# SCHEDULE A: Applications with Recommendation 

14/0490
Item No: 06
Date of Committee: 03/10/2014

Appn Ref No:
14/0490

## Applicant:

ESH Developments
Agent:

Parish:
Wetheral
Ward:
Wetheral

Location: L/Adj Fallowfield, Plains Road, Wetheral, Carlisle, CA4 8LE
Proposal: Erection Of Dwellings (Reserved Matters Application Pursuant to Outline Permission 13/0546)
Date of Receipt: Statutory Expiry Date 26 Week Determination

24/06/2014
19/08/2014

REPORT
Case Officer: Barbara Percival

## 1. Recommendation

1.1 It is recommended for approval subject to a Deed of Variation to the Section 106 Agreement in respect of a commuted sum towards off-site affordable housing provision. If the Deed of Variation is not completed within a reasonable time, then Authority to Issue a Refusal Notice is requested to the Director of Economic Development.

## 2. Main Issues

2.1 Whether the principle of development is acceptable
2.2 Impact of the development on the character of the area
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
2.9 Other matters
3. Application Details

## The Site

3.1 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.

## Background

3.2 Outline Planning Permission with some Matters Reserved for the erection of dwellings was issued in June of this year following the completion of a Section 106 Agreement for a commuted sum towards off-site affordable housing provision (application reference 13/0546).

## The Proposal

3.3 This application seeks Approval of Reserved Matters following Outline Planning Permission for those details Reserved. Namely: appearance, landscaping, layout and scale. Access provision was dealt during the processing of the original Outline application. The application also involves the submission of additional information to discharge conditions attached to the Outline Planning Approval with the exception of Conditions 12 (Method Statement for works within Root Protection Areas) and 16 (construction of driveways, parking/turning areas). These issues would be dealt with by the submission of a further application should Members recommend approval of this application.

## 4. Summary of Representations

4.1 This application has been advertised by the direct notification of ten neighbouring properties and the posting of a Site Notice and Press Notice. In response, two representations have been received.
4.2 The representations identifies the following issues:

1. proposal has the potential to intensify traffic on this particularly narrow section of road not served by a footpath. The proposal should take the opportunity to widen the road and extend the footpath.
2. parking provision for contractors.
3. adequacy of parking for visitors within the site.
4. recommends that existing double yellow lines should be increased across the frontage of the site.

## 5. Summary of Consultation Responses

Forestry Commission: - no response received;
Cumbria Country Council - (Econ. Dir. Highways \& Transportation): - confirm that the details provided seems in line with the conditions sought at outline stage, therefore, confirm that the Highway Authority has no objection to the application subject to the imposition of conditions;

Clerk to Wetheral PC: - objection, have concerns in respect of i) width of the access road for service vehicles; ii) visibility for both entering and exiting the site onto Plains Road; iii) sewerage. New properties would put an extra burden on the existing treatment plant which is already at full capacity. Members also felt the style and design of the proposed dwellings were not in keeping with that of the neighbouring properties;

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 response received.

## 6. Officer's Report

## Assessment

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016 from which Policies DP1, CP1, CP2, CP3, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016 are of particular relevance.
6.3 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are also material planning considerations in the determination of this application.
6.4 Other material considerations are Supplementary Planning Documents adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.
6.5 The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable
6.6 The principle of development has been established since June of this year by the issuing of Outline Planning Approval for the erection of dwellings (application reference 13/0546).

