

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2173/OF1
2.	Proposed Development:	DETACHED DWELLING
3.	Location:	LAND ADJACENT TO SCHOOL CROFT, SANDWITH, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to an area of agricultural land that is located to the east and adjacent to School Croft in Sandwith. The plot is served by shared driveway which leads from the Rottington to Sandwith road (Rottington Road). The land has vacant agricultural fields to the north with School Croft to the west, The Old School to the east and parking and access for School Croft to the south.</p> <p>School Croft includes a former garage which was converted into a hairdressing business premises, run by the Applicant. The Applicant's parents live in and own School Croft and the site proposed for development.</p> <p>PROPOSAL</p> <p>This full planning application seeks approval for a detached dwelling on the site, including parking,</p>

turning and amenity space.

The proposal is for a dormer bungalow which is to be single storey but includes the use of the roof space as accommodation which is served by two dormer windows on the rear elevation. The dwelling will have an eaves height of 2.4m and an overall height to the pitch of 5.9m. The dwelling will be 9.6m in width and 14m in length.

The ground floor will comprise a kitchen/family room, living room, two bedrooms, bathroom and utility with WC. The first floor will include a master bedroom and shower room.

The proposed dwelling will be finished with white smooth render with sandstone features, grey Marley modern tiles and UPVC windows and doors. The parking area will be tarmacked and the boundaries of the site treated with a 1m high post and wire fence.

The drive would provide sufficient space to accommodate 2 vehicles.

The surface water will be disposed of to a soakaway and the foul sewage will be dealt with by a package treatment plant.

The application is accompanied by a supporting statement which sets out a justification for the proposal. This clarifies that the applicant currently operates a small hairdressers business from the former garage building which lies within the curtilage of her parent's property at School Croft. The dwelling is required to allow the applicant to move back to the village adjacent to her parents. It would also help to sustain her business which provides a useful facility to the residents of the village.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications on the site.

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objections.

Cumbria County Council Highways – No objections to the proposal, however requested a condition relating to the control of surface water onto the highway.

Local Lead Flood Authority – No objections.

United Utilities – No objections.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 2 no.

properties.

Two responses have been received raising questions and concerns relating to the following:

- The dwelling should have more than one parking space available;
- The location of the package treatment plant has not been specified;
- The boundary ownerships are incorrect;
- There are no details relating to gas storage for the dwelling;
- There are no details relating to disability access and Part M of the Building Regulations;
- Is the lobby door across the foot of the stairs acceptable?;
- Is an Environmental Risk Assessment required to support the application?;
- The Old School is not located at road level and therefore the development will be raised up even further;
- The development will not be hidden by School Croft and will result in visual impact;
- The development should be pushed back from the boundary by 12 metres;
- The retaining wall should be maintained free from damage during the construction of the proposed development;
- Concerns with regards to flooding;
- There are 3 windows on the rear of The Old School which will potentially be overlooked by the development.

PLANNING POLICIES

Planning law requires 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 SS2 – Sustainable Housing Growth

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Other Material Planning Considerations

Interim Housing Policy 2017 (IHP)

National Planning Policy 2019 (NPPF)

Strategic Housing Market Assessment 2019 (SHMA)

ASSESSMENT

Introduction

Planning Policies ST2 and SS2 seek to focus the provision of new dwellings into sustainable locations. Policy DM10 ensures good design whilst DM11 and DM12 ensure that new dwellings will not affect the amenity of surrounding properties by providing suitable separation distances and adequate off street parking.

Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policy SS1. These policies seek to promote sustainable development to meet the needs and aspirations of the boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough which respect their scale and function.

Sandwith is not classified under Policy ST2 as a settlement where growth is permitted and the site lies outside any designated settlement boundary. As such, the proposal is in conflict with Policy ST2.

The Council adopted the Interim Housing Policy in 2017 as it could not demonstrate a five year land supply. Whilst the adoption of the Interim Housing Policy falls outside of the statutory development plan, it will however be relied upon as a material consideration in the determination of planning applications. As the Council cannot demonstrate a five year supply of housing sites, policies for the supply of housing set out within the Copeland Local Plan 2013-2028 (Core Strategy and Development Management Policies) will no longer be deemed up-to-date; and therefore carry less than full weight in decision-making. Applications that are in accordance with the development plan will continue to be supported, however, in addition to the development plan and other material considerations, proposals for residential development which are contiguous to the development boundary, or the existing built form of a settlement, will be considered against specific criteria.

The Council's lack of a five year land supply means that both the housing policies within the Local Plan and the settlement boundaries which were defined under the previous Local Plan which dates back to 2006 must be considered out of date. On this basis, the provisions of the presumption in favour of sustainable development outlined in Paragraph 11 of the NPPF must be applied in determining this application.

