sewer map within the vicinity of the property is included.</b>
<b>Guidance</b>	<p>1. The Water Industry Act 1991 defines Public Sewers as those which (United Utilities) have responsibility for. Other assets and rivers, water courses, ponds, culverts or highway drains may be shown for information purposes only.</p> <p>2. Any private sewers or lateral drains which are indicated on the extract of the public sewer map as being subject to an agreement under Section 104 of the Water Industry Act 1991 are not an 'as constructed' record. It is recommended these details be checked with the developer.</p> <p>3. The Sewerage Undertaker has a statutory right of access to carry out work on its assets, subject to notice. This may result in employees of the Sewerage Undertaker or its contractors needing to enter the property to carry out work.</p>
<b>Question 2</b>	<b>Where relevant, please include a copy of an extract from the map of waterworks.</b>
<b>Answer</b>	<b>A copy of an extract of the map of waterworks is included, showing water mains, resource mains or discharge pipes in the vicinity of the property.</b>
<b>Guidance</b>	<p>The "water mains" in this context are those which are vested in and maintainable by the Water Undertaker under statute.</p> <p>Assets other than public water mains may be shown on the plan, for information only. Water Undertakers are not responsible for private supply pipes connecting the property to the public water main and do not hold details of these. These may pass through land outside of the control of the seller, or may be shared with adjacent properties. The buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.</p> <p>If an extract of the public water main record is enclosed, it will show known public water mains in the vicinity of the property. It should be possible to estimate the likely length and route of any private water supply pipe connecting the property to the public water network.</p> <p>The presence of a public water main running within the boundary of the property may restrict further development within it. Water Undertakers have a statutory right of access to carry out work on their assets, subject to notice. This may result in employees of the Water Undertaker or its contractors needing to enter the property to carry out work.</p>
<b>Question 3</b>	<b>Does foul water from the property drain to a public sewer?</b>
<b>Answer</b>	<b>This enquiry appears to relate to a plot of land or a recently built property. It is recommended that drainage proposals are checked with the developer.</b>
<b>Guidance</b>	<p>Sewerage Undertakers are not responsible for any private drains or sewers that connect the property to the public sewerage system, and do not hold details of these.</p> <p>The property owner will normally have sole responsibility for private drains serving the property and may have shared responsibility, with other users, if the property is served by a private sewer which also serves other properties. These may pass through land outside of the control of the seller and the buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.</p> <p>If foul water does not drain to the public sewerage system the property may have private facilities in the form of a cesspit, septic tank or other type of treatment plant.</p> <p>If an extract from the public sewer map is enclosed, this will show known public sewers in the vicinity of the property and it should be possible to estimate the likely length and route of any private drains and/or sewers connecting the property to the public sewerage system.</p>

**Question 4** Does surface water from the property drain to a public sewer?

**Answer** This enquiry appears to relate to a plot of land or a recently built property. It is recommended that drainage proposals are checked with the developer. If the property was constructed after the 6th April 2015 the surface water drainage may be served by a sustainable drainage system.

**Guidance** Sewerage Undertakers are not responsible for any private drains or sewers that connect the property to the public sewerage system and do not hold details of these.

The property owner will normally have sole responsibility for private drains serving the property and may have shared responsibility with other users, if the property is served by a private sewer which also serves other properties. These may pass through land outside of the control of the seller and the buyer may wish to investigate whether separate rights or easements are needed for their inspection, repair or renewal.

In some cases, Sewerage Undertakers' records do not distinguish between foul and surface water connections to the public sewerage system. If on inspection the buyer finds that the property is not connected for surface water drainage, the property may be eligible for a rebate of the surface water drainage charge. Details can be obtained from the Sewerage Undertaker.

If surface water does not drain to the public sewerage system the property may have private facilities in the form of a soakaway or private connection to a watercourse. If an extract from the public sewer map is enclosed, this will show known public sewers in the vicinity of the property and it should be possible to estimate the likely length and route of any private drains and/or sewers connecting the property to the public sewerage system.

**Question 5** Is a surface water drainage charge payable?

**Answer** Records indicate that a surface water drainage charge is not applicable for the property.

**Guidance** Since 1st April 2017 commercial customers can choose their retailer for clean, waste or both services. For more information on any applicable surface water charges you will need to contact the current owner of the property to find out who the current retailer is. Details of the retailer for a property can be found on the current occupiers bill. For a list of all potential retailers of water and waste water services for the property please visit [www.open-water.org.uk](http://www.open-water.org.uk).

Please note if the property was constructed after 6th April 2015 the Surface Water drainage may be served by a Sustainable Drainage System. Further information may be available from the Developer.

**Question 6** Does the public sewer map indicate any public sewer, disposal main or lateral drain within the boundaries of the property?

**Answer** The public sewer map included indicates that there are no public sewers, disposal mains or lateral drains within the boundary of the property. However from the 1st October 2011 there may be additional public sewers, disposal mains or lateral drains which are not recorded on the public sewer map which may further prevent or restrict development of the property. If you are considering any future development at this property which may require build over consent, please complete the enquiry form by accessing the following link <http://www.unitedutilities.com/planning-wastewater-guidance.aspx>.

