

SCHEDULE A: Applications with Recommendation

17/0907

Item No: 07

Date of Committee: 05/01/2018

Appn Ref No:
17/0907

Applicant:
Story Homes

Parish:
Wetheral

Agent:

Ward:
Wetheral

Location: Land west of Steele's Bank, Wetheral, Carlisle

Proposal: Variation Of Condition 22 (Visibility Splay Requirements) Of Outline Planning Permission 15/0886 To Permit The Visibility Splays To Be Amended From 2.4 metres by 60 metres To 2.4 metres by 45 metres

Date of Receipt:
20/10/2017 11:03:04

Statutory Expiry Date
15/12/2017 11:03:04

26 Week Determination
15/03/2018

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended the application is approved subject to completion of a deed of variation to a Section 106 agreement. If the deed of variation is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The deed of variation to the Section 106 agreement to consist of the following obligations:

a) reference to this application.

2. Main Issues

- 2.1 Principle of development
2.2 Whether the variation of condition 22 attached to outline planning approval 15/0886 is acceptable
2.3 Relevance of remaining conditions attached to outline planning approval 15/0886

3. Application Details

The Site

- 3.1 This application relates to 1.6 hectares of grazing land located on the western side of the B6263. The site has housing along its northern and eastern boundaries; agricultural fields to the south and west; Ashgate Cemetery is located adjacent to the north-western corner of the application site. The Wheatsheaf Public House is located 120 metres to the north and Wetheral Village Community Hall is located 50 metres to the south. The boundary of Wetheral Conservation Area lies approximately 100 metres to the north east of the proposed access to the application site
- 3.2 The site is approximately 64 metres AOD in the north-eastern corner and slopes down to 58.58 metres AOD in the south-western corner. Mature trees, located within the adjacent cemetery overhang, the north-western corner of the application site with sporadic hedging along sections of the northern, eastern and southern boundaries. A power line crosses the north-western corner of the site. The site falls within Flood Zone 1 i.e. a less than 1 in 1,000 annual probability of river or sea flooding. Approximately 230 metres to the west of the site there is a field drain which flows in a northerly direction towards the Pow Maughan.

Background

- 3.3 The application site is identified under Policy HO1 in the local plan as Allocated Site R20 'Land west of Steele's Bank, south of Ashgate Lane, Wetheral'.
- 3.4 In November 2015, Members of the Development Control Committee granted outline planning permission with all matters reserved for the development of up to 50 dwellings with associated amenity space, hardstanding and ancillary works (application reference 15/0086). The decision was subsequently issued on the 1st September 2016 following the completion of a section 106 agreement in respect of: provision of affordable housing; the management/maintenance of on site open space (inclusive of any attenuation basin); the payment of a commuted sum towards off-site recreational facilities and associated works; payment towards the provision of a footway linking to the playing fields on the opposite side of the road; and the payment of an education contribution towards expanding Cumwhinton Primary School and towards transportation of secondary school children.
- 3.5 There are two associated applications which follow in the schedule, application references 17/0905 and 17/0906 respectively. Application 17/0905 seeks reserved matters approval for erection Of 41no. dwellings, including open space, landscaping, drainage and road infrastructure (reserved matters application pursuant to outline approval 15/0886). Application 17/0906 seeks full planning permission for the change of use of agricultural land to public open space, formation of suds pond and installation of pumping station (in association with Story Homes proposed development for 41no. dwellings).

The Proposal

- 3.6 This application seeks the variation of condition 22 (visibility splay requirements) of outline planning permission 15/0886 to permit the visibility splays to be amended from 2.4 metres by 60 metres to 2.4 metres by 45 metres.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of six neighbouring properties and the posting of Site Notice. No verbal or written representations have been made during the consultation period; however, an issue raised by a third party in respect of application reference 17/0905 requested that the the existing road width should not be reduced in width.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the application is to vary the visibility splay requirements of the previously approved permission 15/0886 from 2.4 metres by 60 metres to 2.4 metres to 45 metres. The applicant has proposed speed reduction measures, therefore, are content that this will have the desired effect. Accordingly, raise no objection to the splay being amended to 45 metres;

Wetheral Parish Council: - no observations;

Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail, Tel: 0800 040 7766. Should diversionary works be required these will be fully chargeable.

