

SCHEDULE A: Applications with Recommendation

18/0388

Item No: 10

Date of Committee: 23/11/2018

Appn Ref No:
18/0388

Applicant:
Mr Ian Murray

Parish:
Carlisle

Agent:

Ward:
Botcherby

Location: Land adjacent Geltsdale Avenue, Durranshill, Carlisle, CA1 2RL

Proposal: Proposed New Vehicle and Pedestrian Entrance

Date of Receipt:
30/04/2018

Statutory Expiry Date
25/06/2018

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Scale, Design And Impact On The Character And Appearance Of The Street Scene Is Acceptable
- 2.2 Highway Safety
- 2.3 Impact on Protected Trees
- 2.4 Heritage Assets
- 2.5 Residential Amenity
- 2.6 Whether The Method of Disposal Of Surface Water Is Appropriate
- 2.7 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 The application site comprises a 0.17 hectare parcel of land located between Geltsdale Avenue and Durranshill Road. The land comprises of a copse of trees and vegetation, some of the tree are subject to a Tree Preservation Order (TPO) 4.

- 3.2 The site is flanked by residential properties with those to the south-east on Alexandra Drive separated by Durranhill Road. A stone wall flanks this boundary with the footpath and County highway. Durranhill House to the north-east and Durranhill Lodge to the south-west are Grade II listed buildings.

The Proposal

- 3.3 This application is for full planning permission for the formation of a vehicular entrance on the south-east boundary leading onto Durranhill Road. The access would involve the reconstruction of the boundary wall to provide visibility splays of 2.4 metres by 60 metres and would involve a pair of access gates recessed 6 metres within the site from the carriageway edge.

4. Summary of Representations

- 4.1 This application has been advertised by means of two site notices and direct notification to the occupiers of 21 of the neighbouring properties together with a Ward Councillor. In response, six letters of objection have been received and the main issues raised are summarised as follows:
1. there is no clear mention of the association between this application and the applicant's previous and ongoing attempts to construct a dwelling on the site in question;
 2. it is rather worrying that the City Council is prepared to accept without question the suggestion, as made in the Design and Access Statement, that the only reason for this latest application is to provide an access to the site "so that vehicles can access the site to allow removal of rubbish and maintenance of the trees";
 3. the same "Tree Report for Proposed House Development at Geltsdale Avenue, Durranhill, Carlisle, September 2015" has now been submitted three times in respect of the three applications as can be seen by the City Council's valiant attempts to re-endorse the same document as having been received by them on 19 October 2015 (15/0967), 23 May 2016 (16/0454) and most recently on 30 April 2018(18/0388). It is worrying that the City Council is prepared to accept this latest Application Form, in which the applicant has replied to the question (Section 17) "Does your proposal include the gain or loss of residential units?", with the answer "NO";
 4. this application is now put forward, by both the applicant and the City Council, as merely an attempt by the owner of the land to maintain the land and trees upon it (what's left of them). The very same person who has applied both to build a house on the site and to clear away all trees, including protected ones, that get in the way?;
 5. if the access is required only for the maintenance of the land then this would involve minimal, occasional use. If however, the access is for a family dwelling, then access will be required constantly, not just by the occupants of the house but also by all of the associated service vehicles, delivery vans, visitors etc. It needs to be made clear to the public and to

- those making the decisions regarding planning consent, just exactly what the access will be used for;
6. there is no mention of these connections which is an underhand way of attempting to remove the obstacles to acquiring planning consent for the construction of a new house. The applicant and his various advisers have evidently concluded that the two issues which will raise opposition are the clearance of the trees and access to the site;
 7. some trees have already been felled and there are ongoing attempts to remove the rest. Presumably, once the matter of access has been resolved, permission to build the house will be given;
 8. the new pedestrian footpath/ crossing point/road narrowing (with Give & Take priority system) situated on Durranhill Road between the Alexandra Drive and Chapel Brow junctions was completed in October 2017. The footpath/ crossing point has now become surprisingly busy with pedestrians encouraged to use the narrowing as a crossing point and the priority system as constructed gives significant cause for concern in respect of public safety;
 9. many drivers travelling west from the Scotby end of Durranhill Road are reluctant to give way and consequently, there have been numerous near misses at the narrowing point with vehicles mounting the pavement to avoid a collision posing a danger to pedestrians;
 10. as well as the near misses, there have also been several minor collisions at the narrowing point;
 11. the fact that traffic calming was needed is an acceptance by the Highway Authority that the road is already an accident risk, building another access will only increase that risk substantially;
 12. it is only a matter of time, before a major head-on collision occurs at the narrowing, with consequent serious injury, or worse;
 13. this is made all the more likely by the lack a 20mph speed limit and a HGV ban on Durranhill Road;
 14. hence, the proposal to allow the construction of a vehicle access from the woodland onto Durranhill Road at a point immediately adjacent to the priority narrowing point can only be regarded as reckless in the extreme: drivers and pedestrians have enough to contend with at present, without the addition of a fourth, obstructed access within the new traffic control measures.
 15. Geltsdale Avenue is a one way street entering Scotby Road. It would possibly be a dangerous manoeuvre due to traffic calming point nearby plus it would require the removal of well established trees and wild life would suffer;
 16. the vehicular access is not necessary in order to maintain the woodland. The fact is driving any vehicle in there is likely to damage the root system and therefore the trees. Given the scale of the woodland any maintenance / removal of rubbish can be achieved by parking a vehicle adjacent to it.

4.2 Following revised plans and Road Safety Audit (RSA), five letters objection have been received and the main issues raised are summarised as follows:

1. the previous objections remain valid and there is nothing in this new proposal that changes anything fundamentally regarding the safety of this

