

## SCHEDULE A: Applications with Recommendation

13/0690

Item No: 20

Date of Committee: 15/11/2013

**Appn Ref No:**  
13/0690

**Applicant:**  
Ewart & Carless Ltd

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
06/09/2013

**Agent:**  
JPR Building Design Ltd

**Ward:**  
Burgh

**Location:**

Land to rear of 11 & 12 Amberfield, Burgh By Sands, Carlisle

**Proposal:** Erection Of A Pair Of Semi-Detached Houses

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the dwellings are acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Impact of the proposal on the buffer zone on the Hadrian's Wall World Heritage Site
- 2.6 Impact of the proposal on foul and surface water drainage
- 2.7 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The application site is located in what was once part of the rear elongated gardens of numbers 11 and 12 Amberfield, a pair of semi-detached houses located on the southern fringe of Burgh By Sands. The rear garden of number 10 Amberfield runs along the site's northern boundary. Ludgate

House and Ludgate Cottage, a detached house and detached bungalow respectively, are located on elevated sites immediately to the south of the application site. Ludgate Hill, a cul-de-sac of semi-detached houses, flats and bungalows lies to the east. The application site's boundaries consist of a combination of block retaining wall with close boarded fence above, larch lap fences and conifers.

## **Background**

- 3.2 In January 2011, Members of the Development Control Committee accepted the principle of development of the site for a pair of semi-detached houses by the granting of Outline Planning Permission (application reference 10/1018).

## **The Proposal**

- 3.3 The current application now Full Planning Permission for the erection of a pair of semi-detached houses on the parcel of land of approximately 435 square metres. The submitted drawings are similar to the indicative drawings submitted as part of the previous Outline Application. The dwellings would be centrally located within the parcel of land. The overall width of both of the properties would be 11 metres with a maximum length of 10.94 metres (including the porches). The ridge height would be 7.77 metres.
- 5.3 The submitted drawings illustrate that the accommodation provided in each of the dwellings would comprise of a porch, w.c., hall, living room, kitchen/dining with 3no. bedrooms and bathroom above. Access to the dwellings would be via Ludgate Hill with off-street parking for 2no. vehicles provided within the curtilage of the properties.
- 5.4 The design, scale and massing of the proposed dwellings would be similar to those of its immediate neighbours. The proposed materials are Ibstock 'Hearted Red Rustic' facing brickwork with uPVC windows and doors with a pitched roof covered with Russell 'Galloway' interlocking concrete tiles all of which are in keeping with other properties within the immediate vicinity.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of eighteen neighbouring properties and the posting of a Site Notice. In response, two letters and one e-mail of objection has been received.
- 4.2 The letters/e-mail identifies the following issues:
1. concerns in respect of the impact of the development on the existing retaining wall
  2. frustration felt about what constitutes a material planning considerations

3. concerned about the impact of the development on the elderly residents of Ludgate Hill and for the children who live and play around Ludgate Hill during construction works and the resultant additional traffic caused by the development
4. the site is close to Burgh By Sands School resulting in the congestion of the surrounding road network during school times. The development would add to existing car parking/access problems
5. impact of the development on existing parking provision
6. concerned about the loss of privacy
7. concerned about the loss of a view
8. disruption during building works
9. disposal of foul and surface water drainage
10. access for emergency vehicles and refuse trucks

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

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the submitted details which includes access from Ludgate Hill are acceptable as the information required to discharge the conditions, with the exception of one, imposed on the Outline Approval have been supplied and met;

Burgh-by-Sands Parish Council: - the scale, design and siting of the proposal would result in a cramped form of development; lack of safe and attractive garden areas; loss of privacy; lack of parking provision; application would prejudice the potential of an adjacent site; electric cable would be considerably closer to the surface; potential to compromise a gas pipe; existing pressures on foul/surface water drainage; seeks assurance that the proposal would not impact on the already struggling sewerage/drainage system; and restriction of delivery vehicles to the site during school times;

