



Appeal Decision

Site visit made on 14 March 2021

by E Symmons BSc (Hons) MSc MA Arbor A MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2021

Appeal Ref: APP/H0928/W/20/3260394

Land at White Ox Farm, Inglewood Road, Penrith CA11 8SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Thorburn (Riverside/Atkinson Building Contractors Ltd) against the decision of Eden District Council.
 - The application Ref 19/0908, dated 18 December 2019, was refused by notice dated 13 August 2020.
 - The development proposed is for erection of 100% affordable housing development comprising 76 residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 100% affordable housing development comprising 76 residential dwellings at Land at White Ox Farm, Inglewood Road, Penrith CA11 8SE in accordance with the terms of application reference 19/0908, dated 18 December 2019 subject to conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Richard Thorburn (Riverside/Atkinson Building Contractors Ltd) against Eden District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The reason for refusal regarding the lack of a contribution towards primary school education does not cite a policy. However, within the committee report and Council's statement of case Policy DEV4 of the Eden Local Plan 2014-2032 (Local Plan) is cited. This policy is relevant to the reason for refusal and requires provision of infrastructure contributions including those for education. I have considered this reason for refusal within the context of this policy.
4. Similarly, the reason for refusal regarding the density of the proposal does not cite a policy. When considering the context provided by the committee report, and the wording of Policy DEV5 of the Local Plan, I will consider the issues relating to density within the context of Policy DEV5.
5. The Council's Statement of Case refers to a recently consented scheme for a 100% affordable housing development on the appeal site. The statement incorrectly cites the number of consented dwellings as 76 whereas the decision notice shows it as 67. I have proceeded within this appeal on the basis that this is a repeated typographical error.

6. Since the Council determined the proposal, the revised National Planning Policy Framework was published on 20 July 2021. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework.

Background and main issues

7. The appeal site is situated to the north of Penrith with no formal landscape designation in place. It lies between White Ox Farm and a residential development at White Ox Way and slopes up from the A6 towards Inglewood Road. There is a further residential scheme being constructed to the west of the site on the opposite side of the A6. The appeal site is allocated within the Local Plan for 54 dwellings and in 2017 outline permission (16/1029) was granted for 51 dwellings.
8. The District Wide Housing Needs Study 2018 has established that there is a shortfall of 264 affordable dwellings per annum with Penrith an area of particular need. This is supported by live data from Cumbria Choice-based Lettings which reports 540 active applicants in affordable need who list Penrith as their first choice.
9. During determination of the planning application, the proposed number of dwellings was decreased from 81 to 76. Subsequently, in March 2021, planning permission ref 20/0616 was granted for a scheme comprising a 67 dwelling, 100% affordable housing development.
10. The main issues are whether the proposal would:
- represent an appropriate density for the site with respect to the character and appearance of the area and potential living conditions;
 - provide acceptable living conditions with respect to noise;
 - enable the use of sustainable modes of transport, and
 - be required to provide a financial contribution for education provision.

Reasons

Density

11. The proposed density would be around 34 dwellings per hectare. This density and layout must be considered within the context of Policy DEV5 which requires proposals to optimise the potential use of the site whilst respecting the street scene with an appropriate scale, mass, form and layout.
12. The Council raises concern regarding the quality of the layout; the effect the density would have on the quality of living conditions; its visual impact given the site's elevated position, and concern that any future development on remaining parts of the allocated site could exacerbate its visual impact.
13. The development would utilise around 50% of the area originally allocated within the Local Plan. The remainder of the site would, at this time, remain undeveloped. The parties agree that the site allocation density is indicative and does not represent a cap on numbers and site allocation of 54 houses, when 76 are proposed, does not in itself indicate that the scheme is overly dense.

