

SCHEDULE A: Applications with Recommendation

18/0161

Item No: 05

Date of Committee: 11/01/2019

Appn Ref No:
18/0161

Applicant:
Mr John Fairclough

Parish:
Carlisle

Agent:
Black Box Architects
Limited

Ward:
Stanwix Urban

Location: Land adjacent 5 Cromwell Crescent, Carlisle, CA3 9NN

Proposal: Demolition Of Garage And Erection Of 1no. Dwelling

Date of Receipt:
21/02/2018

Statutory Expiry Date
18/04/2018

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development;
- 2.2 Whether the scale and design of the dwelling is acceptable;
- 2.3 Impact upon Stanwix Conservation Area;
- 2.4 Impact upon the setting of Grade II Listed Buildings;
- 2.5 Impact of the proposal on the living conditions of neighbouring residents;
- 2.6 Impact of the proposal on highway safety;
- 2.7 Whether the methods of disposal of foul and surface water are appropriate;
- 2.8 Impact of the proposal on existing trees and hedgerows;
- 2.9 Impact upon biodiversity;
- 2.10 Impact upon Hadrian's Wall World Heritage Site;
- 2.11 Contamination;
- 2.12 Other matters.

3. Application Details

The Site

- 3.1 The application site, which is rectangular in shape and equates to approximately 435 square metres, is located on the southern side of Cromwell Crescent in Stanwix. The land, which contains a double garage, sun room and a greenhouse (towards the northern section) together with a Victorian sunken garden (to the south) is used in association with No. 4 Cromwell Crescent, a two storey semi-detached late Victorian/early Edwardian property, located on the opposite side of the road. The site is enclosed by a combination of brick walls/fencing and is surrounded by a single storey residential property to the east (No.5 Cromwell Crescent), two storey properties to the west (No. 7 Cromwell Crescent and No.s 11 and 13 Marlborough Gardens) and a two storey semi-detached property to the south (14 St George's Crescent).
- 3.2 The site is located within Stanwix Conservation Area and the buffer zone of Hadrian's Wall World Heritage Site.

The Proposal

- 3.3 The application seeks full planning permission for the demolition of the existing buildings on the site and erection of 1no.detached dwelling.
- 3.4 The submitted drawings illustrate that the proposed dwelling house will be situated towards the northern section of the site with the remainder of the land used as amenity space. The property will be single storey, rectangular in shape and will comprise of two sections separated by a glazed link with courtyard gardens either side. The accommodation is to comprise of an open plan kitchen/living area, a utility, living room, 3no.bedrooms (1no.en-suite), a bathroom and an integral garage.
- 3.5 The property will be constructed from banded heritage brick work and insulating block work to the ground floor and will have a lighter timber framed glazed structure above (with horizontal larch cladding) which steps in from the ground floor. The first floor structure will have a twin, stepped central single pitched roof facing south-east which will house insulated solar roof panels on a dark grey zinc timber frame. Windows and doors will be grey composite with rainwater goods in black aluminium.
- 3.6 Members should be aware that when the application was first submitted the proposal sought permission for a two storey property with a central single pitched roof however following concerns raised by the Case Officer regarding the impact of the development on the living conditions of neighbouring properties the scheme has since been amended to that described in paragraphs 3.4-3.5 above.

4. Summary of Representations

- 4.1 The application has been advertised by the display of a site notice, press

notice and by means of notification letters sent to 15 neighbouring properties/interested parties. In response to the consultation on the original plans submitted (for a two storey house) four objections and two letters of support have been received.

4.2 The letters of objection are summarised as follows:

1. development will project over the wall separating No.5 Cromwell Crescent and the application site;
2. loss of light to kitchen/utility and external seating area to No.5 Cromwell Crescent;
3. increased electric costs to No.5 Cromwell Crescent as a result of loss of light;
4. loss of views of sunset from kitchen window of No.5 Cromwell Crescent;
5. loss of privacy to No.5 Cromwell Crescent;
6. proposal too big for site and not in keeping with the immediate neighbourhood;
7. design of development out of character with the area;
8. area is characterised by large dwellings set in generous grounds with spaces between buildings being a defining characteristic;
9. there will be windows and a balcony overlooking No.7 Cromwell Crescent;
10. overshadowing/ loss of light to No.7 Cromwell Crescent;
11. proposal will be oppressive to the outlook of No.7 Cromwell Crescent;
12. overlooking to No.7 Cromwell Crescent;
13. a tall building on a narrow space will detract from the ambiance of the area;
14. impact upon Stanwix Conservation Area;
15. impact upon Hadrian's Wall World Heritage Site;
16. proposal is contrary to Policies SP6 (item 7), HE7 (sections 1 and 2) and HE1 of the Carlisle District Local Plan;
17. in the 90s a similar development nearby was dismissed at appeal.

4.3 The letters of support are summarised as follows:

1. fully support approval of the plans;
2. house will be an asset to the street;
3. fantastic that someone is being brave enough to take on such a project in an historical area;
4. Carlisle needs exciting projects;
5. Stanwix has a rich history and some beautiful buildings but little has been built in last 60 years with such merit;
6. hope to see the wonderful building adding to the neighbourhood.

4.4 Reconsultation on amended plans (reducing the dwelling to single storey) were undertaken. As a result of the reconsultation five objections have been received. The objections are summarised as follows:

1. there is no certainty that the sunken garden is not the site of Hadrian's Wall;
2. still object on the impacts to No.5 Cromwell Crescent;

3. proposal still constitutes over crowding in the Conservation Area;
4. all other new development in the area respects the even spacing between houses with decent sized front gardens;
5. if the roof line of the new building was substituted for the front section objection to the visual intrusion on the neighbouring property would be lessened;
6. occupiers of nearby apartments would look down onto the development;
7. revised application would cover the whole of the Victorian sunken garden which is situated on the line of Hadrian's Wall;
8. Conservation Area should be protected at all costs;
9. new layout is worse than previous submission which at least confined new building to approximately the footprint of the existing structures;
10. proposal is visually intrusive and will block light to No.14 St Georges Crescent;
11. proposal will overlook the rear of No.14 St Georges Crescent and will impact upon privacy and enjoyment of the property;
12. development is out of character with the surrounding area;
13. overdevelopment of a narrow site;
14. development will be imposing to No.5 Cromwell Crescent;
15. sunken garden is an appreciated feature for the houses of St Georges Crescent, Marlborough Gardens and Cromwell Crescent;
16. impact upon Conservation Area;
17. no justification for the development;
18. line of Hadrian's Wall is not clarified.
19. area is characterised by large dwellings set in generous grounds with spaces between buildings being a defining characteristic. Proposal would conflict with this;
20. proposal is contrary to Policy HE7 of the Local Plan sections 1 and 2;
21. proposal would introduce alien materials and finishes;
22. development does not preserve or enhance the character or appearance of the Conservation Area;
23. loss of daylight to No.7 Cromwell Crescent;
24. daylight reduction drawing does not mention time of year, to be meaningful the application should show 12 months of daylight reduction;
25. proposal will be oppressive to No.7 Cromwell Crescent;
26. north-west elevation introduces overlooking where none previously exists.

4.5 In total 8 objections and 2 letters of support to the application have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection, standing advice received regarding highway and water course permits;

Historic England - North West Office: - no objection following the submission of an archaeological evaluation, an impact assessment of the proposed development on the remains of the garden wall, constructional cross-sections, site levels, drainage connections and garden edge details;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection subject to the imposition of one condition ensuring that foul and surface water are drained on separate systems. Standing advice also received regarding water supplies and United Utilities' assets;

Cumbria County Council - (Archaeological Services): - no objection following the submission of an archaeological evaluation, an impact assessment of the proposed development on the remains of the garden wall, constructional cross-sections, site levels, drainage connections and garden edge details. Suggest the imposition of two conditions relating to an archaeological watching brief and a recording of the reconstructed section of Hadrian's Wall located in the garden.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP6, HO2, HO3, IP3, IP4, IP6, CC5, CM5, HE1, HE3, HE7, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 (CDLP). Other material considerations are Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 together with Supplementary Planning Documents (SPD) adopted by the City Council, 'Achieving Well Designed Housing' and 'Trees and Development' .
- 6.3 The proposal raises the following planning issues:

1. The Principle of Development

- 6.4 Paragraph 11 of the NPPF outlines that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 68 of the NPPF confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their decisions giving great weight to the benefits of using suitable sites within existing settlements for homes. Paragraph 70 of the NPPF does however state that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.5 The aims of the NPPF are reiterated in Policy HO2 (Windfall Housing Development) of the local plan which makes provision for windfall housing

development within Carlisle provided that the development would not prejudice the delivery of the spatial strategy of the local plan and subject to a number of criteria namely scale, design and ensuring that the proposal is compatible with adjacent land users. The proposal seeks full planning permission for a dwelling house on land used as part of the garden to No.4 Cromwell Crescent (albeit on the opposite side of the road) therefore Policy HO3 (Housing in Residential Gardens) of the local plan is also relevant. Policy HO3 outlines that housing development in residential gardens will be permitted subject to compliance with five criteria namely: 1) the proposal would not lead to a cramped form of development; 2) a safe and attractive garden area can be created for the new house and the existing house; 3) the proposal in terms of its design, siting and materials integrates into the existing environment; 4) there is no unacceptable loss to the living conditions to surrounding properties; and, 5) the development does not prejudice the development potential of an adjacent site.

