SCHEDULE A: Applications with Recommendation

13/0065

Item No: 03 Date of Committee: 19/04/2013

Appn Ref No:Applicant:Parish:13/0065Magnus Homes LimitedWetheral

Date of Receipt:Agent:Ward:24/01/2013Taylor & HardyWetheral

Location:

Land to the rear of Lime House, Wetheral, Carlisle, Cumbria, CA4 8EH

Proposal: Erection Of 7no. Dwellings And Associated Parking, Engineering Works

And Landscaping

REPORT Case Officer: Shona Taylor

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of The Proposed Development Is Acceptable.
- 2.2 Scale, Layout And Design Of The Development.
- 2.3 The Impact Of The Proposal Upon The Conservation Area.
- 2.4 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.
- 2.5 Highway Issues.
- 2.6 Disposal Of Foul Sewage and Surface Water.
- 2.7 Open Space Contributions.
- 2.8 Affordable Housing.
- 2.9 Landscaping.

3. Application Details

The Site

3.1 Lime House is a large detached property overlooking Wetheral Village

Green. It is constructed over three storeys plus a basement, the main frontage of which features a sandstone central wing with doric entrances, with two projecting side wings which are built from red brick. It is situated within approximately 0.5ha of grounds, the land to the rear is the subject of this application. There is an informal one way system via the two entrances from the green.

Background

- 3.2 The property was built in circa 1850 as a pair of Victorian Villas, however, it was used as a school from 1856, initially as a ladies seminary, then as a boys preparatory school. In 1993 permission was given to change the use of the building from a residential institution to offices, its most recent use.
- 3.3 At a previous meeting of this committee, approval was granted for the change of use of the building to nine flats with associated parking.

The Proposal

- 3.4 The plan that accompanies the application illustrates that it is proposed to erect seven dwellings to the rear of Lime House. These consist of three pairs of semi detached dwellings and a single detached dwelling, arranged as a group of four to the west of the site and a group of three to the north. These properties are made up of three two-storey three bed properties and four three-storey 4 bed properties with a study/5th bedroom.
- 3.5 Each property has two parking spaces, or a parking space and a garage, with unit 4 having two parking spaces and a garage. There are also three visitor spaces on the site. Lime House has two entrances off the Green, which have historically been used as a one way system, which is proposed to be retained.
- 3.6 Each property has its own balcony at first floor, along with the individual garden space and bin storage, ensuring adequate amenity space is available for the future occupiers of the dwellings.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. In response forty three representations have been received from individuals and also the "Save Wetheral Village" group. 36 letters of objection have been received, 6 comments and one letter in favour. The grounds of objection are summarised as:
 - 1. the increase in traffic will be unacceptable, can the developer contribute towards the improvement of footpaths in the village?
 - 2. the look of the properties are not in keeping with the traditional architecture of the surrounding properties;
 - 3. the three storey properties are out of keeping with the surrounding

- properties, will look out of place and will cause problems of privacy;
- 4. the increased traffic will cause disruption on the village green;
- 5. the development will result in a loss of habitat for birds, bats and red squirrels:
- 6. there is a covenant on the land stating that no building can take place on this land;
- 7. the proposal represents overdevelopment of the site;
- 8. there is a very small area for maneuvering on the site for a potential 34 cars:
- this development will not "conserve or enhance the historic environment" as required by the NPPF;
- 10. this development is not appropriate for a conservation area:
- 11. there are not enough garage facilities for the proposed residents;
- 12. there are not sufficient recycling facilities;
- 13. there is insufficient visitor parking;
- 14. there is a lack of on site affordable housing;
- 15. there will be privacy and overlooking issues which will have an unacceptable impact upon The Coach House, Eden Mount and various properties on Jennet Croft;
- 16. the proposal seeks to introduce materials and finishes which are not currently present within the Conservation Area;
- 17. the sewers within Wetheral are at capacity;
- 18. this is not appropriate development next to a Listed Building;
- 19. this is overdevelopment of the site, the density of the properties is far too much:
- 20. this will impact upon the human rights of surrounding occupiers;
- 21. the properties are out of character with Lime House, the surrounding properties and particular the Listed Building adjacent;
- 22. the village green belongs to the villagers, they will not allow the planned sewerage installation across the green:
- 23. the balconies are unacceptable and will result in overlooking;
- 24. the dwellings are in no way sympathetic to their surroundings;
- 25. this is backland development;
- 26. the proposal will result in a loss of light to the existing properties due to the height of the proposed dwellings;
- 27. the site is an environmental lung for the village;
- 28. the removal of one unit does not address any of the concerns raised previously;
- 29. a compromise would be no more than three to four low bungalows, or a courtyard development of low level barn-style or link houses using materials more sympathetic to Lime House and within the parameters of the former car park.