- access;
2. this proposed access is inherently unsafe, especially now that the traffic calming measures have been put in place where the proposed access connects to the highway;
 3. there have been numerous minor accidents and nears misses since the traffic calming work was complete;
 4. the fact that traffic calming was needed is an acceptance by the Highway Authority that the road is already an accident risk, building another access will only increase that risk substantially;
 5. the proposed entrance could not be in a worse position. It is far too close to the new narrowed section of road with cars meeting and try to squeeze through the narrows;
 6. cars speed up the hill and there are a large number of HGV's and farm vehicles which makes it a busy road.
 7. for some reason vehicles use the road to access the industrial estate so it can be very busy. If a vehicle entrance is to be installed why has consideration not been give to undertaking this lower down the hill where there is a little more space, the proposed location is far too narrow and undoubtedly there will be a serious accident at some point;
 8. regarding the property to be constructed built against the boundary wall immediately in front of my property this will result in us being overlooked with resulting loss of privacy;
 9. the current "Give and Take" traffic scheme on Durrhill Road is of poor design (the narrowing is far too short and encourages westbound traffic to risk "jumping" the obstruction) and there are frequent near-misses, with opposing traffic often in conflict on the highway;
 10. many vehicles significantly exceed the speed limit which includes articulated HGVs;
 11. there have been a number of road traffic accidents at the narrowing which so far have only been minor collisions;
 12. on a number of occasions, neither vehicle has given way, passing each other at the narrowing point; in order to do this, they have each had to mount the pavement. This is actually at the location of the pedestrian crossing point - hence the existing "traffic calming" scheme is far from safe;
 13. to then consider allowing the addition of a new vehicle access directly beside this traffic safety measure and within a few metres of the existing Alexandra Drive junction can only be regarded as foolhardy in the extreme;
 14. as it stands, drivers appear to either misunderstand or ignore the priority scheme;
 15. the status of drivers turning right out of Alexandra Drive is unclear whilst crossing the carriageway, should westbound drivers coming over the brow of the hill Give Way to them or not? This overall confusion can only be increased by the addition of another entrance almost invisible within the confines of the traffic-calmed area;
 16. on the basis the application should be refused but if Carlisle City and Cumbria County Council approve this, they will be jointly responsible for making an already dangerous situation even worse, further compromising public safety. This entrance is both unsafe and unnecessary;
 17. planning permission has not been granted to erect a dwelling so access is

- not required for that;
18. this site was sold as an amenity site not a building plot;
 19. the woodland is very small so vehicular access is not necessary to maintain it. Any maintenance can be carried out by parking adjacent to the woodland;
 20. the construction of a driveway will likely cause damage of the root system of the trees. The trees add amenity value to this area and are a haven for bats and birds and provide a screen between Geltsdale Avenue and Durranhill Road.
 21. around 200 new houses are being built next to Barley Edge which will mean an increase in traffic on Durranhill Road so this buffer will become more important than ever;
 22. the location of this entrance on an already busy road, close to a traffic calming area and the entrance to Alexandra Drive just seems inherently unsafe.

5. Summary of Consultation Responses

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

Highway Authority

Background

The above application requires permission for a new access from land adjacent to Geltsdale Avenue to Durranhill Road. A previous application under reference 15/0967 which was submitted with an access from Geltsdale Avenue was withdrawn as it is understood that the applicant was unable to demonstrate the land required to gain a satisfactory access to Geltsdale Avenue was within the applicant's control or suitable permission to cross third party land could be achieved.

A subsequent application has been made for the erection of one dwelling under 16/0454 and it is understood that the status of this application is 'registered'. The application site is currently an area which contains several mature trees including trees with Tree Preservation Orders. As a minimum the applicant is proposing to create an access suitable to access the site to maintain the trees.

The Local Highway Authority originally responded on the access to Durranhill Road on 8th June 2016 with an initial objection due to lack of information (visibility splays etc) as part of application 16/0454. Further information was provided as requested which the Local Highway Authority considered acceptable subject to conditions, this response was made to the Local Planning Authority on 20th July 2016.

Persimmon Homes Development – Barley Edge

A planning application, 16/0362, was submitted by Persimmon Homes in relation to traffic calming in order to discharge condition 22 of application

10/0792. Condition 22 states –

No dwellings hereby approved shall be occupied until the following works have been constructed and brought into full operational use:

1. The creation of a new pedestrian footpath along the southern side of Durranhill Road, which shall link the application site with the existing pedestrian footway on Durranhill Road; and
2. The provision of a pedestrian island on Durranhill Road to the north of Pastures Walk.

Prior to development commencing construction drawings detailing the aforementioned works shall be submitted to and approved, in writing, by the Local Planning Authority.

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

Unfortunately, due to the constraints within the carriageway it was not possible to install the provision of a pedestrian island on Durranhill Road to the North of Pastures Walk and, therefore, Persimmon Homes applied under application 16/0362 to have a variation to condition 22 which included permission for the build-out on Durranhill Road close to Alexandra Drive. This was granted permission on 10th February 2017. The features (build-out etc) agreed in 16/0362 were installed soon after.

Following the installation of the build-out, a Stage 3 Road Safety Audit which recommended various actions including amendments to current signage, relaying of road markings through the build-out and installation of solid edge of carriageway markings through the build-out on both sides. These works are still to be completed by the developer.

However, it was recognised that these works were located close to the proposed access for application 16/0454 land adjacent to Geltsdale Avenue and a further response to application 16/0454 was issued to the Local Planning Authority raising concern at the proximity of the access to the new build out. The applicant has since provided further information and this is discussed later in the letter.

Other Developments Within The Area

The area around Durranhill Road has been subject to several developments in recent years including Barley Edge and most recently the Taylor Wimpey site. As part of the Planning Application for the Taylor Wimpey site (17/0669) further traffic calming measures were identified on Durranhill Road. These measures will be introduced following an appropriate S278 agreement with the Local Highway Authority. Although this development will increase traffic flow on Durranhill Road it is considered that these measures will further reduce speeds on Durranhill Road.

Assessment Of The Proposed Development 18/0388

The proposed access for this development is on to Durranhill Road close to the Durranhill Road / Alexandra Drive junction and the newly constructed build-out as detailed above. Durranhill Road is a well-used road which links several developments with Durranhill Industrial Estate, Scotby and Eastern Way. The applicant has provided various plans and a stage 1/2 road safety audit and it is considered that this information is sufficient to determine that an adequate access can be achieved. The relevant information provided includes the following –

- IM/NEW ENT/VS1 Rev A – this demonstrates that visibility splays of 60m can be achieved in each direction from the site. This complies with the Cumbria Development Design Guide for accesses within a 30mph speed zone. It is considered that a condition shall be applied to any permission granted to ensure that this is maintained throughout the use of the development.
- IM2/DURRANHILL/VP1 Rev A – This demonstrates that a sweep path analysis of refuse vehicles has sufficient room to enter and exit the site without overrunning the new build out.
- Road Safety Audit (RSA) Stage 1 / 2 – the applicant has provided a road safety audit which has assessed the proposed access in line with the terms of reference of the audit as described in HD 19/15 of the Design Manual for Roads and Bridges (DMRB). It is considered that the RSA is appropriate to the size of the development (access for maintenance);
- IM/DH/NEW ENTRANCE 2 Rev B - this plan has been produced following the completion of the RSA and demonstrates a wider access of 5.5m which will allow for two vehicles to pass one and other if they were to be within the access at the same time. This width corresponds with the details within the Cumbria Development Design Guide for highway widths and the ability to allow 2no vehicles to pass each other.

