

SCHEDULE A: Applications with Recommendation

19/0851

Item No: 08

Date of Committee: 10/01/2020

Appn Ref No:
19/0851

Applicant:
Genesis Homes

Parish:
Burgh-by-Sands

Agent:
Mr Blue

Ward:
Dalston & Burgh

Location: Land Adjacent To King Edwards Fauld, Burgh By Sands, Carlisle, CA5 6AR

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved Application 18/1088 (Erection Of 24no. Dwellings And Associated Infrastructure) To Amend The Site Layout And Finished Floor Levels

Date of Receipt:
05/11/2019 14:00:41

Statutory Expiry Date
31/12/2019 14:00:41

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Proposed Amendments Would Be Acceptable

3. Application Details

The Site

- 3.1 The site covers an area of approximately 1 hectare and dwellings are currently under construction on the site, in line with planing permission 18/1088.
- 3.2 The site is located on the edge of Burgh-by-Sands, immediately adjacent to the residential development of King Edwards Fauld and directly to the west of dwellings on Amberfield. Burgh-by-Sands Primary School lies approximately 40m to the south-east of the application site.

- 3.3 The site is allocated for housing in the adopted Local Plan. The site lies within the Hadrian's Wall World Heritage Site Buffer Zone and lies adjacent to the Burgh-by-Sands Conservation Area.

Background

- 3.4 In June 2019, planning permission was granted for the erection of 24 dwellings and associated infrastructure (18/1088).

The Proposal

- 3.5 This proposal is seeking to amend the previously approved scheme. A single detached garage would be omitted from the rear of Plot 24, with the two parking spaces being retained.

- 3.6 The finished floor levels of a number of the dwellings would be changed as follows:

Plot 1 - increased from 19.85 to 20.15 (+0.3m)
Plot 6 - increased from 19.40 to 19.475 (+0.075m)
Plot 7 - increased from 19.00 to 19.40 (+0.4m)
Plot 8 - increased from 18.70 to 19.25 (+0.55m)
Plot 9 - increased from 18.55 to 18.75 (+0.2m)
Plots 10 and 11 - increased from 18.40 to 18.75 (+0.35m)
Plots 12 and 13 - increased from 17.40 to 18.60 (+1.20m)
Plot 14 - increased from 17.55 to 18.60 (+1.05m)
Plot 15 - increased from 17.55 to 18.30 (+0.75m)
Plot 16 - increased from 17.55 to 18.45 (+0.90m)

The finished floor levels of Plots 2 to 5 and 17 to 24 would remain unchanged.

- 3.7 The layout has also been amended to remove the garden paths around both sides of the properties (paths would be retained to one side).

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to thirty neighbouring properties. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (construction details of road; provision of visibility splays; Construction Phase Traffic Management Plan; surface water drainage scheme);

Burgh-by-Sands Parish Council: - has concerns regarding the drainage of

the site because of the raising of the floor levels of some dwellings. 1.2m is a considerable height and are concerned on the impact to neighbouring properties both to their drainage and the amenity of their properties.

The Parish council would like that more information be shared with the Parish Council and ask that United Utilities are fully consulted about the impact to the drainage of these houses and neighbouring properties.

United Utilities: - no comments received.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, HO1, HO4, HO10, HE1, HE7, IP3, IP4, IP6, CC5, GI3, GI4, GI6, CM2 and CM4 of the Carlisle District Local Plan 2015-2030 and the council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing" and "Affordable and Specialist Housing" are also material considerations.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposed Amendments Would Be Acceptable
- 6.4 The proposal is seeking to amend the finished floor levels of a number of the dwellings. The main reason for the change in the finished floor levels is as a result of a request by United Utilities to remove the foul pumping station that was previously proposed.
- 6.5 An application to discharge the surface water drainage conditions was approved in July 2019 and the drainage plan showed the higher finished floor levels now proposed. The original application, however, showed different finished floor levels (which were approved) and this application is seeking to vary these so they are consistent with finished floor levels shown in the discharge of conditions application.
- 6.6 Plots 14 to 16, which are single-storey properties, lie to the rear of existing dwellings on King Edwards Fauld and the finished floor levels of these dwellings would be increased as follows:
- Plot 14 - increased from 17.55 to 18.60 (+1.05m)
Plot 15 - increased from 17.55 to 18.30 (+0.75m)
Plot 16 - increased from 17.55 to 18.45 (+0.90m)
- 6.6 Plot 14 would lie directly to the rear of 1 King Edwards Fauld but this

dwelling would be single-storey and would be over 34m away. Plot 15 would lie to the rear of 2 King Edwards Fauld and would have a side elevation over 22m away from the rear elevation of this dwelling. Plot 16 would also lie in close proximity to 2 King Edwards Fauld but would be located beyond the main rear elevation. Plot 16 would also lie to the rear of 3 Kings Edwards Fauld but this dwelling does not have any windows facing the site. The other dwellings that would have significant increases in finished floor levels all lie to the rear of the site.

