

## SCHEDULE A: Applications with Recommendation

13/0207

Item No: 04

Date of Committee: 19/07/2013

**Appn Ref No:**  
13/0207

**Applicant:**  
Church Commissioners for  
England

**Parish:**  
Cummersdale

**Date of Receipt:**  
19/03/2013

**Agent:**  
Smiths Gore

**Ward:**  
Multiple Wards

**Location:**

Land At Morton Bounded By Wigton Road, Peter  
Lane And Dalston Road, Carlisle, Cumbria

**Proposal:** Development Of Land At South Morton Bounded By Wigton Road, Peter Lane And Dalston Road, Carlisle, For Residential (Maximum 825 Dwellings), Employment (40,000m2 Floorspace), And Public Open Space Purposes As Well As Associated Works (Reserved Matters For Phase 1a Works Comprising Site Drainage Network; Construction Of Foul Pumping Station With Associated Access; Construction Of A Section Of Spine Road And Demolition Of Cummersdale Grange Farm Complex; And Information Submitted To Part Discharge Conditions 3 (Parameter Plans); 8 (Highway Works); 13 (Programme Of Archaeological Work); 15 (Scheme For Site Contamination); 22 (Hedgreows); 23 (Landscaping); 27 (Details Of Earthworks); 28 (Surface Water Drainage) And 29 (Foul Drainage) Pursuant To Outline Permission 09/0413)

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## REPORT

**Case Officer:** Angus Hutchinson

### 1. Recommendation

- 1.1 Pending the awaited comments from the Environment Agency regarding the discharge of condition 15, the recommendation is for approval in relation to the discharge of requirements for the detailed particulars of the proposed development for Phase 1A works, and the submission of information to discharge conditions 3 (part), 8 (part), 13 (part), 15 (part), 22 (part), 23 (part), 27 (part), 28 (part) and 29 (part) attached to the outline planning consent to develop the site.

### 2. Main Issues

- 2.1 Whether or not the submitted details comply with the reasons/underlying objectives of the imposed conditions
- 2.2 Whether there is any sustainable planning objection to the submitted reserved matters

### **3. Application Details**

#### **The Site**

- 3.1 This application for approval of Reserved Matters relates to land located approximately 3 km south west of Carlisle City Centre, comprising undulating farmland associated with and incorporating Cummersdale Grange Farm steading. It is bounded by Dalston Road to the south-east, by Peter Lane to the south-west and by Wigton Road (A595) to the north-west. The north-eastern boundary backs onto existing suburban residential properties.
- 3.2 The site gently rises from the south-west to north-east and is generally characterised by open views interspersed by mature hedgerows and standard trees. A bridleway crosses the site from Dalston Road through the existing buildings of Cummersdale Grange Farm leading to Wigton Road/A595. An overhead power line traverses the north-western portion of the site. Access to a sub-station is achieved via a lane off Wigton Road.
- 3.3 Fairy Beck, a designated "Main River", also runs from the Peter Lane boundary to Dalston Road and the land lying to the east of Deep Dale and Winscale Way. A secondary watercourse joins Fairy Beck to the west of Cummersdale Grange Farm steading. The land to the south of Millbeck, Deep Dale and Winscale Way falls, in part, within Flood Zones 2 and 3. Low pressure gas pipelines run down Dalston Road and Wigton Road, and a medium pressure gas pipe along Peter Lane.
- 3.4 The majority of the application site is owned by the applicant with the remainder owned by the City Council. Neighbouring land that is part of the overall development allocation at Morton is owned by the City Council and other third parties.

#### **Background**

- 3.5 The site was originally allocated for development under the Carlisle District Local Plan adopted in 1997 and was later subject of the Morton Development Brief. In December 2000 the Morton Masterplan and Development Framework was adopted by the City Council as Supplementary Planning Guidance. Following the review of the Local Plan the land was, again, allocated for development under the Carlisle District Local Plan 2001-2016 (adopted September 2008). The adjoining area of land to the north-west was also allocated for development as a site for a District Centre including a retail food store and "Park & Ride" facilities. In 2011, under application 10/0917, outline planning permission was subsequently granted for the erection of a district centre.

- 3.6 Prior to 2001 the current application site, and neighbouring land at the junction of Peter Lane/Dalston Road, was the subject of three previous applications (reference numbers 98/0234, 00/0439 and 00/0748) that were "called in" by the Government Office for the North West (GONW) in July 2001. Early in June 2009 GONW confirmed that because of the change in circumstances, principally the re-allocation within the 2008 Adopted Local Plan, it has been decided to cancel the July 2001 "call in" letters and that the determination of the previous applications reverted to the City Council.
- 3.7 In November 2010, under application 09/0413, outline planning permission was given for residential (maximum 825 dwellings), employment (40,000m<sup>2</sup> floor space), and public open space purposes as well as associated works regarding the current application site. The aforementioned permission is the subject of an associated Section 106 Agreement, and the imposition of relevant conditions. The outline application was accompanied by an Affordable Housing Statement; a Statement of Community Engagement; a Development Land Statement; a Planning Statement; a Flood Risk Assessment; an Environmental Statement; an Addendum to the Environmental Statement (ecology and air quality); a Design and Access Statement; and additional information on Transport including an upgraded Travel Plan.
- 3.8 In February 2013, under application 12/1024, condition 2 (phasing plan) imposed under 09/0413 was discharged in part pending implementation in accordance with the approved details.
- 3.9 The Council is also considering two further applications relating to the same site, namely: 12/0692 - reserved matters for infrastructure; and 13/0283 - the installation of a rising main (sewage) pipeline; and the accompanying information inclusive of a Ground Investigation Report (November 2011) prepared by Johnson, Poole and Bloomer.
- 3.10 Members should also be aware that in October 2012, under application 00/0439, outline planning permission was given for residential development on land at the Peter Lane/Dalston Road junction. The consequent application seeking approval of the reserved matters for 103 dwellings, application 12/0855, has yet to be determined.

