

## **SCHEDULE A: Applications with Recommendation**

13/0546

**Item No: 08**

Date of Committee: 11/10/2013

**Appn Ref No:**  
13/0546

**Applicant:**  
Mr & Mrs D Stevens

**Parish:**  
Wetheral

**Date of Receipt:**  
16/07/2013

**Agent:**  
Taylor & Hardy

**Ward:**  
Wetheral

**Location:**

L/Adj Fallowfield, Plains Road, Wetheral, Carlisle,  
CA4 8LE

**Proposal:** Erection Of Dwellings (Outline)

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### **REPORT**

**Case Officer:** Barbara Percival

#### **1. Recommendation**

- 1.1 It is recommended that this application is approved subject to legal agreement.

#### **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 The Provision Of Affordable Housing
- 2.4 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.5 Impact Of The Proposal On Highway Safety
- 2.6 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.7 Impact Of The Proposal On Biodiversity
- 2.8 Impact Of The Proposal On Existing Trees And Hedgerows

#### **3. Application Details**

##### **The Site**

- 3.1 Members will recall that this application was deferred at a previous meeting

of this Committee to allow Members the opportunity to visit the site.

- 3.2 The application site is located to the west of Plains Road, Wetheral. Extending to approximately 0.276 hectares in area the application site forms part of the domestic curtilage of Fallowfield, a substantial detached dwelling, located to the west of the site. The application site is delineated by mixed hedgerows and trees along its northern and eastern boundary with a combination of hedgerow and a brick wall along its southern boundary beyond which are numbers 2 - 8 Greenacres.

### **The Proposal**

- 3.3 This application seeks Outline Permission for residential development with some Matters Reserved namely: appearance, landscaping, layout and scale. This application, therefore, is to establish the principle of development together with the proposed access arrangements.
- 3.4 As previously outlined, the application seeks Outline Planning Permission; however, indicative layout drawings submitted as part of the application illustrate three detached two storey dwellings with the access road, serving both the proposed dwellings and Fallowfield, running along the southern boundary of the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of Site and Press Notices. In response, one letter of objection has been received.
- 4.2 The letter identifies the following issues:
1. objects to the proposed retention of existing trees within the development.
  2. the boundary wall along the southern boundary should be retained.
  3. the submitted drawings are not a true representation of the extent of the tree canopies. If Tree 9 (on the submitted Tree Survey) is to be retained it may affect the objectors property, therefore, it is their intention to prune it back to the boundary wall.

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

Forestry Commission: - no response received;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - submitted details are acceptable. It should be noted as it is Outline the drives and 'in-curtilage' parking are taken as indicative only and these will need to accord with The Cumbria Standards depending on the actual designs of the dwellings put forward with the Reserved Matters application(s);

Clerk to Wetheral PC: - object to the proposal on the following grounds: width of the access road for service vehicles; visibility for both entering and exiting the site onto Plains Road; and the new properties would place an extra burden on the existing treatment plant which is already at full capacity;

Cumbria County Council - Drainage: - no response received;

Local Environment - Environmental Protection: - no objections to the proposal;

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;

United Utilities - (for water & wastewater comment): - no objection to the proposed development; however, if this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged into the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by UU.

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

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) has been published by the Government and is a material consideration in the determination of this application.

- 6.3 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this*

*Framework indicate development should be restricted".*

6.4 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.

6.5 Paragraph 55 of the NPPF outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The application site is located on Plains Road close to the centre of Wetheral which has a high level of services. Accordingly, Wetheral 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.

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

6.6 The drawings and documents submitted as part of the application illustrate the siting of three two storey detached dwellings. However, the application seeks Outline Planning Permission with some Matters Reserved. The scale and design of the dwellings are reserved for subsequent approval, should this application be approved therefore are for indicative purposes only.

## 3. The Provision Of Affordable Housing

6.7 When considering the issue of affordable housing, Policy H5 of the Local Plan sets thresholds for the provision of affordable housing. Given the nature of the proposal to provide 3 units and the size of the site, there is a policy requirement to provide 10% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution and subject to the completion of a Section 106 Agreement, there is no policy conflict.

## 4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

6.8 Development should be 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. The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

6.9 Although the siting of the dwellings on the layout plan is only indicative adequate separation distance can be maintained between the existing and

proposed dwellings, thereby ensuring that the adjacent properties are not affected through loss of light, loss of privacy or over dominance.

## 5. Impact Of The Proposal On Highway Safety

- 6.10 The Parish Council has raised objections the proposals citing the capability of the access road to accommodate service vehicles and visibility for vehicles entering and exiting the site.
- 6.11 The proposal would involve the closing up of the existing access and the formation of a new vehicular access to serve Fallowfield and the proposed dwellings. The proposed scheme would also include the extension of the existing pavement along the frontage of the application site. The submitted drawings illustrate that the new bitumen access would be a minimum of 4.4 metres wide for a length of 10 metres, thereby, allowing vehicles to enter and exit the site at the same time. Although a new bin store would be located close to the entrance of the site there would also be adequate provision for the storage of bins during kerb site collection days without having an adverse impact on the visibility splays.
- 6.12 Cumbria County Council, as Highways Authority, has been consulted and subject to the imposition of four conditions and an informative have no objections to the proposal. The objections of the Parish Council are acknowledged however, given that the Highways Authority do not share their concerns it would be difficult to substantiate a refusal of the application on highway safety grounds.