## 2. Impact Of The Development On The Character Of The Area

6.7 The PPG outlines that good quality design is an integral part of sustainable development. The NPF recognises that design quality matters and that planning should drive up standards across all forms of development. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. The PPG goes on to highlight that development proposals should reflect the requirement for good design set out in national and local policies. Local Planning Authorities will assess the design quality of planning proposals against their Local Plan Policies, national planning policies and other material considerations. Local Planning Authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques.
6.8 The drawings and documents submitted as part of the application illustrate the siting of three two storey detached dwellings of a modern, contemporary design. The submitted drawings illustrate two differing house types, '2116 Climat Hus Type' (Plot 1) and '1986 Climat Hus Type' (Plots 2 and 3). The dwellings would have a central flat roof section adjoined by two further sections of differing heights. The outer sections would project forward of, and to the rear of, the central roof section and have mono-pitch roofs. The detached garage serving Plot 1 would also have a mono-pitch roof.
6.9 The accommodation of Plot 1 would comprise of a ground floor open plan living room, dining room, kitchen, hallway and stairwell with study/bedroom 5, shower room and utility room with family room, en-suite master bedroom, en-suite bedroom, 2 bedrooms and bathroom above. The dwelling would be served by a detached double garage together with two in-curtilage parking spaces. The proposed dwelling would be of timber construction with natural red sandstone slips, smooth grey/white render (RAL 9002) with dark grey 'Sandtoft Calderdale' slate effect tile. The garage doors, windows and rainwater goods would be dark grey whilst the door colours would be the purchaser's choice.
6.10 The accommodation of Plots 2 and 3 would comprise ground floor open plan lounge, dining room, kitchen/breakfast room, hallway and stairwell, utility room, study/guest bedroom, w.c. and double garage with two ensuite bedrooms, 2 bedrooms, bathroom, landing and an external balcony above. The proposed dwelling would again be of timber construction with the same finishes as those of Plot 1; however, 'Rockpanel Woods' cladding in a Rhinestone Oak Finish would be used on sections of the front elevations of the dwellings.
6.11 Each of the dwellings would also incorporate air source heat pumps to the rear of the properties together with solar pv arrays in the roof slope.
6.12 As previously highlighted the proposed dwellings are of a modern, contemporary style located within the grounds of Fallowfield, a substantial detached dwelling, located on the eastern side of Plains Road over 60 metres north west of the northern boundary of the Wetheral Conservation Area.
6.13 The City Council's Urban Design and Conservation Officer questions whether the application achieves locally specific design, either through form or proposed materials. Raising specific concerns in respect of the fenestration, in particular the use of 'gun slit' windows. In response to the concerns raised by the Urban Design and Conservation Officer. The Applicant has relocated Plot 1 further back into the site, made changes to/omitted some of the windows together with the use of render as opposed to cladding on the elevations of Plot 1. The Applicant has also submitted a Character Statement together with a series of photographs which expand upon the chosen design criteria.
6.14 The Character Statement outlines that the existing character of Plains Road is a predominantly tree lined road with houses typically set back from the carriageway. Larger historical dwellings have significantly larger grounds compared with the dwellings built more recently which have typically being constructed within the grounds of these larger historical properties. Some small and medium sized housing developments also exist constructed in the 1960's-80's. The larger historical properties are constructed of red sandstone with period windows whereas the more recent properties comprise a mixture of more modern materials such as brick, render, concrete roof tiles and modern window styles, sizes and materials. There is a mix of building types such as bungalows and two storey houses with a variety of gables, features and roof pitches. The Statement goes on to highlight that recently constructed dwellings to the north west of Plains Road, are of a linear nature which has extended the settlement. The materials of which comprise a mixture of brick, render and some red sandstone with a mixture of different window styles, materials and shapes. The Statement makes reference to the fact that the more modern estates and linear dwellings are all located out with the Wetheral Conservation Area.
6.15 In respect of the impact of the proposed development. The Character Statement notes that a 1980's housing development is located between the application site and the Conservation Area. Despite this the Applicant has sought to design the dwellings echoing the character of Plains Road by setting the houses back from the carriageway and creating a dense planting screen to the site frontage. The dominant materials proposed are that of a render and red sandstone. The windows albeit of a more modern plain style, are of aluminium in anthracite grey. Matching coloured aluminium fascias, soffit's and rainwater pipes and guttering they believe complete a quality appearance. In respect of Plot 1 which has a frontage onto Plains Road the Statement explains that the house style at the front of the site comprises pitched roofs, vertical emphasis windows and a dominance of natural red sandstone. Within the site (Plot 2 and 3 ) a further material is proposed to add further interest. The material is a wood effect panel which requires no maintenance and will not deteriorate from its original colouring to be applied to large areas of the two dwellings within the site softening the elevations of
render and red sandstone.
6.16 The Statement concludes that the overall feel of the development will be of quality materials befitting of the location and of the settlement of Wetheral. The structure of the dwellings will be a high quality closed panel timber frame, which when delivered in finished wall panels and have a shorter construction duration, reducing the impact on the neighbourhood when compared to traditional masonry construction.
6.17 As outlined earlier in the report, good design is a key aspect of sustainable development and should contribute positively to making places better for people. The NPPF seeks to ensure that decisions should aim to ensure that developments respond to local character, reflect the local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Paragraph 60 of the NPPF highlights that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originally or initiative through unsubstantiated requirements to confirm to certain development forms or styles.
6.18 The PPG reiterates the policies of the NPPF by stating that local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be use in more contemporary design. However, innovative design should not be discouraged.
6.19 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 the length of Plains Road and adjoining it including two estates Elmgarth and Greenacres. The application site is located at right angles to Plains Road with existing and proposed boundary treatments limiting public views into the site. Once inside the site the use of linking boundary treatments and the pallet of materials ensures a cohesive and consistent design. Furthermore, the greater use of render and sandstone slips on the elevations of the dwelling with a frontage onto Plains Road (Plot 1) would ensure the successful integration of a innovative, contemporary design into the streetscene. Accordingly, the proposal would not result in an obtrusive development that would unacceptably affect the character of the streetscene. Furthermore, the principle of this design and pallet of material has already been established elsewhere within the District.