English Heritage - North West Region: - the proposal will not directly impact on any archaeological remains from the Hadrian's Wall World Heritage Site. In addition, although potentially visible from the World Heritage Site, do not believe that it would harm the ability to appreciate and understand Roman military planning and land use;

Hadrians Wall Heritage Limited: - no response received;

Local Environment - Environmental Protection: - note the contents of the desk study;

Cumbria County Council - Drainage: - there is no flooding of the site from surface water and no objection to the application in principle. Further information is requested regarding surface water drainage and the position of

the soakaway;

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 United Utilities directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable;

Cumbria County Council - (Archaeological Services): - the archaeological excavation has been completed on the site, as required by condition 7 on the earlier planning consent (10/1018). There is no archaeological reason why construction work cannot commence. However, in order to fulfil the requirements of condition 8 on the earlier planning consent the archaeological post-excavation work needs to be completed, the archive needs to be deposited and a report needs to be written. This will take a few months. The wording of condition 8 on the earlier planning consent (10/1018) is therefore considered appropriate for any consent that may be granted on this current application;

United Utilities - (for water & wastewater comment): - no objections but the following information should be noted: in line with Building Regulations, the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. Building Regulation H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. UU would ask the developer to consider the following drainage options: a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practicable; b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable; c) a sewer, if supporting evidence proves that the most sustainable way to dispose of surface water is by draining to the public sewer, approval must be obtained from United Utilities. To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, H1, H9 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) is also a material planning consideration. The proposals raise the following issues:

#### **1. Whether The Principle of Development Is Acceptable**

- 6.2 The principle of the development of the site has been established since

January 2011 when Members of the Development Control Committee granted Outline Planning Approval, which has subsequently lapsed, for the erection of 2no. semi-detached dwellings (application reference 10/1018. Although the Outline Planning Permission has subsequently lapsed it remains a material planning consideration as does the NPPF which seeks to promote sustainable development in rural areas where it will enhance or maintain the vitality of rural communities.

- 6.3 The application site is located within Burgh By Sands which has a high level of service provision including the nearby school. Accordingly, Burgh By Sands is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF and remains acceptable.

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

- 6.4 Burgh-By-Sands Parish Design Statement (adopted November 2003) highlights that there are currently very few remaining gap sites alongside the mains streets that run through the village. Any future development would need to be of a high standard, particularly in terms of design and materials, in order to be in keeping with the local vernacular. In respect of new buildings it outlines that building styles and materials should be in keeping with the local vernacular and reflect and respect the nearby colours, textures, materials, shapes, styles and proportions of existing traditional buildings and the character of the surrounding area.
- 6.5 The Parish Council in its consultation response outline that the scale, design and siting of the proposed dwellings would result in a cramped form of development with lack of amenity and parking space. The submitted drawings; however, illustrate that the proposed dwellings would be of a similar scale, massing and materials to those of its immediate neighbours and other properties within the immediate vicinity. Furthermore, the proposal would achieve adequate amenity space and off-street parking.
- 6.6 In such a context, the scale and design of the proposed dwellings are acceptable and that the proposed dwellings would not form a discordant feature in the street scene to warrant refusal of the application.

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

- 6.7 Policies H11 and CP5 of the Local Plan seek to protect the living conditions of adjacent properties for inappropriate development. The City Council's Supplementary Planning Document (SPD) "Achieving Well Designed Housing" outlines that a minimum of 21 metres between dwellings should usually be allowed between primary facing windows (12 metres between a gable end and primary window).
- 6.8 The proposed dwellings would be so orientated so as to meet and in some instances exceed the minimum distances outlined in the SPD between the proposed dwellings and the existing residential properties bordering the site.