**Guidance** The approximate boundary of the property has been determined by reference to the Ordnance Survey record. A property of this type will normally be served by a shared sewer passing through the boundaries of several properties. It is therefore likely that a public sewer or lateral drain is present within the property boundary.

Please note that from 1st October 2011 the majority of private sewers and lateral drains connected to the public network as of 1st July 2011 transferred into public ownership and therefore it is possible there may be additional public assets which may not be shown on the public sewer plan.

The presence of public assets running within the boundary of the property may restrict further development. If there are any plans to develop the property further enquiries should be made to United Utilities Build Over department.

United Utilities Water has a legal right of access to carry out work on its assets, subject to notice. This may result in employees of the Company or its contractors needing to enter the property to carry out work.

**Question 6.1** Does the public sewer map indicate any pumping station or any other ancillary apparatus within the boundaries of the property?

**Answer** The public sewer map included indicates that there is no public pumping station or other ancillary apparatus within the boundaries of the property. However, from the 1st October 2016 private pumping stations which serve more than one property will be transferred into public ownership but may not be recorded on the public sewer map until that time

**Guidance** From 1 October 2016 United Utilities will be responsible for private pumping stations (though we may take ownership of some stations before this date) that either:

- \* serve a single property, and are outside the property boundary or
- \* serves two or more properties

Only private pumping stations installed before 1st July 2011 will be transferred into our ownership. United Utilities will be responsible for all associated costs, maintenance, repairs and any necessary upgrade work.

Where the property is part of a very recent or ongoing development and the sewers/pumping station are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains, sewers and pumping stations for which they will hold maintenance and renewal liabilities.

**Question 7** Does the public sewer map indicate any public sewer within 30.48 metres (100 feet) of any buildings within the property?

**Answer** The public sewer map included indicates that there are no public sewers within 30.48 metres (100 feet) of a building within the boundary of the property. However from the 1st October 2011 private sewers will be transferred into public ownership and may not be recorded on the public sewer map and it is our professional opinion that there will be a public sewer within 30.48 (100 feet) of a building within the boundary of the property.

**Guidance** From 1st October 2011 there may be additional lateral drains and/or public sewers which are not recorded on the public sewer map but are also within 30.48 metres (100 feet) of a building within the property.

The presence of a public sewer within 30.48 metres (100 feet) of the building(s) within the property can result in the Local Authority requiring a property to be connected to the public sewer.

The measure is estimated from the Ordnance Survey record, between the building(s) within the boundary of the property and the nearest public sewer.

Sewers indicated on the extract of the public sewer map as being subject to an agreement under Section 104 of the Water Industry Act 1991 are not an 'as constructed' record. It is recommended that these details are checked with the developer, if any.

Assets other than public sewers may be shown on the copy extract for information only.

**Question 7.1** Does the public sewer map indicate any public pumping station or any other ancillary apparatus within 50 metres of any buildings within the property?

**Answer** The public sewer map included indicates that there is no public pumping station or other ancillary apparatus within 50 metres of any buildings within the property. However, from 1st October 2016 private pumping stations which serve more than one property will be transferred into public ownership but may not be recorded on the public sewer map until that time.



Guidance	<p>From 1 October 2016 United Utilities will be responsible for private pumping stations (though we may take ownership of some stations before this date) that either:</p> <ul style="list-style-type: none"> <li>* serve a single property, and are outside the property boundary or</li> <li>* serves two or more properties.</li> </ul> <p>Only private pumping stations installed before 1st July 2011 will be transferred into our ownership. United Utilities will be responsible for all associated costs, maintenance, repairs and any necessary upgrade work.</p> <p>If you think there might be a private pumping station on your land or near your business property, please let us know by completing this questionnaire with as much information as possible, please visit our website <a href="http://www.unitedutilities.com/ppstransfer.aspx">http://www.unitedutilities.com/ppstransfer.aspx</a>.</p> <p>Where the property is part of a very recent or ongoing development and the sewers/pumping station are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains, sewers and pumping stations for which they will hold maintenance and renewal liabilities.</p>
<b>Question 8.1</b>	<b>Are any foul sewers or lateral drains serving or which are proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?</b>
<b>Answer</b>	<b>Records confirm that foul sewers and/or lateral drains serving the development, of which the property forms part are not the subject of an existing adoption agreement or an application for such an agreement.</b>
Guidance	<p>This enquiry is of interest to purchasers of new property who will want to know whether or not the property will be linked to a public sewer.</p> <p>Where the property is part of a very recent or ongoing development and the sewers are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains and sewers for which they will hold maintenance and renewal liabilities.</p> <p>Final adoption is subject to the developer complying with the terms of the adoption agreement under Section 104 of the Water Industry Act 1991.</p>
<b>Question 8.2</b>	<b>Are any surface water pipes or lateral drains serving, or which are proposed to serve the property, the subject of an existing adoption agreement or an application for such an agreement?</b>
<b>Answer</b>	<b>Records confirm that the surface water sewer(s) and/or surface water lateral drain(s) are not the subject of an adoption agreement and it is recommended that responsibility for maintenance of these is checked with the developer as this may be due to a Sustainable Drainage Scheme (SUDS)</b>
Guidance	<p>This enquiry is of interest to purchasers of new property who will want to know whether or not the property will be linked to a public sewer.</p> <p>Where the property is part of a very recent or ongoing development and the sewers are not the subject of an adoption application, buyers should consult with the developer to ascertain the extent of private drains and sewers for which they will hold maintenance and renewal liabilities.</p> <p>Final adoption is subject to the developer complying with the terms of the adoption agreement under Section 104 of the Water Industry Act 1991.</p>
<b>Question 9</b>	<b>Has a sewerage undertaker approved or been consulted about any plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain?</b>
<b>Answer</b>	<b>There are no records in relation to any approval or consultation about plans to erect a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain. However, the sewerage</b>

