

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2041/OR1	
2.	Proposed Development:	RESERVED MATTERS APPROVAL FOR THE ERECTION OF THREE DWELLINGS APPROVED WITH OUTLINE APPROVAL 4/18/2465/001	
3.	Location:	LAND TO THE NORTH EAST OF SEABREEZE LODGE, NETHERTOWN, EGREMONT	
4.	Parish:	Lowside Quarter	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application site relates to an area of land on the north east edge of Nethertown, adjacent to the existing caravan park, Lakeland View. The site is located to the east of and is currently used as domestic curtilage ancillary to the detached property known as Seabreeze Lodge. The land is bounded to the east by open countryside and to the north of the site is an area of the domestic curtilage which was granted outline planning permission (ref: 4/20/2468/001) in March 2021 for two dwellings include the access position.	

Relevant Planning

4/18/2465/001 – Outline application for residential development of 3 dwellings including access position – Approved in outline.

4/20/2468/001 – Outline application for residential development for 2 dwelling including approval of access – Approved in outline on adjacent site.

Proposal

This application seeks the approval of Reserved Matters for three dwellings on this site, including details of appearance, landscaping, layout, and scale. This application follows the approval of outline planning permission (ref: 4/18/2465/001) for three dwellings, which included details of the proposed access.

The proposed detached dwellings will be single storey in height with proposed living accommodation within the roof space. The proposed dwellings will be as follows:

- Plot 1: The proposed dwelling will measure 9.4m x 11.8m with an eaves height of 2.8m and an overall height of 7m. The proposal will include a small flat roof rear extension measuring 2.6m x 2.6m and an overall height of 3.2m. This dwelling will also benefit from a front facing gable which projects from the front of the dwelling by 2m, extending along this elevation by 5m, with an eaves height of 3.3m and an overall height of 6.4m. This plot will also include a rear facing gable which projects from the rear of the dwelling by 2.2m and extending along this elevation by 7.4m, with an eaves height of 3.3m and an overall height of 6.4m. The proposal will also incorporate a dormer window within the front and rear roof slope of the proposed dwelling.

Internally the proposed dwelling will incorporate within the ground floor a garage a large hall, toilet, a double bedroom with ensuite bathroom, a lounge, and an open plan kitchen/dining room/family room. At first floor level the proposal will accommodate a large master bedroom with a dressing room and ensuite, two double bedrooms, a bathroom and a study.

- Plot 2: The proposed dwelling will measure 8.5m x 11.8m with an eaves height of 2.8m and an overall height of 6.8m. The proposal will benefit from a single dormer window within the front roof slope of the dwelling, and a front facing gable which will project from the front of the dwelling by 2m and will extend along this elevation by 5m, with an eaves height of 3m and an overall height of 5.4m. This plot will also include a rear facing gable which projects from the rear of the dwelling by 1m and extending along this elevation by 5.2m, with an eaves height of 3.3m and an overall height of 6.4m. This proposed dwelling will also benefit from a side extension which will measure 3.6m x 4m with an eaves height of 2.4m and an overall height of 4m.

Internally the proposed dwelling will incorporate within the ground floor a garage, a utility room, a large hall, a toilet, a kitchen/dining room, lounge, a family room, and a master bedroom with an ensuite bathroom. At first floor level the proposal will accommodate three double bedrooms (one with an ensuite bathroom), a study, and a shower room.

- Plot 3: Handed version of Plot 1.

Externally the proposed dwellings will be finished with facing brickwork, St Bees sandstone cills/heads, mullions, dark grey concrete roof tiles, lead clad dormer windows, anthracite grey UPVC windows, powder coated aluminium sliding doors to match windows, and a coloured composite UPVC front entrance door.

Consultation Responses

Lowside Quarter Parish Council

No comments received.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

The proposed access to the site that joins the C4021 as shown on M3332-PA-02-V01 has not changed to that approved under 4/2018/2465. Cumbria Highways recommend that the conditions included within their response to the previous application should be considered should your authority grant permission however they understand that 'access' is not included within the reserved matters of this application. It is therefore confirmed that the Highway Authority have no objections to this proposal.