The application site is also at a lower level than the properties to the south, Ludgate House and Ludgate Cottage. Given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

- 6.9 Objections have also been received in respect of the potential of the development to create a disturbance during construction works. Given the proximity of the site to neighbouring properties it is reasonable to include a condition restricting construction working hours

#### **4. Impact Of The Proposal On Highway Safety**

- 6.9 The occupiers of neighbouring properties and the Parish Council have raised concerns in respect of highway safety and parking problems especially during school term times and possible restricted access for emergency and service vehicles. The submitted drawings illustrate that the proposal would be accessed off Ludgate Hill and that two in-curtilage parking spaces for each of the dwellings would be provided.
- 6.10 Cumbria County Council, as Highways Authority, has been consulted and have no objections subject to the imposition of a condition in respect of the access to be substantially met prior to commencement of construction works. Furthermore, a condition is suggested that would restrict deliveries to the site during construction works outside of school collection and pick-up times.
- 6.11 The local resident's and Parish Council's concerns regarding highway safety and parking problems are noted; however, since the Highway Authority do not share these concerns it would be difficult to substantiate a refusal of the application on highway safety grounds.

#### **5. Impact Of The Proposal On Buffer Zone On The Hadrian's Wall World Heritage Site**

- 6.12 The site is located within the Buffer Zone on Hadrian's Wall World Heritage Site and as such English Heritage and Cumbria County Council's Historic Environment Officer have been consulted. In respect of the previous application, both consultees had identified that the site is of high archaeological significance due to its location 150 metres south of the Roman fort at Burgh in an area that formed part of the associated Roman civilian settlement. A condition was included within the Outline Approval which required a scheme of archaeological recording, secured by the imposition of two conditions, be undertaken in advance of any development.
- 6.13 Cumbria County Council's Historic Environment Officer has confirmed that an archaeological excavation has been completed on the site which discharges one of the conditions attached to the Outline Application. The Historic Environment Officer confirms that whilst there is no archaeological reason why construction work cannot commence on site, a further condition should be imposed on the current application requiring the submission of a report

based on the findings of the archaeological excavation.

- 6.14 Policy LE7 of the Local Plan seeks to protect the World Heritage Site for developments which would have an unacceptable impact on its character and/or setting. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of the Development Plan. The proposal seeks permission for the erection of two dwellings of similar scale and design to other dwellings within the village envelope of Burgh By Sands. In such a context the proposal would not have a detrimental impact on the character and/or setting of the World Heritage Site.

## **6. Impact Of The Proposal On Foul And Surface Water Drainage**

- 6.15 Drainage details submitted as part of the application indicate that surface water will be disposed of to a soakaway whilst the foul drainage will be connected to the existing public sewer system via a new foul drain. The Parish Council and local occupiers have raised concerns in respect of the possible impact of the development on existing foul and surface water drainage capacity.
- 6.16 These concerns have been brought to the attention of United Utilities; however, have no objections to the proposal subject to compliance with Building Regulations for the disposal of surface water drainage.
- 6.17 In respect of surface water drainage Cumbria County Council, as Lead Flood Authority, has been consulted and raised no objections to the principle of development confirming that they are not aware from any flooding from surface water. They have however requested further information on surface water drainage and the position of the soakaway. The issues can be adequately addressed through the imposition of a condition requiring submission and agreement of these details in consultation with the County Council.

## **7. Other Matters**

- 6.18 The Parish Council and local residents have highlighted the possible presence of services within the curtilage of the site, therefore, the advice of the relevant service providers have been sought. Northern Gas Networks, in its response, has confirmed that whilst there is no objection to the proposal there may be apparatus in the area that may be at risk during construction works and require the promoter of the works to contact them directly. **The response of United Utilities Electricity Services Division are awaited; however, no objections were raised during the processing of the previous application.**
- 6.19 Members should be aware, however, that should any diversion of services be required to implement the proposal, then this would be a matter to be resolved between the applicant and the utility providers. For clarity, an Informative would be included within the decision notice drawing the applicants attention to this requirement.