**undertaker might not be aware of a building or extension on the property over or in the vicinity of a public sewer, disposal main or drain.**

Guidance

From the 1st October 2011 private sewers, disposal mains and lateral drains were transferred into public ownership and the sewerage undertaker may not have granted approval or been consulted about any plans to erect a building or extension on the property over or in the vicinity of these assets.

Prior to 2003 United Utilities Water Limited had sewerage agency agreements with the local authorities therefore details of any agreements/consents or rejections may not have been forwarded on to our offices before this date.

Buildings or extensions erected over a sewer in contravention of building controls may have to be removed or altered.

Question 10

**Is the building which is or forms part of the property at risk of internal flooding due to overloaded public sewers?**

Answer

**The building is not recorded as being at risk of internal flooding due to overloaded public sewers. From the 1st October 2011 private sewers, disposal mains and lateral drains were transferred into public ownership it is therefore possible that a property may be at risk of internal flooding due to an overloaded public sewer which the sewerage undertaker is not aware of. For further information it is recommended that enquiries are made of the vendor.**

Guidance

1. A sewer is "overloaded" when the flow from a storm is unable to pass through it due to a permanent problem (e.g. flat gradient, small diameter). Flooding as a result of temporary problems such as blockages, siltation, collapses and equipment or operational failures are excluded.

2. "Internal flooding" from public sewers is defined as flooding, which enters a building or passes below a suspended floor. For reporting purposes, buildings are restricted to those normally occupied and used for residential, public, commercial, business or industrial purposes.

3. These are defined as properties that have suffered or are likely to suffer internal flooding from public foul, combined or surface water sewers due to overloading of the sewerage system more frequently than the relevant reference period (either once or twice in ten years) as determined by the Sewerage Undertaker's reporting procedure.

4. Flooding as a result of storm events proven to be exceptional and beyond the reference period of one in ten years are not included.

5. Properties may be at risk of flooding but not included where flooding incidents have not been reported to the Sewerage Undertaker.

6. Public sewers are defined as those for which the Sewerage Undertaker holds statutory responsibility under the Water Industry Act 1991.

7. It should be noted that flooding can occur from private sewers and drains which are not the responsibility of the Sewerage Undertaker.

8. This report excludes flooding from private sewers and drains and the Sewerage Undertaker makes no comment upon this matter. For reporting purposes buildings are restricted to those normally occupied and used for residential, public, commercial, business or industrial purposes.

Question 11

**Please state the distance from the property to the nearest boundary of the nearest sewage treatment works.**

Answer

**The nearest Sewage Treatment Works is 1.1 miles (1.77 km), North East of the property. The name of the Sewage treatment works is Cargo WwTW. The owner is United Utilities**

Guidance

The nearest sewage treatment works will not always be the sewage treatment works serving the catchment within which the property is situated i.e. the property may not necessarily drain to this works.

The Sewerage Undertaker's records were inspected to determine the nearest sewage treatment works.

It should be noted therefore that there may be a private sewage treatment works closer than the one detailed above that has not been identified. As a responsible utility operator, United Utilities Water Limited seeks to manage the impact of odour from operational sewage works on the surrounding area.

This is done in accordance with the "Code of Practice on Odour Nuisance from Sewage Treatment Works" issued via the Department of Environment, Food and Rural Affairs (DEFRA).

This Code recognises that odour from sewage treatment works can have a detrimental impact on the quality of the local environment for those living close to works.

However DEFRA also recognises that sewage treatment works provide important services to communities and are essential for maintaining standards in water quality and protecting aquatic based environments. For more information visit [www.unitedutilities.com](http://www.unitedutilities.com).

**Question 12** **Is the property connected to mains water supply?**

**Answer** **This enquiry relates to a plot of land or a recently built property. It is recommended that the water supply proposals are checked with the developer.**

**Guidance** If the property is supplied by private water mains please note that details of private supplies are not kept by the Water Undertaker. The situation should be checked with the current owner of the property.

**Question 13** **Are there any water mains, resource mains or discharge pipes within the boundaries of the property**

**Answer** **The map of waterworks does not indicate any water mains, resource mains or discharge pipes within the boundaries of the property.**

**Guidance** The boundary of the property has been determined by reference to the Ordnance Survey record.

The presence of a public water main within the boundary of the property may restrict further development within it. Water Undertakers have a statutory right of access to carry out work on their assets, subject to notice.

This may result in employees of the Water Undertaker or its contractors needing to enter the property to carry out work.

