



Development Design Guide

Appendix 11 – Standing Advice

Standing advice

HIGHWAYS

Background

Our current policy (*Highway Authority Input to Development Control Code Of Practice 1996*) states that The Planning Authority should endeavour to only consult the County Council about applications that are likely to affect the transport network. This will assist the Council in providing a timely response. The County Council, as Highway Authority, will wish to be consulted on all planning applications except those falling into the categories below.

- a) Applications for Listed Building Consent (LBC) for alterations and minor demolitions that do not additionally require planning permission eg. internal alterations and minor external works (such as removal of chimney stacks).
- b) Applications for Listed Building Consent where a simultaneous application has been made for planning permission.
- c) Applications for Conservation Area Consent for demolition, where demolition is the only building or engineering operation.
- d) Applications for alterations to the finish of external elevations to a dwelling in a Conservation Area.
- e) applications for a Certificate of Lawfulness of Proposed Use or Development or Existing Use.
- f) Applications seeking relief from agricultural occupancy conditions and from local occupancy conditions.
- g) Applications seeking relief from planning conditions or Article 4 Directions relating to types of building materials, painting of caravans, etc. for removal of conditions restricting permitted development rights, and landscaping.
- h) Notices of Intention for Demolition.
- i) Alterations to the roof of a dwelling, including installation of a dormer window.

(NB unless there is a danger to the public on the adjacent highway or there is an impact on water run off over the highway)

The Highway Authority and Lead Local Flood Authority seek to simplify this process as per this Code of Practice and will still respond to the planning authority in clear, precise and substantive terms advising whether the proposal is acceptable to the highway authority or not and, where it is not acceptable, giving advice on measures needed to make it acceptable. The response will contain: an analysis of the issues, advice on whether the proposal could be made acceptable and a recommendation to approve with conditions, to refuse with reasons and advice on improvements that should be made.

Code Of Practice –

1.1 There are seven planning authorities within Cumbria, including the County Council (who has responsibility for the determination of minerals extraction, waste management and disposal, and Regulation 31 planning applications e.g. schools, libraries, and other County Council development applications) and the National Parks.

Standing Advice will form the substantive response of the Highway Authority to a planning consultation, in a generic format. The direction to use Standing Advice does not mean that there is no highway reason for objection to an application, but rather that it will be for the Local Planning Authority to determine whether or not a proposal complies (or can be conditioned so as to comply) with the advice, and therefore whether or not planning consent should be granted.

This document indicates those applications to which this Standing Advice is likely to apply. It gives guidance to the Local planning Authorities in order that they may determine those minor planning applications which the Highway Authority indicates this Standing Advice applies to.

Standing Advice may also be used to inform pre-application considerations for small scale development proposals (domestic extensions etc) although the Highway Authority will make a final determination when formally consulted on a planning application.

Irrespective of the grant of planning consent by a Local Planning Authority, the necessary licences will need to be secured from the Highway Authority, to allow

works on or adjacent to the public highway. Developers are also advised to ensure that the correct checks have been undertaken (including Road Records, utilities, etc.).

1.2 Consultation Process

Currently, registered planning applications are made available to the County Council for consultation. In some of the planning authority areas these are 'pre-selected' by the Local Planning Authority who determines which applications require Highway Authority input.

This document indicates those applications that will no longer be likely to require a unique Highway Authority response to inform the development management process. It provides the advice necessary for a Local Planning Authority to make a determination.

Consultations will still take place with the Highway Authority commenting by electronic communication on those applications registered by the Planning Authority or through the weekly / fortnightly visits to the Planning Offices.

This consultation will include indicating to the Local Planning Authority those applications to which 'Standing Advice applies'; and those where the LLFA and LHA will respond.

