

SCHEDULE A: Applications with Recommendation

19/0493

Item No: 02

Date of Committee: 10/01/2020

Appn Ref No:
19/0493

Applicant:
Carlisle Estates

Parish:
Wetheral

Agent:
PFK Planning

Ward:
Wetheral & Corby

Location: Land to Rear of 44 Scotby Road, Scotby, Carlisle, CA4 8BD

Proposal: Erection Of 4no. Dwellings

Date of Receipt:
08/07/2019

Statutory Expiry Date
02/09/2019

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

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

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale, design and layout of the proposed development is acceptable in the context of the surrounding area
- 2.3 Whether the impact of the development on the living conditions/amenity of neighbouring residents is acceptable
- 2.4 The proposed methods for the disposal of foul and surface water
- 2.5 The impact of the proposal on highway safety and parking
- 2.6 The impact on trees and hedgerows
- 2.7 Matters relating to contamination
- 2.8 Impact on biodiversity
- 2.9 Other matters

3. Application Details

The Site

3.1 The application relates to a narrow strip of land to the side and rear of No.44

Scotby Road, Scotby, Carlisle. To the immediate side and rear of No.44 Scotby Road the site forms residential curtilage associated with this two storey semi-detached house. Adjacent to the north is No.46 Scotby Road, to the south is a range of converted agricultural buildings, and to the west is the public highway along Scotby Road. Open countryside lies beyond the north eastern boundary of the site. The site extends to approx. 0.2ha and can be characterised as an overgrown area of domestic garden. The wider surrounding area is characterised by the village of Scotby to the west, north and southwest and open countryside to the east and southeast.

Background

- 3.2 The site has recently been the subject of an Outline application 18/0275 for residential development with approval sought only for access and all other matters reserved which was granted permission on 10th August 2018.

The Proposal

- 3.3 This application seeks full planning permission for the erection of 4 dwellings to the rear of 44 Scotby Road. The application is accompanied by a Planning Statement, Design Statement, Pre-development Arboricultural Report and contamination statement.

4. Summary of Representations

- 4.1 The application has been publicised by means of a Site Notice and neighbour notifications to eight neighbouring properties. As a consequence, 6 representations from 5 properties have been received. The representations are all objections to the proposed development and raise the following issues:
- There has been over development in the parish of Wetheral
 - This is another back garden development
 - Building is going on behind the existing property and this seems to be taking advantage of existing permissions
 - Services in the area are already over stretched
 - More green space will be permanently lost for surplus housing in Scotby village
 - The main wall of my house forms the boundary between the 2 properties and I believe the additional traffic could have a detrimental effect on this wall.
The level of the land adjacent to my property has been raised resulting in excess water running onto my property.
The land on which the houses are to be built is a green space and always has been.
The entrance to the properties is not designed or wide enough to accommodate the traffic which 4 properties will generate.
 - This planning application speaks of not impinging on others dwellings/ residents, nor creating a cramped development, and of enhancing the local community and not having taken down trees that affect the skyline - I disagree on all those issues.
The road that is planned, will run alongside the garden of an existing

- dwelling that is not anywhere mentioned in the application.
- The proposed development will have a significant impact on their peace and quiet.

Numerous trees have been taken out from the development site, and more will in this proposed development.
- Removal of further trees will definitely change the feel of the area for existing neighbours.

Permission for one property was sought originally to continue to fit in with the linear arrangements of the village.
- This development will generate a cramped development for existing neighbours.

The village of Scotby has masses of development already underway and planned, and further housing will detract rather than enhance the village.
- Within Carlisle, there is huge amounts of new housing already planned
- It is wrong to increase the density of housing in an infill manner.

Previous planning permission for this plot was only approved for 1 house - which of the city's planning regulations/ legislations have since changed to allow the construction of 4 properties on this site?

The plans show parking spaces for numerous cars (15+). This will dramatically increase noise and light pollution for all neighbouring properties.

The increase in number of cars accessing/leaving the property will increase the traffic slowing outside the property, impacting the traffic flow and directly impacting all neighbouring properties.

It is not clear what will happen to existing trees in boundary between 44 and 48 Scotby Road. The plot at 44 used to have numerous trees, of considerable age on the site, which have been removed. The ecology supported previously by the plot has been dramatically changed, and is proposed to be further changed.

The houses proposed in plots 1 to 3 are not in keeping with the character of Scotby road, (zinc roof, photovoltaic). The character of houses on Scotby road are linear gardens extending from the road, maintained as open green family spaces.

Invasion of Privacy. The upper floor of Plot 1 will directly over look garden at 46 and into extension of 48. Plots 2 and 3 will directly overlook garden at 46 and into rear garden and rear windows of 48. It is also unclear what will be the impact of the change of the view from 48 to 44, it will certainly obscure the current view from 48 to the south.
- Car light pollution from vehicles exiting from new development onto Scotby Road which could be a privacy problem.
- Originally an outline planning application for only one house was approved, so it is surprising that now a new application is proposing four houses on the same site.
- This seems like an inappropriate scheme in terms of density in what is a garden site and completely out of keeping with the rest of Scotby Road's garden landscapes.

The design and building materials are out of keeping with the rest of Scotby Road. Although emphasis is placed on accommodation being theoretically designed to enable residents to live on the ground floor, a second storey increases the height of the houses to a greater height than the existing buildings at 44 and 46, Scotby Road. It therefore obscures the

view of existing houses and clearly does not blend into the local landscape. Other developments in the area have utilised an existing agricultural access, but the access to this proposed development is to be a new construction, extending along the full boundary hedge of 46, Scotby Road. The design statement highlights the need to reduce 'car dominance', but car parking spaces have been allocated of around 15 cars. Additionally this extra traffic will result in headlights reflecting directly into the downstairs and upstairs of neighbouring properties.

