

## SCHEDULE A: Applications with Recommendation

19/0596

Item No: 04

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0596

**Applicant:**  
Simtor Limited

**Parish:**  
Wetheral

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Wetheral & Corby

**Location:** Land adj. Hallmoor Court, Wetheral, Carlisle, Cumbria, CA4 8JS

**Proposal:** Erection Of 27no. Dwellings Without Compliance With Conditions 2, 3, 4, 16, 23, 24 And 26 (Works To Be Done In 2 Phases) Including Removal Of Condition 20 (Level 3 Code For Sustainable Homes) Of Previously Approved Application 12/0880

**Date of Receipt:**  
01/08/2019

**Statutory Expiry Date**  
26/09/2019

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is approved subject to a Deed of Variation to the S106 Agreement.

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 The Principle Of The Variation Of Planning Conditions And Whether The Removal Of The Planning Condition Is Acceptable
- 2.3 The Proposed Revised Conditions
- 2.4 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The 1.176 hectare site is located towards the northern end of the village and is currently grassland. The topography of the land is such that it slopes down from south-east to north-west

- 3.2 A public footpath flanks the eastern boundary of the site beyond which is the Carlisle to Newcastle railway. Further to the north-east of Turnmire Common and Plains Road.
- 3.3 To the south of the south-east of the site is Hall Moor Court which comprises of a development of 2 storey brick built residential properties and the access to the site would be taken through this development. To the west and north-west is agricultural land.

## **Background**

- 3.4 In the absence of a 5 year supply of housing land, as defined by the National Planning Policy Framework, the Council adopted an Interim Planning Statement - Housing on 1st May 2012 (IPPS), as a material planning consideration to deal with the identified shortfall. This process encouraged a number of applications to come forward and be considered against the criteria set out in the Interim Statement and it was under this policy that the previous application was submitted.
- 3.5 The application was for full planning for the erection of 27 dwellings, together with associated infrastructure, on land at to the rear of Hall Moor Court, Wetheral. A single vehicular access measuring 4.8 metres in width will be formed that would then serve two cul-de-sacs within the site. Planning permission was granted on 19th December 2016.
- 3.6 The layout comprises a mix of detached/semi-detached and terraced properties. In total six different house types are proposed which comprise a variety of two to four bedroom dwellings and the properties will all be two storey in height. The dwellings will be completed in a range of materials including facing brick and painted render and positioned so that they follow the topography of the land.
- 3.7 Each dwelling will have two dedicated parking spaces, some of which include an integral garage.
- 3.8 The development will retain four existing trees within the site together with the hedgerows to the east and west. The proposed development incorporates new planting within the areas around the retained trees, some plot frontages and along the boundary with Hall Moor Court. General amenity shrub planting will be provided within the site to the plot frontages to define boundary ownership with rear garden areas delineated by 1.8 metre high open boarded fencing.
- 3.9 It is proposed that foul water will be discharged into the mains sewer. Surface water would be disposed of by means of on-site retention and controlled discharge at the current rates to the existing surface water drainage system.
- 3.9 Following the grant of this permission, an application has been submitted to discharge some of the planning conditions, namely numbers 5 (footpath

details); 6 (details of house accesses and parking areas); 9 (access during construction); 11 (surface water drainage); 12 (foul water drainage); 13 (tree protection); and 21 (construction of permeable surfaces). Members should note that some of the representations summarised in section 4 of this report, refer to the details contained within the application for the discharge of the conditions which is a separate matter to that proposed by this application.

## **The Proposal**

- 3.11 The current application seeks to vary seven conditions relating to the planning permission and for the removal of one condition. The seven conditions attached to the extant permission are worded such that they require the submission and agreement of details prior to any works being undertaken. The current proposal seeks permission to vary these conditions so that the details have to be agreed before a given point in time rather than prior to the commencement of any development.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 47 of the neighbouring properties. In response, 19 letters of objection have been received from 13 neighbours and interested parties and the main issues raised are summarised as follows:

### General

1. why is the developer wanting to make 2 phases at this time?;
2. they have had 6 years to come to arrangements with Network Rail and the council;
3. the application should be refused and the developer advised to comply with 12/0880;
4. what does the removal of Code 20 (Sustainable dwellings) mean?;
5. development in Wetheral has been piecemeal with no infrastructure improvements. No more housing should be built until this is resolved;
6. the population has increased without any matching increase in facilities i.e. healthcare, oversubscription in local schools, poorly maintained roads;
7. the removal of condition 20 looks as if they want to build properties on the cheap;
8. the council's decision to approve development in 2016 was barely carried out and taken with abstentions with one councillor questioning the wisdom of construction on the land;
9. the site is a greenfield site destroying yet more open spaces and bringing more pollution;
10. there is no reference to affordable housing;
11. the submitted plans shows an impingement of the boundary line owned by Hallmoor Court Management Company;
12. Land Registry documents clarify the site boundary indicating a rectangular piece of land adjacent to the garden of 12 Hallmoor Court which is owned by the Hallmoor Court Management Company;

### Access/ Highway

13. with another 27 houses there could potentially be another 50 cars entering the fore court which together with plant and machinery during construction, could cause a traffic hazard;
14. the majority of residents in Hallmoor Court are elderly, some of whom are registered blind, and there is only a pavement on one side of the entrance road;
15. visitors to the development would use Hallmoor Court as an overflow car park;
16. access into and out of the site is too narrow and is much busier than at the time of the original application and road markings should be considered;
17. since the original application there has been a lot of development in Wetheral and this will overload the roads;
18. where will a second access point to the site be located?;
19. the Construction Phase drawing show be verified if the site entrance indicated by a blue arrow is correctly indicated and not impinging on the limits of Hallmoor Court;

### Drainage

20. the proposal is impractical due to the boggy nature of the site;
21. the suggested drainage system is complicated and potentially expensive. How practical are ponds in the garden;
22. planning permission should not be granted until details of the agreement with Network Rail is known;
23. is the water treatment plan still in the plans?;
24. the increase in development has had a negative impact on the water table and resulting in spongy sites and localised flooding;
25. although the site is in Flood Zone 1, Environment Agency flood maps are very broad brush in their approach. A more details analysis would reveal localised flooding;
26. if no drainage problems exist, there would be no need for such an elaborate drainage scheme;
27. construction of the site will lead to surface water run-off onto the adjacent land which could lead to flooding or landslides onto the railway;
28. Cumbria County Council's "Wetheral, Flood Investigation Report, Flood Event 17 July 2011" clearly shows that heavy rainfall is a major challenge for the village;
29. the comments in the document "Management of SW/ FW Drainage Systems" lack operations detail i.e. who will inspect and maintain the system, carry out CCTV surveys etc.;
30. there is no clear statement from United Utilities expressing an opinion on this proposal and has not indicated that there is sufficient capacity in the existing systems to accommodate additional foul water;

### Amenity

31. the working hours of 8am until 6pm is too long and no building work should take place on Saturdays;
32. there will be a lot of disruption during construction that will be inconvenient and result in the loss of a view;
33. the development will result in the loss of privacy to neighbouring residents

- and townhouses should not be sited adjacent to existing properties;
33. the tranquillity that most sought when purchasing properties in Hallmoor Court will be lost;
34. single storey properties adjacent to existing properties would be more appropriate.
- 4.2 Following receipt of amended details which revise the application such that conditions 6 and 21 now form part of the application to discharge conditions, three further objections have been received which reiterate the issues outlined above.

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

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

Condition 3: the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of Condition 3 as it is considered that the proposal does not affect the highway nor does it increase the flood Risk on the site or elsewhere.

Condition 4: the Highway Authority have no objections with regards to the variation of condition 4 to change the wording to 'prior to installation' rather than 'prior to commencement' regarding the details of the height and materials of screen walls and boundary fences is to be submitted.

Condition 6: condition 6 has been omitted from this variation of conditions application and this condition will be discharged at a later date.

Condition 16: the applicant has submitted a revised site plan (12031-03L) which illustrates that the proposed development landscaping scheme will not impact upon the visibility splays of the junction. This was the major concern of the Highway Authority and the reason why the change in wording previously proposed was rejected by the Highway Authority. As this has now been clarified the Highway Authority have no objections with regards to the change of wording for Condition 16 to 'prior to occupation of any dwelling hereby approved details of a landscaping scheme'.

Condition 20: the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of Condition 20 as it is considered that the proposal does not affect the highway nor does it increase the flood Risk on the site or elsewhere.

Condition 21: condition 21 has been omitted from this variation of conditions application and this condition will be discharged at a later date.

Condition 23: the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of condition 23 as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

**Condition 24:** the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of condition 24 as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

**Condition 26:** the applicant is seeking to vary the wording of condition 26 from 'No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority...' to 'Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority for that phase of the development.' The Highway and Lead Local Flood Authority have no objections to this change in the wording of the condition as both phases of the development will require a construction management plan.

**Wetheral Parish Council:** - the parish council has submitted an objection. The committee has concerns regarding the poor supporting infrastructure. The village sewerage system is beyond capacity, the roads cannot cope and there is no primary school provision in the village. Members request a site visit by the Development Control Committee before a decision is made.

Following the receipt of amended documents that removed two conditions from this application, the parish council submitted a further objection that was received following the closure of the consultation period; however, no additional issues were raised other than those already submitted;

**United Utilities:** - it is recommended that Condition 16 relating to landscaping remains a pre-commencement condition. United Utilities considers the landscaping of the site to be a key component of site design which is fundamentally linked to surface water management and therefore any landscaping details should be agreed prior to the commencement of development;

**Network Rail:** - Network Rail are assessing the other application for discharge of conditions. The proposal has an interface with the railway and will need Network Rail agreement and review in addition to any planning decision. The applicant (if they have not done so already) will need to submit an application form and set up a basic asset protection agreement for the works.

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

### **Assessment**

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

- 6.2 At a national level, the relevant considerations include the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). The Development Plan for the purposes of the determination of this application comprise Policies SP1, SP2, SP6, HO2, HO4, IP2, IP3, IP4, IP6, IP8, CC5, CM4, CM5, GI3, GI4, GI5 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 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 Paragraph 11 of the NPPF continues to support sustainable development stating that:

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

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

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

- 6.6 Policy HO2 is equally transparent in its guidance relating to housing development and requires that:

- “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 where the housing is proposed;*
- 3. on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;*
- 4. in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and*
- 5. the proposal is compatible with adjacent land users.”*

- 6.7 The application site is well related to Wetheral. Hallmoor Court is immediately adjacent to the south with Greenacres and Plains Road to the north, separated by the Carlisle to Newcastle railway line. The village has a number of services or facilities including a public house, a church, a railway station, restaurant, hotel and a GP surgery.

