

## SCHEDULE A: Applications with Recommendation

16/0974

Item No: 03

Date of Committee: 17/03/2017

**Appn Ref No:**  
16/0974

**Applicant:**  
Riverside Carlisle

**Parish:**  
Carlisle

**Agent:**  
Storm Tempest Ltd

**Ward:**  
Morton

**Location:** Land to the rear of Ellesmere Way/Lyndhurst Gardens, Carlisle CA2 6LZ

**Proposal:** Creation Of 23no. Car Parking Spaces For Residents (2No. Spaces For Disabled Persons) Together With Construction Of Access Road; Installation Of Street Lighting; Footpaths And Retaining Wall

**Date of Receipt:**  
16/11/2016

**Statutory Expiry Date**  
11/01/2017

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 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 Impact Upon The Living Conditions Of Neighbouring Properties
- 2.3 Crime And Disorder
- 2.4 Highways Matters
- 2.5 Biodiversity
- 2.6 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The application site, which is a triangular parcel of land and covers an area of 1,137 square metres within a Primary Residential Area, comprises an area of a largely undeveloped grassland that previously formed part of a

play area. An area of hardstanding is located in the north-west corner upon which were previously sited play equipment that has since been removed.

- 3.2 The land is to the rear of the properties on Ellesmere Way and Lyndhurst Gardens and is bounded by a 2 metre high mesh fence. The buildings are 2 storey in height with rear elevations overlooking the application site.
- 3.3 The road along Ellesmere Way measures approximately 5 metres in width and the majority of parking provision is on-street in the form of parking bays albeit there is some parking on the grass verges.

### **The Proposal**

- 3.4 The proposal will create 23 parking spaces that would be formed on the former play area with the access taken through an existing access onto Ellesmere Way that is currently used for vehicles and machinery to maintain the grassed area.
- 3.5 Of the total number of parking spaces, the development would also include 2 spaces for disabled persons. The parking areas will comprise of permeable block paving. Three openings within the existing fence would be formed to provide pedestrian links leading into and from the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notice to the occupiers of 53 of the neighbouring properties. In response, no representations have been received.

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

Cumbria County Council - (Highways & Lead Local Flood Authority): - the application is recommended for refusal as inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- (a) access construction;
- (b) visibility splays; and
- (c) proximity of the existing street lamp in relation to proposed access;

United Utilities: - in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy and the developer is asked to consider the following drainage options in the following order of priority:

- 1. into the ground (infiltration);

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

It is recommended that the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

A public sewer crosses this site and permission will not be granted to build over or within 3 metres of the centre line of it.

Cllr J Bell - Morton: objects to the application for the following reasons:

1. there has been no consultation particular with either the highway authority or residents regarding this green space/ play area there since the estate was built and Riverside have no consideration as to the benefits of such areas;
2. some consultation with Highways about where to provide parking space alongside their long term plans, of verge hardening/ removal would have been much better;
3. the highway authority have provided bays the whole length of Lyndhurst Gardens which runs parallel to this site;
4. creating this car park area with its pathways will provide an ideal area for antisocial behaviour;
5. those residents who live in the flats that surround this area will suffer from the results of any antisocial activities and the intrusion from the lights been proposed;
6. vehicle access which appears to be narrow, to this area is via 7-9 Ellesmere way. These 2 residents will bear the brunt of all traffic noise, due to the reduced space to their rear access if the entry point over the highway is extended;
7. the other paths proposed on Ellesmere Way and Lyndhurst Gardens means people using them will have unlimited access to the rear of all of the flats approximately 44 dwellings, the same access as the residents;
8. the bungalows opposite will also have constant vehicle noise and light abuse. Up take of use from such a car park will not be high and these monies would be better spent alongside any future plans by the highway authority in this area.

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

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework, the Planning Practice Guidance (PPG) and Policies GI3, SP6, CM5, HO12, IP3 and CC5 of the Carlisle District Local Plan 2015-2030 are also relevant.
- 6.2 The proposal raises the following planning issues.