- 6.6 The proposals maps which accompany the CDLP identify the site as being situated within a Primary Residential Area within Carlisle. The site is therefore considered to be a sustainable location, therefore the principle of the development of the site for housing is consistent with the objectives of the relevant planning policies.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 6.7 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.8 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings.
- 6.9 The submitted drawings illustrate that the proposed dwelling would be situated on an elongated plot which has a Victorian sunken garden to the

south-west. The proposed dwelling will be situated towards the northern section of the site (and partly over the sunken garden) with the remainder of the land used as amenity space. The dwelling is of a contemporary design which provides all accommodation at ground floor level. The submitted drawings illustrate a dwelling which is rectangular in shape comprising of two sections separated by a glazed link with courtyard gardens either side. The western side of the dwelling and part of the eastern side of the rear section is to have a flat roof design with the remaining parts comprising of a mono pitch design. The dwelling will be constructed from banded heritage brick work and insulating block work to the ground floor with a lighter timber framed glazed structure above (with horizontal larch cladding) which steps in from the ground floor. The structure above will have a twin, stepped central single pitched roof facing south-east which will house insulated solar roof panels on a dark grey zinc timber frame. All Windows and doors will be grey composite with rainwater goods in black aluminium.

- 6.10 The submitted design and access statement confirms that the building has been specifically designed using sustainable and low energy materials. The proposed mono pitch roof to the dwelling will act as a solar collecting plane to reduce the footprint to the electric grid. The insulating walls and window positionings will produce a house profile twice the current building regulation minimum standards for energy conservation.
- 6.11 The dwelling is of a modern contemporary design situated within Stanwix Conservation Area. When assessing the application against the foregoing, it is evident that there are a variety of dwellings of differing ages, plot sizes, styles and materials along Cromwell Crescent and the adjoining streets (such as Malbourough Gardens and St Georges Crescent). For example there are large Victorian/early Edwardian properties (some of which have been converted into flats) as well as single storey bungalows, two storey semi-detached houses and two storey terraced properties constructed from a mixture of brick and render. The proposed dwelling will be situated in between two dwellings (Nos 5 and & 7 Cromwell Crescent) which are of contrasting scales and design. Whilst the innovative design of the dwelling contrasts with its neighbours it is appreciated that the dwelling would have a relatively low ridge height, with a massing that would respect the scale of the adjoining properties and would not therefore appear as a dominant feature within the existing street scene. The palette of materials to be used will soften the development and would ensure a successful integration of a innovative and contemporary design into the existing street scene. Accordingly, the proposal would not result in an obtrusive development that would unacceptably affect the character/appearance of the surrounding area. The scale and design of the dwelling is therefore acceptable.
- 6.12 Whilst the dwelling will be situated on land currently used as amenity space and parking for No.4 Cromwell Crescent (on the opposite side of the road) it is appreciated that No.4 Cromwell Crescent sits within an existing plot which already has a sufficient garden and parking area. In such circumstances the proposal will not lead to a cramped form of development for either No.4 Cromwell Crescent or the new dwelling.

- 6.13 Overall it is considered that the dwelling is of an innovative sustainable design which promotes the use of renewable energy. Although the design of the dwelling is contemporary it is appreciated that there a variety of dwellings of differing ages, plot sizes, styles and materials along Cromwell Crescent and surrounding streets. The property has a scale and massing that is sympathetic to its surroundings. The palette of materials is also appropriate. Accordingly the scale and design is acceptable and the proposal would not result in an obtrusive development that would unacceptably affect the character of the street scene.

3. Impact Upon Stanwix Conservation Area

- 6.14 The application site is located within Stanwix Conservation Area. As highlighted earlier in the report, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG and Policy HE7 (Conservation Areas) of the Local Plan are relevant.
- 6.15 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that "*special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area*".
- 6.16 The aims of the 1990 Act is reiterated in both the NPPF, PPG and policies within the Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.17 Stanwix Conservation Area was designated in September 1997 due to its high quality environment which has a rich archaeological and architectural history including some of the finest parks to be found in the City. The Conservation Area includes early 19th Century terraces as well as late Victorian detached villas along Stanwix Bank.
- 6.18 The City Council's Heritage Officer has been consulted on the development and has raised no objections to the proposal. The Conservation Area Advisory Committee (CAAC) has also confirmed that they are content with the general form of the development but has made general observations on the layout e.g bedroom door opening into the glazed link and queried whether the two panels of glazing on the gable is correct. CAAC has also requested that the column to the centre of the garage is constructed from a minimal palette of materials.
- 6.19 As previously outlined in paragraphs 6.7-6.13 above, whilst the development is innovative in terms of its design, its contemporary appearance would not have a harmful impact upon the existing street scene. In light of the foregoing assessment and no objections raised from either the Heritage Officer or the Conservation Area Advisory Committee, the proposal would not have a detrimental impact on the character or appearance of Stanwix Conservation Area. In order to ensure the palette of materials is in keeping with Stanwix Conservation Area a condition has been included to ensure that full samples

of all materials are submitted prior to their first use on site. Permitted Development Rights for extensions have also been removed to control the impact of the development on the Conservation Area.

3. Impact Upon The Setting Of Grade II Listed Buildings

- 6.20 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.
- 6.21 Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.22 The NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to a designated heritage asset. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HE3 (Listed Buildings) of the Local Plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- a) the significance of the heritage asset and the contribution made by its setting
- 6.23 The nearest Listed Buildings are located at Nos. 1-9 Eden Mount and No.1 Cromwell Crescent which are Grade II Listed and situated approximately 53 metres to the east of the application site. By way of background there are over 374,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.
- 6.24 The properties were listed by Historic England (formerly English Heritage) as Grade II in 1972. The listing details are as follows:
- 9 houses in a terrace. 1840s. Flemish bond brickwork, most houses with light headers (Nos 2,3 and 4 without light headers) on chamfered plinth (all*

dressings of calciferous sandstone) with V-jointed quoins on end houses, sill bands and eaves cornice. Graduated greenslate roofs with some skylights, hipped on end houses; original shared ridge chimney stacks. 2 storeys, each house is of 2 or 3 bays; No.1 has a 4-bay return on St Georges Crescent and No.8 a 2-bay return on Cromwell Crescent; further 2-bay extension to No.8 is now No.1 Cromwell Crescent. Houses have been stepped up the slope of the hill, so roof line is on 3 levels. Each house has either a left or right (one is central) panelled door and overlight in prostyle Ionic porch (no.1 has fluted columns), up steps; No.8 has a stone architrave without porch. Sash windows, most with glazing bars, in stone architraves; No.8 has a 2-bay return with a full height canted bay window. INTERIORS have moulded plaster ceiling cornices, white marble fireplaces, internal shutters and panelled doors.

b) the effect of the proposed development on the setting of Grade II Listed Buildings

- 6.25 The proposed development will be located 53 metres to the west of the aforementioned Grade II Listed Buildings with two intervening residential properties located between the application site and the listed buildings. Given the scale and design of the proposal which is acceptable in terms of the context of the surrounding area (as discussed in paragraphs 6.7-6.13) and the separation distances involved it is not considered that the proposed development would have an adverse impact upon the setting of the Grade II Listed Buildings.

5. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.26 The relevant planning policies seek to ensure that development should be appropriate in terms of quality to that of the surrounding area and do not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The City Council's SPD 'Achieving Well Designed Housing' provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking i.e.12 metres between primary windows and blank gables and 21 metres between primary windows.
- 6.27 The site is situated within a primary residential area and is surrounded by a single storey residential property to the east (No.5 Cromwell Crescent), two storey properties to the west (No. 7 Cromwell Crescent and No.s 11 and 13 Marlborough Gardens) and a two storey semi-detached property to the south (14 St George's Crescent). On the opposite side of the road is the applicant's own dwelling No.4 Cromwell Crescent.
- 6.28 It is appreciated that the single storey bungalow located to the east of the site (No.5 Cromwell Crescent) has a ground floor primary window serving a kitchen on the rear elevation which faces towards the application site. From the Officer Site Visit it was evident that the application site is situated at a lower level to No.5 Cromwell Crescent with a 1.8 metre (approx) high brick wall separating the two sites. The proposed dwelling will have all

accommodation at ground floor level with only one window on the east elevation serving a bedroom. The window serving the bedroom is deemed to be a secondary window as the primary windows to this room are on the rear elevation. It is also appreciated that the secondary bedroom window is to be located on the rear section of the dwelling and will directly face a 1.8 metre high brick wall. In such circumstances the development will not have an adverse impact upon the living conditions of No.5 Cromwell Crescent through overlooking.

- 6.29 The proposed dwelling will be positioned approximately 7 metres from the kitchen window of No.5 Cromwell Crescent however it is appreciated that due to the difference in the topography between the two sites the eaves of the proposed dwelling will be just under a metre higher than the intervening brick wall separating the two sites. The proposed dwelling will also have a mono pitch roof which will slope away from No.5 Cromwell Crescent. In such circumstances it is appreciated that whilst the development will be visible from the kitchen window of No.5 Cromwell Crescent it will not cause a sufficient adverse impact in terms of over dominance to warrant refusal of permission. The submitted drawings also illustrate that the proposed dwelling sits well within the BRE (Building Research Establishment) and ADF (average daylight formula) projections for acceptable development zones with only a small ridge section beyond a potential sky component affected zone which is negligible at less than 0.01%. In such circumstances it is not considered that the proposal would cause a sufficient loss of light to the kitchen window of No.5 Cromwell Crescent to warrant refusal of permission on this basis.
- 6.30 The proposal will be compliant with the minimum distances outlined in the 'Achieving Well Designed Housing Supplementary Planning from all other neighbouring properties. In such circumstances and given the low level design of the dwelling coupled with the orientation of the application site the proposal will not have an adverse impact upon the living conditions of any other surrounding residential properties in terms of loss of light, overlooking or over dominance to warrant refusal of permission. To further protect the residential amenity of the occupiers of neighbouring properties a condition is recommended that would restrict construction hours.

5. Impact Of The Proposal On Highway Safety

- 6.31 The proposal will utilise an existing access from Cromwell Crescent. Two incutillage parking spaces will be provided as well as an integral garage. It is noted that the site is currently used as an additional parking area and garage in connection with No.4 Cromwell Crescent on the opposite side of the road however there is plenty of parking for No.4 Cromwell Crescent available within its own curtilage therefore the development should not displace car parking within the area.
- 6.32 Cumbria County Council, as Highways Authority has been consulted and has raised no objections. Accordingly the development will not cause an adverse impact upon highway safety.

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

- 6.33 In order to protect against pollution, Policies IP6 and CC5 of the CDLP seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. Foul water is proposed to be discharged to mains drainage with surface water to a soakaway.
- 6.34 The principles of these drainage methods are acceptable to the United Utilities and the Lead Local Flood Authority however a relevant condition has been included within the Decision Notice requesting full details of the proposed disposal of surface water.

7. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.35 There are two mature trees (a Lime and Cherry) within the rear garden of the site as well as a number of ornamental species within the existing sunken garden. The submitted plans illustrate that the Cherry tree will be removed to provide the proposed development. A Tree Survey accompanies the application which confirms that the flowering Cherry tree is set within the garden to the rear of the garage, is partially visible from the highway but provides limited amenity to the area. The tree is twin stemmed and is displaying reduced vigour therefore it has been graded as category C. In such circumstances there is no objections to the loss of the Cherry Tree.
- 6.36 It is appreciated that the mature lime tree is to be retained and the proposed dwelling itself will be constructed outside the root protection zone of the tree. The submitted tree survey confirms that the small patio area to the south of the proposed dwelling will require very minor intrusion into the root protection area of the lime tree however as part of this area is already at a level well below the level at which the tree is situated the additional excavations will not have any adverse impact on the rooting environment of the tree. The tree survey however suggests the imposition of root protection barriers during the course of development works. Subject to the imposition of a relevant condition to ensure tree protection barriers during the course of site works it is not considered that the development would have an adverse impact upon the Lime tree which is to be retained.

8. Impact Upon Biodiversity

- 6.37 The Councils 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, and given that the application site has previously been used for garaging and as a garden area, it is unlikely that the proposed development would harm protected species or their habitat. To further protect biodiversity and breeding birds, informatics are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

9. Impact Upon Hadrian's Wall World Heritage Site

- 6.38 The site is located within the Buffer Zone of Hadrian's Wall World Heritage Site. Policy HE1 (Hadrians Wall World Heritage Site) of the CDLP confirms that there is a presumption in favour of preserving the fabric, integrity and authenticity of archaeological sites that form part of the Outstanding Universal Value of Hadrian's Wall World Heritage Site. New development within the Hadrian's Wall World Heritage Site and its buffer zone which enhances or better reveals its significance will be supported. Policy HE1 also seeks to protect key views into and out of the buffer zone. Any development that would result in substantial harm will be refused.
- 6.39 The Historic Environment Officer for Cumbria County Council and Historic England have been consulted on the application and have requested that an archaeological evaluation of the site is undertaken prior to determination of the application as it is considered that the site has the potential to include buried archaeological assets related to Hadrian's Wall World Heritage Site. An impact assessment of the proposed development on the remains of the sunken garden wall was also requested as well as constructional cross-sections, site levels, drainage connections and garden edge details prior to determination.
- 6.40 All of the aforementioned requested information has since been provided and the relevant statutory consultees reconsulted. The submitted details illustrate that the development is to be constructed from a raft foundation. Historic England consider that the level of excavation required for such a foundation would place the development well above the level of the intact archaeological remains (the probable remains of the Hadrian's Wall Ditch) which was revealed by the archaeological evaluation on the site. The raft foundation is therefore welcomed.
- 6.41 In terms of the sunken garden wall Historic England consider that the garden wall does not represent the in-situ remains of Hadrian's Wall. Historic England has however confirmed that Hadrian's Wall was constructed from two faces of characteristic wedged-shaped facing stones, either side of a core of rubble. The material that makes up the garden wall seems to have been at least roughly shaped and would be consistent with such core work, particularly if the facing stones have naturally been the first to be appropriated for reuse perhaps as early as the medieval period. In such circumstances Historic England do consider that the garden wall consists of the re-used remains of Hadrian's Wall. Historic England have however confirmed that even if the stones in the sunken garden are Roman they are essentially a 19th or 20th century evocation of the Roman frontier. Whilst this has some limited heritage value this would in Historic England's opinion would be of no more than local significance.
- 6.42 Based on all the further information supplied at the request of Historic England and the Historic Environment Officer for Cumbria County Council, neither consultee have raised any objections to the proposed development on heritage grounds. Should Members approve the application the Historic Environment Officer for Cumbria County Council has however suggested the imposition of two conditions relating to an archaeological watching brief to

ensure that the ground works of the development are subject to archaeological recording, and, a photographic survey of the reconstructed section of Hadrian's Wall located in the garden to ensure a permanent record of this asset is recorded.

10. Contamination

- 6.43 A desk top study has been submitted which indicates that the application site has been used as a garden since the original records of open fields and grazing land. Accordingly it is unlikely that there is any form of contamination on the site. Notwithstanding this statement a condition regarding unsuspected contamination has been proposed.