The landscape of the site has already changed, with a number of trees and wild flowers no longer present, and the ecological balance for wildlife, which previously thrived on the site, under threat.

The feel of the linear plan of gardens on Scotby Road should be maintained as all of the existing properties have long, well-maintained gardens, which are extensively used as family outdoor spaces

- Refurbishment of the existing house has resulted in a number of problems including land clearance using JCB's up to 7pm on a Saturday night. Also subjected to an intense and prolonged level of noise as trees were felled.
- Demolition of a shed and garage left our property devoid of any 'windbreak', while the demolition of the existing extension and re-building of a new extension exposed us to high levels of noise, dust and debris, so we were unable to open windows or sit outside for a considerable number of weeks. Additionally, bricklayers on the site worked beyond the regulated hours and scaffolders even attempted to erect scaffolding on a Sunday morning. Had to ask them to work to regulated hours.
- We were also concerned about the increased volume of parking outside 44, Scotby Road instead of on-site.
- Extremely concerned about the scale and size of the proposed development and its effect given our previous experience.
- The regulation of working hours hopefully will be taken into account when deliberating the application in order that such problems do not occur in the future.
- Here we go again, more houses and still no more school places available or thought to the infrastructure of the village.
If it wasn't for the M6 we would be a suburb of Carlisle.

4.2 Following re-consultation on revised proposals the additional issues were raised:

- The new 'gateway' to 44, Scotby Road, is now set at a 45 degree angle from the adjoining boundary wall which forms part of a shared access road to the proposed housing development. The original driveway ran parallel to the side of the property but as the front garden has now been converted into car parking spaces, all vehicles' headlights will be projected directly towards the front bay window of 46, Scotby Road.

I refer you back to the outline planning application 18/0275 for the erection of one dwelling. A comprehensive report was compiled highlighting the need to respect and conserve the trees and hedgerows in order to protect the habitats of birds and animals which are a part of the garden site and the open landscape beyond. Erecting close boarded fencing along all the boundaries is not consistent with previous planning assessment of the site and would certainly block the free movement of the existing wildlife.

5. Summary of Consultation Responses

Cumbria County Council: -

The Highway Authority and Lead Local Flood Authority have no objections to this proposal subject to the conditions relating to surface water drainage system; prevention of surface water draining onto the highway; construction surface water management plan and construction of estate road. It should also be noted that any works within the highway must be agreed with the Highway Authority.

Wetheral Parish Council: Objection – The committee objects on the following grounds:

a) According to Policy SP6 (Securing good designs) of the Local Plan 2015-2030, most notably the use of zinc roofs, which is not in keeping with surrounding buildings.

b) The large property at the end of the cul-de-sac is an extension into open countryside, contrary to Policy HO 2 Criteria 1 and 3 and Policy HO 3 Criteria 1 and 3.

c) The current proposal has the access road on the north of the site, which will result in headlights, from cars exiting the development after dark, shining into the rear windows of no.44 Scotby Road. The road should be relocated to the south side of the site which will also result in the photovoltaic roof cells and rear gardens getting more light as opposed to the high hedge along the southern boundary.

d) There is no hammerhead or other turning area at the end of the cul-de-sac, which will result in any large vehicle being unable to turn around.

e) The green recycling and black refuse bins from the large property will need to be taken 150-200 yards uphill to the collection point, which is unacceptable.

f) The committee has concerns that both the surface water and foul drainage water (via bio-disc) are being discharged into the Powmaughan beck, as main sewerage is available along Scotby Road.

g) There are a number of inaccuracies contained within the developer and architect's statements i.e. referring to the site as a brownfield site – see aerial photographs which show a small paddock.

h) The committee requests a site visit.

Local Environment, Waste Services: - No objection. The applicant has provided space at the road end for waste containers, which is helpful as we would not be able to access the site.

Northern Gas Networks: - No objections

Local Environment - Environmental Protection: - No objection however considers that there is need to control impacts on neighbouring properties from noise, vibration and dust through conditions. Conditions should also cover the potential finding of any on-site contamination. Air quality and transport should be considered such as the need for incorporating facilities for car charging and other ultra-low emission vehicles.

United Utilities: - No objection subject to condition requiring surface water drainage strategy.

6. Officer's Report

Assessment

6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In this case, the relevant local policies are SP1, SP2, SP6, HO2, HO3, IP2, IP3, IP6, CM5, GI3, GI6 and CC5 of the Carlisle District Local Plan 2015-2030. The Council's adopted Supplementary Planning Document: 'Achieving Well Designed Housing' (the Housing SPD) is also a material consideration. The National Planning Policy Framework (NPPF), maintains the supremacy of development plan policies in the consideration of all proposals for development. The NPPF and PPG are also a material planning consideration in the determination of all planning applications.

1. Whether the principle of development is acceptable

6.2 The National Planning Policy Framework (NPPF) along with Carlisle District Local Plan 2015-2030 (CDLP) policy SP1 requires development proposals to be considered in the context of a presumption in favour of sustainable development in order to secure development that improves the economic, social and environmental conditions of the district.

6.3 This approach is consistent with policy HO2 of the CDLP which is permissible of windfall housing development within or on the edge of villages within the rural area of the district provided that:

- 1. the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;*
- 2. the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;*
- 3. on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;*
- 4. in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and*
- 5. the proposal is compatible with adjacent land users.*

6.4 When assessing the proposal against the criteria of policy HO2, the application represents a residential development within the residential curtilage of an existing dwelling within the village of Scotby. Scotby has a range of services including a public house, school, shop with post office and café, and a village hall. The site is located in the built up area of the settlement and is therefore considered to be an infill site in a sustainable location with good transport links into Carlisle via public transport.