- 6.8 Full planning permission has previously been approved for the erection of 27 dwellings on this land by members of the council's Development Control Committee and the permission remains extant.
- 6.9 In light of the foregoing, the principle of development is therefore considered to fully accord with both national and local planning policies and remains acceptable.

## **2. The Principle Of The Variation Of Planning Conditions And Whether The Removal Of The Planning Condition Is Acceptable**

- 6.10 When planning permission was granted, it was subject to conditions. These conditions were the standard conditions used by the council at that time. Since then, the government has reviewed the issue of planning conditions and on 1st October 2018, introduced new regulations in the form of the Section 14 of the Neighbourhood Planning Act 2017 which inserted Section 100ZA of The Town and Country Planning Act 1990. This requires applicants to provide their written consent to pre-commencement conditions unless exclusion applies. Pre-commencement conditions are those conditions on a planning permission which must be fulfilled before work starts on site or before the use of land changes.
- 6.11 The revisions were introduced principally with the aim of reducing the time lag between planning permission being granted and work commencing on site and to reduce the number of unnecessary and otherwise unacceptable conditions, only imposing those that meet the test of the NPPF, ultimately to create a more efficient process and speed up development.
- 6.12 Paragraph: 007 Reference ID: 21a-007-20180615 of the PPG advises on the use of pre-commencement conditions and states:

*“Care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. This includes conditions stating that ‘no development shall take place until...’ or ‘prior to any works starting on site...’*

*Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.*

*A pre-commencement condition that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached. Development carried out without having complied with a pre-commencement condition would be unlawful and may be the subject of enforcement action.”*

- 6.13 Paragraph 55 of the NPPF states:



*“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.”*

- 6.14 It is well-established planning practice, that planning conditions are subject to assessment and satisfaction of the six tests. These are outlined in "Use of planning conditions" Paragraph: 003 Reference ID: 21a-003-20190723 of the PPG as being:
1. necessary;
  2. relevant to planning;
  3. relevant to the development to be permitted;
  4. enforceable;
  5. precise; and
  6. reasonable in all other respects.
- 6.15 In summary, conditions 1, 2, 7, 8, 10, 14, 15, 17, 18, 19 and 22 are instructive conditions. Conditions 3, 4, 6, 16, 21 and 25 require the submission and agreement of details and need to be discharged. The true pre-commencement conditions are numbers 5, 9, 11, 12, 13, 23, 24 and 26.
- 6.16 It is evident that some of the conditions, whilst still necessary as part of the development and require agreement from the local planning authority, do not need to be dealt with prior to commencement and a more flexible approach could be taken in accordance with the current legislation and guidance.
- 6.17 The issues of scale, layout and design of the development; impact upon landscape character; the impact of the proposal on the living conditions of neighbouring and future residents; highway issues; landscaping and impact on trees and hedgerows; foul drainage; education; affordable housing; ecological issues; contamination; crime and disorder are unaffected by this application. The planning issues raised by the development and variation of these conditions are discussed in the following paragraphs.
- 6.18 The second part of the application relates to the removal of condition 20. This condition states:
- “All dwellings are required to be constructed to meet Level 3 of the Code for Sustainable Homes.
- a. *Prior to the commencement of development, a design stage assessment and related certification shall be submitted to and approved in writing by the local planning authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant code level;*
  - b. *No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority;*
  - c. *Within 6 months of occupation of each dwelling, a Final Certificate*

*certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the local planning authority in writing.”*

- 6.19 The Code for Sustainable Homes is a method for assessing and certifying the sustainable design and construction of new homes. It was launched in 2006 to help reduce UK carbon emissions and create more sustainable homes. It was part of a package measures including; Building A Greener Future and Planning Policy Statement: Planning Climate Change
- 6.20 In a written ministerial statement on 25 March 2015, the Secretary of State for Communities and Local Government Eric Pickles confirmed that from 27 March 2015, changes to the 2008 Climate Change Act would mean local authorities in England could no longer require code level 3, 4, 5 or 6 as part of the conditions imposed on planning permissions. Energy requirements for dwellings would instead be set by the Building Regulations which would be changed to be the equivalent to code level 4. As such, the condition is no longer considered necessary as far as the planning condition tests are concerned and its removal is therefore acceptable.

### **3. The Proposed Revised Conditions**

- 6.21 The grant of a variation of planning permission has the effect of granting a further planning permission in its own right and therefore should be subject to, where appropriate, relevant planning conditions. The revised conditions are still considered necessary to the development albeit permission is sought for a more flexible approach in the wording of the conditions. The following deals with each condition in turn.

- 6.22 Condition 3 refers to sample materials and reads:

*“Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.”*

- 6.23 It is proposed that this condition is revised to read:

*“Within three months following the commencement of development, samples or full details of materials to be used externally on the buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.”*

- 6.24 The submission of the sample materials or full details to be used as part of the development is still necessary but the variation will allow greater flexibility in allowing groundworks to commence with the condition being discharged at a later point in time.

6.25 Condition 4 refers to boundary treatment and reads:

*“Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.”*

6.26 It is proposed that this condition is revised to read:

*“Within three months following the commencement of development, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details and completed prior to the occupation of the each dwelling.”*

6.27 As with the condition that refers to the use of materials, the submission of the boundary treatment is still necessary and the details will secure the materials and height of the boundary and require them to be constructed prior to occupation of the dwelling, thus ensuring an appropriate form of development whilst simultaneously having regard to the amenity of existing and future. The variation will allow greater flexibility in allowing development to commence with the condition being discharged at a later point in time.

6.28 Condition 16 refers to a landscaping scheme and reads:

*“No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the local planning authority.”*

6.29 It is proposed that this condition is revised to read:

*“Prior to occupation of any dwelling hereby approved, details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority.”*

6.30 In response to this proposal, United Utilities has raised no objection but has expressed an opinion that the condition should remain as a pre-commencement condition as, in their opinion, landscaping of the site is a key component of site design which is fundamentally linked to surface water management.

6.31 The layout of the site is shown on the submitted drawings and shows the siting of the buildings, infrastructure and areas that would be planted either as private gardens or public open space. What the details don't show is the density and species of planting that would take place. Any trees and hedges are only required to be replaced if they die within five years of the scheme being implemented and after which, the council has no control. Furthermore, upon occupation of a dwelling, an owner may landscape their property without permission. The landscaping would still be subject to a condition upon which United Utilities could be consulted; however, given the fact that this cannot be retained in perpetuity, it would be unreasonable to refuse the

variation of the condition on the basis.

- 6.32 Accordingly, as with the above conditions, the submission of a landscaping scheme is still necessary but the variation will allow greater flexibility in allowing development to commence with the condition being discharged at a later point in time.

- 6.33 Condition 23 refers to the provision of protective barrier adjacent to the railway and reads:

*“No development hereby approved by this permission shall commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail’s existing fencing/ wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/ roadway/ car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.”*

- 6.34 It is proposed that this condition is revised to read:

*“Phase 2 of the development hereby approved shall not commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail’s existing fencing/ wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/ roadway/ car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.”*

- 6.35 The current application details contains a phasing plan which did not form part of the original application. This is a legitimate variation and allows progress to be commenced and implemented on part of the site whilst the appropriate negotiations are undertaken with Network Rail to ensure that adequate protection is afforded to the railway during construction of the land closer to Network Rail’s asset. Members will note the Network Rail has raised no objection to this variation.

- 6.36 Condition 24 refers to excavations near to the railway and reads:

*“Where excavations/ piling/ buildings are to be located within 10 metres of the railway boundary, no development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.”*

- 6.37 It is proposed that this condition is revised to read:

*“Where excavations/ piling/ buildings are to be located within 10 metres of the railway boundary, Phase 2 of the development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.”*

6.38 For the reasons outlined to the previous condition in paragraph 6.35, this variation is acceptable.

6.39 Condition 26 refers to a Construction Management Plan and reads:

*“No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.”*

6.40 It is proposed that this condition is revised to read:

*“Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management Plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing for that phase of the development by the local planning authority. The development shall then be undertaken in accordance with the approved details.”*

6.41 A Construction Management Plan has been submitted with this application which details the proposed works, the sequence of works, construction hours, traffic movement, environmental impact, ecology and archaeology. This Plan adequately addresses the issues relevant to Phase 1 of the development and is acceptable in this regard. The revised condition still requires the submission of an appropriate Construction Management Plan for Phase 2 of the development.

6.42 Condition 2 refers to the list of approved documents and reads:

*“The approved documents for this Planning Permission comprise:*

- 1. the Planning Application Form received 26th February 2015;*
- 2. the Site Location Plan received 18th February 2015 (Drawing no. 12031-01);*
- 3. the Block Plan received 13th April 2015 (Drawing no. 12031-12B);*
- 4. the Topographical Survey received 25th October 2012 (Drawing no. 1116/1);*
- 5. the Site Layout received 13th April 2015 (Drawing no. 12031-03K);*
- 6. the House Type A received 18th February 2015 (Drawing no. 12031-05A);*
- 7. the House Type B received 18th February 2015 (Drawing no. 12031-06A);*
- 8. the House Type C received 18th February 2015 (Drawing no. 12031-07A);*

9. *the House Type D received 18th February 2015 (Drawing no. 12031-08A);*
10. *the House Type E received 18th February 2015 (Drawing no. 12031-09);*
11. *the House Type F received 18th February 2015 (Drawing no. 12031-10);*
12. *the Site Sections A, B, C received 13th April 2015 (Drawing no. 12031-04C);*
13. *the Landscape Concept Plan received 15th April 2015 (Drawing no. Figure A Rev 03);*
14. *the Design and Access Statement received 22nd April 2015;*
15. *the Planning Statement received 22nd April 2015;*
16. *the Archaeological Desk-Based Assessment And Geophysical Survey received 25th October 2012;*
17. *the Tree and Hedge Survey Report received 25th October 2012;*
18. *the Phase 1 Habitat and Scoping Survey For European Protected Species received 25th October 2012;*
19. *the Noise Assessment received 25th October 2012;*
20. *the Land Contamination 25th October 2012;*
21. *the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012;*
22. *the Notice of Decision;*
23. *any such variation as may subsequently be approved in writing by the Local Planning Authority."*

6.43 This condition would be varied to include the current suite of documents and also refer to the relevant approved and would read:

*"The approved documents for this Planning Permission comprise:*

1. ***the Planning Application Form received 16th October 2019;***
2. ***the Site Location Plan received 29th October 2019 (Drawing no. 12031-01A);***
3. ***the Block Plan received 29th October 2019 (Drawing no. 12031-12C);***
4. *the Topographical Survey submitted with application 12/0880 received 25th October 2012 (Drawing no. 1116/1);*
5. ***the Site Layout Plan received 29th October 2019 (Drawing no. 12031-03M);***
6. *the House Type A submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-05A);*
7. *the House Type B submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-06A);*
8. *the House Type C submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-07A);*
9. *the House Type D submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-08A);*
10. *the House Type E submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-09);*
11. *the House Type F submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-10);*
12. *the Site Sections A, B, C submitted with application 12/0880 received 13th April 2015 (Drawing no. 12031-04C);*
13. *the Landscape Concept Plan submitted with application 12/0880 received*

- 15th April 2015 (Drawing no. Figure A Rev 03);
14. *the Archaeological Desk-Based Assessment And Geophysical Survey submitted with application 12/0880 received 25th October 2012;*
  15. *the Tree and Hedge Survey Report submitted with application 12/0880 received 25th October 2012;*
  16. *the Phase 1 Habitat and Scoping Survey For European Protected Species submitted with application 12/0880 received 25th October 2012;*
  17. *the Noise Assessment submitted with application 12/0880 received 25th October 2012;*
  18. *the Land Contamination submitted with application 12/0880 received 25th October 2012;*
  19. *the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012;*
  20. ***the Phasing Site Plan received 29th October 2019 (Drawing no. 12031-14A);***
  21. ***the Construction Phase Plan Phase 1A received 1st August 2019 (Drawing no. CDM01);***
  22. ***the Construction Phase Plan Phase 1B received 1st August 2019 (Drawing no. CDM02);***
  23. ***the Construction Phase Plan Phase 1C received 1st August 2019 (Drawing no. CDM03);***
  24. ***the Supporting Statement for Sustainability, Removal of Condition 20 received 1st August 2019;***
  25. ***the Construction Management Plan received 1st August 2019;***
  26. ***the Supporting Statement to Accompany Removal or Variation of a Condition Application (Rev A) received 16th October 2019;***
  22. *the Notice of Decision;*
  23. *any such variation as may subsequently be approved in writing by the local planning authority."*

- 6.44 In light of the above changes, a condition needs to be imposed which lists the approved documents. The changes to the previously imposed condition have been highlighted in bold to assist members. The condition provides clarity to the applicant and allows for potential changes to the scheme in the future through the variation of the condition known as a minor material amendment. This condition is therefore acceptable on this basis.

#### **4. Other Matters**

- 6.45 Many of the representations raise objections in respect of the principle of the development of the site together with the relating pressure on surrounding infrastructure including roads, drainage, schools, education. Reference is also made to the provision of affordable housing. These issues were considered at the time of the original application. Approval of this application would be subject to a Deed of Variation to the S106 Agreement to secure the provision of seven affordable units on site; a financial contribution towards the provision and maintenance of public open space within Wetheral village; the maintenance of the informal open space within the site by the developer; a financial contribution towards education contribution.
- 6.46 The objectors have made reference to the fact that the working hours are

inappropriate and that no working should take place on Saturdays. Condition 19 of the planning permission states:

*"No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays."*

- 6.47 The submitted Construction Management Plan includes working hours of between 8am and 6pm on Mondays to Fridays and 9am until 1pm on Saturdays which are the standard working hours imposed on construction sites through planning conditions. These hours are less than the approved condition and subject to the imposition of a revised condition, would retain the amenity of the occupiers of neighbouring properties.

- 6.48 This application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.

- 6.49 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."*

- 6.50 On this basis, if Members are minded to approve this application, a new planning permission would be issued for the development and it is appropriate to impose conditions that may either need to be discharged, are pre-commencement conditions or are instructive conditions to address the relevant issues.

- 6.51 Although an application is currently being consider to discharge the conditions as part of the previous application, this has not been determined. In the event that this application is approved, the corresponding condition numbers would need to be changed to reflect those in the decision notice. The application to discharge the conditions continues to be considered by the relevant interested parties and will be determined as a separate entity.



## Conclusion

- 6.52 In overall terms, the principle of the development is extant and remains acceptable on the site. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space, incurtilage parking provision would be available to serve the dwellings. The new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety and all these issues have been accepted through the grant of the previous planning permission.
- 6.53 The application seeks permission for the rewording of some of the planning conditions, the details of which are being considered as part of a separate application for their discharge. The details of the Construction Management Plan is acceptable and would safeguard appropriate onsite working practices and the amenity of neighbouring residents.
- 6.54 The removal of the condition requiring the dwellings to be built in accordance with the Code for Sustainable Homes is acceptable. In all aspects the proposals are considered to be compliant with the objectives of the relevant national and local plan policies.

## 7. Planning History

- 7.1 An application for outline planning permission for residential development was refused in 1988.
- 7.2 In 2016, planning permission was granted for the erection of 27 dwellings.
- 7.3 An application is currently being considered to discharge conditions 5 (footpath details); 6 (details of house accesses and parking areas); 9 (access during construction); 11 (surface water drainage); 12 (foul water drainage); 13 (tree protection); and 21 (construction of permeable surfaces) under application reference 19/0595.

## 8. Recommendation: Grant Subject to S106 Agreement

1. The development shall be begun not later than 19th December 2019.

**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 approved documents for this Planning Permission comprise:

1. the Planning Application Form received 16th October 2019;
2. the Site Location Plan received 29th October 2019 (Drawing no. 12031-01A);
3. the Block Plan received 29th October 2019 (Drawing no. 12031-12C);

4. the Topographical Survey submitted with application 12/0880 received 25th October 2012 (Drawing no. 1116/1);
5. the Site Layout Plan received 29th October 2019 (Drawing no. 12031-03M);
6. the House Type A submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-05A);
7. the House Type B submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-06A);
8. the House Type C submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-07A);
9. the House Type D submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-08A);
10. the House Type E submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-09);
11. the House Type F submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-10);
12. the Site Sections A, B, C submitted with application 12/0880 received 13th April 2015 (Drawing no. 12031-04C);
13. the Landscape Concept Plan submitted with application 12/0880 received 15th April 2015 (Drawing no. Figure A Rev 03);
14. the Archaeological Desk-Based Assessment And Geophysical Survey submitted with application 12/0880 received 25th October 2012;
15. the Tree and Hedge Survey Report submitted with application 12/0880 received 25th October 2012;
16. the Phase 1 Habitat and Scoping Survey For European Protected Species submitted with application 12/0880 received 25th October 2012;
17. the Noise Assessment submitted with application 12/0880 received 25th October 2012;
18. the Land Contamination submitted with application 12/0880 received 25th October 2012;
19. the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012;
20. the Phasing Site Plan received 29th October 2019 (Drawing no. 12031-14A);
21. the Construction Phase Plan Phase 1A received 1st August 2019 (Drawing no. CDM01);
22. the Construction Phase Plan Phase 1B received 1st August 2019 (Drawing no. CDM02);
23. the Construction Phase Plan Phase 1C received 1st August 2019 (Drawing no. CDM03);
24. the Supporting Statement for Sustainability, Removal of Condition 20 received 1st August 2019;
25. the Construction Management Plan received 1st August 2019;
26. the Supporting Statement to Accompany Removal or Variation of a Condition Application (Rev A) received 16th October 2019;
22. the Notice of Decision;
23. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The carriageways & footways etc: shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect full constructional details shall be submitted for approval before work commences on site. No work shall be commenced until these have been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

4. The house accesses and parking areas etc: shall be designed, constructed, drained and lit to the satisfaction of the local planning authority and in this respect further details, including longitudinal/ cross sections, shall be submitted to the local planning authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is regarded as complete.

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

5. The access and parking/turning requirements, shown on the plan, shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. Before any development takes place, a plan shall be submitted for approval by the local planning authority reserving adequate land for the site offices, material storage and for the parking of vehicles\plant engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

**Reason:** The carrying out of building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues and to support Local Transport Policies LD5, LD7 and LD8.

6. Prior to the commencement of development, details of a scheme for surface water drainage and means of disposal, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority. If after an assessment of site conditions, it is demonstrated that it is necessary to discharge to watercourse, the surface water drainage scheme must be restricted to existing runoff rates including an allowance for climate change. No surface water, no land drainage and no highway drainage shall connect

into the public sewerage system (directly or indirectly). The scheme shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure the most sustainable forms of drainage are investigated and secured, to promote sustainable development and to manage the risk of flooding and pollution in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

7. Prior to the commencement of development, details of a scheme for foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate:
  - a. all foul water draining to a new foul water pumping station with 48 hours foul water storage fitted with a dosing system;
  - b. foul water storage vented through a carbon filter;
  - c. foul water stored shall be pumped at a maximum flow rate not exceeding 8 litres/second.

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

**Reason:** To secure proper drainage, promote sustainable development and to reduce the risk of flooding and pollution. in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

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

9. All private paths, private driveways and other private hardstanding areas shall be constructed of permeable surfaces. The details for these permeable surfaces shall be submitted to the local planning authority and approved in writing prior to the commencement of development. The development shall be constructed in accordance with the approved details.

**Reason:** To promote sustainable development and to reduce the risk of flooding and pollution in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

10. Prior to their installation, samples or full details of materials to be used externally on the buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.

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

11. Within three months from the date of this permission, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. Within three months from the date of this permission, details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority.

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

13. Phase 2 of the development hereby approved shall not commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/ roadway/ car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.

**Reason:** To ensure the adjacent transport infrastructure is not adversely affected by the development.

14. Where excavations/piling/buildings are to be located within 10 metres of the railway boundary, Phase 2 of the development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.

**Reason:** To ensure the adjacent transport infrastructure is not adversely affected by the development.

15. No external lighting shall be installed on Plots 1 to 13 shown on Drawing no. P04B received on 13th April 2015 submitted under application 12/0880 without the prior written approval of the local planning authority. The lighting shall be installed in accordance with the approved details and shall not be altered, modified or addition lighting installed without the further written

consent of the local planning authority.

**Reason:** To ensure that the operational safety of the adjacent transport infrastructure is not adversely affected by the development.

16. Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management Plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing for that phase of the development by the local planning authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that the operational safety of the adjacent transport infrastructure is not adversely affected by the development.

17. Footways shall be provided that link continuously and conveniently to the nearest existing footway, before 'first occupancy'. Ramps shall be provided on each side of the internal junction in Hallmoor Court, so enable wheelchairs, pushchairs etc. can be safely manoeuvred and shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5.