14. When viewed from the A6, the dwellings would be set-back from the highway behind a large area of open space. This would ensure no overbearing effect of the development when viewed from lower land to the west. The building line on Inglewood Road would be a short row of eight dwellings forming a street frontage. This would also be set back behind a grass verge with areas of open space at either end of the row which would soften views towards the site when seen on approach along Inglewood Road. The trees, which would be retained to the north and south boundaries, would further soften the appearance of the development. To provide variety there would be a mix of three building material finishes: render, brick/render and brick and this would reflect the character of the small development at White Ox Way.
15. The Council's Housing Officer draws attention to the proposed density towards the east of the development. However, within this area there would be very few properties which would face one another, and for these, there would be alternative open views which would mitigate any perceptions of enclosure. Dwellings would be arranged in small groups and at various orientations with those on the west facing slope having views towards the fells.
16. Within the development, there would be several small areas of open space providing separation between the small blocks of housing and opportunities for informal play. These would be in various locations throughout the site and amount to 0.25ha. This would exceed the 0.16ha open space sought through Policy COM3 of the Local Plan. All dwellings would have access to a garden to provide private amenity space.
17. The recent consent for a 67 dwelling development on the site is a material consideration. When the footprint of this and the appeal scheme are compared, they are almost identical. Their visual impact would therefore, also be similar when seen from both the A6 and from Inglewood Road. Furthermore, should an application come forward for the remainder of the site, the combined visual impact could be assessed, and an application determined accordingly.
18. The principle of development on this site has been established and the associated alteration to the character and appearance of the area accepted. Furthermore, notwithstanding the increase in dwelling number, the density and layout contribute to the development's capacity to sit within the locality in a positive way and provide a good quality living environment.
19. The proposal would optimise the use of the site and there is no substantive evidence that the proposed density would harm the living conditions of future occupiers. Moreover, there is no evidence to suggest that the development would be overly dense or its design and layout inappropriate for the site or harmful to the character and appearance of the area. The proposal therefore does not conflict with Policy DEV5 of the Local Plan which requires development to respect local distinctiveness with respect to design and place-making.

Proposed living conditions with respect to noise

20. The A6 directly bounds the western edge of the appeal site. Beyond this, by around 850m, is the M6 motorway and a further 300m to the west is a railway line. Inglewood Road, which is a local distributor road, is directly to the east.

21. The Noise Impact Assessment¹ (NIA) cites the A6, Inglewood Road and, particularly at night when local passing traffic is reduced, the M6 as significant sources of noise which would affect the proposal. Passing trains on the railway line to the west contributed to recorded noise levels, with three notable events during the night-time recording.
22. The Environmental Health Officer (EHO) makes reference to outline permission ref 16/1029 and an associated acoustic report which identified an area of the site where development should be avoided due to noise. However, this was a desk-based exercise. The most recent NIA is based on actual measurements and a definitive layout which gives a greater degree of accuracy. Furthermore, the recently consented scheme for 67 dwellings is on a similar footprint and also has dwellings within these areas with noise attenuated through mitigation measures. I therefore give limited weight to this earlier report.
23. For internal space, Daytime $LA_{eq, 16hr}$ results suggest a low/negligible risk of adverse effect over most of the properties with those on the south western side having a low/medium risk. The night-time $LA_{eq, 8hr}$ indicates a low/medium risk of adverse effect across most of the proposed properties. As with daytime figures, dwellings to the south west of the site are closer to noise sources and would have a medium risk of adverse effect. For the most vulnerable properties, $LA_{max,F}$ events at both ground and first floor level would not be negligible. Properties facing Inglewood Road would also be affected, but to a lesser extent.
24. To mitigate the effect of noise within these more vulnerable properties, the design of the internal layouts has been altered to limit the number of habitable rooms facing noise sources. However, for some properties, mitigation would involve closed windows to reduce internal noise. The NIA sets out appropriate glazing and ventilation specifications to achieve this and these could be secured by way of a condition.
25. There are several standards which consider the effects of external noise levels and provide guidance with respect to garden noise. ProPG² guidance states an ideal noise level below 50-55dB. British Standard 8233³ states an acceptable upper guideline figure of 55dB, but a desirable level at 50dB. The World Health Organisation⁴ (WHO) states that serious annoyance could occur above 55dB and moderate annoyance at levels above 50dB.
26. The garden areas have been set to the rear of the properties to decrease noise. Although many would have outdoor noise levels less than 50dB, others would be in the range of 50-55dB with one property modelled with potential noise levels at 56dB. For this garden, an acoustic fence could be specified as mitigation and secured by way of a condition. Consequently, for the most affected gardens, noise levels would be acceptable, albeit they would be towards the upper end of recommended levels.
27. An updated noise survey, 24 July 2020, which examined the potential effect acoustic fencing between properties could have on external noise levels was