6.5 The principle of development can therefore be supported by the NPPF and Local Plan Policies. The granting of outline permission for development of this site also recently established the principle of developing the site. On this

basis it would be appropriate to then turn to matters of detail as this is an application for full planning permission.

2. Whether the scale, design and layout of the proposed development is acceptable in the context of the surrounding area

- 6.6 Planning policies require that development proposals offer a good standard of sustainable design that responds to, and is respectful of, the existing character and distinctiveness of the local area. Development must incorporate high standards of design including appropriate siting, scale, materials and landscaping which respect and, where possible, enhance the distinctive character of the existing built environment or rural area. This approach is affirmed by CDLP policy SP6 which requires that development proposals should also harmonise with surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.7 In addition to Policy SP6 the proposed development is within an existing residential garden and consideration should also be given to Policy HO3 - Housing in Residential Gardens. Policy HO3 states that proposals for housing within existing residential gardens will be permitted providing that the proposal is of a scale, design and siting that would not result in a cramped form of development that would be out of character with the surrounding area and that a safe and attractive garden area, which reflects that predominant in the area, can be created for both the proposed new house and the existing house.
- 6.8 The policies above are consistent with the general themes of the NPPF however it should also be noted that the NPPF at paragraph 131 states that 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.
- 6.9 The planning history for the site approved an outline application with layout and scale reserved for a later application however as details were not known a condition was imposed which restricted the proposed development to one dwelling. The officer's report stated the following reason "the site forms a long narrow strip of land extending east from its frontage with Scotby Road. The site has a width of 14m between the side of the existing property and the boundary to the south. Given these physical constraints, it is considered that for any residential development to comply with Policy HO3 the scale and siting of the residential development ought to be restricted to a single dwelling appropriately sited to maintain the linear character of the settlement and to avoid a cramped form of development. Furthermore, restricting the development to a single dwelling will ensure that a safe and attractive garden area, which would reflect those existing in the area, can be provided for the existing and proposed properties. This can be achieved by the imposition of a planning condition to ensure an appropriate scale and design of development is put forward at the reserved matters stage".

- 6.10 The proposed development is therefore at odds with the suggested imposition of one dwelling on the site. In addition, the previous application was outline and there were no details to assess the potential impacts. This proposal therefore provides a proposed layout and form of the development which can be assessed against the relevant policies and the Achieving Well Designed Housing SPD and consider whether such a restriction was necessary.
- 6.11 The site is a vacant cleared rear and side garden which contained overgrown vegetation, derelict garden sheds, greenhouses and some general building rubbish. The main house (no. 44 Scotby Road) has been extended and renovated whilst the application for the rear of the property is under consideration. The site is long and thin falling away gradually from the roadside but steeper at the second half, down to the beck and tree belt near the far eastern boundary. The proposal consists of a low density linear layout with the fourth house acting as a stop barrier at the end of a gently curving shared surface access road.
- 6.12 There were a number of design parameters the architect was tasked with to provide a form of development which would fit the site and its context as follows:
- To develop the client preferences for family homes in a contemporary but energy efficient simple style.
 - To ensure development work and appearance respected the existing landscaping and village character.
 - To introduce a character to the site with a degree of site specific features.
 - To follow contouring, softer curves and to respect boundary features.
 - To ensure that access and layout has little if no impact upon the privacy of the adjoining houses and in return to help to retain enclosure patterns.
 - To preserve character and reduce car dominance.
 - To follow orientation and enclosure principles.
 - To meet local demands of build quality and aspirations in a way that normal estate layouts density cannot do.
 - To ensure the houses were of a high level quality finish both internally and externally but not to overdevelop the site.
- 6.13 There is an existing site entrance with more than adequate visibility in both directions, with the actual boundary set well back from the roadside (see section on highway impacts). In practice the traffic flows reasonably well within the 30mph limits and with no recorded history of accidents or congestion. Visibility is good from the existing site entrance and measurements easily give 45 metres to the northern and southern approaches in either direction. This formed the basis of setting the vehicle entrance / exit point on the same, existing site entrance. By positioning the access gateposts back into the site it gives sufficient buffer zones to the footpath edge. The bin store can also be set immediately next to the access gateposts for ease, and behind a low brick wall.
- 6.14 To preserve a degree of privacy to the semi-detached house alongside, a low brick wall was originally proposed and dense boundary planting will soften the access road as it curves around to the northern edge of the site. This leaves

site plots for houses in the correct orientation, along the southern boundaries. Following objections to the original application the boundary treatment has been changed to a 1.2m close boarded fence which reduces any intervisibility between the two sites up to a point where the existing hedgerow forms the remainder of the boundary to plot 4.