Paragraph 11 of the NPPF sets out that planning permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The site is well related to the physical form of the village and lies on the edge of the built up area. It is located adjacent to a cluster of existing dwelling and it is considered that development on this land, would round off this group of houses therefore would not result in intrusion into the open countryside.

The site lies within the existing settlement of Sandwith and is considered to be within walking distance from the local services within the village which include a pub and a hairdresser. Furthermore, Sandwith lies in is close proximity to Whitehaven where there is a large range of services. On this basis, a dwelling in this situation is considered to be sustainable. The proposal is also considered to be consistent with the Council's Interim Housing Policy (IHP) which was adopted in 2017 in response to the lack of a 5 year land.

In applying the provisions of Paragraph 11:

- the Site would assist in boosting housing supply to meet the identified need for housing within the Borough as detailed in Policy ST2 of the Local Plan. Furthermore, it would provide a dwelling for a local person who has justified the need to be within the locality to run her business;
- the proposed development comprising the erection of a single dwelling is appropriate in size and character to the surrounding village of Sandwith in accordance with the requirements of Criterion A of the IHP;
- the Site is located next to a cluster of existing residential properties in accordance with Criterion B of the IHP;
- the Site is located in close and convenient proximity to the services within Sandwith and within an acceptable distance of the wide range of services and employment opportunities located within Whitehaven for which the settlement has been designated as the Principal Town in Policy ST2 of the Local Plan. The proposed development will support existing services achieving the requirements of Criteria B and D of the IHP; and,

As the Council does not currently have a 5 year supply of deliverable sites the housing policies carry

less weight in the decision making process. The application therefore needs to be considered against the “tilted balance” set out under paragraph 11 of the NPPF which states that:

“Development should be approved that accords with the development plan; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- Specific policies in this Framework indicate development should be restricted.”*

The impacts of the development are assessed below.

The main issues raised by this application are scale and design, the effect on neighbouring amenity, access and drainage.

Scale and Design

The plans submitted show the dwelling to be 5.9m in overall height and when viewed in context with School Croft and The Old School is considered to be acceptable. The eaves of the dwelling are low at 2.4m and this will ensure that the dwelling is read as single storey. The proposed dormer windows are modest in scale and are located on the rear roof slope which will reduce their impact visual. Although the dwelling will be sited on land which will be higher than the road level, the dwelling will be behind School Croft and The Old School and pushed back away from the road. On this basis, it is considered that the dwelling will be satisfactory when viewed in context with the surroundings.

The footprint of the dwelling is considered to be satisfactory with the internal layout providing suitable living space. The dormer windows on the rear of the property are considered to be of an acceptable design and will be in keeping with the surrounding rural area. The projecting gable on the front of the dwelling is modest and breaks up the visual bulk of the property.

The materials to be used have been specified and are considered to be acceptable for a dwelling on this site, however it is considered necessary for a condition to be attached to the approval to require samples to be approved prior to their use on the property. This is to ensure that the dwelling fits in with the surrounding properties, however the use of sandstone and smooth render is welcomed as it is characteristic of Sandwith.

Effect on neighbouring amenity

Concerns were raised by the occupiers of the neighbouring property due to the siting of the dwelling in relation to the boundary with The Old School. Although the dwelling will be sited in close proximity to other dwellings to the south east and south west, the application process saw the dwelling moved further to the west in order that the required separation distances set out in Policy DM12 are met and therefore avoiding amenity issues for the occupiers of The Old School.

Furthermore, there are minimal window openings on the east and west elevations, with only a single window to serve the WC in order to protect the amenity of The Old School. There are unlikely to be any privacy issues created for either the new dwelling or the existing dwellings in this part of the village.

Overall, due to the separation distances and lack of windows in the facing elevations, it is considered that any impact is likely to be minimal on the neighbouring dwellings and the proposal is considered to satisfy policies DM10 and DM12 of the Copeland Local Plan.

Highways and parking

The dwelling will be situated off a private driveway which currently serves School Croft and Olivia West Hair, therefore the Highways Authority have no control over its use. However, the Highways Authority have raised no objections to the slight intensification of the use of the existing access onto Rottington Road. The plans include spaces at the front of the property for off street parking and turning. Overall, it is considered that the proposal complies with Policy DM22 of the local plan and is therefore considered to be acceptable in highways terms.

Drainage

With respect to foul drainage, a package treatment plant is proposed although precise details have not been submitted. The Local Lead Flood Authority and United Utilities have not raised any objections and therefore it is considered to be an appropriate means of accommodating foul drainage. A condition can be imposed on any planning permission to secure the full details of the drainage proposed.