11. Other Matters

- 6.44 It is appreciated that some of the objectors to the scheme have cited loss of a view. This is however not a material planning consideration.
- 6.45 An objector has also referred to an appeal which was dismissed in the 1990s. Members will however be aware that every application is dealt with on its own merits and for the reasons outlined in paragraphs 6.1-6.43 above the development is considered acceptable.
- 6.46 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

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

Conclusion

- 6.49 On balance the principle of the development of the site for housing is

acceptable as the application site is located within a primary residential area and a sustainable location. Whilst the development is innovative in terms of its design, its contemporary appearance would not have a harmful impact upon the existing street scene, the character/appearance of Stanwix Conservation Area or the setting of nearby Grade II Listed Buildings . The proposed development will also not have a detrimental impact upon the living conditions of the occupiers of any residential properties nor will the proposal have an adverse impact upon highway safety, biodiversity, trees or heritage assets such as Hadrian's Wall World Heritage Site. Overall, the proposal is compliant with the objectives of the relevant Development Plan and approval is recommended.

7. Planning History

- 7.1 There is no relevant planning history on 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 development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 19th February 2018;
2. the site location plan received 25th October 2018 (Drawing No.2018-111-24);
3. the proposed block plan received 25th October 2018 (Drawing No.2018-111-25);
4. the proposed ground floor plan, roof plan and site plan received 28th November 2018 (Drawing No.2017-111-20A);
5. the proposed roadside elevation, cross section and rear elevation received 23rd October 2018 (Drawing No.2017-111-21);
6. the proposed side elevations, cross section through link and daylight protrusion/unobstruction zone received 23rd October 2018 (Drawing No.2017-111-22);
7. the constructional cross section received 23rd October 2018 (Drawing No.2017-111-23);
8. the design and heritage statement received 23rd October 2018 (Rev B);
9. the archaeological evaluation received 25th October 2018 (Dated 2018);
10. the arboricultural report received 7th November 2018;
11. the archaeological significance assessment received 12th November 2018;

12. the garden edge details received 28th November 2018 (Drawing Nos.111-26 and 111-27);
13. the contaminated land statement received 20th February 2018;
14. the Notice of Decision; and
15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Notwithstanding any description of materials in the application, prior to the first use on site samples or full details of materials to be used externally on the building shall be submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The dwelling shall then be constructed in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in accord with Policies SP6, HE7, HO2 and HO3 of the Carlisle District Local Plan 2015-2030.

4. Prior to the first use on site details of all proposed hard surface finishes shall be submitted to and approved by the Local Planning Authority. All hard surfaces shall then be constructed in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies SP6, HO2, HO3 and HE7 of the Carlisle District Local Plan 2015-2030.

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

For the avoidance of doubt foul and surface water shall be drained on separate systems. In the event of surface water discharging to the public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

6. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

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

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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

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

9. Prior to the carrying out of any construction work the low wall of the sunken garden shall be recorded in accordance with a Photographic Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the

commencement of construction works a digital copy of the resultant Photographic Survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the archaeological asset of historic interest prior to its alteration as part of the proposed development.

10. Prior to the commencement of development a written scheme of investigation for an archaeological watching brief must be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, 2 copies of the archaeological report shall be furnished to the Local Planning Authority.

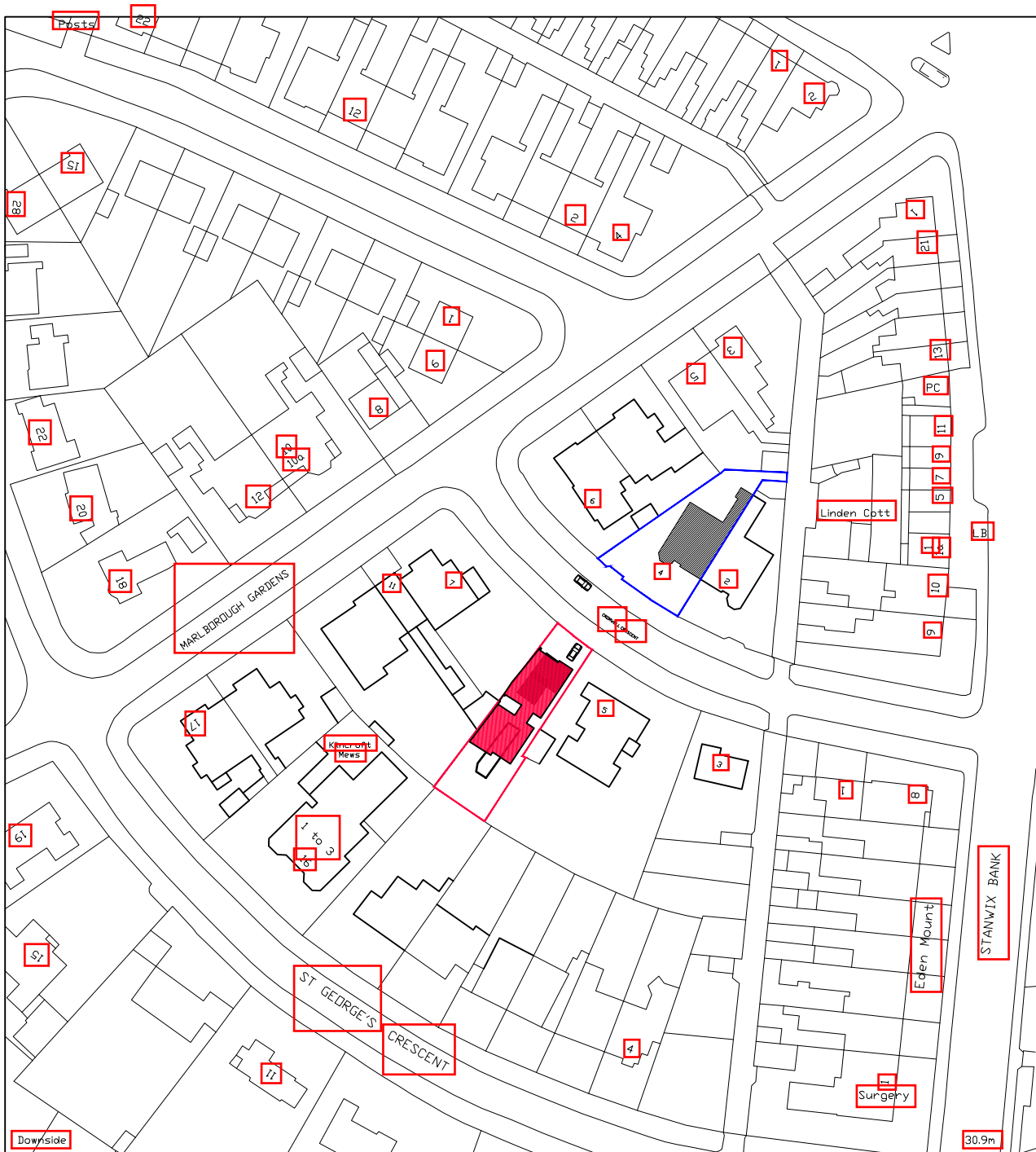
Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains.

11. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

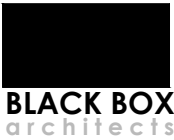
Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling unit to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies SP6, H08 and HE7 of the Carlisle District Local Plan 2015-2030.