In order to determine the suitability of the access the Local Highway Authority has also considered accident records on Durranhill Road at the site. The accident details are based on those reported to the police. The accident data shows no cluster of accidents at the proposed entrance location. However, the Local Highway Authority is aware that following the introduction of the new build out there was misuse of the new traffic layout and complaints were received. These have now reduced and the Local Highway Authority consider that the introduction of the proposed traffic calming alongside the Taylor Wimpey site and the installation of the improvements to the existing build-out identified in the Stage 3 road safety audit will continue to reduce speeds on this section of Durranhill Road.

The Local Highway Authority recognises that the entrance is close to the new build-out and considers that the proposed installation of solid edge carriageway markings through the build-out on both sides shall be extended past the proposed access that should be subject to a condition.

Summary

To summarise the Local Highway Authority have considered the information provided by the applicant, the existing road network in the area and the

potential impact of further development particularly the Taylor Wimpey site and consider the size of the development will have a negligible impact on road safety at this location.

Therefore, the Local Highway Authority have no objections to the proposal but would recommend that the imposition of several conditions to any permission that the Local Planning Authority might be minded to grant.

Following the receipt of this response, an Addendum has been received which reads:

Unfortunately due to an oversight while preparing the response for the above application dated 27th September 2018 a condition referring to a Stage 3 Road Safety Audit was omitted. It is therefore recommended that consideration is given to the inclusion of the following condition in any permission the council is minded to grant:

"Following completion of the access a stage 3 road safety audit shall be submitted to the Local Planning Authority and any recommendations shall be implemented within 6 months of the completion of the access.

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

Northern Gas Networks: - no objection.

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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, IP3, CC5, CM5, HE3, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Documents "Achieving Well Designed Housing" and "Trees and Development" adopted by the City Council are also material planning considerations. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration.
- 6.3 The proposal raises the following planning issues.

1. Whether The Scale, Design And Impact On The Character And Appearance Of The Street Scene Is Acceptable

- 6.4 Adopted policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials

and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.

- 6.5 The entrance would be formed in the existing stone wall which flanks the south-eastern boundary. The wall itself is slightly elevated above the height of the adjacent foot path.
- 6.6 The proposal would involve some physical alterations to the boundary structure in the form of a new opening and visibility splays; however, the splays would be constructed in stone either from the existing wall or additional material that would match the existing.
- 6.7 Subject to the imposition of condition requiring the use of appropriate stone where new material is required, the proposal would not result in a discordant feature within the street scene and would not therefore be detrimental to the character and appearance of the area.

2. Highway Safety

- 6.8 Members will be aware from the planning history that there is a current application for the erection of a dwelling on the site. Reference is made in the letters of objection that approval of this application would be the 'thin end of the wedge' and would, by default, pave the way for approval of the dwelling. The issue of a dwelling on the site not only raises issues about the access but also about the impact on the protected trees, ecology and the amenity of neighbouring residents. Further discussions are ongoing with the applicant which is why this application is outstanding. Notwithstanding this, Members will be aware that it is unreasonable to refuse an application on the basis of supposition. It should be clear, therefore, that this application should be considered on the basis of the details as submitted which is for the formation of the vehicular access only.
- 6.9 The proposal would create an access onto Durranshill Road which is a classified road (C1010 Scotby Close to Montgomery Way). The gates would be recessed 6 metres from the carriageway edge and the reconstructed boundary wall would incorporate visibility splays of 2.4 metres by 60 metres. In addition, there would be no obstruction above 1.05 metres with the visibility splay.
- 6.10 A number of objections have been received from residents in respect of the potential impact on highway safety as a result of this development, particular in relation to the physical proximity to the brow of the hill to the north-east and the recently constructed traffic calming measure.
- 6.11 Cumbria County Council as the Highway Authority has previously raised objections to the application despite the inclusion of a Swept Path Analysis to demonstrate appropriate turning provision. The Highway Authority's consultation response based on the initial application documents read as

follows:

“The Highways Authority have previously raised no objections to the planning application 16/0454 at this site for 1 dwelling and its associated access. The first responses raised concerns which were addressed by the applicant and the LHA’s response on the 27th October 2016 recommended no objection to the development with conditions. Unfortunately, since the comments of 27th October 2016 an application to carry out alterations to the carriageway under application reference 16/0362 was approved. This granted permission for the narrowing of the carriageway close to the proposed entrance of the new development under application 16/0454.

Therefore, the LHA requested on 21 March 2017 that the applicant provides further information, namely sweep path analysis to demonstrate that delivery vehicles will be able to safely access and turn around within the site following the installation of the alterations to the carriageway proposed under 16/0362 (particularly dwg. C006 rev H). These were submitted and found to be acceptable by the Highways Authority and thus no objections were raised with regards to the proposals.

Following on from this, the current application 18/0388 has been submitted for a single access into woodland to manage the site. The applicant has submitted the visibility splays and swept path analysis which was submitted as part of 16/0454 and is therefore still acceptable to the Highways Authority. However since the initial no objections were issued by the Highways Authority, road safety concerns have become apparent at this location due to the complex nature of the road due to its close proximity to the traffic calming and being opposite a junction.

Also since the initial application the Cumbria Development Design Guide 2017 has been released by Cumbria County Council which clarifies the guidance in relation to new developments and their access requirements.

The Cumbria Development Design Guide states on page 25 that although a private access road or drive is not adoptable by the Highway Authority, how they connect to the highway is of extreme importance to ensure safety and maintain the efficiency of that highway. The type of arrangement used at the transition point between public highway and a private access road or drive is dependent on a number of influencing factors. These can include the existing geometry of the site, existing landscaping and the design character of the new dwelling.

- *Is the access obvious?*
- *Can it be recognised by approaching traffic and what are the clues that inform people of its presence?*

Considering these factors it is deemed that the proposed access will not be obvious for users of Durranhill Road due to its complexity and therefore the Highways Authority recommends this application for refusal due to highway safety concerns.”