6. Officer's Report

Assessment

- 6.1 Section 54a 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 SP6 and IP3 of the Carlisle District Local Plan 2015-2030 are also relevant.
- 6.3 The proposal raises the following planning issues.
1. Principle of Development
- 6.4 The principle of development was established last year through the granting

of outline planning permission with all matters reserved (application reference 15/0886). This application seeks only to vary condition 22 which relates specifically to the proposed visibility splays. Other details in respect of appearance, landscaping, layout and scale do not form part of this application.

2. Variation Of Planning Condition 22 Attached to Outline Planning Permission 15/0886

- 6.5 As highlighted above, the application seeks to vary condition 22 attached to outline planning approval 15/0886. The wording of which is:

"No development shall commence until visibility splays providing clear visibility of 2.4 metres by 60 metres 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 provision of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays".

- 6.6 The submitted documents and drawing now seeks to reduce the visibility splay to 2.4 metres by 45 metres as opposed to the approved 2.4 metres by 60 metres. The Supporting Transport Statement outlining that the access junction to the site would narrow the carriageway of Steele's Bank, together with a gateway feature at the location of the change in speed limit to the south of the site, which would encourage vehicles to travel at the imposed 30mph speed limit. The proposed access also includes footways around the bellmouth and pedestrian crossing facilities to ensure safe crossing for pedestrians to the existing footway on the eastern side of Steele's Bank. This will ensure safe pedestrian links to the facilities available in the centre of the village to the north and to the community centre to the south.

- 6.7 Cumbria County Council, as Highway Authority, has been consulted and raise no objections to the reduction in visibility splays as the proposed speed reduction measures are considered acceptable. Accordingly, in light of the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

3. Relevance Of Remaining Conditions Attached To Outline Planning Permission 15/0886

- 6.8 The original outline planning permission continues to exist, therefore, the conditions attached to outline planning approval 15/0886 have been repeated as part of this planning approval.

Conclusion

- 6.9 The principle of development was granted last year through the granting of

outline planning permission with all matters reserved (application reference 15/0886). This application seeks only to vary condition 22 which relates specifically to the proposed visibility splays. Other details, therefore, in respect of appearance, landscaping, layout and scale do not form part of this application.

- 6.10 Cumbria County Council, as Highway Authority, raise no objection to the application as the proposals include speed reduction measures and are satisfied that the proposed measures would have the desired traffic calming effect.
- 6.11 In overall terms, the proposal accords with the objectives of the NPPF, PPG and relevant policies of the local plan.
- 6.12 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a deed of variation to the original Section 106 agreement to include:
 - a) reference to this application.

7. Planning History

- 7.1 In 2015, outline planning approval was granted for the erection of up to 50no. dwellings with associated amenity space, hardstanding and ancillary works (application reference 15/0886).
- 7.2 There are two associated applications which follow in the schedule, application references 17/0905 and 17/0906 respectively. Application 17/0905 seeks reserved matters approval for erection of 41no. dwellings, including open space, landscaping, drainage and road infrastructure (reserved matters application pursuant to outline approval 15/0886). Application 17/0906 seeks full planning permission for the change of use change of agricultural land to public open space, formation of suds pond and installation of pumping station (in association with Story Homes proposed development for 41no. dwellings).

8. Recommendation: Grant Subject to S106 Agreement

- 1. In case of any "Reserved Matter" application for approval shall be made not later than 1st September 2019, and the development shall be begun not later than whichever is the later of the following dates:
 - i) 1st September 2021, or
 - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Consent comprise:

1. the submitted planning application form received 20th October 2017;
2. the Planning Statement received 20th October 2017;
3. the Supporting Transport Statement compiled by S A J Transport Consultants received 20th October 2017;
4. the proposed site access design with speed reduction scheme received 20th October 2017;
5. the Notice of Decision.

Reason: To define the permission.

4. Not more than 50 residential units/dwellings shall be erected on the site pursuant to this permission.

Reason: To ensure an adequate means of access commensurate with the scale of the development in support of Local Transport Plan Policies LD7 and LD8.

5. Prior to the commencement of development on any part of the site there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. That phasing plan shall include the phasing of the overall development hereby permitted in terms of:

1. the provision of pedestrian, cyclist and vehicular connectivity;
2. the provision of foul and surface water drainage infrastructure;
3. the delivery of other services such as gas, electricity and telecommunications; and
4. the provision of suitable accessing arrangements for recycling/waste collection vehicles.