0 metres 50 metres

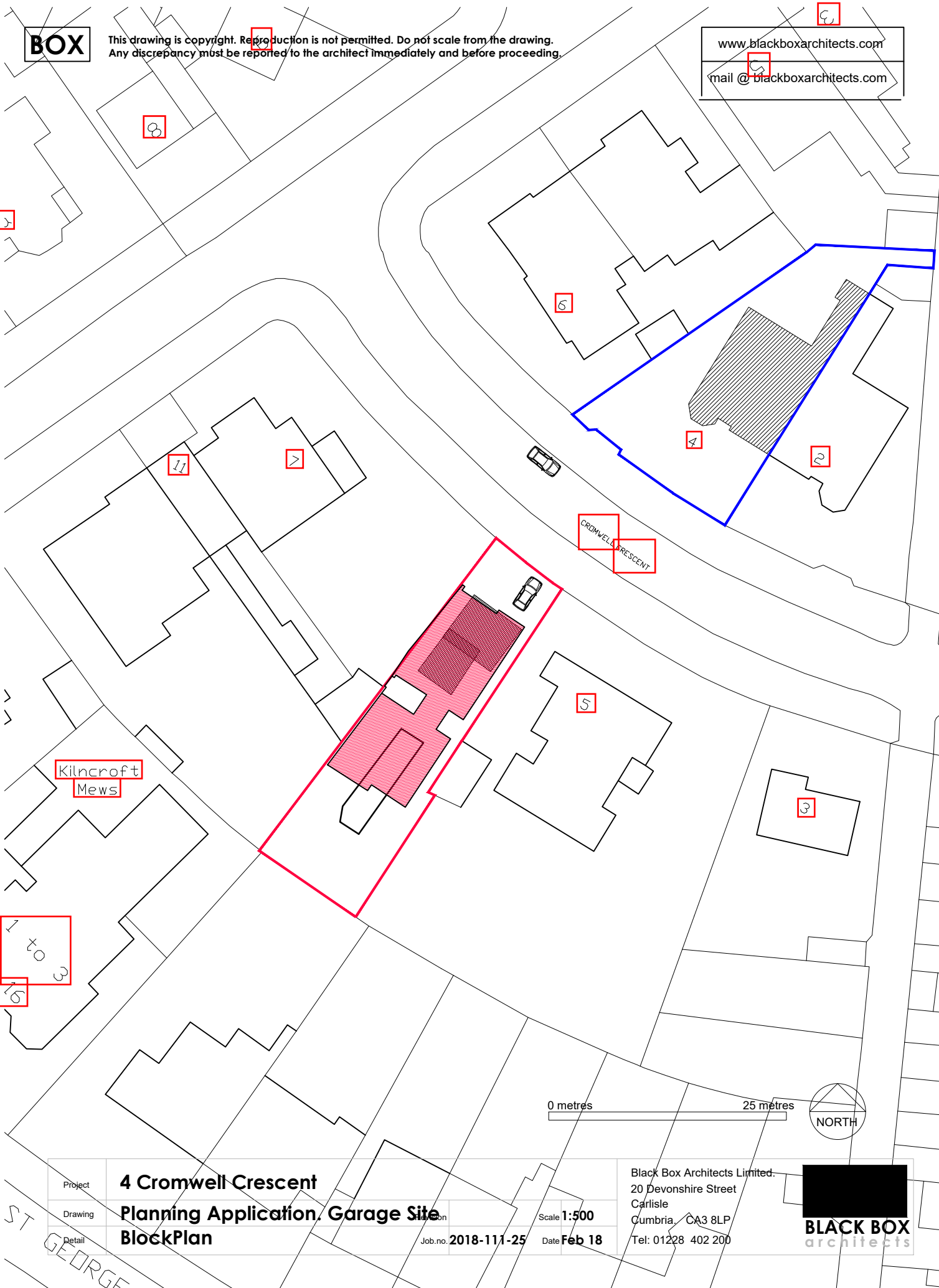
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Drawing	Planning Application. Garage Site			Scale 1:1250	
Detail	Location Plan			Job.no 2018-111-24 Date Feb 18	

BOX

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0 metres

25 metres



Project

4 Cromwell Crescent

Drawing

Planning Application, Garage Site

Detail

BlockPlan

Job no. **2018-111-25**

Scale

1:500

Date

Feb 18

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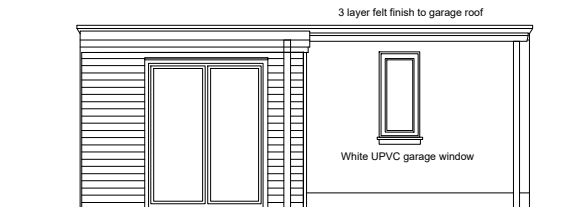
Project	4 Cromwell Crescent			Black Box Architects Limited. 20 Devonshire Street Carlisle Cumbria. CA3 8LP Tel: 01228 402 200		 BLACK BOX architects
Drawing	Planning Application. Garage Site	Revision		Scale	1:200	
Detail	Existing Survey	Job.no.	2018-111-05	Date	Feb 18	

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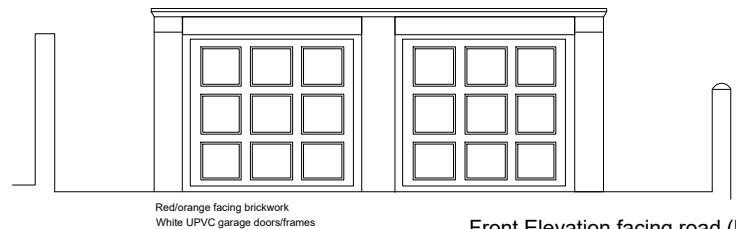
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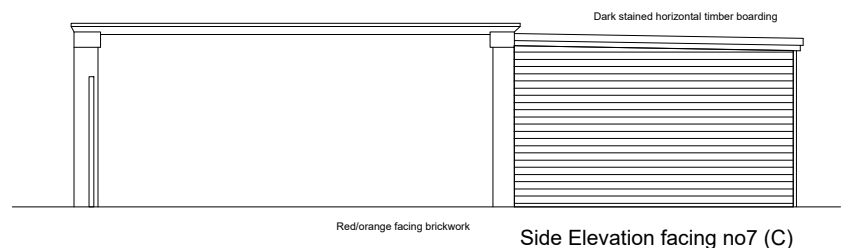
Existing Elevations 1:100



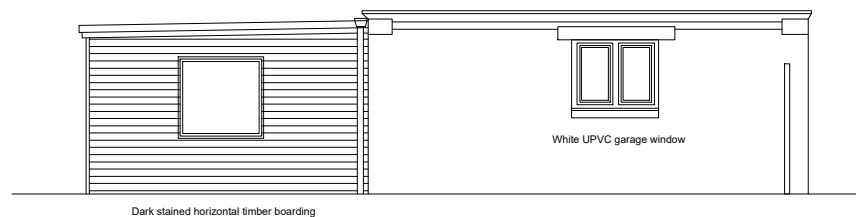
Rear Elevation facing garden (A)



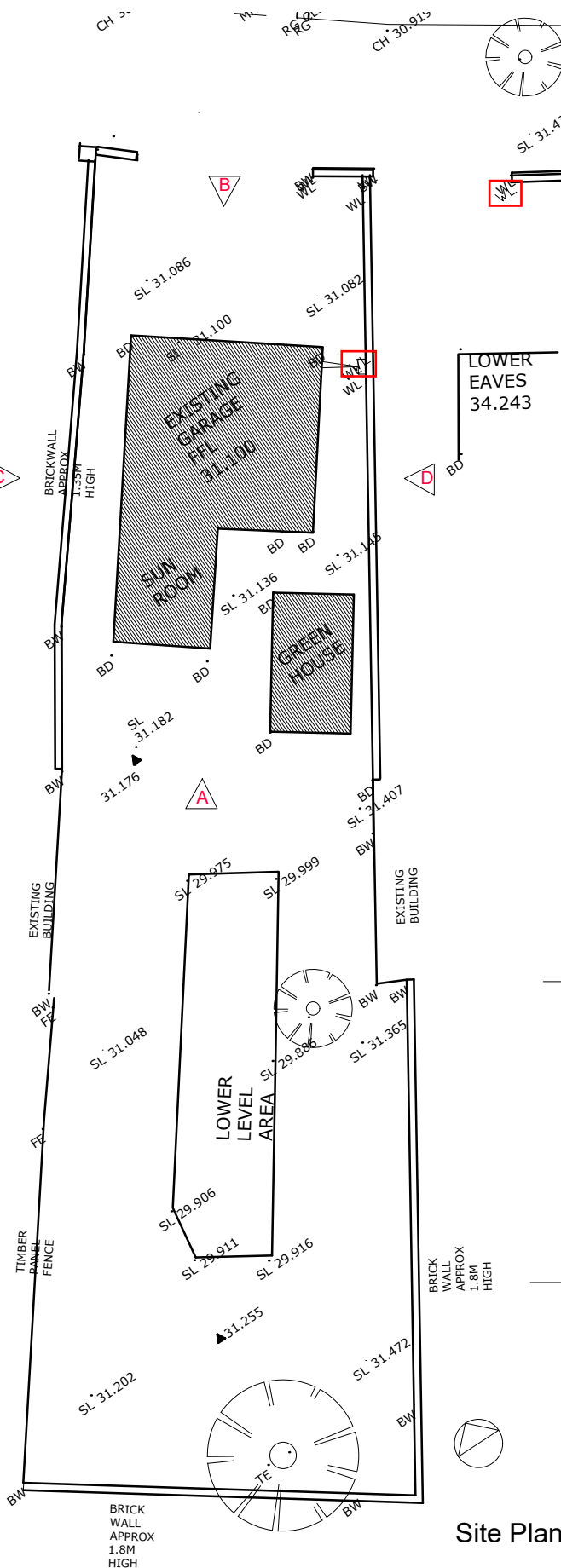
Front Elevation facing road (B)



