

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	Reference No:	4/19/2396/OF1	
2.	Proposed Development:	REMOVAL OF STORAGE BUILDING AND REPLACEMENT WITH 3 TWO BEDROOMED DWELLINGS	
3.	Location:	LAND TO REAR OF 8 RAILWAY TERRACE, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a site to the rear of 8 Railway Terrace, located within the south west of Seascale. There is an existing workshop/storage building within the site which will be demolished as part of the development. The site is surrounded by residential properties and is located between two rows of residential terrace properties.	
	Proposal		
		This application seeks permission for the removal of the existing storage building on the site and the	

erection of two three bedroomed dwellings.

The proposed dwellings will be in a terrace form, extending from the existing adjacent terrace properties (no 1 – 3 Crescent Cottages). Each of the proposed dwellings will measure 3.5m x 9.25m with an eaves height of 5.9m and an overall height of 8.5m, to reflect the design of the adjoining terrace properties.

Internally the proposed dwellings will incorporate a living room, kitchen and toilet at ground floor level, and two bedrooms and a bathroom within the first floor. Externally the proposed dwellings will be finished with dashed K-render in neutral colour, Marley modern roof tiles, and white UPVC windows and doors. Each dwelling will also benefit from a single parking space and bin store to the rear of the site.

### **Consultation Responses**

#### Seascale Parish Council

The Parish Council and several Railway Terrace residents strongly object to this application on the grounds of the existing flooding liabilities and the parking issues created should this application be approved. These concerns relate to the following:

- The Flood Risk Assessment: Contrary to the statement set out in this document, the Parish Council strongly refute its claims. On page 2 of the assessment it refers to a report from the Environment Agency; "...identified the site is not considered in a flood zone associated with streams and rivers". The Assessment document also states on page 3 "the site has no records of surface flooding or a history of flooding on the site". The Parish Council vigorously disputes this. This site does have a history of flooding and in recent years this area has been subject to severe flooding at least three times. Whilst the Environment Agency may not have a record of flooding in this area, Cumbria Fire and Rescue will and would be able to provide evidence to dispute this claim. The Copeland flood officer also attended some of the incidents in Railway Terrace and should be approached for further information.
- Parking: The current parking arrangements are insufficient for the residents of Railway Terrace and this development would exacerbate the problem. For example, parked cars need to be moved for others to access garages. The planning application shows one car for each of the three properties. This alone would make parking and access more problematic. A satellite view of Railway Terrace shows the layout and narrowness of this road, originally designed for the occasional horse drawn carriage. Further, the application also assumes the owners of these proposed 2-bed properties would only have one car. These are effectively family homes being proposed and given the Seascale geo-graphic location to shopping centres etc, the risk of these residents having more than one car is high.

Cumbria County Council – Highway Authority & LLFA

Although there has only been 3x off-street parking spaces shown, it is unlikely that this development will have a detrimental impact on the existing highway conditions as there are other means of parking in the surrounding area. The Highway Authority therefore has no objections to this proposal subject to the inclusion of conditions relating to access gate and parking/turning requirements.

The LLFA surface water map show flooding to the area and indicate 1% (1 in 100) chance of occurring each year.

United Utilities

No comments received.

Resilience Unit

No objections.

Copeland Borough Council – Flood and Coastal Defence Engineer

Unless an adequate Flood Risk Assessment is provided, the Officer objects to the proposed development.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to thirteen properties. Four letters of objections were received which raised the following concerns:

- The indicated parking arrangements are not suitable or sufficient to support the proposed housing.
- Parking is already a problem in this area. This development will make it worse.
- The position of the parking outside the rear of each dwelling does not allow for sufficient turning circles to park or exist the parking area, practically as the lane is only 5m wide with numerous parked cars reducing the available road to approximately 2.5m.
- Manoeuvring vehicles in such a small space would create a hazard for other road users.
- Visibility issues.
- The development will take away four parking spaces for residents.
- The whole terrace and surrounding area was flooded in August 2012 and February 2016, including the application site. This is contrary to the flood risk report which states there is no risk of flooding on the site.
- EA mapping shows the site to be in flood zone 2 from the Whitriggs Beck, which is shown in

the incorrect location.

- Climate change will mean this flood is not a rare occurrence.
- The development will increase flooding for other properties.
- Increased pressure on drainage increasing flood risk.
- Loss of privacy as windows will look directly into windows of existing dwellings.
- Loss of light to ground floor windows and rear yards.
- The development would make the terrace feel hemmed in and overcrowded.
- The roof of the workshop is constructed with asbestos.

### **Consultation on Amended Plans**

Following concerns raised with regard to the proposed development and flood risk, amended plans and a Flood Risk Assessment were submitted to support this application.