The development shall thereafter proceed only in accordance with the approved phasing plan and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a co-ordinated manner.

6. Samples or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

Reason: To ensure the materials used are acceptable and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-20230.

7. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the materials used are acceptable and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. No development shall take place until full details of the proposed soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. The proposed landscaping scheme shall include the retention (where practical) of the existing trees and hedgerows. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

9. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those hedges and trees to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. No clearance of or damage to hedgerows and trees shall take place during the bird breeding season from 1st March to 31st August unless the absence

of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

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

11. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, and mitigate impacts on wildlife in accordance with Policies GI3, SP6 of the Carlisle District Local Plan 2015-2030.

12. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

13. No development approved by this permission shall be commenced until a fully developed Surface Water Drainage Scheme (based upon calculations and information to demonstrate flow routes) has been submitted to and approved in writing by the Local Planning Authority. The Scheme (including any attenuation basin and associated means of enclosure) shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the Scheme, or within any other period as may subsequently agreed by the Local Planning Authority.

Reason: To ensure adequate means of surface water disposal; to prevent and reduce the risk of flooding; and avoid impacts on a designated site in accordance with Policies GI3, CC5 and IP6 of the Carlisle District Local Plan 2015-2030.

14. No development shall commence until a comprehensive foul drainage scheme identifying the location of the proposed connection point(s) into the existing foul drainage system, and a flow and load impact assessment to demonstrate that the existing foul drainage system has the capacity to cope with the increased load, have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available and to ensure compliance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

15. No dwelling shall be occupied until the respective foul and surface water drainage works, submitted under the above conditions 13 and 14, have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies GI3, CC5 and IP6 of the Carlisle District Local Plan 2015-2030.

16. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. All works comprised in the approved details of means of enclosure and boundary treatment for the constituent phases of development shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

Reason: To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies SP6 and CM4 of the Carlisle District Local Plan 2015-2030.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no electricity sub-stations or gas governors shall be erected without the prior permission of the Local Planning Authority.

Reason: The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. Prior to the commencement of development hereby permitted full details of the existing and proposed ground levels and the height of the proposed finished floor levels (inclusive of any garages) shall be submitted to and approved, in writing, by the Local Planning Authority before any site works

commence.

Reason: In order that the approved development overcomes any problem associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policy HO1 of the Carlisle District Local Plan 2015-2030.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the prior approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies GI3 and CM5 of the Carlisle District Local Plan 2015-2030.

20. The carriageway, footways, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details (including longitudinal/cross sections) with levels and full constructional details, shall be submitted to the Local Planning Authority for prior written approval before any other work other than site clearance, drainage and advance service works, commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the phasing plan and/or programme required to be submitted by condition 3.

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

21. No dwelling shall be occupied until the respective estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use together with that dwelling's associated means of vehicular and pedestrian access, and parking provision.

Reason: To ensure that the matters specified are designed and provided

to ensure a minimum standard of access when the development is brought into use.

22. No development shall commence until visibility splays providing clear visibility of 2.4 metres by 45 metres 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 provision of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

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

23. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved means of vehicular access, footways and cycletrack(s).

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

24. Before any development takes place, a plan shall be submitted for the prior written approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

