

Notice of Decision



District Council

To: Richard Dryell Architect
Woodlands
Lazonby
Rectory Road
Penrith
CA101BX

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817
Fax: 01768 212320

*Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015*

Application No: 17/0100
On Behalf Of: Mr Raymond McManus - McManus Builders Ltd.

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application
Proposal: Removal of Condition 12 related to outline Planning Approval 13/0746.
Location: LAND ADJACENT TO COOPERS CLOSE, HIGH HESKET,
CARLISLE, CA4 0JD

The reason(s) for this decision are:

That the application is refused for the following reason -

- 1) The removal of the footpath/cycleway raises concerns of public safety due to the reduced width of footways along the access to the site.
- 2) The application seeks to remove a form of sustainable access provision to the site.
- 3) The applicant has failed to demonstrate that sufficient material justification exists for the removal of the footpath/cycleway to an extent that outweighs the harm the development would cause and that the proposal is contrary to the Development Plan and the NPPF

Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 24 July 2017

Signed:

Jane Langston

Jane Langston
Assistant Director Technical Services

Your reference:
Our reference: 17/0369
Enquiries to: Mr D Wright
Direct Dial: 01768 212302
Email: planning.services@eden.gov.uk
Date: 27 July 2017



Mansion House, Penrith, Cumbria CA11 7YG
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Persimmon Homes Lancashire - Mrs R Graham
Persimmon House
Lancaster Business Park
Caton Road
Lancaster
LA1 3RQ

Dear Sir/Madam

Town and Country Planning Act 1990

Planning Application No: 17/0369

Proposal: *Discharge of conditions 7 & 16 (construction management plan), 15 & 14 (construction method statement), 22 (SUDS maintenance), 18 (landscaping and surfacing) and 13 (drainage and highways) attached to approval 08/0291*

Address: *LAND AT CARLETON HILL ROAD PENRITH*

I write with reference to your application received by the Council on 9th May 2017.

Condition 7 – details approved

Condition 7 requires plans to be submitted prior to the commencement of any of the phases of the development which indicate adequate land for site offices, materials storage, parking for plant and vehicles etc. Once plans are approved these areas are to be retained specifically for this purpose until construction works are complete.

The applicant submitted a Traffic Management Plan – 204.305 Rev A, received 10th July 2017.

Cumbria Highways, as the Council's statutory consultee, have reviewed the submitted plan and agrees to the document being approved.

The information provided above is considered acceptable and therefore the pre commencement requirements of the condition have been met. Please note that the condition requires the development to be carried out in accordance with the above approved plan.

Condition 13 – details approved

Condition 13 requires prior to the commencement of development that details of the upsizing of a culvert that runs down Carleton Hill Road to be submitted and approved. Furthermore the works are to be completed prior to any of the approved properties being occupied.

The applicants provided:

- Diverted Culvert Inlet Headland Details- 30037/61- received - 9th May 2017.
- Ladder, Handrailing and safety chains – STND/01/002 – received 9th May 2017

Cumbria County Council, as the Council's statutory consultee, have reviewed the submitted plans and agree to the documents being approved.

The information provided above is considered acceptable and therefore the pre commencement requirements of the condition has been met. Please note that the condition requires the development to be carried out in accordance with the above approved plans.

Condition 14 – details refused

Condition 14 requires a Construction Method Statement to be submitted prior to each phase commencing which would set out a means of access for demolition and construction traffic, the loading and unloading of plant and materials, the storage of plant and materials, measures to prevent silt and other contaminants entering surface water drains, a scheme for recycling/disposing of waste resulting from demolition waste and measures to manage surface water run off.

The applicants provided:-

- Carleton Meadows - Construction Method Statement – received 9th May 2017

The County Council, as the Council's statutory consultee, have reviewed the submitted plans and recommend that the application to discharge the planning condition is refused because they need details showing how they intend to prevent pollution of the downstream watercourse either by silt mats and or straw bales to protect the out fall until the vegetation beds have taken hold.