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. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. UU 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.

United Utilities has reviewed the Proposed Site Plan & Site Sections, ref: 18/07/935-03 e) dated 26/3/2021 showing the property at plot 1 is proposed to build over the critical rising

main. UU confirm the proposals are not acceptable in principle.

Further to these comments the agent for the application submitted an amended site plan clearly showing the line of the UU water main and the 3m buffer zone. United Utilities have reviewed this amended plan which shows the proposal is to be developed outside the 6m easement of the existing rising main, they therefore confirm the proposals are acceptable in principle.

Copeland Borough Council – Planning Policy

No comments received.

Resilience Unit

No comments received.

Public Representation

This application was advertised by way of site notice, press notice and neighbour notification letters issued to twenty three residential properties. Five letters of objection have been received in relation to this application raising the following concerns:

- The current access arrangements for both the Park Homes development, the housing estates and a junction make it very dangerous to have another access in this area without some sort of mini roundabout.
- The additional access would cause highway safety concerns.
- The latest applications show the access road directly opposite the entrance to the Park Homes site. This will, by design, be installing a narrow crossroads junction in single track roads. Does this meet modern design standards? If not, then the development should not proceed.
- Concerns regarding proximity to park home village which requires access to increase number of static homes brought in by huge lorries.
- All access roads to Nethertown are single track roads. Most households own one if not two vehicles to get in and out of a village with no facilities. There is no bus service. Large farm vehicles, delivery lorries to Singletons Garden Centre, wide load vehicles to and from the Lakeside Park Home site, large postal and supermarket vans and domestic vehicles often struggle to pass safely on our roads.
- Volume of traffic has already been a reason for refusing planning permission in Nethertown in recent years. It would seem even more important now with increased number of walkers and cyclists.
- There are also concerns on the traffic effects on the village whilst building, there is one main road which is a narrow country road. The other roads are one lane and sometimes not

passable. The extra traffic in and out of the village may cause both noise distribution and safety risks.

- The proposal is for more than three dwellings as the access road extends passed the third dwelling.
- Any future development would block views this is unacceptable as houses are already hard enough to sell as they are large dwellings in rural locations.
- The view is the only benefit of living in Nethertown is unpalatable and will reduce the local housing market.
- Currently, and for some years, there are already larger houses and Park homes (for 50 yrs +) for sale in Nethertown that are taking a very long time to sell, have not sold for years or which have been taken off the market owing to lack of interest or no capacity at local catchment schools.
- The electricity demands required will need further Electricity North West work causing disruption to existing residents.
- Drainage in the village is at capacity.
- Existing dwellings have water issues within gardens due to waste.
- Drainage from surface water is already an issue in that area with the bungalow at the bottom, Ocean Way, having to use an electric pump to disperse the run off as there is no adequate drainage.
- There is also a dip in the road between the Lakeside Homes and Lamberlea that already becomes impassable at times owing to surface water.
- We already see problems with water runoff from Pebbles Rise causing flooding on the road through Nethertown. The proposed development will similarly slope down to the road through the village, and water runoff is likely to exacerbate the existing flooding problems.
- The properties are being built in an elevated position which will tower over the adjacent retirement park and the village. This would be overbearing and intrusive.
- The developer himself lives in the village and should be considerate of the affect these properties will have on the landscape.
- Nethertown is a rural village, which will be enclosed by large executive homes. Perhaps the developer could consider bungalows so not to affect the character of the village or spoil the enjoyment of the village for everyone. Bungalows would be less intrusive.
- Facilities for the village are non existent and the quality of the roads with the agricultural traffic and cut through for Sellafield always an issue, we have no bus service anymore, the

village has elderly people with electric wheelchairs too from the park home site.