- 6.12 Since these comments were provided, the applicant employed an independent highway consultant to undertake a Road Safety Audit (RSA). The RSA identified two issues, namely:

“Location: A – Durranhill Road / proposed new access.

Summary: Depth of access

It is understood that a private gated access is proposed off of Durranhill Road immediately northeast of Alexandra Drive for the general maintenance of the site and for vehicle and pedestrian access to a dwelling. The Audit team are concerned that the depth of the access at 6 metres could be too short to accommodate a large vehicle such as the refuse vehicle shown on drawing number IM2/Durranhill/VP1 Rev A if the gates are closed. This could allow such a vehicle to overhang onto the public highway where it could be a potential hazard to passing vehicles.

RECOMMENDATION

The proposed new gated access should be of sufficient depth to accommodate the largest vehicle required to enter the site if the gates are closed. Alternatively, the gate should be removed.

Location: B – Durranhill Road / proposed new access.

Summary: Width of access

It is understood that a private gated access is proposed off of Durranhill Road immediately northeast of Alexandra Drive for the general maintenance of the site and for vehicle and pedestrian access to a dwelling. The Audit team are concerned that the width of the access at 4.8 metres could be insufficient to allow two vehicles to pass one another. This could lead to side swipe type conflicts, injury to vehicle occupants and injudicious reversing back onto the highway.

RECOMMENDATION

The proposed new gated access should be suitably increased in width to allow two vehicles to pass one another.”

- 6.13 Following an assessment of the information provided including the Road Safety Audit it is considered that the access can meet the requirements of those within the Cumbria Development Design Guide (CDDG). For example within a 30mph speed limit zone a visibility splay of 60m is required (Chapter B of the CDDG) and the applicant has provided appropriate information to demonstrate that this can be achieved. It should also be noted that page 25 of the guide requires that pedestrian visibility splays of 2m are required which are adequately provided for by off-setting the wall indicated in the enlarged entrance layout provided on the submitted drawings. The plans show the gates recessed six metres from the carriageway edge with the width of the access road increased to 5.5 metres.

- 6.14 Within the objections received, reference is made to the speed of vehicles travelling along Durranhill Road, despite the imposition of the traffic calming measures. Members may recall the planning application on the opposite side of Durranhill Road submitted by Taylor Wimpey for the erection of 198 dwellings. This development has commenced and as part of this permission, the developer is required to install a further traffic calming measure further along Durranhill Road towards Scotby which comprises of a build out of the pavement with priority through the narrowed section of the highway given to vehicles travelling from Scotby. This is shown on the drawing reproduced following this report. The requirement to complete these works is subject to condition 37 of the planning permission (reference 17/0669) which reads:

"Prior to the occupation of the 50th dwelling, the traffic calming measures shown on the Proposed Traffic Calming Scheme on Durranhill Road (Drawing ref C001 Rev A) received 23rd October 2017 shall be completed and shall be retained for use thereafter."

- 6.15 In light of the fact that the development has commenced and the requirement to adhere to this condition, it is considered that significant weight can be attached to this. The presence of this additional traffic calming measure has previously been accepted by the Highway Authority and would further reduce traffic speeds along Durranhill Road and should address some of the situations which residents state are occurring at present.
- 6.16 Cumbria County Council, as the Highway Authority raise no objection to the application subject to the imposition of conditions and accordingly it is not considered that this proposal raises any issues with regard to highway safety.
- 6.17 Members will note in the Consultation Notes (Section 5 of this report) that the Highway Authority has provided an Addendum to their revised consultation response requesting the consideration is given to the imposition of a condition requiring the applicant to submit a Stage 3 Road Safety Audit. Ordinarily, a Stage 3 report should be undertaken when the Highway Improvement Scheme is substantially complete and preferably before the works are open to road users. The scheme would be examined during daylight and during the hours of darkness, so hazards particular to night operation can also be identified and representatives from the police, local authority and maintaining agent would be invited to accompany the Audit Team to offer their views for the Stage 3 Audit. Works within the highway require agreement under section 278 (S278) of the Highways Act 1980. A S278 agreement is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council to make alterations or improvements to a public highway, as part of a planning application. It is an offence to carry out any works within the public highway without permission of the Highway Authority. It is considered that if a Stage 3 audit is required, this should be submitted as part of the S278 process rather than the planning application. The imposition of such a condition as part of the planning permission would not meet the relevant tests for a condition, in particular it would not be necessary. The Stage 1/2 audit has identified that the principle of the access is acceptable. Any further ongoing highway improvements (which may or may not be

identified by a Stage 3 audit) should be considered under highway legislation rather than after the completion of the development approved by the planning permission.

3. Impact on Protected Trees

- 6.18 There are number of established and mature trees within the site and along the frontage and within the site, some of which are protected by a Tree Preservation Order (TPO). These trees are a significant feature within the area and are seen from over a wide area above the roofs of surrounding properties. They provide a significant degree of amenity and are a visually attractive feature of the character of the area and contribute to the ecological value of the site.
- 6.19 There is the potential that the development would have an impact on the trees within the site and Policy IP2 of the local plan together with the Supplementary Planning Document (SPD) "Trees and Development" requires that *"development should provide for the protection and integration of existing trees and hedges."*
- 6.20 The site has been subject to two applications for the removal of trees on the site. The application was submitted and the council sought independent advice from an arboricultural consultant who confirmed that the in respect of application 17/0026/TPO, there was a small cavity at the base which is known to be infected by a fungus known as giant polypore. The fungus begins by affecting the structural roots and as it progresses, it affects the remaining roots and the crown starts to decline. The second tree had a large column of decay with an open cavity. It is stated that *"the existence of an open cavity of this size will have a negative effect on the structural integrity of the tree, rendering it likely to fail."*
- 6.21 With regard to the second application, 17/0030/TPO, one tree was beginning to retrench and one had basal swelling, which in terms of the latter, can result in a significant loss of structural stability and the consultant described the decay as possibly extensive. Both applications were granted but require replacement trees to be replanted.
- 6.22 In conjunction with the same consultant, as a result of these applications and local interest from the Ward Council, together with good management practice, the council has undertaken a review of the TPO and this is being progressed. Indeed, the PPG in Paragraph: 051 Reference ID: 36-051-20140306 Revision Date 06/03/2014 states:

"Reassessing Orders helps to ensure that protection is still merited and Orders contain appropriate classifications. So authorities are advised to keep their Orders under review. For example, authorities should consider reviewing Orders protecting trees and woodlands affected by development or other change in land use since the Order was made. In addition, authorities may wish to set up a programme to review Orders that include the area classification."

