

SCHEDULE A: Applications with Recommendation

21/0095

Item No: 03

Date of Committee: 30/04/2021

Appn Ref No:
21/0095

Applicant:
Mr Stamper

Parish:
Carlisle

Agent:
CONCEPT

Ward:
Cathedral & Castle

Location: Roseville Terrace, Edward Street, Carlisle

Proposal: Erection Of 2no. Dwellings

Date of Receipt:
04/02/2021

Statutory Expiry Date
01/04/2021

26 Week Determination
03/05/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Whether the scale and design of the dwellings is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Proposed method for foul and surface water drainage
- 2.5 Impact of the proposal on highway safety
- 2.6 Impact of the proposal on biodiversity
- 2.7 Other matters

3. Application Details

The Site

- 3.1 The application site is located on the northern side of Edward Street in an area identified in the local plan as a 'Primary Residential Area'.
- 3.2 The Elim Free Church and numbers 1 and 2 Roseville Terrace are located to the north with Brook Street Primary School to the east.

Background

- 3.3 The application site was formerly occupied by two terraced properties known as numbers 3 and 4 Roseville Terrace. In September 2006, full planning permission was granted for the demolition of 2no structurally unstable terraced properties and the erection of 4no flats (revised proposal) (application reference 06/0910).
- 3.4 A subsequent revised planning application for the addition of roof windows in Flat 3 was approved in 2008 (application reference 08/0133). Available records indicate that the development has commenced by the demolition of the dwellings and the excavation of foundations.

The Proposal

- 3.5 The proposal seeks full planning permission for the erection of 2no. dwellings. The submitted drawings illustrate that the accommodation would comprise of a communal living/kitchen/dining area; hallway; and 1no. en-suite bedroom on the ground floor with 3no. ensuite bedrooms above. The paved areas to the front of the dwellings would be enclosed by a brick wall and railings. The rear external yard areas, enclosed by 1.8 metre high boundary walls, would also provide secure cycle and bin storage.
- 3.6 The proposed dwellings would adjoin number 2 Roseville Terrace and have the same ridge line. The proposed front elevations would be finished in facing brickwork with the rear and side elevation finished in render. The roofs would be natural slates.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of twenty-one neighbouring properties and the posting of a site notice. In response, one representation of support has been received.
- 4.2 The representation identifies the following issues:
1. broadly support any development which will improve the environment of local residents. The Local Authority have previously looked to support the school in the purchase and development of this land, which did not proceed, and so other good use of this site is to be supported;
 2. proposal is for student accommodation, aware that the University of Cumbria is close to Edward Street and that there is a general need for student accommodation. However, would ask whether the council have assessed which there is the greater need for, family accommodation or student accommodation?
 3. potential of significant impact of noise and disturbance for the resident immediately adjacent to the development and recommend the imposition

of a construction hours condition;

4. proposed site is immediately adjacent to a School and request that a condition is imposed to ensure that construction workers are mindful of their conduct during construction

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - note the site history with previous 06/0623, 06/0910 and 08/0133. The Highway Authority have to look at this as a fresh application, no parking provisions have been provided and the Highway Authority would expect for 4 bedroom property 2 spaces, therefore, 4 in total. The details submitted do not meet the Highway Authority's current requirement. The U148 has Traffic Regulation Order in place with disc parking only, if the application were to be approved the applicant should be made aware no more residents permits will be issued;

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

United Utilities: - no objections subject to the imposition of two conditions. The conditions to seek to ensure the submission of a surface water drainage scheme and that foul and surface water are drained on separate systems.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, HO3, IP3, IP4, IP6, CC4, CC5 and GI3 of the Carlisle District Local Plan 2015-2030. A further material consideration is the Supplementary Planning Document (SPD) adopted by the City Council, 'Achieving Well Designed Housing'.

1. Principle of Development

- 6.3 *"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development"* (paragraph 10).
- 6.4 The aims of the NPPF is reiterated in Policy HO2 of the local plan which

outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural area provided that the development would not prejudice the delivery of the spatial strategy of the local plan and be focussed in sustainable locations subject to satisfying five criteria.

