

## SCHEDULE A: Applications with Recommendation

18/1106

Item No: 07

Date of Committee: 07/06/2019

**Appn Ref No:**  
18/1106

**Applicant:**  
Mr Gearing

**Parish:**  
Carlisle

**Agent:**  
Robinson Drafting &  
Design

**Ward:**  
Currock & Upperby

**Location:** Land to rear of 5-8 Sewell Place, Carlisle, CA2 4QR

**Proposal:** Erection Of 1no. Dwelling

**Date of Receipt:**  
19/12/2018

**Statutory Expiry Date**  
13/02/2019

**26 Week Determination**  
15/02/2019

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### REPORT

**Case Officer:** Suzanne Osborne

#### 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 scale and design of the dwelling is acceptable and the impact on the character and appearance of the area;
- 2.3 The impact of the proposal on the living conditions of neighbouring residents;
- 2.4 Impact upon the highway network;
- 2.5 Landscaping;
- 2.6 Drainage;
- 2.7 Biodiversity;
- 2.8 Other matters.

#### 3. Application Details

##### The Site

- 3.1 The application site is located on land to the rear of No. 5-8 Sewell Place. The site comprises of a rectangular parcel of land that measures

approximately 0.089 hectares in area formally used as allotments. The land is relatively flat and is wholly surrounded by two storey terraced properties with gardens that back onto the application site. Site boundaries comprise of a mixture of metal and timber fencing as well as hedgerows of various species and maturity. Access to the site is via an existing road which is positioned between No.s 4 and 5 Sewell Place.

- 3.2 The application site is currently vacant and has been cleared of various vegetative matter. The land to the north of the site (also previously used as allotments) has been granted planning permission for 1no. two storey dwelling and at the time of the officer site visit was currently under construction. The dwelling proposed under this application will share an access off Sewell Place with the previously approved dwelling to the north.

## **The Proposal**

- 3.3 The application seeks full planning permission for the erection of 1no.detached dwelling. The submitted drawings illustrate that the proposed dwelling house will be located centrally within the plot with a driveway to the north and a patio/garden area to the south. The accommodation is to comprise of a lounge, hall, study/office, WC, utility, kitchen/dining room on the ground floor with 4 no.bedrooms (1 of which will be en-suite) and bathroom above.
- 3.4 The property will be constructed from rendered walls under a grey concrete tiled roof. Windows and doors will be anthracite UPVCdouble glazed units with rainwater goods in black UPVC.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 16 neighbouring properties. No verbal or written representations have been received in response to the consultation undertaken.

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

**Cumbria Constabulary - Community Safety Unit Liaison, North Cumbria BCU Headquarters:** - no observations or comments;

**Cumbria County Council - (Highways & Lead Local Flood Authority):**  
object to the application on the following two grounds:

The proposed access for the residential development would result in conflict of traffic movements with neighbouring properties taking into account existing boundary fences which impede visibility as well as the substandard width. Access is also further restricted by way of the designated parking area resulting in additional danger and inconvenience to all users of the highway. To support Local Transport Plan Policies LD7 and LD8.

The Local Highway Authority considers that the road(s) serving the proposed development are inadequate by reason of the following to accommodate the increase in traffic:

- a) sufficient width
- b) horizontal alignment
- c) structural stability
- d) other

To support Local Transport Plan Policies LD7 and LD8.

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** - no objection subject to the imposition of one condition ensuring that foul and surface water are drained on separate systems with surface water drained in accordance with the hierarchy of drainage options outlined in the NPPF.

## **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 are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP6, H02, IP2, IP3, IP4, IP6, CC5, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. Other material considerations are Supplementary Planning Documents adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.
- 6.3 The proposal raises the following planning issues:

#### **1. The Principle Of Development**

- 6.4 Policy HO2 "Windfall Housing Development" recognises that new housing development will be acceptable within or on the edge of Carlisle as long as it does not prejudice the delivery of the spatial strategy of the Local Plan and subject to a number of criteria. With regards to the spatial strategy, a proposal of this scale would not prejudice other housing allocations within Carlisle coming forward and therefore its compatibility with the criteria of Policy HO2 needs to be considered.
- 6.5 The site is located within the urban area of Carlisle and is identified as being located within a primary residential area under the proposal maps which accompany the Carlisle District Local Plan. In such circumstances the principle of the proposal is acceptable. Issues such as scale/design etc are discussed below:

## **2. Whether The Scale And Design Of The Dwelling Is Acceptable And The Impact On The Character And Appearance Of The Area**

- 6.6 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.7 Policy HO2 of the CDLP seeks to ensure that new housing development is appropriate to the scale, form, function and character of the settlement. Policy SP6 "Securing Good Design" requires that development proposals should 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.
- 6.8 The proposed dwelling will be a two storey property constructed from rendered walls, anthracite UPVC windows and doors under a grey concrete tiled roof. A kitchen/dining room, lounge, hall, WC, utility and study/office will be provided on the ground floor with 4 bedrooms (1 of which will be an en-suite) and bathroom above.
- 6.9 The dwelling will sit on an elongated plot and will be orientated north-south. Existing hedgerows along site boundaries will be retained with new concrete post and timber panel fencing along the rear boundaries of the site as well as a brick wall across the site frontage. The proposal will provide incurtilage parking and turning with vehicular access via an existing road between Nos.4 and 5 Sewell Place.
- 6.10 The surrounding area is characterised by two storey terraced properties constructed from brick or rendered walls under slate roofs. The materials for the detached dwelling to the north of the site, currently under construction, are to comprise of brick/rendered walls under a grey tiled roof. The materials for the proposed dwelling would therefore correspond with the built form of the surrounding area.
- 6.11 Although the footprint of the dwelling would be much larger than the existing

residential properties that surround the site it is appreciated that the proposed dwelling sits on a larger plot compared to that of its neighbours. The size of the dwelling is commensurate to the size of the plot and the two storey dwelling house would not appear intrusive within the existing street scene particularly given the limited public views of the development due to the existing built form of the area.

- 6.12 Overall it is considered that the design of the dwelling is appropriate to the site and would not have a detrimental impact upon the existing street scene or the visual character of the area.

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

- 6.13 Policy SP6 of the CDLP seeks to ensure that development proposals should have no adverse effect on the residential amenity of existing areas or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development. Policy HO2 also confirms that proposals should be compatible with adjacent land users.
- 6.14 The City Council's SPD outlines in paragraph 5.40 that the respect for personal privacy is essential in determining the layout of new housing. Protection of privacy relates to views to and from the street, to outdoor space and views between rooms within separate dwellings. Consideration should be given to the relationship between existing neighbouring uses and any new development as well as within the development site. The topography of a site can play an important part of helping to avoid the perceived intrusion of private space. Whilst paragraph 5.44 highlights that in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window).
- 6.15 The proposed layout has been configured as to achieve the minimum distances between primary windows as outlined in the City Council's SPD. In such circumstances the proposed scheme would not lead to problems associated with loss of privacy or over shadowing/loss of light.
- 6.16 It is recognised that the proposal would lead to increases in noise and disturbance from the site being brought back into use however, given the former use of the site as allotments and when viewed in the context of the neighbouring residential uses it is not considered to be of a scale or form that would warrant refusal of permission.

### **4. Impact Upon The Highway Network**

- 6.17 Vehicular and pedestrian access to the site will be via an existing single track access road located between Nos. 4 and 5 Sewell Place situated to the north-east of the turning head to Sewell Place. Incurtilage parking and turning will be provided within the application site itself.
- 6.18 It is evident from the Officer site visit that in order to utilise the existing access

at the top of the turning head to Sewell place one would have to drive over an existing parking area located at the top of the turning head. The existing parking area is however also located in front of the access drives to No.s 5- 8 Sewell Place therefore existing residents will also have to drive over the parking area in order to access their own incurtilage parking facilities.