## 6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.13 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. As previously highlighted, the proposal seeks Outline Planning Permission with some Matters reserved; however, the application form detail that foul drainage would be to the main sewer with surface water disposed of into a sustainable drainage system.
- 6.14 The Parish Council have also raised an objection on the potential impact of the development on the existing mains sewage treatment facilities. The Statement on Drainage Aspects, submitted as part of the application, outlines the mitigation measures proposed for the existing and proposed dwellings. Currently the surface water from Fallowfield enters the public sewage infrastructure; however, the proposal would remove the surface water of Fallowfield from the combined sewer into an infiltration device which would also serve the proposed dwellings. The report goes on the detail that the foul drainage would go to a package treatment plant pending the upgrade of the Wetheral WWTW whilst the application form outlines that it would enter the mains sewer with off-peaking pumping. It should however; be noted that this application seeks Outline Planning Permission, therefore, the method of disposal of both foul and surface water would be subject to further details at the Reserved Matters stage should the application be approved.

- 6.15 United Utilities in its consultation response has no objection to the proposal subject to only the foul drainage entering the foul sewer.

## 7. Impact Of The Proposal On Biodiversity

- 6.16 The Council's 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. Furthermore, the impact on Protected Species specifically bats, red squirrel and nesting birds was considered as part of the Tree Survey. The survey found that there were no features for bats to roost in any of the trees and that no presence of red squirrels were found. Two open birds nest were found within the conifers. A condition and informative has been included within the draft decision notice ensuring no works are undertaken during the bird-breeding season and that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

## 8. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.17 Policy CP3 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy CP5 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing hedges.
- 6.18 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.19 The application site forms part of the domestic curtilage of Fallowfield within which there is a mixture of densely and more sparsely populated wooded areas. The Tree Survey, submitted as part of the application, outlines that the development would involve the removal of a number of trees. The majority of the trees consist of three groups of non-native ornamental conifers with 3no. Cypress and a Hemlock. The report goes on to highlight that the removal of the trees would be of a low impact with only a short-term visual amenity impact which could be mitigated by the planting of native trees and hedges.
- 6.20 The City Council's Landscape Architect/Tree Officer has been consulted and

has no objections to the removal of the trees subject to the imposition of three conditions which would ensure the protection of the retained trees within the site. As previously outlined, the application seeks Outline Planning Permission with landscaping subject of a further application.

## 9. Conclusion

- 6.21 The principle of development of the site is acceptable under the provisions of the NPPF. Cumbria County Council, as Highways Authority, do not object subject to the imposition of appropriate conditions. Other matters in respect of appearance, landscaping, layout, and scale would be subject to consideration upon receipt of a further application.
- 6.22 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 subject to the completion of a Section 106 Agreement.

## 7. Planning History

- 7.1 There is no relevant planning history.

## 8. Recommendation: Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) The expiration of five years from the date of the grant of this permission, or
  - ii) The expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the appearance, landscaping, layout, drainage and scale of the site (hereinafter called "Reserved Matters") shall be submitted to and approved by the Local Planning Authority.

**Reason:** The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Planning Permission comprise:
1. the submitted planning application form received 16th July 2013;
  2. the Statement on the Drainage Aspects received 16th July 2013;
  3. the Statement on Land Contamination received 16th July 2013;
  4. the Statement on the Archaeological Aspects received 16th July 2013;
  5. the Tree Survey Report received 16th July 2013;
  6. the site location plan received 16th July 2013 (Drawing No. 08/023/1);
  7. the details of the proposed new access and indicative layout received 16th July 2013 (Drawing No. 11021-04A);
  8. the topographic survey received 16th July 2013 (Drawing No. 2108/1)
  9. the Notice of Decision; and
  10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface waters have 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 surface water disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

5. No development shall be commenced until samples or full details of materials to be used externally on the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Before development commences, particulars of height and materials of all screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

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

7. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies H2 of the Carlisle District Local Plan



2001-2016.

8. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwelling. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Before development commences a scheme of tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

**Reason:** To protect trees and hedges during development works in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

10. Within the tree protection fencing approved by Condition 9:

1. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
2. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
3. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
4. No materials or vehicles shall be stored or parked within the fenced off area.
5. No alterations to the natural/existing ground level shall occur.
6. No excavations will be carried out within the fenced off area.
7. The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

**Reason:** To protect trees and hedges during development works in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the Local Planning Authority before building work commences. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or willfully

destroyed within the following five years shall be replaced by appropriate nursery stock. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Before development commences a detailed Method Statement shall be submitted to and approved in writing by the Local Authority of how the works are to be undertaken within the root protection areas of the retained trees identified as Trees T1-T3, T8 and T9-T11 in the Tree Survey compiled by OpenSpace dated July 2013. The works within the root protection areas must thereafter be undertaken in accordance with the agreed Method Statement.

**Reason:** To protect the retained trees during development works in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

13. No site clearance or works to the retained trees or hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

**Reason:** To protect nesting birds in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. The whole of the vehicular access area bounded by the carriageway edge and the 'narrowing at the bin store' shall be constructed and drained to the specification of the Local Highways Authority. For the avoidance of doubt this also includes the link footway, stopping up of the existing access and realigned boundary wall along the frontage of the development.

**Reason:** In the interests of road safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

15. 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. To support Local Transport Policy LD8.

16. The driveways, parking/turning areas etc shall be designed, constructed, drained and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted to the Local Planning

Authority for approval before work commences on site.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

17. The dwelling shall be occupied until the access and parking facilities have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and be capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Policies: LD5, LD7, LD8.

18. No work associated with the construction of the residential unit 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 H2 of the Carlisle District Local Plan 2001-2016.

19. 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.

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## LOCATION PLAN

SCALE : 1:2500

DRAWING NO. 08/023/1