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

- 6.3 Policy HO12 of the local plan seeks to safeguard the amenity of Primary Residential Areas. Policy SP6 of the local plan also seeks to ensure that development responds to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing.
- 6.4 The proposal will provide an addition 23 parking spaces that will contribute to the existing facilities and help to alleviate any problem of residents parking on the pavements due to lack of incut parking within the locality. The scale and design of the development is acceptable and it not considered that the development would have an adverse impact upon the visual character of the area.

## **2. Impact Upon The Living Conditions Of Neighbouring Properties**

- 6.5 Policies SP6 and HO12 of the local plan both seek to ensure that there is no adverse impact on the residential amenity of adjacent properties. There are properties adjacent to the site. The 2 storey buildings along Ellesmere Way and Lyndhurst Gardens flank the site on all 3 sides. The rear elevation of these properties which contain primary windows, face the proposed parking area. Although 3 metres from the nearest property at the closest point, the development would not be visually intrusive or result in significant noise levels that would create any additional adverse impact on the living conditions of the occupiers of these properties sufficient to warrant refusal of this application.
- 6.6 As stated previously, the proposal will help alleviate existing local parking problems within the area. Creating formalised parking areas would improve visual amenity, without increasing overall traffic thus resulting in a better layout for local residents.

## **3. Crime And Disorder**

- 6.7 Criterion 5 of Policy SP6 of the local plan requires that scheme provides a safe and well related development. The objection received raises concerns about the potential for anti-social behaviour on the site. The land is subject to natural surveillance from the neighbouring properties on 3 sides. In addition, 3 new lighting columns would also be installed within the site together with 3 pedestrian accesses through the existing boundary fence.
- 6.8 Whilst it is accepted that the character of the site would evolve from a grassed area and hard standing to a car park, there is the potential for anti-social behaviour to occur on the existing land, particularly as the play equipment (which has since been removed) could have attracted the presence of persons to loiter in an anti-social manner.
- 6.9 Given the level of parking problems in the area, the land would be brought back into use. This coupled with the lighting and overlooking from the neighbouring properties, should ensure that as far as reasonably practicable, the potential for crime and disorder has been designed out of the development.

#### **4. Highways Matters**

- 6.10 Cumbria County Council as the relevant Highway Authority has been consulted on the proposed development and has initially raised concerns regarding details of the construction of the access, visibility splays and the proximity of the existing street lamp in relation to the proposed access.
- 6.11 The applicant has provided revised plans which show the inclusion of a cellular soakaway tank within the land, visibility plays measuring 2.4 metres by 19.5 metres together with the location of the street lamp. In response, the Highway Authority has advised that as the site is within a 30mph speed zone, the visibility splay should be at least 58.4 metres. Given the width of the road and the proximity of the road junction of Ellesmere Way and Lyndhurst Gardens approximately 40 metres to the east, it is not considered that the speed of vehicles would reach the prescribed limit and that the visibility splays required are onerous. On this basis, the proposal does not raise any highway issues.
- 6.12 Notwithstanding this, at the time of writing this report, the applicant has undertaken a speed survey, the results of which are awaited. It is anticipated that an update will be provided to Members at the committee meeting.

#### **5. Drainage**

- 6.13 Policy CC5 of the local plan requires the provision of adequate drainage provision and highlights a hierarchical order of drainage arrangements. The applicant has subsequently submitted a Drainage & Soakaway Layout drawing together with drainage calculations. The drawing shows the installation of a cellular soakaway tank which is considered to be a sustainable form of drainage and compliant with the hierarchy identified in the NPPF. The principle is acceptable has been confirmed by the council's Building Control Manager subject to further confirmation from the applicant that the percolation results have been undertaken in accordance with BRE Digest 365 "Soakaway Design". It is not, therefore, considered reasonable to impose a condition requiring the submission of drainage details but it is appropriate to impose a condition requiring the drainage details to be undertaken in accordance with the submitted details.