- 6.19 The relevant Highway Authority has been consulted on the application and has objected to the application on the basis that the proposed access for the residential development would result in conflict of traffic movements with neighbouring properties taking into account existing boundary fences which impede visibility as well as the substandard width. They are also of the opinion that the access is further restricted by way of the designated parking area resulting in additional danger and inconvenience to all users of the highway.
- 6.20 The Highway Authority also considers that the road serving the development is inadequate to accommodate the increase in traffic by reason of sufficient width, horizontal alignment and structural stability.
- 6.21 In relation to the objections raised by the Highway Authority it is noted that a previously approved application for a dwelling on the remainder of the former allotment land, to the north of the application site (reference 17/0136), was to also utilise the access road via the top of the turning head to Sewell Place. Application 17/0136 was accompanied by a Transport Statement (TS) which confirmed that Sewell Place is a single carriage way minor residential cul-de-sac with two-way directional traffic with a typical width of 7m. The road is subject to a 20mph speed limit with footways and street lighting provided along both sides of the carriage way. A number of properties within Sewell Place have informal driveway provision with further opportunities to park on street.
- 6.22 In consideration of application 17/0136 the TS went onto state that the layout of the existing access at the top of the turning head would not change and will remain as safe as the former use of this access point was by motorised vehicles and pedestrians gaining access to the allotments. The TS confirmed that there was the potential for a slight increase in vehicle movements although it is unlikely to be in excess of 2-4 movements per day for a 3 bedroomed dwelling. The TS stated that the layout of the existing access road between Nos. 4 and 5 Sewell Place is consistent with the majority of driveway accesses and the 45 degree angle of the access to the proposed development has a greater visibility splay than a standard driveway sitting perpendicular to the road with fences on either side abutting the footway.
- 6.23 The TS for application 17/0136 went onto confirm that the means of access to the dwelling house was via the existing vehicular access to the former allotments which has a right of way that is required to be maintained. The TS confirmed that there is no traffic regulation order defining the section at the top of the turning head at Sewell Place as a parking area. Access rights to the site of the former allotments should be protected at all times, this should be the case for any location which involves rights of access and car parking should not be promoted in locations where stationary vehicles would prevent access. The TS confirmed that the use of the existing access between Nos. 4

and 5 Sewell Place as a driveway for a single dwelling would be likely to create an average of 3 vehicular trips per day. The nature of Sewell Place as a residential cul-de-sac could accommodate such increases in traffic.

- 6.24 The TS concluded that in NPPF terms any effects of a proposed development in highway terms need to be severe in order for a refusal to be recommended. The TS confirmed that the level of additional traffic for the dwelling house proposed for 17/0136 would have a immaterial impact upon the users of Sewell Place as a public highway which in no means could be considered to be severe. The relevant Highway Authority agreed with the conclusions of the TS submitted for 17/0136 and planning approval was subsequently granted.
- 6.25 In relation to the above the principle of the utilisation of the existing access road between No.s 4 and 5 Sewell Place to serve a single dwelling to the north of the application site has therefore been considered acceptable under application 17/0136 and subsequent revised applications for the same site. The main issue therefore to consider under the current application is whether the proposal would lead to a substantial intensification of the use of the existing vehicular access and whether this would have an adverse impact upon highway safety. This assessment is to be made in line with paragraph 109 of the NPPF which states that *"development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"* and Policy IP2 "Transport and Development" of the CDLP which also confirms that development which will cause severe issues which cannot be mitigated will be resisted.
- 6.26 The relevant Highway Authority has stated that the proposed layout of the existing access would not allow for visibility of either the vehicle wishing to exit or enter and the addition of another dwelling utilising the access will therefore double the number of vehicles and therefore the risk. The Highway Authority has confirmed that the risk of two cars meeting on the drive itself and having to reverse is not really an issue, it is the real potential for this to happen when pedestrians are using the highway/foot way. In relation to the objections raised it is appreciated that the access via the top of the turning head to Sewell Place is existing and was previously used as a pedestrian/vehicular access to allotments. The use of the existing access to serve 1no.dwelling has been previously accepted by the Highway Authority therefore matters of the width of the access road, visibility, structural stability etc to serve 1no.dwelling have all been assessed and established as acceptable. If Members were to refuse the current application, the fall back position for the use of the application site is allotments which would generate significantly more pedestrian and vehicular movements to and from the site than the use of the site for 1no.dwelling. It is therefore not considered that the proposal would have a significant detrimental impact upon highway safety, over and above what could take place as existing, to warrant refusal of the application on this basis. A relevant condition has been imposed within the Decision Notice ensuring that the incutillage parking/turning areas are provided prior to occupation of the dwelling.