- 6.5 The application site was formerly occupied by two structurally unstable terraced properties and is located within Carlisle, therefore, the sustainability of the application site is not in question. Furthermore, the erection of two dwellings would not prejudice the delivery of the spatial strategy of the local plan. As such, the principle of residential development is acceptable. Whether the development of the application site complies with other relevant local plan policies will be discussed in detail in the relevant sections below.

2. Whether The Scale And Design Of The Dwellings Are Acceptable

- 6.6 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing.
- 6.7 When assessing the vernacular of the area, it is evident that the majority of the housing stock within the immediate vicinity are terraced properties. By way of background, two terraced properties on the application site were demolished due to their structural instability and permission granted for 4no flats (application reference 06/0910). A subsequent revised planning application for the addition of roof windows in Flat 3 was approved in 2008 (application reference 08/0133). Available records indicate that the development was commenced by the demolition of the dwellings and the excavation of foundations for the flats.
- 6.8 The current scheme, however; now seeks to replicate the housing stock within the area through the erection of 2no. terraced properties. The proposed dwellings would be attached to number 2 Roseville Terrace and follow the same ridge line. The front elevation, set back from the pavement by an enclosed paved area, would be finished in facing brick with the side and rear elevations finished in textured render. The rear external amenity space would be enclosed by 1.8 metre high rendered walls and provide bin and secure cycle storage.
- 6.9 The scale and design of the dwellings are appropriate to neighbouring properties. The proposed dwellings would be constructed from materials which will harmonise with its neighbours and employ similar detailing. In overall terms, the proposal would utilise a currently vacant development site with the proposed dwellings complementing the vernacular of the surrounding area, therefore, would not form a discordant feature within the street scene.

3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.10 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved. However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply.
- 6.11 The proposed front elevations of the dwellings would follow those of the neighbouring properties numbers 1 and 2 Roseville Terrace. The distance between the existing properties on Edward Street and the proposed primary windows of the dwellings would be less than that stated in the SPD (approximately 18 metres as opposed to 21 metres); however, the SPD makes it clear that if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply.
- 6.12 In respect of the proposed first floor windows in the rear elevations and those in the rear elevations of existing properties on Howe Street, the separation distance would be approximately 17 metres. These distances replicate the distances of those of the adjoining properties, numbers 1 and 2 Roseville Terrace, to the properties on Howe Street.
- 6.13 Concerns have been expressed about the potential for unacceptable noise and disturbance during construction works. The Agent has submitted a Planning Statement which would form part of the approved documents should members approve the application. This document details construction operations and how construction workers would be expected to conduct themselves. To further safeguard the living conditions of the occupiers of neighbouring properties a condition is also recommended that would restrict construction working hours.
- 6.14 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy, over dominance or unacceptable noise and disturbance.

4. Proposed Method Of Foul And Surface Water Drainage

- 6.15 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted documents illustrating that the foul and surface water would enter the existing mains drainage

system.

- 6.16 Cumbria County Council, as Lead Local Flood Authority, and United Utilities raise no objections subject to the imposition of conditions. The recommended conditions would ensure that foul and surface water drainage are drained on separate systems together with pre-commencement conditions requiring the submission of foul and surface water drainage schemes. These details would then be subject of further consultations with the relevant statutory consultees. Should the additional details prove to be unacceptable, it may be that the residential development would stall as a result.

5. Impact Of The Proposal On Highway Safety

- 6.17 As previously outlined in the report, the vernacular of the area is one of terraced properties. As such, parking is primarily provided 'on-street' and controlled by residents parking schemes. Cumbria County Council, as Highway Authority, has been consulted and objects to the proposal on the following basis:

"note the site history with previous 06/0623, 06/0910 and 08/0133. The Highway Authority have to look at this as a fresh application, no parking provisions have been provided and the Highway Authority would expect for 4 bedroom property 2 spaces, therefore, 4 in total. The details submitted do not meet the Highway Authority's current requirement. The U148 has Traffic Regulation Order in place with disc parking only, if the application were to be approved the applicant should be made aware no more residents permits will be issued".