#### **6. Biodiversity**

- 6.14 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or within the vicinity of the site. There are no landscape features on the site. As the proposal involves the development of a small area of grassland adjacent to a road and residential properties, it is not considered that the development would adversely affect any species or their habitats; however, an Informative has been included within the proposed Decision Notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

#### **7. Other Matters**

- 6.15 In respect of the comments from United Utilities, the applicant has been in separate discussion with them during which United Utilities has confirmed that they would not have any issues with regards to an access road being built over the 150 mm sewer at an approximate depth of 1.5m. United Utilities has advised that the applicant takes care when digging close to the sewer so that no damage is caused and that if any damage is caused to the sewer during construction it will be up to the contractor to repair the pipe at their own expense.
- 6.16 Within the objections that have been received, there is criticism of the applicant's alleged lack of consultation with tenants and other relevant authorities. If true, whilst this may have highlighted some of the issues raised and provided a measure of local opinion, this is not a pre-application requirements and not a material consideration in the determination of this application.
- 6.17 The scheme would provide level access throughout and include 2 spaces for disabled persons. On this basis and having assessed the merits of the application, due regard has been paid to the Public Sector Equality Duty contained in the Equality Act 2010, in particular the need to minimise disadvantages suffered by persons who share a relevant protected characteristic including those of age, disability, pregnancy and maternity.

## **Conclusion**

- 6.18 In overall terms, the principle of the development to provide additional off-street parking provision is acceptable. The development would not be visually detrimental to the character or appearance of the area and would not adversely affect the living conditions of the occupiers of the neighbouring properties.
- 6.19 The potential for crime and disorder is minimal and surface water from the site can be adequately attenuated through on-site provision. The proposal is acceptable in highway terms and in all aspects the proposals would be compliant with the objectives of the relevant local plan policies.

## **7. Planning History**

- 7.1 There is no planning history for this site.

## **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 Planning Application Form received 11th November 2016;
  2. the Location Plan received 16th November 2016 (Drawing no. 02 Rev 01);
  3. the Block Plan received 16th November 2016 (Drawing no. 01 Rev 01);
  4. the Proposed Layout received 11th November 2016 (Drawing no. 01 Rev A);
  5. the Proposed Layout received 11th November 2016 (Drawing no. 02 Rev A);
  6. the Proposed Entrance Layout received 16th November 2016 (Drawing no. 02 Rev A);
  7. the Proposed Cross Sections received 19th December 2016 (Drawing no. 3117-08-16);
  8. the Visibility Splay received 15th December 2016 (Drawing no. 05 Rev A);
  9. the Driveline Priora Permeable Paving Details received 11th November 2016;
  10. the Drainage & Soakaway Layout received 18th January 2017 (Drawing no. JDP-1701-08-001);
  11. the Micro Drainage Details received 18th January 2017;
  12. the Planning Statement received 25th January 2017;
  13. the Notice of Decision;
  14. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The vehicular crossing over the highway verge, including the lowering of kerbs, shall be carried out to the specification of the Local Highway Authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.

**Reason:** In the interests of highway safety in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

5. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the local planning authority.

**Reason:** To prevent any direct access to the site from that road and to avoid vehicles entering or leaving the site by an unsatisfactory

access or route, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030 and in the interests of road safety and to support Local Transport Plan Policies LD7 and LD8.

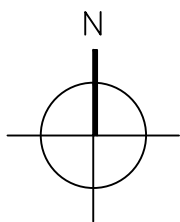
6. The development hereby approved shall be drained in accordance with the Drainage & Soakaway Layout (Drawing no. JDP-1701-07-001) received 18th January 2017 and the Micro Drainage Calculations received 18th January 2017 prior to the development being brought into use.

**Reason:** In the interests of highway safety and environmental management in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.

7. Before the development is completed, Public Footpath Number 109240 crossing the site shall be diverted, having utilised the relevant statutory procedure (Section 257 of the Town and Country Planning Act 1990).

