

## SCHEDULE A: Applications with Recommendation

21/0732

Item No: 12

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0732

**Applicant:**  
Dr & Mrs Cox

**Parish:**  
Wetheral

**Agent:**  
Swarbrick Associates

**Ward:**  
Wetheral & Corby

**Location:** Land adj. Hallmoor Court, (Plot 4), Wetheral, Carlisle, CA4 8JS

**Proposal:** Erection Of 1no. Dwelling

**Date of Receipt:**  
27/07/2021

**Statutory Expiry Date**  
21/09/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle Of Development
- 2.2 Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable
- 2.3 Impact Of The Proposal On Heritage Assets
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Impact On Highway Safety
- 2.6 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.7 Impact On Existing Trees And Hedgerows
- 2.8 Impact Of The Proposal On Biodiversity
- 2.9 Other Matters

#### 3. Application Details

##### The Site

3.1 The 0.1153 hectare site is located towards the northern end of the village

and is currently grassland. The site is flanked by a hedgerow along the western boundary and to the east by the properties in Hall Moor Court. Hall Moor Court itself comprises a number of flats which are accommodated within a series of two storey buildings of brick construction.

## **Background**

- 3.2 Members will note from the planning history that planning permission was previously granted for the erection of 27 dwellings, together with associated infrastructure. Following the grant of permission and discharge of appropriate conditions, a lawful start was made on site and as such, the permission remains extant.
- 3.3 Since then, the site has been sold and the land subdivided to five plots which will each be developed separately by the respective owners. The site will be served by communal access and drainage arrangements that have already been approved under separate applications.

## **The Proposal**

- 3.4 The current application seeks planning permission for the erection of one detached dwelling. The access would be a continuation of the access through Hall Moor Court into the site and adjoining land. The building would be two storeys in height and of brick construction under a slate roof. The main two storey element would be to the north-west of the site reducing to single storey towards the south-east and adjacent to Hall Moor Court. An area of hardstanding would be provided within the site in addition to the parking provision of two spaces within the proposed double garage. The submitted layout plan indicates proposed landscaping within the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 22 properties. In response, seven objections from the occupiers of five properties have been received and the main issues raised are summarised as follows:
1. the development will potentially block daylight to neighbouring properties due to the large size of the plot and should be investigated;
  2. the building will be on an elevated site and will dwarf surrounding properties;
  3. the building appears to have been designed in isolation without cognisance of the adjacent flats in Hall Moor Court;
  4. in order for a reasonable judgement to be made, elevation views need to be provided showing the proposed dwelling in relation to the adjacent flats;
  5. Certificate B omits notification of the owner of part of the land to which the application relates;
  6. the access road is aligned differently to that approved under application 21/0224;

7. there are no details of roof levels to allow a comparison to be made with those of the adjacent flats;
8. the minimum distance between primary windows should be respected;
9. the application doesn't clarify how surface and foul water drainage will integrate to the remainder of the site;
10. tarmacadam will increase surface water run-off;
11. a sewage treatment plant is proposed without any management or maintenance plan. Policies require that treatment plants should only be used where connection to the public infrastructure isn't possible;
12. Plot 4 is the highest point and surface water will drain through the proposed infrastructure and into the railway system. The council's policies relating to sustainable development aren't met as it fails to secure proper drainage and management of the risk of flooding;
13. the development would be contrary to paragraph 127 of the National Planning Policy Framework as it wouldn't comply with sections a, c and f;
14. policy HO3 is firm on overlooking, light loss, visual intrusion and appropriate configuration particularly where there are existing properties. Paragraph 5.2.3. states that the scale should not exceed that of existing dwellings adjacent to the site;
15. policy SP6(1) states that height should respond to the local context and form of the surrounding buildings. The building roof will be seen from the conservation area and public footpath;
15. policy SP6(7) aims to ensure that there are no adverse effects on the residential amenity of the existing area or adjacent land users;
16. council policy on Healthy and Thriving Communities seeks to ensure that health and wellbeing are not compromised as a result of new developments and the concerns expressed by neighbours about plot 4 are a signal that well-being issues are emerging;
17. the application form has unclear claims the site area is precisely "1153 square meters" but there is no proof of a plot of this exact size? Site plan of 27/05/21 of the NOA refers only to indicative plots. As the council promotes self-build proposals, it should ensure, through due diligence, that it is not financing or authorizing proposals with litigious potential;
18. there are "no trees or hedges which could influence the development or might be an important part of the local landscape." Yet the application envisages "thinning" of a boundary hedge. A tree and hedge survey is required to meet Council policy SP6(8)'s aims. The NOA has a wildlife advisory;
19. the NOA for application 21/0224 aims to permit 5 self-build plots. Yet the application for plot 4 is for Market Housing, the Self Build category is left empty. Is this proposal valid under the terms of the Notice of Approval and the national Self Build legislation?
20. the submitted contamination statement is inadequate. As surface run off finds its way into the River Eden, a "site walk over" and a "check of old maps" won't do. A proper soil survey is required to test for agricultural and urban effluent.