- The neighbouring development at Pebbles Rise, which was originally planned for fewer houses than happened, was built with such a narrow cul de sac and no turning circle, that emergency and large service or delivery vehicles cannot access it. Bin lorries, for example have to collect bins from the entrance to the cul de sac. Hemplin Gardens appears from plans to have a similar design to Pebbles Rise with the added problem of an even narrower lane area at its entrance.
- The proposal is for a narrow access road, with almost no space for access or turning.
- The village has not been made aware of the previous applications at this site.

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 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 (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

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

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan (ECLP):

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

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. 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.

The principle for developing this site for three residential dwellings was established in 2019 when outline planning permission was granted. This decision was made in the context that the Council were could not demonstrate a 5 year land supply at that time as required by the NPPF. The site also lies adjacent to a site which was granted outline planning permission in March 2021 of two dwellings.

This application seeks approval of scale, layout, appearance and landscaping.

Scale, Layout, Appearance and Landscape Impact

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, 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.

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.

This application seeks approval of Reserved Matters for the erection of three detached dwellings on this site. The submitted layout and design of the proposed dwellings is considered acceptable for this site. As part of the original outline application concerns were raised by the Local Planning Authority with regard to the impact of the development on the neighbouring properties and the surrounding area. Consequently a condition was therefore attached to the permission to restrict the development to single storey with use of the roof space only. The proposed plans show that the proposed dwellings will comply with this condition and are limited to single storey in height. This will ensure that the proposed development is not overbearing for nearby properties. The submitted plans meet the required separation distances set out within Policy ST12 of the Local Plan, and are therefore is not considered to create overlooking issues for the nearby residential properties. Concerns were originally raised with regard to the inclusion of first floor gable windows within the properties, however plans have now been amended to show the use of obscuring glazing to overcome these concerns. The use of obscure glazing can be secured through the use of an appropriately worded planning condition to mitigate any overlooking concerns. The development also includes a number of ground floor side facing windows, however it is considered that the proposed boundary treatment within the development will mitigate against any impact. The proposed boundary treatment will again be secured by condition.

On this basis, the proposed development is considered to comply with Policies ST1 and DM18 of the Local Plan and section 12 of the NPPF.

Landscaping and Boundary Treatment

As part of this application a detailed landscaping plan has been submitted. This plan indicates that a number of trees will be planted within the scheme and the rear boundary of the site, which faces open countryside, will be enclosed by a low timber fence and a proposed native hedge species, maintained at a height of 1.1m. The boundary to the north west of the site originally included a native hedge and a 1.8m high timber fence however concerns were raised regarding the impact of this, particularly given the rural and prominent nature of this application. Based on these concerns this boundary treatment was amended to include just a hedgerow and some low railings at the entrance of this site. This alteration to the scheme has secured a more sympathetic boundary treatment and will reduce the impact of the development on the surrounding area.

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

Highway Safety and Access

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. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The proposed development seeks to access the development from the north west of the site as agreed as part of the outline application. The development will be accessed from the existing road which runs along the north west of the site and form the main route into Nethertown. Concerns have been raised by a number of local residents with regard to the proposed access, particularly the suitability of the existing road and the proximity to the access to the adjacent caravan park access, however this detail was approved under the previous outline approval at this site. No objections were received from neighbouring properties in relation to the outline application.

Cumbria Highways have offered no objections to the current application, however they have requested that the conditions requested at as part of the outline application are repeated as part of this permission. As access is not a matter being considered as part of this reserved matters application the conditions will not be repeated, however they remain on the original outline application and will need to be discharged accordingly.

On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

Flood Risk and the Achievement of Satisfactory 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 application site is located within Flood Zone 1, however the Lead Local Flood Authority and United Utilities have been consulted upon this application. The LLFA have offered no objections to the proposal and UU have confirmed that 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. Initially, UU stated that the proposed layout was not acceptable due to the location of plot 1 which is proposed to be built over the critical rising main. Further to these comments the agent for the application submitted an amended site plan clearly showing the line of the UU water main and the 3m buffer zone. United Utilities have reviewed this amended plan which shows the proposal is to be developed outside the 6m easement of the existing rising main, they therefore confirm the proposals are acceptable in principle.