- 6.20 Concerns have also been expressed about the impact of the proposal on an existing retaining wall. Although this is a Civil Matter, the Agent has confirmed that if the foundations are exposed or found to be near the surface, works will be undertaken to avoid any damage to the existing retaining wall.
- 6.21 Objections have also been raised about the principle of development of the site. The principle has already been established by the earlier Outline Planning Approval (application reference 10/1018).

## **Conclusion**

- 6.22 In overall terms, the principle of development is acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area with adequate car parking, access and amenity space provided within the curtilage of the proposed dwellings. The proposal would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings.
- 6.23 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 In 2010, Outline Planning Permission was granted for erection of a pair of semi-Detached houses (application reference 10/1018).

## **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 approved documents for this Planning Permission comprise:
1. the submitted planning application form received 4th September 2013;
  2. the Desk Top Study received 19th September 2013;
  3. the location plan received 2nd September 2013;
  4. the proposed block plan and parking provision received 2nd September 2013 (Drawing Number 00-E-BS-040813);
  5. the proposed and existing drainage and site levels received 11th September 2013 (Drawing Number 01A-E-BS-040813);
  6. the site cross sections received 11th September 2013 (Drawing Number 03A-E-BS-040813);
  7. the proposed elevations and floor plans received 21st October 2013



- (Drawing Number 04-E-BS-040813);
8. details of the proposed roof covering received 2nd September 2013;
  9. details of the proposed wall finishes received 2nd September 2013;
  10. the Notice of Decision; and
  11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. An archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and submission of the results for publication in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within one year of the date of commencement of the hereby permitted development or otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with the objectives of Policy LE10 of the Carlisle District Local Plan 2001-2016..

4. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

5. No work associated with the construction of the residential units 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).

No deliveries associated with the construction of the residential units hereby approved shall be undertaken between: 08.10 hours to 09.15 hours and 14.45 hours to 15.45 Mondays to Fridays.

**Reason:** In the interests of local and residential amenity in accordance with Policy H2 and CP5 of the Carlisle District Local Plan 2001-2016.

6. 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.