## 3. The Provision Of Affordable Housing

6.20 The associated Outline Planning Approval was granted permission for the erection of dwellings, subject to the completion of a Section 106 Agreement in respect of a commuted sum towards off-site affordable housing provision. The Section 106 Agreement was subsequently entered into and issued on the 19th June 2014.
6.21 The application before Members now seeks Reserved Matters for the erection of three dwellings. 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 which now details the number of dwellings i.e. three, there is a policy requirement to provide 10\% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution which would be subject of a Deed of Variation to the original Section 106 Agreement. Accordingly, there is no policy conflict.

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

6.22 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies together with the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should be achieved.
6.23 The proposed dwellings would be so orientated so as to achieve the minimum distances as outlined in the aforementioned SPD. The application site would also be relatively well screened by existing and proposed boundary treatments. Given the physical relationship of the application site with adjacent properties, the occupiers of neighbouring properties would not suffer from an unreasonable loss of daylight or sunlight. Furthermore, the siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of loss of privacy or over-dominance.

## 5. Impact Of The Proposal On Highway Safety

6.24 The Parish Council has raised objections to the proposal citing the capability of the access road to accommodate service vehicles and visibility for vehicles entering and exiting the site. Neighbours have also expressed concerns in respect of intensification of the access to serve the dwellings, requesting that the road be widened, a footpath provided and the extension of double yellow lines along the site frontage. A further issue raised is the adequacy of parking provision for contractors during any construction works.
6.25 The previously approved application sough Outline Planning Permission with All Matters Reserved except for access, therefore, this issue has previously been addressed by the granting of the previous Outline Application.
6.26 Nevertheless, to assist Members, the previous application illustrated the closing up of the existing access and the formation of a new vehicular access to serve Fallowfield and the proposed dwellings. The scheme also included the extension of the existing pavement along the frontage of the application
site using land within the curtilage of the application site, thereby, providing an extended pavement without impacting on existing road widths. The drawings illustrated that the new bitumen access would exceed the minimum Cumbria Highways requirement of 4.1 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.
6.27 The details submitted as part of this current application remain intrinsically the same as those previously approved with the exception of the reduction in length of the proposed footpath as a small section of land to the north of the site is outwith the ownership of the applicant. The drawings also illustrate that each of the dwellings would be served by a double garage together with two in-curtilage parking spaces.
6.28 Cumbria County Council, as Highways Authority, has been consulted and comments that the details provided in respect of this current application are in line with the conditions sought at Outline stage. Accordingly, the Highways Authority has no objection to the application subject to the retention of four conditions previously imposed and an informative. One of the conditions would ensure that the access and parking/turning facilities are substantially met prior to building works commencing on site so that construction traffic can park and turn clear of the highway.
6.29 The objections of the Parish Council and third parties are acknowledged however, in light of the previous approved Outline Application together with the views of the Highways Authority 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

6.30 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. The Drainage Statement, submitted as part of this current 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.
6.31 No formal response has been received from United Utilities (UU), therefore, in line with current practices it can be assumed that they raise no objections to the drainage methods as proposed. It should; however, be noted that UU did not raise any objections, subject to only foul drainage entering the foul sewer, during the processing of the Outline Planning Application.