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

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

19. 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.

20. Within the tree protection fencing approved by Condition 8:

1. no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree;
2. no equipment, machinery or structure shall be attached to or supported by a retained tree;
3. no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area;
4. no alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority;
5. the tree protection measures shall be retained in good condition and to the satisfaction of the local authority for the duration of the development.

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

21. Following completion of construction works and removal of site machinery and materials, protective fencing may be dismantled to permit ground preparation and cultivation works, if required, adjacent to the hedges. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

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

22. All works comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policies GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

23. No construction work associated with the development hereby approved shall be carried out before 0800 hours or after 1800 hours Monday to Friday, before 0900 hours and 1300 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or an Order revoking or re-enacting that Order, with or without modification), no hard surfaces shall be constructed within the curtilages of the dwelling houses at any time, other than those expressly authorised by this permission or unless subsequently agreed in writing by the local planning authority.

**Reason:** To promote sustainable development and to reduce the risk of flooding and pollution in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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Rev. A Date 10/19 Description Boundary amendment plan 12/13 Hallmoor Court

Reviewed by RC

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Ordnance Survey Map No. 44 100070

PLANNING

ARCHITECTS PLUS

Project

PROPOSED HOUSING LAND ADJACENT TO HALLMOOR COURT, WETHERAL

Client

SIMTOR

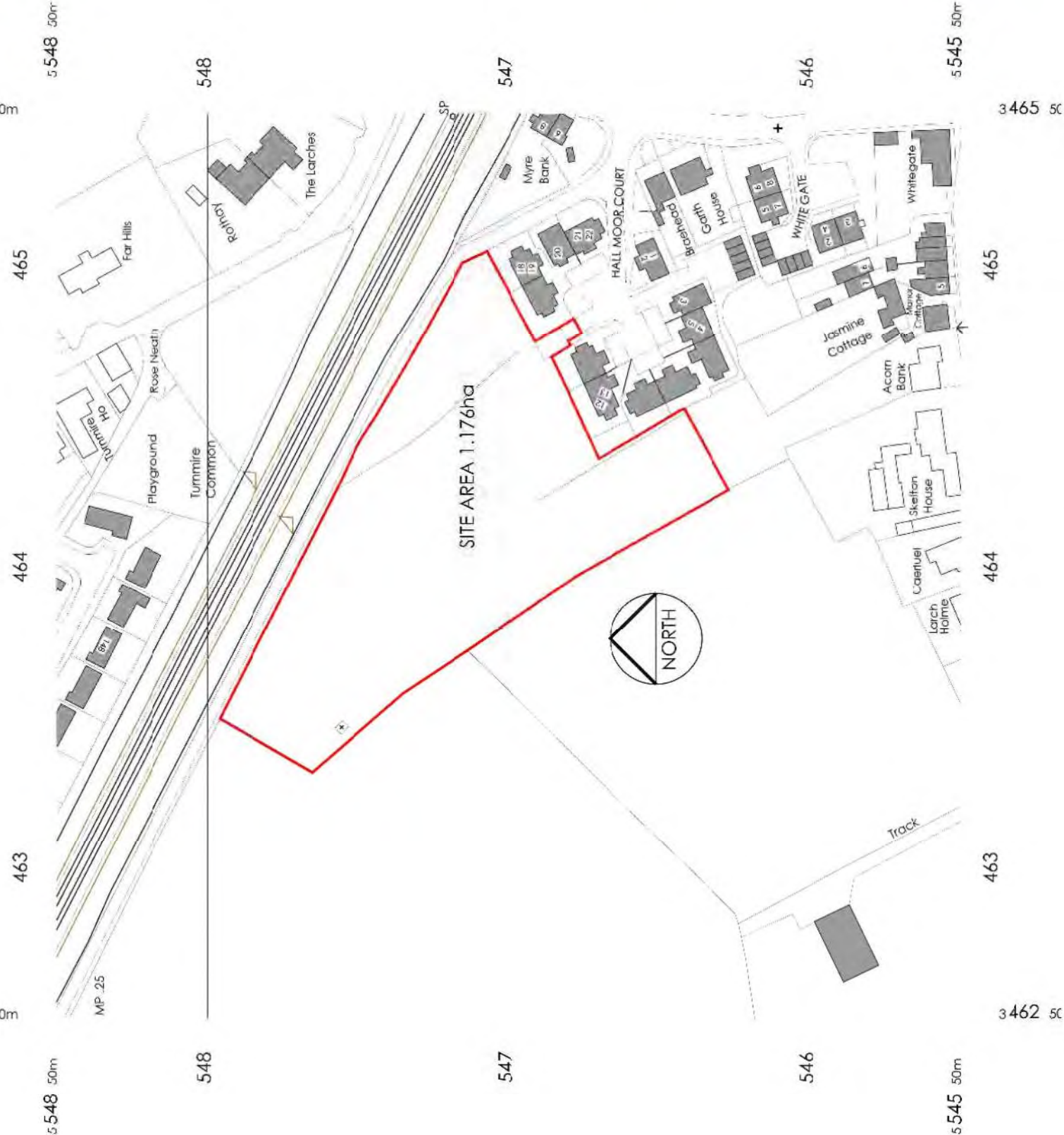
Drawing

SITE LOCATION

Scale 1/1250 @ A3 10/12 R/W P04A Number 12031-01A



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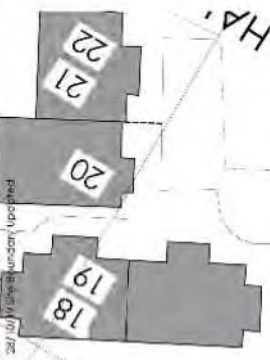




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Reviewed by  
Date: 28/10/19  
Description: Updated  
18, 19, 20, 21, 22



H.A.



Client  
SIMTOR

Drawing  
PHASING SITE PLAN

PLANNING

**ARCHITECTS PLUS**

PROPOSED HOUSING  
LAND ADJACENT TO HALLMOOR COURT

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SITE SET UP  
PHASE 1 B

## PLANNING

ARCHITECTS  
P.L.L.C.

PROPOSED HOUSING  
LAND ADJACENT TO HALLMOOR COURT

## ACKNOWLEDGMENTS

CONSTRUCTION PHASE PLAN  
PHASE 1B

| DATE    | TIME  | LOCATION | REMARKS |
|---------|-------|----------|---------|
| 1/25/07 | 07:19 | WMA      | COM     |
| 1/25/07 | 07:19 | WMA      | COM     |

[illegible]





# Land Adjacent to Hall Moor Court, Wetheral Proposed Residential Development

*for*  
*Simtor Ltd.*

## Construction Management Plan

*July 2019*







## 2.0 Project Overview

### 2.1 Existing Site

- 2.1.1 The site is located to the West of a residential area in Wetheral and is currently agricultural land. To the North is the railway line running between Wetheral and Carlisle. To the West and South of the site is agricultural land.



*Aerial Photo*

### 2.2 Proposed Works

- 2.2.1 The work comprises of erecting 27 number dwellings, along with associated access roads and external works.
- 2.2.2 The work will be completed in 2 phases, phase 1 being undertaken away from the railway line to allow works to progress while finalised agreements are made with Network Rail
- 2.2.3 The site is vacant and will be suitably cordoned off from the public for the duration of the works.

## 3.0 Communication

- 3.1 Information of all site arrangements including the construction management plan will be communicated to all contractors, sub-contractors, delivery drivers and suppliers.
- 3.2 Once work starts on site all Operatives, Subcontractors, Delivery Drivers and Visitors will be given a site induction which will include, but not be limited to, details of the following:-
- Site Working Hours
  - Parking Arrangements
  - Designated Pedestrian Routes around Site



- Delivery Times, Restrictions and Routes to Site
  - Loading and Unloading Areas
  - Provisions on site for Loading and Unloading
- 3.3 Neighbours and appropriate third parties will be regularly informed of site activities and likely to impact on adjoining properties. The contractors' representatives and the management team will demonstrate a considerate and professional approach and maintain a well-balanced relationship with neighbours and the local public during project execution. Communication will be in the form of personal introductions, letter drops and site notices posted on the site hoarding advising of anticipated events, general progress of the works and any requirements for any abnormal works. Contact details will be included on all communication.
- 3.4 The appointed constructor will be registered and comply with the requirements of the Considerate Constructors Scheme for the duration of the project. The works will be carried out in accordance with the Considerate Constructors Scheme and in such a way as to minimise the impact on the local environment and amenities. A contact board will be displayed outside the site providing contact details. This will include names and telephone numbers of key construction staff so that neighbours and the general public can make contact should they have cause to do so.
- 3.5 All complaints will be reported and recorded. If a complaint is made in person on the construction site the site manager will speak with the complainant and identify the problem. If the problem cannot be resolved immediately, the site manager will take the appropriate action and confirm satisfaction from the complainant.
- 3.6 A complaints/contact book will be kept on site, which will be used to record details of any complaints. This will include the name of the person making the complaint, the date, time and nature of the complaint and the action necessary to resolve the complaint. The complaints book will be regularly reviewed by the constructor and the client's management team to ensure that any complaints are dealt with and resolved promptly.
- 4.0 Site Works**
- 4.1 Preliminary Programme**
- 4.1.1 The anticipated start date for the project is autumn 2019
- 4.1.2 A full programme of the works will be finalised prior to the commencement of the project.
- 4.1.3 The works will be undertaken in two phases. Further details are given under 4.2 Sequence of works, please also refer to drawing 12031-14 Phasing Plan and the image on the next page showing the proposed phases.



#### Proposed Phasing Plan NTS

#### 4.2 Sequence of Works

The works are to be undertaken in two phases. As noted this is so that works can commence on site, away from the railway, while the appropriate statutory authorities are consulted and further details and finalised agreements are sought, particularly with Network Rail

##### Phase 1

Phase 1 will construct the access into the site, provide contractor parking and compounds and undertake the construction of the first 13 properties. Please also refer to drawing 12031-14 Phasing Plan and the image above showing the proposed phases. Phase 1 will be undertaken in a number of stages, so that access and construction traffic will have minimal impact on the residences on Hall Moor Court.

##### Phase 1A

The contractor is to form the new site access, which will become the permanent access to the site. This will allow vehicles to enter the site and an area for site welfare, storage, parking and deliveries set up. Form hardcore parking for temporary site setup and site vehicle parking in front of plots 18-21.