Side Elevation facing no7 (C)



Side Elevation facing no5 (D)



Site Plan 1:200

revision A. 01.03.18 Elevations added

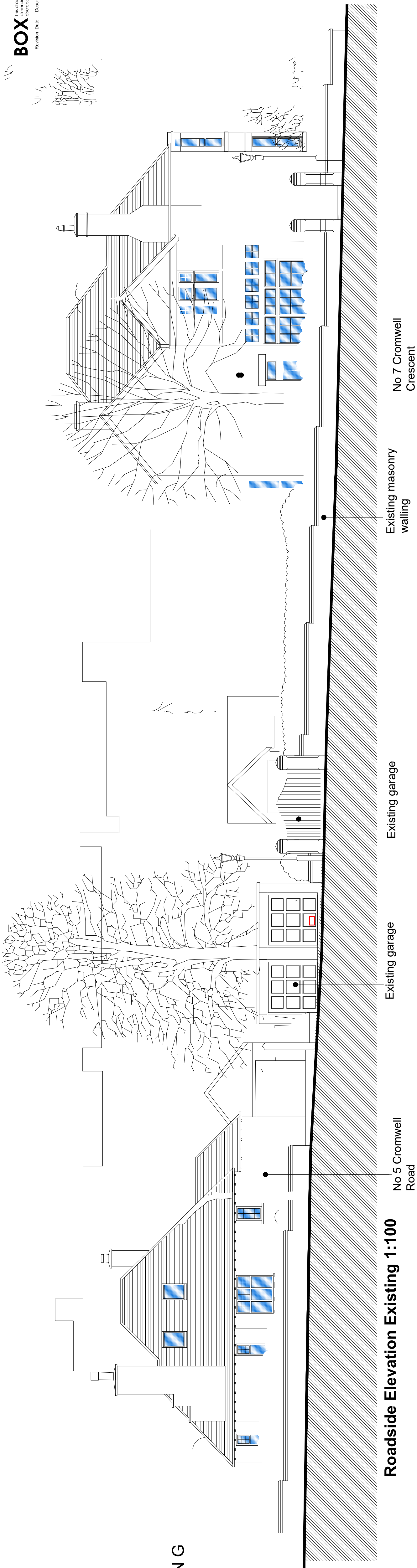
Project	4 Cromwell Crescent			Black Box Architects Limited. 20 Devonshire Street Carlisle Cumbria. CA3 8LP Tel: 01228 402 200	
Drawing	Planning Application. Garage Site			Revision	A
Detail	Existing Survey			Scale	1:200
				Job.no.	2018-111-05A
				Date	Feb 18

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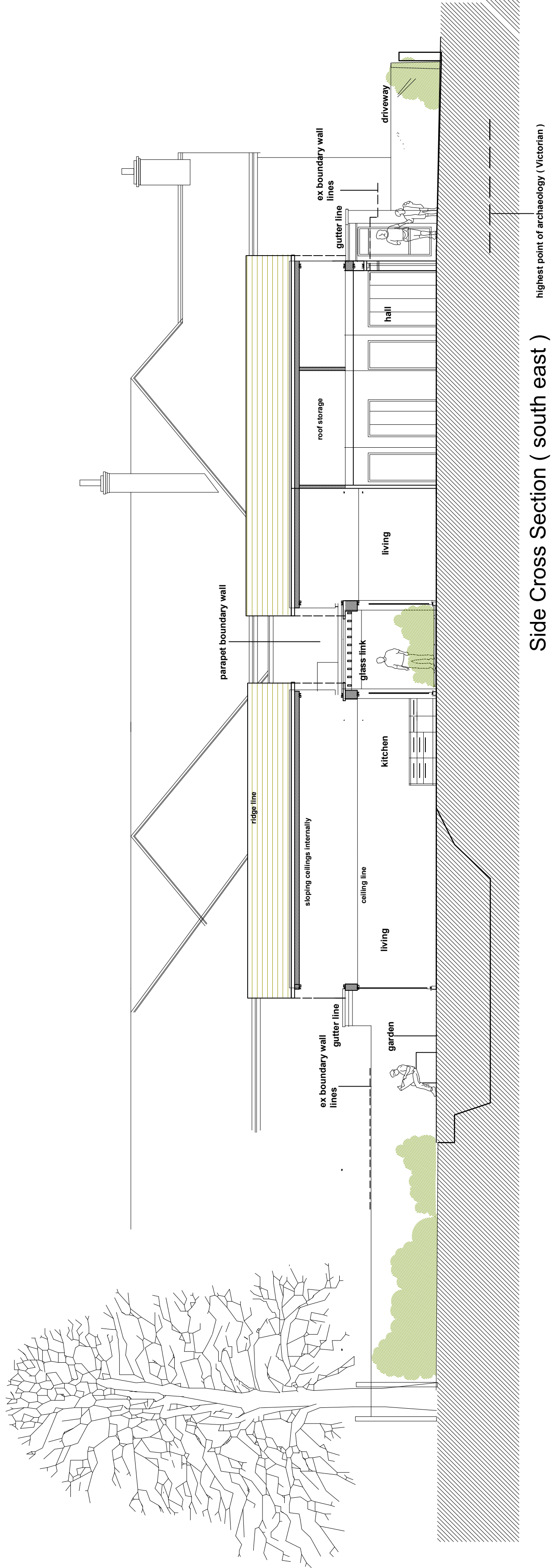
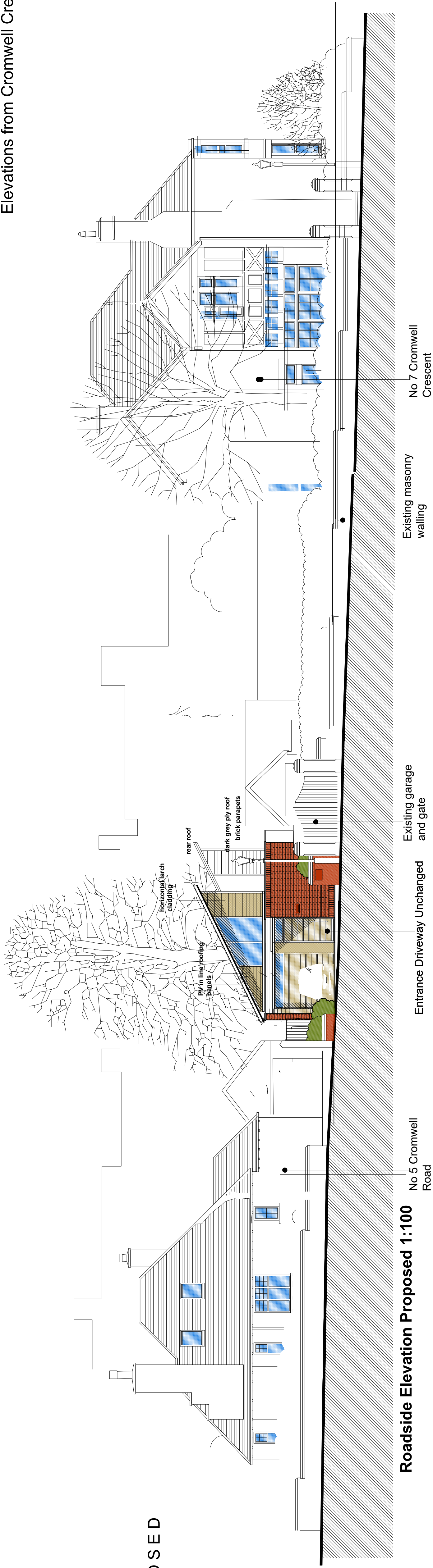