- 6.15 Visitors parking will be communal and set to the side to keep to economical site costs, giving each house a sufficient enclosed garden with private gated access to the footpath. This improves casual foot traffic and is beneficial to security. It is important in house design to distinguish between public, semi-public and private space. The first three houses laid out in a relaxed form of terracing with each house separated by a car port and pergola against a garden wall. In accordance with principles of energy efficient design, the garden wall forms the private inner garden to each house, all facing south and west with a small garden store, greenhouse and electrical charge point. Garages are no longer a priority in house design, with a covered car port providing a suitable screen. The south western elevations of these first three houses carry principle glazing and passive wall build up, with open light wells and double height spaces behind. The northern and north eastern elevations carry less glazing but with an increased thermal mass to balance the internals. The target is to produce an "A" rated extreme low energy operating house type using orientation, glazing specifications and thermal mass in wall construction. All houses will have solar PV composite zinc roofs to supplement the passive principles and to balance the high thermal mass. Windows are all triple glazed composite units to reduce heat loss but to encourage heat gain. The houses do not need heavy introduction of electrical "add ons" with the associated pay back periods, apart from the low cost PV panel system, relying instead upon building methods and a simpler living style.
- 6.16 The fourth end house has been set with the entrance facing west then stepping down the slope into lower ground floor living and bedroom spaces. This minimizes any excavation on site. The aspect of this house is towards the tree belt and beck further down the slope. It is noted that the Parish Council have referred to plot 4 being considered an extension of the site. The land falls to the rear of the plot and therefore all of the plots are lower than the 44/46 Scotby Road. In terms of visual impact, the site is well contained within existing landscape features with the beck to the rear of the site providing for a natural stop to the development form. Whilst comments have been raised in regards to the linear nature of Scotby, it can be seen that the village does expand and contract along its length. This will become more pronounced once the allocations for the village are built out. The built form of the village is one which is there are a number of built environment features which are formed off the main route through the village. Therefore whilst the settlement runs in a linear fashion around the main routes through which results in an elongated form rather than a more compact form, the development form within this application is not an alien form to the settlement but rather one which can be seen throughout the settlement in different locations.
- 6.17 All houses have a minimum of two parking spaces, (with sufficient visitor

parking) personal bin-stores integral to each house with a general bin store by the site entrance. The road frontage will have a low brick wall with brick piers to mark the entrance along the site boundary, with a protected footpath link between front and back up to the shared surface. All boundary vegetation will remain and will be supplemented with infill planting where thinned out or in need of upgrading. Additional planting strips will form a softer buffer between parking bays and the end house. The house layouts incorporate previous Parker Morris standards and Levitt Bernstein principles, often neglected or dismissed, but extremely important in good house design. These allow for easier circulation, extended family or retirement options to ensure longevity in use and flexibility. Each house type has been designed to maximise location, orientation and privacy with an added benefit of a gabled outlook to the road elevation.

6.18 A choice of off white, soft coloured render, integrated glass and timber insets, grey zinc roofs and low brick walling will help to add to the overall character, together with sensible hardy planting. Finishes on elevations are deliberately simple.

6.19 The Government's National Design Guide (NDG) is a material consideration and seeks to improve the design of new developments. The guidance considers ten characteristics of development which include context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Several of the objections to this application have noted that the form of development proposed is at odds with the existing frontage development along Scotby Road. The proposals and policies above present a consistent message about local form of development yet allowing for innovation. When considering this proposal the design represents a challenge to the existing form. The NDG offers guidance on this matter at paragraph 58 which states:

"Where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context. New character may also arise from a response to how today's lifestyles could evolve in the future, or to the proposed method of development and construction."

It is clear that this proposal has been purposely designed to future living requirements, more sustainable living and the use of modern materials. The layout of the site by its setting back from the main streetscene, sloping site away from the frontage means that any glimpsed views of the development would not present a jarring image when the new style of housing is viewed in the context of the existing form.

6.20 On balance, the modern form can be accommodated within the built form of Scotby and whilst utilising a large garden and associated land, it remains within the overall form of the village without compromising the existing vernacular in this part of Scotby.

3 Whether the impact of the development on the living conditions/amenity of neighbouring residents is acceptable

- 6.21 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CDLP policies HO3 and SP6 which seek to ensure that development does not result in unacceptable adverse impacts to the living conditions of future or existing occupiers. Accordingly, policies require acceptable levels of privacy, outlook, and general amenity are maintained and/or provided.
- 6.22 When considering the initial outline proposal for this site's development one of the concerns was whether the development of more than one dwelling would give rise to unacceptable levels of noise and disturbance generated through residents accessing dwellings, located to the rear of the site. This would likely affect the occupiers of No.44 and the properties immediately adjacent. The proposed new plots are off-set from the main dwelling through layout design thus avoiding the need for minimum distance separation and the provision of a 1m wall would mean that impact from vehicular movements within the site would be reduced. The layout of the plots avoids direct intervisibility between primary rooms by designing the primary windows on each of the western and southern elevations. The separation between the plots does not meet the expected 12m separation to a blank gable however the gradient of the land means that the proposed new dwellings would be lower than the adjoining plot. The design has also included a 1.2m close boarded fence to ensure that privacy in the rear garden of the adjoining property is not compromised. The orientation of the properties are such that primary windows face away from the neighbouring semi-detached property.
- 6.23 Given the proximity to neighbouring residential properties, the construction of any residential development is likely to result in noise and disturbance to neighbouring residents and this has been evident whilst undertaking renovation of the existing house. To address this a planning condition can be imposed to restrict the hours of construction to protect the living conditions of existing residents during the construction phase.
- 6.24 Subject to conditions, the proposal would comply with policies HO3 and SP6 of the CDLP and the associated provisions of the NPPF.

4. The proposed methods for the disposal of foul and surface water

- 6.25 To protect against pollution and surface water flooding, CDLP policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. This provides a clear policy requirement to ensure that sufficient capacity exists, prior to the commencement of any development, to accommodate the drainage needs of any new residential development.
- 6.26 The application form specifies that foul drainage will be to a package treatment plant and surface water to a sustainable drainage system. The outflow from both these systems will go towards Pow Maughan Beck. In principle the form of drainage would be acceptable and there is no requirement to make the drainage be pumped towards the main sewers along Scotby Road. United Utilities has commented that in terms of surface water

drainage, sustainable methods should first be investigated and with regards to foul drainage, if they are to be adopted they need to be to UU technical specification. They do not require connection to their apparatus. Whilst the Parish Council has raised concerns, it is not reasonable to require drainage to be pumped to Scotby Road. It would however be appropriate in accordance with advice from the Lead Local Flood Authority (LLFA) and UU to secure the drainage details prior to the commencement of any development on site.