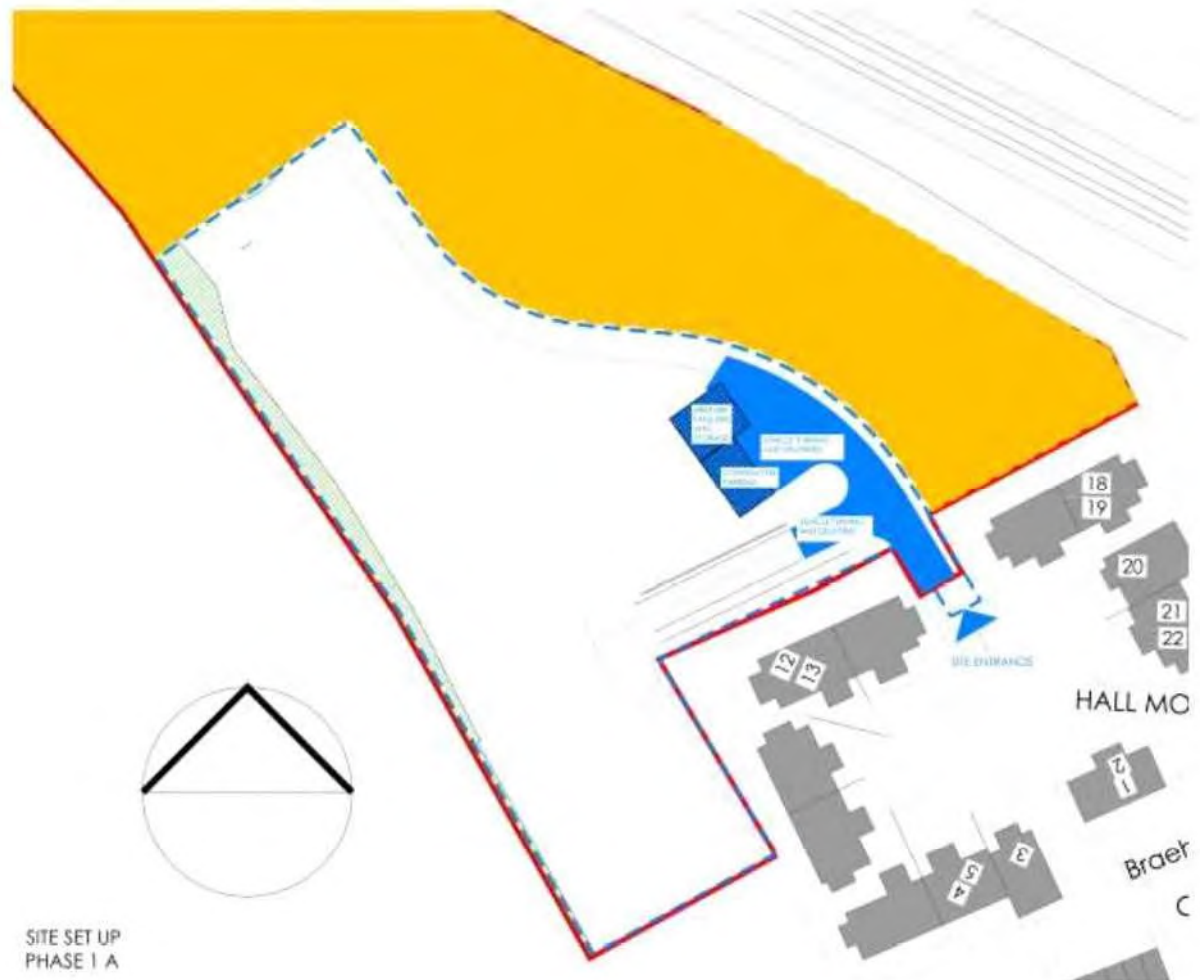
The space available will be suitable for delivery vehicles to draw into the site and allow off-loading of materials and equipment. Suitable temporary welfare facilities required under CDM 2015 will be required on site and such arrangements shall be accommodated for the limited numbers of workers present at the start of the works.



The site would also be fenced with a suitable temporary fence to ensure security on the site and if covered, prevent dust leaving the site.

Hedge protection zones within the Phase 1 area would be established on the site as indicated on drawing 12031-CDM04 Tree Protection, with clear delineation between the areas to be used for construction and those areas within the tree protection zone.

Please refer to drawing 12031-CDM01 for further details.



*Plan of Phase 1A NTS*

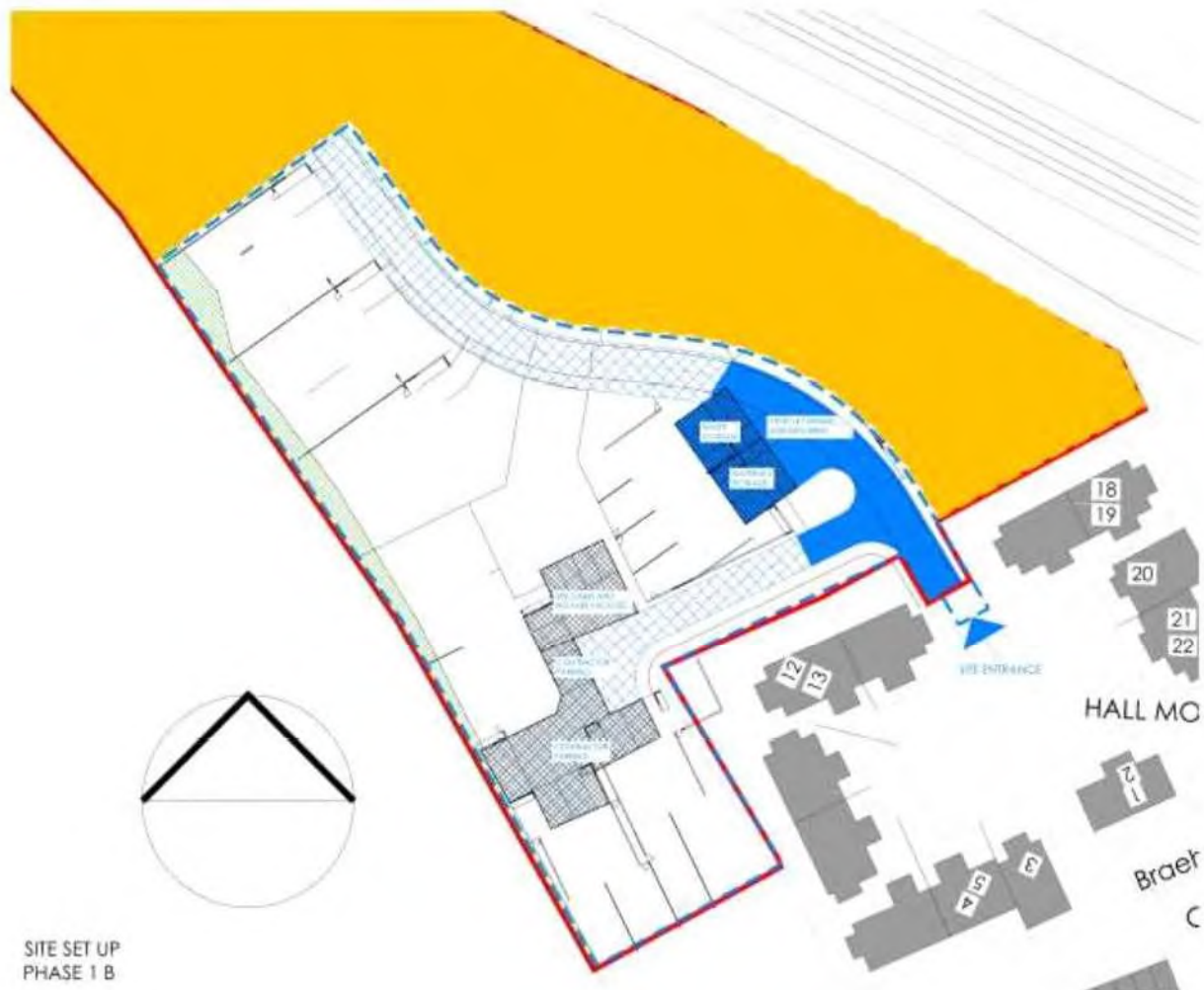
## Phase 1B

Areas of the site will continue to be levelled and established stockpiles of excess materials presented in areas of the site which would limit the impacts to both trees and future phases. All works would be done in accordance with CIRIA Environmental good practice on Site Guide (fourth edition) (C741D).

Hardcore for the permanent parking area is to be laid, increasing the area available for turning areas, parking and contractor's compound.

Segregated areas for materials and waste would be established and suitable parking established for the limited workforce on site. The revised area would also accommodate some elements of the finalised access to the site, offering a tarred surface to the entrance to ensure that any construction materials were kept within the site.

This will then become the permanent site set up to enable the remaining construction to be undertaken.