1.3 Applications to Which Standing Advice Applies

Those minor applications where Standing Advice is likely to apply will include but may not be limited to:

- (1) Householder extensions (conservatories, small rear extensions, etc.)
- (2) Householder applications including new or altered accesses

- (3) New single (or a pair of) dwellings / **Less than 5 dwellings.**
- (4) Changes to parking arrangements (e.g. COU of garage, extension over a car port or parking space, etc.)
- (5) Agricultural buildings or accesses
- (6) Barn conversions
- (7) Gypsy and Traveller sites **of less than 5 pitches**
- (8) Advertisements and signs

The Highway Authority is likely to direct that it is appropriate to use this Standing Advice where it considers that traffic volume and the nature of the highway is such that traffic speeds are sufficiently constrained. Many roads or streets have a sense of place but higher speed limits often apply. The nature of such a highway and its setting means that the actual speed of traffic may be much lower than the posted speed limit. Speed survey data, or observation on site, can help to inform this judgement. Visibility splays should then be provided as per this guidance.

If however, a minor application as listed above is considered by the Highway Authority or the LPA to have a significant impact on the highway network, (highway safety implication, access to a classified or high speed road, or other conflict which is not covered by Standing Advice, etc.) then the Highway Authority or LPA may choose to seek advice. This should be indicated through the initial consultation process.

Standing Advice

1 TRANSPORT SUSTAINABILITY

1.1 Outline

It is for the Local Planning Authority to determine if the development is appropriately located, having regard to the development limits as identified in the adopted Local Plan/Core Strategy.

2 DESIGN REQUIREMENTS/DETAILS

2.1 Visibility Splays

Where accesses and junctions are to be formed, this advice considers that the Cumbria New Residential Design Guide is the appropriate guidance for visibility splays (Appendices 11.1 & 11.3) unless otherwise stated.

Visibility splays should be determined by the posted speed limit, unless physical measures, speeds or change is agreed by the Local Planning Authority.

2.2 Pedestrian Visibility

Where a new pedestrian access is proposed, it is necessary to ensure that adequate visibility splays are provided. These will be 2.4m x 2.4m and will be provided to the rear of the footway, or where the access meets the carriageway edge .

2.3 Surfacing and Drainage

Adequate provision shall be made to ensure that surface water does not drain onto the public highway. Equally any new access shall be designed to ensure that highway water does not drain onto the development site.

3 CREATION OR ALTERATION OF A DRIVEWAY

3.1 Requirements

1) Up to two dwellings may be served by a driveway and 5 dwellings of a shared access road. This advice will therefore apply, provided that the proposal does not constitute the laying out of a street. As defined within the Highways Act 1980.

2) Visibility splays shall be in accordance with The Cumbria Design Guide visibility splay criteria unless otherwise stated. The visibility splays will be required to be provided within the control of the applicant, which is allocated within the red/blue lines of the applicant's boundary or highway land.

3) Any access for a single residential unit should have a minimum width of 3.0 metres. Where an access serves more than one unit, adequate width to pass two vehicles should be secured. It is recommended that a minimum width of 5.0 metres be

provided over a minimum length of 6.0 metres.

4) The gradient of any driveway shall not exceed 1 in 10, for at least the first 6.0 metres from the edge of the adopted highway.

5) Any new or altered access, must be consolidated or surfaced for at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, (not loose stone or gravel).

6) Positive drainage shall be provided, to prevent the discharge of water from private land to the adopted highway. It may also be considered necessary to take measures to prevent the 'run off' of water from the adopted highway onto private land. Details of such an arrangement should be approved by the Highway Authority prior to implementation.

7) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 5.0 metres from the carriageway edge. Gates for pedestrian only access should be hung to open inwards.

8) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the relevant highway office

4 PARKING AND TURNING REQUIREMENTS

4.1 Parking

1) The parking provision for developments should be in accordance with the adopted Cumbria Design guide.

2) The requirements for parking space and garage dimensions are also contained within the adopted Cumbria Design Guide and should where possible be adhered to.

4.2 Turning

Turning will be required, where appropriate, where an access is onto a classified road.

