

SCHEDULE A: Applications with Recommendation

16/1089

Item No: 04

Date of Committee: 17/03/2017

Appn Ref No:
16/1089

Applicant:
Messrs Cooper

Parish:
Wetheral

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Wetheral

Location: Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle

Proposal: Removal Of Condition 6 (Surface Water Drainage Standards) And Variation Of Condition 10 (Visibility Splays) Of Previously Approved Permisson 15/0943

Date of Receipt:
21/12/2016

Statutory Expiry Date
15/02/2017

26 Week Determination
15/05/2017

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development
- 2.2 Whether the removal of condition 6 is acceptable
- 2.3 Whether the variation of condition 10 is acceptable
- 2.4 Other matters

3. Application Details

The Site

- 3.1 The application site is located on land between Wetheral Methodist Church and Redcroft to the north of Scotby Road, Wetheral. The land occupies a parcel of land that measures approximately 0.42 hectares in area and is currently in agricultural use.

- 3.2 The land rises noticeably from west to east and to a lesser extent from south to north and there are residential properties to the east and further to the south on the opposite side of the County highway. The site is bounded by a mature hedgerow to the frontage.

The Proposal

- 3.3 This application seeks the removal of condition 6 (surface water drainage) together with the variation of condition 10 (visibility splays) of Outline Planning Approval 15/0943.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of twenty-four neighbouring properties and a Site Notice. In response, four representation of objection have been received.
- 4.2 The representations identifies the following issues:
1. the drainage system should be able to serve all of the dwellings
 2. access to all of the dwellings should be via an existing field access
 3. any house should face north to south to allow for a shared access to serve all of the plots
 4. Scotby road is a bus route and car of those who use the Methodist Church at various times of the week park along the road
 5. condition 6 (surface water drainage) should be retained to protect the Church and surrounding area from flooding

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection to the revised details; however, would recommend the imposition of a condition requiring that the visibility splay be 2.4 metres by 90 metres to the west and 2.4 by 70 metres to the east when measured down the centre of the access road and the nearside channel line of the major road;
Clerk to Wetheral PC: - no response received.

6. Officer's Report

Assessment

- 6.1 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, HO1, HO2, HO4, IP3, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are

relevant.

- 6.2 The proposal raises the following planning issues.

1. The Principle of Development

- 6.3 The principle of development has been established since 2014 when Outline Planning Permission was granted for residential development (application reference 14/0316). A revised application was subsequently granted Outline Planning Permission in December 2015 (application reference 15/0943). The impact of the proposal on the living conditions of neighbouring residents, biodiversity and hedgerows together with the method for the disposal of foul drainage remain unaffected by this application which seeks permission the removal of condition 6 (surface water drainage) and the variation of condition 10 (visibility splays) attached to the Outline Planning Permission.

2. Whether The Removal Of Condition 6 Is Acceptable

- 6.4 Cumbria County Council, as Lead Local Flood Authority (LLFA), originally recommended the imposition of a condition 6 which required:

"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.

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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CP12 of the Carlisle District Local Plan."

- 6.5 Extensive discussions between the Agent and the LLFA have been ongoing in order to try and comply with condition 6 of Outline Planning Permission 15/0943. The LLFA have now revised their initial stance in respect of the requirements for the disposal of surface water associated with the application site. In its recent response, the LLFA outlines that the LLFA is a statutory consultee on major applications (10 or more dwellings) this application, therefore, falls out with the remit of the LLFA. The LLFA now considers the imposition of condition 6 somewhat 'onerous' and 'heavy handed'. Nevertheless, the LLFA considers that the methods proposed outlined in the associated Reserved Matters Application for Plot 4 (application 16/1089) are acceptable. The proposed methods for the disposal of surface water

drainage for Plot 4 being: permeable surfacing above a permeable sub-base; an underground attenuation device which will discharge to a deep highway ditch alongside Scotby Road which has connectivity with Pow Maughan Beck; and a channel drain across the proposed access to prevent surface water discharging onto the highway.

- 6.6 In overall terms, the LLFA raise no objection to the removal of this condition. Furthermore, the LLFA has considered that the proposed method for the disposal of the surface water drainage system for Plot 4 (application reference 16/1089) are acceptable. Accordingly, in light of the views of the LLFA, the removal of the condition 6 originally attached to Outline Planning Permission 165/0943 is acceptable. Nevertheless, given the application seeks Outline Planning Approval it is recommended that an additional condition is imposed which seeks the submission of details in respect of the proposed method for the disposal of surface water arising from the site.

3. Whether The Variation of Condition 10 Is Acceptable

- 6.7 The application also seeks the variation of condition 10 attached to Outline Planning Permission 15/0943. The wording of the aforementioned condition has been reproduced for Members below:

"The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 90 metres, measured down the centre of the access road/ access(es) and the nearside channel line of the major road have been provided at the junction of the access road(s) / each access with the County highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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. 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".