4.2 In addition, one representation commenting on the application has been received and the issues raised are summarised as follows:

1. this application is in conflict with application approved 21/0224, as the

- road and hammer head are amended utilising land owned by Hall Moor Court Ltd. A time dated offer was made for this land but has now expired;
2. the elevation drawings submitted are not clear if the dwelling is to be raised above the existing ground level to the front of the plot, or if it to be excavated and set into the natural fall of the land;
  3. this potentially will affect the adjacent flats in Hall Moor Court, as these risk been dwarfed by the development of plot 4;
  4. the whole proposed development of 5 dwellings is to be welcomed, rather than the 27 that were originally passed for the land but the developer who purchased the whole site needs to work with their neighbours, as well as the new owners of plot 4 who seem to be set on conflict over the land owned by Hall Moor Court Ltd.

4.3 Furthermore, one representation has been received supporting the application and the issues raised are summarised as follows:

1. the development is fully supported;
2. the previous approved development proposed 27 'units'. This smaller five self-build development will be more in keeping with the locale and keep vehicle movements at an acceptable level.

## 5. Summary of Consultation Responses

**Wetheral Parish Council:** - no response received;

**Northern Gas Networks:** - no objection, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of these works should contact Northern Gas Networks to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable;

**United Utilities:** - no objection to the development in principle, however, it is requested that conditions are attached to any permission which controls the approach to drainage with no surface water discharging to the existing public sewer. In this regard, it is noted that this application is part of a wider development proposal for which an application for approval of details reserved by condition have been submitted. This is application reference 21/0595 which relates to the discharge of condition 4 (surface and foul water drainage scheme) of previously approved application 21/0224.

The drainage detail submitted as part of application 21/0595 (our reference DC/21/3142) to discharge condition 4 does not fully meet the requirements of the aforementioned condition 4 and therefore additional details are requested to be submitted as set out in United Utilities' letter dated 23 July 2021 in respect of application 21/0595.

Given the relationship of application 21/0595 to this application (21/0732), it is requested that either the same additional information is submitted in respect of this application as part of an updated drainage submission or that the following condition is attached to any approval you may grant in respect of plot 4.

## 6. Officer's Report

### Assessment

6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, SP7, HO2, IP2, IP3, IP4, IP5, IP6, CC5, CM5, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and Carlisle City Council's Supplementary Planning Document (SPD) on "Achieving Well Design Housing" are also material planning considerations. The proposal raises the following planning issues.

#### 1. Principle Of Development

6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 11 of the NPPF continues to support sustainable development stating that:

*"Plans and decisions should apply a presumption in favour of sustainable development."*

6.4 This is reinforced in paragraph 11(c) which states that:

*"approving development proposals that accord with an up-to-date development plan without delay"*

6.5 Policy HO2 is equally transparent in its guidance relating to housing development and requires 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."*

- 6.6 The application site is well related to Wetheral. Hall Moor Court is immediately adjacent to the south with Greenacres and Plains Road to the north, separated by the Carlisle to Newcastle railway line. The village has a number of services or facilities including a public house, a church, a railway station, restaurant, hotel and a GP surgery.
- 6.7 Full planning permission has previously been approved for the erection of 27 dwellings on this land by members of the council's Development Control Committee. This was followed by a further revised application in 2019. Works were commenced on site such that this permission remains extant.
- 6.8 In light of the foregoing, the principle of development is therefore considered to fully accord with both national and local planning policies and remains acceptable. The remaining issues raised by the proposal are discussed in the following paragraphs.