#### Seascale Parish Council

Seascale Parish Council (SPC) submit an Objection based on following grounds:

- The Parish Council question the accuracy of this Assessment, and strongly refute its content.
- The report acknowledges that nearby properties and infrastructure may have been affected by flooding but did not affect the actual development area. This is incorrect. It has been affected, even the slightly raised elevations of Albert Square and The Crescent properties have been flooded.
- The report states the Beck flows in a south westerly direction before discharging into the Solway. Whilst the Parish Council does not dispute the direction of the Beck, but surely to flow predominantly south, would it not flow toward the Irish Sea and not a northly direction toward Dumfries and Galloway, Scotland?
- The report claims the Beck has a closed culvert. No, it does not. It is an open culvert and there is an open water course of some 40 – 50 mtrs before the next pipe and there are occasions when the flow is too great for the second pipe to capture all the water, subsequently creating an overflow.
- The report again claims the proposed site has not experienced flood. Yes, it has. Some of the residents and volunteers experienced having to clear out the flood debris from homes and other Seascale residents have witnessed Railway Terrace flooding.
- The report recommends Sustainable Drainage System as a solution. This is not possible in this

area.

- The Parish Council request the planning panel contact the Council's Flood and Coastal Defence Engineer for accurate flooding data of the proposed development site in Railway Terrace.

#### Copeland Borough Council – Flood and Coastal Defence Engineer

Following the review of the amended FRA the Officer raised more questions with regard to the proposed development, including SUDS and flood resilience.

#### **Consultation on Additional Amended Plans**

Following concerns raised with regard to the proposed development and flood risk, amended plans and Flood Risk Assessment were submitted to support this application. The application is also now supported by a sequential and exceptions test.

#### Seascale Parish Council

The new flooding report is more concise and acknowledges the risk and the historical evidence of actual flooding in this area. The amendment for slightly raised floors also mitigates against this risk. No concerns have been submitted to the Parish Council regarding changes made to parking.

#### Cumbria County Council – Cumbria Highways & LLFA

Previous comments to original application apply.

#### Environment Agency

No comments to make on this application as the site is in flood zone 2, therefore flood risk standing advice applies.

#### Copeland Borough Council – Flood and Coastal Defence Engineer

The site is located mainly in Flood Zone 2, but partially in Flood Zone 1. The new FRA highlights that the flood modelling used for this does not have site specific accuracy and that topographic surveys should be used to assess the risk more accurately. The main source of flood risk to the development is from Whitriggs Beck (which did cause flooding close by in 2012) and the EA data gives a 0.1% flood level of 7.82m AOD. This compares to the existing threshold level of 8.20m AOD and proposed finished floor level of the development of 8.70m AOD. The proposed development will utilise existing drainage (to the combined sewer) and will not increase the impermeable surface area. Consequently, the development will not increase flood risk elsewhere. Based on the new Flood Risk Assessment, the Officer has no objection to the proposed development.

#### United Utilities

United Utilities have stated that in accordance with the National Planning Policy Framework (NPPF)

and the National Planning Practice Guidance (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.

Further to UU's review of the submitted drainage documents; Flood Risk Assessment, ref: Version Final4, dated April 2021 proposing to discharge to the existing surface water drainage system that outfalls into watercourse, the proposal is acceptable to United Utilities in principle. However, UU do not have sufficient information on the detail of the drainage design. With this in mind, they request the inclusion of conditions relating to surface water and foul water on any decision notice for this site.

#### Resilience Unit

No objections to the proposed works.

#### Public Representation

Following the receipt of the additional detail for this application all thirteen properties were reconsulted on this application, as well as the four objectors. No comments have been received in relation to the statutory notification procedure.

#### **Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### **Development Plan**

##### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 – Landscaping

**Other Material Planning Considerations**

National Planning Policy Framework (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

**Assessment**

Principle of Development

The site lies within the defined settlement boundary for Seascale, which is classified within the Copeland Local Plan as a Local Centre where new development within the defined physical limits of the settlement are appropriate. The application seeks to develop an existing brownfield site within the Seascale settlement boundary, which is supported by provisions within the NPPF and policy ST1 of the Copeland Local Plan, which promotes the reuse of existing buildings and previously developed

land wherever possible, directing development away from greenfield sites.

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

On the basis of the above, it is therefore considered that the development would be in accordance with the aims and objectives of the NPPF which set a presumption in favour of sustainable development as well as the relevant policies of the adopted Copeland Local Plan. The principle of residential development is supported subject to site-specific matters.

#### Scale, Design and Impact of Development

Within the Copeland Local Plan, Policies DM10, DM11, and DM12, and section 12 of the NPPF, seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

This application seeks permission for the erection of two three bedroomed dwellings, constructed in a terrace form, extending from the existing adjacent terrace properties (no 1 – 3 Crescent Cottages). Initially, concerns with raised within regard to the overall design of the proposed dwellings in relation to the existing traditional terrace properties adjoining the site. Extensive discussions were undertaken with the agent for this application and amended plans were secured for this development. These amended plans ensure that the development respects the character of traditional terrace properties by incorporating uniformity and verticality by reflecting the existing fenestration patterns along the existing terrace properties and the inclusion of banding around proposed window and door opening to mirror the character of the adjacent dwellings.

