

SCHEDULE A: Applications with Recommendation

20/0844

Item No: 05

Date of Committee: 19/02/2021

Appn Ref No:
20/0844

Applicant:
Mr & Mrs McAdam

Parish:
St Cuthbert Without

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Dalston & Burgh

Location: Land adjacent Carwinley, Durdar Road, Carlisle, CA2 4SB

Proposal: Erection Of 2no. Detached Dwellings (Outline/Revised Application)

Date of Receipt:
08/12/2020

Statutory Expiry Date
02/02/2021

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character of the area
- 2.3 Scale and design of the proposed dwellings
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Disposal of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on existing trees and hedges
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

3. Application Details

The Site

3.1 The application site is located to the west of Carwinley, a detached property to the west of Durdar Road, Carlisle Extending to approximately 0.16

hectares in area, the site is currently the domestic curtilage of Carwinley. The northern, western and southern boundaries of the application site consists of a post and wire fences with shrubs also planted along its western and southern boundaries. The eastern boundary of the application site is devoid of any boundary treatments. To the rear of Carwinley there are a number of outbuildings with a larger open fronted portal framed building adjacent to its southern boundary to the west of the vehicular access.

- 3.2 Within the vicinity of the application site are a variety of properties of differing ages and styles. Immediately adjacent to the western boundary of the application site is a large agricultural building and hardstanding.

Background

- 3.3 Outline Planning Permission for the erection of 2no. dwellings was granted under delegated powers in February 2018. This permission lapsed earlier this month (2nd February 2021), however; it should be noted that the application was determined against the policies of the Carlisle District Local Plan 2015-2030.

The Proposal

- 3.4 This application seeks outline planning permission with all matters reserved for the erection of 2no. detached dwellings. This application, therefore, seeks to re-establish the principle of development only.
- 3.5 The submitted drawings, although indicative only, illustrate the siting of 2no. detached dwellings served by individual vehicular accesses. Access to the site is along the existing unadopted access road off Durdar Road. This access road also affords vehicular access to Carwinley, the farm buildings of Blackwell Farm and other residential properties.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of a site notice. In response, four representations of objection have been received.
- 4.2 The representations identify the following issues:
1. impact on pedestrian and vehicular safety;
 2. potential to exacerbate existing maintenance issues of the lane;
 3. main services for properties run beneath the lane;
 4. access lane should be adopted or repaired prior to granting planning permission;
 5. potential parking issues from construction traffic.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - permission for this site was previously granted under application 17/1065. The Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood risk on the site or elsewhere. However; recommend the conditions attached to planning approval 17/1065 be reimposed in respect of: access and parking provision to serve the proposed dwellings; construction traffic parking; access and parking arrangements to be substantially met prior to commencement of any development; and submission of foul and surface water drainage schemes;

St Cuthberts Without Parish Council: - no observations;

Local Environment, Waste Services: - no objections;

Northern Gas Networks: - no objections to the proposals subject to the imposition of an informative drawing the developers attention to their obligations under its legislation;

United Utilities: no objections subject to imposition of informatives drawing the applicants attention to their obligations under its legislation.

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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, HO3, IP2, IP3, IP4, IP6, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents (SPD) adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.

1. Principle of Development

6.3 *"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development"* (paragraph 10).

6.4 The aims of the NPPF is reiterated in Policy HO2 of the Local Plan which outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and be focussed in sustainable locations subject to satisfying five criteria. A further policy consideration is Policy HO3 which is specific to housing development within residential gardens.

6.5 The application site is located within Carlisle, therefore, the sustainability of

the application site is not in question. Furthermore, the erection of two dwellings would not prejudice the delivery of the spatial strategy of the local plan. As such, the principle of residential development is acceptable. Whether the development of the application site complies with other relevant local plan policies will be discussed in detail in the relevant sections below.

2. Impact Of The Proposal On The Character Of The Area

- 6.6 Policy HO3 of the local plan acknowledges that gardens contribute significantly to the character and quality of housing areas within the City. Proposals for housing development in existing residential gardens will be permitted providing five criteria are met. The form and scale of any new development should respect the local character of the immediately surrounding area. In particular the scale, number of storeys and massing of new housing development should not exceed that of existing dwellings adjacent to the site.
- 6.7 The application seeks the development of part of the substantial domestic curtilage of Carwinley, a two storey detached dwelling located to the east of the application site. Extending to approximately 0.16 hectares in area, the northern, western and southern boundaries of the application site consists of a post and wire fences. Shrubs have also been planted along its western and southern boundaries. The eastern boundary of the application site is devoid of any boundary treatments.
- 6.8 It is inevitable that the erection of new dwellings on part of the domestic curtilage of Carwinley would have some visual impact on the character of the area; however, in mitigation it would replace an existing large portal framed building immediately adjacent to the application sites southern boundary. Furthermore, any perceived visual impact would be further controlled at reserved matters stage by the submission of details in respect of the layout, scale, appearance, access, and landscaping of the proposed dwellings. Accordingly, the proposed dwellings would not result in a significant detrimental visual impact on the character of the area.