- 6.23 The objections make reference to the fact that the development will necessitate the loss of further trees, particularly mature trees along the frontage. The existing trees are of good quality and have high amenity value and make a positive contribution to the character of the locality. Their stature and location make them a focal point in the locality. There appears no reason why the trees should not have a substantial life span ahead of them and they are worthy of the protection offered by the TPO which is reflected in the review; however, the access could be provided without the loss of additional tree and none are proposed as part of this application. Therefore, should the applicant wish to remove additional projected trees, he would have to submit an appropriate application.
- 6.24 A condition is imposed within the suggested conditions which requires the submission and agreement of tree protection barriers together with construction methods in the vicinity of the trees.

4. Heritage Assets

- 6.25 Paragraph 7 of the NPPF states that:

"The purpose of the planning system is to contribute to the achievement of sustainable development".

- 6.26 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II Listed Building

- 6.27 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.28 Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.29 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal

will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.30 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- 6.31 Durranhill House is Grade II listed and listed adjacent to the north-east boundary whilst Durranhill Lodge is located further to the south-west of the application site and is also Grade II listed.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.32 There are two listed buildings in the vicinity of the site as already outlined earlier in this report.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.33 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.34 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.35 The proposal involves the formation of a vehicular access. This development would not be viewed in the context of either listed building given the topography, scale of the development and intervening trees. In this context, it is considered that the proposal would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

5. Residential Amenity

- 6.36 There are residential properties adjacent to the site with the nearest properties being on Alexandra Drive; however, these properties are off-set from the proposed access and have blank gables facing the site, save for 2 Alexandra Drive which has on obscurely glazed first floor window.
- 6.37 The principle of the development together with the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance.

6. Whether The Method of Disposal Of Surface Water Is Appropriate

- 6.38 In order to protect against pollution, Policy CC5 of the local plan seeks to ensure that development proposals have adequate provision for the disposal of surface water. The application documents, submitted as part of the application, shows that surface water run-off would be captured from the access and drained by means of a soakaway.
- 6.39 The principle of these means of disposal is acceptable; however, no details of the soakaway have been submitted. A condition is imposed requiring further details of the location and construction together with a route for the services connecting it to the access to be agreed prior to the commencement of development.

7. Impact Of The Proposal On Biodiversity

- 6.40 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that planning authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.41 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. The National Planning Policy Framework (NPPF) states that *"the planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible..."*
- 6.42 The scale of the intrusion of the access onto the land is minimal and as previously stated, would not involve the loss of any trees; however, it would be appropriate to impose a condition prohibiting the formation of any additional areas of hard standing, over and above that shown on the submitted plans, to ensure that there is no additional encroachment which may be affect the biodiversity on the land.
- 6.43 An Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

Conclusion

- 6.44 In overall terms, the principle of the development is acceptable in this location. Additionally, the scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of

the area.

- 6.45 The submitted plans take account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions.
- 6.46 The means of surface water drainage can be suitably addressed through the imposition of a planning condition.
- 6.47 In all aspects, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 7.1 In 2007, permission was granted for works to protected trees T1 and T3 and to fell T2.
- 7.2 An application for planning permission for the erection of a dwelling was submitted in 2015 but was withdrawn by the applicant.
- 7.3 A revised application for planning permission was submitted in 2016 for the erection of a dwelling which remains current.
- 7.4 In 2016, an application was submitted to removal of TPO trees 6, 7, 8, 12, 13, 14, 15, 16, 17 and 18 plus additional non TPO trees to accommodate the development of a dwelling but was withdrawn by the applicant.
- 7.5 An application to remove T12 and T24 Beech trees subject to TPO No. 4 was approved in 2017.
- 7.6 Later in 2017, an application was approved for the removal of trees T18 (Sycamore) & T45 (Horse Chestnut) subject to TPO No.4

8. Recommendation: Grant Permission

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the Planning Application Form received 25th April 2018;
 - 2. the Location Plan received 25th April 2018 (Drawing no. IM/DRRANHILL/SLP);
 - 3. the Site Block Plan received 25th April 2018 (Drawing no.

- IM/NEW/ENT/SBP Rev A);
4. the New Vehicle Entrance received 30th August 2018 (Drawing no. IM2/DH/ENTRANCE1 Rev B);
 5. the Visibility Splays received 25th April 2018 (Drawing no. IM/NEW ENT VS1 Rev A);
 6. the Vehicle Paths received 25th April 2018 (Drawing no. IM2/DURRANHILL/VP1 Rev A);
 7. the Tree report for Propsoed House Development received 12th June 2018;
 8. the Combined Stage 1/2 Road Safety Audit received 30th August 2018;
 9. the Notice of Decision;
 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. No development hereby approved by this permission shall commence until details of the specification and location of root protection barriers have been submitted in writing to and approved by the local planning authority. The root protection barriers as agreed shall be erected prior to commencement of any works on site and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area. In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in writing of the Local Planning Authority and where such approval is given, the roots shall be cut back to a smooth surface.

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

4. No development hereby approved shall commence until a detailed Method Statement of the 'no dig' construction method for the access, driveway and hardstanding within the root protection area is 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 protect the trees on the site in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority. Such details shall include measures to prevent surface water discharging onto the highway together with the route of any infrastructure connections the drainage strip to the surface water drainage scheme..

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

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

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

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

7. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Highway Authority.

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

8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 6 metres inside the site, as measured from the carriageway edge. There shall be no vehicular access or egress from the site other than via the approved access.

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

9. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

10. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 and LD8.

11. Solid edge carriageway markings through the build-out on both sides which is extended past the proposed access shall be installed at the same time as the vehicle access. Details of the proposed markings shall be agreed in writing with Local Planning Authority prior to the installation.

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

12. All new external stonework relating to the reconstructed boundary wall shall be carried out in natural stone which shall, in type, and in the manner in which it is laid, match that of the existing wall.