## **The Proposal**

- 3.11 The Phasing Plan approved under 12/1024 identified Phase 1A as the first phase of development in the context of and for the purposes of conditions 1, 2 and 3 of the outline permission. The works proposed to be carried out in Phase 1A do not include the erection of any residential or commercial/employment units. The current application is seeking approval of Reserved Matters for Phase 1A enabling works comprising:
- the site drainage network from the retail and commercial sites;
  - the construction of a foul pumping station, associated foul storage and the partial construction of the rising main to connect to United Utilities network

- at Raiselands Road;
  - installation of surface water drainage consisting of new drainage runs from the commercial and retail sites to a new SUDs pond, including the construction of the western SUDs pond with a new outlet to Fairy Beck;
  - removal of relatively small sections of existing hedgerow to allow for installation of drainage network;
  - construction of a 45 metre section of spine road;
  - construction of a foul pumping station with associated access point and hardstanding area;
  - kerb log and footway build up on line of spine road for 33kv diversion; and
  - demolition of Cummersdale Grange Farm complex.
- 3.12 The application also involves the submission of information to discharge conditions 3, 8, 13, 15, 22, 23, 27, 28, and 29; and is also accompanied by a Design and Access Statement; Ecology Statement; Planning Statement; Position Statement - Archaeology Statement; Transport Statement; Foul and Surface Water Statement; and Position Statement - Contamination Scheme. The applicant's agent has asked that this application, along with 12/0692, are considered against the original Environmental Statement that accompanied 09/0413.
- 3.13 As can be seen, whilst application 12/0692 highlights the overall strategy for the site infrastructure, this application provides further context of how Phase 1A sits within the site wide infrastructure as well as providing the context for a series of statutory consents for drainage, roads, ecology and landscaping. On this basis, this application is submitted to provide a realistic starting point for the development of the site and incorporates the key enabling works to facilitate future phases. Application 13/0283 seeks approval for a section of the rising main that is outside of the site boundary.
- 3.14 The applicant's agent has also confirmed that once a contractor is appointed, a Construction Method Statement dealing with the outstanding pre-commencement conditions (numbers 8:part iii, 17, 19 and 25) will be submitted separately.

#### **4. Summary of Representations**

- 4.1 This application has been advertised in the form of press and site notices, and the direct notification of the occupiers of 144 neighbouring properties. No observations specific to this application have been received at the time of preparing this report.

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

Cumbria County Council - (Highway Authority): - no comments received in context of observations already made regarding application 12/0692.

Dalston Parish Council: - agreed to reiterate its comments regarding applications 09/0413 and 12/0692 – see attached copies.



Cummersdale Parish Council: - It is acknowledged that application 13/0207 is limited to consideration of reserved matters regarding application 09/0413 and site wide application 12/0692. It relates essentially to roads, surface and foul drainage and the provision of a spinal road 45m in length linking the retail and housing sites. Nevertheless, this provides an opportunity to comment not only on issues emerging from this application, but to put a marker down for a subsequent detailed application for the full development of the site. As such, the Parish Council has raised the following series of issues with regard to infrastructure; flooding; safety (re. proposed SUDS); removal of hedges; and benefits to the community in the parish of Cummersdale.

#### Infrastructure

1. On housing, the outline planning permission is for 825 units. The DBA Document Foul and Surface Water Statement dated 14<sup>th</sup> March 2013 on Page 1 refers to "circa 892 residential units and 40,000 square metres of employment land and associated infrastructure. The use of the word "circa" could imply an even larger number than that in addition to the already significant number of permissions or actual new build in this area. With other developments this is far in excess of the original Morton Masterplan.
2. The Parish Council estimate that the numbers will eventually be of the order of 2,000 housing units in this area. On retail, the extant outline planning permission is for a Superstore of 88,000 sq.ft gross). At the recent Tesco event at Morton Manor a figure of 96,200 sq.ft was displayed. No explanation could be offered for this upward creep. (It may be that it includes other retail?) These figures are of a different order of magnitude to the 27,000 sq.ft following the 2007 public inquiry into the Local Plan. As a District Centre, Morton now has substantially the same status as the city centre in terms of sequential tests for development.
3. Given the above, the Parish Council, are disappointed at the lack of infrastructure investment in the wider area to support what will clearly be the largest single investment in Carlisle District. All the site drawings exclude the Dalston Road and are focussed solely on the internal network and services. Our previous requests for a roundabout at the junction of Dalston Road and Peter Lane have been refused. Given the recent traffic counts commissioned by the Parish Council, and the projected increase in traffic from a development on this scale, the Parish Council remain of the opinion that a roundabout at the Junction of the B5299 and U1161 (Peter Lane) should be an integral part of this development.

#### Flooding

4. The DBA document entitled "Foul and Surface Water Statement", states that Flood estimation for small catchments (IH R124) has been applied to estimate green-field run off from this 49 Hectare site. Greenfield run off rates for the local area are cited for events ranging from yearly at 4.9 litres per hectare, to 13.5 litres/hectare for once every 200 year events. The Parish Council acknowledge that a SUDS is necessary for this site but

have concerns that recent local events have been exceptional and may reflect a change in local rainfall patterns.

1. The Environment Agency reported on the exceptional flooding last year of the mill at nearby Cummersdale. It concluded, with supporting graphs and statistics that this was due to a totally unexpected rainfall event. Last month Stockdalewath was similarly flooded by a rainfall event which they had never experienced before.
2. Within the last month, rainfall in the local area, has been reported as exceeding 1.5 inches (0.038m) over a four hour period.(14,400 seconds). Calculations suggest that this is equivalent to 26.4 litres per hectare per second.
3. A major local company in Carlisle have undertaken an attenuation project and allowed for a 30 year event of 31mm of rainfall in a 2hr period with a 15minute fall rate of 76mm/hr. Given the above, are we confident that IH R124 will provide adequate protection for this site?

