

## SCHEDULE A: Applications with Recommendation

16/0989

Item No: 06

Date of Committee: 21/04/2017

**Appn Ref No:**  
16/0989

**Applicant:**  
L & N D Developments Ltd

**Parish:**  
St Cuthberts Without

**Agent:**  
Taylor & Hardy Limited

**Ward:**  
Dalston

**Location:** Holly House Nurseries, Durdar Road, Carlisle, CA2 4TR

**Proposal:** Proposed Improvements To The Existing Vehicular Access

**Date of Receipt:**  
17/11/2016

**Statutory Expiry Date**  
12/01/2017

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

### ADDENDUM REPORT

This application was deferred by Members at the Development Control Committee on the 17th March 2017 in order to allow Members the opportunity to undertake a site visit and to await a further report on the application at a future meeting of the Committee. There is nothing further to add to the original report which is reproduced below.

### COMMITTEE REPORT FOR 17th MARCH 2017 MEETING

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether the alterations to the access are acceptable

#### 3. Application Details

##### The Site

- 3.1 Holly House Nurseries is located on the eastern side of the Durdar Road south east of Carlisle Racecourse, south of the area which is used for

racecourse parking.

- 3.2 The site the subject of this application includes the existing access road to the nurseries which is also utilised by 401 and 403 Durdar Road. The site also includes part of the garden land for 401 Durdar Road.

## **Background**

- 3.3 The existing access from the Durdar Road has been established for a number of years as the access to Holly House Nurseries (formerly Leslies Nurseries) where established trading has been operating with no restriction on the number of vehicles accessing the site.
- 3.4 Application 15/1159 was granted for Outline residential development on this site and the reserved matters application 16/0831 proposes a scheme of 9 residential units. In addition to this site this access road would also provide for access to the neighbouring site where Outline permission has been granted for 3 detached bungalows (application 16/0135).

## **The Proposal**

- 3.5 This application seeks Full planning permission to undertake improvements to the existing access. The new access would form a 5.5 metre roadway with a 1.8 metre footpath on the northern side. The widening would require the partial removal of an existing garage and relocation of timber/concrete plinth fencing. Additional planting would take place close to the new entrance, out with the visibility splays.

## **4. Summary of Representations**

- 4.1 Consultation on this application was undertaken by site notice along with notification to 4 neighbouring properties. In response no letters of representation have been received.

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

Cumbria County Council - (Highways & Lead Local Flood Authority): - No objection but recommend that conditions contained in applications 16/0135 and 16/0831 be retained.

St Cuthberts Without Parish Council: - Objects. This application may address highway concerns but does not address other concerns in relation to application 16/0381

Northern Gas Networks: - No objection but advisory note in relation to their apparatus in the locality.

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

### **Assessment**

- 6.1 The relevant planning policy against which the application is required to be

assessed is Policy SP6 of the Carlisle District Local Plan 2015-2030. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations. The main issue to consider is whether the alterations to the access are acceptable.

- 6.2 This application seeks to make improvements to the existing access to Holly House Nurseries. This is a Full planning application and is a stand-alone application from the residential proposals which may utilise this access. The assessment of the application should therefore be taken based on the existing situation (i.e. access for Holly House Nurseries) and Outline permissions 15/1159 and 16/0135 would utilise this access if constructed. In addition, this Development Control Committee also has Reserved Matters application 16/0831 which would also be able to utilise this improved access road.
- 6.3 For any proposed residential or commercial development planning policies ensure that adequate measures are in place to accord with the Local Transport Plan and highway safety requirements. For the existing operation at Holly House Nurseries there is no requirement to make alterations to the access. In that context the application seeks to widen the access and can only be a positive improvement on the existing situation which provides safer access and egress for vehicles at its junction with Durdar Road.
- 6.4 In highway terms the County Council as Highway Authority has been consulted on the application and has no objection subject to the reinstatement of conditions that had been referred to in the recent applications for residential development which could utilise this access. These conditions relate to visibility splays, kerb radii and surface construction.
- 6.5 The application is therefore acceptable in highway terms subject to those conditions as part of any approval.
- 6.6 In consideration of the details of the proposed design the improvements would be to the northern side of the access and only minor changes at the southern side of the access. The proposed layout indicates retention of the existing hedgerow alongside the access road. The existing southern boundary continues as a brick/stone wall. It would therefore be appropriate to ensure that measures are put in place to protect the existing hedgerow whilst development is being undertaken.
- 6.7 On the northern side of the development the layout indicates that an existing garage would require reduction in footprint by the removal of the gable end and reconstruction on the new boundary, reducing the overall size and footprint of the garage. In addition an existing wooden fence with concrete plinth would have to be relocated and would be reinstated along the northern edge of the footpath. Both these measures would be acceptable as indicated on the proposed layout. The footpath and roadway would be able to be accommodated in front of an existing low stone boundary wall to the front of 403 Durdar Road. Dropped kerbs would be provided at existing entrance points. These details are considered acceptable.