- 6.18 In respect of the lack of parking to serve the proposed dwellings, members should be mindful that the proposed dwellings would occupy the site of two now demolished terraced dwellings which it is assumed would have once been eligible for residents parking permits. The application site is located close to a range of local amenities, the university campus, public transport and is within walking distance of the city centre. Furthermore, secure cycle provision would be provided within the enclosed rear yard areas of the properties. Accordingly, members must determine if the lack of parking provision to serve the dwellings is so significant to warrant a refusal of the application on this basis.

6. Impact Of The Proposal On Biodiversity

- 6.19 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an informative is recommended, should Members approve the application, that if a protected species is found all work must cease immediately and the local planning authority informed.

7. Other Matters

- 6.20 A further issue raised is the need for student accommodation as opposed to family accommodation. As members are aware each application is dealt with on its own merits. In this case, the applicant is proposing the dwellings to be occupied as student accommodation; however, the properties could still be occupied as family accommodation.

Conclusion

- 6.21 The principle of development is acceptable. The scale and design of the dwellings would be appropriate to the site and would not result in an adverse impact on the character or appearance of the street scene. In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Subject to satisfying pre-commencement conditions, adequate provision would be made for foul and surface water drainage. Although there is no dedicated parking provision, the site is close to local amenities, public transport routes and within walking distance of the city centre.
- 6.22 In overall terms, the proposal is considered to be compliant with the objectives of the NPPF, PPG, relevant local plan policies and SPD, therefore, the application is recommended for approval.

7. Planning History

- 7.1 In 2006, full planning permission for demolition of 2 no. structurally unstable terraced properties and their replacement with 5no. flats and associated parking was refused (application reference 06/0623). An appeal against the decision was subsequently dismissed by the Planning Inspectorate in July 2006.
- 7.2 Also in 2006, full planning permission for the demolition of 2no structurally unstable terraced properties and erection of 4no flats (revised proposal) was approved (application reference 06/0910).
- 7.3 In 2008, full planning permission was granted for proposed roof windows to 1no. flat (revision to flat 3 approved under 06/0910) (application reference 08/0133).

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 2nd February 2021;
2. the Planning Statement received 13th April 2021;
3. the Contamination Statement received 4th February 2021;
4. the as existing/proposed plans, elevations & section A-A received 13th April 2021 (Drawing No. 21-02-01 Rev C);
5. the block plan received 2nd February 2021 (Drawing No. 21-02-02);
6. the location plan received 2nd February 2021 (Drawing No. 21-02-03);
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. 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.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

4. No development approved by this permission shall be commenced until a scheme for the provision of foul 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 foul water disposal and in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

5. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies IP6, CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

6. No work associated with the construction of the development 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 CM5 of the Carlisle District Local Plan 2015-2030.

7. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwellings.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