5 HIGHWAY LIMITS AND RIGHTS OF WAY

5.1 Information

1) It is incumbent on the applicant and Local Planning Authority to check for conflict with any adopted highway including public Rights of Way.

2) Development (including advertisements and signs) is NOT permitted on the adopted highway.

3) Any impact on a Right of Way should be discussed with the Rights of Way team.

6 SIGNAGE, LIGHTING AND ILLUMINATION

7.1 Signage Details

Any developer shall ensure that installations do not interfere with the use of the highway or prejudice highway safety by distracting or confusing road users; or by causing dazzle, glare, etc., due to their size, detailing and/or proximity to the public highway.

7 ADDITIONAL INFORMATION

7.1 Overhanging Signage, Vegetation, etc.

Signs, awnings, etc. overhanging the highway must have a minimum clearance to the bottom edge of 2.4m and must be no closer than 450mm to the carriageway edge

Roots or overhanging vegetation must not cause damage or obstruction to the highway.

Planting schemes (especially those with trees) must allow sufficient protection from roots damage, as well as sufficient clearance from the highway that the seasonal vegetation growth will not become an issue or obstruct required visibility splays.

8 CONDITIONS AND REASONS FOR REFUSAL

8.1 Conditions

Where it is determined that an application does not lead to a highway safety concern, it may be necessary to condition those elements that should be secured in perpetuity.

These are likely to be visibility, layout, parking, turning, etc.

8.2 Reasons for Refusal

Where the requirements of this Standing Advice cannot be satisfied, it may be necessary to refuse the planning application on highway safety grounds.

Should the Local Planning Authority decide to refuse an application for highway or Drainage reasons in accordance with this Standing Advice, it is recommended that officers consult with the Highway Authority prior to issuing a refusal notice. This should assist in the event of an appeal being made

STANDING ADVICE – DRAINAGE (SUDS)

This advice is provided to help process lower risk minor planning applications without the need for direct consultation with the Lead Local Flood Authority (LLFA).

This advice is different to and does not encompass or replace the [Environment Agency's Flood Risk Standing Advice \(FRSA\)](#). The Local Planning Authority should consider whether additional advice from the Environment Agency is also required.

The LLFA will provide case-specific advice on major developments.

The table below should be used to determine whether to consult the LLFA **OR** whether to apply technical advice and informatives. Some applications may need more than one informative, in which case all relevant informatives should be referred to. This advice does NOT recommend the use of any conditions.

Check	Action
CHECK 1 Does the site contain an ordinary watercourse¹, or is it within 8 metres of one? <i>Check 'watercourse' GIS layer</i>	Consult LLFA
CHECK 2 Is a significant area of the development site at medium or high risk of surface water flooding, or is the site adjacent to an area that is²? <i>Check Risk of Flooding from Surface Water map (RoFSW)</i>	Consult LLFA
CHECK 3 Does the development propose 5 or more new units, or is the new built development site area 0.5ha or more? <i>Due to Cumbria's unique flooding history it is considered that to consult on 5 dwellings rather than 10 dwellings is more appropriate</i>	Consult LLFA
CHECK 4 Does the proposal include basement or other sub-terrarium development?	Consult LLFA
CHECK 5 Is the site at low to no risk of surface water flooding as shown on the Risk of Flooding From Surface water Map (RoFSW) map?	See Advice 1

¹ An ordinary watercourse means any watercourse, ditch, stream, culvert or pipe; (except Main Rivers which are regulated by the EA).

² Any sites that are on an obvious flow route or indicate high or medium risk areas on the RoFSW map.

Advice 1

LLFA position

The Lead Local Flood Authority has no objection to the proposed development, subject to the inclusion of the informative below.

Informative

A sustainable drainage system to serve each individual dwelling/unit should be installed to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development.

All components of the sustainable drainage system must either be:

1. Adopted, and therefore maintained, by the Water and Sewerage Company (United Utilities) through a Section 104 Agreement (Water Industry Act 1991)
2. The responsibility of the property owner to maintain all components of the drainage system that serves their property.