**Question 14** **Is any water main or service pipe serving or which is proposed to serve the property the subject of an existing adoption agreement or an application for such an agreement?**

**Answer** **Records confirm that water mains or service pipes serving the property are not the subject of an existing adoption agreement or an application for such an agreement.**

**Guidance** This enquiry is of interest to purchasers of new premises who will want to know whether or not the property will be linked to the mains water supply.

**Question 15** **Is the building at risk of receiving low water pressure or flow?**

**Answer** **Records confirm that the building is not recorded by the water undertaker as being at risk of receiving low water pressure or flow.**

**Guidance** The boundary of the property has been determined by reference to the Ordnance Survey record. "Low water pressure" means water pressure below the regulatory reference level which is the minimum pressure when demand on the system is not abnormal. Water undertakers report properties receiving pressure below the reference level, provided that allowable exclusions do not apply (i.e. events which can cause pressure to temporarily fall below the reference level). Reference level: The reference level of service is a flow of 9l/min at a pressure of 10m head on the customer's side of the main stop tap (mst). The reference level applies to a single property. The reference level of



service must be applied on the customer's side of a meter or any other company fittings that are on the customer's side of the main stop tap. Where a common service pipe serves more than one property, the flow assumed in the reference level must be appropriately increased to take account of the total number of properties served. Surrogate for the reference level: Because of the difficulty in measuring pressure and flow at the mst, companies may measure against a surrogate reference level. Companies should use a surrogate of 15m head in the adjacent distribution main unless a different level can be shown to be suitable. In some circumstances companies may need to use a surrogate pressure greater than 15m to ensure that the reference level is supplied at the customer's side of the mst (for example in areas with small diameter or shared communication pipes).

There are a number of circumstances under which properties identified as receiving low pressure should be excluded from the reported figure. The aim of these exclusions is to exclude properties which receive a low pressure as a result of a one-off event and which, under normal circumstances (including normal peaks in demand), will not receive pressure or flow below the reference level. Companies must maintain verifiable, auditable records of all the exclusions that they apply in order to confirm the accuracy and validity of their information. Allowable exclusions includes Abnormal demand, Planned maintenance, One off incidents, Low pressure incidents of short duration and common supply.

#### Abnormal demand:

This exclusion is intended to cover abnormal peaks in demand and not the daily, weekly or monthly peaks in demand, which are normally expected. Water undertakers exclude figures from properties which are affected by low pressure only on those days with the highest peak demands. During the yearly report water undertakers may exclude, for each property, up to five days of low pressure caused by peak demand.

#### Planned maintenance:

Water undertakers will not report low pressures caused by planned maintenance. It is not intended that water undertakers identify the number of properties affected in each instance. However, water undertakers must maintain sufficiently accurate records to verify that low-pressure incidents that are excluded because of planned maintenance, are actually caused by maintenance.

#### One-off incidents:

This exclusion covers a number of causes of low pressure; mains bursts; failures of company equipment (such as pressure reducing valves or booster pumps); fire fighting and action by a third party. However, if problems of this type affect a property frequently, they cannot be classed as one-off events and further investigation will be required before they can be excluded.

#### Low pressure incidents of short duration:

Properties affected by low pressures that only occur for a short period, and for which there is evidence that incidents of a longer duration would not occur during the course of the year, may be excluded.

A company must maintain a minimum pressure in the communication pipe of seven metres static head (0.7 bar). If pressure falls below this on two occasions, each occasion lasting more than one hour, within a 28-day period, the company must automatically make a GSS payment to the customer. There are exceptions to the requirement to make a GSS payment if the pressure standard is not met. These are: a payment has already been made to the same customer in respect of the same financial year; it is impractical for the company to have identified the particular customer as being affected, and the customer has not made a claim within three months of the date of the latter occasion; industrial action by the company's employees makes it not feasible to maintain the pressure standard; the act or default of a person other than the company's representative make it not feasible to maintain the pressure standard; or the pressure falls below the minimum standard due to necessary works taking place or due to a drought.

It should be noted that low water pressure can occur from private water mains, private supply pipes (the pipework from the external stop cock to the property) or internal plumbing which are not the responsibility of the Water Undertaker. This report excludes low water pressure from private water mains, supply pipes and internal plumbing and the Water Undertaker makes no comment upon this matter. For reporting purposes buildings are restricted to those normally occupied and used for residential, public, commercial, business or industrial purposes.

**Question 16**

**What is the clarification of the water supply for the property?**

**Answer**

**The water supplied to the property has an average water hardness of 97mg/l calcium carbonate, which is defined as soft by United Utilities**

**Guidance**

The hardness of water is due to the presence of calcium and magnesium minerals that are naturally present in the water. The usual signs of a hard water supply are scaling inside kettles, poor lathering of soaps and scum.

What is water hardness?

Hard water is formed when water passes through or over limestone or chalk areas and calcium and magnesium ions dissolve into the water. The hardness is made up of two parts: temporary (carbonate) and permanent (non-carbonate) hardness. When water is boiled, calcium carbonate scale can form, which can deposit on things like kettle elements. The scale will not stick to kettles that have a plastic polypropylene lining but will float on the surface. The permanent hardness that comprises calcium and magnesium sulphate does not go on to form scale when heated or boiled.