## **2. Whether The Scale, Design And Impact On The Character Of The Area Is Acceptable**

- 6.9 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

*“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.10 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”*

- 6.11 The NPPF seeks to ensure that decisions should aim to ensure that developments respond to local character, reflect the local surroundings and materials but this doesn't prohibit or discouraging appropriate innovation. It isn't appropriate for planning policies and decisions to attempt to impose architectural styles or particular tastes and should not stifle innovation, originally or initiative through unsubstantiated requirements to conform to certain development forms or styles. Local building forms and details contribute to the distinctive qualities of a place and can be successfully interpreted in new development and innovative design can contribute to the character and appearance of an area.
- 6.12 Policies seek to ensure that 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 Policy 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 and massing and make use of appropriate materials and detailing.
- 6.13 The property would be large bespoke detached property with a distinct modern appearance that wouldn't be in keeping with the character of Hall Moor Court or any neighbouring buildings; however, the building wouldn't be viewed in this context. The site is proposed to be subdivided into 5 individual plots, each being set within a large plot and physically and visually separate from existing neighbouring properties.
- 6.14 The building would be proportionate to the site and would be an innovative yet acceptable design. The use of the contrasting stone, render and timber cladding serve to break up the mass of the building. Based on the assessment of the scale and design of the proposed development, the building is and would be well-related to the context of the site and the visual amenity and character of the area would not be adversely affected by the proposed development.

### **3. Impact Of The Proposal On Heritage Assets**

#### **3a. Listed Buildings**

- 6.15 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

#### Impact Of The Proposal On The Character And Setting of the Grade II Listed Buildings

- 6.16 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.17 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.18 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.19 Acorn Bank is located approximately 110 metres to the south of the site with its curtilage being approximately 35 metre away. The building is an important feature with the setting of the street scene.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.20 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.21 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in

paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.22 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.23 The application site is located away from the listed building and separate by existing buildings within Hall Moor Court and the development would not be read in the same context of the listed buildings. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

### 3b. Impact Of The Proposal On The Wetheral Conservation Area

- 6.24 The Wetheral Conservation Area is on the opposite side of the railway, approximately 35 metres to the south of the site. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.25 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
- "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".*
- 6.26 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.27 The location upon which this property would be sited is not within the conservation area but the site is approximately 40 metres to the south-west with the building being set away from the boundary within the site. Again, the scale of the development is large but would have less of a visual impact than the development of the land as a whole for 27 dwellings. Notwithstanding this, the proposal would not impact on the conservation area by virtue of the scale and design and distance from the boundary. On this basis, the proposal would preserve the character and appearance of the conservation area and would not prejudice important views into or out of the conservation area and is acceptable.

#### **4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties**

6.28 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.

6.29 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

*"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances. "* (para. 5. 45)

6.30 The land is located to the rear of Hall Moor Court. The building would be at an angle to the nearest properties, 10, 11 and 12 Hall Moor Court. The first floor of the east elevation would be 12 metres from the nearest building (11 and 12 Hall Moor Court) and although a window serving the ensuite is proposed, there are no other first floor windows in this elevation. Given the orientation of the application site with the neighbouring properties means that it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of over-dominance.

6.31 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

#### **5. Impact On Highway Safety**

6.32 The site would be served by a vehicular access granted under a separate consent, application reference 21/0224. The development would incorporate a garage and sufficient land around the property to allow for appropriate levels of parking provision. As such, it is considered that there would be sufficient parking space within the development and the proposal does not raise any highway issues.

6.33 Although the turning head differs from that of the aforementioned application, its position and alignment are slightly different but this doesn't alter the

principle of this element of the scheme which still provides an adequate turning facility.