5. The impact of the proposal on highway safety and parking

- 6.27 Policies IP2 and IP3 of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. The policy impetus being to maintain highway safety and ensure good access to development sites via all modes of transport.
- 6.28 Vehicular and pedestrian access is proposed to be taken directly from Scotby Road and therefore the applicant's agent has provided a plan to demonstrate an adequate visibility splay in each direction from the proposed access point.
- 6.29 The Local Highways Authority has been consulted over the proposed development and has confirmed that the proposal would not have a material effect on existing highway conditions and raises no objection to the access or parking arrangements as proposed.
- 6.30 Objections have highlighted the potential impact on the dwellings opposite the access point however the scheme has been designed to ensure that vehicles will only face directly to the road for a short distance by curving the access road to the rear of Number 44. This will minimise the potential impact on other properties.
- 6.31 Accordingly, subject to conditions, the proposed development would not have an unacceptable impact on highway capacity, highway safety or parking provision. The proposal therefore complies with policies IP2 and IP3 of the CDLP and the requirements of the NPPF.

6. The impact on trees and hedgerows

- 6.32 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute to a locality, and/or are of specific natural or historic value. In respect of new development, proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges will be resisted.
- 6.33 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 trees 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.

- 6.34 The application site has several trees and hedges both within and along its boundary. Allegedly a number of these have been removed prior to the application being submitted or works that have taken place during renovation have impacted on the existing hedgerow and some garden trees. The trees and hedgerows were not specifically protected and the Arboricultural Impact Assessment which accompanies the application identifies that the trees provide a moderate landscape and amenity value. Revisions to the scheme by the introduction of a new 1.2m fence to protect privacy will have to be carefully erected to ensure that the existing hedgerow is retained which will then retain the more natural boundary for the adjoining property. Additional planting is proposed within the site to enhance tree cover and replace anything lost from existing works.
- 6.35 It is therefore considered that landscaping matters can be adequately dealt with by specific conditions relating to a planting scheme and maintenance.

7. Matters relating to contamination

- 6.36 The NPPF requires the planning system to address issues associated with the development of known or suspected contaminated land. Accordingly, the development of contaminated land is a material planning consideration and the actual or possible presence of contamination and the associated risks must be established and appropriately mitigated through the planning system. Environmental Health has been consulted on the application and whilst raising no objections have suggested that a condition to ensure that if any contamination is found during works it is dealt with in the appropriate manner.

8. Impact on 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, it is unlikely that the proposed development would harm protected species or their habitat. To further protect biodiversity and breeding birds, informatives are recommended within the decision notice drawing the applicants attention to their legal responsibilities under wildlife conservation and environmental legislation.

9 Other Matters

- 6.38 Several provisions of the above Act 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 regularise any breach of planning control;

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

6.39 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;

6.40 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

6.41 Having assessed the application against the relevant policies contained within both the local and national planning policy frameworks, it is considered that, subject to conditions, the proposal represents a sustainable form of development that would not result in any unacceptable impacts. The principle of development of this site has been established by a previous permission and on balance the scale, form and layout is acceptable. Subject to further details principally relating to landscaping and drainage the proposals conform with policies in the development plan and NPPF.

6.42 It is therefore recommended that planning permission be granted subject to conditions.

7. Planning History

7.1 Outline application 18/0275 for residential development with approval sought only for access and all other matters reserved was granted permission on the 10th August 2018.

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 June 2019;

2. the Block and Location Plans (Dwg 2019-139-25C Rev C) received 21st October 2019;
3. the Entrance Junction (Dwg 2019-139-22) received 19th June 2019;
4. the Ground Floor Plots 1-4 (Dwg 2019-139-23A Rev A) received 21st October 2019;
5. the First Floor Plots 1, Lower Ground Plot 4 (Dwg 2019-139-21B Rev B) received 21st October 2019;
6. the House Type 2 (Dwg 2019-139-24) received 19th June 2019;
7. the Long Section and Hard Surface Details (Dwg 2019-139-20) received 19th June 2019;
8. the Planning Statement 19th June 2019;
9. the Design Statement 19th June 2019;
10. the Pre-development Arboricultural Report 5th July 2019;
11. the Contamination Statement 8th July 2019;
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of development, details of the proposed hard surface finishes to all external areas shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with these details.

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

4. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of development, the applicant shall submit a Construction Management Plan for approval in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details contained within the Construction Management Plan.

Reason: In order to protect the amenity of local residents.

6. 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 and to support Local Transport Plan Policies S3 and LD9.

7. No dwellings shall be occupied until the estate road including footways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety

8. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: To ensure a satisfactory means of surface water disposal in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

9. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the local planning authority for approval prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to minimise potential hazards.

10. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of the watercourse running through the site.

11. Before development is started details shall be submitted to and approved by the local planning authority showing the proposed measures for the retention of all existing hedgerows and specifying the stage in the development by which these measures are to be completed.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible in accord with Policy GI6 of the Carlisle District Local Plan 2015-2030.

12. The development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including

particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared. and to ensure compliance with Policy H16 of the Carlisle District Local Plan

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with the objectives of Policy *[insert as appropriate i.e. E9 for housing and E19 if other development] of the Carlisle District Local Plan.