5. Summary of Consultation Responses

Cumbria County Council - Highways & Transportation: - no objections, subject to the inclusion of one condition;

Wetheral Parish Council: - whilst parish members felt that the developer had addressed many of the residents concerns, they raised the following concerns: that there are insufficient garages, insufficient visitor parking, the design is not in keeping with the surroundings, various traffic issues, lack of

affordable housing, lack of provision for recycling bins, concerns over foul and surface water, loss of privacy due to overlooking from balconies and the ecology impact resulting from the loss of trees;

Local Environment - Environmental Protection: - have requested a condition relating to contamination;

Community Engagement, Housing and Health: - have requested that the developers provide a financial contribution to affordable housing, made by way of a commuted payment to be secured via a s106 agreement; United Utilities: - no objections subject to the inclusion of two conditions; Northern Gas Networks: - have raised no objections to the scheme; Cumbria County Council - Archaeological Services: - have recommended a condition requiring an archaeological watching brief to be submitted.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP3, CP5, CP12, H1, H5, LE19 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) which was adopted 27th March 2012 is also a material planning consideration in the determination of this application. The proposal raises the following planning issues:
 - 1. Whether The Principle Of The Proposed Development Is Acceptable.
- The application site lies within the centre of the village of Wetheral, which is identified as a Local Service Centre by Policy H1 of the Local Plan. As such the principle of residential accommodation is acceptable, subject to compliance with the criteria identified in Policy H1 and other relevant policies contained within the Local Plan.
 - 2. Scale, Layout And Design Of The Development.
- 6.3 The Parish Council and a number of local residents have objected to the scheme on the basis that the scale of the building is inappropriate to the site and that it will harm the setting of the Conservation Area. The objectors, who are not necessarily opposed to the redevelopment of the site, have said that if the scheme was reduced in both number of units and height it could potentially be more acceptable.
- The applicants justification for the scale of the development is drawn from the immediate locality. Lime House itself is an imposing large two and a half storey property, and the properties to the south of the site (Eden Mount, The Retreat and The Coach House) are reasonably large two storey properties. To the north and west of the site (Jennet Croft and 2-6 Eden Mount) are a mixture of two storey properties and bungalows. It also should be noted that the land rises from south to north across the site.
- 6.5 Consequently, it is the Officer's view that the character of the locality is not one characterised by conventional two storey properties, but one which

- includes a range of properties, both traditional and modern, of varying heights and proportions.
- 6.6 The applicant has supplied a site section which illustrates the varying height of the site. It cannot be disputed that the three storey sections of the site would be large within the street scene, however, whether they would cause demonstrable harm is a matter of judgement.
- 6.7 The perceived height of the properties when viewed from around the site is broken up by the staggering of the properties, and the attention to the architectural detail. Members should note that the second floor of the properties is entirely within the roofspace, and were the properties of a more traditional design, would most probably be referred to as two and a half storey, rather than three.
- 6.8 Members should note that ongoing negotiations with the applicant resulted in the removal of one unit from the scheme, which originally sought permission for eight dwellings. Notwithstanding the significant objections raised, it is the Officer's view that the scale, layout and design of the building are acceptable in relation to the site. The Council's Heritage Officer raised concerns regarding the density of the development, which was originally eight units, however, they did comment that they are "not adverse to the idiom of the design, nor the heights of the proposed units". Whilst hey consider that the proposal is better with a unit removed, they would have preferred to see a second unit removed from this section of the proposal too. They are also concerned about the quantity of horizontally orientated 'gunslit' windows and suggested their alteration to 'portrait orientation', however, these are considered to be a fundamental part of the design of the scheme. It is recommended that a condition is imposed that requires samples of the external materials to be used to be agreed prior to work commencing to ensure the design is not compromised through the use of inappropriate external finishes.
 - 3. The Impact Of The Proposal Upon The Conservation Area.
- 6.9 Whilst the property is located within the Wetheral Conservation Area, the proposed development is located to the rear of Lime House, on a reasonably secluded site. The Council's Heritage Officer has been consulted and has confirmed that there will only be glimpsed views of the development from the Conservation Area. As such, and for the reasons outlined in 'section 2' above it is not considered that this proposal would have a detrimental impact upon the Wetheral Conservation Area such as to justify refusal of the application.