**Reason:** To ensure that the development accords with Policy GI5 of the Carlisle District Local Plan 2015-2030.

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Client: RIVERSIDE

Project: LYNDHURST GARDENS

Drawing: LOCATION PLAN

Job Ref: 3117-08-16

Drawing No: 02

Rev: 01

Scale: 1:1250@A4

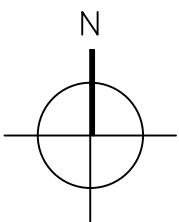
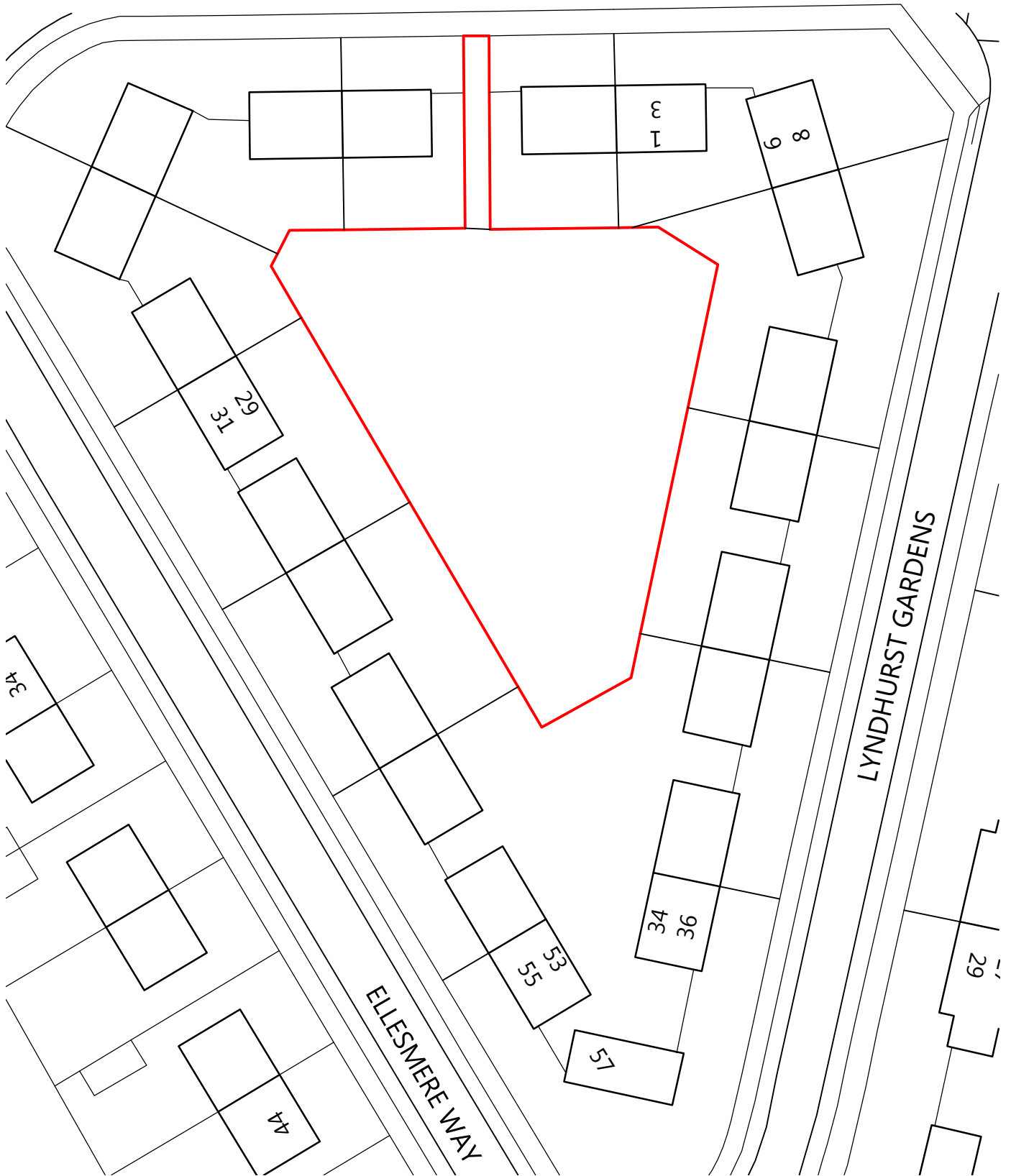
Drawn: AS