How is water hardness measured?

Hardness is usually expressed in terms of the equivalent quantity of calcium carbonate (CaCO<sub>3</sub>) in milligrams per litre or parts per million. You may also see hardness expressed as degrees of hardness in Clark (English) degrees, French or German degrees. Interconversion between the different measurements can be made by using the appropriate conversion factors below. There are no standard levels as to what constitutes a hard or a soft water. Table 1 gives an indication of the equivalents of calcium and calcium carbonate and the relative degree of hardness.

Water quality standards

There are no regulatory standards for water hardness in drinking water.

Water hardness in the North West

The majority of raw water in the United Utilities region comes from upland surface water reservoirs. The water in the reservoirs has little chance of passing through rocks and to dissolve the minerals that make water hard. Therefore, the majority of water in this region is soft or very soft. We supply water from a number of boreholes in the south of the region that are reasonably hard, but these tend to be blended with softer sources to meet demand. No water supply in the North West is artificially softened.

Can hard water be softened?

Yes, water can be softened artificially by the installation of a water softener or the use of 'jug type' filters. Medical experts recommend that a non-softened supply is maintained for drinking purposes because softened water may contain high levels of sodium. Softeners should be fitted after the drinking water tap and comply with the requirements of the Water Supply (Water Fittings) Regulations 1999. They should be maintained in accordance with manufacturers' instructions.

If you're interested in finding out more about the quality of your drinking water, please visit [www.unitedutilities.com/waterquality](http://www.unitedutilities.com/waterquality) and enter your postcode.

The Drinking Water Inspectorate is responsible for ensuring the quality of public water supplies. Visit their website at: [www.dwi.defra.gov.uk](http://www.dwi.defra.gov.uk).

**Question 18**

**Please include details of the location of any water meter serving the property.**

**Answer**

**Records indicate that the property is not served by a water meter.**

**Guidance**

Where the property is not served by a meter the current occupier can contact the retailer directly to advise on the current charging method, details of the retailer can also be found on the current occupiers bill.

**Question 19.1**

**Who is responsible for providing the sewerage services for the property?**

**Answer** **United Utilities Water Limited, Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP**

**Guidance** Not applicable

**Question 19.2** **Who is responsible for providing the water services for the property?**

**Answer** **United Utilities Water Limited, Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP**

**Guidance** Not Applicable

**Question 20** **Who bills the property for sewerage services?**

**Answer** **Since 1st April 2017 commercial customers can choose their retailer. If you wish to know who currently bills the property for sewerage services you will need to contact the owner of the property to find out who the retailer is.**

**Guidance** For a list of all potential retailers of wastewater services for the property please visit [www.open-water.org.uk](http://www.open-water.org.uk)

**Question 21** **Who bills the property for water services?**

**Answer** **Since 1st April 2017 commercial customers can choose their retailer. If you wish to know who currently bills the property for water services you will need to contact the owner of the property to find out who the retailer is.**

**Guidance** For a list of all potential retailers of water services for the property please visit [www.open-water.org.uk](http://www.open-water.org.uk)

**Question 22** **Has a customer been granted a trade effluent consent at this property?**

**Answer** **There is no record of a Trade Effluent consent at this property. Applications for Trade Effluent consents should be submitted via your retailer for info please visit <https://www.unitedutilities.com/services/wholesale-services/trade-effluent/>**

**Guidance** The owner/occupiers of Trade Premises do not have the right to discharge Trade Effluent to the public wastewater network. Any Trade Effluent Discharge Consent will be issued under Section 118 of the Water Industry Act 1991 and will be subject to conditions set by the Sewerage Undertaker.

Generally these conditions are to ensure:

- a) The Health and Safety of staff working within the wastewater network and at wastewater treatment plants.
- b) The apparatus of the wastewater network is not damaged.
- c) The flow of the contents of the wastewater network is not restricted.
- d) Equipment, plant, and processes at treatment works are not disrupted or damaged.
- e) Treatment of sewage sludge is not impeded and sludges are disposed of in an environmentally friendly manner.
- f) Final effluent discharge from wastewater treatment plants has no impact on the environment or prevents the receiving waters from complying with EU Directives.
- g) Potential damage to the environment via storm water overflows is minimised.

Disputes between an occupier of a Trade Premise and the Sewerage Undertaker can be referred to the Director General of Water Services (OFWAT).

Protecting Public Sewers - Discharges Section 111 of the Water Industry Act 1991, places prohibition on the discharge of the following into a public sewer, drain or a sewer that communicates with a public sewer.

i) Any matter likely to injure the sewer or drain, to interfere with the free flow of its contents or to affect prejudicially the treatment or disposal of its contents.

ii) Any chemical refuse or waste steam or any liquid of temperature higher than 43.3 degrees Celsius (110 degrees Fahrenheit).

iii) Any petroleum spirit or carbide of calcium. On summary conviction offences under this Section carry a fine not exceeding the statutory maximum or a term of imprisonment not exceeding two years, or both.

Please note any existing consent is dependant on the business being carried out at the property and will not transfer automatically upon change of ownership.