- 6.8 The application now seeks to reduce the minimum clear visibility distances from 90 metres to 70 metres when measured down the centre of the access(es) and the nearside channel line of the highway at the junction of the access(es) with the County highway.
- 6.9 Cumbria County Council, as Highway Authority, has been consulted on the application and raise no objections to the variation of condition 10. The Highway Authority advising that visibility splays are governed by three differing documents. Namely: Design Manual for Road and Bridges (DMRB); Manual for Streets (MfS) and Cumbria County Council's own Design Guide. Each of the aforementioned documents have subtle differences in respect of recommended visibility distances. The DMRB states 90 metres in 30mph zones; however, this is relatively out dated, but is normally the Highway

Authority's starting point, as it is a well-known standard and most designers are aware of it. Cumbria County Council tend to apply it 'when in doubt' about the actual speeds.

- 6.10 MfS and Cumbria County Council's Design Guide promotes a more flexible approach. If speeds are known to be 30mph then the normal splay is 43 metres; however, this would only be accepted if an application were to be accompanied by a speed survey showing the actual speeds recorded. If there is no speed survey then MfS advises that the Highway Authority has to assume the speeds are 37mph, the highest allowable speed for MfS purposes. The required visibility distance would equate to 57 metres which Cumbria County Council usually round up to 60 metres. In respect of the application site, the Highway Authority has also imposed a 10 metre buffer which brings the total visibility distance to 70 metres. The Highway Authority concluding that the recommended visibility splay of 70 metres to the east whilst exceeding the minimum recommended distances is acceptable in the context of the original condition which sought 90 metres.
- 6.11 Accordingly, the Highway Authority raise no objections to the variation of condition 10 of Outline Planning Permission 15/0943 subject to the imposition of a revised condition. In light of the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

4. Other Matters

- 6.12 The remaining conditions attached to Outline Planning Permission 15/0943 remain outstanding, therefore, it is appropriate to replicate the original condition together with the revised condition 6 (surface water details) and varied condition 10 (visibility splays).

Conclusion

- 6.13 In light of the views of Cumbria County Council, as Highway Authority and Lead Local Flood Authority, and subject to the imposition of revised condition 10 (visibility splays) the proposal is acceptable and would not have a detrimental impact on surface water drainage or highway safety to such an extent to warrant a refusal of the application.
- 6.14 Accordingly, the application is recommended for approval as in all aspects the application is compliant with the objectives of the National Planning Policy Framework, the Planning Policy Guidance and relevant Local Plan Policies.

7. Planning History

- 7.1 In 2014, Outline Planning Permission was granted for residential development (application reference 14/0316).
- 7.2 In 2015, Outline Planning Permission was granted for residential development (application reference 15/0943).

- 7.3 There is currently a Reserved Matters Application pending a decision for the erection of 1no. detached dwelling (Plot 4) (application 16/0628).

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than 3rd December 2016, and the development shall be begun not later than whichever is the later of the following dates:
 - i) The expiration of 3 years from 3rd December 2015, 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. The approved documents for this Outline Planning Permission comprise:
 1. the Planning Application Form received 20th December 2016;
 2. the Plan Showing Visibility Splays received 3rd March 2017 (Drawing No. 3023/1F);
 3. the Foul/Surface Water Drainage received 2nd March 2017;
 4. the Notice of Decision;
 5. any such variation as may subsequently be approved in writing by the Local Planning Authority.
3. 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) (England) Order 2015.

4. Samples or full details of all materials to be used on the exteriors shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the materials are appropriate to the building and character of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Details of the relative heights of the existing and proposed ground levels and

the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

Reason: In order that the approved development is appropriately located within the topography of the land in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CC5 of the Carlisle District Local Plan 2015-2030.

7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved plans. No part of the development shall be brought into use until such time that the foul drainage system has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of development hereby approved, details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and 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 consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 90 metres to the west and 2.4 metres by 70 metres to the east, measured down the centre of the access road/access(es) and the nearside channel line of the major road have been provided at the junction of the access road(s) / each access 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 grow 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.

11. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

12. 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 the Local Planning Authority for approval. 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 provision is made for vehicle turning within the site and in the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

13. The access and parking/ turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

14. The vehicular crossing(s) over the footway, including the lowering of kerbs, shall be carried out to the standards of the Highway Authority.

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

15. Before development commences a scheme of tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

Reason: To protect trees and hedges during development works in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

16. Within the tree protection fencing approved by Condition 15:

1. no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree;
2. no equipment, machinery or structure shall be attached to or supported by a retained tree;
3. 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;
4. no alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority;
5. the tree protection measures shall be retained in good condition and to the satisfaction of the local authority for the duration of the development.