¹ Apex Acoustics, Land at White Ox Farm, Penrith. Noise impact assessment 8113.1, 24 March 2020. Rev. B.

² Association of Noise Consultants (ANC), Institute of Acoustics (IOA) and Chartered Institute of Environmental Health (CIEH), "ProPG: Planning & Noise - New Residential Development," May 2017.

³ BS 8233: 2014, Guidance on sound insulation and noise reduction for buildings.

⁴ Guidelines for Community Noise, Edited by Birgitta Berglund, Thomas Lindvall, Dietrich H Schwela, World Health Organisation, 1999.

- submitted to the Council prior to its determination of the application. The EHO did not have the opportunity to comment upon this report prior to determination of the application. This report includes modelling of noise associated with a predicted traffic flow increase over a 15 year period and the recently introduced reduced speed limit from 60mph to 30mph on the A6.
28. The report concludes that noise levels could increase by less than one decibel over the 15 year period with potentially less of an impact should electric vehicle use increase. Furthermore, the decrease in speed limit on the adjacent A6 is modelled as resulting in an overall 3dB reduction in noise affecting the site. The projected 15 year 1dB increase, and the proposal as a whole, must be considered within the context of this information.
29. Black Barn, which is adjacent to the north west corner of the site, is a commercial unit within use class B1. It sits at a lower level than the site being accessed from the A6. It is currently used for the fabrication of laboratory equipment and, although operating hours are currently 8am-6pm, these are not limited by way of a condition.
30. The NIA did not note any noise associated with this unit. However, there is concern that the appeal proposal could prejudice future development of the business with respect to increased opening hours. Black Barn is currently limited through a planning condition to use class B1 which includes light industry that is appropriate to a residential area. Even if opening hours were extended, no evidence has been provided to suggest that this would not be compatible with an adjacent residential use. Furthermore, the appeal site has already been allocated for housing. Consequently, the presence of Black Barn does not support refusal of this application.
31. Alterations to internal and external layout would reduce the number of dwellings, and rooms within these dwellings affected by noise. Furthermore, it has been demonstrated that for the affected properties, appropriate mitigation measures would allow acceptable living conditions with respect to noise. The proposal would therefore not conflict with Policy DEV5 of the Local Plan which seeks that proposals provide acceptable amenity for future occupiers.

Sustainable travel

32. Policy DEV3 of the Local Plan seeks that development does not result in a severe impact upon road safety and congestion and provides safe and convenient access for pedestrians, cyclists and disabled people. In this case there is concern that the proposal would not enable sustainable modes of transport, in particular cycle use.
33. A Transport Assessment⁵ and accompanying Travel Plan⁶ have been submitted. Although a specific cycle lane is not proposed, these documents demonstrate good walking and cycling links between the site and local and wider transport network. These include a regular bus and train service to further afield. To access these safely, two pedestrian links would be provided, one to the east side of the A6 and the other to the west side of Inglewood Road. Use of Crashmap data indicated that there were no incidents in the vicinity of the site or at the junction of the A6/Salkeld Road/Inglewood Road/Scotland Road to suggest that there is a particular risk to cyclists. Nonetheless, a Toucan

⁵ iTransport Planning. Transport Assessment. Proposed 81 Dwellings Residential Development. 15 March 2020.

⁶ iTransport Planning. Travel Plan. Proposed 81 Dwellings Residential Development. 15 March 2020.

crossing point, designed for use by both pedestrians and cyclists, would be included on the A6. This could be secured by the submitted Unilateral Undertaking (UU).