## **6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.34 In accordance with the NPPF and the NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.35 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water.
- 6.36 The foul drainage would connect into the mains sewerage infrastructure which leads through Hall Moor Court.
- 6.37 Although drainage details have been submitted, the site together with the adjoining land as a whole was subject to a site-wide drainage scheme as required by condition 4 of planning permission 21/0224, which reads:

*“Prior to the commencement of development, details of a site-wide sustainable surface water drainage scheme and foul water drainage scheme for the proposed 5 self-build plots and associated road shall be submitted to and approved in writing by the local planning authority. The drainage schemes must include:*

- (i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*
- (ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
- (iii) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iv) details of any pumping;*
- (v) foul and surface water shall drain on separate systems within the site;*
- (vi) a management and maintenance plan. The management and maintenance plan shall include as a minimum:*
  - a) arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and*
  - b) arrangements for inspection and ongoing maintenance of all elements*

*of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime including during construction;*

*(vii) a timetable for implementation.*

*The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.*

*The drainage schemes shall be completed, maintained and managed in accordance with the approved details and retained thereafter for the lifetime of the development.”*

6.38 This condition was subject to a further application to discharge the details under application 21/0595. That application included the same Drainage Report as submitted as part of this application. Questions were raised by United Utilities and clarification was provided by the agent during the course of the consideration of that application.

6.39 The plots themselves are subject to separate applications for planning permission and whilst it would be appropriate to follow the drainage scheme (which could be subject to the imposition of a planning condition), it would still be appropriate to impose a condition requiring the submission of details of proposed ground levels to ensure that the drainage scheme and building are compatible.

6.40 In respect of the representations received, pertinent to the consideration of this application is the disposal of foul and surface water. Network Rail's response states that soakaways within 30 metres of the railway will be prohibited; however, no soakaways are proposed as part of this scheme. Their response continues:

*“Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway, any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.”*

6.41 The planning system can only deal with the management of land and development. The issue of landowner consent is separate to that of the planning process but is a matter which has been highlighted to the applicant.

6.42 Consequently, following the receipt of further clarification and taking into account of the consultation responses received from both United Utilities and Cumbria County Council as the Lead Local Flood Authority raising no objection, based on those details submitted as part of application 21/0595, the condition was subsequently discharged. This is a material planning consideration and supersedes the response from United Utilities as part of this application. On this basis, the proposal is considered to be acceptable.

## **7. Impact On Existing Trees And Hedgerows**

- 6.43 There is an existing hedgerow along the western boundary. It is suggested that a condition should be imposed requiring conditions should be imposed requiring protective fencing to be erected adjacent to the fencing and prohibiting works within that area for the duration of the construction works

## **8. Impact Of The Proposal On Biodiversity**

- 6.44 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.45 The council's GIS layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. The development occur on former grazing land and would retain an existing hedgerow and it is not considered that the development would harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **9. Other Matters**

- 6.46 Policy IP2 requires that developments are encouraged to include sustainable vehicle technology with developments, as such, it is appropriate to impose a condition require the provision of a suitable charging point for electric vehicles.
- 6.47 Reference is made in the representations that there is parcel of land which doesn't belong to the applicant. The application form submitted as part of this application acknowledges this and confirms that the requisite notice has been served on the appropriate landowners. As such, the applicant has fulfilled their obligations as part of the planning process. Whether the relevant consent from the landowner can be obtained isn't a material planning consideration.

## **Conclusion**

- 6.48 In overall terms, the principle of the erection of a dwelling is acceptable. The scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area or the Wetheral Conservation Area.

6.49 In the context of the site, the amenity of the occupiers of the neighbouring properties would not be adversely affected. Adequate provision would be made for foul and surface water drainage. The hedgerow would be adequately protected and the submission of a landscaping scheme will mitigate the loss of the two trees and could lead to biodiversity net gain on the site. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

## **7. Planning History**

7.1 An application for outline planning permission for residential development was refused in 1988.

7.2 In 2016, planning permission was granted for the erection of 27 dwellings.

7.3 Planning permission was granted in 2019 for the erection of 27no. dwellings without compliance with conditions 2, 3, 4, 16, 23, 24 and 26 (works to be done in 2 phases) including removal of condition 20 (level 3 code for sustainable homes) of previously approved application 12/0880

7.4 Also in 2019, an application was approved to discharge of conditions 3 (footpath details); 4 (construction of access and parking areas); 5 (access during construction); 6 (surface water drainage); 7 (foul water drainage); 8 (tree protection) and 9 (details of permeable surfaces) of previously approved application 19/0596.

7.5 In 2020, an application was submitted to discharge of condition 6 (surface water drainage) of previously approved permission 19/0596 but was withdrawn.

7.6 Planning permission was granted earlier this year for the formation of roadway and associated infrastructure to service 5no. self build plots.

