# SCHEDULE A: Applications with Recommendation

13/0426

Item No: 13 Date of Committee: 30/08/2013

Appn Ref No:Applicant:Parish:13/0426CITADEL ESTATES LtdWetheral

Date of Receipt: Agent: Ward:

03/06/2013 Holt Planning Consultancy Great Corby & Geltsdale

Ltd

### Location:

Land At/Adjacent Former George P.H, Warwick Bridge, Carlisle, CA4 8RL

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved

Application 12/0383 (Retrospective Application)

REPORT Case Officer: Richard Maunsell

### 1. Recommendation

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

## 2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Scale And Design
- 2.3 Effect On Living Conditions Of The Occupiers Of Neighbouring Properties

## 3. Application Details

## The Site

3.1 The site of the former George P.H. is located on the southern side of the A69 opposite the junction with Waters Meet. To the west there is Cairn Beck and its associated weir; a terrace of 3 dwellings in the form of Beck Grange, Burnside Cottage and Jasmine House; and, 2 semi-detached houses known as Cairn Cottage and Ivy Cottage. Beck Grange and Burnside Cottage are single storey properties constructed externally with sandstone and rendered walling with slate roofs. A principal bedroom of Beck Grange has 4 windows

facing east towards the site, although the same room is also served by a 3 pane opening on the north elevation. Jasmine House, Cairn Cottage and Ivy Cottage are 2 storey houses. On the opposite side of the road there are the 2 storey houses at Waters Meet and the 3 storey block of flats at Cairn Mill. The flats at Cairn Mill have brick and rendered walls with a tiled roof. To the east there is Mill Lane, which is also a public footpath, leading to the terraced houses at Low and High Buildings, Warwick Mill (Business Village) and Longthwaite Farm. The access to the aforementioned Lane also serves the neighbouring commercial properties which includes the Co-op shop.

- There are currently two pedestrian islands opposite Beck Grange and Troutbeck Cottage to help pedestrians cross the A69. A bus stop is also located to the immediate north of the application site. The vehicular access for Beck Grange, Burnside Cottage, Jasmine Cottage and Cairn Cottage is approximately 40 metres to the west of the application site.
- 3.3 Warwick Mill and High Buildings, located approximately 220 metres to the south of the site, are Grade II listed buildings.

## The Proposal

3.4 Planning permission was granted subject to the imposition of condition 2 which lists the approved documents in accordance with which the development should be built. The applicant seeks consent for the variation of this condition to include the following changes:

### North East Elevation

#### **Ground Floor**

- Provision for recessed shop signage across the width of the shop fronts
- Removal of recessed panel

### First and second floor

- Inclusion of 2 pairs of French doors and Juliet balconies in place of 2 windows
- Reduction in the size of 2 window openings

### Roof

Installation of 6 roof lights

## **South East Elevation**

### Ground floor

- Alterations to the entrance canopy;
- Variation to the glazing and door arrangement to the flats
- Reduction in the scale of the window
- Inclusion of 3 recessed rendered panels in place of 3 windows

### First and second floor

- Inclusion of 2 pairs of French doors and Juliet balconies in place of 2 windows
- Reduction in the size of 2 window openings

#### Roof

Installation of 4 roof lights

## South West Elevation

### Ground floor

- Formation of a pair of windows in place of triple windows
- Removal of a pedestrian door
- Installation of louvered door in place of vertical panelled doors

## First and second floor

- Installation of 2 additional windows
- Reduction in the size of 2 window openings

#### Roof

Installation of 6 roof lights

## **North West Elevation**

### Ground floor

- Provision for recessed shop signage across the width of the shop fronts
- Deletion of 1 window

## First floor

- Removal of triple window and replacement with a pair of French doors and Juliet balcony
- Alterations to the scale of the window openings

### Second floor

- Removal of triple window and replacement with a pair of French doors and Juliet balcony
- Alterations to the scale of the window openings
- Insertion of 1 additional window

### Roof

Insertion of 4 roof lights.

In addition to the above, the sandstone has been changed from red to buff. The applicant has confirmed that the finished height of the building has not been increased in relation to the datum. The floor level has been lowered from 26.5 AOD to 26.05AOD (450mm) to make the ground levels feasible.

## 4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 42 of the neighbouring properties. In response, 1 letter of objection has been received and the main issues raised are No representations have been received.
  - 1. how is the access going to work when the lane beside the present Co-op is so narrow:
  - 2. there will be congestion accessing the main road with the bus stop, delivery vehicles and cars trying to get on and off the A69;
  - 3. there concerns about the traffic which should be properly investigated. Maybe traffic lights or a junction should be considered;
  - 4. the due to the height of the new building there is significant overlooking to the neighbouring properties.

## 5. Summary of Consultation Responses

Cumbria Constabulary - North Area Community Safety Unit: - no comment;

Department for Transport (Highways Agency): - no objection;

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): - no objection;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - comments awaited;

Cumbria County Council - (Highway Authority - Footpaths): - no comment;

Northern Gas Networks: - no objection;

Clerk to Wetheral PC: - object to the application as it appears not to be a variation of condition 2 but an amendment to the already passed plans and therefore a retrospective application with major design differences to the windows and balconies. The Parish also wish to query the late changes to this application and lack of adequate consultation.

## 6. Officer's Report

## **Assessment**

6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5 and CP6 of the Carlisle District Local Plan

2001-2016. The proposal raises the following issues.

## 1. The Principle Of Development

As this application seeks approval for the variation of the condition that relates to the design and appearance of the building the sole issue to consider is whether the substitution of the revised condition is acceptable. The amended condition would not significantly alter the development which would remain as a 3 storey building with retail on the ground floor with residential above. The principle is therefore acceptable.