Reason: To ensure the works harmonise as closely as possible with the existing wall in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

Streetwise



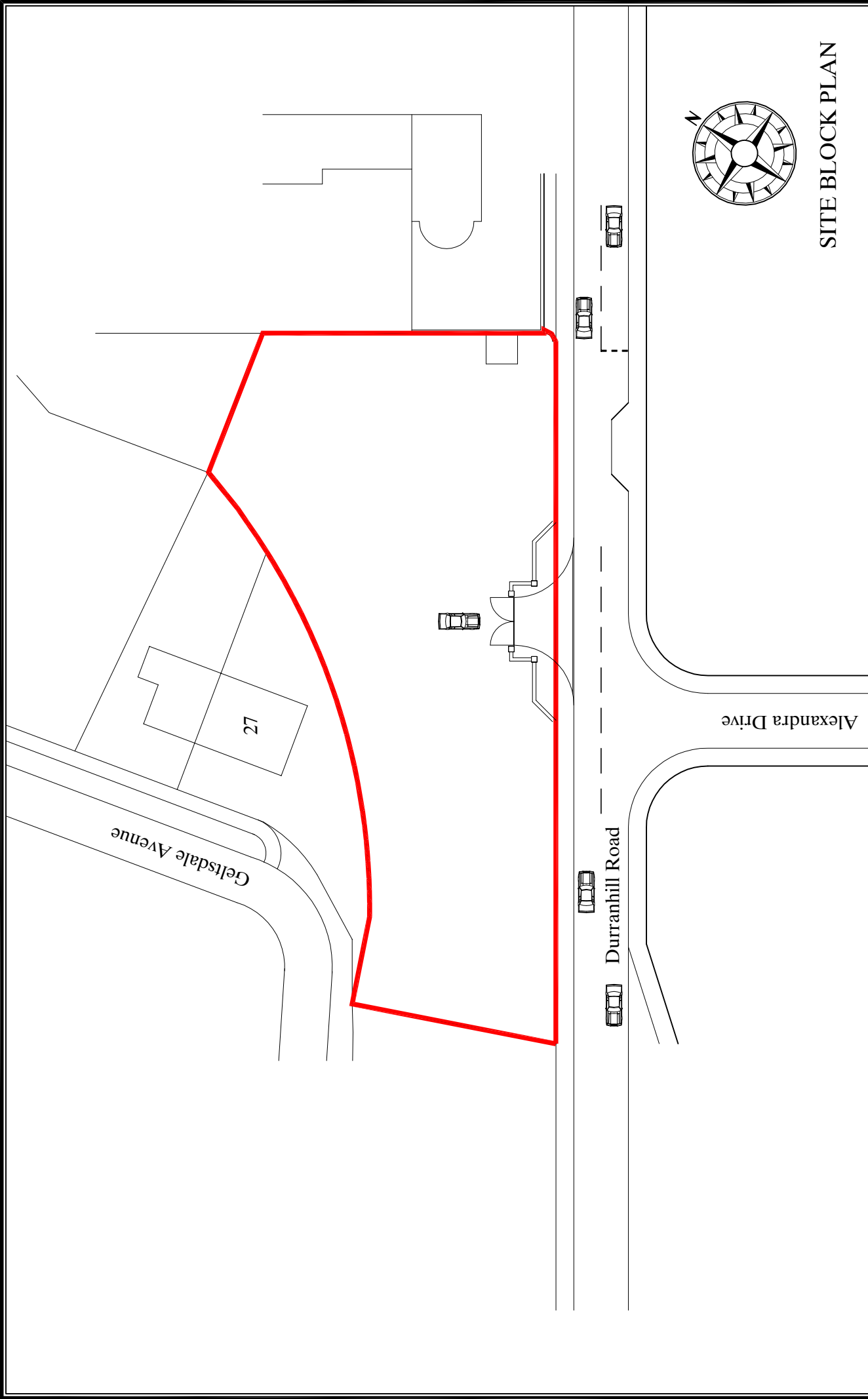
SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 342748 , 555206



Supplied by Streetwise Maps Ltd
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11:40:28 01/10/2015

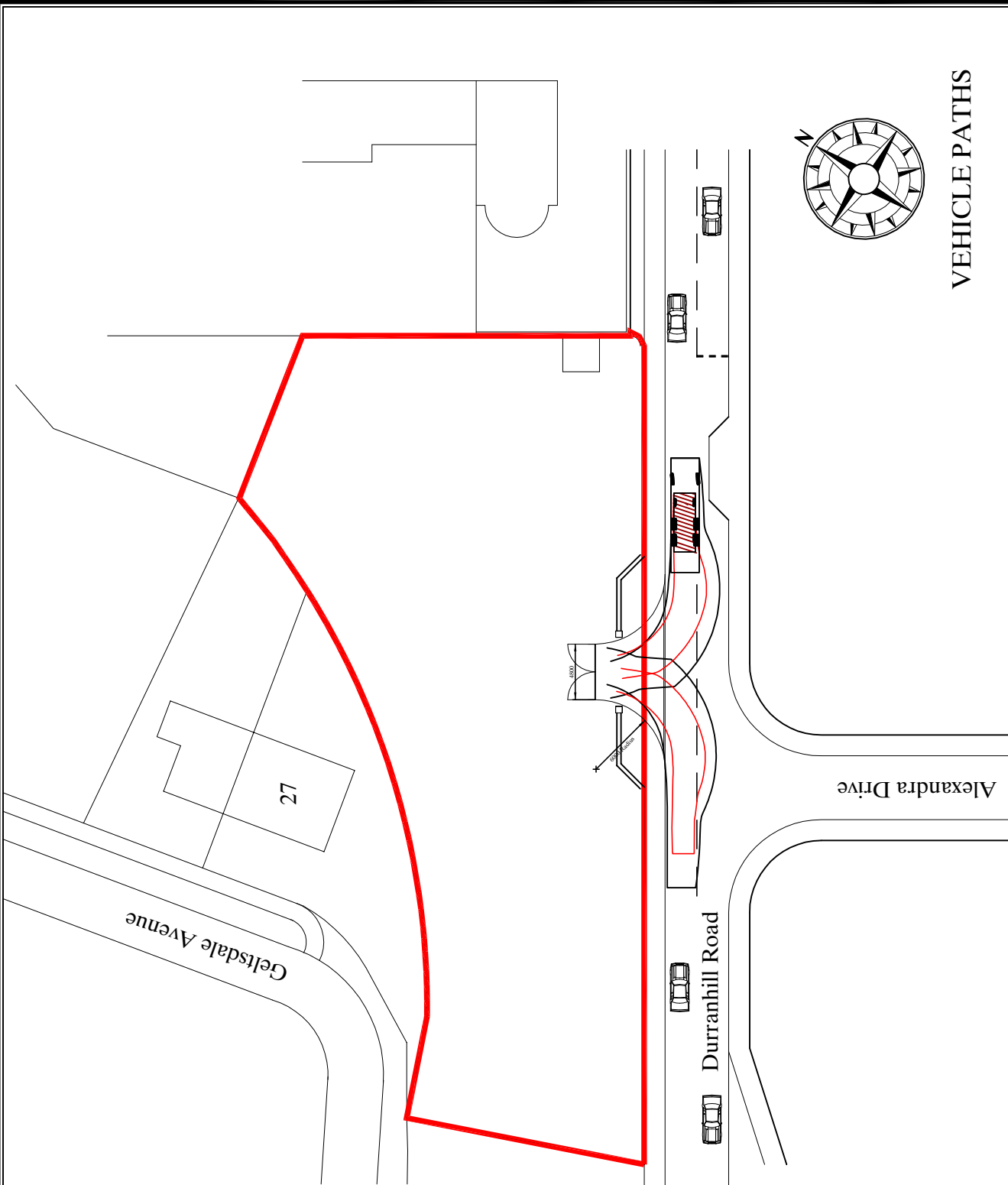
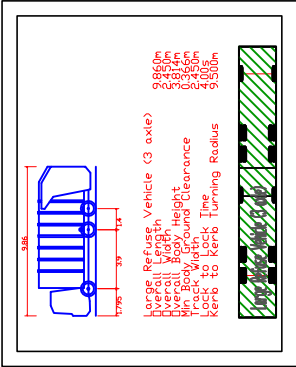
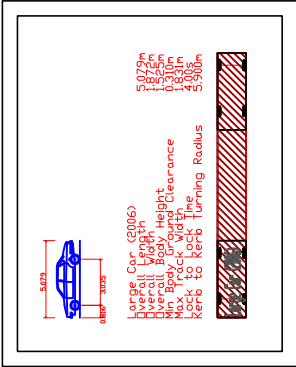