Plan of Phase 1B NTS



### Phase 1C

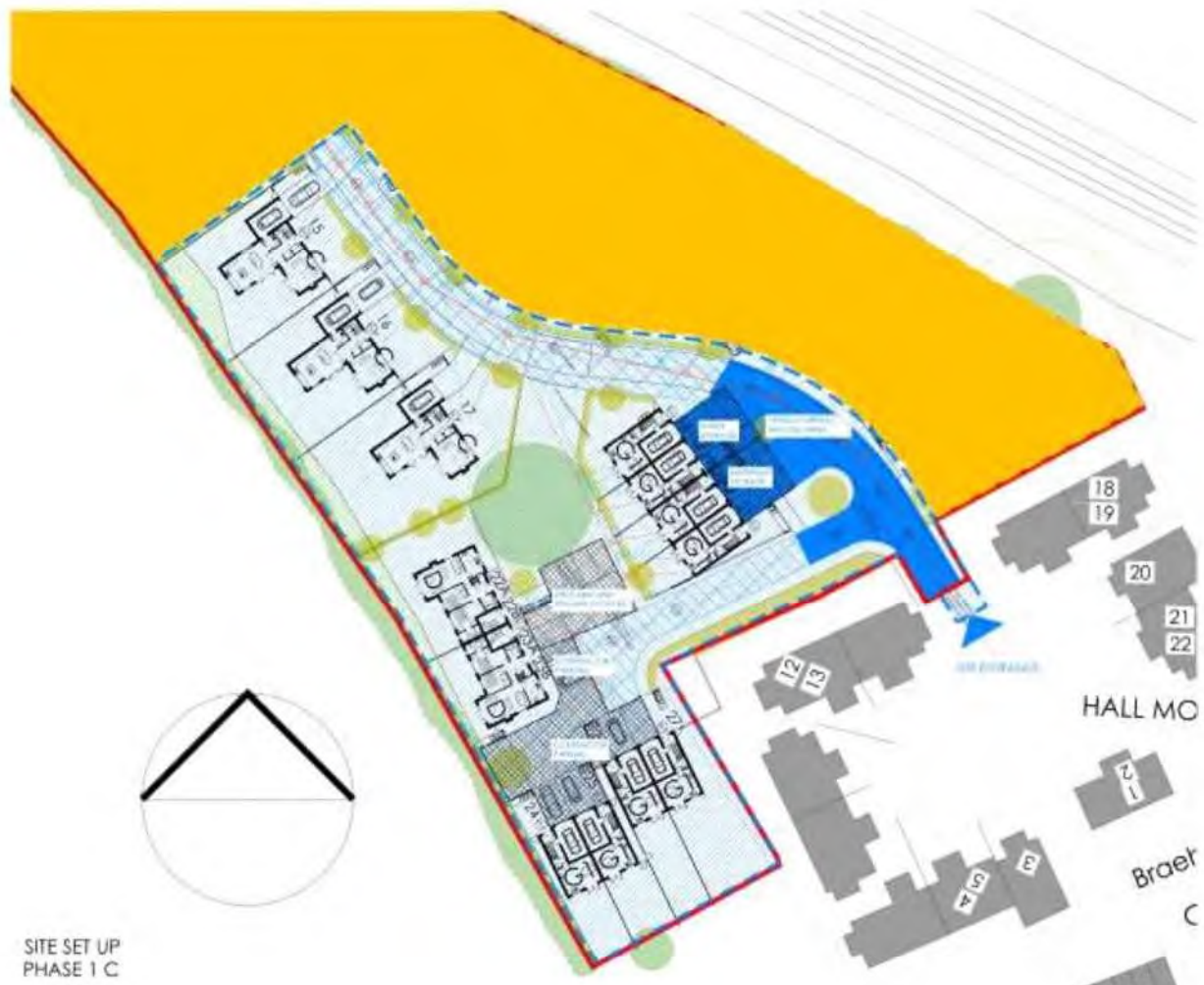
With the contractor's compound, storage, welfare and parking set up, the construction of phase 1 can continue with minimal disruption to adjacent residential areas.

The construction of the dwellings would commence, including drainage, external works and landscaping.

The dwellings are to be constructed in a traditional manner; cavity masonry walls, timber floors and roofs, and therefore all can easily be delivered and managed on site in a timely manner.

Final drainage connections to the dwellings would be established including the foul sewer connection and all tests conducted to the satisfaction of the statutory undertakers. Welfare facilities would continue to be maintained and serviced, and when not in continuous use, removed from site.

Pre mixed concrete and mortars would be brought to site if appropriate to reduce any potential noise and dust pollution from the site.



Plan of Phase 1C NTS

## Phase 2

Phase 2 will be undertaken once final agreements are in place with Network Rail and will see the final 15 properties constructed.

The existing welfare facilities and contractor parking and compound will be maintained within the Phase 1 area, as indicated, throughout the work. Additional welfare and storage/ delivery areas will be formed as the Phase 2 works progress.

### 4.3 Construction Operating Hours

No construction work (other than in the case of an emergency or with written approval from the local Planning Authority) associated with the development shall take place anywhere on the site on any Sunday, officially recognised public holidays, nor at any time other than the following;

- Monday – Friday: 08.00 – 18.00
- Saturday: 09.00 – 13.00

### 4.4 Site Setup

Please refer to drawings 12031-CDM01 – 03 for site set up information for the different phases of the works.

**Phase 1A** Initial access will be formed, allowing for suitable temporary welfare facilities required under CDM 2015 and such arrangements shall be accommodated for the limited numbers of workers present at the start of the works

**Phase 1B** More extensive access formed and more extensive contractors parking, site offices, welfare facilities, material storage, and waste storage can be formed within the areas indicated on the plans, to accommodate the increased number of personnel that will be on site for the main construction phase.

**Phase 1C** With the site access and contractors compound set up in Phase 1B, this is sufficient for the construction of the remainder of Phase 1 and to commence Phase 2.

**Phase 2** Further details will be submitted following finalised agreements with Network Rail.

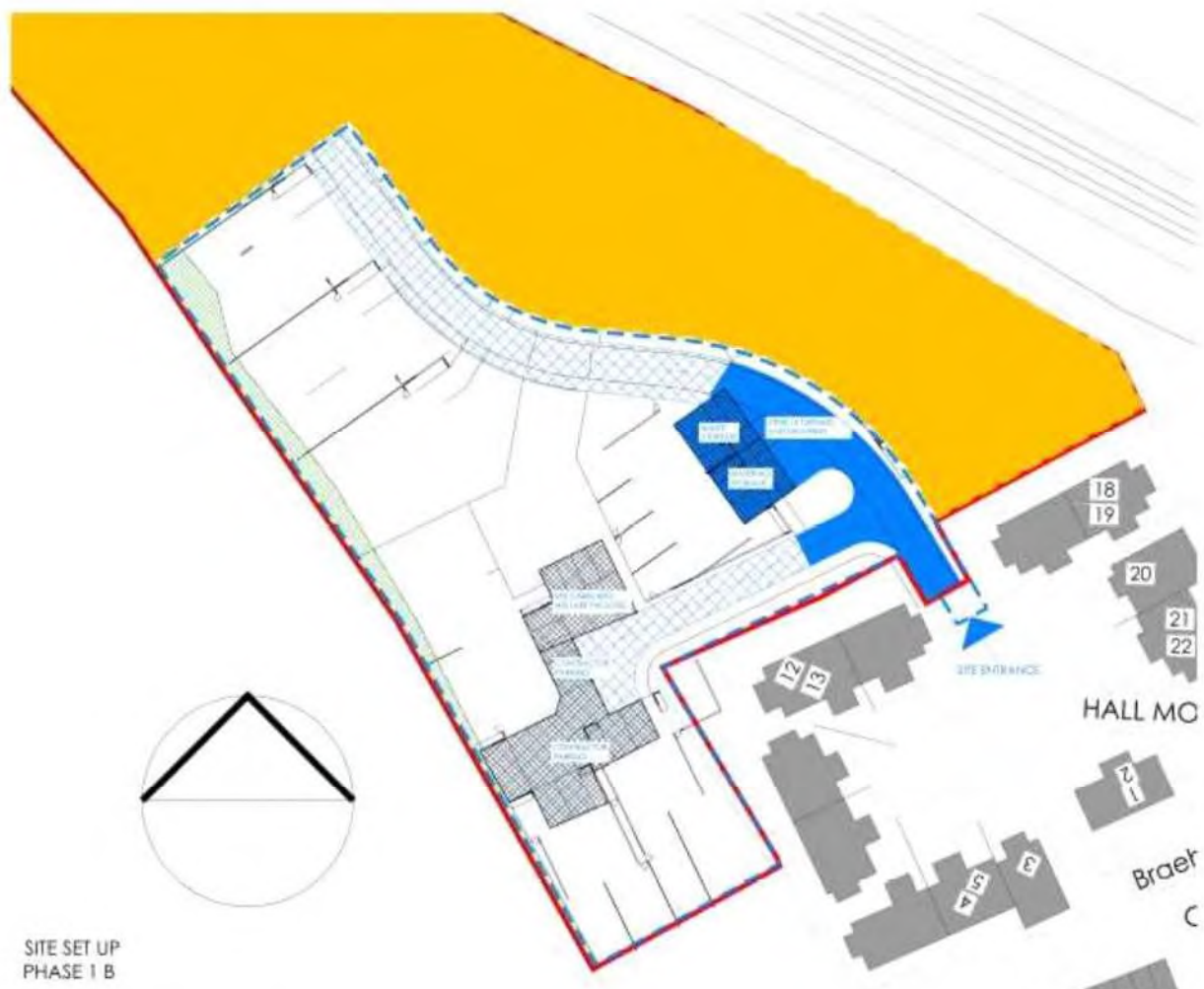


## 5.0 Traffic Management

### 5.1 Access/Movement

5.1.1 The site entrance for vehicular access will be from Hall Moor Court as indicated on drawing 12031-CDM01 to CDM03. These plans show details of the arrangement on site, including:

- Site entrance
- Parking area
- Site office / cabin, and accommodation
- Material and waste storage areas



Plan of Site Set Up NTS

## 5.2 Deliveries

All deliveries are to access the site from Hall Moor Court and enter the site from the proposed access as indicated on the drawings. All loading and unloading is to be undertaken within the site boundaries and a banksperson is to be on site at all times to oversee delivery vehicles and routes. The contractor should arrange deliveries to avoid rush hour traffic and to stagger deliveries.

## 5.3 Parking

No off-site parking is to be allowed. All contractors are to park on site within the designated contractor parking areas as indicated on the plans.

## 6.0 Environment Impacts

### 6.1 Dust Control Measures

- 6.2.1 Dust levels will be monitored by the site manager. To prevent damage caused by dust, control measures will include the use of solid panel boundary fencing or the installation of dust/wind netting onto boundary fencing, if applicable, the damping down of surfaces by utilising water bowsers and/or sprinklers during periods of dry weather, work areas will be damped down if dust is being generated by onsite activities; cutting of blocks and stone to be carried out with water suppression where possible.

### 6.2 Noise

- 6.2.1 All plant equipment used will be fitted with industry standard silencers and all care will be taken on site to ensure noise levels are controlled. Measures will include ensuring that all equipment is turned off when not in use, and there is no unnecessary revving/spinning of engines/motors while in use.
- 6.2.2 In the event of the contractor receiving complaints regarding noise levels on site, the contractor will be requested to collaborate with the LA Environment Health department to establish acceptable noise levels, and adopt mitigation measures in accordance with BS 5228 where required. If it is deemed necessary at this point by LA Environment Health officers, noise levels will be monitored in line with the guidance contained in BS 7445 (description and measurement of environmental noise).
- 6.2.3 An assessment on the use of reversing beepers on vehicles will be made and where appropriate a trained signaller/banksman will be employed.
- 6.2.4 The Site manager will monitor noise generally throughout the day to ensure no unnecessary nuisance is experienced to residential amenity, and this would include shouting, bad language, radios etc.
- 6.2.5 It is not thought that rock puckering will be required. If rock puckering is required, additional measures will include the requirement for acoustic barriers to be placed around areas of work where practical, acoustic blankets will be placed around the peckerhead where applicable with several 20 minute rest periods carried out, plant used for power such as electricity generators for site cabins and lighting will be placed away from boundaries with neighbours if practicable with additional acoustic blankets attached to fencing positioned around such plant.