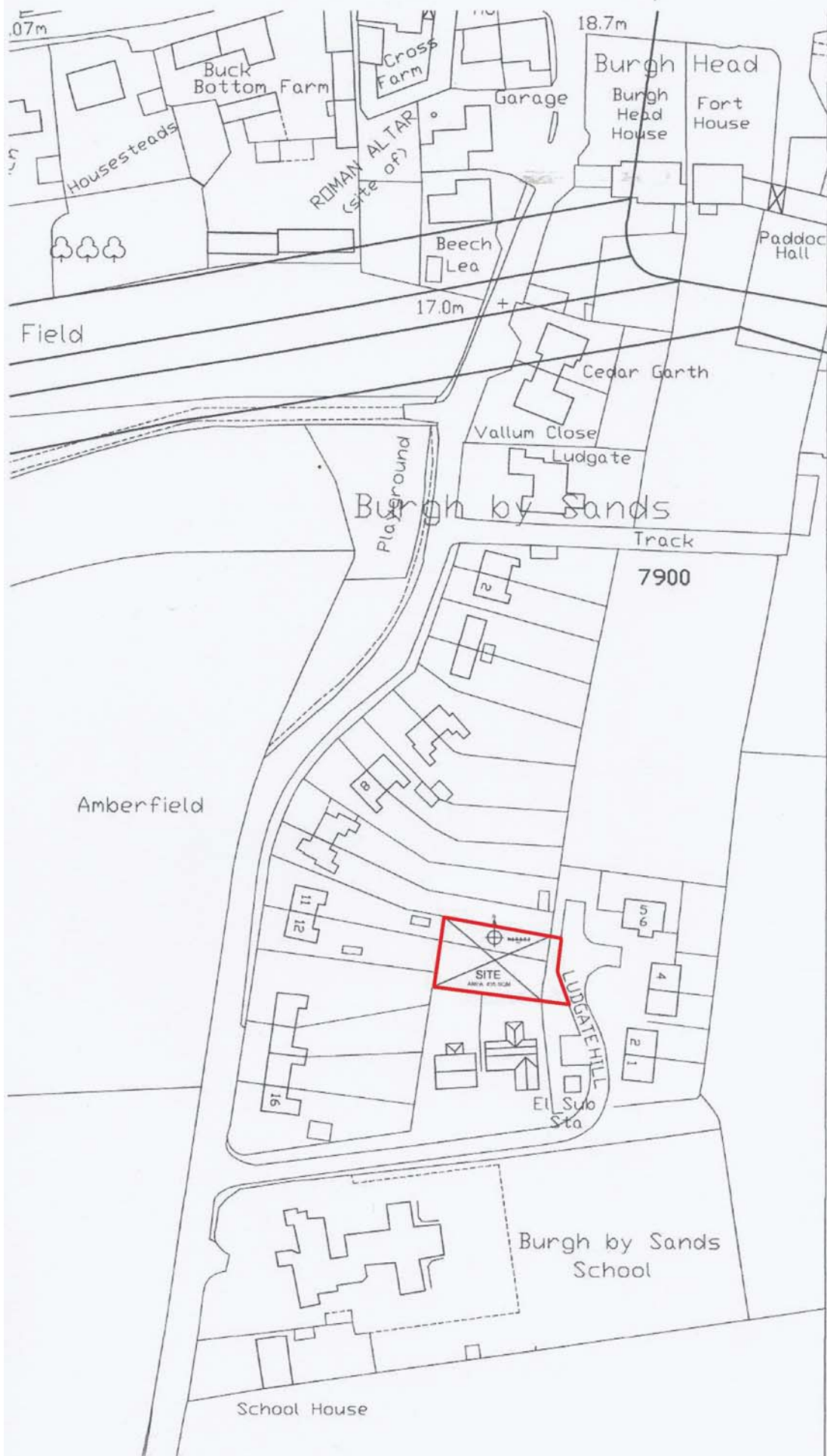
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**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 CP13 of the Carlisle District Local Plan 2001-2016.

7. Prior to the commencement of development hereby approved by this permission a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the investigation and, where possible, the inclusion of SUDs and shall be constructed and completed in accordance with the approved plans prior to the occupation of any dwelling.

**Reason:** To ensure a satisfactory means of surface water disposal and in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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#### REVISIONS:

#### CLIENT

Ewart & Carless Ltd

#### JOB

Proposed pair of  
Semi-detached houses on land  
behind 11 and 12 Amberfield,  
Burgh by Sands  
Carlisle CA5 6AS