#### Safety - SUDS

4. This is an attenuation pond not a village pond. The drawings show a 1 in 4 gradient into the pond with a permanent water depth of 1.5m (5ft.) increasing to 2.85m(9.4ft) for a one in 200 year event. This will be a magnet for children, but a potential danger, especially in winter when it may be frozen over. There is no indication in the drawing of fencing and screening. Will this be shown in the final detailed drawings?

#### Removal of Hedges

1. If these are ancient hedges are they subject to the protection of The Enclosure Act? Although this is now an anachronism, has the Act been repealed?

#### Benefits to the community in the Parish of Cummersdale

1. Virtually all of this development is in the Parish of Cummersdale. The City Council and the applicant, will benefit from capital receipts of several millions of pounds from the sale of the site.
1. If the development proceeds within the allotted time frame, the councils should qualify for the **New Homes Bonus** on each home, with the proceeds allocated 80:20 between City and County. This could also amount to several million pounds. This is quite separate to the capital receipts for the land. It is not ring fenced.
2. At the recent meeting of the Carlisle Association of Parish Councils with the Executive of the City Council, it was stated that the NHB is intended to offset the cuts in Government grant. Given that this would be generated almost exclusively from within Cummersdale Parish, we consider this to be manifestly unfair if there was no benefit to the community.

3. Under Section 106 Agreements there is already a commitment to maintenance of the Sustrans Cycleway between Pirelli and Holme Head and its extension into the Morton development site (largely in Denton Holme ward). We assume that this is supported by a S106 on the Retail development.
4. As the housing is brought forward, the Parish Council wish then to put a marker down for community benefit schemes under Section 106 agreements and Council funded, for a number of projects within the Parish and in Cummersdale village. These community based projects include:

The comprehensive re-furbishing of the existing village hall/Embassy Ballroom as a centre for the community;

Support for the adoption and maintenance of the Sustrans Cycle way to Dalston;

Parking provision in the village;

Relaying of the Common to address the drainage problems;

Bridleways and footpaths within the parish including Dalston Road.

The provision of a roundabout on Dalston Road at the junction with Peter Lane is also regarded as an essential part of the infrastructure needed to support what will be by far, the biggest development in Carlisle District.

Environment Agency: - unfortunately essential information needed by our team was not submitted as part of the application. Although a position statement has been provided by the developer which indicates that the development poses no risk to ground or surface water, the claim is not corroborated by verifiable evidence. As insufficient detailed and independent information has been submitted, we object to condition no.15 being discharged at the present time.

We have no objection to condition 27 being discharged – if any material is to be removed from or imported to the site, the developer must consider whether any permits or exemptions are required.

We have no objections to condition 28 being discharged. The provisions disposing clean uncontaminated surface water appears acceptable; however, the applicant is advised that Flood Defence Consent will be required to construct an outfall into the Fairy Beck which is designated as a “Main River”.

We have no objections to the discharge of condition 29. However, the applicant must ensure that the works are carried out in accordance with approved details.

Cumbria County Council - (Archaeological Services): - the application area

has been the subject of an archaeological geophysical survey and an archaeological evaluation. The results of this work has shown that the remains of a Roman road survive adjacent to the A595 Wigton Road and these remains will need to be archaeologically investigated and recorded prior to being disturbed by the proposed development – this requirement refers to land outside of phase 1A. Other than the Roman road, no significant archaeological remains survive on the site.

It is therefore considered that the requirements of condition 13 have been fulfilled for phase 1A.

Department for Transport (Highways Agency): - no objection to the proposals put forward.

Environmental Services - Green Spaces: - no comments received.

Local Environment - Environmental Protection: - this section has no objections to the partial discharge of condition 15. However due to the presence of existing buildings and services, investigations were not undertaken in some areas of the Phase 1A site. This being particularly the case in the east of the site in the area of the current Cummersdale Farm buildings. Consequently the findings of the report are only for the areas accessible during the investigation and therefore further work will be required once the existing buildings have been demolished or full access is available.

Northern Gas Networks: - no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should it be approved, then we require the developer to contact us directly to discuss our requirements.

United Utilities: - no comments received.

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

### **Assessment**

6.1 As Members are aware, the current application is seeking approval of Reserved Matters for Phase 1A works comprising the site drainage network, the construction of a foul pumping station, construction of a section of spine road, demolition of Cummersdale Grange Farm complex, and the submission of information to discharge conditions 3, 8, 13, 15, 22, 23, 27, 28, and 29.

6.2 Article 5 of the DMPO 2010 states that *“An application for approval of reserved matters—*

*(a) shall be made in writing to the local planning authority and shall give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;*

*(b) shall include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline*

*planning permission; and.*

*(c) except where the authority indicate that a lesser number is required, or where the application is made using electronic communications, shall be accompanied by 3 copies of the application and the plans and drawings submitted with it."*

- 6.3 Further relevant advice is contained in Circular 11/95 "The Use of Conditions in Planning Permissions", and Circular 03/09 "Costs Awards in Appeals and Other Planning Procedures".
- 6.4 When assessing this application the two main issues are considered to be: i) whether or not the submitted details comply with the reasons/underlying objectives of the imposed conditions; and ii) whether there is any sustainable planning objection to the submitted reserved matters.

### Condition 3

- 6.5 Condition 3 states:

*"An application for approval of any of the Reserved Matters for the first Phase shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.*

*Applications for the approval of Reserved Matters for all other Phases shall be made to the Local Planning Authority by not later than 10 years from the date of this permission. All applications for Reserved Matters shall be based upon the design and layout principles set out within the "parameter plans" which (for the avoidance of doubt) comprise:*

- 5. Access Points/Movement Framework Parameter Plan 1 (Revision A);*  
*i) Layout/Land Use Framework Parameter Plan 2 (Revision A);*  
*ii) Scale Parameters/Residential Density and Building Heights Parameter Plan 3 (Revision A);*

*or, any amendments to these plans agreed in writing by the Local Planning Authority."*

- 6.6 This application seeks approval for all of the reserved matters for the first phase (i.e. Phase 1A) of the development and was submitted before the expiration of three years from the date of the outline permission, and therefore is in compliance with Condition 3.