The information provided above is considered not acceptable and therefore the pre commencement requirements of the condition have not been met. Therefore the requirements of condition 14 remain outstanding and a new application needs to be submitted as soon as possible.

Condition 15 – details refused

Condition 15 requires a scheme to treat and remove suspended solids from surface water run off during construction works to be submitted and approved prior to each phase commencing.

The County Council, as the Council's statutory consultee, have reviewed the submitted plans and recommend that the application to discharge the planning condition is refused because they need details showing how they intend to prevent pollution migration from the Detention

Basin outfalls with the use of silt matts and or straw bales to protect the out fall until the vegetation beds have taken hold.

The information provided above is considered not acceptable and therefore the pre commencement requirements of the condition have not been met. Therefore the requirements of condition 15 remain outstanding and a new application needs to be submitted as soon as possible.

Condition 16 – details refused

Condition 16 requires a Construction Management Plan to be submitted and approved prior to the commencement of development that details expected number of vehicles, routing of vehicles, signage, wheel wash facilities and times of operation. The approved plan must be followed throughout the construction period.

The applicant has submitted:-

- Traffic Management Plan – 204.305 Rev A, received 10th July 2017.
- Carleton Meadows - Construction Method Statement – received 9th May 2017

Cumbria County Council, as the Council's statutory consultee, have reviewed the submitted plans and agree to the documents being approved. However they suggested that the applicant should re-assess the location of the wheel wash facilities to accommodate both construction traffic routes for the development. This should be noted by the applicant as there is a requirement to carry off site sweeping of the roads in the Construction Method Statement and this requirement might become onerous on the developer if the on site wheel wash facility is not prevent mud and detritus entering the public highway.

The applicants proposed to allow construction works to be carried out on the site from 7:30am to 6:30pm during the week and 8am to 1pm on Saturdays. The Environmental Health team requested that the hours of operation are amended to 8am to 6pm weekdays and 9am to 1pm on Saturdays. It is considered that the construction hours of 7:30 am to 6pm during the week and 8am to 1pm on Saturdays is in line with other large developments within Penrith and in accordance with the development plan but any longer periods of construction particularly for development of this scale will have a unreasonable impact on local amenity.

The information provided above is considered not acceptable and therefore the pre commencement requirements of the condition have not been met. Therefore the requirements of condition 16 remain outstanding and a new application needs to be submitted.

Condition 18 – details approved

Condition 18 requires hard and soft landscaping works to be submitted and approved prior to each phase of development commencing. The details should include proposed contours, planting plans, written specification including cultivation and other operations associated with plant and grass establishment, and schedule of plants, including species, numbers and densities.

The applicants provided 2 detailed landscaping plans on the 17th July 2017 (Drawing no C-1282-05 to C-1282-16)

The Council's Arboricultural Officer has advised:-

"The revised plans have included a full schedule of trees to be planted with sufficient information for me to confirm it is an acceptable proposal, what I would also like to see is a maintenance/management schedule to show the aftercare to cover watering, weeding, tree support removal, formative pruning and so on. There are also quite a few hedges being planted and without appropriate care they could become overgrown and be detrimental to the appearance and enjoyment by future residents."

Notwithstanding the Arboricultural Officer's comments the plans provided are in accordance with the requirements of the planning condition and therefore the information provided above is considered acceptable and the pre commencement requirements of the condition has been met. Please note that the condition requires the development to be carried out in accordance with the above approved plans.

Condition 22 – details approved

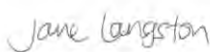
Condition 22 requires full details of the maintenance of the proposed SUDS system is submitted and approved prior to development commencing.

The applicant provided on the 10th July 2017 a Sustainable Urban Drainage System Maintenance Schedule.

Cumbria County Council, as the Council's statutory consultee, have reviewed the submitted plans and agree to the documents being approved..

The information provided is considered acceptable and therefore the pre commencement requirements of Condition 22 are therefore considered discharged. Please note that the condition requires the development to be carried out in accordance with the above approved document.

Yours faithfully



Jane Langston