

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2371/OF1	
2.	Proposed Development:	DEMOLITION OF EXISTING THREE BEDROOMED FARMHOUSE, ATTACHED TWO BEDROOMED COTTAGE AND OUTBUILDINGS; CONSTRUCTION OF A REPLACEMENT FOUR BEDROOMED 2 STOREY HOUSE & INSTALLATION OF A NEW PACKAGE SEWAGE TREATMENT PLANT	
3.	Location:	APPLEHEAD FARM, THE HILL, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to an existing detached dwelling, known as Applehead Farm, located to the north east of The Hill, Millom. The property is a dilapidated double fronted farm house, with an attached cottage and lean to garage. The site is located within the open countryside and is accessed by a single access track which serves this farm.	
	Proposal		
		This application seeks permission for the demolition of the existing three bedroomed farmhouse, attached two bedroomed cottage and outbuilding, and its replacement with a new two storey dwelling.	

The proposed replacement dwelling will be located slightly forward of the existing footprint of the dwelling to move the property away from the sloping bank and woodland to the rear of the property. The replacement dwelling will measure 9.3m x 12.3m with an eaves height of 4.8m and an overall height of 7.9m. The proposal will benefit from a small side porch which will measure 3.3m x 2.2m, with an eaves height of 2.1m and an overall height of 3.4m. The proposed dwelling will also include a small rear gable projecting from the dwelling by 0.9m and ground floor front projection of 1.4m. The development also includes a large balcony spanning across the full front elevation of the dwelling, located 2.5m from ground level.

Internally, the proposed development will create an open plan kitchen/dining room, living room, porch, snug, hall, wc and utility room within the ground floor of the dwelling. The first floor of the proposal will incorporate a master bedroom with dressing room and ensuite bathroom, three double bedrooms and a family bathroom.

Externally the proposal will be finished with off white render and natural stone, blue/grey natural slate to the roof and grey aluminium windows and doors.

The proposal will utilise the existing access to the site and it is proposed to create a large turning and parking area to the south of the site.

As part of this application it is also proposed to install a new package sewage treatment plant. The proposed treatment plant will be installed to the north east of the existing dwelling, adjacent to the barns which form part of this site.

Consultation Responses

Millom without Parish Council

Concerns expressed that two dwellings were being demolished to make way for a new building and that substantial works had commenced prior to the submission of the planning application. The Parish Council however resolved to support the application.

Cumbria County Council – Cumbria Highways & Local Lead Flood Authority

It is noted that there are no drainage details provided however the applicant has stated that a soakaway will be utilised to drain surface water. With the drainage hierarchy in mind, the Highway Authority would recommend your authority requests a BRE365 Standard test to determine if this is a suitable method of discharge. There is an Ordinary Water Course (OWC) in the vicinity of the site which will require a consent from the LLFA if a discharge is required to this point.

The Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

United Utilities

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.

Natural England

No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes

Copeland Borough Council – Flood and Coastal Defence Engineer

It is proposed to discharge the surface water to a soakaway. There is an existing soakaway serving the existing property. However, this is likely to be of considerable age and may no longer functioning effectively. It appears the new dwelling will be of a greater area, thereby creating more surface water run off. The new dwelling should be served by a new soakaway and this should comply with Building Regulations. It is proposed to discharge the foul sewage to a septic tank. There is an existing septic tank on site, which is likely to be of considerable age. New regulations for private sewage treatment are in existence, regulated by the Environment Agency. Sewage disposal should comply with the “General Binding Rules”. Provided that surface water and foul sewage is disposed of as above, the Officer would have no objection to the proposed development.

Cumbria County Council – Footpath Officer

Public Footpath 406019 runs through the proposed development area and must not be altered or obstructed before or after the development has been completed.

If the public footpath is to be temporarily obstructed, for resurfacing or demolition work using heavy machinery, then a formal temporary closure will be required for health and safety requirements there is a 12 week lead in time for this process please contact Sandra.smith@cumbria.gov.uk for further information.

Cumbria County Council – Historic Environments Officer

The farmhouse is plain in design and does not have an early date, so the Officer will not be requesting that it is recorded prior to demolition, in the event planning consent is granted.

Public Representation

This application was advertised by way of site notice, and press notice. One letters of objection have been received in relation to this application, which raise the following concerns:

- To comply with Dm16 the replacement dwelling must be of the same scale and character of

the existing property.

- The proposed building is far bigger than the one which it will replace so does not conform with the same scale.
- The proposed elevations also clearly highlight that the building is most definitely not of the same character of the donor property or in fact any other property in the area.
- The heavily glazed contemporary design proposed is chalk and cheese to the existing property and must fail to comply with being the same character.
- The construction management plan states that there is not a need for site hording as the site is located within its own grounds. There is a public footpath that runs directly behind the house, therefore this would be a danger to the public.
- The footpath requires permanent protection.

Consultation Responses on Amended Plans

Following concerns raised with regard to the overall scale and design of the proposed development and compliance with planning policy the agent for this application submitted amended plans to significantly reduce the proposal. The amended detail for this application also included the installation of a new package sewage treatment plant at the site.