34. Other sustainable transport features would include electric car charging points and cycle storage/wall mounted cycle racks at properties. Furthermore, the Travel Plan requires employment of a five-year funded Travel Plan Coordinator post and implementation of a detailed Travel Plan. These measures could be secured through the submitted UU and would support delivery and increased uptake of sustainable travel options including cycling.
35. Notwithstanding the lack of dedicated cycleways, no substantive evidence has been provided to demonstrate that the proposal would fail to provide safe access for pedestrians, cyclists or disabled people as set out in Policy DEV3. This view is supported by the lack of an objection to the proposal by the Highway Authority. The proposals would enable and promote safe and sustainable modes of travel and not conflict with Policy DEV3 of the Local Plan.

Education contributions

36. Policy DEV4 supports provision of developer contributions to increase capacity of local infrastructure, in this case by Cumbria County Council (CCC) towards provision of a new primary school. The proposed level of contribution, at £200,004, is derived from CCC Planning Obligation Policy 2018. The obligation is based upon 12 additional primary school places for an 81 dwelling scheme. Revised figures for 76 dwellings have not been provided.
37. The recently approved 100% affordable, 67 dwelling development has agreed an education contribution of £60,000. However, this is based upon a different housing unit number and mix, and the viability data for this most recent scheme has not been submitted. Consequently, I am unable to make any direct comparisons and therefore, give this limited weight within my decision.
38. CCC suggested that a contribution could be achieved should an alternative business model be adopted which decreased the percentage of affordable housing. However, although this may be the case, the proposal before me is for a 100% affordable scheme and I have considered the requirement for a contribution within this context.
39. Clause 4 of Policy DEV4 states that should evidence show that a contribution would undermine the viability of the scheme, it may be waived. I do not dispute CCC's requirement for a contribution towards education provision. However, neither the Council nor CCC, has provided any substantive evidence suggesting that should this be required, the appeal scheme would be viable. Consequently, for the proposal and evidence before me, the requirement for a contribution could be waived.
40. The Council, in view of the recently consented 67 dwelling scheme and associated £60,000 education contribution, suggests that should this appeal be allowed, the requested education contribution should be reduced to £60,000. However, the Appellant has submitted viability evidence for the appeal scheme showing a considerable profit deficit. There is therefore no evidence that the proposal would be viable with a contribution, be that £60,000 or £200,004.
41. In the absence of substantive evidence to the contrary, I place significant weight on the provision of a 76 dwelling, 100% affordable housing scheme and

conclude that a financial contribution would not be required in accordance with provisions within Policy DEV4 of the Local Plan. The proposal would therefore not conflict with Policy DEV4.

Unilateral Undertaking

42. The Council has suggested that provision of a 100% affordable development could be secured through a condition requiring a Section 106 Agreement. However, Planning Guidance on the use of conditions⁷ states that such a condition should only be applied in exceptional circumstances where delivery of the development would otherwise be at serious risk. This has not been demonstrated in this case.
43. A UU pursuant to Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal process. This would provide a mechanism to ensure the tenure of the dwellings and errors initially identified have been corrected.
44. The submitted UU would also ensure delivery of a Toucan crossing point on the A6 and two footway links; one from the development's access on Inglewood Road to the existing footway and a second, along the A6 to the existing footway which runs between the A6 and White Ox Way. This would be an acceptable mechanism to achieve this.
45. I have taken into account the various obligations identified within the UU and the tests identified at paragraph 56 of the National Planning Policy Framework (Framework). Considering the information and evidence presented, I am content that the obligations are necessary, directly related to, and fairly and reasonably related in scale and kind to the development. The obligations therefore comply with the Framework tests and can be taken into account in the grant of planning permission.