Proposed Ground Floor Plan

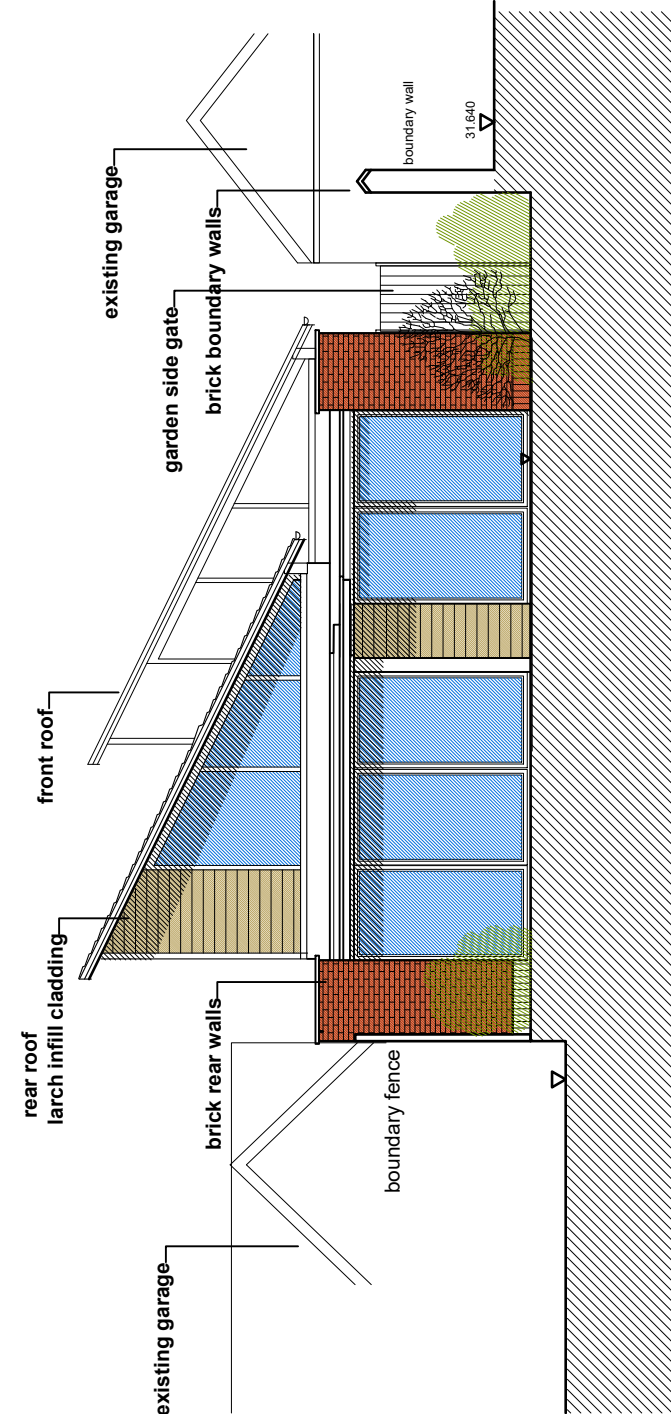
Proposed Roof Plan

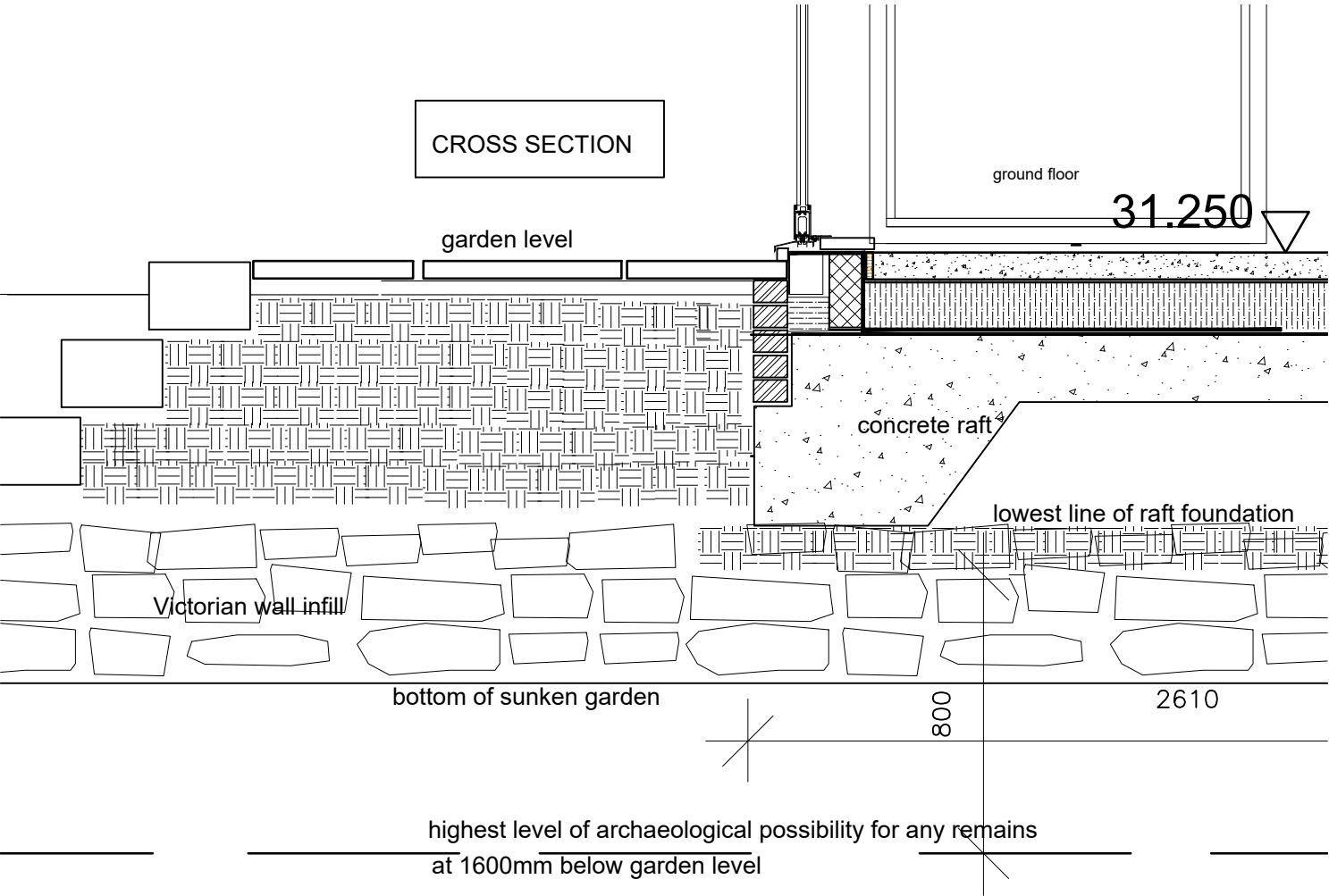
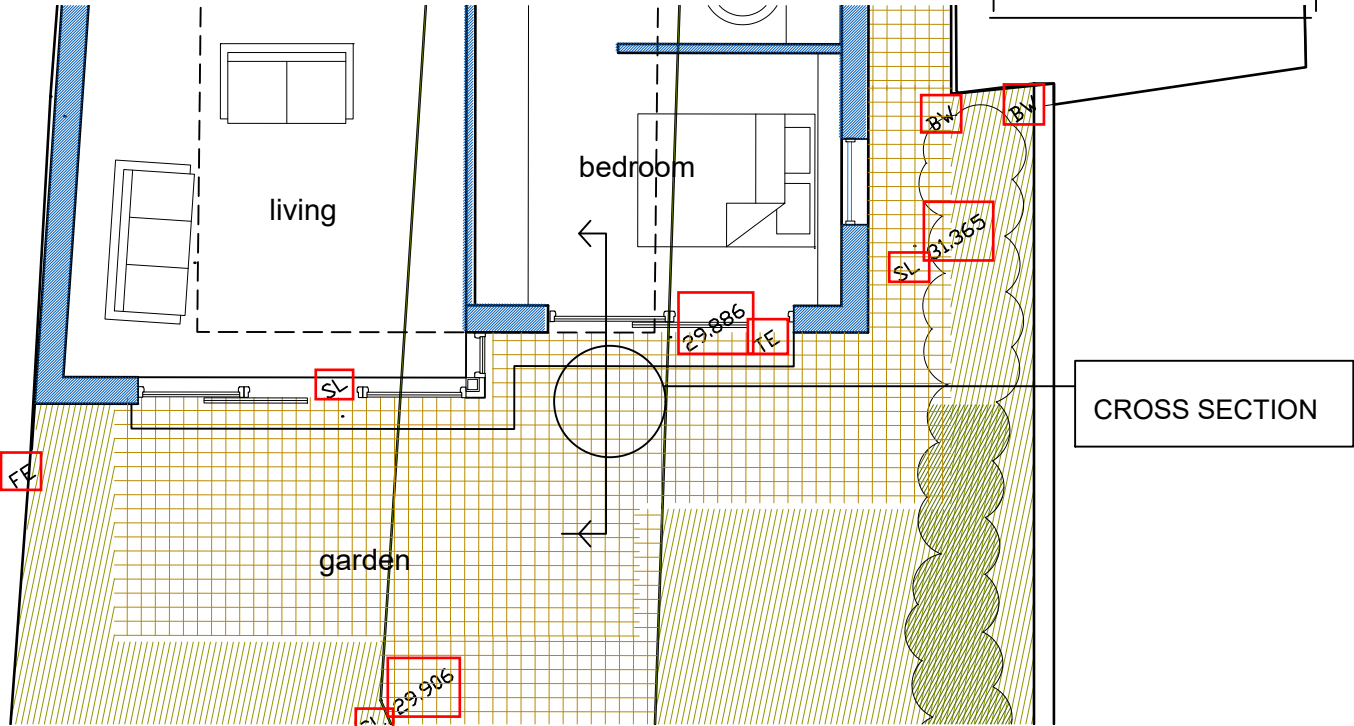