Checked: DS

Date: NOV 16

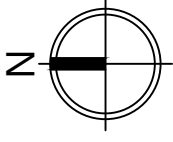


**STORM TEMPEST**  
stormtempest.com



Client: RIVERSIDE  
Project: LYNDHURST GARDENS  
Drawing: BLOCK PLAN  
Job Ref: 3117-08-16 Drawing No: 01 Rev: 01  
Scale: 1:500 @A4 Drawn: AS Checked: DS Date: NOV 16





Riverside property



Existing macadam



Existing precast concrete paving



Existing block paving



Existing cast concrete hardstanding



Eco Grid Sustainable drainage system



Pre-cast concrete paving



Pebbles set in concrete



Permeable Block Paving



Concrete Hardstanding



Macadam



Grass



New fence line



New access gate



Client: RIVERSIDE

Project: LYNDHURST GARDENS

Drawing: PROPOSED

Job Ref: 3117-08-16

Rev: A

Drawing No: 01

Scale: 1:200 @A3

Drawn: AS

Checked: DS

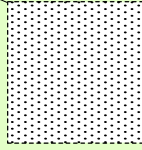
Date: SEP 16



**STORM TEMPEST**  
stormtempest.com

LYNDHURST GARDENS

EXISTING MACADAM SURFACE TO BE GRUBBED  
UP TO ALLOW FOR THE INSTALLATION OF NEW  
PARKING AREA

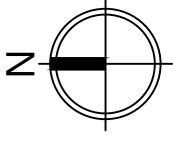


1  
3

8  
9

29  
31

34



Riverside property



Existing macadam



Existing precast concrete paving



Existing block paving



Existing cast concrete hardstanding



Eco Grid Sustainable drainage system



Pre-cast concrete paving



Pebbles set in concrete



Permeable Block Paving



Concrete Hardstanding



Macadam



Grass



New fence line



New access gate



Client: RIVERSIDE

Project: LYNDHURST GARDENS

Drawing: PROPOSED

Job Ref: 3117-08-16 Drawing No: 02 Rev: A

Scale: 1:200 @A3 Drawn: AS Checked: DS Date: SEP 16



**STORM TEMPEST**  
stormtempest.com

LYNDHURST GARDENS