Conditions

46. The conditions set out in the accompanying schedule are based on those provided by the Council. These conditions have been considered against the tests of the Framework and advice within Planning Practice Guidance on conditions. Those included in the schedule are found to be reasonable and necessary in the circumstances of this case.
47. For certainty, conditions have been included regarding time for implementation and approved plans.
48. Within the Council's suggested condition list it is stated that "the development hereby approved shall be undertaken in accordance with the application form dated 25 August 2020." The appeal before me relates to an application dated 18 December 2019. The date has been amended within my own condition.
49. Alongside relevant plans, there are a number of reports listed within the Council's suggested condition 2. As it is unclear which aspects of the documents would be relevant and in the interests of precision and clarity, I have replaced these with specific conditions referring to their requirements.
 - Air Quality Assessment, ref. 8113.2, Rev. A, dated 24 February 2020 and Addition to Air Quality Assessment, ref. 8113.M1A, dated 4 May 2020 refer

⁷ Paragraph: 010 Reference ID: 21a-010-20190723, Revision date: 23 07 2019.

to potential construction phase air quality impacts from fugitive dust emissions as a result of earthworks, construction and track-out activities. Mitigation for this can be achieved through the included condition requiring implementation of the submitted Construction Management Plan.

- The Archaeological Desk Based Assessment and Geophysical Survey dated December 2019, following discussions with the Cumbria County Council Historic Environment Service (CCCHES), has been completed. Following further discussions with CCCHES, features of significance were identified as warranting publication. The Radiocarbon Dating and Publication of Archaeological Fieldwork Project Design Report, dated December 2020 is the subsequent report which details this work. To ensure that the archaeological significance of the site is recorded, a condition refers to its implementation.
 - Following the Phase 2 Ground Investigation Report, ref. 19-883, dated 14 January 2020, conditions to ensure implementation of the Remediation Strategy dated 24 August 2020, and a watching brief to ensure that if contamination is found it is appropriately dealt with, have been included in the interests of the health and safety of site users.
 - The contents of the Hydrogeological and Hydrological Risk Assessment, ref. 19-883, dated 14 January 2020 are noted. I have included a condition requiring its implementation to prevent pollution of groundwater and contamination of public water supply.
 - The contents of the Transport Statement, ref. 854-TS, Rev. 4, dated 15 March 2020 and Travel Plan, ref. 854-TP, Rev. 2, dated 15 March 2020 are noted. Design of accesses, parking provision, carriageway, footway, footpaths and cycleways is considered within other conditions and the submitted UU. To encourage promotion and use of sustainable travel options, implementation of the Travel Plan recommendations is ensured through a condition.
 - The contents of the Extended Phase 1 Habitat Survey, ref. ENVr1097, Rev. B, dated May 2020 are noted. A condition to implement the recommendations has been included. This will ensure that the impact of construction works upon animals using the site is minimised and that lighting, both permanent and temporary, minimises disturbance to bats.
 - Updated versions of NIA, ref. 8113.1, Rev. A, dated 24 March 2020 and Addition to NIA, ref 8113.M 2 A, dated 24 July 2020 were submitted to the Council. The Council's suggested condition which refers to this report has been updated to reflect the most recent report. To ensure suitable living conditions both within dwellings and gardens, a condition has been included to detail and implement appropriate glazing, façade sound insulation, ventilation for affected properties and acoustic fencing.
50. An Arboricultural Method Statement (AMS) is shown in the Council's list of suggested conditions. This was prepared in response to a condition placed upon the subsequent permission ref 20/0616. The footprint of the appeal scheme is substantively the same as scheme ref 20/0616. However, mature trees are sensitive to disturbance and the AMS will need to be revised to ensure that protection for the retained trees is adequate. This document refers to mitigation for tree loss through tree planting as set out in the associated soft landscape plan dated 29 October 2020. As this will, along with the proposed

hard landscape plan dated 24 November 2020, refer to the subsequent rather than the appeal scheme, revised hard and soft landscape plans will be required. Conditions to reflect this have been included in the interests of protecting the visual amenity and ecological value of the area.