## **5. Landscaping**

- 6.27 The submitted block plan illustrates that the boundaries of the site will be delineated by a combination of existing hedgerows and new timber fencing. These are acceptable means of boundary treatment. The submitted block plan shows that hard surfaces within the site will be kept to a minimum with the remainder left over as garden area.
- 6.28 To protect the existing hedgerows that are to remain a relevant condition has been imposed within the Decision Notice ensuring that hedgrow protection barriers are in situ during construction works.

## **6. Drainage**

- 6.29 Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.
- 6.30 It is proposed that foul and surface water is connected to mains drainage. United Utilities (UU) has been consulted on the proposed development and has raised no objection subject to the imposition of one condition ensuring that foul and surface water are drained on separate systems with surface water drained in accordance with the hierarchy of drainage options outlined in the NPPF.
- 6.31 In relation to the above it is not considered that the proposal raises any drainage issues. Relevant conditions have however been imposed within the Decision Notice requesting full details of the drainage methods proposed.

## **7. Biodiversity**

- 6.32 The Councils GIS Layer has identified that the site has the potential for a range of species to be present. From the Officer site visit it was evident that the site does not contain any significant landscape features. In such circumstances the proposed development is unlikely to harm a protected species or their habitat. However an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

## **8. Other Matters**

- 6.33 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularize any breach of planning control;



**Article 8** recognises the "Right To Respect for Private and Family Life".

- 6.34 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.35 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.36 To conclude, the principle of the development of the site for housing is acceptable as the application site is located within a primary residential area and a sustainable location. The scale and design of the dwelling is acceptable and would not have a harmful impact upon the existing street scene. The proposed development will also not have a detrimental impact upon the living conditions of the occupiers of any residential properties nor will the proposal have an adverse impact upon biodiversity. Whilst the Highway Authority has objected to the application for the reasons outlined in paragraphs 6.17-6.26 it considered on balance that the proposal will not have a significant adverse impact upon highway safety over and above what could take place at present to warrant refusal of the application on this basis. Overall, the proposal is compliant with the objectives of the relevant Development Plan and approval is recommended.

## **7. Planning History**

- 7.1 In 2016 an application was submitted seeking full planning permission for the erection of 1no.dwelling on land to the north of the site. The application was however withdrawn prior to determination (reference 16/0708).
- 7.2 In 2017 full planning permission was granted for the erection of 1no.dwelling on land to the north of the site (revised application, 17/0136);
- 7.3 In 2018 a full planning application was approved for the erection of 1no.dwelling on land to the north of the site (revised application, reference 18/0617);
- 7.4 In 2018 a discharge of conditions application was submitted for the discharge of conditions 3 (materials); 4 (hard surface finishes); 6 (floor levels); 7 (surface water drainage); 8 (foul water drainage) and 12 (surface water) of previously approved application 18/0617 (reference 18/0617).

## **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 12th December 2019;
2. the site location plan and block plan received 14th February 2019 (Drawing No. RDD-135-18-001 Rev D);
3. the proposed floor plans and elevations received 12th December 2018 (Drawing No. RDD-135-18-002);
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence. The dwelling shall then be constructed in accordance with the approved details.

**Reason:** To ensure that the development respects the visual amenity of the area. In accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of any development, a surface water drainage scheme, including a sustainable drainage management and maintenance plan for the lifetime of the development, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall then be installed in accordance with the approved details.

In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

For the avoidance of doubt surface water shall be drained on separate systems.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the

Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

5. Prior to the commencement of any development full details of the proposed foul drainage methods shall be submitted to and approved in writing by the local planning authority. The foul drainage shall then be installed in accordance with the approved details.

**Reason:** To ensure that adequate drainage facilities are available.

6. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 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. Prior to the first use on site samples or full details of materials to be used externally on the building shall be submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. the dwelling shall then be constructed in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

8. Prior to the first use on site details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority. All hard surface materials laid shall then be constructed in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

9. 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 dwelling.

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

10. 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.

Site investigations should follow the guidance in BS10175.

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.

11. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

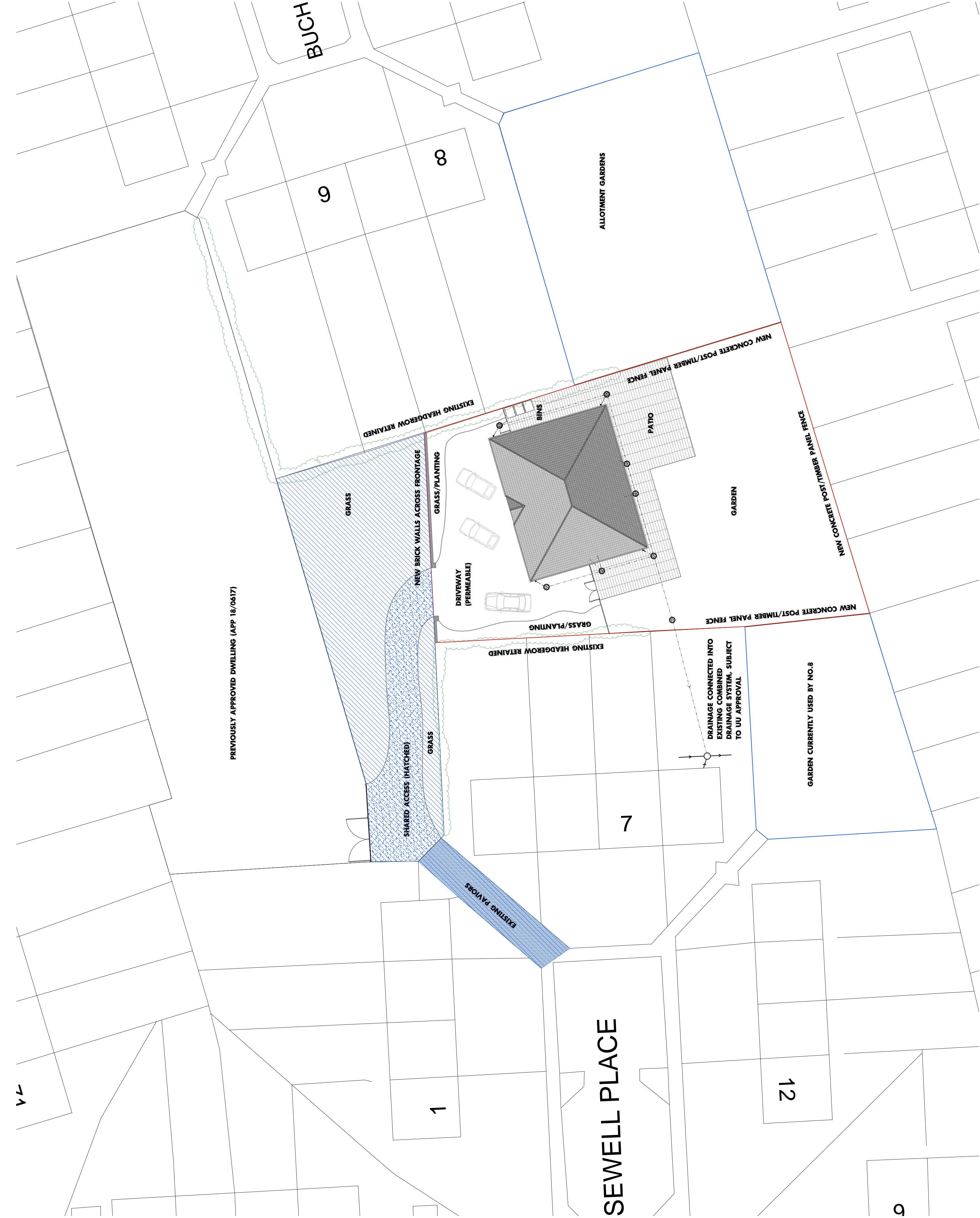
**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

12. The development shall not be occupied until the access, turning and parking facilities have been constructed in accordance with the approved plan. The access and turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** In the interests of highway safety. In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