### 6.3 Vibration

- 6.3.1 Prior to starting any works which would create excessive vibration, Site management will notify neighbours (adjacent Site residents and new Site residents) as to what we plan to do and for how long.



- 6.3.2 Generally, there shouldn't be any operations that create excessive vibration. However, In the event that a complaint is received, the Site Manager will be responsible for following the complaint through to resolution and initiating any necessary corrective action.
- 6.3.3 For phase 1, if any works creating vibration occur, each time these related works are carried out on site, a measurement and assessment of ground-borne vibration will be undertaken in accordance with the guidance contained in BS 7385 Evaluation and Measurement of Noise in Buildings, and BS 5528.2 Code of Practice for Noise and Vibration Control on Construction Sites and Open Sites. If after monitoring, there is evidence showing excessive vibrations, then mitigation methods listed in BS 5228 will be agreed with the LA Environment Health Officers for appropriate mitigation methods to address the levels of vibrations.
- 6.3.4 For phase 2, no operations that create excessive vibration will occur. Any operations that may cause vibration shall first be agreed with Network Rail and any vibration will be kept within Network Rails prescribed limits.

#### **6.4 Wheel Washing**

- 6.4.1 Wheel washing will be carried out to avoid excess soiling of adjacent highways to the full satisfaction of the Local Highway Authority, and Police.
- 6.4.2 Wheel washing will be carried out manually when vehicles are tracking materials off the site onto the road to ensure the highway does not get soiled. In the event of the highway becoming soiled mechanical sweeping of the roads will be undertaken.

#### **6.5 Visual Impact**

- 6.5.1 The site will be secured using a 2.0m high security fence which, along the boundary wall and will obscure the site from view. The site accommodation will be positioned to avoid privacy issues as much as possible.

#### **6.6 Lighting**

- 6.6.1 Certain areas of the site will need to be illuminated for Health and Safety and Security reasons, these areas will (wherever possible) be positioned so as not to affect any neighboring properties with the lighting positions to shine down and into the site.
- 6.6.2 Security lighting for the site required for night time illumination is to be positioned so as not to cause nuisance from glare to neighbours.
- 6.6.3 Wherever possible lighting should be minimal and directed away from the surrounding trees/hedgerows.

#### **6.7 Rubbish/Waste**

- 6.7.1 The housekeeping of the site shall be well maintained to prevent litter and dust from material blowing into neighbouring properties. Skips will be regularly emptied; burning of waste material on site will not be accepted. The site is too close to neighbours for this to be practical without causing nuisance.

#### **7.0 Ecology**

- 7.1 All site operative will be advised of the ecological significance of the site and be given copies of the Phase 1 Habitat Scoping Survey along with the Tree and Hedge Survey submitted as part of the original planning application and be made of aware of the environmental working methods require. Details of the potential for various species is given in the survey and although none were of concern, the recommendations in the

report will be observed. The Site Agent is to ensure that contact details of the appointed ecologist are readily available.

- 7.2 The Contractor and Site Agent will ensure cooperation and communication with the appointed ecologist and ensure the requirements of any watching brief, notification process and requirements of Natural England are adhered to.
- 7.3 The Contractor will ensure that the works are progressed in strict accordance with the requirements of appointed ecologist in respect to vigilance for bats, squirrels, badgers and birds. No tree or hedge works to be undertaken from March to August .
- 7.4 Adherence to the following awareness measures will ensure that the low risk of disturbance to individual amphibian, badger, brown hare, hedgehog and other individual animals will be reduced:
- Before clearance works commence any areas covered by dense vegetation should be disturbed by hand (or by the contractor walking over and disturbing the ground cover) to alert any animal.
  - Tree removal should retain the stumps and vegetation at ground level – these areas should be cleared with care - following a fingertip search at least three days after the main body of the hedge has been removed.
  - Equipment, tools or plant associated with the development should be secured, stored away for the overnight period.
  - Any open pipes at the end of each working day should be capped off (or stopped) to prevent access to hedgehog and other small mammals.
  - All open excavations left overnight should allow any animal a means of escape if they enter the excavation. This can be achieved by placing a wooden board or plank no less than 0.5m wide and at an angle of no more than 45° or have a similar soil slope in the excavation.
  - Open excavations should be checked daily before commencing works.
  - All construction materials are to be stacked safely to prevent accidental collapse.
  - To prevent the encouragement of pests and scavengers no food wastes are to be deposited on site.
  - Works should, where possible, reduce working around sunrise and sunset.
  - During works, any lighting on site should be minimal and directed away from the surrounding trees/hedgerows.
- 7.6 If any bats or birds nest etc are uncovered during the construction works, works should cease immediately and the appointed Ecologist notified.

## **8.0 Archaeology**

- 8.1 An Archaeological desktop assessment was undertaken and submitted as part of the original planning application. This shows that the site has been fields since at least 1842. No further archaeological surveys have been recommended as part of the planning process.
- 8.2 If any archaeological features are uncovered during the construction works, works should cease immediately and the appointed Archaeologist notified.



## Land Adjacent to Hall Moor Court

## Proposed Residential Development

*for*  
*Simtor Ltd.*

## Supporting Statement for Sustainability, Removal of Condition 20

*July 2019*



## 1.0 INTRODUCTION

- 1.1 This document has been prepared by Architects Plus on behalf of Simtor Ltd. to supplement the Planning Application for Removal/ Variation of a condition following the 'Grant of Planning Permission' reference 12/0880 dated 19<sup>th</sup> December 2016.
- 1.2 The proposed development is to construct 27nr new houses on the land adjacent to Hall Moor Court, Wetheral, with associated parking and garden spaces, and a shared access drive.
- 1.3 Removal of condition 20 is being sought as it relates to the Code for Sustainable Homes, which has been withdrawn as a requirement and many items incorporated into the Building Control Approved Documents. However, this document has been prepared to demonstrate that the proposal adheres to the principles laid out in the Code for Sustainable Homes and will still be a sustainable development.

## 2.0 ENERGY

- 2.1 The proposed development incorporates a fabric first approach to low energy design to minimise the energy consumption of the buildings and ensure they are affordable to run for the occupants. The buildings have been designed to maximise the thermal fabric with increase insulation levels and air tightness above minimum Building Regulations standards to reduce the energy consumption of the buildings.
- 2.2 In addition high efficiency boilers with enhanced controls with weather compensators and delayed start thermostat; and whole house ventilation systems with heat recovery will ensure high efficiency heating and ventilation.
- 2.3 Low energy light fittings will also be implemented to reduce the energy consumption. Although white goods are not to be supplied, new white goods increasingly have a minimum energy rating of A+ or above with greater energy efficiency being driven by consumer demand and legislation.
- 2.4 Each dwelling is supplied with a garden with sufficient space for an external drying area, in addition the majority of the house types have a utility room and/ or large kitchen, as well as an airing cupboard, limiting the need for a tumble dryer.
- 2.5 The intention is that the building fabric should perform as best as possible within the financial constraints of the scheme before more expensive renewable technology is considered.

## 3.0 WATER

- 3.1 Consideration has been given to water consumption by incorporating low flow rate taps, showers and reduced capacity cisterns.
- 3.2 Surface water will be disposed of by means of on-site retention and controlled discharge, at the current rates, to the existing surface water drainage system.
- 3.3 Permeable paving and large areas of garden, grass and planting will assist with retention of water and limiting the run off.
- 3.4 The site is located within flood zone 1 with very low annual probability of flooding.

## 4.0 MATERIALS

- 4.1 With the introduction of the Modern Slavery Act 2015 and increasing drive and legislation for environmental responsibility, manufacturers and suppliers are becoming more aware of their supply chains and the



environmental impact of their products. The contractor is required to ensure that all of their materials are from a responsible and legal source.

- 4.2 All timber is to be FSC certified from a legal and responsible source.
- 4.3 Where possible, materials are to be re-used. Topsoil is to be retained for use in gardens and arisings to be used on site where practicable.

## **5.0 WASTE**

- 5.1 Storage areas for non-recyclable household waste and recyclable household waste have been provided externally for each dwelling.
- 5.2 Each dwelling has a kitchen and/ or utility suitably sized for three separate bins with a total capacity of 30 litres for recyclable and non-recyclable waste within the dwellings.
- 5.3 The contractor will be required to provide a Construction Site Waste Management method statement, detailing how they will manage site waste, reduce waste materials and recycle waste where possible. Where waste cannot be recycled they will need to dispose of the waste in a responsible way

## **6.0 HEALTH AND WELL-BEING**

- 6.1 Each dwelling has natural daylight in every habitable room. Kitchens and living areas in particular have large, openable windows and/ or glazed patio doors to reach the required minimum daylight factors.
- 6.2 The buildings will be constructed in accordance robust details and Approved Document E of the building regulations, ensuring adequate sound insulation and preventing the passage of sound from one building to another. In accordance with the Building Regulations, sound testing will be undertaken for each of the dwelling types.
- 6.3 Each dwelling has a generous private garden which is secure and has good accessibility.
- 6.4 Each dwelling has been designed in accordance with Approved Document M, ensuring good access to the dwellings. This includes level approaches, ground floor W.C.'s, adequate door sizes and room sizes for accessibility.
- 6.5 Each dwelling has car parking spaces adjacent to the main entrance and many also have garages with a secondary entrance into the building. Footpaths are provided throughout the site, affording good access to the site boundary and main road and footpaths.
- 6.6 The site is ideally located with good access to the train station and bus services within walking distance. Local amenities including a shop, hotel, doctors surgery, restaurant and pub are also within walking distance and will help provide a sustainable community.

## **7.0 MANAGEMENT**

- 7.1 An Operation and Maintenance Manual, along with a Health and Safety File is to be provided for each dwelling upon Practical Completion, in accordance with the CDM 2015 regulations.
- 7.2 As part of the planning process, any concerns raised by the Architectural Liaison Officer or Crime Prevention Design Advisor will be addressed. The dwellings have all been designed to Secure by Design principles, with good overlooking of entrances and open footpaths, external lighting to be provided, all doors and windows to be PAS24, limiting climbing aids, dedicated parking areas and considered planting.

## 8.0 ECOLOGY

- 8.1 Measures which enhance the biodiversity of the site and local area are proposed. Native species hedging is to be planted; this being a mix which will include Hawthorn, Hazel, Holly, Blackthorn, Bird Cherry, Guelder Rose, Dog Rose and Honeysuckle. Evergreen hedging, tree, shrub and wildflower meadow planting is also to be carried out.
- 8.2 The existing trees of significance which are to be retained and the hedges which bound the site are protected by the siting of the built development which is proposed beyond the appropriate 'buffer' zone.
- 8.3 A phase 1 habitat and scoping survey, as well as a tree and hedge report were undertaken to assess the site and has been referred to throughout the design and the recommendations undertaken as part of the proposal, including the wild meadow creation and use of native species.