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

3 4 Roseville Terrace, Edward Street, Carlisle, Cumbria, CA1 2JD



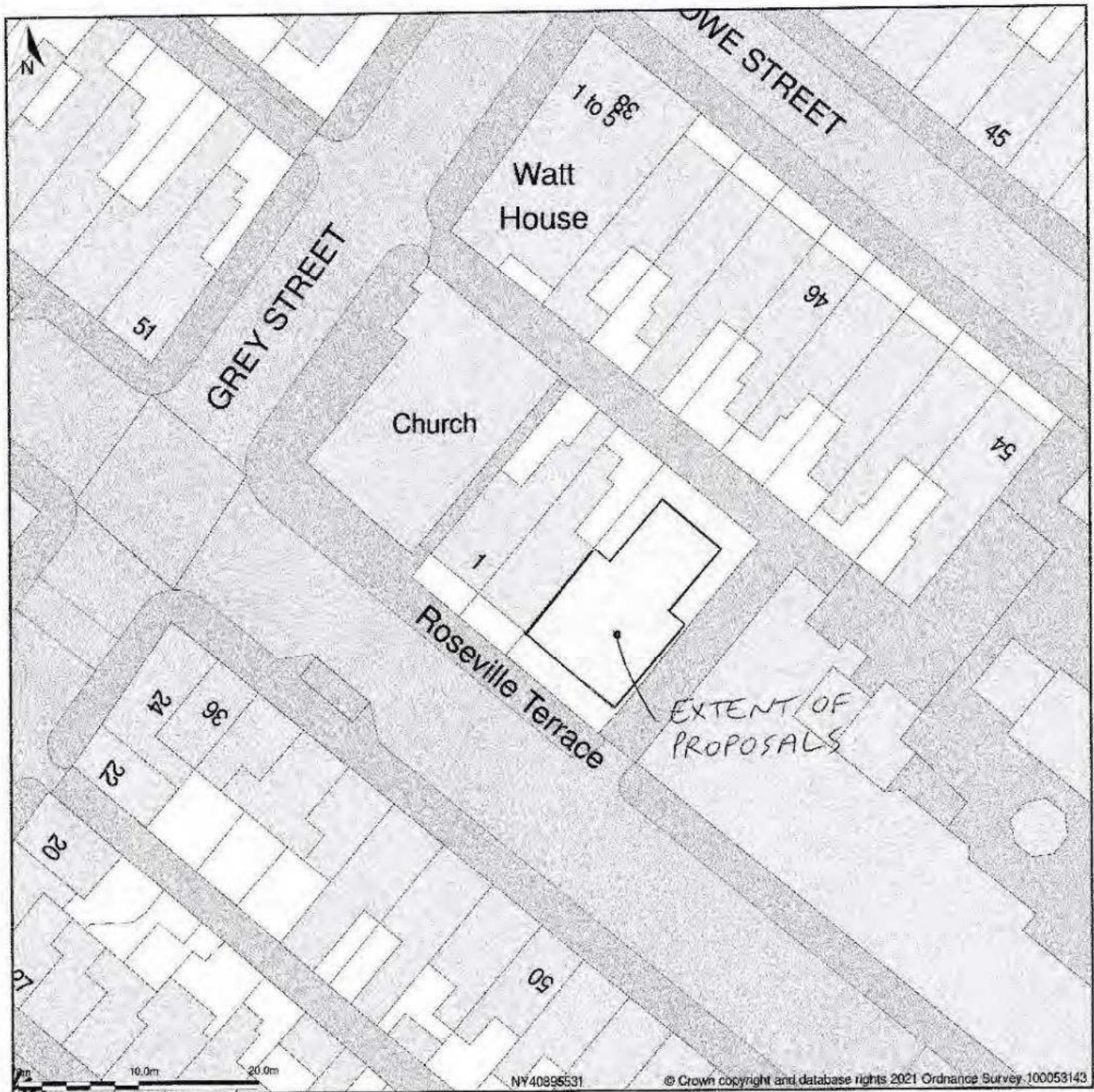
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21-02-03
LOCATION PLAN

3 4 Roseville Terrace, Edward Street, Carlisle, Cumbria, CA1 2JD



Block Plan shows area bounded by: 340851.97, 555268.01 340941.97, 555358.01 (at a scale of 1:500), OSGridRef: NY40895531. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

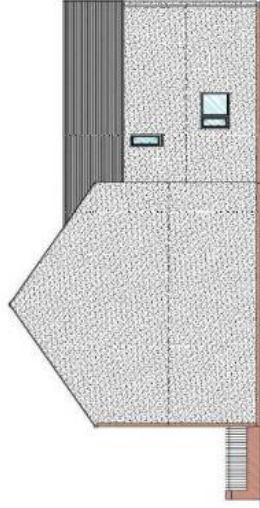
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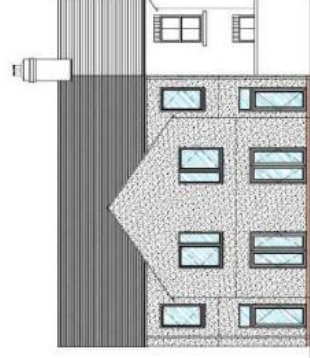
21-02-02
BLOCK PLAN