#### DRAWING

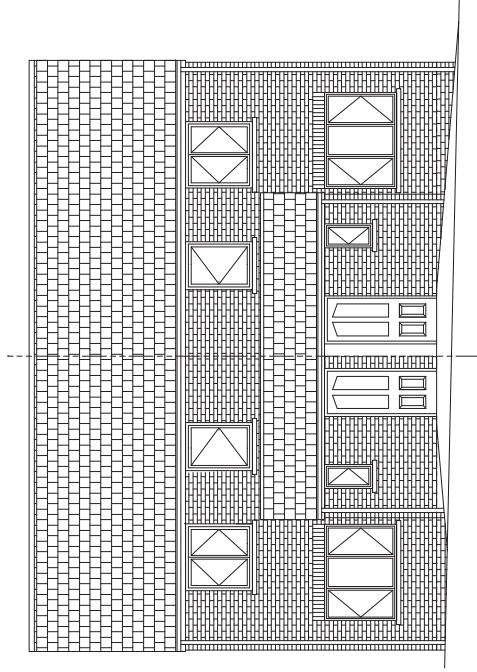
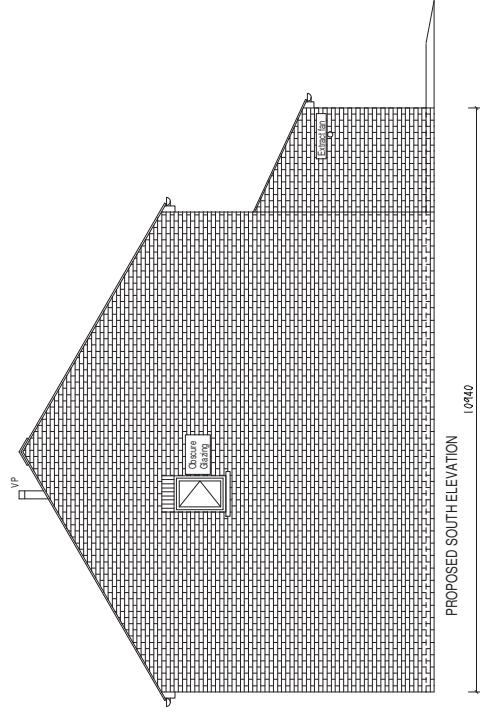
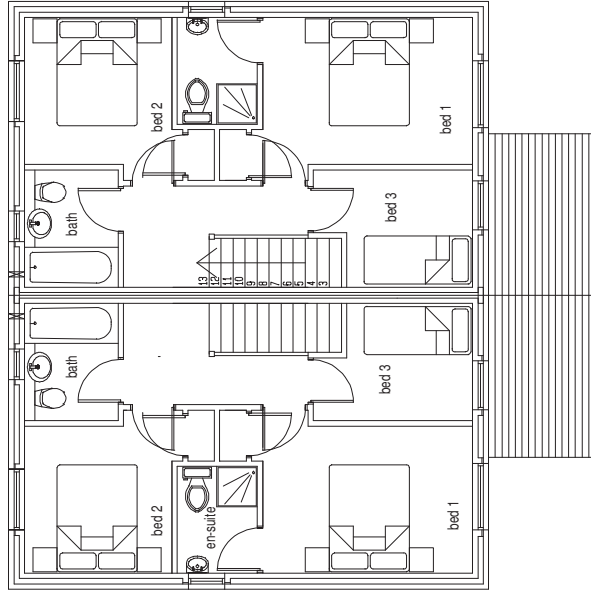
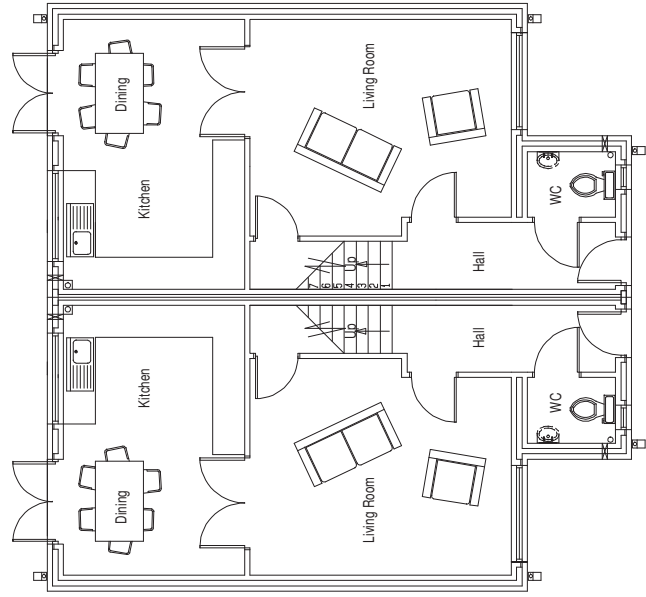
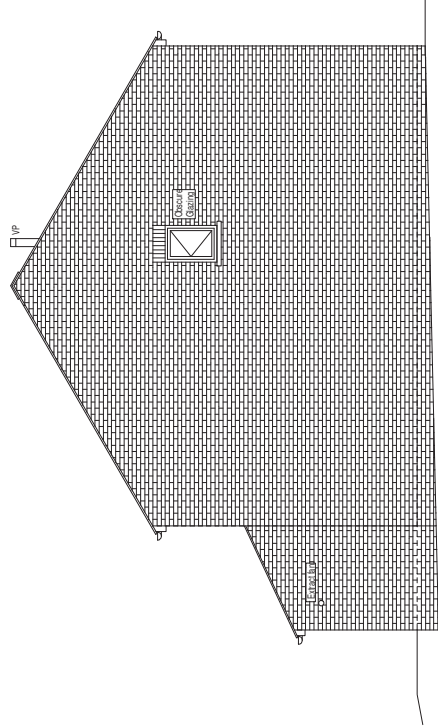
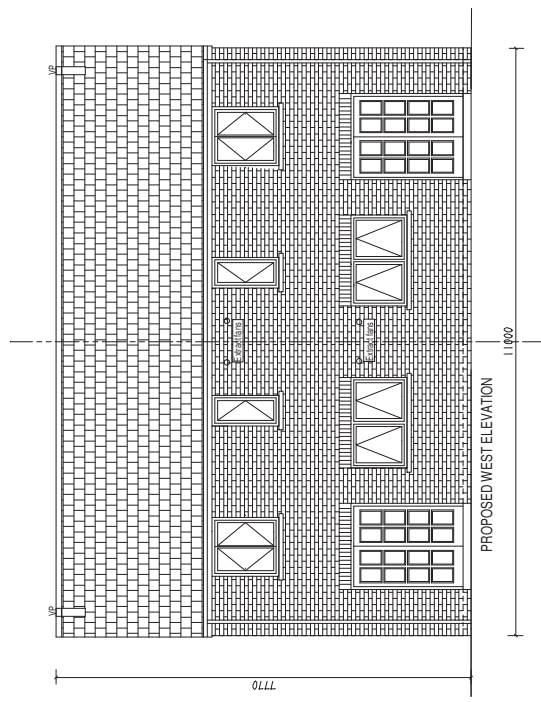
LOCATION PLAN