## Land Adjacent to Hall Moor Court Proposed Residential Development

*for*  
*Simtor Ltd.*

## Supporting Statement to Accompany Removal or Variation of a Condition Application (Rev A)

*July 2019*



## 1.0 INTRODUCTION

- 1.1 This document has been compiled to supplement an application for a removal or variation of a condition application relating to the planning application approval reference 12/0880 dated 19/12/2016.
- 1.2 **Project Description** – The proposed development is to construct 27nr new houses on the land adjacent to Hall Moor Court, Wetheral, with associated parking and garden spaces, and a shared access drive.

## 2.0 DESCRIPTION

- 2.1 **Proposed amendments** - The proposed amendments are as follows:

- **Condition 2:** *'The approved documents for this Planning Permission comprise:*
  1. *the Planning Application Form received 26th February 2015;*
  2. *the Site Location Plan received 18th February 2015 (Drawing no. 12031-01);*
  3. *the Block Plan received 13th April 2015 (Drawing no. 12031-12B);*
  4. *the Topographical Survey received 25th October 2012 (Drawing no. 1116/1);*
  5. *the Site Layout received 13th April 2015 (Drawing no. 12031-03K);*
  6. *the House Type A received 18th February 2015 (Drawing no. 12031-05A);*
  7. *the House Type B received 18th February 2015 (Drawing no. 12031-06A);*
  8. *the House Type C received 18th February 2015 (Drawing no. 12031-07A);*
  9. *the House Type D received 18th February 2015 (Drawing no. 12031-08A);*
  10. *the House Type E received 18th February 2015 (Drawing no. 12031-09);*
  11. *the House Type F received 18th February 2015 (Drawing no. 12031-10);*
  12. *the Site Sections A, B, C received 13th April 2015 (Drawing no. 12031-04C);*
  13. *the Landscape Concept Plan received 15th April 2015 (Drawing no. Figure A Rev 03);*
  14. *the Design and Access Statement received 22nd April 2015;*
  15. *the Planning Statement received 22nd April 2015;*
  16. *the Archaeological Desk-Based Assessment And Geophysical Survey received 25th October 2012;*
  17. *the Tree and Hedge Survey Report received 25th October 2012;*
  18. *the Phase 1 Habitat and Scoping Survey For European Protected Species received 25th October 2012;*
  19. *the Noise Assessment received 25th October 2012;*
  20. *the Land Contamination 25th October 2012;*
  21. *the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012*
  22. *the Notice of Decision;*
  23. *any such variation as may subsequently be approved in writing by the Local Planning Authority.'*

The request is to vary the wording to allow for the inclusion of the documents provided within this application. The suggested amendments are as follows:

The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 31<sup>st</sup> July 2019
2. the Site Location Plan received 18th February 2015 (Drawing no. 12031-01) approved under application 12/0880;
3. the Block Plan received 13th April 2015 (Drawing no. 12031-12B) approved under application 12/0880;
4. the Topographical Survey received 25th October 2012 (Drawing no. 1116/1 approved under application 12/0880);
5. the Site Layout received 13th April 2015 (Drawing no. 12031-03K) approved under application 12/0880;
6. the House Type A received 18th February 2015 (Drawing no. 12031-05A) approved under application 12/0880;



7. the House Type B received 18th February 2015 (Drawing no. 12031-06A) approved under application 12/0880;
8. the House Type C received 18th February 2015 (Drawing no. 12031-07A) approved under application 12/0880;
9. the House Type D received 18th February 2015 (Drawing no. 12031-08A) approved under application 12/0880;
10. the House Type E received 18th February 2015 (Drawing no. 12031-09) approved under application 12/0880;
11. the House Type F received 18th February 2015 (Drawing no. 12031-10) approved under application 12/0880;
12. the Site Sections A, B, C received 13th April 2015 (Drawing no. 12031-04C) approved under application 12/0880;
13. the Landscape Concept Plan received 15th April 2015 (Drawing no. Figure A Rev 03) approved under application 12/0880;
14. the Phasing Plan received 31<sup>st</sup> July 2019 (Drawing no 12031-14)
15. the Construction Phase Plan Phase 1a received 31<sup>st</sup> July 2019 (Drawing no. CDM01)
16. the Construction Phase Plan Phase 1b received 31<sup>st</sup> July 2019 (Drawing no. CDM02)
17. the Construction Phase Plan Phase 1c received 31<sup>st</sup> July 2019 (Drawing no. CDM03)
18. the Design and Access Statement received 22nd April 2015 approved under application 12/0880;;
19. the Planning Statement received 22nd April 2015 approved under application 12/0880;;
20. the Archaeological Desk-Based Assessment And Geophysical Survey received 25th October 2012 approved under application 12/0880;
21. the Tree and Hedge Survey Report received 25th October 2012 approved under application 12/0880;
22. the Phase 1 Habitat and Scoping Survey For European Protected Species received 25th October 2012 approved under application 12/0880;
23. the Noise Assessment received 25th October 2012 approved under application 12/0880;
24. the Land Contamination 25th October 2012 approved under application 12/0880;
25. the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012 approved under application 12/0880;
26. the Notice of Decision;
27. any such variation as may subsequently be approved in writing by the Local Planning Authority.'

- **Condition 3:** *'Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.'*

The request is to vary the wording of condition 3 from 'no development shall be commenced until samples or full details...' to 'prior to installation samples ... to be submitted to and approved' for details of materials.

- **Condition 4:** *'Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.'*

The request is to vary the wording of condition 4 from '... prior to commencement' to '... prior to their installation' for details of height and materials of screen walls and boundary fences.

- **Condition 6:** Omitted and resubmitted as a discharge of conditions application.

- **Condition 16:** *'No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the local planning authority.'*

The request is to vary the wording of condition 16 from 'No development shall take place until details of a landscaping scheme have been submitted to...' to 'Prior to occupation of any dwelling hereby approved details of a landscaping scheme...'

- **Condition 20:** *'All dwellings are required to be constructed to meet Level 3 of the Code for Sustainable Homes.'*
  - a. *Prior to the commencement of development, a design stage assessment and related certification shall be submitted to and approved in writing by the local planning authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant code level;*
  - b. *No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority;*
  - c. *Within 6 months of occupation of each dwelling, a Final Certificate certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the local planning authority in writing.'*

The request is to remove Condition 20. Please refer to 'Supporting Statement for Sustainability, Removal of Condition 20' for information on how the proposal adheres to the principles laid out in the Code for Sustainable Homes.

- **Condition 21:** *Omitted and resubmitted as a discharge of conditions application.*
- **Condition 23:** *No development hereby approved by this permission shall commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.*

The request is to vary the wording of condition 23 from 'No development hereby approved by this permission shall commence...' to 'Phase 2 of the development shall not commence until details...'

- **Condition 24:** *'Where excavations/piling/buildings are to be located within 10 metres of the railway boundary, no development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.'*

The request is to vary the wording of condition 24 from '... no development shall commence until...' to '...phase 2 of the development shall not commence until...'. Please refer to drawing 12031-14 Phasing Plan submitted as part of the application.

- **Condition 26:** *'No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.'*

The request is to vary the wording of condition 26 from 'No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved



in writing by the local planning authority...' to 'Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority for that phase of the development. The development....' or similar wording.

2.1.1 Please refer to Appendix 4.0 for accompanying drawings and supporting statement.

### 3.0 REASONS

- 3.1 **Condition 2:** To include the additional documents submitted as part of this application
- 3.2 **Condition 3:** The alteration of the wording is being sought so that a start on site, to conduct preliminary enabling works, can begin while further details are agreed and finalised.
- 3.3 **Condition 4:** The alteration of the wording is being sought so that a start on site, to conduct preliminary enabling works, can begin while further details are agreed and finalised
- 3.4 **Condition 6:** Omitted and resubmitted as a discharge of conditions application.
- 3.5 **Condition 16:** The alteration of the wording is being sought so that a start on site, to conduct preliminary enabling works, can begin while further details are agreed and finalised. [Site plan has been updated to ensure no hedges interfere with visibility splays. Refer to drawing 12031-03L.](#)
- 3.6 **Condition 20:** The request to remove Condition 20 is being sought as the Code for Sustainable Homes is no longer in use. However, a 'Supporting Statement for Sustainability, Removal of Condition 20' has been submitted with information on how the proposal adheres to the principles laid out in the Code for Sustainable Homes.
- 3.7 **Condition 21:** Omitted and resubmitted as a discharge of conditions application.



#### Proposed Phasing Plan

- 3.8 **Condition 23:** The alteration of the wording is being sought as the construction works will be undertaken in 2 phases. Phase 1 is located away from the railway boundary (greater than 20m distance) as indicated in the drawing below, and will have no impact upon the railway. In this way, phase 1 can start on site while

further details are agreed and finalised agreements sought with Network Rail. Please refer to drawing 12031-14 Phasing Plan for the phasing areas.

- 3.9 **Condition 24:** The alteration of the wording is being sought as the construction works will be undertaken in 2 phases. Phase 1 is located away from the railway boundary (greater than 20m distance) as indicated in the drawing above, and will have no impact upon the railway. In this way, phase 1 can start on site while further details are agreed and finalised agreements sought with Network Rail. Please refer to drawing 12031-14 Phasing Plan for the phasing areas.
- 3.10 **Condition 26:** The alteration of the wording is being sought as supporting document ST1.9 Construction Management Plan has been submitted with this application, detailing the Construction Management proposals for Phase 1 of the works. Phase 1 is located away from the railway boundary (greater than 20m distance) as indicated in the drawing above, and will have no impact upon the railway. In this way, phase 1 can start on site while further details are agreed and finalised agreements sought with Network Rail. Please refer to drawing 12031-14 Phasing Plan for the phasing areas. [A discharge of condition application has been submitted to discharge the condition for phase 1.](#)

## 4.0 APPENDIX

### 4.1 Accompanying Drawings

#### 4.1.1 12031-14 Phasing Plan

#### 4.1.2 12031-CDM01

#### 4.1.3 12031-CDM02

#### 4.1.4 12031-CDM03

#### 4.1.4 [12031-03L](#)

### 4.2 Accompanying Statements

#### 4.2.1 Supporting Statement for Sustainability, Removal of Condition 20

#### 4.2.2 ST1.9 Construction Management Plan