### Condition 8

- 6.7 Condition 8 requires that:

*"All carriageways, means of access, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption.*

*Applications for Reserved Matters for such infrastructure shall be accompanied by the following details to be approved in writing by the Local Planning Authority prior to commencement of the relevant works:*

- i) longitudinal/cross sections;*
- ii) means of surface water drainage;*
- iii) specification of the works; and*
- iv) construction programme.*

*These details shall be in accordance with the standards laid down in the current Cumbria Design Guide (or such amendments to the Guide as may subsequently apply at the time of such application)."*

6.8 The relevant plans in this case are drawing numbers 11035-500-310 (drainage - spine road culvert 1); -500-311 (drainage spine road culvert 2); -100-300 (horizontal and vertical geometry); and -100-301 (construction details).

6.9 The submitted details are considered to be acceptable, however the plans only address parts i), ii) and iv) of condition 8 with regard to Phase 1A, and therefore any discharge can only be in part.

#### Condition 13

6.10 Condition 13 stipulates that:

*"No development shall commence within a Phase until a programme of archaeological work has been implemented for that Phase in accordance with a written scheme of investigation to be submitted to and approved in writing by the Local Planning Authority. The written scheme shall include the following components:*

- i) an archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;*
- ii) an archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation."*

6.11 Based on the submitted details (Position Statement - Archaeology Statement) the County Archaeologist considers that the requirements of condition 13 have been fulfilled for phase 1A. Discharge is therefore in part specific to Phase 1A.

#### Condition 15

6.12 Condition 15 requires that .....

*"No development shall be commenced on a Phase until a scheme to deal with any site contamination within that Phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include investigation and assessment to establish the extent of contamination and*

*measures to be taken to avoid risk to people, buildings and the environment. The approved scheme shall be fully implemented and completed before occupation of any unit of that Phase."*

- 6.13 A Ground Investigation Report (November 2011) has been prepared by Johnson, Poole and Bloomer (JPB); and submitted to accompany application 12/0692. The "Position Statement - Contamination Scheme for Phase 1A Works" submitted with regard to this application was prepared in the context of the findings and conclusions reached in the aforementioned JPB report (2011).
- 6.14 The Environment Agency has raised concerns that condition 15 should not be discharged because the Position Statement is not accompanied by the relevant background information. Although consulted with regard to application 12/0692 (inclusive of the accompanying background information), a further copy of the JPB report has been made available to the Environment Agency an updated consultation response to which is awaited.
- 6.15 In the light of all the accompanying information the City Council's Principal Environmental Health Officer has not, however, raised any objections but merely highlighted that the discharge of condition 15 should only be in part. This is because further work will be required once the existing buildings at Cummersdale Farm have been demolished.
- 6.16 On the basis that the Environment Agency withdraws its objection, it will be recommended that discharge is in part as per the comments made by the City Council's Principal Environmental Health Officer.

#### Condition 22

- 6.17 Condition 22 states....."*No clearance of or damage to hedgerows 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.*"
- 6.18 The submitted Planning Statement and Ecology Statement explain in order to install the necessary drainage within Phase 1A, it is necessary to remove relatively small sections of hedgerow in advance of construction works. The location of the hedge removal is indicated on the Ph 1A Biodiversity Enhancement and Protection Plan (G4789-L16 Rev. C) which is consistent with the extent of hedge removal across the whole site that is indicated within the submitted details accompanying application 12/0692.
- 6.19 The relevant sections of hedge have already been cut down to 20cm in height on the 27th-28th February in advance of the bird breeding season. As it is likely that the relevant sections of hedgerow will be removed during the bird nesting season, the applicant's agent has proposed that a qualified ecologist will visit the site in advance to confirm the absence/presence of nesting birds. The findings of this visit will be reported back to the City Council's Landscape Architect/Tree Officer prior to any hedgerows being removed.

- 6.20 On the basis of the foregoing it is considered that this condition can be discharged in part.

Condition 23

- 6.21 Condition 23 stipulates that *"Applications for Reserved Matters for landscaping shall be accompanied (where appropriate) by the following details to be approved in writing by the Local Planning Authority prior to commencement of the relevant works:*

- i) identification of those trees/shrubs to be retained;*
- ii) identification of the crown spread of retained trees, including those that overhang the boundary; and*
- iii) a scheme for wetland planting along the course of Fairy Beck.*

*These works shall be carried out either contemporaneously with the completion of the associated housing or employment development or, in the alternative, by not later than the end of the planting and seeding season following the completion of the Phase of the development to which the landscaping relates (unless an alternative programme is agreed with the Local Planning Authority or under the accompanying Section 106 Agreement).*

- 6.22 The submitted "Ph 1A Biodiversity Enhancement and Protection Plan" (drawing no. G4789-L16 Rev C) needs to be considered in conjunction with the Biodiversity, Enhancement and Protection Plan Report (Dec. 2011) and drawing no. G4789-L14. The details submitted with the current application are consistent with those details already submitted under application 12/0697, and are considered to be acceptable.

Condition 27

- 6.23 Condition 27 requires that:

*"No development within a phase shall take place until details of earthworks for that Phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development of that Phase shall be carried out in full accordance with the approved details unless the Local Planning Authority agree otherwise."*

- 6.24 The submitted "Earthworks Plan" (drawing no. 11035-600-300) details cutting to take place to form the Western SUDS pond; the upfill of sections of the Spine Road; and surplus materials excavated from Phase 1A drainage works and the Western SUDS pond to be spread over the the proposed open space/leisure area with the topsoil removed and stockpiled prior to the the material being put in place. Further details on the proposed SUDS pond are



also shown on drawing numbers 11035-500-308 and -309.