7.7 An application to discharge conditions 4 (surface & foul water drainage scheme) and 5 (hard surface details) of previously approved application 21/0224 was recently approved.

7.8 Planning permission has been granted for the erection of a dwelling on Plot 1.

7.9 There is an undetermined planning applications to develop Plot 5 under application 21/0587.

## **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 Planning Application Form received 11th November 2021;
2. the Location Plan and Block Plan received 22nd July 2021 (Drawing no. 1836.01);
3. the Site Plan received 15th November 2021 (Drawing no. 1836.06 Rev A);
4. the Proposed Floor Plans received 22nd July 2021 (Drawing no. 1836.02);
5. the Proposed Elevations 22nd July 2021 (Drawing no. 1836.02);
6. the Drainage Report received 15th November 2021
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The development shall be undertaken in strict accordance with details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and any garages that have first been submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In order that the approved development is appropriate to the topography of the site and neighbouring properties in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

4. Prior to their use on site, 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 SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

5. Prior to their use on site, 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 SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

6. All boundary fences, walls, screens or other means of enclosure shall only be installed or erected in strict accordance with a scheme that shall first have

been submitted to and approved in writing by the local planning authority, which shall include:

1. precise details of the item(s) including materials, location and height;
2. timescale for implementation;
3. any maintenance proposals identified as necessary within the first 5 years following provision.

**Reason:** To ensure that the appearance of the development will be in keeping with the locality and to protect visual amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. Prior to the occupation of the dwelling, a landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

1. new areas of trees and shrubs to be planted including planting densities;
2. new groups and individual specimen trees and shrubs to be planted;
3. specification/age/heights of trees and shrubs to be planted;
4. existing trees and shrubs to be retained or removed;
5. any tree surgery/management works proposed in relation to retained trees and shrubs;
6. any remodelling of ground to facilitate the planting;
7. timing of the landscaping in terms of the phasing of the development;
8. protection, maintenance and aftercare measures.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

8. As part of the development hereby approved, adequate underground ducts shall be installed to enable telephone services, electricity services and television services to be connected to any premises within the application site.

**Reason:** To maintain provide appropriate levels of infrastructure in accordance with Policy IP4 of the Carlisle District Local Plan 2015-2030.

9. Prior to the occupation of the dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

10. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 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.

11. Prior to the occupation of the dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.

**Reason:** In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

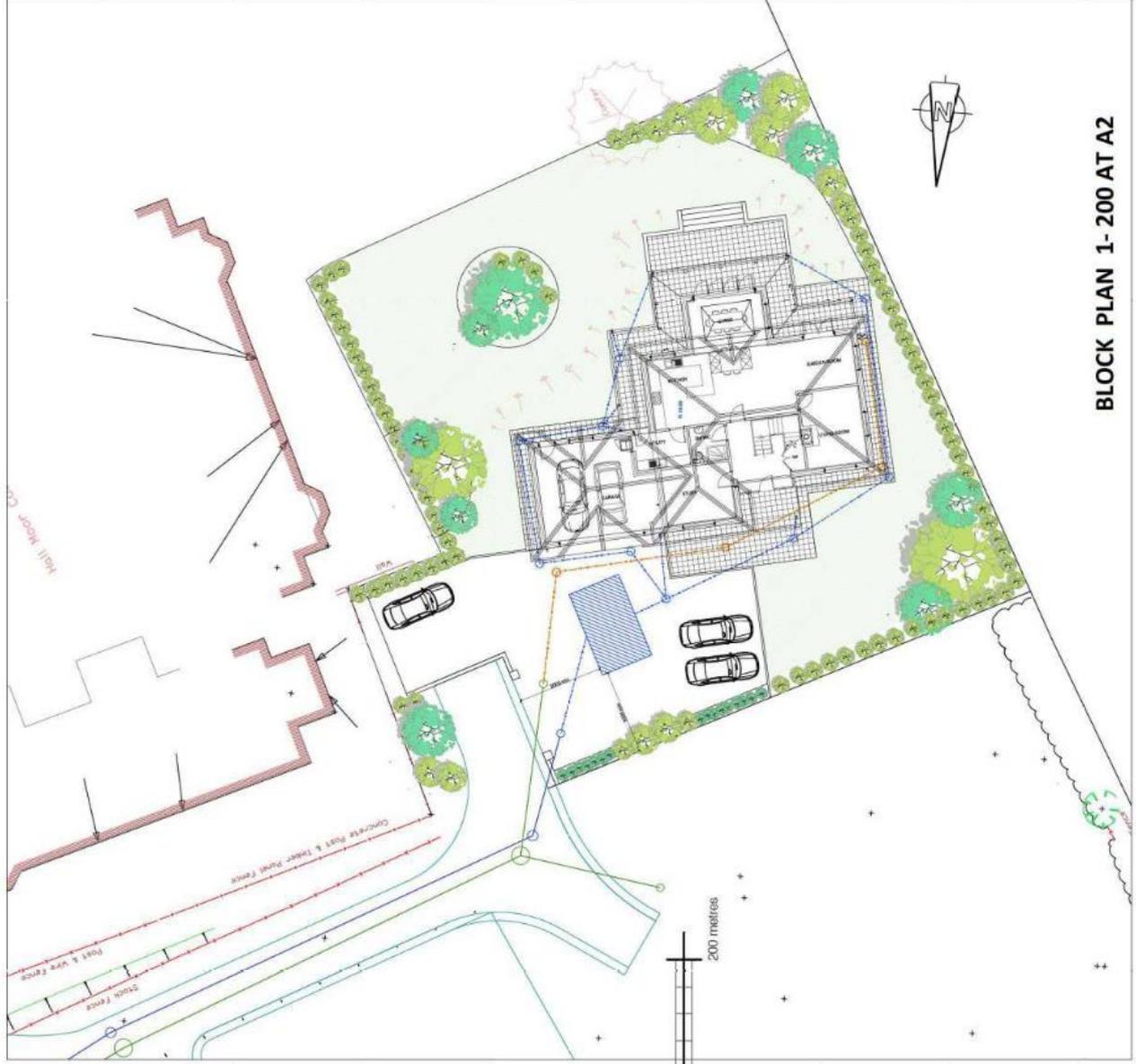
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