- 6.8 At the widened entrance there is proposed a new realignment of the kerb radii behind which is proposed new landscaping. No details of the landscaping have been provided. It would therefore be appropriate to condition the requirement to provide further details by way of a landscaping scheme. It should be noted however that only the landscaping to the south side of the proposed access is within the application red line boundary as the northern side falls within the garden area of 401 Durdar Road.

## **Conclusion**

- 6.9 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF, highway requirements and the objectives of the relevant Local Plan policies. The application is therefore recommended for approval.

## **7. Planning History**

- 7.1 Outline application 15/1159 for the Erection Of 2no Dwellings was granted 09/03/2016
- 7.2 Application 16/0831 for the Erection Of 9no Dwellings (Reserved Matters) is subject of a separate report to this committee

## **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 approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Site Location Plan (Dwg RD/LN/ENT ROAD SLP Rev A received 15 Nov 2016);
3. the Layout of Existing Access Road (Dwg RD/LN/ENT ROAD1 Rev A received 15 Nov 2016);
4. the Layout of Proposed Access Road (Dwg RD/LN/ENT ROAD2 Rev A received 15 Nov 2016);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 120metres to both sides ,measured down the

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

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

4. The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 5 metres into the site from the existing highway shall be constructed in accordance with details approved by the Local Planning Authority.

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

5. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

6. Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be at a scale of 1:200 and shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iii) All proposed boundary treatments with supporting elevations and construction details;
- iv) All proposed hard landscaping elements and paving, including layout, materials and colours;
- v) The proposed arrangements and specifications for initial establishment maintenance and long term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason:** To ensure the integration of the development into the existing area in accordance with Policy SP 6 – Securing Good Design of the Carlisle District Local Plan 2015 - 2030.

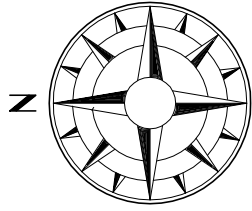
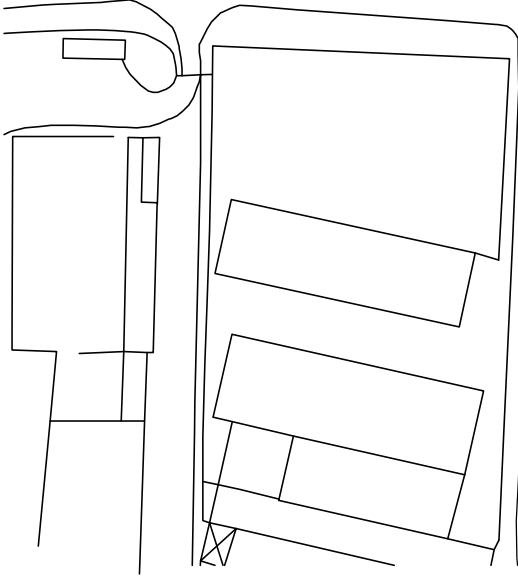
7. No works or development shall take place until a scheme of hedge protection has been submitted to and agreed in writing by the local planning authority. The hedge protection shall be implemented in accordance with the agreed scheme, prior to commencement of any works or development on site, and maintained to the satisfaction of the local planning authority for the duration of the development.

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

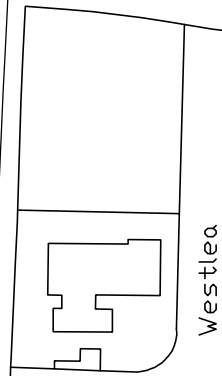
8. Within the protection fencing approved by Condition 7:
1. No equipment, machinery or structure shall be attached to or supported by the hedge protection barrier.
  2. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
  3. No alterations or variations to the approved hedge protection scheme shall be made without prior written consent of the local planning authority.
  4. No materials or vehicles shall be stored or parked within the fenced off area.
  5. No alterations to the natural/existing ground level shall occur.
  6. No excavations will be carried out within the fenced off area.
  7. The hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

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

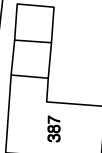
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SITE LOCATION PLAN  
Scale 1:1250



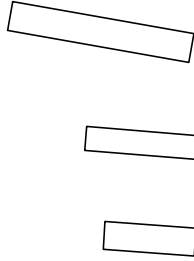
Westlea



BM  
63.79m



Nurseries



401



403



Holly House

Track



6959

6952

DURDAR ROAD

Rev.	Date	Description
A	14 / 11 / 16	

Proposed Improvements to Entrance Road to  
Leslies Nurseries, Durdar, Carlisle, Cumbria CA2 4TR.

Drawn By	G.Tyler
Scale	1:1250
Date	14th November 2016
Drawing No	RD / LN / ENT ROAD SLP Rev A



Layout of Existing Access Road

Proposed Improvements to Entrance Road to Leslies Nurseries, Durdar, Carlisle, Cumbria CA2 4TR.				Drawn By	G.Tyler
				Scale	1:500
				Date	20th September 2016
				Drawing No	RD / LN / ENT ROAD1
					Rev A