- 6.25 It is estimated that the excavation of the western SUDS pond will generate 14,500 cubic metres of material of which 7,200 cubic metres will be spread and compacted on the road embankments serving the Spine Road. In addition, 18,000 cubic metres of material (i.e. remaining material from SUDS pond and drainage works) will be spread as subsoil on the proposed leisure area.
- 6.26 These details are considered to be acceptable and therefore condition 27 can be discharged in part in so far as the submitted details relate to Phase 1A, and the final levels for the disposal of the excavated material on the leisure site area have yet to be agreed.

Conditions 28 and 29

- 6.27 Conditions 28 and 29 state that:

*"No part of the development shall commence until details for that part of the surface water drainage and means of disposal, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development (inclusive of how the scheme shall be maintained and managed after completion and any necessary off-site improvements for that part) have been submitted to and approved in writing by the Local Planning Authority.*

*No housing or non-residential unit hereby permitted shall be occupied until the approved works to connect that unit to the surface water drainage system have been completed."*

*"No part of the development shall commence until details of the foul drainage, including any necessary off-site improvements, for that part have been submitted to and approved in writing by the Local Planning Authority.*

*No housing or non-residential unit hereby permitted shall be occupied until the approved works to connect that unit to the foul drainage system(s) have been completed."*

- 6.28 The Dougall Baillie Associates drawing number 11035-500-100 rev B "Schematic Drainage overview July 2012 accompanying application 12/0692 provides an overall outline of the proposed drainage infrastructure for the site. These details are supplemented by the following plans accompanying this application: 11035-20-302 (Phase 1A Block Plan); -500-302 (Phase 1A Storm Drainage Profiles); -500-303 (Phase 1A Foul Drainage Profiles 1 of 2); -500-304 (Phase 1A Foul Drainage Profiles 2 of 2); -500-305 (Phase 1A Manhole Schedules); -500-306 (Phase 1A Drainage Layout 1 of 2); -500-307 (Phase 1A Drainage Layout 2 of 2); -500-308 (Phase 1A Drainage SUDS Detention Pond); and -500-309 (Western Detention Pond Construction Details).

- 6.29 The submitted “Foul and Surface Water Statement” explains that given the existing hydrological regime, characteristics of the receiving watercourse and ground conditions in the area, the most practical option for disposal of surface water runoff is to discharge to Fairy Beck. To ensure that surface water flows from the proposed development to Fairy Beck do not increase the risk of flooding elsewhere, the surface water drainage system has been designed to ensure that post-development discharges do not exceed the equivalent pre-development discharge rates. To ensure surface water treatment, the drainage system incorporates a SUDS with filter trenches and detention pond. The downstream outlet is to be fitted with a hydraulic throttle to ensure flows into the Beck do not exceed the equivalent pre-development Greenfield runoff rate.
- 6.30 In the case of foul drainage, the “Foul and Surface Water Statement” confirms that it will discharge into the public sewer network. Following consultation with United Utilities it was concluded that flows will discharge at a manhole located at the junction of Winscale Way and Rosehill Drive.
- 6.31 It is proposed to construct a pumping station to treat the foul drainage from the adjacent commercial/employment and retail sites. The location of this pumping station is shown on drawing number 11035-20-302 (Phase 1A Block Plan), and the details of its design are shown on drawing number 11035-500-301 (Foul Pumping Station/Rising Main Overview). All the equipment of the pumping station is below ground level with the exception of the GRP Kiosk which is less than 1 metre above proposed ground level.
- 6.32 In response to a query raised by Cummersdale Parish Council over the adequacy of the proposed means for disposal of surface water, the applicant’s agent has confirmed that the proposed attenuation has taken account of recent conditions. The Environment Agency has not raised any objection to the discharge of conditions 28 and 29.
- 6.33 Based on the foregoing it is considered that conditions 28 and 29 can be discharged in part.

#### Demolition Works

- 6.34 As part of the Phase 1A works it is also intended to demolish Cummersdale Grange Farm and a further eight associated farm buildings. The submitted Planning Statement and Ecology Statement highlight that the Farm buildings have been the subject of three separate bat surveys since 2009. These surveys have confirmed the presence of bats within two buildings and, therefore, a European Protected Species (EPS) Licence is being sought to allow the necessary controlled dismantling and demolition works to take place.
- 6.35 The EPS Licence application is to be submitted on behalf of the applicant to Natural England once the relevant planning conditions relating ecology have been either partially or fully discharged under application 12/0692. Prior to

the start of works, 20 bat boxes will be erected on trees to ensure that there is no gap between the loss of the existing bat roosts and the availability of new roosts on site. The location of the bat boxes is shown on plan G4789-L16 (Biodiversity Enhancement and Protection Plan) submitted under 12/0692. An ecologist will be on site to supervise the demolition, however it is proposed that this takes place in September/October 2013 which is after the bird nesting season has finished and before the bat hibernation season commences in November. The Design and Access Statement also explains that the Farm buildings currently offer no positive visual impact on the local area.

- 6.36 As such it is considered that the prescribed demolition of the Farm buildings does not raise any material planning objections.