Millom Without Parish Council

The council resolved to support this application but request assurances that the new footpath to be installed is made good and to an acceptable standard.

Cumbria County Council – Cumbria Highways & Local Lead Flood Authority

As there is an existing connection to the nearby water course, no connection consent is required from the LLFA, your authority should ensure that surface water drainage design complies with the buildings regulations process.

In regard to the use of a package treatment plant discharging to the nearby water course, you must ensure that this meets the building regulation process and the general binding rules, it is not known if the water course in question as the discharge point meets Rule 19 in that it normally runs all year round, therefore I would advise that the applicant looks to apply for an Environmental Permit from the Environment Agency who will undertake out an assessment to determine if this is required.

I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material effect on existing highway conditions nor does it increase the flood Risk on the site or elsewhere.

United Utilities

UU have confirmed that their original response is still valid and United Utilities have nothing further to add.

Copeland Borough Council – Flood and Coastal Defence Engineer

Additional information was requested with regard to the proposed surface water drainage. Based on the comments received from the agent the Council's Flood and Coastal Defence Engineer confirmed that he has no objections to the proposed development

Public Representation

This application was advertised by way of site notice, and press notice. One letters of objection have been received in relation to this application, which raise the following concerns:

- The building looks to now conform to DM16 in terms of scale.
- There has been no change to the look of the property and personally I think it still does not comply with keeping the existing character of the donor property required by DM16.
- I will be interested to hear if the proposed building gets passed. It will surly open opportunities for builders working with period properties if looks can be transformed under the DM16 as this project demands.

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 SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

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 DM16 – Replacement Dwellings

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals 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)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan:

The emerging Copeland Local Plan 2017-2035 has recently been subject to a Preferred Options Consultation which ended on 30th 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

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. Policy ST2 restricts development within the open countryside unless there is exceptional circumstances, including replacement of existing dwellings. Policy DM16 of the Copeland Local Plan allows for replacement dwellings so long as the scale and character of the replacement matches that which it is proposed to replace.

Although the site is located within the open countryside away from any other residential properties, the proposal relates to the replacement of an existing dwelling. The principle for the proposed replacement dwelling is supported by Policy ST2 and DM16 subject to site specific matters.

Scale, Design and Character

Policy DM16 of the Copeland Local Plan allows for replacement dwellings so long as the scale and character of the replacement matches that which it is proposed to replace.

The existing dwelling is a dilapidated double fronted farm house, with an attached cottage and lean to garage. The traditional property benefits from a simple form, muted materials, large window openings, and a traditional pitched roof with three chimneys.

Initially the proposed sought permission for a replacement dwelling with a large L shaped single storey extension attached to the property to create a large entrance, a boot room, an office, workshop and garage. Further to several discussion with the agent and concerns with regard to the proposals compliance with policy DM16 of the Copeland Local Plan this element of the proposal was removed. The prominent front facing gable was also removed from the amended plans and materials altered within the proposed treatment of the front elevation.

The proposed replacement dwelling is to be constructed slightly forward of the footprint of the existing property in order to move the property away from the sloping bank and woodland to the rear of the property. This will also create a greater separation with the existing footpath which runs adjacent to the existing dwelling. Based on the amended details, the proposed replacement dwelling is considered to reflect the scale of the existing property as the footprint and height of the development are carefully reflected within the proposal.

In terms of the proposed character of the replacement dwelling, whilst this is not a replica of the existing traditional building the proposed replacement does reflect some of the key features. The proposed dwelling benefits from a traditional pitched slate roof and the front elevation reflects the simple form of the existing double fronted farm house, particularly as the proposed front facing gable has now been removed from the proposal. Whilst the proposal reflects a more modern design in terms of the amount of glazing within the development, the vertical emphasis of the dwelling remains. The applicant has now also agreed to utilise a traditional stone facing on the front elevation which will reflect the muted tones of the existing building. This change in material is also considered to reduce the dominance of the large window openings as they will appear more recessed within the building.

Based on the amendments to this scheme the proposal is considered to comply with policies ST2 and DM16 of the Copeland Local Plan.

Impact of Development

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

As the proposal is to be located slightly forward of the footprint of the existing property the development will create additional amenity space to the rear of the property and a greater separation with the PROW which runs through the site. As there are no residential properties directly adjoining the site the development is not considered to create amenity issues for neighbouring properties. Cumbria Highways have offered no objections to the development.

The development is therefore considered compliant with policies DM10, DM11 and DM12 of the Copeland Local Plan and the provisions of the NPPF.

Impact on Landscape and Protected Species

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

The application is supported by a bat, barn owl and nesting bird survey. The survey confirmed that the risk to bats in the building will remain low and no additional survey work is required, however mitigation is proposed to be implemented as part of this development. The survey also concludes that there is a low potential for use of the site by barn owls and a low number of birds may nest within the outbuildings however at the time of the survey there were no past or present signs of nesting birds.