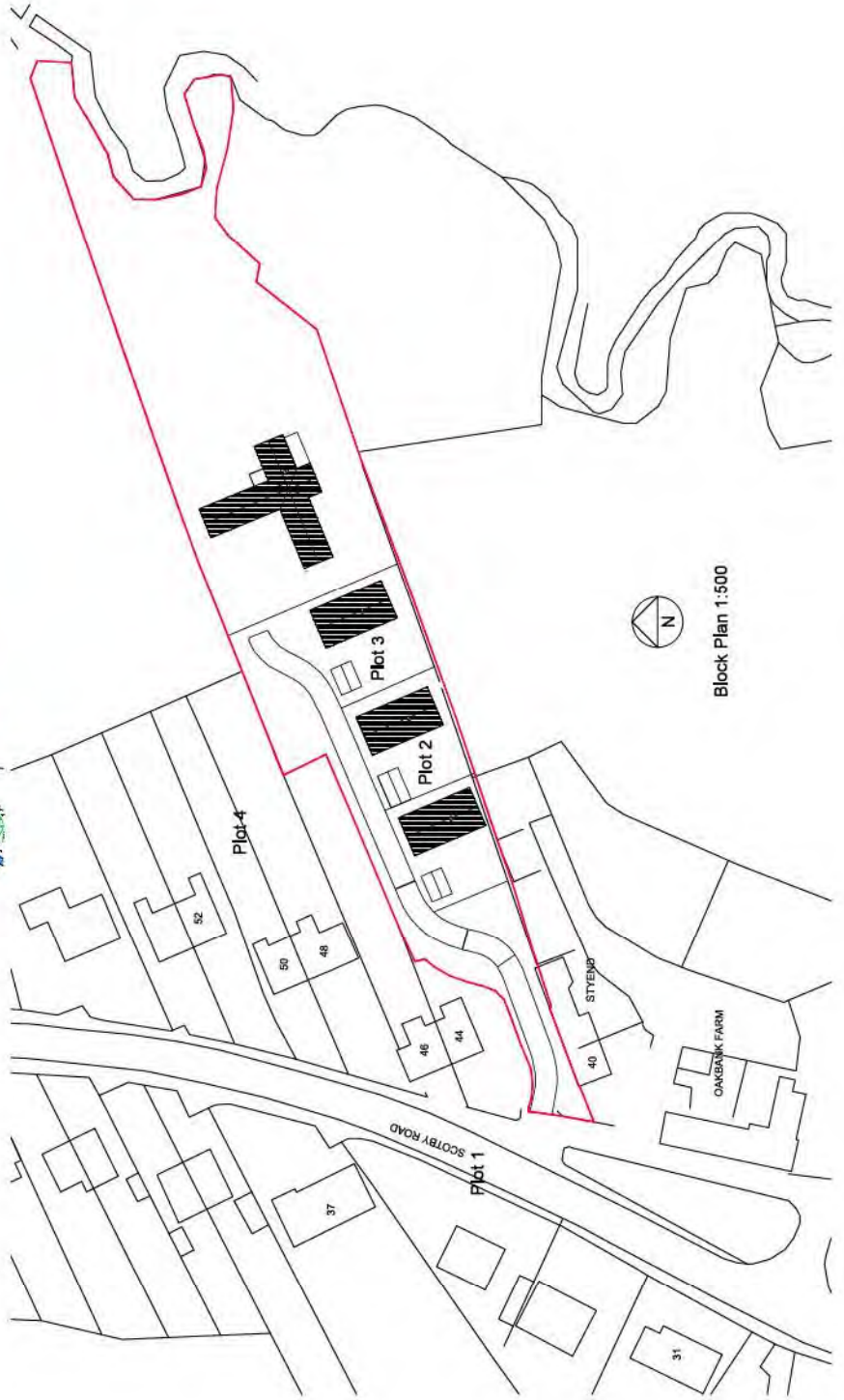
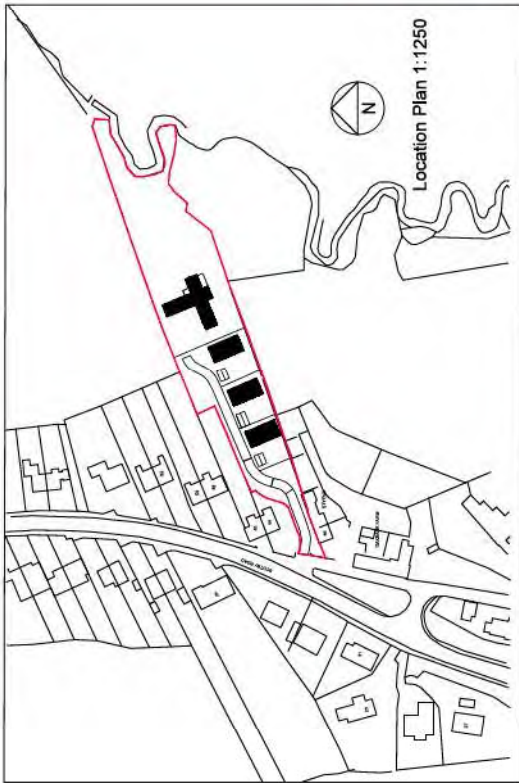
14. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 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. 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.