### **Other Matters**

- 6.37 The applicant's agent has confirmed that the figure of 892 units that is referred to on page 1 of the Foul & Surface Water Statement is an error within the document. The applicant is not proposing an increase from the number of units granted outline approval previously (i.e. maximum of 825 dwellings). A reserved matters application for the district centre is currently awaited.
- 6.38 The issue regarding the need for a roundabout has been considered as part of the assessment of application 12/0692. The conclusion is as per the previous Committee report regarding 12/0692 i.e. that the need for a roundabout at the Dalston Road/Peter Lane junction was considered and not deemed necessary when processing the outline application. It is not, therefore, the subject of a condition/reserved matter. The submitted details are in accord with those accompanying the outline permission. As such it is considered that no sustainable planning objection can be raised to the submitted reserved matters on this matter. To do so would be contrary to advice contained in Circulars 11/95 and 03/2009, and make the Council vulnerable to an application for costs at any consequent appeal. However, the opportunity exists for the respective Authority (with assistance where possible from the City Council) to monitor the situation, timetable any necessary works, and allocate resources. How any New Homes Bonus is spent by the respective recipients is not considered to be directly material to the consideration of this application.
- 6.39 In relation to safety with particular regard to the proposed SUDS pond, the applicant's agent has confirmed that a post and wire fence is proposed; and in accordance with the SUDS manual (CIRIA C697), the pond landscape design allows for a densely planted collar to provide a barrier to young children.
- 6.40 When processing previous applications relating to Morton reference has been made to the Cummersdale Enclosure Act of 1769. At the time the opinion of counsel was sought with reference to the specific allotments that were made by Commissioners in 1770 imposing various obligations as to fencing,

ditching, maintenance of watercourses etc. The advice was as follows:

1) the legal obligations probably continue down to the present in the general location of the Wigton Road, Peter Lane and Dalston Road junction through their precise effect has yet to be classified;

2) the grant of planning permission (if Committee so decides) will not of itself have any effect on the status of the Act and the Award ie. the Committee will not be acting unlawfully if permission is granted in the context of the existence of the Enclosure Act;

3) if Members are minded to grant permission then it should be minuted that note has been taken of the existence of the Enclosure Act provisions and attached appropriate weight to these and drawn the applicants attention to their existence.

- 6.41 The applicant's agent has subsequently explained that the hedgerows are not subject to the protection of the Enclosures Act. The current regulations that protect hedgerows are the Hedgerow Regulations 1997. Only three of the hedgerows on the whole site are to be entirely removed - the remainder are to be retained on site (with some small sections to be removed to allow for the provision of roads and drainage). The hedgerow removal at this site is to be undertaken as part of a development that will be supported by planning permission. The City Council's Landscape/Tree Officer has confirmed that a Hedgerow Removal Notice application for the removal of these hedges is not required.

## **Conclusion**

- 6.42 Pending the awaited comments from the Environment Agency regarding the discharge of condition 15, the provisional recommendation is for approval in relation to the discharge of requirements for the detailed particulars of the proposed development for Phase 1A works, and the submission of information to discharge conditions 3 (part), 8 (part), 13 (part), 15 (part), 22 (part), 23 (part), 27 (part), 28 (part) and 29 (part) attached to the outline planning consent to develop the site.

## **7. Planning History**

- 7.1 In November 2010, outline planning permission was given under application reference number 09/0413 for residential (maximum 825 dwellings), employment (40,000m<sup>2</sup> floorspace), and public open space purposes as well as associated works.
- 7.2 In February 2013, under application 12/1024, condition 2 (phasing plan) imposed under 09/0413 was discharged in part pending implementation in accordance with the approved details.
- 7.3 This application is in the context that the Council are also considering two further applications: 12/0692 - reserved matters for infrastructure

development; and 13/0283 - the installation of a rising main (sewage) pipeline.

7.4 In relation to neighbouring land, in 2011 (under application 10/0917) outline planning permission has been granted for the erection of a district centre. In October 2012, under application 00/0439, outline planning permission was given for residential development on land at the Peter Lane/Dalston Road junction. The consequent application seeking approval of the reserved matters for 103 dwellings, application 12/0855, has yet to be determined.

## **8. Recommendation: Grant Permission**

1. In discharge of requirements for the submission of detailed particulars of the proposed development for Phase 1A works (including the installation of site drainage network, construction of foul pumping station with associated access, construction of a section of spine road and demolition of Cummersdale Grange Farm complex) and the submission of information to discharge conditions 3 (part), 8 (part), 13 (part), 15 (part), 22 (part), 23 (part), 27 (part), 28 (part) and 29 (part) attached to the outline planning consent to develop the site.
2. The approved documents for this Reserved Matters comprise:
  1. the submitted planning application form;
  2. the submitted Planning Statement, Design and Access Statement, Position Statement – Archaeology Statement for Phase 1A works; Position Statement – Contamination Scheme for Phase 1A Works; Transport Statement; Foul and Surface Water Statement; Ecological Statement; and the Environmental Statement that accompanied application 09/0413;
  3. the Summary Drainage Strategy Statement January 2012;
  4. drawings: 11035 -20-300 (Phase 1A Location Plan); -20-302 (Phase 1A Block Plan); -500-300 (Phase 1A Drainage Overview); -500-301 (Foul Pumping Station/Rising Main Overview); -500-302 (Phase 1A Storm Drainage Profiles); -500-303 (Phase 1A Foul Drainage Profiles 1 of 2); -500-304 (Phase 1A Foul Drainage Profiles 2 of 2); -500-305 (Phase 1A Manhole Schedules); -500-306 (Phase 1A Drainage Layout 1 of 2); -500-307 (Phase 1A Drainage Layout 2 of 2); -500-308 (Phase 1A Drainage SUDS Detention Pond); -500-309 (Western Detention Pond Construction Details); -500-310 (Phase 1A Drainage – Spine Road Culvert); -500-311 (Phase 1A Drainage – Spine Road Culvert 2); -100-300 (Phase 1A Roads Horizontal and Vertical Geometry); -100-301 (Construction Details); -600-300 (Earthworks Plan); and G4789-L16 Rev.C (Ph 1A Biodiversity Enhancement and Protection Plan).
  5. an email from Robert Murphy of Smiths Gore to Angus Hutchinson of