Natural England have been consulted on this application and have confirmed that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes

On this basis it is considered that the proposal complies with the policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

Flood Risk & Drainage

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 proposal is located within Flood Zone 1. However given the nature of the proposal and the amendment to the development to install a new package sewage treatment plant the LLFA, UU and the Council's Flood and Coastal Defence Engineer were consulted on this proposal. No objection have been received from any statutory consultees.

On this basis the development is considered to be compliant with policies ST1, ENV1 and DM24 of the Local Plan and the NPPF.

PROW

PROW number 416019 runs adjacent to and through the site, therefore Cumbria County Council's Footpath Officer was consulted on this proposal. The Officer offered no objections to the proposal however it was stated that the footpath should remain unobstructed at all time during and after construction. This can be included as an informative on the decision notice.

The applicant has provided a plan to show that the development will not interfere with the existing public footpath which runs though the site. The proposed development will relocate the replacement dwelling slightly forward to the existing PROW creating a greater space between the footpath and the property. On this basis the development is not considered to adversely impact the PROW 416019.

The proposal is therefore considered to comply with policies ST1, and DM18 of the Copeland Local Plan and provision of the NPPF.

Planning Balance

This application seeks permission to replace the existing traditional farm building at this site with a modern dwelling. The proposal initially sought permission for a much larger development, however amendment to this scheme have now secured a development which is considered to reflect an appropriate scale and character for the site. Whilst the building is not a replica of the existing building, the replacement dwelling is a more modern dwelling which picks up and reflects the key traditional features of the site to ensure compliance with policy DM16 of the Copeland Local Plan and to minimise the impact on the surroundings.

Adequate provision can be made for access and drainage. Any impacts on protected species and the PROW can be adequately mitigated.

Conclusion

	On this basis, the proposal is considered to be an acceptable form of development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <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"> 2. 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:- <ul style="list-style-type: none"> - Location Plan, Scale 1:2500, received by the Local Planning Authority on the 21st September 2020. - Location Plan – Treatment Plan Location, Scale 1:2500, received by the Local Planning Authority on the 18th January 2021. - Existing Site Plan, Scale 1:200, Drawing No 6267/01, received by the Local Planning Authority on the 21st September 2020. - Proposed Site Plan (Amended), Scale 1:200, Drawing No 6267/02, Rev A, received by the Local Planning Authority on the 22nd December 2020. - Proposed Site Plan – Public Footpath 416019, Scale 1:200, Drawing No 6267/02, Rev A, received by the Local Planning Authority on the 22nd December 2020. - Proposed Floor Plans (Amended), Scale 1:100, Drawing No 6267/03, Rev A, received by the Local Planning Authority on the 22nd December 2020. - Proposed Elevations (1 of 2) (Amended), Scale 1:100, Drawing No 6267/04, Rev B, received by the Local Planning Authority on the 18th January 2021.

- Proposed Elevations (2 of 2) (Amended), Scale 1:100, Drawing No 6267/05, Rev A, received by the Local Planning Authority on the 22nd December 2020.
- Site Survey, Scale 1:200, received by the Local Planning Authority on the 21st September 2020.
- Existing Building Details, received by the Local Planning Authority on the 21st September 2020.
- Proposed Drainage Plan, Scale 1:500 & 1:1250, Drawing No 6267/06, received by the Local Planning Authority on the 22nd December 2020.
- Foul Drainage Assessment Form, received by the Local Planning Authority on the 22nd December 2020.
- Waste Water Solutions: BioDisc, received by the Local Planning Authority on the 22nd December 2020.
- Design, Access & Environmental Statement, received by the Local Planning Authority on the 22nd December 2020.
- Construction Management Plan, received by the Local Planning Authority on the 21st September 2020.
- Bat, Barn Owl & Nesting Bird Survey, Prepared by Envirotech September 2020, received by the Local Planning Authority on the 21st September 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.

3. The development must implement all of the mitigation and compensation measures set out in the approved document Bat, Barn Owl & Nesting Bird Survey, Prepared by Envirotech September 2020, received by the Local Planning Authority on the 21st September 2020. These measures must be retained at all times thereafter.

Reasons

To protect the ecological interests evident on the site.

4. Prior to their first use on the development hereby permitted representative samples of the materials to be used on the external surfaces of the development 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.

Informative(s):

1. If the public footpath is to be temporarily obstructed, for resurfacing or demolition work using heavy machinery, then a formal temporary closure will be required for health and safety requirements there is a 12 week lead in time for this process please contact Sandra.smith@cumbria.gov.uk for further information.
2. A PROW (public footpath/bridleway/byway) number 416019 lies adjacent to and within the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
3. The applicant must ensure that the package treatment plant which discharges to the nearby water course, meets the building regulation process and the general binding rules, it is not known if the water course in question as the discharge point meets Rule 19 in that it normally runs all year round. It is therefore advised that the applicant looks to apply for an Environmental Permit from the Environment Agency who will undertake out an assessment to determine if this is required.
4. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options 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.

UU recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

	<p>Statement:</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>Case Officer: C. Burns</p>	<p>Date : 08.03.2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 08/03/2021</p>
<p>Dedicated responses to:- N/A</p>	