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Black Box Architects Limited, 1 Devonshire Chambers 10 Devonshire Street Carlisle, Cumbria, CA3 8LP Tel: 01228 402 200 www.blackboxarchitects.com	
Project	Carlisle Estates Ltd
Drawn	Scoby Road Housing Site
Defn	Block and Location Plans
Scale	1:500, 1:250
Date	2019-13S-25 C
Revised	Rev: C
Date: June 2019 Rev: C	

BOX timber pergola

open-car ports

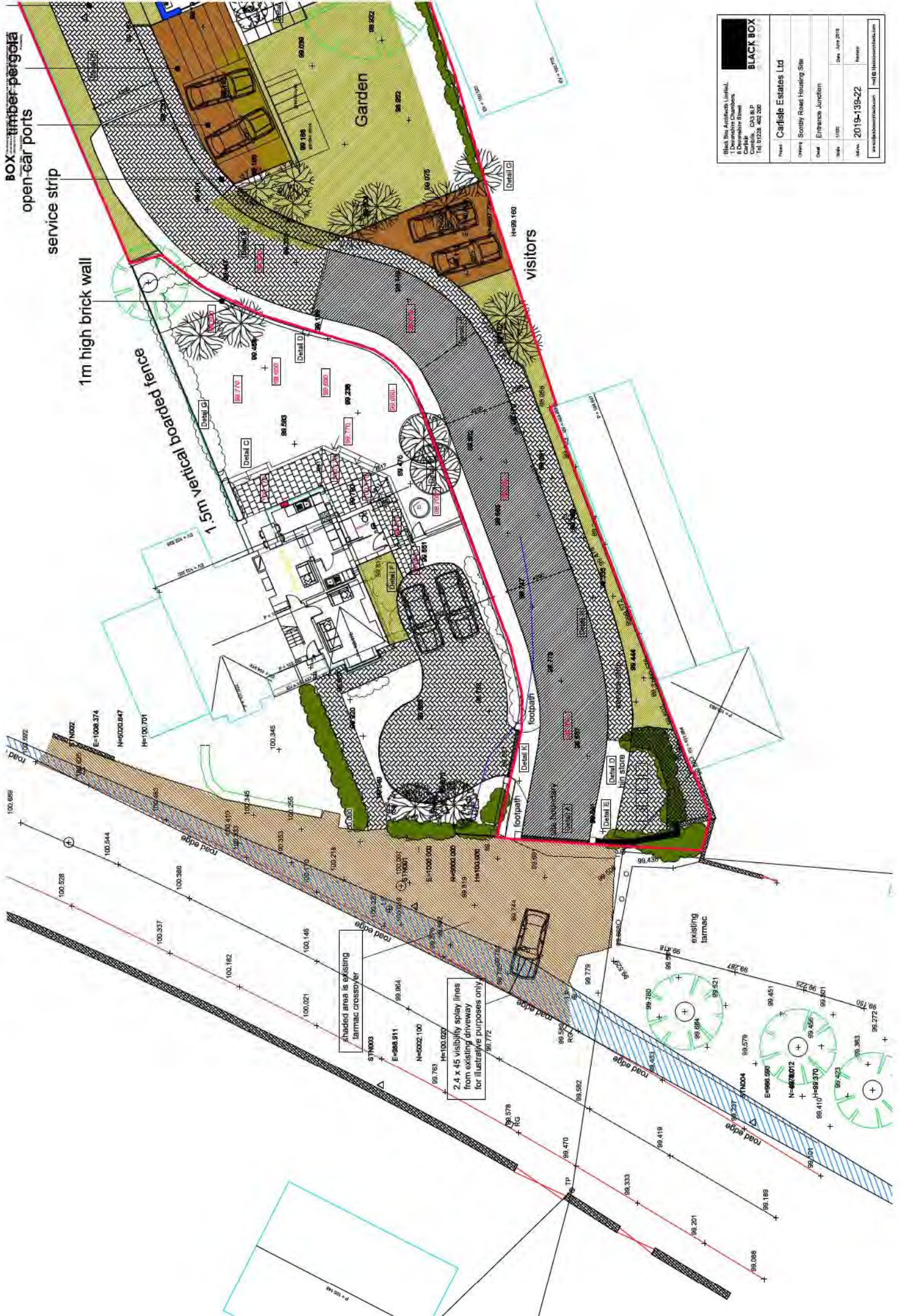
service strip

1m high brick wall

1.5m vertical boarded fence

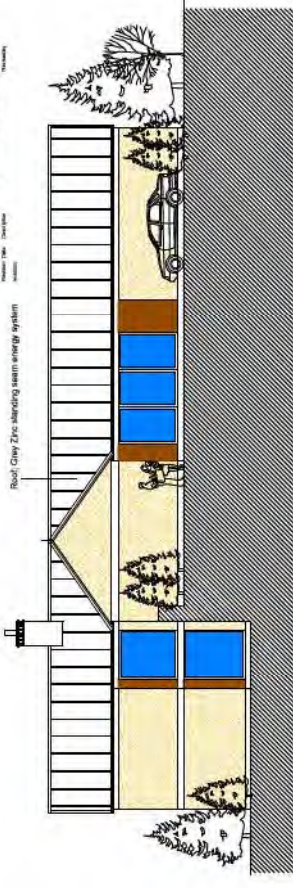
visitors

Garden



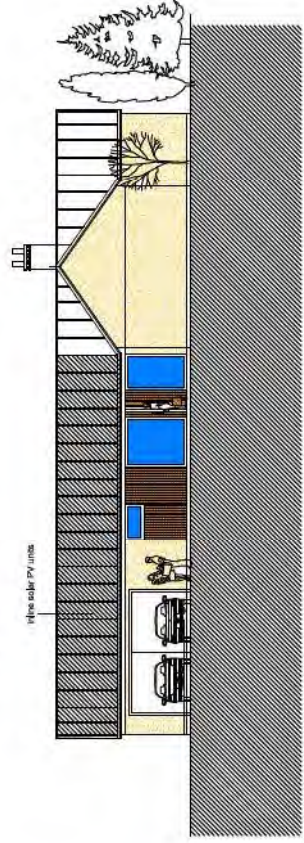
Black Box Architects Limited, 1 Deodar House Chambers, 6 Deodar House Street, Carlisle, Cumbria, CA3 8LP, Tel: 01273 402 200	
Project: Carlisle Estates Ltd	Client: Sontby Road Housing Site
Date: 11/02/	Drawn: Entrances Junction
Scale: 1:100	Date: June 2018
Ref: 2019-139-22	Rev: 1
www.blackboxarchitects.com	info@blackboxarchitects.com