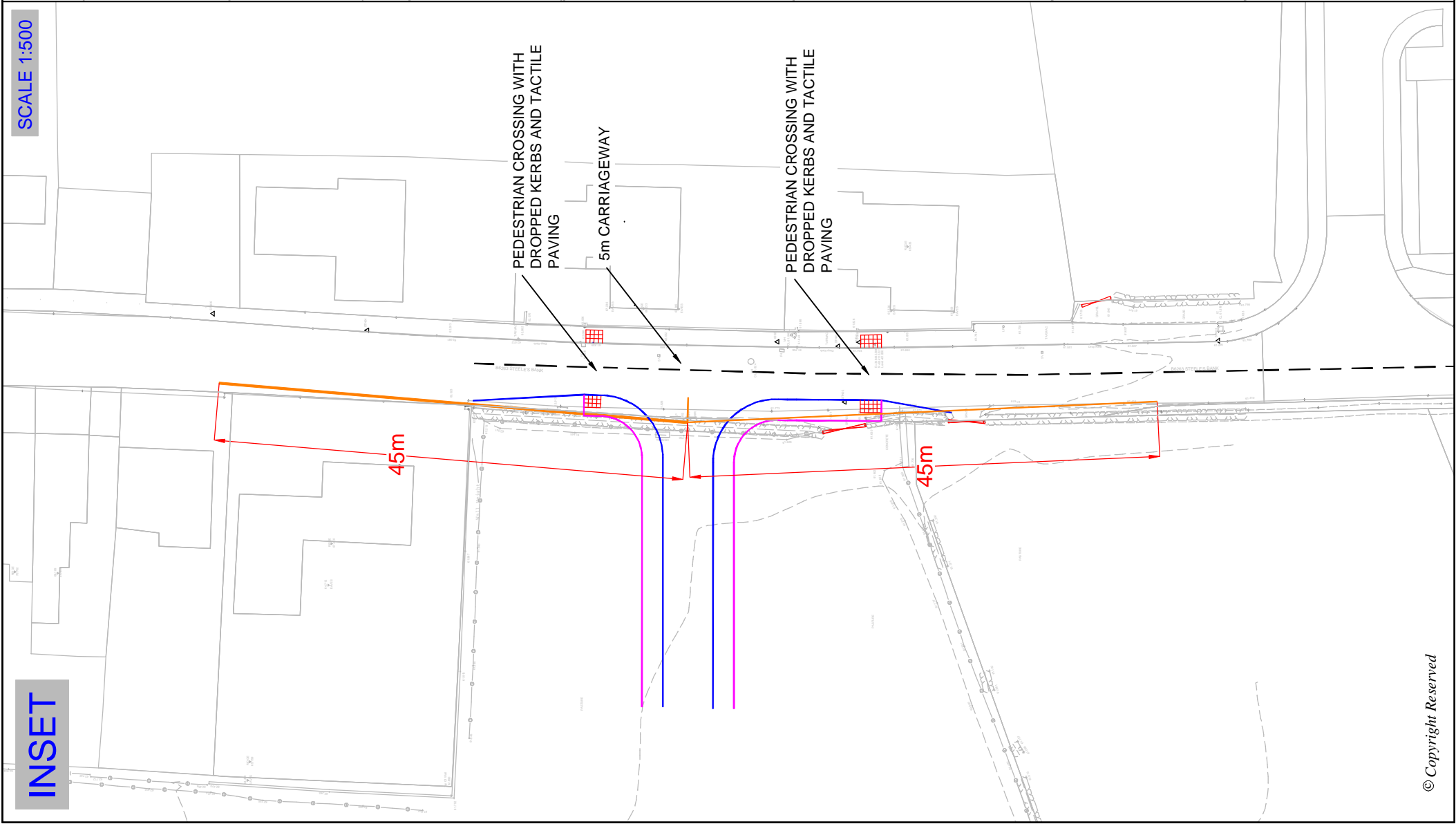
Reason: The carrying out of this development without provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

25. In each Phase, adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable telephone services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

Reason: To maintain the visual character of the locality in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

26. No development shall commence until full details of the proposed wildlife compensation, mitigation and enhancement measures (including subsequent management and retention), and the timetable for such have been submitted to and approved in writing by Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure such works are carried out in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.



KEY

- PROPOSED KERBLINE
- PROPOSED FOOTWAY
- VISIBILITY SPLAY (2.4m X 45m)

NOTE:

1. BASE DRAWING: Wetheral.Survey.Aligned.dwg AND OS_MasterMap_427194_560983_OS_Mastermap.dwg

REVISION	DETAILS	DATE	DRAWN	CHK'D	APP'D

CLIENT

PROJECT

STORY HOMES

PROPOSED RESIDENTIAL DEVELOPMENT, LAND WEST OF STEELE'S BANK, WETHERAL CARLISLE

DRAWING TITLE

PROPOSED SITE ACCESS DESIGN WITH SPEED REDUCTION SCHEME

DRG No	SCALE	DATE
JN1409-Dwg-0002C	1:1250 @ A3	AUGUST 2017

DRAWN BY	CHECKED BY	APPROVED BY
MS	PB	SAJ

Transport Consultants

<http://www.saj-consultants.com>