Reason: To protect trees and hedges during development works in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

17. 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), no extensions or alterations to the dwellings within the meaning of Schedule 2 Part (1) shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that the character and appearance of the area is not adversely affected by inappropriate extensions in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. 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 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 the Policy CM5 of the Carlisle District Local Plan 2015-2030.

19. No site clearance or works to hedges 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.

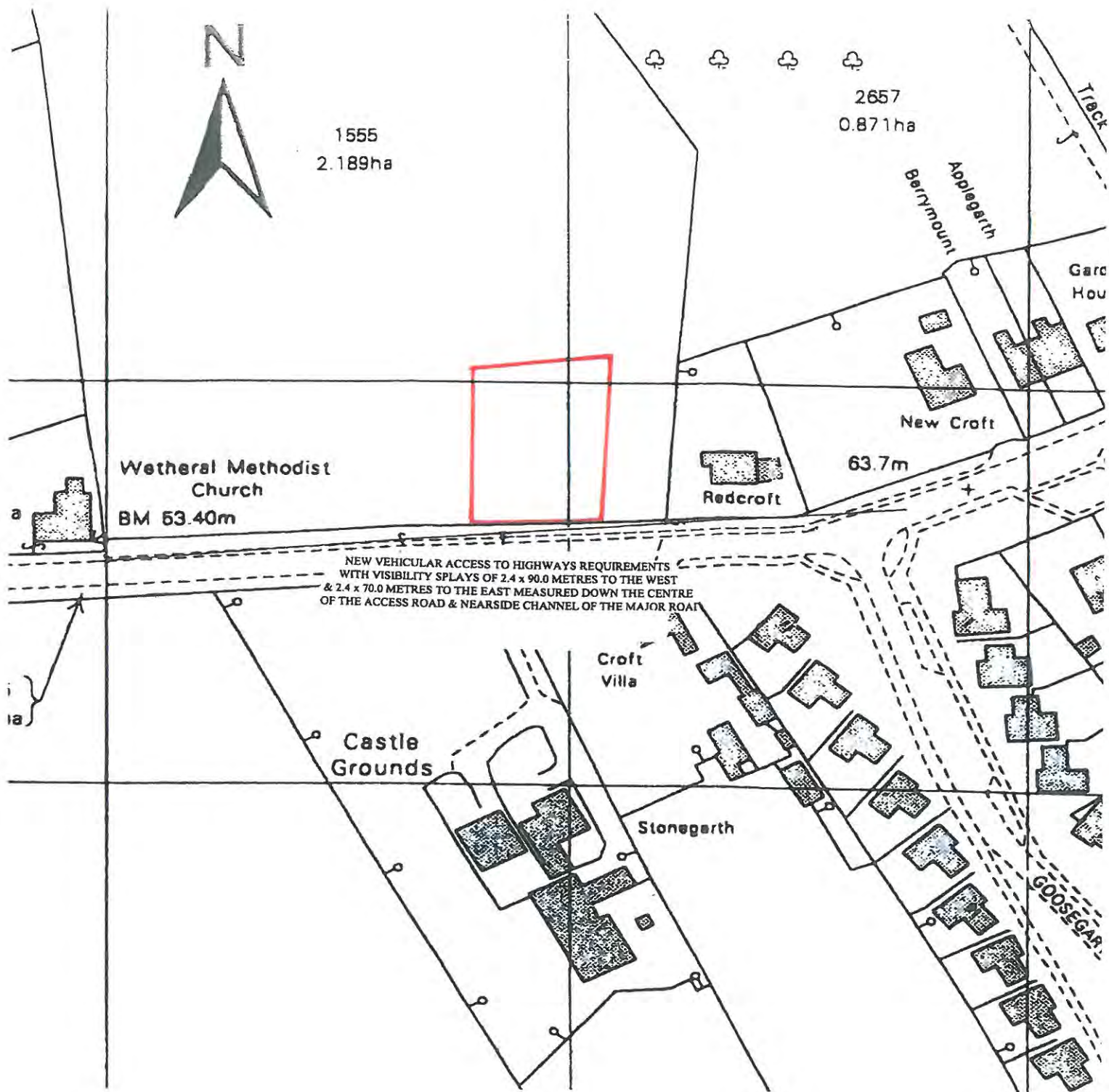
Reason: To protect nesting birds in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

20. In the case of any "Reserved Matter" application for approval, if the number of dwellings exceeds six, the applicant shall enter into a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 which will cover the provision of affordable housing contributions.

Reason: To ensure the provision of affordable housing on the site, in accordance with Policy HO4 of the Carlisle District Local Plan 2015-2030.

21. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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



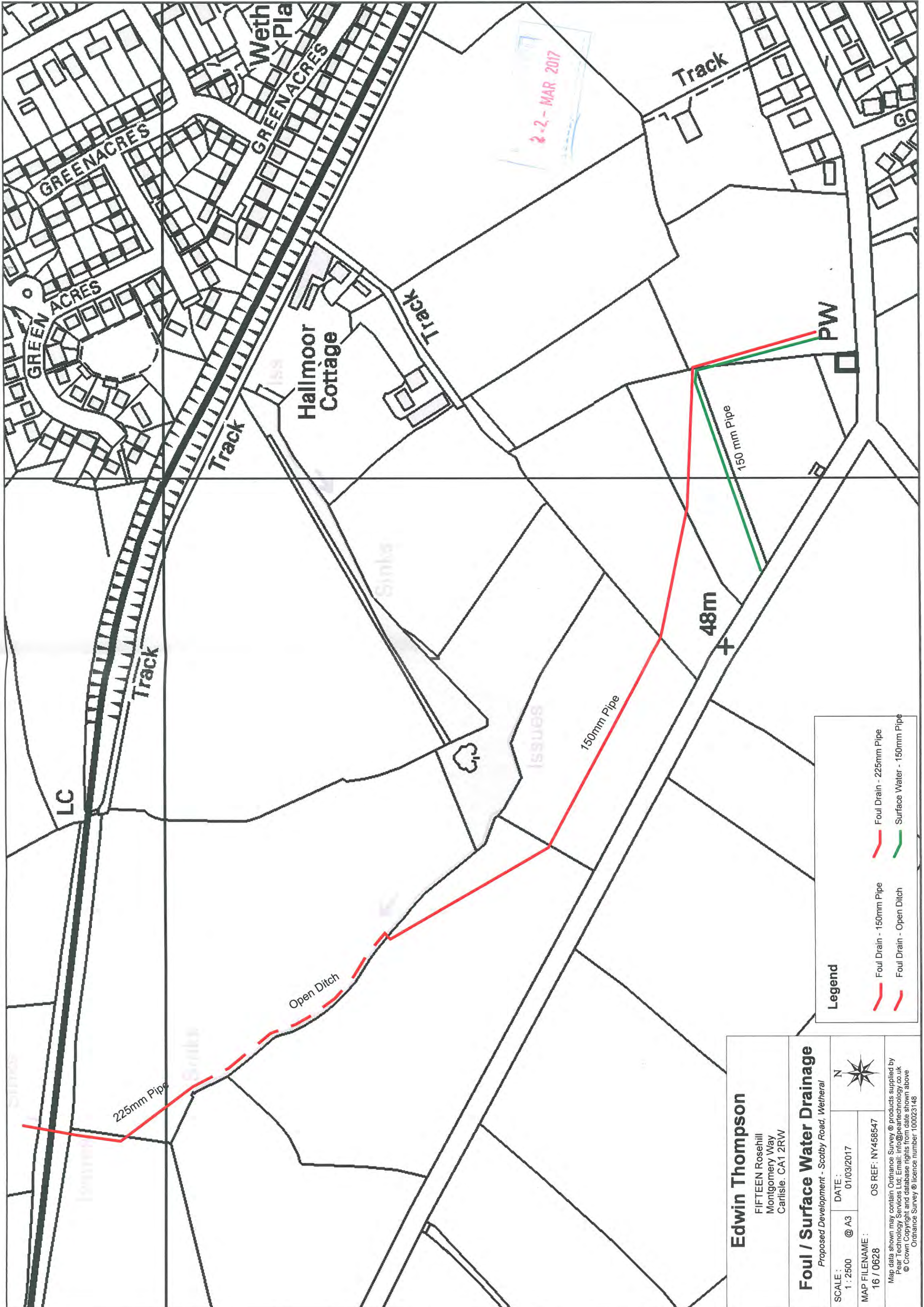
PROPOSED DETACHED DWELLING - PLOT 4

PART FIELD NO. 1553 - SCOTBY ROAD - WETHERAL

PLAN SHOWING VISIBILITY SPLAYS

DRG. NO. 3023/1F

SCALE : 1-1250



Legend

- Foul Drain - 150mm Pipe
- Surface Water - 150mm Pipe
- Foul Drain - Open Ditch
- Foul Drain - 225mm Pipe

Edwin Thompson	
FIFTEEN Rosehill Montgomery Way Carlisle, CA1 2RW	
Foul / Surface Water Drainage	
Proposed Development - Scotby Road, Wetheral	
SCALE : 1 : 2500	DATE : 01/03/2017
MAP FILENAME : 16 / 0628	OS REF: NY458547
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