## 7. Impact Of The Proposal On Biodiversity

6.32 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, 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, which remains valid, was imposed during within the Outline Planning Permission which ensures no works are undertaken during the bird-breeding season unless the absence of nesting birds has been established through a survey 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

6.33 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.
6.34 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.
6.35 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.
6.36 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections to the proposal.
9. Other Matters
6.37 A neighbour has suggested the extension of existing double yellow lines along the frontage of the site to prevent parking on the highway. This would be subject to a Traffic Regulation Order and the Highways Authority have not considered that this is required.

## 10. Conclusion

6.38 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF, the PPG and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval subject to the completion of a Deed of Variation to a Section 106 Legal Agreement in respect of the provision of a commuted sum towards off-site affordable housing provision. If the Deed of Variation is not completed within a reasonable time, then Authority to Issue a Refusal Notice is requested to the Director of Economic Development.

## 7. Planning History

7.1 In 2013, Outline Planning Permission was granted for the erection of dwellings (application reference 13/0546).
8. Recommendation: Grant Subject to S106 Agreement

1. The approved documents for this Reserved Matters Permission comprise:
2. the submitted planning application form received 5th June 2014;
3. the Character Statement received 18th September 2014;
4. the Tree Survey Report received 5th June 2014;
5. the Tree Protective Barrier Details received 5th June 2014;
6. the Statement on the Archaeological Aspects received 5th June 2014;
7. the Statement on the Drainage Aspects received 5th June 2014;
8. the location plan received 5th June 2014 (Drawing No. LP_01);
9. the proposed enclosure details received 5th June 2014 (Drawing No. ED_01);
10. the proposed road and house levels received 1st August 2014 (Drawing No. Eng/Weth/03 Rev A);
11. the indicative streetscene received 18th September 2014 (Drawing No. FW 02 Rev A);
12. the proposed site layout plan received 18th September 2014 (Drawing No. FW_PSL 01 Rev D);
13. the tree protection measures received 18th September 2014 (Drawing No. TPM_01 Rev B);
14. the topographical survey received 5th June 2014 (Drawing No. 2108/1/);
15. 1986 Climat Hus Type Elevations received 18th September 2014 (Drawing No. 1986-S-50 Rev B);
16. 1986 Climat Hus Type Floor Plans received 18th September 2014 (Drawing No. 1986-S-10 Rev B);
17. 2116 Climat Hus Type Floor Plans received 11th September 2014 (Drawing No. 2116-S-10 Rev A);
18. 2116 Climat Hus Type Floor Elevations received 11th September 2014 (Drawing No. 2116-S-10 Rev A);
19. standard garage details section \& details received 8th September 2014 (Drawing No. Masonry-GD-1);
20. standard garage details double garage type 1 - Plans \& Elevations received 8th September 2014 (Drawing No. Masonry-GD-2);
21. the detailed landscape proposals received 19th September 2004 (Drawing No. c-1223-01);
22. the Notice of Decision; and
23. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.
2. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 2, 4 (part), 5, 6 (part), 7, 8 (part), 9 (part) and 11 (part) attached to the outline planning consent to develop the site.


|  |  |
| :---: | :---: |
|  |  |





#  



$\qquad$






 $\mathbb{H E G}$ 人g SIWOH
 ${ }^{\text {Draming Nimbor: }}$ Masonry -GD-1 ${ }^{\text {Rembisor: }}$



| PERSONNEL |
| :--- |
| DOOR HEAD |


EAVES \& GARAGE
DOOR HEAD