Concerns were initially raised by neighbouring properties that the development would not be able to meet the required separation distances required for new residential properties. Whilst adequate separation distances are maintained to the front of the site, the required separation distances cannot be met to the rear of the site. Although the proposal would not meet the standards set out in Development Policy DM12 with regards to minimum separation distances for new residential dwellings, the existing separation distances are maintained at the site. Furthermore as the development reflects the existing separation distance of the surrounding terrace properties within the area, it is considered that the development does not create significant overlooking issues or loss of privacy for existing residents.

On the basis of the submitted amended plans for this proposal the design and layout of the proposed dwellings is therefore considered acceptable for this location. It is therefore considered that the



development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

#### Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The application site is a brownfield site which lies adjacent to a number of existing terrace residential properties. The development would therefore be viewed against the backdrop of these existing properties, therefore the proposal is not considered to result in any impact on the surrounding area.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

#### Drainage and Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 2, therefore a Flood Risk Assessment has been produced to support this scheme. Based on the initial information submitted to support this application several objections were received from Statutory Consultees, therefore the applicant has submitted an amended FRA and a sequential test for this application.

The submitted sequential test for this development has considered and compared 28 sites and concluded that there are not any reasonably available and suitable alternative sites within an area of lower flood risk that could support the applicant's proposed development. The proposed development is therefore deemed to pass the Sequential Test. The submitted amended FRA and Exception Test states that as this development is a 'more vulnerable' development in flood zone 2 an Exception test is not required. However, the applicant has submitted an amended FRA as part of their exceptions test for this site, which concludes the development would bring wider sustainable benefits to the community, the development will not increase flood risk elsewhere, and the properties will remain safe over their lifetime.

In response to this amended information the Council's Flood and Coastal Defence Engineer has concluded that the development will not increase flood risk elsewhere, and therefore the Officer has

no objection to the proposed development. The Environment Agency have also offered no comments to this application. Whilst United Utilities have not objected to this development, they have stated that they do not have sufficient information on the detail of the drainage design. With this in mind, they have requested the inclusion of conditions relating to surface water and foul water on any decision notice for this site.

On this basis, the imposition of these conditions will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

#### Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The proposed dwellings will front onto Crescent Cottages, with one off street parking space for each dwelling located to the rear of the site. Concerns have been raised from neighbouring properties with regard to parking for this development and within the local area. However, Cumbria Highways have stated that although there has only been 3x off-street parking spaces shown, it is unlikely that this development will have a detrimental impact on the existing highway conditions as there are other means of parking in the surrounding area. The Highway Authority therefore has no objections to this proposal subject to the inclusion of conditions relating to access gate and parking/turning requirements.

The requested conditions will ensure that the proposal complies with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

#### Planning Balance

This application relates to a brownfield site, which lies within the designated settlement boundary for Seascale, which is classified within the Copeland Local Plan as a Local Centre where new development within the defined physical limits of the settlement are appropriate. Extensive discussions have been undertaken with the agent for this application in order to secure a design which reflects the traditional character of the adjacent terrace properties. Although the proposal would not meet the standards set out in Development Policy DM12 with regards to minimum separation distances for new residential dwellings, this policy only sets out guidance and the existing separation distances are maintained at the site and reflects the existing separation distance within the surrounding terrace properties. On this basis it is considered that the development does not create significant overlooking issues or loss of privacy for existing residents.

	<p>Initially concerns were raised by Statutory Consultees with regard to flood risk, therefore the applicant submitted an amended FRA and a sequential test to overcome these concerns. Based on these amended documents it is considered that the applicant has provide an acceptable sequential test, exception test and Flood Risk Assessment to which the EA and the Council's Flood and Coastal Defence Engineer have offered no objection. Details required by UU and Cumbria Highways can also be secured by condition.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is complaint with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Existing Plans, Scale 1:50, 1:100 &amp; 1:1250, DWG01, Rev A, received by the Local Planning Authority on the 5<sup>th</sup> November 2019.</li> <li>- Proposed Plans (Amended), Scale 1:50, 1:100 &amp; 1:500, DWG02, Rev D, received by the Local Planning Authority on the 22<sup>nd</sup> April 2021.</li> <li>- Location Plans (Amended), Scale 1:50 &amp; 1:100, DWG03, Rev B, received by the Local Planning Authority on the 29<sup>th</sup> August 2020.</li> <li>- Flood Risk Assessment (Amended), Prepared by Rubicon Project Consultancy Ltd in April 2021, received by the Local Planning Authority on the 22<sup>nd</sup> April 2021.</li> </ul> </li> </ol> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>

### Pre Commencement Conditions

3. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
  - 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); and
  - iii) A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

#### Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

### Other Conditions

5. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within 'Flood Risk Assessment (Amended), Prepared by Rubicon Project Consultancy Ltd in April 2021, received by the Local Planning Authority on the 22<sup>nd</sup> April 2021', and must be maintained as such at all times thereafter.

#### Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area.

7. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

8. Any access gates installed within the property must be of a style which do not open onto the highway and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

**Informative(s):**

1. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.
2. In the event of the application being granted, the applicant should contact the resilience units office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

	<p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p><b>Case Officer:</b> C. Burns</p>	<p><b>Date :</b> 03.06.2021</p>
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>	<p><b>Date :</b> 09/06/2021</p>
<p><b>Dedicated responses to:-</b> N/A</p>	