3. Scale And Design Of The Proposed Dwellings

- 6.9 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in both Policies HO3 and SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing.
- 6.10 As outlined earlier in the report, the application seeks outline planning permission with all matters reserved. Accordingly, the layout, scale, appearance, access, and landscaping are reserved for subsequent approval and do not form part of this application and would have to be considered by a

subsequent application. The submitted indicative details, however; illustrate the siting of 2no. detached dwellings centrally located within the application site served by individual vehicular accesses.

- 6.11 Due to the relationship of the application site with Carwinley, a condition is recommended which would ensure the submission of existing and proposed ground levels together with the height of the proposed finished floor levels and ridge height of the proposed dwellings. Further conditions, amongst others, are also recommended which would require the submission of details in respect of materials and boundary treatments. Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design. Furthermore, any subsequent application would have to demonstrate that the development would achieve adequate amenity space, access and off-street parking to serve each of the dwellings.

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

- 6.12 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Policy HO3 recognising that development proposals have the potential to cause significant amenity problems to existing properties including loss of privacy, loss of daylight, overlooking, visual intrusion, noise disturbance, loss of car parking. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's 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 normally be achieved.
- 6.13 As outlined earlier in the report, the application seeks outline planning permission with all matters reserved, therefore, the layout, scale, appearance, access, and landscaping of the proposed dwellings are reserved for subsequent approval. Nevertheless, any subsequent application would have to satisfy the objectives of the relevant local plan policies and SPD. To further ensure that the development does not have a detrimental impact on the living conditions of neighbouring properties through unacceptable noise and disturbance during construction works a condition is recommended that would restrict construction hours.

5. Disposal of Foul And Surface Water Drainage

- 6.14 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. The submitted documents illustrate surface water would be disposed of via a soakaway but no details provided as to the method for the disposal of foul drainage.
- 6.15 In respect of surface water drainage, Cumbria County Council as Lead Local Flood Authority, has been consulted and raise no objections to the proposal

subject to the imposition of a condition. The recommended condition would require details of the surface water drainage scheme to serve the development prior to commencement of any works.

- 6.16 United Utilities as Statutory Consultee for foul drainage also raises no objections to the proposal subject to the development complying to its legislation. Accordingly, to ensure the implementation of a suitable method for the disposal of foul drainage a further condition is recommended requiring details of the proposed method for the disposal of foul drainage.
- 6.17 The imposition of the recommended conditions would ensure the submission of foul and surface water drainage schemes. The submitted details for both the proposed foul and surface water drainage schemes would then be subject of further consultations with the relevant statutory consultee. Should the additional details prove to be unacceptable, it may be that the residential development would stall as a result.

6. Impact Of The Proposal On Highway Safety

- 6.18 The indicative drawings illustrate that the proposed dwellings would be served by individual accesses onto the unadopted road via Durdar Road. Objections have been received from the occupiers of neighbouring properties in respect of the unadopted access road. The representations have been reproduced in full for Members, however, in summary the issues raised are: impact on pedestrian and vehicular safety; potential to exacerbate existing maintenance issues of the lane; access lane should be adopted or repaired prior to granting planning permission; and potential parking issues from construction traffic.
- 6.19 Cumbria County Council, as Highway Authority, raise no objections to the proposal as it considers it would not have a material effect on existing highway conditions. The Highway Authority does, however; recommend the re-imposition of its conditions attached to the earlier planning approval for the application site (application reference 17/1065). These conditions would require details of: access and parking provision to serve the proposed dwellings; and construction traffic parking. A further condition would require the access and parking arrangements to be substantially met prior to commencement of any development so that construction traffic can park and turn clear of the highway.
- 6.20 The views of the objectors are noted; however, given that the Highway Authority do not share these concerns then it would be difficult to substantiate a refusal on highway safety grounds. In respect of the adoption of the access road or that it should be resurfaced prior to any development being granted. Cumbria County Council, as Highway Authority, does not recommend the adoption of the access road. The imposition of a condition requiring the resurfacing of the unadopted road as part of this application would be unreasonable as most of the road would be out with the frontage of the application site. Should the access road be damaged by construction traffic then this would be a civil matter.