34

NEW DROPPED KERB

NEW 1.000MM FENCE ALONG ACCESS ROAD BOUNDARY

1 3

TRAFFIC CALMING LOCATED TO SITE ENTRANCE

NEW 650mm RETAINING WALL TO BE CONSTRUCTED

PERMEABLE BLOCK PAVING

NEW HALF BATTERED KERB TO THE PERIMETER OF PARKING AREA

NEW STREET LIGHTING UNIT

NEW OPENING IN EXISTING FENCE

NEW DROPPED KERB

NEW OPENING IN EXISTING FENCE

NEW STREET LIGHTING UNIT

NEW DROPPED KERB

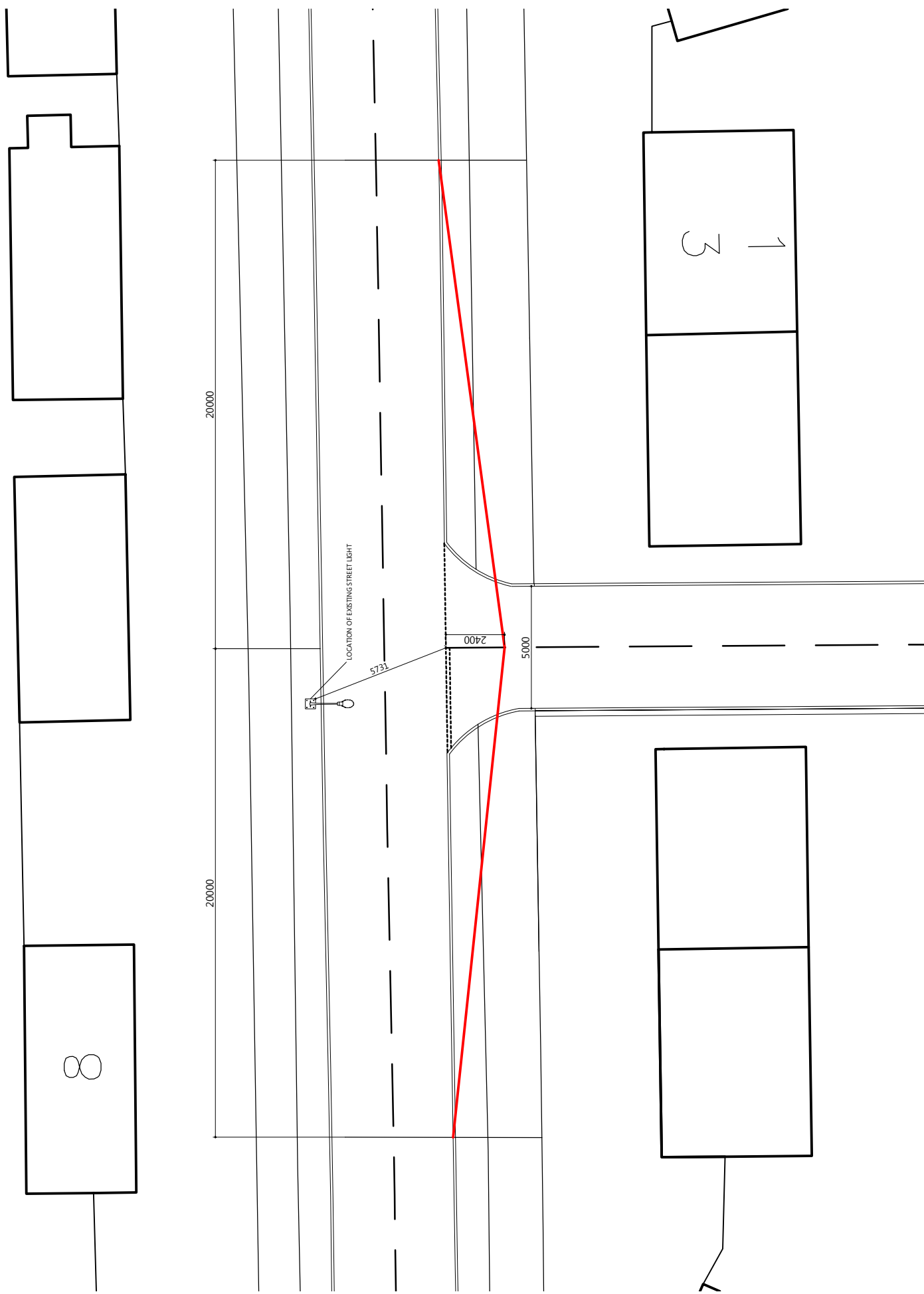
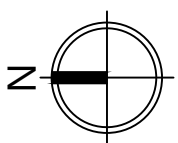
DESIGNATED DISABLED SPACE

NEW DROPPED KERB

NEW STREET LIGHTING UNIT

NEW OPENING IN EXISTING FENCE





**Client:** RIVERSIDE

**Project:** ELLESMERE WAY

**Drawing:** VISIBILITY DISPLAY

**Job Ref:** 3117-08-16      **Drawing No:** 05      **Rev:** A

Scale: 1:200 @A3 Drawn: AS Checked: DS Date: DEC 16



**STORM TEMPEST**  
stormtempest.com





Riverside property



Existing macadam



Existing precast concrete paving



Existing block paving



Existing cast concrete hardstanding



Eco Grid Sustainable drainage system



Pre-cast concrete paving



Pebbles set in concrete



Permeable Block Paving



Concrete Hardstanding



Macadam



Grass



New fence line



New access gate



16 NOV 2016  
16/09/14

Client: RIVERSIDE

Project: LYNTHURST GARDENS

Drawing: PROPOSED

Job Ref: 3117-08-16 Drawing No: 02 Rev: A

Scale: 1200 @A3 Drawn: AS Checked: DS Date: SEP 16



**STORM TEMPEST**  
stormtempest.com

NEW DROPPED  
KERB

NEW 1000MM FENCE  
ALONG ACCESS ROAD  
BOUNDARY

TRAFFIC CALMING LOCATED  
TO SITE ENTRANCE

NEW DROPPED  
KERB

NEW 1000MM FENCE  
ALONG ACCESS ROAD  
BOUNDARY

NEW 650mm RETAINING  
WALL TO BE CONSTRUCTED