Elevations from Cromwell Crescent 1:100

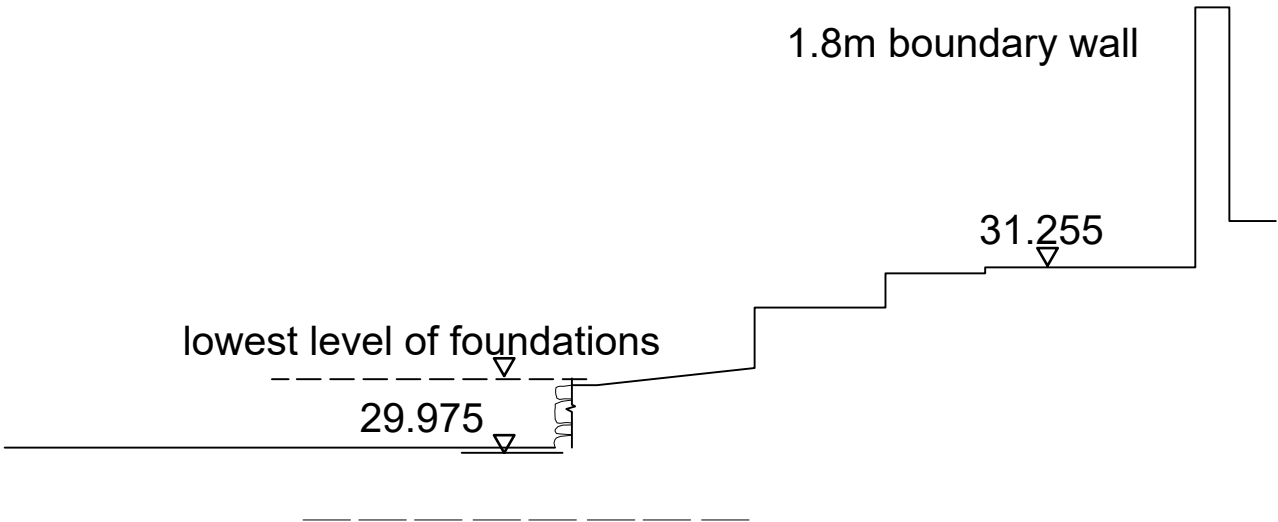
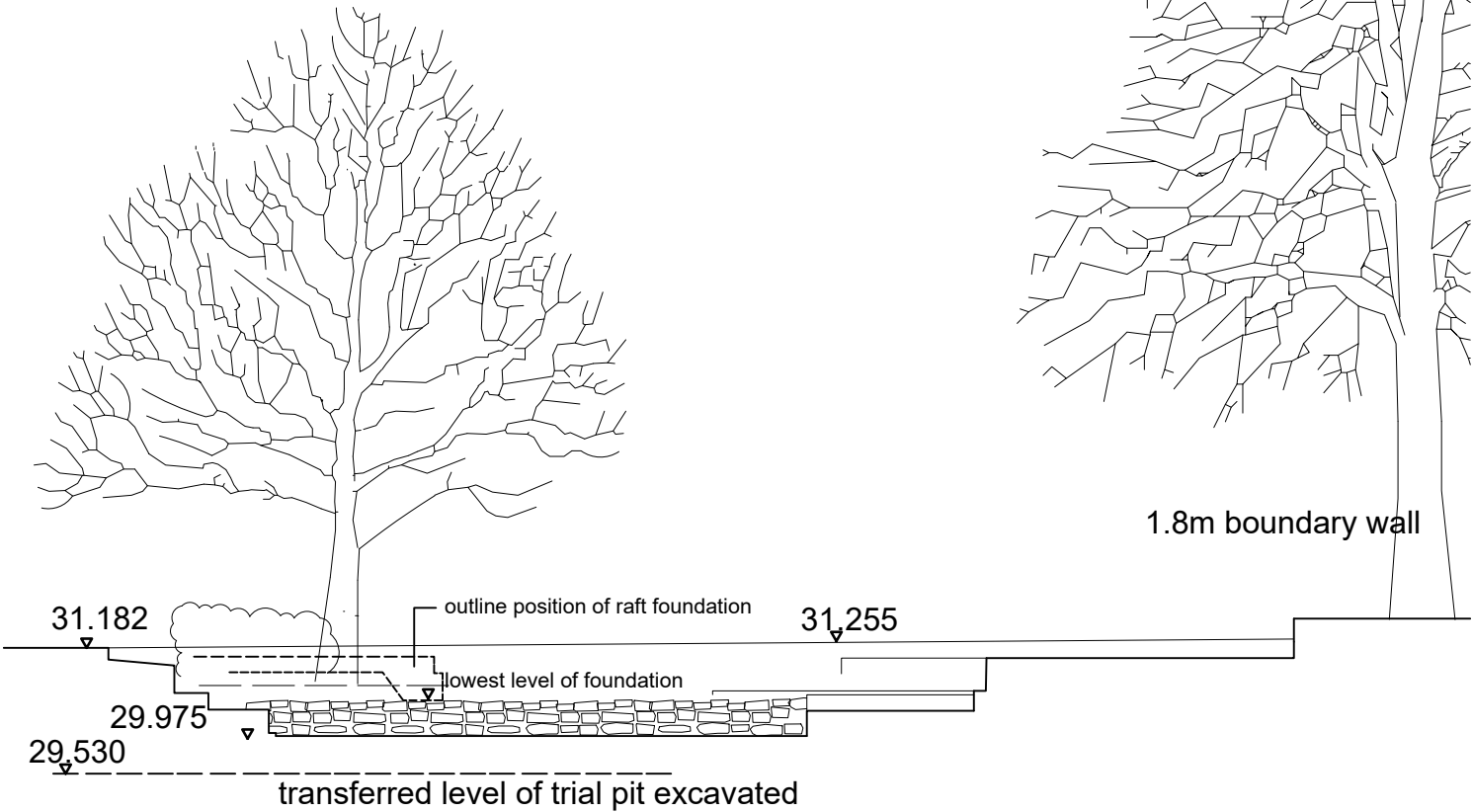


Rear Elevation (private garden)





Project	4.Cromwell Crescent Stanwix			Black Box Architects Limited. 20 Devonshire Street Carlisle Cumbria. CA3 8LP Tel: 01228 402 200	
Drawing	Planning Application	Revision		Scale	1:20
Detail	garden edge detail	Job.no.	111-26	Date	nov-18



Project	4.Cromwell Crescent Stanwix				Black Box Architects Limited. 20 Devonshire Street Carlisle Cumbria. CA3 8LP Tel: 01228 402 200	
Drawing	Planning Application	Revision		Scale		
Detail	garden edge detail	Job.no.	111-27	Date		
					nov-18	