- 6.7 The removal of the single detached garage to the rear of Plot 24 and the removal of some of the footpaths around the properties would be acceptable.
- 6.8 In light of the above, the proposed amendments would be acceptable and would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. The proposed changes would not impact on the Burgh-by-Sands Conservation Area, or on the Hadrian's Wall World Heritage Site Buffer Zone. In all aspects, the proposal is compliant with the relevant policies in the adopted Local Plan.

7. Planning History

- 7.1 In June 2016, outline planning permission was approved for residential development on this site (15/0617).
- 7.2 In June 2019, planning permission as granted for the erection of 24 dwellings and associated infrastructure (18/1088).

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application forms received 7th December 2018 and 5th November 2019;
 2. the Site Location Plan (drawing ref P(100)001) received 7th December 2018;
 3. the Existing Site Plan (drawing ref P(000)002 Rev A) received 11th December 2018;
 4. the Proposed Site Plan (drawing ref P(100)001 Rev J) received 17th December 2019;
 5. the Proposed Site Sections & Elevations (drawing ref P(400)001) received 7th December 2018;
 6. the Esk Typical Elevations (drawing ref P(300)001 Rev A) received 7th December 2018;
 7. the Esk Typical Floors (drawing ref P(200)001) received 7th December 2018;
 8. the Dee Typical Elevations (drawing ref P(300)002 rev A) received 7th December 2018;

9. the Dee Typical Floor Plans (drawing ref P(200)002) received 7th December 2018;
10. the Eden Typical Elevations (drawing ref P(300)003 rev A) received 7th December 2018;
11. the Eden Typical Floor Plans (drawing ref P(200)003) received 7th December 2018;
12. the Gelt Typical Elevations (drawing ref P(300)004 rev A) received 7th December 2018;
13. the Gelt Typical Floor Plans (drawing ref P(200)004) received 7th December 2018;
14. the Whillan Typical Elevations (drawing ref P(300)006 rev B) received 7th March 2019;
15. the Whillan Typical Floor Plans (drawing ref P(200)006 rev A) received 7th March 2019;
16. the Caldew Typical Elevations (drawing ref P(300)010 rev A) received 7th December 2018;
17. the Caldew Typical Floor Plans (drawing ref P(200)010) received 7th December 2018;
18. the Petterill Typical Elevations (drawing ref P(300)012 rev A) received 7th December 2018;
19. the Petterill Typical Floor Plans (drawing ref P(200)012) received 7th December 2018;
20. the Lowther Typical Elevations (drawing ref P(300)018 rev C) received 11th March 2019;
21. the Lowther Typical Floor Plans (drawing ref P(200)018 rev A) received 11th March 2019;
22. the Derwent Typical Elevations (drawing ref P(300)019 rev A) received 7th December 2018;
23. the Derwent Typical Floor Plans (drawing ref P(200)019) received 7th December 2018;
24. the Ellen Typical Elevations (drawing ref P(300)022 rev A) received 7th December 2018;
25. the Ellen Typical Floor Plans (drawing ref P(200)022) received 7th December 2018;
26. the Garages Typical Floor Plans & Elevations (drawing ref P(2020)050 rev A) received 7th March 2019;
27. the Proposed Boundary Treatment Plan (drawing ref P(100)003 rev G) received 29th May 2019;
28. the Proposed Boundary Treatment Details (drawing ref P(500)001) received 7th December 2018;
29. the Drainage Strategy (drawing ref 01 Issue P9) received 17th December 2019;
30. the Planting Plan (drawing ref 01 rev A) received 7th December 2018;
31. the Plant Specification & Schedules (drawing ref 02) received 7th December 2018;
32. the Proposed Affordable Housing Plan (drawing ref P(100)002 rev F) received 29th May 2019;
33. the Proposed Materials Schedule received 7th December 2018;
34. the Update to Ecological Appraisal (Oct 2018) received 7th December 2018;
35. the Phase 2: Ground Investigation Report received 7th December

- 2018;
36. the Section 106 Draft Heads of Terms received 7th December 2018;
 37. the Traffic Survey from WYG received 7th December 2018;
 38. the Planning and Affordable Housing Statement received 7th December 2018;
 39. the Geo Environmental Engineering Report (GEO2018-3108) received 7th December 2018;
 40. the Design and Access Statement (November 2018) received 7th December 2018;
 41. the Flood Risk Assessment and Drainage Statement (1806-01) received 7th December 2018;
 42. the Archaeological Evaluation - Written Scheme of Investigation (October 2014) received 7th December 2018;
 43. the Notice of Decision; and
 44. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The materials shall be in strict accordance with the details discharged under application 19/0457.

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

3. The development shall be undertaken in strict accordance with the Planting Plan (Dwg No. 01 received, 7th December 2018, submitted under application 18/1088) and the Plant Specification and Schedule (Dwg No. 02 received 7th December 2018 submitted under application 18/1088). These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

4. Foul and surface water drainage shall be drained on separate systems.

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

5. The surface water drainage shall be completed, maintained and managed in strict accordance with the details discharged under application 19/0457.

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

6. A programme of archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within one year of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development.

7. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit in accordance with the details approved under application 19/0457. Any works so approved shall constructed before the development is complete.

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

8. Visibility splays providing clear visibility of 36 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

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

9. The development shall be undertaken in strict accordance with the Construction Phase Traffic Management approved under application 19/0457.

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

10. 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.

11. No clearance of vegetation shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

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

Reason: To prevent disturbance to nearby occupants.

13. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

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

14. During construction works, a protective fence shall be retained around the existing hedgerows in accordance with the details approved under application 19/0457. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fences shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy GI6 of the Carlisle District Local Plan 2015-2030.

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Area
775 m²
465 Acres
59.1 hectares

Density
Dwellings/Acre
Dwellings/Hectare
State Road Length
Per Mile² (km²)

Estimated Surface Road Length 15.5m (Linear Length)	Total Adoptable Highway 6.3m (Linear Length)
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Special Rented Housing*
2-9 10 & 11
Discounted Solo Housing**
2-9 12 & 13

WARD & SOFT LANDSCAPING KEY

- Proposed Hamlet Road
- Proposed Shared Surface Road
- Proposed Transition Mile
- Proposed Shared Driveway

Processed Pavable Driveway
Processed Paveway & Path
Processed Soft Landscaping

☐ The Gridlow®
☐ The Loo®
☐ The Derwent®
☐ The Loo®

The Patient™
The Wholen
Sent Garage & Pumping Station

100

Year	Age	Sex	Location	Notes
1998	80	M	2000 ft	Found in a cave, 2000 ft deep.
1999	80	M	2000 ft	Found in a cave, 2000 ft deep.
2000	80	M	2000 ft	Found in a cave, 2000 ft deep.
2001	80	M	2000 ft	Found in a cave, 2000 ft deep.
2002	80	M	2000 ft	Found in a cave, 2000 ft deep.
2003	80	M	2000 ft	Found in a cave, 2000 ft deep.
2004	80	M	2000 ft	Found in a cave, 2000 ft deep.
2005	80	M	2000 ft	Found in a cave, 2000 ft deep.
2006	80	M	2000 ft	Found in a cave, 2000 ft deep.
2007	80	M	2000 ft	Found in a cave, 2000 ft deep.
2008	80	M	2000 ft	Found in a cave, 2000 ft deep.
2009	80	M	2000 ft	Found in a cave, 2000 ft deep.
2010	80	M	2000 ft	Found in a cave, 2000 ft deep.
2011	80	M	2000 ft	Found in a cave, 2000 ft deep.
2012	80	M	2000 ft	Found in a cave, 2000 ft deep.
2013	80	M	2000 ft	Found in a cave, 2000 ft deep.
2014	80	M	2000 ft	Found in a cave, 2000 ft deep.
2015	80	M	2000 ft	Found in a cave, 2000 ft deep.
2016	80	M	2000 ft	Found in a cave, 2000 ft deep.
2017	80	M	2000 ft	Found in a cave, 2000 ft deep.
2018	80	M	2000 ft	Found in a cave, 2000 ft deep.
2019	80	M	2000 ft	Found in a cave, 2000 ft deep.
2020	80	M	2000 ft	Found in a cave, 2000 ft deep.

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BOWMAN RILEY
ARCHITECTS



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Land at Amberfield
Borough by Sarnes, Cattle

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**DETAILS SUBJECT TO CONFIRMATION OF
APPROVAL BY CUMBRIA COUNTY COUNCIL
AND UNITED UTILITIES**

row	variables	7d average values	1d (1d 1s)	1d (1d 1s)
70	mean σ_{max}	0.0000000	0.0000000	0.0000000
71	std σ_{max}	0.0000000	0.0000000	0.0000000
72	max σ_{max}	0.0000000	0.0000000	0.0000000
73	min σ_{max}	0.0000000	0.0000000	0.0000000
74	mean σ_{min}	0.0000000	0.0000000	0.0000000
75	std σ_{min}	0.0000000	0.0000000	0.0000000
76	max σ_{min}	0.0000000	0.0000000	0.0000000
77	min σ_{min}	0.0000000	0.0000000	0.0000000
78	mean σ_{avg}	0.0000000	0.0000000	0.0000000
79	std σ_{avg}	0.0000000	0.0000000	0.0000000
80	max σ_{avg}	0.0000000	0.0000000	0.0000000
81	min σ_{avg}	0.0000000	0.0000000	0.0000000
82	mean σ_{std}	0.0000000	0.0000000	0.0000000
83	std σ_{std}	0.0000000	0.0000000	0.0000000
84	max σ_{std}	0.0000000	0.0000000	0.0000000
85	min σ_{std}	0.0000000	0.0000000	0.0000000
86	mean σ_{min}	0.0000000	0.0000000	0.0000000
87	std σ_{min}	0.0000000	0.0000000	0.0000000
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Melissa M. Miller, TX published *Cancer Care* 10/1/98

Client: GENESIS HOMES

BURGH BY SANDS

Drainage Strategy

Scale	Scale	Scale
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Preliminary

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