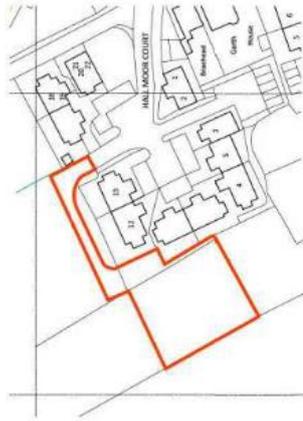
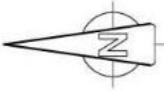
13. Any parking area subsequently approved shall be constructed in accordance with the approved plans before any dwelling is occupied.

**Reason:** To ensure adequate access is available for each occupier in accordance with Policies SP6, HO3 and IP3 of the Carlisle District Local Plan 2015-2030.

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**BLOCK PLAN 1-200 AT A2**



**LOCATION PLAN 1-1250**



**swarbrick**  
a s s o c i a t e s (u k) l t d

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**CLIENT:**  
Dr and Mrs D Cook

**PROJECT:**  
Proposed New Dwelling  
Land Adjacent Hill Moor Court Wetheral

**DRAWING:**  
Location and Block Plan

**DRG NO:** 1836.01

rev.

Scale: 1:1250 and 200 at A2 Date: 20.07.2021

A2

**NOTE**

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Existing hedge laid and reduced in height. Existing vegetation and stumps removed.