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

6.10 The position of neighbouring properties and location of windows within those dwellings is such that the living conditions of surrounding residents are unlikely to be adversely affected by the proposal. Those properties to the north (Jennet Croft) are positioned a minimum distance of 21m away from the proposed development. Jennet Croft is also raised up from the rear elevation

of units 5-7 by approximately 2.5 metres, and as such, the first floors of the Lime House development are on the same level as the ground floors of the properties on Jennet Croft, and the three storey properties will not appear to the occupiers of Jennet Croft as three storey, but two stories and a 'basement' below ground level.

- 6.11 The nearest neighbouring property to the west, No. 6 Eden Mount, is positioned over 27 metres away, with a canopy of trees in between, and as such is not considered to be impacted upon by the development. It is also raised up from the majority of the Lime House site.
- 6.12 Eden Mount, The Retreat and The Coach House lie to the south of the application site. These dwellings sit at a lower level than the application site by approximately a metre. The main windows of the Coach House face towards the development, at a distance of eleven metres from the side elevation of unit 1. The normal standard is generally twelve metres between windows and blank gable, but it is considered that in this instance it would be overly harsh to refuse the application based on the minimum distance not being met by a metre. The side elevation of the garage of unit 1 is located seven metres from the Coach House, however, as a single storey garage it is not considered that this would result in any worse loss of amenity than a two metre high fence erected in the same location, which would not require planning permission.
- 6.13 In light of the above, it is the Officer's view that there would be no significant adverse effect on the living conditions of neighbouring residents which would justify refusal of the application.
 - 5. Highway Issues.
- 6.14 One of the principal concerns raised by the local residents relates to their perception that there are insufficient parking spaces to serve the development.
- 6.15 However, each property has two parking spaces, or a parking space and a garage, with unit 4 having two parking spaces and a garage. There are also three visitor spaces on the site. These parking facilities are completely separate to those which relate to application 12/0891 for the development of nine flats, which features eighteen parking spaces.
- 6.16 It has been suggested that each unit ought to be provided with two external spaces; however, to do so would be at odds with the objectives of national policy guidance which seeks, in the interests of achieving sustainable development, to discourage use of the private car. The general perception amongst residents is that the occupier of the units will definitely have a minimum of two cars per household; however, there is no evidence to support this supposition.
- 6.17 The site is located adjacent to a bus stop and Wetheral train station is located a short distance from the site. Where sites are located in close proximity to public transport links it is normally reasoned, in planning terms, that a lesser

- number of parking spaces is acceptable.
- 6.18 There have also been concerns raised regarding the access and egress from the site and the potential for accidents occurring, due to the increase in number of vehicles which will be using the road. However, the Highway Authority has raised no objections to the proposal subject to the imposition of a planning condition relating to the access and parking facilities being constructed in accordance with the approved plan, assuming the access and refuse storage arrangements have already been provided as per 12/0891.
 - 6. Disposal Of Foul Sewage and Surface Water.
- 6.19 In 2012 United Utilities confirmed that there was no spare capacity at the Waste Water Treatment works at Wetheral, and therefore any future housing growth would not be acceptable. Nonetheless, as Lime House is an existing premises, it had existing load at the treatment works. As such United Utilities requested a flow and load impact assessment during the 2012 application, highlighting the flow and load (including both foul and surface water) from the proposed development against the existing site. They confirmed that they will require a non-increase or even volumetric betterment in flows from the development entering the public sewage network.
- 6.20 In conjunction with United Utilities, the applicants agreed a scheme for the betterment of the site, which includes the installation of new drainage and attenuation systems both on and off site, at a total cost of over £125,000. This drainage scheme includes the 9 flats within Lime House, and the seven dwellings which are subject to this application.
- 6.21 United Utilities have confirmed that they are satisfied with the amended drainage scheme, subject to the inclusion of two conditions requiring details to be submitted prior to commencement of the development.
 - 7. Open Space Contributions.
- As Members will be aware it is common place for developers undertaking housing schemes to make a financial contribution towards the pressure that their developments place on existing facilities. This is a requirement that is laid down by Policy LC4 of the Carlisle District Local Plan; however, a request for funding can only be justified if there is deficit in open space provision in the area in question (there are also other tests that need to satisfied i.e. that the proposal is reasonable and sufficiently related to the development proposed).
- 6.23 Within the defined urban area of Carlisle an open space audit has been undertaken and, therefore, it is much easier to quantify if such a deficit exists. For the rural area as yet an audit has not been carried out. Consequently, Officers have to make a judgement on this matter.
- 6.24 In this instance, there are a number of open space facilities nearby, including the village green, the play area which borders Greenacres housing estate and the playing fields which are located to adjacent to the B6263 Wetheral to

Cumwhinton road. As such, it is not considered appropriate to request an open space contribution.