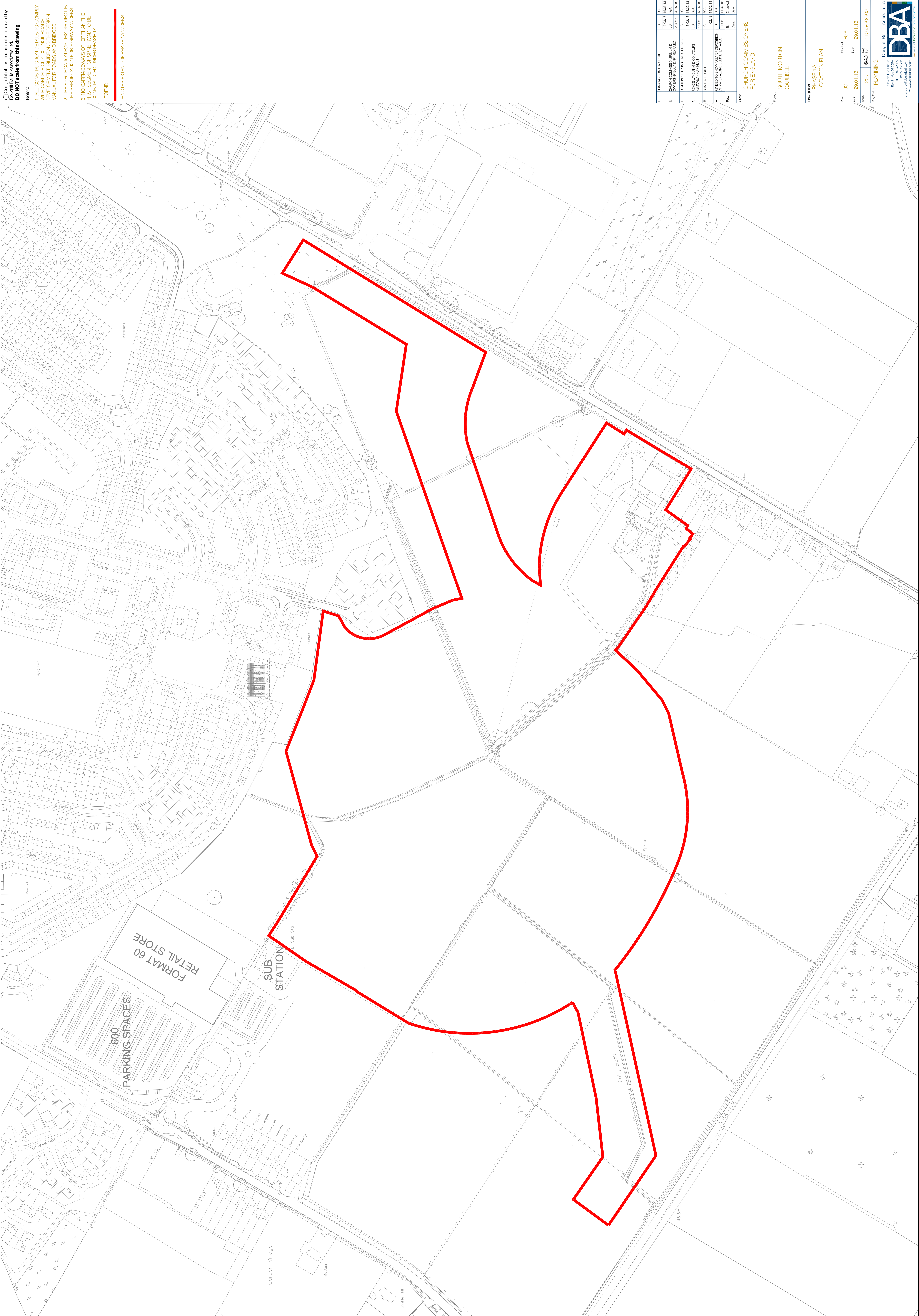
Carlisle City Council sent on 27th June 2013;

6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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Notes:

- 1. ALL CONSTRUCTION DETAILS TO COMPLY WITH CARLISLE CITY COUNCIL ROADS DEVELOPMENT GUIDE AND THE DESIGN MANUAL FOR ROADS AND BRIDGES.
- 2. THE SPECIFICATION FOR THIS PROJECT IS THE SPECIFICATION FOR HIGHWAY WORKS.
- 3. NO CARRIAGEWAYS OTHER THAN THE FIRST SEGMENT OF SPINE ROAD TO BE CONSTRUCTED UNDER PHASE 1A.