**PROPOSED SITE PLAN 1-100 AT A1**



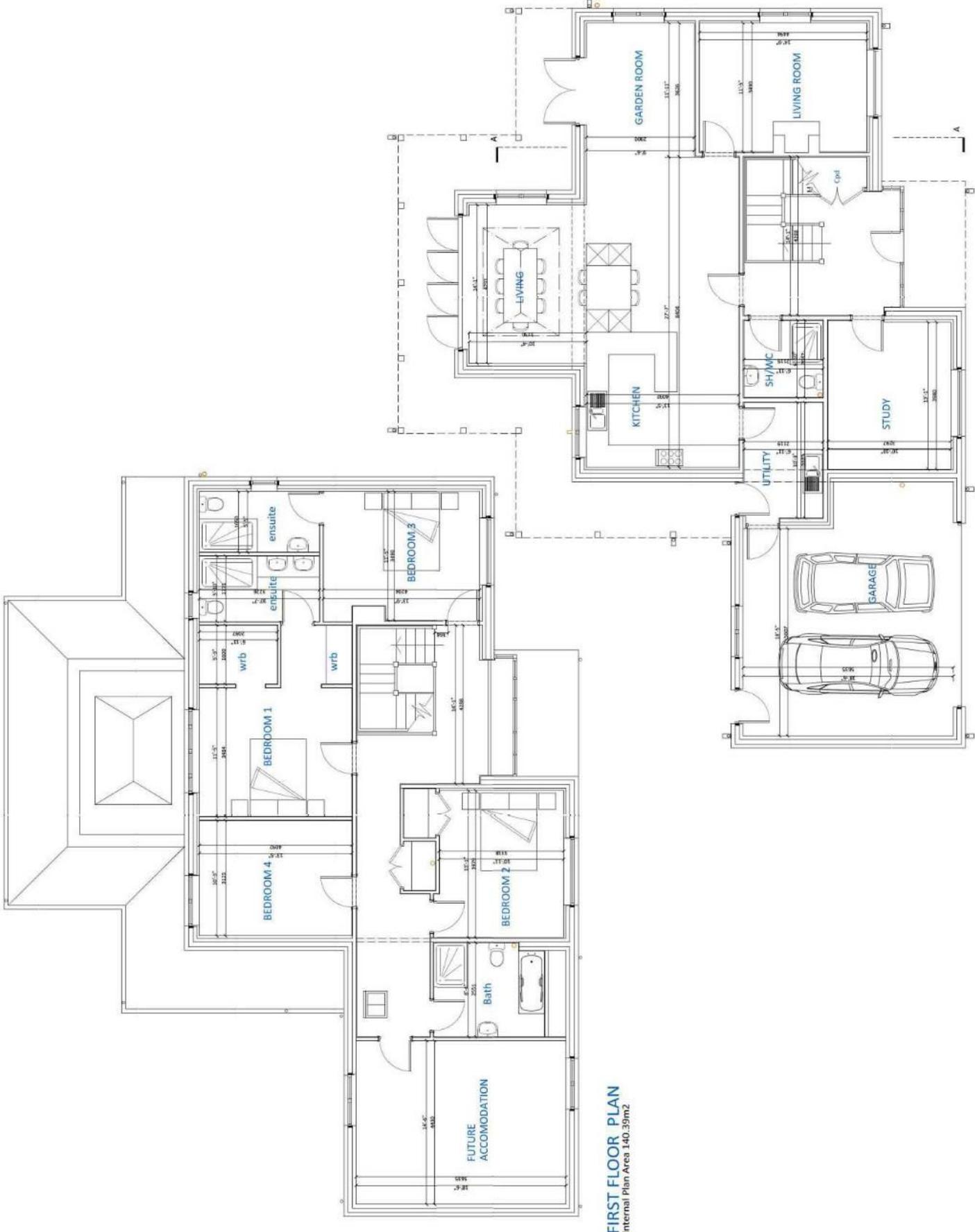
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CLIENT: Dr and Mrs D-Cox  
PROJECT: Proposed New Building  
PROPOSED: Proposed First Floor Court Welfare  
DRAWING: Proposed Site Plan  
DWG NO: 1836.06  
Scale: 1:100 @ A1 Date: 16.07.2021  
Planning application

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**FIRST FLOOR PLAN**  
Internal Plan Area 140.39m<sup>2</sup>

