

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2291/001
2.	Proposed Development:	OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR THE ERECTION OF TWO STOREY DWELLING & THE CREATION OF PARKING SPACE
3.	Location:	TWO PLOTS OF LAND AT WEAVERS AVENUE, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See Report.
7.	Report: Site and Location: <p>The Application Site comprises two parcels of land located to the south of the dwellings known as No. 1 and No. 11 Weavers Avenue, Frizington.</p> <p>The land comprises two areas of open space that are located at the entrance to and serve the dwellings on Weavers Avenue, Frizington.</p> <p>The open space comprises parcels of grassland and two visitor parking spaces that are separated by a secondary access that serves the dwellings known as No.1, 3, 5, 7, 9 and 11 Weavers Avenue.</p> <p>The open spaces slope from north to south.</p> <p>The western space is bounded by an electricity substation to the west; a dwelling to the north; and, highways to the east and south.</p> <p>The eastern space is bounded by dwellings to the north and east; and, highways to the west and south.</p> Direct Planning Application History	

4/03/1082/0 – Outline application for residential development – Approved.

4/05/2163/0 - Development of site to provide new affordable housing (75 dwellings) – Approved.

4/07/2638/0 - Construction of 81 no. dwellings and associated works - construction of 81 no. dwellings and associated works – Approved.

Proposal:

This application seeks Outline Planning Permission With All Matters Reserved for the erection of 1no. dwelling on the eastern space and the retention of the western space as an amenity space with an alternative parking space.

The Planning Application Form refers to the development being self-build and custom build development.

It is proposed to dispose of surface water to soakaway and main sewer.

Illustrative plans are provided showing a two storey dwelling with fenestration to all elevations. These illustrative plans correspond to the footprint of the dwelling outlined on the Site Location Plan.

No details of the access or parking provision are identified on the Site Location Plan.

As the application seeks Outline Planning Permission With All Matters Reserved and as the elevational drawings are denoted as illustrative, the footprint of the dwelling outlined on the Site Location Plan is being treated as illustrative also.

Consultee:	Nature of Response:
Arlecdon and Frizington Parish Council	No objection.
Cumbria County Council – Highways and LLFA	<p>The slight increase in vehicular use of the existing access onto the A5086 is unlikely to have a significant material affect on existing highway conditions.</p> <p>I can therefore confirm that the Highways Authority has no objection to the proposal.</p> <p>Your authority should satisfy itself with regards all visibility splays, parking, gating, surfacing and draining of the driveway.</p>

		As the site is accessed off a private road then the above points are advisory only.
	Environmental Protection Officer – Copeland Borough Council	No comments received.
	Neighbour Responses:	
	<p>The application has been advertised by way of an application site notice and neighbour notification letters sent to 7no. neighbouring properties.</p> <p>6no. representations have been received in objection to this Outline Planning Application. It appears that the 6no. representations have been received from 4no. households.</p> <p>The material planning issues raised comprise the following:</p> <ul style="list-style-type: none"> - The development would result in noise and disruption during the construction period to the detriment of residential amenity. - The presence of construction vehicles will impact the safe operation of the highway during construction. - Access and parking issues exist on Weavers Avenue and in the surrounding areas. The loss of the 2no. communal parking spaces will result in additional parking on the highway and impact upon its use/operation. - The development would result in the loss of the only green space on the wider Weavers Avenue estate. There is no direct access from Weavers Avenue to the park to the north. - The Application Site is not large enough to accommodate a dwelling. - The proposed dwelling is not in-keeping with the existing dwellings on or character of Weavers Avenue. - The development would impact the visibility splays to the access of the dwelling known as No. 15 Weaver Avenue. - The development will result in the loss of light and overshadowing of the dwelling and overlooking of the curtilage of the dwelling known as No. 11 Weavers Avenue. - The openspace contributes to the character of Weavers Avenue and the proposed 	

development would adverse impact that character.

- Concern exists regarding the potential for surface water flooding of the dwelling known as No. 11 Weavers Avenue.
- A protective membrane was imposed as part of the restoration and redevelopment of this land. This should be considered as part of any development.
- The development will result in loss of light to the dwelling known as No. 8 Weavers Avenue.
- The development will result in loss of light to the dwelling known as No. 1 Weavers Avenue.
- The development will impinge on access to sewage infrastructure crossing the Application Site.
- The provision of parking adjacent to No. 1 Weavers Avenue will impact the privacy of the curtilage areas.

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

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 for New Residential Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (NPPG).

National Design Guide (NDG).

Interim Housing Policy (IHP).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

Self-build and Custom Housebuilding Regulations 2016

Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

Assessment:

Principle;

Policy ST2 of the CS identifies Frizington as a Local Centre.

Policy ST2 seeks to support appropriately scaled development in defined Local Centres that helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

Figure 3.3 of the supporting text to Policy ST2 identifies that the 14no. Local Centres will deliver not more than 45 dwellings per annum throughout the plan period based upon an annual housing requirement of 230 dwellings per annum.