SCALE DATE

1:1250 @ A4

DRAWING NO





**MATERIALS**  
WALLS-IBSTOCK Hearted Red Rustic 3516 bricks to all elevations.  
ROOF-Russell Galloway anthracite interlocking roof tile.  
DOORS & WINDOWS-white UPVC casement.  
DETAIL-brick on edge window heads, red sandstone slip sills.

|   |   |
|---|---|
| <h1 style="text-align: center;">JPR DESIGN LTD</h1>   |   |
| <p style="text-align: center;">HULFREST, STATION ROAD, BRIMFORD, CLUMBER, CAMBRIA, CN1 1DX<br/>         Mobile: 07958 300000 Email: jprdesign@bt.com<br/>         Website: www.jprdesign.co.uk<br/>         VAT No: 254 540 013 Co. Reg No: 0600700</p> |   |
| <p><b>CONTRACT</b><br/>         Ewer through to Sands</p>   | <p><b>REFERENCE</b></p>   |
| <p><b>DETAILS</b></p>   | <p>Brickwork to be proposed and<br/>         details to be drawn to meet<br/>         Longwall to be made 01112<br/>         Penetration through fly ash.</p> |
| <p><b>PROPOSED ELEVATIONS<br/>         &amp; FLOOR PLANS</b></p>  | <p><b>SCALE</b> 1:500 (A3)</p>  |
| <p><b>CLIENT</b><br/>         Mr T Ewert<br/>         1000<br/>         Hurley Grove<br/>         Clumber<br/>         Cambridgeshire</p>   | <p><b>DATE</b> 20.08.07/13</p>  |
| <p><b>DRAWING NO</b> 14-E-05-040813</p>   | <p><b>REVISIONS</b></p>   |
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