51. Condition 15 suggested by the Council refers to External Finishes Materials Schedule VI, dated February 2021. This plan relates to development ref 20/0616 with a somewhat varied house-type mix. Consequently, in the interests of certainty, and notwithstanding the details of finish shown on submitted plan titled House types ref.18990, a condition requiring details of materials has been added.
52. The condition relating to highway design, standard and time of completion is included for certainty and to ensure suitability of the highway for road users.
53. The Council's suggested condition 14 relates to the construction management plan and associated documents which were subsequently sent to me. I have included the Council's condition 14 as sent. Similarly, the Council's condition 16 has been included. These conditions will manage the risk of pollution and protect the groundwater supply and environment.
54. To promote sustainable drainage and ensure proper drainage and reduction of flood risk, a condition requires an updated foul and surface water drainage scheme with a maintenance plan and separate foul and surface water systems. The condition submitted by the Council initially referenced Flood Risk Assessment and drainage plans dated 21 July 2020. However, this was an error and the correct reference date of 20 August 2020 inserted.

Conclusion

55. The proposed density and layout would be appropriate for the site. Furthermore, although the proposed density would require dwellings to be placed within areas of the site more affected by noise, the effects of this could be mitigated to an acceptable level. Consequently, the proposal would not harm the living conditions of future occupiers.
56. Provision for sustainable modes of travel have been considered and could provide an alternative option to travel by private car including that by cycle.
57. The proposal would contribute to delivery of a local housing need and exceed the requirement set out in Policy HS1 of the Local Plan which seeks that proposals provide 30% affordable housing. With respect to the financial contribution toward education provision, the scheme has not been shown to be viable with this contribution and in accordance with Policy DEV4, the contribution could be waived.
58. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

E Symmons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the application form dated 18 December 2019 and the following plans hereby approved:
 - Block Plan.
 - Design and Access/Planning Statement received 14 April 2020.
 - Drainage Plan.
 - House types ref. 18990, Rev. A, received 28 May 2020.
 - N2 Master Plan received 14 April 2020.
 - Road Layout Plan received 14 April 2020.
 - Site Layout Plan, Rev. B received 28 May 2020.
 - Charging Point Plan, Ref. 18990, Received 28 May 2020.
 - Existing Topographical Survey, Ref. 1119, Dwg No. 1, Rev. A, dated 26 June 2019.
 - Location Plan received 19 December 2019.
 - Proposed Site Levels, ref. 1119, Dwg No. 05, Rev. F, dated 26 June 2019.
 - Percolation Test Results submitted 14 July 2020.
 - Percolation Test Locations submitted 14 July 2020.
 - Site Drainage Layout, ref. D1342/SK02, Rev. H, dated 21 July 2020.
 - Collected Surface Water Area Plan, ref. D1342/SK06, dated July 2020.
 - Soakaway Design Calcs Plots 35/36/Parkin, ref. SW 18A, dated 17 July 2020.
 - Crate Soakaway Plots 1/2 dated 16 July 2020.
 - Hydrogeological and Hydrological Risk Assessment, ref. 19-883, dated 14 January 2020
 - Construction Traffic Management Plan & Surface Water Management Plan, Rev. A, submitted 2 March 2021.
- 3)
 - a) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. means of enclosure and retaining structures;
 - ii. boundary treatments;
 - iii. vehicle parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials; and
 - vi. an implementation programme.
 - b) Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (including trees), noting species, plant supply sizes and proposed numbers/densities.
 - c) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed

scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods including arboricultural supervision (the arboricultural method statement) and in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 5) Prior to any above ground construction, details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) a) Prior to any above ground construction, a scheme to mitigate noise for plots identified within the Noise Impact Assessment, ref. 8113.1, Rev. A, dated 24 March 2020 and Addition to Noise Impact Assessment, ref 8113.M 2 A, dated 24 July 2020, as having a low-medium noise risk, has been submitted to, and agreed in writing by the local planning authority.

Details shall include glazing, façade sound insulation and ventilation specification for all properties in accordance with standards set out in Table 1 of the Noise Impact Assessment, ref. 8113.1, Rev. A, dated 24 March 2020. For affected gardens, a noise barrier as specified in Section 6 and Figure 1 of the Noise Impact Assessment, ref. 8113.1, Rev. A, dated 24 March 2020 shall be constructed and retained as agreed.

b) All works which form part of the scheme shall be completed before any part of the noise sensitive development is occupied and retained thereafter.