Road Clay Zinc cladding system energy system

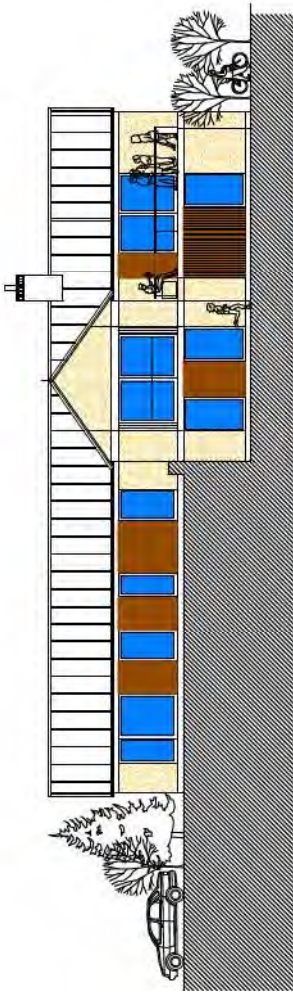


Northern Elevation

High solar PV array

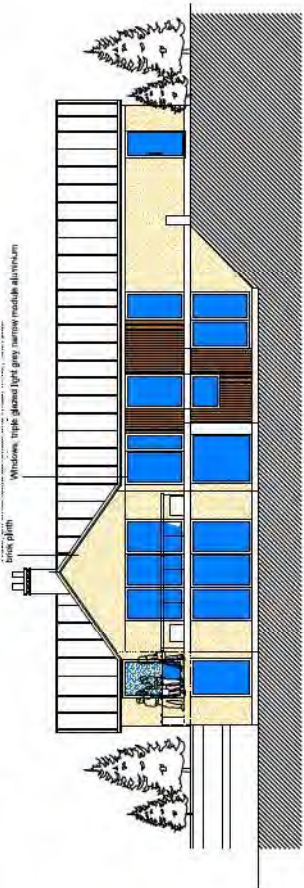


Western (entrance) Elevation

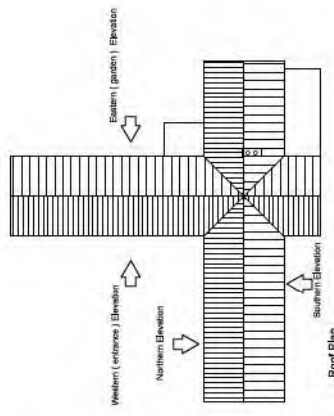


Southern Elevation

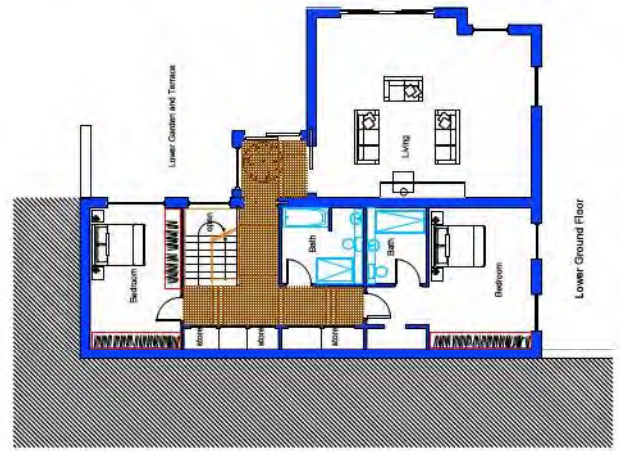
High solar PV array
 Windows triple glazed light grey narrow module aluminium



Eastern (garden) Elevation



Roof Plan

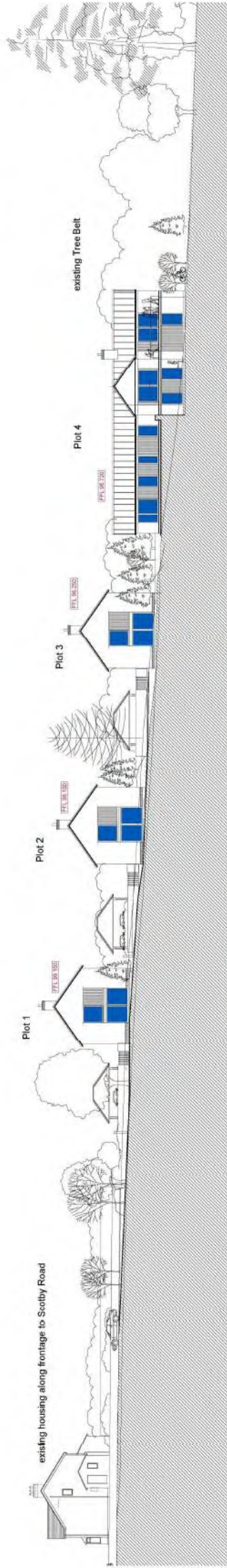


Lower Ground Floor



Ground Floor

Black Box Architects Limited, 1 Devonshire Chambers 10 Devonshire Street Carlisle, Cumbria, CA3 8LP Tel: 01228 402 200 www.blackboxarchitects.com	
Project	Carlisle Estates Ltd
Drawn	Scoby Road Housing Site
Defn	House Type 2
Scale	1:100
Date	2019-135-24
Revision	
Date	June 2019
Author	
Checker	
Project Manager	



Long Cross Section