## 2. Scale And Design

- 6.3 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 CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this frontage site will have a significant impact on the character of the area unless it is sympathetically designed.
- The principle of the scale and design of the approved building is largely unaltered by the proposed changes. Most significant, would be the inclusion of French doors with Juliet balconies together with the insertion of the roof lights. The scheme which was granted planning consent in 2009, included glazed balconies. Notwithstanding this, when considered in the context of the character and appearance of the surrounding area, the proposed development with the changes for which consent is now sought, would be acceptable.
- 6.5 Paragraph 4 of Circular 11/95: Use Of Conditions In Planning Permission advises that following the variation or removal of planning conditions the original planning permission will continue to subsist and, therefore, it is pertinent to impose a condition that highlights the need to comply with the remaining conditions attached to the planning consent granted in 2012.
  - 3. Effect On Living Conditions Of The Occupiers Of Neighbouring Properties
- When assessing the proposal with regard to the living conditions of the neighbouring residents, the potential areas of concern relate to the extent of any overshadowing/ losses in light, overlooking and the relationship to Beck Grange.
- 6.7 The footprint of the building would not be altered and the applicant has stated that the overall ridge height of the building would not increase. The height of the roof, at the top of the clock tower, would increase by 400 mm with the ridge to the rear increasing by 500 mm.

- 6.8 Consequently, the retail unit/ flats would not be over dominant. Whilst the scale of the building would have some impact on the early morning sun, particularly during the winter months, as a result of the changes the occupier would not suffer an unreasonable loss of daylight or sunlight, particularly in the context of the approved building.
- 6.9 The approved building was designed in such a manner that the only windows facing the neighbouring property to the south west, known as Beck Grange, would serve the staircase. The stairs and the associated windows serving it have been moved further to the rear of the building. In addition, 2 windows on both the first and second floors have been inserted which serve a kitchen and a living room and these would face the garden of the neighbouring property. The living room window would be a secondary window with the main aspect facing the rear of the site. The kitchen window would face the adjacent property although there is approximately 20 metres between the building and the garden area which is also partially screened by mature trees. In this context, the occupier of the neighbouring property would not suffer an unreasonable loss of privacy through overlooking.
- 6.10 Although there are windows facing the properties to the east, in particular the bed and breakfast establishment, windows formed part of the approved scheme. There remains a distance of at least 35 metres between the 2 buildings which is in excess of the Council's minimum distance of 21 metres.
- 6.11 The variation of the condition would not intensify the use or change the overall use of the site. The living conditions of the occupiers of the nearby properties would not suffer from loss of privacy or unacceptable levels of noise or disturbance.

## 4. Other Matters

- The Parish Council has also raised concerns about the late changes to this application and lack of adequate consultation. Whilst it is true to say that the application is retrospective, Members will be aware that it is not unlawful to undertake such works and apply retrospectively to regularise them. The work is undertaken entirely at the applicant's own risk and the application must be considered on its merits. The fact that it is a retrospective matter, does not prejudice the consideration or determination of the application.
- 6.13 The Parish Council has also raised concerns about the lack of adequate consultation. All interested parties were notified 4 days after the application had been made valid which includes notification to the relevant consultees, 42 neighbours, a site notice and a press notice. In this respect, the Council has fully complied with the consultation requirements. The fact that the consultations were sent after the works had been completed is as a result of the retrospective nature of the application which is not a failing of the Council.
- 6.14 The traffic issues raised by the occupier of a neighbouring property would not be affected and were considered as part of the original planning application.

### Conclusion

6.15 In overall terms, this current application seeks approval to vary the wording of Condition 2 of the approval, which relates to the appearance of the development. The changes are acceptable and the development would be appropriate to the character and appearance of the area whilst retaining appropriate security measures. In all aspects the proposal would be compliant Circular 11/95: Use of Condition in Planning Permission and with the objectives of the relevant Local Plan policies.

# 7. Planning History

- 7.1 In 1983, planning permission was given for an extension to the car park.
- 7.2 In 1990 and 1991, planning permission and advertisement consent were given for the erection of an extension to the public house and installation of signage.
- 7.3 In 1993 and 1994, advertisement consents were given for the installation of additional signage.
- 7.4 In 1996, planning permission was given for the enclosure of part of scrubland to form a beer garden and children's play area.
- 7.5 In 2008, planning consent was sought for mixed development comprising retail development with 24 apartments but was withdrawn prior to determination.
- 7.6 Planning permission was granted in 2009 for a revised scheme for a mixed development comprising retail development with 24 apartments.
- 7.7 In 2012, planning permission was refused for a mixed development comprising retail development for Co-Operative store with 18 houses and 10 apartments.
- 7.8 Later in 2012, planning permission was granted for a revised scheme for the provision of a mixed development comprising retail development for co-operative store with 18 houses and 10 apartments.

## 8. Recommendation: Grant Permission

- 1. The approved documents for this Planning Permission comprise:
  - 1. the Planning Application Form received 27th May 2013;
  - 2. the Location & Block Plans received 3rd June 2013 (Drawing no. 11/2011/00A):
  - 3. the Ground Floor Masonry Setting Out G.A. received 27th May 2013 (Drawing no. J2339/A101 Rev G);
  - 4. the First Floor Masonry Setting Out G.A. received 27th May 2013 (Drawing no. J2339/A102 Rev H);

- 5. the Second Floor Masonry Setting Out G.A. received 27th May 2013 (Drawing no. J2339/A103 Rev G);
- 6. the Proposed Elevations received 27th May 2013 (Drawing no. J2339/A202 Rev L);
- 7. the Notice of Decision.

**Reason:** To define the permission.

2. The development shall be carried out in accordance with the remaining conditions attached to the "Full Planning" permission approved under application 12/0383.

**Reason:** For the avoidance of doubt.