7. Impact Of The Proposal On The Existing Trees and Hedgerows

- 6.21 Policy GI6 of the Local Plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Furthermore, the City Council's SPD 'Trees and Development' outline that not only should the design of developments 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. Accordingly, it is important that these issues are considered at the very start of the planning process.
- 6.22 The southern and western boundaries of the site are delineated by shrubs. The submitted Design & Access Statement outlining that both of these boundaries would be retained, with the exception of the vehicular accesses, with new boundaries formed to the north and east. The application seeks to re-establish the principle of development only with landscaping reserved for subsequent approval. Accordingly, the details of a landscaping scheme to serve the proposed development site would be subject of a further application should Members approve this application.

8. Impact Of The Proposal On Biodiversity

- 6.23 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; however, an Informative has been included within the decision notice that if a protected species is found all work must cease immediately and the local planning authority informed.

9. Other Matters

- 6.24 A third party has also made reference to the presence of services beneath the access lane. Northern Gas Networks and United Utilities have raised no objections to the proposal subject to compliance under their legislation in respect of protection of assets. Should Members approve the application, informatives are recommended to be included within the decision notice drawing the developer's attention to their obligations under Northern Gas Networks and United Utilities legislation.

Conclusion

- 6.25 The application seeks only to establish the principle of housing development on the site which is acceptable under the provisions of the National Planning Policy Framework and the Carlisle District Local Plan 2015-2030. The layout, scale, appearance, access, and landscaping of the proposed dwellings are subject to appropriate planning conditions. Careful consideration at the time of any subsequent application would ensure that the dwellings would not form a discordant feature within the area and ensure that the proposal would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties.

- 6.26 Cumbria County Council, as Highway Authority and Lead Local Flood Authority, has raised no objection to the proposal subject to the imposition of appropriate conditions. United Utilities also raise no objections to the application subject to the imposition of an informative.
- 6.27 In overall terms, the proposal site accords with the objectives of the National Planning Policy Framework and the Carlisle District Local Plan 2015-2030. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 2000, full planning permission was granted for the erection of barn for storage of hay and agricultural implements (application reference 00/0884).
- 7.2 In 2017, outline planning permission was granted for the erection of 2no. detached dwellings (application reference 17/1065).

8. Recommendation: Grant Permission

1. Any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years from the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) the expiration of 3 years from the date of the grant of this permission, or
 - ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Before any works are commenced, details of the layout, scale, appearance, access, and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

Reason: To accord with the provisions of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, because this is outline permission only and these matters have been reserved for the subsequent approval of the local planning authority.

3. The development shall be undertaken in strict accordance with the approved documents for this Outline Planning Permission which comprise:

1. the submitted planning application form received 8th December 2020;
2. the Stage One Desk Top Study received 8th December 2020;
3. the location plan received 8th December 2020 (Drawing No. 3189/1A);
4. the block plan received 8th December 2020 (Drawing No, 3189/2B);
5. the Notice of Decision;
6. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

4. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030

5. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions

(inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

8. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details

Reason: To ensure a satisfactory means of foul water disposal and in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

9. Prior to the commencement of development details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor and ridge heights of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and the relationship of the proposed dwelling with existing dwellings to the north and east in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

10. Construction of any dwelling shall not commence until samples or full details of all materials to be used on the exterior have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies HO3 and CM5 of the Carlisle District Local Plan 2015-2030.

11. Construction of any dwelling shall not commence until full details of the proposed hard surface finishes to all external areas have been submitted to and approved in writing by the local planning authority. The hereby permitted development shall be carried out and completed in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies HO3 and CM5 of the Carlisle District Local Plan 2015-2030.

12. Prior to the occupation of any dwelling, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted. All works comprised in the approved details of means of enclosure and boundary treatment shall be carried out in accordance with the approved details prior to the occupation of the dwelling.

Reason: To ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies HO3 and CM5 of the Carlisle District Local Plan 2015-2030.

13. 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.

14. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

15. 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.

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.

DWELLINGS & ACCESS POINTS
SHOWN FOR PURPOSES OF
ILLUSTRATION ONLY



PROPOSED DWELLINGS - CARWINLEY - DURDAR ROAD - CARLISLE

BLOCK PLAN

DRG. NO. 3189/2B

SCALE : 1-500