The Enquiry Site is located within the settlement boundary for Frizington as defined in Policy ST2.

The principle of market led residential development on the Enquiry Site is supported by Policy ST2 of the Copeland Local Plan subject to site specific matters.

Housing Need;

Frizington falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SHMA suggests a particular focus on the delivery of three bedroom houses, semi-detached and

detached houses with four or more bedrooms and bungalows.

The proposed development will reasonably assist in providing a greater balance of market housing stock within the Whitehaven HMA accordance with the provisions of Policy SS3 of CS, Criteria A, H and I of the IHP and Paragraph 61 of the NPPF.

Settlement Character and Landscape;

Policy ST1 seeks to provide and enhance recreational opportunities for the Borough's residents and its visitors, protecting existing provision and ensuring that future development meets appropriate standards in terms of quantity and quality and apply rigorous design standards that retain and enhance locally distinctive places, improve build quality and achieve efficient use of land.

Policy DM10 states that the Council will expect a high standard of design and the fostering of 'quality places'. It is stated that development will be required to respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through: i) an appropriate size and arrangement of development plots ii) the appropriate provision, orientation, proportion, scale and massing of buildings; and, iii) careful attention to the design of spaces between buildings...

Notwithstanding the fact that appearance and layout are reserved matters, the Application Site comprises a parcel of amenity/open space and visitor parking spaces located in a prominent location at the entrance to Weavers Avenue.

The Application Site comprises the only amenity open space serving this development and makes a positive contribution to the developed character of the wider estate.

The loss of this open space would result in harm to the character of the estate and would result in a loss of important amenity space for residents in conflict with Policy ST1 and Policy DM10.

The erection of a 3no. bedroom detached dwelling would occupy a significant area of the Application Site.

Any dwelling would not be well related to the existing dwellings to the north and east. If orientated to face east or south, any dwelling would reasonable be located forward and in conflict with the existing established development line to the east or result in the creation of large and prominent gable elevation directly facing the highway.

It is considered that any dwelling would not relate well to and cause harm to the existing developed form and character of Weavers Avenue in conflict with Policy ST1 and Policy DM10.

Residential Amenity;

Policy ST1 seeks to ensure that development provides or safeguards good levels of residential amenity and security.

Policy DM12 outlines minimum standards for new residential development. It is required that i) detached and end of group dwellings retain at least 1.0m distance between dwelling walls and side boundaries ii) a minimum of 21.0m is retained between directly facing elevations of dwellings containing windows of habitable rooms iii) a minimum of 12.0m is retained between directly facing elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.

Given the relationship to the dwellings known as No. 11 and No. 15 Weavers Avenue, the required interface separation distance of 12.0m will not be reasonably achievable to the north and east elevations of any proposed dwelling. This will limit the provision of windows to the south and west elevations only.

The distance achievable between any windows serving habitable rooms in the south elevation and the dwelling known as No. 10 Weaves Avenue would fall below the required interface distance of 21.0m; however, given these would not be directly facing, windows, an acceptable arrangement could be achievable.

Any two storey dwelling is likely to result in some loss of light and overshadowing of the curtilage of the property known as No. 11 Weavers Avenue.

The development is therefore in conflict with Policy ST1.

Access and Parking

Cumbria County Council – Highways have been consulted and raise no objection, confirming that the slight increase in vehicular use of the existing access onto the A5086 is unlikely to have a significant material affect on existing highway conditions.

As Weavers Avenue is a private road, Cumbria County Council have deferred judgement regarding the visibility splays, parking, gating, surfacing and draining of the driveway to Copeland Borough Council as local planning authority.

The proposed development will result in the loss of the existing visitor/communal parking spaces on the eastern parcel of land. The Applicant confirms alternative parking provision will be provided on the eastern parcel of land, but does not confirm the quantum of parking to be provided. A planning condition could be used to secure provision/delivery of the required parking provision.

The Cumbria Development Design Guide requires two vehicle parking spaces are provided for a three bedroom dwelling. This is reasonably achievable.

Any access would reasonably be required from the existing secondary access serving the dwellings known as No.1, 3, 5, 7, 9 and 11 Weavers Avenue. Such an access is reasonably deliverable, given the road speeds and visibility existing to the existing secondary access.

Given the alignment of Weavers Avenue, any dwelling would not impede the visibility splays to the access roads and driveways serving the existing dwellings.

Other Matters

The Application Site is located in Flood Zone 1.

It is proposed to dispose of surface water to an existing watercourse or main sewer. No information is provided demonstrating the ability to drain the site in accordance with the drainage hierarchy outlined in the NPPG; however, given the availability of drainage infrastructure serving the existing development, a drainage solution is reasonable achievable and a suspensive planning condition could be imposed to secure appropriate foul and surface water drainage.

The Application Site comprises previously developed land with known presence of land contamination. The existing residential development demonstrates that a suitable means of remediation is deliverable to enable the proposed development. A suspensive planning condition could be imposed to secure the required investigative and remedial measures.