**Question 23**

**Is there an easement affecting the property?**

**Answer**

**There is no record of a formal easement affecting this property.**

**Guidance**

Not Applicable

## Appendix 1- General interpretation

1. (1) In this Schedule-

"the 1991 Act" means the Water Industry Act 1991(a);

"the 2000 Regulations" means the Water Supply (Water Quality) Regulations 2000(b);

"the 2001 Regulations" means the Water Supply (Water Quality) Regulations 2001(c);

"adoption agreement" means an agreement made or to be made under Section 51A(1) or 104(1) of the 1991 Act (d);

"bond" means a surety granted by a developer who is a party to an adoption agreement;

"bond waiver" means an agreement with a developer for the provision of a form of financial security as a substitute for a bond;

"calendar year" means the twelve months ending with 31st December;

"discharge pipe" means a pipe from which discharges are made or are to be made under Section 165(1) of the 1991 Act;

"disposal main" means (subject to Section 219(2) of the 1991 Act) any outfall pipe or other pipe which-

- (a) is a pipe for the conveyance of effluent to or from any sewage disposal works, whether of a sewerage undertaker or of any other person; and
- (b) is not a public sewer;

"drain" means (subject to Section 219(2) of the 1991 Act) a drain used for the drainage of one building or any buildings or yards appurtenant to buildings within the same curtilage;

"effluent" means any liquid, including particles of matter and other substances in suspension in the liquid;

"financial year" means the twelve months ending with 31st March;

"lateral drain" means-

- (a) that part of a drain which runs from the curtilage of a building (or buildings or yards within the same curtilage) to the sewer with which the drain communicates or is to communicate; or
- (b) (if different and the context so requires) the part of a drain identified in a declaration of vesting made under Section 102 of the 1991 Act or in an agreement made under Section 104 of that Act (e);

"licensed water supplier" means a company which is the holder for the time being of a water supply licence under Section 17A(1) of the 1991 Act(f);

"maintenance period" means the period so specified in an adoption agreement as a period of time-

- (a) from the date of issue of a certificate by a Sewerage Undertaker to the effect that a developer has built (or substantially built) a private sewer or lateral drain to that undertaker's satisfaction; and
- (b) until the date that private sewer or lateral drain is vested in the Sewerage Undertaker;

"map of waterworks" means the map made available under Section 198(3) of the 1991 Act (g) in relation to the information specified in subsection (1A);

"private sewer" means a pipe or pipes which drain foul or surface water, or both, from premises, and are not vested in a Sewerage Undertaker;

"public sewer" means, subject to Section 106(1A) of the 1991 Act(h), a sewer for the time being vested in a Sewerage Undertaker in its capacity as such, whether vested in that undertaker-

- (a) by virtue of a scheme under Schedule 2 to the Water Act 1989(i);
- (b) by virtue of a scheme under Schedule 2 to the 1991 Act (j);

(c) under Section 179 of the 1991 Act (k); or

(d) otherwise;

"public sewer map" means the map made available under Section 199(5) of the 1991 Act (l);

"resource main" means (subject to Section 219(2) of the 1991 Act) any pipe, not being a trunk main, which is or is to be used for the purpose of-

- (a) conveying water from one source of supply to another, from a source of supply to a regulating reservoir or from a regulating reservoir to a source of supply; or
- (b) giving or taking a supply of water in bulk;

"sewerage services" includes the collection and disposal of foul and surface water and any other services which are required to be provided by a Sewerage Undertaker for the purpose of carrying out its functions;

"Sewerage Undertaker" means the company appointed to be the Sewerage Undertaker under Section 6(1) of the 1991 Act for the area in which the property is or will be situated;

"surface water" includes water from roofs and other impermeable surfaces within the curtilage of the property;

"water main" means (subject to Section 219(2) of the 1991 Act) any pipe, not being a pipe for the time being vested in a person other than the water Undertaker, which is used or to be used by a Water Undertaker or licensed water supplier for the purpose of making a general supply of water available to customers or potential customers of the undertaker or supplier, as distinct from for the purpose of providing a supply to particular customers;

"water meter" means any apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from any premises;

"water supplier" means the company supplying water in the water supply zone, whether a water undertaker or licensed water supplier;

"water supply zone" means the names and areas designated by a Water Undertaker within its area of supply that are to be its water supply zones for that year; and

"Water Undertaker" means the company appointed to be the Water Undertaker under Section 6(1) of the 1991 Act for the area in which the property is or will be situated.

(2) In this Schedule, references to a pipe, including references to a main, a drain or a sewer, shall include references to a tunnel or conduit which serves or is to serve as the pipe in question and to any accessories for the pipe.

- (a) 1991 c. 56.
- (b) S.I. 2000/3184. These Regulations apply in relation to England.
- (c) S.I. 2001/3911. These Regulations apply in relation to Wales.
- (d) Section 51A was inserted by Section 92(2) of the Water Act 2003 (c. 37). Section 104(1) was amended by Section 96(4) of that Act.
- (e) Various amendments have been made to Sections 102 and 104 by Section 96 of the Water Act 2003.
- (f) Inserted by Section 56 of and Schedule 4 to the Water Act 2003.
- (g) Subsection (1A) was inserted by Section 92(5) of the Water Act 2003.
- (h) Section 106(1A) was inserted by Section 99 of the Water Act 2003.
- (i) 1989 c. 15.
- (j) To which there are various amendments made by Section 101(1) of and Schedule 8 to the Water Act 2003.
- (k) To which there are various amendments made by Section 101(1) of and Schedule 8 to the Water Act 2003.
- (l) Section 199 was amended by Section 97(1) and (8) of the Water Act 2003.