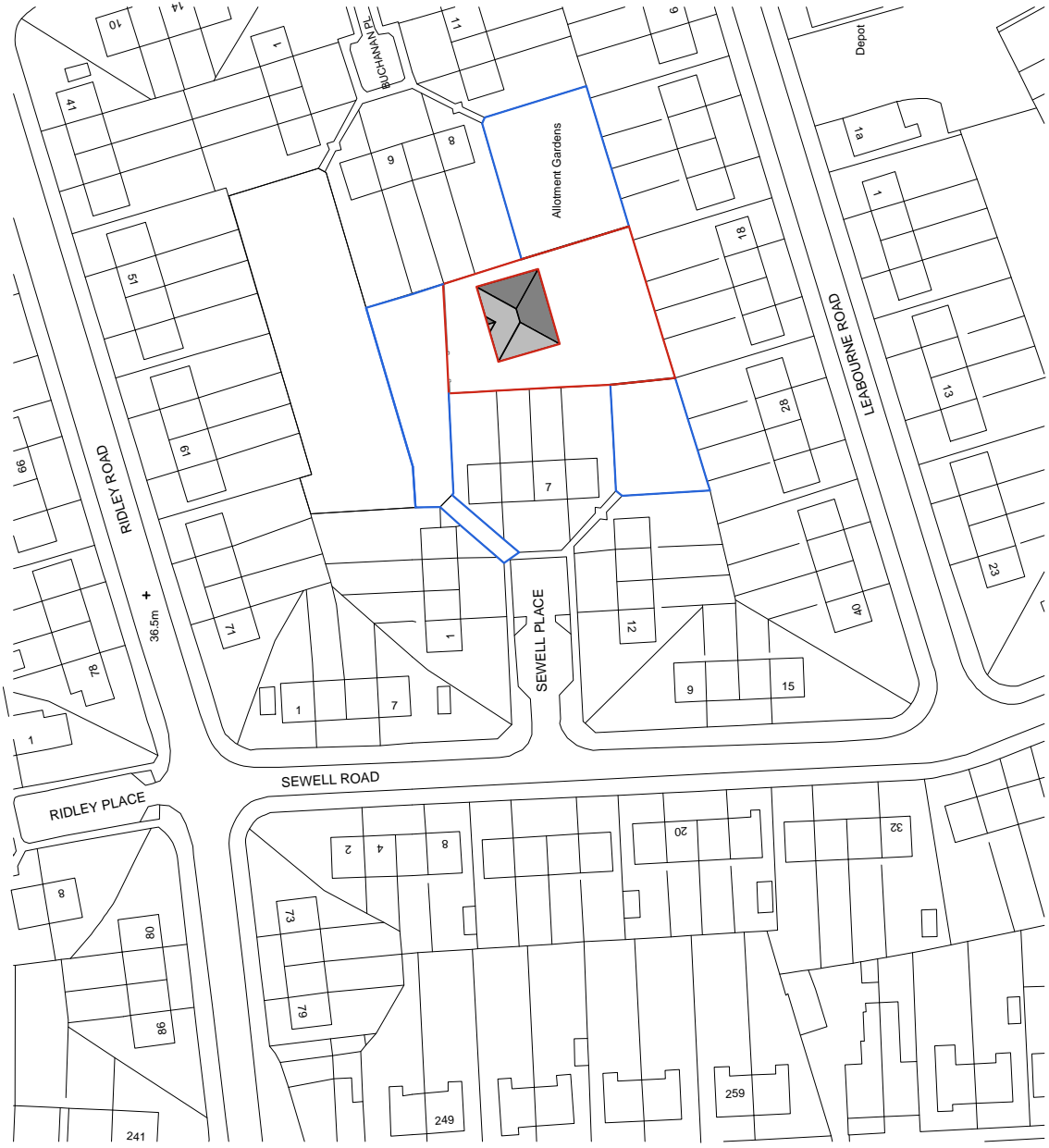
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BLOCK PLAN 1:200

Ordnance Survey ©  
Uknapcentre.com



LOCATION PLAN 1:1250

**ROBINSON**  
DRAFTING & DESIGN

254, BRIDGE STREET, LONGTOWN, CUMBRIA CA5 3UB  
TEL: 01228 791944  
MOB: 07793286138  
EMAIL: ROBINSONDRAFTINGANDDESIGN@GMAIL.COM  
WEB:

LOCATION

L/A SEWELL PLACE, CARLISLE

DATE	PROJECT	PROPOSED DWELLING
DEC. 2018	S. ROBINSON	RDD-135-18-001
JOB NUMBER	ISSUE	PLANNING
SCALE	DRAWING TITLE	PROPOSED SITE & BLOCK PLAN
PAPER		
REVISION		