The Application Site comprises an area of existing poorly managed grassland. The ecological value of the land is very low. Any scheme of landscaping will reasonably secure the delivery of ecological improvement/diversification.

Self Build and Custom Build

The Planning Application Form refers to the development being self-build and custom build development.

The published Copeland Custom and Self Build Register includes 15no. entries. It has been confirmed that 3no. additional parties have expressed an interest in the last year and need to be added to the Register with other parties known to have secured plots in this time.

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period.

Copeland Borough Council have approved a number of self and custom build plots in Whitehaven, Moor Row and Cleator Moor. These developments include the following:

- 4/15/2304/001 – 6 Plots – Whitehaven – Actively being marketed – Plots available.
- 4/16/2416/001 – 10 Plots – Whitehaven – Actively being marketed – Plots available.
- 4/18/2347/001 – 9 Plots - Whitehaven– Actively being marketed – Plots available.
- 4/19/2413/001 – 6 Plots – Cleator – Actively being marketed – Plots available.
- 4/19/2344/001 – 5 Plots – Cleator – Actively being marketed – Plots available.
- 4/17/2391/001 – 19 Plots – Cleator – Marketed online. Delivery of infrastructure being progressed with/through Homes England funding – Expected shortly.
- 4/16/2206/001 – 26 Plots – Moor Row – Actively being marketed – Plots available.

The approved development meets the identified demand outlined on the Copeland Custom and Self Build Register.

The proposed development being self-build and custom build development is therefore afforded only limited weight.

Planning Balance

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Copeland Borough Council is currently unable to demonstrate a five year supply of housing land; therefore, the provisions of the presumption in favour of sustainable development outlined in Paragraph 11 of the NPPF must be applied in the determination of this application.

In applying the presumption in favour of sustainable development detailed in Paragraph 11, the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission 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.

An Interim Housing Policy (IHP) has been produced by Copeland Borough Council. The policy does not comprise part of the statutory development plan and was prepared under the provisions of the NPPF 2012; however, the policy provides guidance regarding the acceptability of development proposals when applying the presumption in favour of sustainable development and comprises a material planning consideration to be given some weight in decision taking.

	<p>In applying the provisions of Paragraph 11:</p> <ul style="list-style-type: none"> - the Site would assist in a small way in boosting housing supply to meet the identified need for housing in Frizington and the wider Borough and would comprise self-build and custom build development; - the proposed development comprising 1no. dwelling is appropriate in size to the designation of the Frizington as a Local Centre in accordance with the spatial objectives of Policy ST2 of the CS and requirements of Criterion A of the IHC; - the Site is located in proximity to the services and employment opportunities located within Frizington for which the settlement has been designated as a Local Centre in Policy ST2 of the CS. The proposed development will in a minor way support existing services and thus the aspiration of retaining these services and achieves the requirements of Criteria B and D of the IHP; and, - Some sustainable travel options exist within Frizington including a bus service and local minor highways provide linkages to the National Cycle Network Route 71 as per the provisions of Policy DM22 of the DMP. <p>Notwithstanding the above, the proposed development would result in the loss of open space located in a prominent position that makes a important and positive contribution to the character of Weavers Avenue. It is considered that any dwelling would not relate well to and cause harm to the existing developed form and character of Weavers Avenue. The development is in clear conflict with the requirements of Policy ST1 and Policy DM10.</p> <p>Windows will be limited to the south and east elevation of any dwelling only, which is likely to result in substandard living accommodation. The development will also result in impact upon the amenity of No. 11 Weavers Avenue. The development is therefore in conflict with Policy ST1.</p> <p>In overall terms, the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Refuse</p>
9.	<p>Reason For Refusal 1</p> <p>The Application Site comprises a parcel of amenity/open space and visitor parking spaces located in a prominent location at the entrance to Weavers Avenue. The Application Site comprises the only amenity open space serving this development and makes a positive contribution to the developed character of the wider estate. The loss of this open space would result in harm to the character of the</p>

<p>estate and would result in a loss of important amenity space for residents. The erection of a 3no. bedroom detached dwelling would occupy a significant area of the Application Site. Any dwelling would not be well related to the existing dwellings to the north and east and would cause harm to the existing developed form and character of Weavers Avenue.</p> <p>The development is in conflict with the requirements of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028 and Paragraphs 127 and 130 of the National Planning Policy Framework.</p> <p>Reason For Refusal 2</p> <p>Windows will be limited to the south and east elevation of any dwelling only, which is likely to result in substandard living accommodation and limited design interest. Any two storey dwelling is likely to result in some loss of light and overshadowing of the curtilage of the property known as No. 11 Weavers Avenue.</p> <p>The development is in conflict with the requirements of Policy ST1 and Policy DM12 of the Copeland Local Plan 2013-2028 and Paragraph 127 of the National Planning Policy Framework.</p> <p><u>Statement</u></p> <p>The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.</p>	
Case Officer: C. Harrison	Date : 24/09/2020
Authorising Officer: N.J. Hayhurst	Date : 24/09/2020
Dedicated responses to:-	