- 8. Affordable Housing.
- 6.25 The Council's Housing Strategy Officer has requested that an off-site contribution be made towards affordable housing as the predicted sale prices of the dwellings would be unachievable for many, even with the discounted sale.
- 6.26 The figure for the commuted sum is worked out as follows and would be secured by the provision of a section 106 legal agreement:
 - (A x 0.1) x 30% where 'A' is the market value of the relevant unit as at the relevant units practical completion date or sale.
 - 9. Landscaping
- 3.27 The proposal involves the removal of twelve trees from the rear garden of Lime House, six of these due to poor health. The removal of the other six has been agreed with the Councils Landscape Architect and Tree Officer.
- 6.28 The Council's Landscape Architect has raised concerns that whilst the development is outwith the root protection area of the trees, some of the properties have little outside amenity space. However, he has raised no objections to the proposed development subject to the imposition of planning conditions to regulate the submission of a detailed landscaping scheme and the erection of protective fences to safeguard those trees which are to remain.
 - 10. Other Matters.
- 6.29 A neighbouring resident has raised concerns that the wall between Lime House and Eden Mount is outwith the red line boundary on the details submitted with the application. They are concerned that this will leave them with the maintenance, even though they dispute that it is within their ownership. However, this is a civil matter, and does not fall within the remit of the planning department.

Conclusion

6.30 In overall terms, the principle of the proposed development is acceptable. The proposed dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Wetheral Conservation Area and adjacent Listed Building. The Highway Authority has advised that the parking/access arrangements and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

6.31 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a s106 agreement to secure the provision of a contribution towards affordable housing as outlined in paragraph 6.25 and 6.26 of this report.

7. Planning History

7.1 This application relates to 12/0891 for the conversion of Lime House, Wetheral into 9 flats.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of

the Planning and Compulsory Purchase Act 2004).

- 2. The approved documents for this planning consent comprise:
 - 1. The planning application form;
 - 2. The existing site/block/survey plan received 20th March 2013;
 - 3. The proposed block/site roof plan received 20th March 2013;
 - 4. The proposed site plan received 20th March 2013;
 - 5. The proposed elevations received 20th March 2013;
 - 6. The proposed plans received 20th March 2013;
 - 7. The proposedsite sections received 13th February 2013:
 - 8. The planning statement received 24th January 2013;
 - 9. The design and access statement received 24th January 2013;
 - 10. The letter from Open Space relating to ecology recceived 24th January 2013;
 - 11. The tree survey report received 24th January 2013;
 - 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. Samples or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

Reason: To ensure the materials used are acceptable and to ensure compliance with Policies CP5 and LE19 of the Carlisle District

local Plan 2001-2016.

4. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme

have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the materials used are acceptable and to ensure

compliance with Policies CP5 and LE19 of the Carlisle District

local Plan 2001-2016.

5. No development shall take place until a detailed landscaping scheme, including identification of those trees/shrubs to be retained, has been submitted to and approved, in writing, by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. The landscaping plan should identify the crown spread of the trees to be retained, including the crown spread of any trees that overhang the boundary, and those trees shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority. Any trees or other plants, which die or are removed within the first five years following the implementation of the landscaping scheme, shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared

and to ensure compliance with Policy CP5 of the Carlisle

District Local Plan 2001-2016.

6. No development shall commence until a method statement for any work within the root protection area of those trees to be retained, including those that overhang the boundary, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

Reason: In order to ensure that adequate protection is afforded to all

trees/hedges to be retained on site in support of Policy CP5 of

the Carlisle District Local Plan 2001-2016.

7. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

Reason: To ensure that adequate drainage facilities are available and to

ensure compliance with Policy CP12 of the Carlisle District

Local Plan 2001-2016.

8. 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 in accordance with the condition above, 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 protect the environment and prevent harm to human health

in accordance with Policy LE29 of the Carlisle District Local

Plan 2001-2016.

9. Assuming the access and refuse storage arrangements have already been provided as per consent 12/0891, no dwelling within Phase 2 shall be occupied, until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the

development is brought into use and to support Local

Transport Plan Policies LD5, LD7 and LD8.

10. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components:

i) An archaeological evaluation;

- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- iii) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason:

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

11. Prior to the commencement of the development, full details for the separate drainage systems for foul and surface water shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available and to

ensure compliance with Policy CP12 of the Carlisle District

Local Plan 2001-2016.

12. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Drainage Assessment, ref 12-C-13339 Rev A, November 2012, proposing the

attenuated surface water flow of 5 l/sec (maximum) for the whole development (including application 12/0891) discharging to the east of the village green. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available and to

ensure compliance with Policy CP12 of the Carlisle District

Local Plan 2001-2016.