Front (Roseville Terrace) Elevation



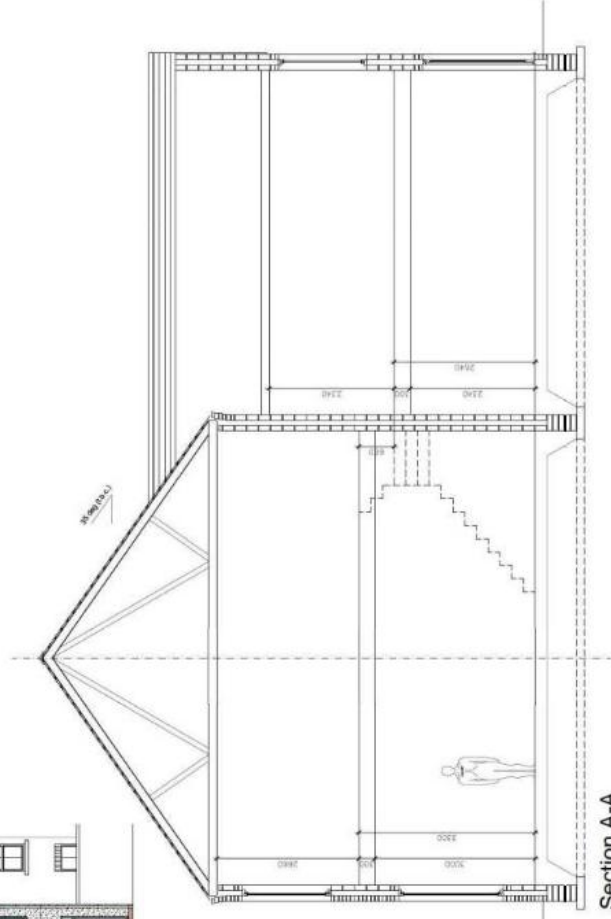
Side Elevation



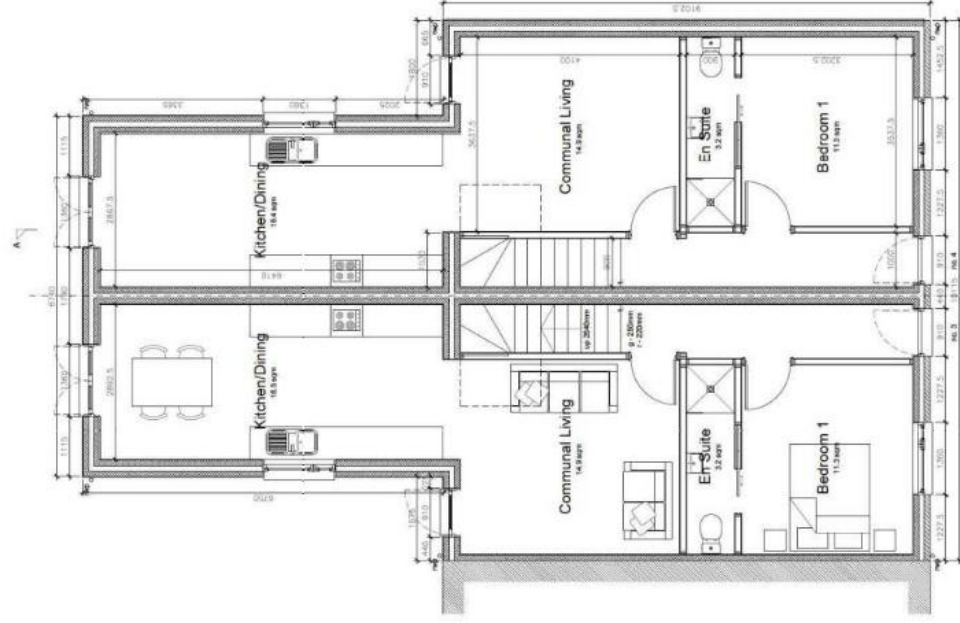
Rear (Access Lane) Elevation

Proposed Finishes:

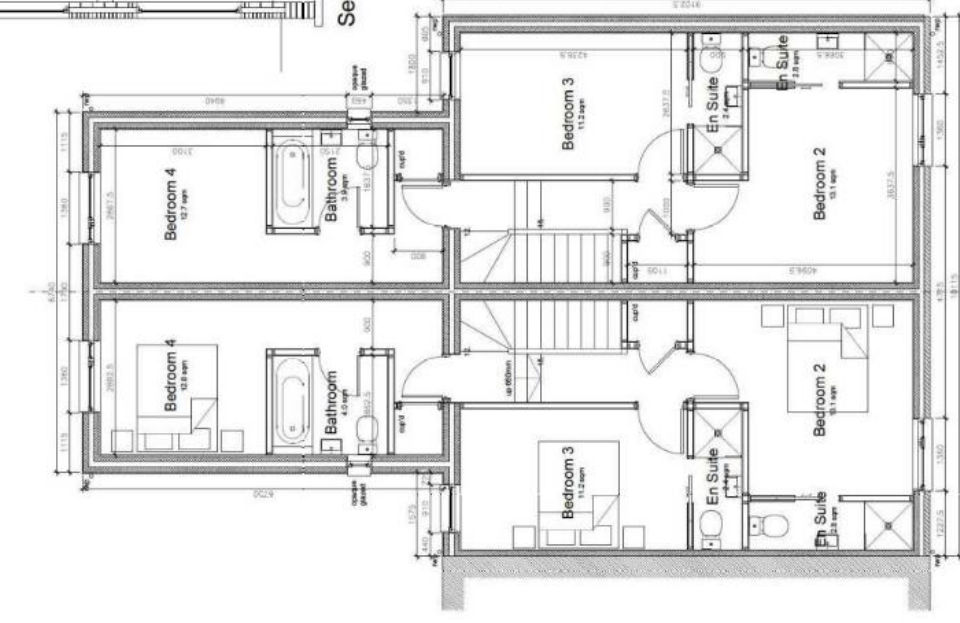
- Floor - Natural slate roof tiles (grey)
- External Walls - Facing brickwork & tiling
- Internal Walls - Facing brickwork & tiling
- Roofing - Asphalt (red/brown mix) with sealed gravel (grey or black) to upper walls (off white)
- Windows/Doors - Upraised (finished dark grey) with associated double glazed units
- Paintwork - White - Upraised (finished black)
- Accessories - Upraised (finished black)



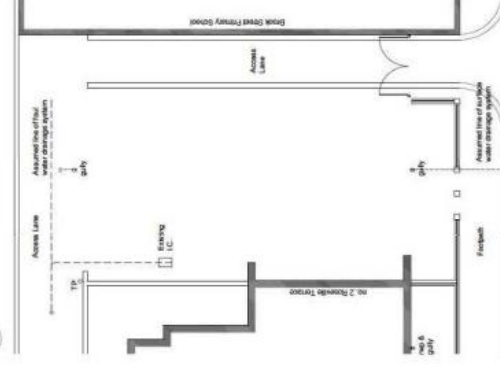
Section A-A



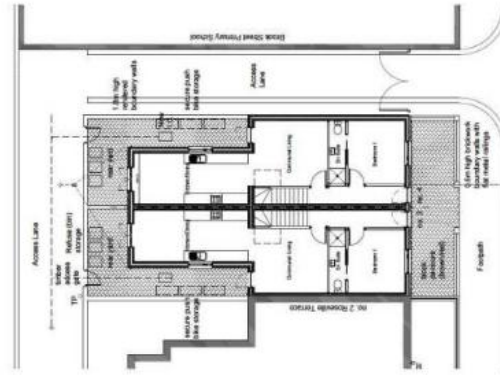
Ground Floor Plan



First Floor Plan



Existing Site Plan



Proposed Site Plan