LAND ADJACENT TO
GELTSDALE AVENUE
IN/DURRANHILL/SLP



SITE BLOCK PLAN

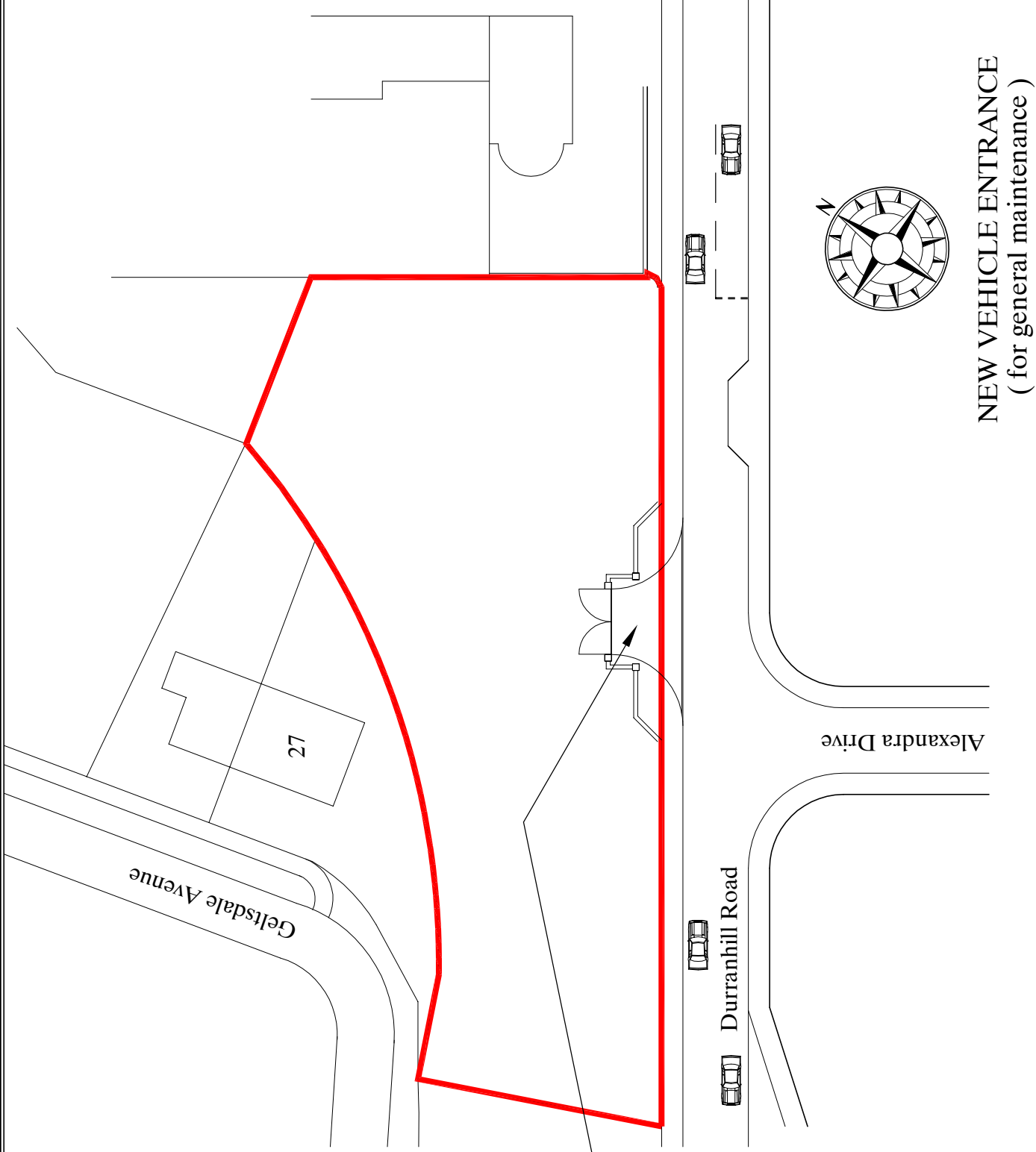
Proposed New Vehicle Entrance to Land Adjacent to Geltsdale Avenue, Durranhill, Carlisle for Mr I. Murray		Drawn By	G.Tyler
		Scale	1:500
		Date	16th March 2018
		Drawing No	IM / NEW ENT / SBP
		Rev A	