- 7) a) Prior to the construction of the estate roads; roads serving the development; footways; footpaths and cycle ways, their design, standard to which they will be constructed, drained and lit shall be submitted to and approved in writing by the local planning authority. These details shall be in accordance with standards laid down in the current Cumbria Design Guide.

b) No dwelling shall be occupied until the estate roads; roads serving the development; footways; footpaths and cycle ways to serve such dwellings, have been constructed in all respects, in accordance with the approved details to base-course level and street lighting, where it is to form part of the estate road, has been provided and brought into full operational use.

c) By full occupation of the development all estate roads; roads serving the development; footways; footpaths and cycle ways shall be fully constructed in accordance with the approved details.

- 8) a) Prior to the construction of the on-site drainage systems, an updated foul and surface water drainage scheme, including a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, no surface water shall discharge to the public sewerage system either directly or indirectly. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment and drainage plans dated 24 August 2020 proposing surface water discharging to the ground by means of infiltration.
- b) Once approved, and prior to first occupation, the development shall be completed, maintained and managed in accordance with the approved details.
- 9) a) Prior to the construction of the on-site drainage systems, a hydrogeological and hydrological risk assessment and mitigation strategy, demonstrating that the risks posed to groundwater from the development can be satisfactorily managed, shall be submitted to, and approved in writing by the local planning authority. The strategy shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply from the development.
- b) The development shall then be completed, maintained and managed in accordance with the approved details.
- 10) Foul and surface water shall be drained on separate systems.
- 11) The development shall be undertaken and adhered to for the duration of the development in accordance at all times with the approved Construction Management Plan Rev. D, submitted on the 2 March 2021.
- 12) The hereby approved development shall accord in full, at all times, with the following plans:
- Surface Water Management Plan, ref. 18990, Drawing Number 19, Rev. B, dated 2 March 2021;
 - Construction Compound and Haul Road Sequence Plan, ref. 18990, Drawing Number 18-01, Rev. A, dated 2 March 2021;
 - Surface Water Management Sequence Plan, ref. 18990, Drawing Number 19-01, dated 2 March 2021, and
 - Construction Management Plan/Construction Traffic Management Plan, ref. 18990, Drawing Number 18, Rev. B, dated 2 March 2021.
- 13) Construction works shall be carried out only between 0800 – 1800 hours Mondays – Fridays; 0900 – 1300 hours on Saturdays and there shall be no activity on Sundays and Public Holidays.
- 14) There shall be no vehicular access to or egress from the site other than via the approved access.
- 15) If during the works new areas of contamination are discovered which have not previously been identified, then the additional contamination shall be re-assessed and a report submitted to the local planning

authority describing the nature, extent and method of dealing with such contamination. Once approved, that report and its content shall be adhered to throughout the construction period of the scheme.

- 16) Prior to first occupation of the development, details of implementation of the Travel Plan dated 20 March 2020 shall be submitted to and approved in writing by the local planning authority. These details shall include the level of occupation of the development required before commencement of employment of the Travel Plan Coordinator; duration of employment for a period of no less than five years and annual targets against which progress will be measured.
- 17) The hereby approved development shall proceed at all times in full accordance with the Radiocarbon dating and publication of Archaeological Fieldwork Project Design Report, dated December 2020 and submitted 9 December 2020. This shall include provision to be made for publication and dissemination of the analysis and archive deposition of records of the site investigation.
- 18) The hereby approved development shall proceed in full accordance with the Remediation Strategy, dated 24 August 2020, submitted to the Local Planning Authority on the 1 December 2020. The report and its content shall be adhered to throughout the construction period of the scheme.
- 19) The development hereby approved shall be carried out in accordance with recommendations set out within section 4.4 of the Extended Phase 1 Habitat Survey, ref. ENVr1097, Rev. B, dated May 2020.

END OF SCHEDULE