## Appendix 2 - DRAINAGE AND WATER ENQUIRY (COMMERCIAL) AGREEMENT

The Customer, the Client and the Purchaser are asked to note this Agreement which govern the basis on which this drainage and water report is supplied

### Definitions

'Company' means United Utilities Water Limited who produce the Report; its registered office being at Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington WA5 3LP, company number 2366678.

'Order' means any request completed by the Customer requesting the Report.

'Report' means the drainage and water report prepared by the Company in respect of the Property.

'Property' means the address or location supplied by the Customer in the Order.

'Customer' means the person, company, firm or other legal body placing the Order, either on their own behalf as Client, or, as an agent for a Client.

'Client' means the person, company or body who is the intended recipient of the Report with an actual or potential interest in the Property.

'Purchaser' means the actual or potential purchaser of the Property including their mortgage lender.

### Agreement

1.1 The Company agrees to supply the Report to the Customer and the Client subject to this Agreement. The scope and limitations of the Report are described in clause 2 of this Agreement.

Where the Customer is acting as an agent for the Client then the Customer shall be responsible for bringing this Agreement to the attention of the Client and the Purchaser.

1.2 The Customer, the Client and the Purchaser agree that the placing of an Order for a Report and the subsequent provision of a copy of the Report to the Client and/ or the Purchaser indicates their acceptance of this Agreement.

### The Report

Whilst the Company will use reasonable care and skill in producing the Report, it is provided to the Customer, the Client and the Purchaser on the basis that they acknowledge and agree to the following:

2.1 The information contained in the Report can change on a regular basis so the Company cannot be responsible to the Customer, the Client and the Purchaser for any change in the information contained in the Report after the date on which the Report was produced and sent to the Client.

2.2 The Report does not give details about the actual state or condition of the Property nor should it be used or taken to indicate or exclude actual suitability or unsuitability of the Property for any particular purpose, or relied upon for determining saleability or value, or used as a substitute for any physical investigation or inspection. Further advice and information from appropriate experts and professionals should always be obtained.

2.3 The information contained in the Report is based upon the accuracy, completeness and legibility of the address and/or plans supplied by the Customer or Client or Purchaser.

2.4 The Report provides information as to the location and connection status of existing services and other information in relation to drainage and water enquiries and should not be relied on for any other purpose. The Report may contain opinions or general advice to the Customer, the Client and the Purchaser. The Company cannot ensure that any such opinion or general advice is accurate, complete or valid and therefore accepts no liability in relation thereto.

2.5 The position and depth of apparatus shown on any maps attached to the Report are approximate and are furnished as a general guide only, and no warranty as to its correctness is given or implied. The exact positions and depths should be obtained by excavation trial holes and the maps must not be relied on in the event of excavation or other works made in the vicinity of the Company's apparatus.

### Liability

3.1 The Company shall not be liable to the Client or the Purchaser for any failure defect or non-performance of its obligations arising from any failure to provide or delay in providing the Report to the extent that such failure or delay is due to an event or circumstance beyond the reasonable



control of the Company including but not limited to any delay, failure of or defect in any machine, processing system or transmission link or any failure or default of a supplier or sub-contractor of the Company or any provider of any third party Information except to the extent that such failure or delay is caused by the negligence of the Company.

3.2 Where a Report is requested for an address falling within a geographical area where two different companies separately provide Water and Sewerage Services, then it shall be deemed that liability for the information given by either company will remain with that company in respect of the accuracy of the information supplied.

A company supplying information which has been provided to it by another company for the purposes outlined in this agreement will therefore not be liable in any way for the accuracy of that information and will supply that information as an agent for the company from which the information was obtained.

3.3 The Report is produced for use in relation to individual commercial property transactions where the property is used solely for carrying on a trade or business, the property is intended to be developed for commercial gain or the property is not a single residential, domestic property. The Company's entire liability (except to the extent provided by clause 3.5) in respect of all causes of action arising by reason of or in connection with the Report (whether for breach of contract, negligence or any other tort, under statute or statutory duty or otherwise at all) shall be limited to £2,000,000

In any event, the Company shall not have any liability in contract, negligence or any other tort or for breach of statutory duty or otherwise in respect of any loss of profit, loss of revenue, loss of opportunity or anticipated savings, or any indirect or consequential loss or damage that may be suffered by the Customer, the Client or the Purchaser howsoever arising. The plans attached to the report are provided pursuant to the Company's statutory duty to make such plans available for inspection (notwithstanding the provisions of this clause) and attention is drawn to the notice on the plan(s) attached to the report which applies to the plan and its contents.