VEHICLE PATHS

Rev.	Date	Description	Proposed New Vehicle & Pedestrian Entrance to Land Adjacent to Geltsdale Avenue, Durranshill, Carlisle for Mr I. Murray			
A	12/04/18	Original Issue	Drawn By	G.Tyler		
			Scale	1:500		
			Date	12th April 2018		
			Drawing No	IM2 / DURRANHILL / VP1	Rev A	

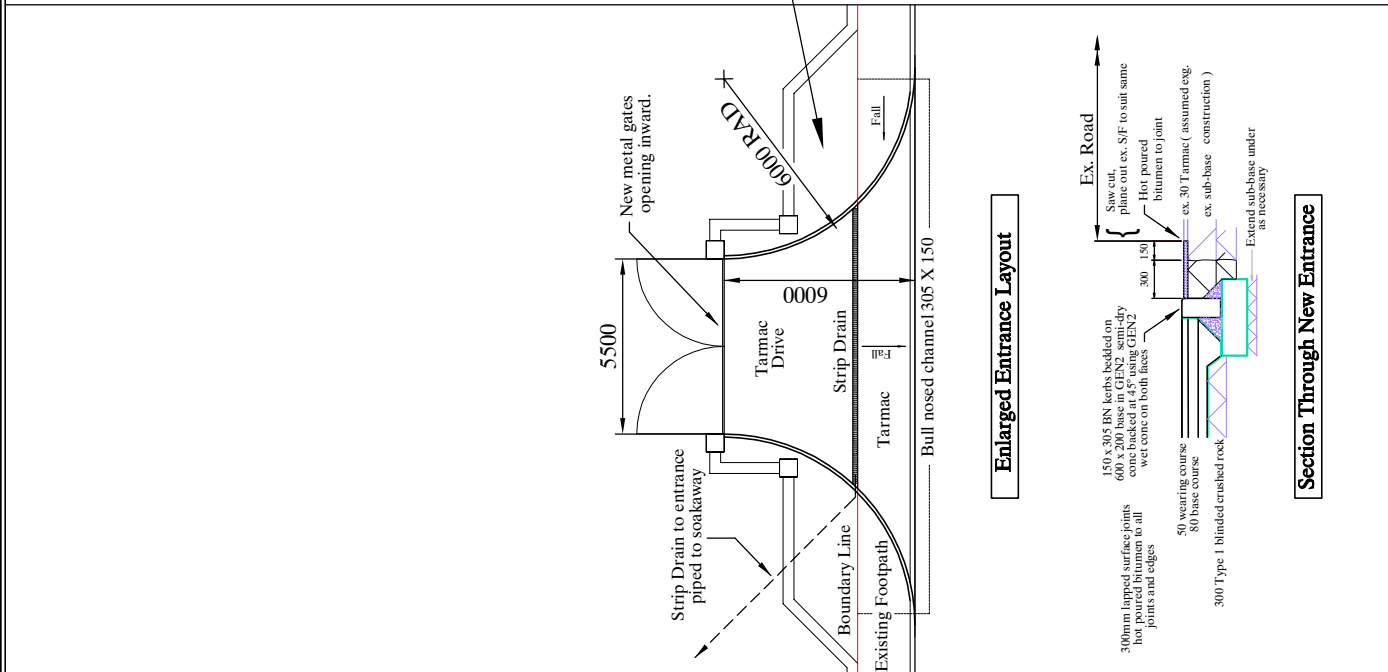
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NEW VEHICLE ENTRANCE (for general maintenance)

Drawn By	G.Tyler
Scale	1:500
Date	5th March 2018
Drawing No	IM / DH / NEW ENTRANCE 1 Rev B

Proposed New Vehicle Entrance
to Land Adjacent to Geltsdale Avenue, Durranshill, Carlisle for Mr I. Murray



B	16/08/18	Amended to suit Road Safety Audit recommendations
A	05/03/18	Original Issue
Rev.	Date	Description

1. THIS DRAWING DEPICTS AN ILLUSTRATIVE DESIGN, THE FINAL DETAILED DESIGN WILL BE SUBJECT TO THE APPROVAL OF THE HIGHWAY AUTHORITY AS PART OF THE HIGHWAYS ACT SECTION 278 PROCESS DETAILS NOT SHOWN ON THIS DRAWING THAT IT IS ASSUMED WILL BE DEVELOPED AS PART THE FUTURE SECTION 278 INCLUDE:

- VERTICAL ALIGNMENT
- DRAINAGE AND DUCTING;
- MEASURES TO PROTECT STATUTORY UTILITY APPARATUS
- LIGHTING AND ELECTRICAL WORKS;
- EXENTS OF SURFACING WORKS;
- DROP KERBS AND TACTILE PAVING
- MATERIALS INCLUDING LANDSCAPING;
- EARTHWORKS;
- HIGHWAY BOUNDARY TREATMENTS.

2. JUNCTIONS SUBJECT TO DETAILED OPERATIONAL MODELLING

REV	DESCRIPTION	BY	CHK	APP	DATE
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TAYLOR WIMPEY



Project:

Drawing Title:
PROPOSED TRAFFIC CALMING SCHEME
ON DURRANHILL ROAD

Scale @ A1 AS SHOWN	Drawn IW	Date 26.06.17	Checked GW	Date 26.06.17	Approved GW	Date 26.06.17	Revision -
Project No. A102722	Office 91	Type 18	Drawing No. C001				

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INSET A

SCALE 1:250

INSET A

SCALE 1:250

INSET B

Urban Neighbourhood for Bulbout Hatch 1000
Width - Edge lines 100mm (Single edge)
Diagonal lines: 150mm

Sign to TSSGD dia. 615 with supplementary plate to TSSGD dia. 615.1

Build out with tactile paving & bollards to improve conspicuity

Give Way Markings (Diagonal lines)
Width = 0.2m

4 x 2 Hazard Diag. 1000 (Diagonal line)
Width = 0.1m

DURHAMMILL ROAD

Grass

SCALE 1:250

INSET B

Urban Neighbourhood for Bulbout Hatch 1000
Width - Edge lines 100mm (Single edge)
Diagonal lines: 150mm

Sign to TSSGD dia. 615 with supplementary plate to TSSGD dia. 615.1

Build out with tactile paving & bollards to improve conspicuity

Give Way Markings (Diagonal lines)
Width = 0.2m

4 x 2 Hazard Diag. 1000 (Diagonal line)
Width = 0.1m

DURHAMMILL ROAD

Grass

SCALE 1:250

SEE INSET B

PARKING LOT 10

PARKING LOT 11

SCALE 1:500

[illegible]