The proposal includes some details of surface water drainage. Cumbria Highways requested a condition relating to surface water drainage as details of the soakaway have not been provided, nor have measures to ensure that surface water will not drain to the highway. It is considered that this detail can be conditioned in order to ensure that the surface water does not run off onto the highway, or towards the adjacent properties, creating issues for road users and neighbours. The submission of this information will allow the proposal to comply with Policies ENV1 and DM11 of the Copeland Local Plan with relation to Flood Risk Management.

Letters received from local residents

Two letters of concern have been received from local residents. One letter related mainly to issues regarding Building Regulations. These concerns have been communicated to the Agent who provided a response for the resident. The resident stated no objections to the proposal on receipt of this information. As these concerns are not material planning considerations they have not been considered as part of the decision making process.

Issues raised with relation to impact on the neighbouring properties, visual impact and parking concerns have been considered throughout this report with mitigation measures secured to address these issues including the re-location of the property in order to satisfy these concerns. A re-

consultation was undertaken further to the receipt of the amended plans and no further comments were submitted. It is considered that the concerns have been addressed satisfactorily.

Planning Balance and Conclusion

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicates otherwise. The NPPF is a material consideration as it sets out Government guidance and is considered to carry significant weight in the decision making process.

The NPPF advises that applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. The Council acknowledged on 9th May 2017 that it cannot demonstrate a five year supply of deliverable housing sites.

Where a five year supply of deliverable housing sites cannot be demonstrated then paragraph 11 of the NPPF is engaged and an application is to be assessed in this context.

Paragraph 11 sets out that where the development plan is absent, silent or relevant policies are out of date the Local Planning Authority should grant planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that any impacts of the proposal would not significantly or demonstrably outweigh the benefits of the scheme when assessed against the Local Plan, the Interim Housing Policy and the NPPF taken as a whole.

All issues raised during the application process have been addressed with the submission of further information and amended plans from the applicant's agent.

The submitted justification and supported case explain the need for the dwelling with respect to the Applicant's local hairdressing business. The dwelling will allow a local person to remain within the village, living next to their business and parents and therefore sustaining a useful local service.

It is considered that due to the location within the village of Sandwith and the close proximity to Whitehaven, the Councils current lack of a 5 year land supply and the presumption in favour of sustainable development the principle of developing this site for a single residential property is considered to be acceptable.

Furthermore in light of the Government's commitment to housing delivery, this proposal will deliver a dwelling in a sustainable location without having any significant detrimental impact. The benefits of the proposal are considered to outweigh any adverse impacts when considered against the NPPF as a whole.

	Overall, the proposal is deemed to be acceptable and based on the information submitted, will result in an acceptable form of development which will be consistent with the general form and appearance of the area and meets the requirements of Local Plan Policies ST1, ST2, DM10, DM12 and DM22.
8.	Recommendation: Approve (commence within 3 years)
9.	Condition(s): <ol style="list-style-type: none"> The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Site Location Plan, scale 1:1250, received 21st April 2020; Ground Floor Plan, scale 1:50, drawing number 1 of 5, received 21st April 2020; First Floor Plan, scale 1:50, drawing number 2 of 5, received 21st April 2020; Sectional Drawing, scale 1:50, drawing number 3 of 5, received 21st April 2020; Front and Rear Elevations, scale 1:50, drawing number 4 of 5, received 21st April 2020; Block Plan and Side Elevations, scales 1:500 and 1:50, drawing number 5 of 5, received 18th June 2020; Supporting Statement, received 21st April 2020. Reason 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. Prior to the first occupation of the development hereby approved, full details of the foul and surface water drainage schemes, including attenuation measures and prevention from runoff to the highway, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter. Reason To ensure a satisfactory scheme of surface water disposal from the site in accordance with

Policies ENV1 and DM11 of the Copeland Local Plan.

4. Prior to their first use on the development hereby approved, representative samples of the materials to be used on the external surfaces must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy DM10 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, the ground floor window in the side elevation (facing east) must be glazed with obscure glass and maintained as such at all times thereafter.

Reason

To ensure a the amenity of the adjacent property in accordance with Policy DM12 of the Copeland Local Plan.

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 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 visual amenity in accordance with Policy DM10 of the Copeland Local Plan and to ensure the amenity of the neighbouring properties in accordance with Policy DM12 of the Copeland Local Plan.

7. Prior to the first occupation of the development hereby approved, the parking and turning provision shown on the Block Plan and Side Elevations, scales 1:500 and 1:50, drawing number 5 of 5, received 18th June 2020 must be constructed and brought into use. The parking and turning provision must remain available at all times thereafter.

Reason

To ensure highway safety and the amenity of the dwelling known as School Croft and in accordance with Policy DM22 of the Copeland Local Plan.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

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.

Case Officer: S. Papaleo

Date : 10/07/2020

Authorising Officer: N.J. Hayhurst

Date : 10/07/2020

Dedicated responses to:- Letter to objector