**GROUND FLOOR PLAN**  
Internal Plan Area 156.79m<sup>2</sup>



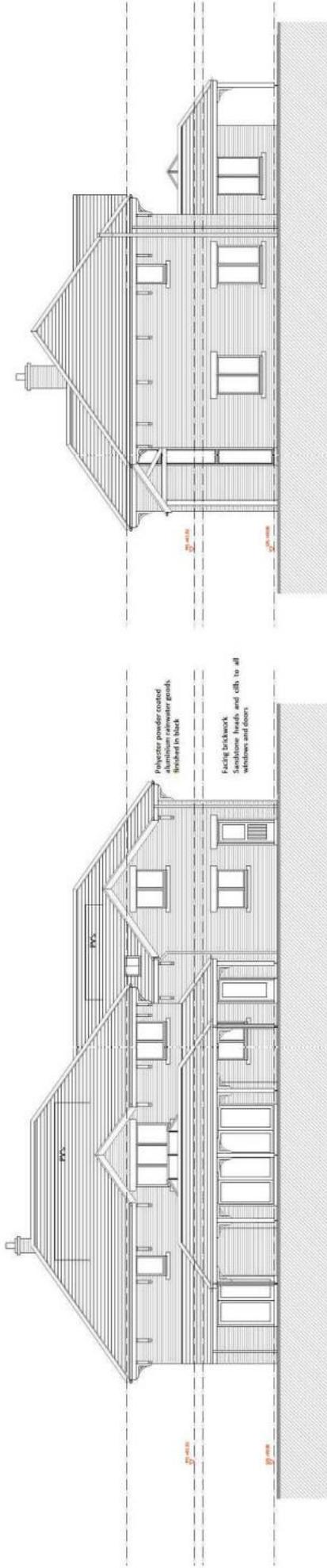
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CLIENT:	Dr and Mrs D Cox
PROJECT:	Proposed Home Conversion
DATE:	18/07/2021
PROJECT NO:	1836.02
SCALE:	1:100 @ A1
DATE:	18/07/2021

Planning application

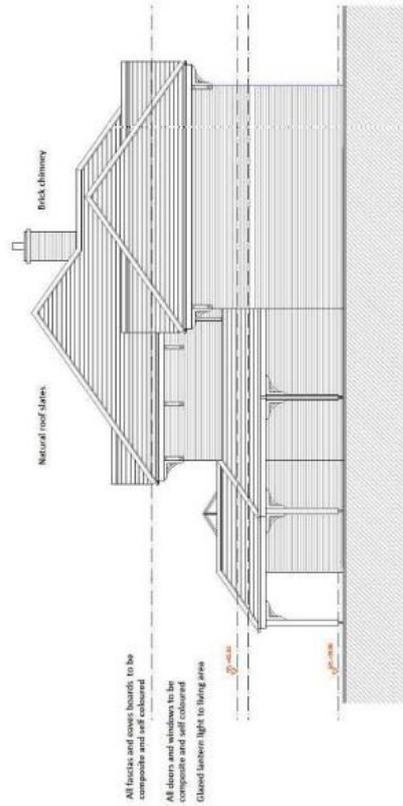
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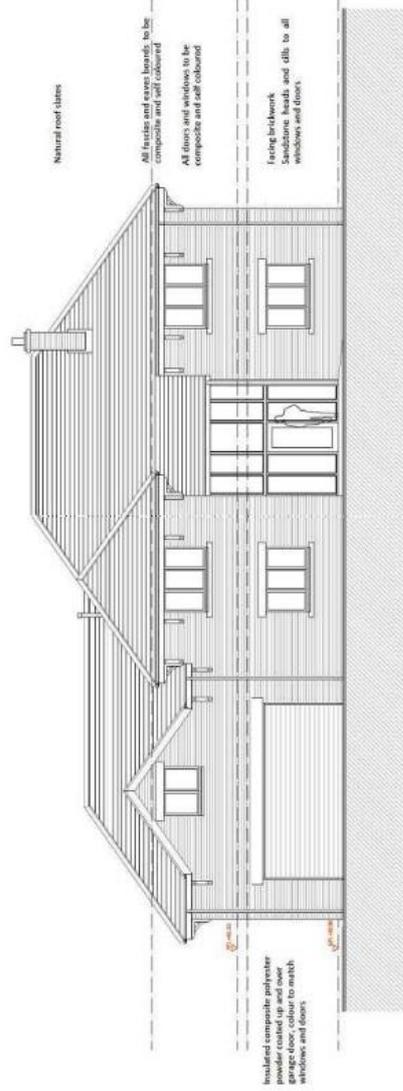


**PROPOSED REAR ELEVATION**

**PROPOSED SIDE ELEVATION**



**PROPOSED SIDE ELEVATION**



**PROPOSED FRONT ELEVATION**



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CLIENT: Dr and Mrs D Don  
PROJECT: Proposed New Dwelling  
10 Agency Street Castle DN1 1UF  
Proposed Location:  
Proposed Drawings:  
DWG NO: 1836.03  
Scale: 1:100 @ A1  
Date: 18.07.2021

Planning application