3.4 Where the Customer sells this Report to a Client or Purchaser under its own name or as a reseller of the Company (other than in the case of a bona fide legal adviser recharging the cost of the Report as a disbursement) the Company shall not in any circumstances (whether for breach of contract, negligence or any other tort, under statute or statutory duty, restitution or otherwise at all) be liable to the Customer for any loss (whether direct, indirect or consequential loss (all three of which terms include without limitation, pure economic loss, loss of profit, loss of business, depletion of goodwill and like loss)) or damage whatsoever caused in respect of the Report or any use of the Report or reliance placed upon it and the Customer shall indemnify and keep indemnified the Company in respect of any claim by the Client or the Purchaser that the Company may incur or suffer.

3.5 Nothing in this Agreement shall exclude the Company's liability for death or personal injury arising from its negligence or for fraud.

#### **Copyright and Confidentiality**

4.1 The Customer, the Client and the Purchaser acknowledge that the Report is confidential and is intended for the personal use of the Client and the Purchaser. The copyright and any other intellectual property rights in the Report shall remain the property of the

Company. No intellectual or other property rights are transferred or licensed to the Customer, the Client or the Purchaser except to the extent expressly provided herein.

4.2 The Customer or the Client or the Purchaser is entitled to make copies of the Report but may only copy Ordnance Survey mapping or data contained in or attached to the Report if they have an appropriate licence from the originating source of that mapping or data.

4.3 The Customer, The Client and the Purchaser agree (in respect of both the original and any copies made) to respect and not to alter any part of the Report including but not limited to the trademark, copyright notice or other property marking which appears on the Report.

4.4 The maps contained in the Report are protected by Crown Copyright and must not be used for any purpose outside the context of the Report.

4.5 The enquiries in the Report are protected by copyright by the Law Society of 113 Chancery Lane, London WC2A 1PL and must not be used for any purpose outside the context of the Report.

4.6 The Customer, the Client and the Purchaser agree to indemnify the Company against any losses, costs, claims and damage suffered by the Company as a result of any breach by either of them of the provisions of clauses 4.1 to 4.4 inclusive.

#### **Payment**

5.1 Unless otherwise stated all prices are inclusive of VAT. The Customer shall pay the price of the Report specified by the Company, without any set off, deduction or counterclaim.

5.2 Payment must be received in advance unless an account has been set up with the Company. In these cases, payment terms will be as agreed with the Company, but in any event any invoice must be paid within 30 days.

5.3 The Company reserves the right to increase fees on reasonable prior written notice at any time.

#### **Data Protection**

6.1 We will process any personal data you provide to us in accordance with applicable data protection laws and our Data Protection and Privacy Notice (<https://www.unitedutilities.com/privacy/>). In addition we will use your personal data to manage and administer the provision of the Report under this Agreement and to develop and improve the business and services we provide to our customers. We may also disclose it to other companies in the United Utilities group (being United Utilities Water Limited, its holding companies (and their subsidiary companies) and its subsidiary companies) and their sub-contractors in connection with those purposes, but it will not be processed for other purposes or disclosed to other third parties without your express permission or without lawful purpose under data protection law.

#### **General**

7.1 If any provision of this Agreement is or becomes invalid or unenforceable, it will be taken to be removed from the rest of this Agreement to the extent that it is invalid or unenforceable. No other provision of this Agreement shall be affected.

7.2 This Agreement shall be governed by English law and all parties submit to the exclusive jurisdiction of the English courts.

7.3 Nothing in this Agreement and conditions shall in any way restrict the Customer's the Client's or the Purchaser's statutory or any other rights of access to the information contained in the Report.

7.4 This Agreement and conditions may be enforced by the Customer, the Client and the Purchaser.

7.5 Before you agree to this Agreement, please note it is your responsibility to ensure your client/customer is aware of them and that any objections are raised accordingly.

#### **Property Searches complaints procedure**

In the event of any queries relating to this Report please e-mail, write or phone our customer team quoting the United Utilities reference detailed on the Report, We will endeavor to resolve any telephone contact or complaint at the time of the call.

Whilst we always try to resolve all complaints straight away, if this is not possible and you are not happy with the course of action taken by us you can ask us to escalate the issues internally via the complaints process detailed below.

We will listen to your complaint and do our best to deal with it immediately.

If we fail to give you a written substantive response within 5 working days the Company will compensate the Customer or the Client (as applicable) the amount of the original fee paid to the Company for the Report, regardless of the outcome of your complaint.

If it is a complex issue requiring more time, we will still get back to you within 5 working days and notify you of progress and update you with the new timescales.

If we consider your complaint to be justified or we have made any errors that substantially change the outcome of the search we will:

- Refund your Report fee
- Provide you with a revised Report (if requested)
- Take the necessary action within our power to put things right which may (where appropriate) include, at our complete discretion, financial compensation or the relocation/removal/installation of our affected water or sewerage assets.
- Keep you informed of any action required

If your complaint has gone through our full internal complaints procedure and you are not satisfied with the response or you believe that we have failed to comply with our internal complaints procedure you may be able to refer your complaint for consideration under The Property Ombudsman Scheme (TPOs). You can obtain further information by visiting [www.tpos.co.uk](http://www.tpos.co.uk) or email [admin@tpos.co.uk](mailto:admin@tpos.co.uk)