LEGEND

DENOTES EXTENT OF PHASE 1A WORKS

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| E                                | CHURCH COMMISSIONERS LAND OWNERS PROPERTY REBOUND | JC    | FSA   |
| D                                | REBOUND TO PHASE 1A BOUNDARY                      | JC    | FSA   |
| C                                | ROADS LAND & NEW CONTOURS REBOUND FROM PLAN       | JC    | FSA   |
| B                                | SCALE ADJUSTED                                    | JC    | FSA   |
| A                                | REBOUND TO PHASE 1A BOUNDARY                      | JC    | FSA   |
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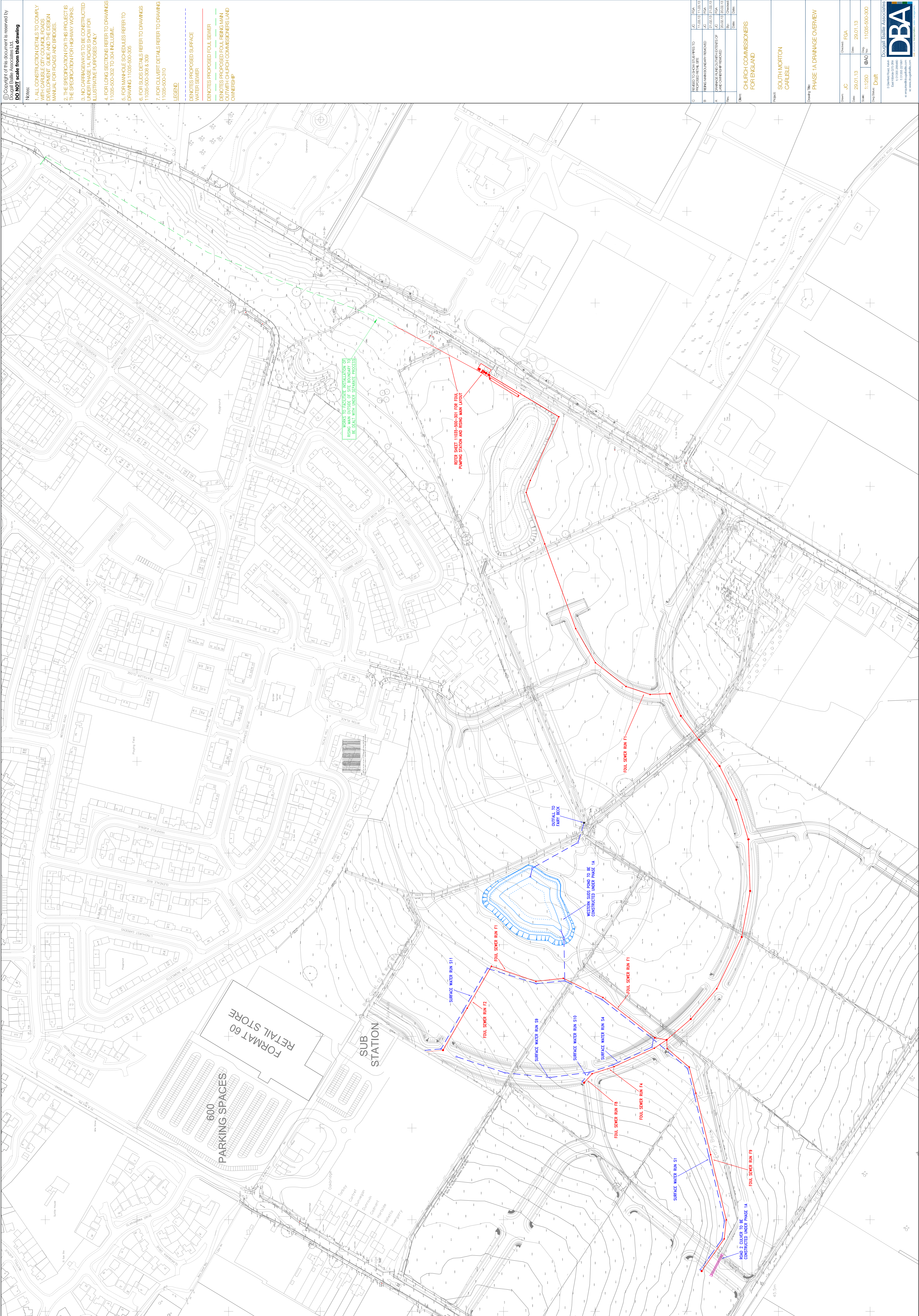












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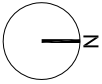
- Notes:
1. ALL CONSTRUCTION DETAILS TO COMPLY WITH CARLSLE CITY COUNCIL ROADS DEVELOPMENT GUIDE AND THE DESIGN MANUAL FOR ROADS AND BRIDGES.
  2. THE SPECIFICATION FOR THIS PROJECT IS THE SPECIFICATION FOR HIGHWAY WORKS.
  3. NO CARRIAGEWAYS TO BE CONSTRUCTED UNDER PHASE 1A. LOADS SHOW FOR ILLUSTRATIVE PURPOSES ONLY.
  4. FOR LONG SECTIONS REFER TO DRAWINGS 11035-500-302 TO 304 INCLUSIVE.
  5. FOR MANHOLE SCHEDULES REFER TO DRAWING 11035-500-305.
  6. FOR SLUDS DETAILS REFER TO DRAWINGS 11035-500-308 & 309.
  7. FOR CULVERT DETAILS REFER TO DRAWING 11035-500-310.

**LEGEND**

- DENOTES PROPOSED SURFACE WATER SEWER
- DENOTES PROPOSED FOUL SEWER
- DENOTES PROPOSED FOUL RISING MAIN CUM WITH CHURCH COMMISSIONERS LAND OWNERSHIP

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# KEY

Ph 1A Works Boundary

Surface Water

Foul Sewer

Existing woodland and trees to be retained

Existing hedgerows to be retained

Existing hedgerows and trees to be removed as part of Ph 1A drainage works and demolition of farm buildings

Main wildlife link features

Key existing water courses

BB Bat Boxes - to be installed on mature trees along identified section of hedgerow.

Notes:

All hedgerows to be retained will be protected with temporary protective fencing to BS5837:2005.

No construction traffic, materials or debris will be permitted within this zone of protection.

Should access be required within the 'zone of protection', the ground surfaces are to be protected e.g. with 50mm thick sharp sand, overlaid with a geotextile membrane and a 150mm thick (min) layer of temporary surface (no fines material).

For additional information on management of the existing hedges, refer to the Biodiversity, Enhancement and Protection Plan.

*This plan should be read in conjunction with the Biodiversity, Enhancement and Protection Plan Report, December 2011 and G4789-L14 to understand the context of the full site plan within which the Ph 1A is an integral part.*

**NO DEMOLITION OF THE CUMERSDALE GRANGE FARM BUILDINGS CAN TAKE PLACE UNTIL A EUROPEAN PROTECTED SPECIES LICENCE HAS BEEN ISSUED WITH RESPECT TO THE EXISTING BAT ROOSTS**

C Issued to accompany Phase 1A Construction, 15.03.13 SY1

B Extent of hedgerow removal to suit drainage Scale of drawing revised from 1:15000 to 1:25000

B Issued to accompany Phase 1A Construction, 12.03.13 SY1

A Extent of hedgerow removal to suit drainage Issued to accompany Phase 1A Construction 29.10.12 SY1

Rev Issue note Date hrs

client Church Commissioners for England

South Morton, Carlisle

drawing title Ph 1A Biodiversity Enhancement & Protection Plan

scale 1:2500 @A1 1:5000@A3 date 04.03.12

drawn by SY1 checked SY1

drawing no. G4789-L16 Revision

stage P PLANNING Rev C

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