The drainage conditions attached to the previous outline permission are still to be discharged. These conditions secure proper drainage within the site and will manage the risk of flooring 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.

Planning Balance & Conclusion

The application site is located 'outside settlement boundaries' as defined in Policy ST2 of the Copeland Local Plan. The principle for developing this site for three residential dwellings was established in 2019 when outline planning permission was granted at a time when the Council were unable to provide a five year land supply.

Concerns have been raised by local residents regard the proposed access at this site, however the details of the access to the developed were secured by the original outline permission to which Cumbria Highways offered no objections.

The proposed dwellings have been designed to reduce the impact of the development upon the surrounding area and the scale, layout and design is considered acceptable in this location. Although concerns have been raised with regard to drainage no statutory consultees have objected to the development and conditions attached to the outline application secure adequate drainage at the site.

The proposed landscaping is considered to be acceptable for a small residential development of this

	<p>scale and will help to soften the appearance of the development when viewed from outside the site.</p> <p>On the basis of the above, I consider the submitted details of the proposed dwelling to be acceptable in terms of scale and design. The development is therefore compliant with the above Policies of the Copeland Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve Reserved Matters</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, Drawing No: 18/07/935-01, received by the Local Planning Authority on the 2nd February 2021. - Proposed Site Plan & Site Sections (Amended), Scale 1:200 & 1:500, Drawing No: 18/07/935-03f, received by the Local Planning Authority on the 20th April 2020. - Landscape Structure Plan – 3 Plots (Amended), Scale 1:500, Drawing No: M3332-PA-020V02, received by the Local Planning Authority on the 1st April 2021. - Plot 1 – Plans & Elevations (Amended), Scale 1:100, Drawing No: 18/07/935-09, received by the Local Planning Authority on the 29th March 2021. - Plot 2 – Plans & Elevations (Amended), Scale 1:100, Drawing No: 18/07/935-06a, received by the Local Planning Authority on the 29th March 2021. - Plot 3 – Plans & Elevations (Amended), Scale 1:100, Drawing No: 18/07/935-05a, received by the Local Planning Authority on the 29th March 2021. <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> <p><u>Prior to Occupation Conditions</u></p>

3. Prior to the first occupation of any dwelling hereby approved the proposed landscaping must be carried in accordance with the approved document 'Landscape Structure Plan – 3 Plots (Amended), Scale 1:500, Drawing No: M3332-PA-020V02, received by the Local Planning Authority on the 1st April 2021'. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

4. Prior to the first occupation of any dwelling hereby approved the first floor gable windows must be fitted with obscure glazing in line with the approved documents:
- Plot 1 – Plans & Elevations (Amended), Scale 1:100, Drawing No: 18/07/935-09, received by the Local Planning Authority on the 29th March 2021.
 - Plot 2 – Plans & Elevations (Amended), Scale 1:100, Drawing No: 18/07/935-06a, received by the Local Planning Authority on the 29th March 2021.
 - Plot 3 – Plans & Elevations (Amended), Scale 1:100, Drawing No: 18/07/935-05a, received by the Local Planning Authority on the 29th March 2021.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

Prior to Erection of External Walling Conditions

5. Prior to the erection of any external walling relating to the development hereby approved representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. The 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.

Informatives:

1. Prior to the commencement of this development, the requirements of Planning Conditions 5,

	<p>10, 11, 12, 13, 15, and 16 of Outline Planning Approval Ref: 4/18/2465/001 are required to be submitted to and approved in writing by the Local Planning Authority.</p> <p>2. The development hereby approved must be carried out in accordance with conditions 4, 6, 7, 8, 9, and 14 of Outline Planning Approval Ref: 4/18/2465/001.</p> <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>
Case Officer: C. Burns	Date : 26.04.2021
Authorising Officer: N.J. Hayhurst	Date : 27/04/2021
Dedicated responses to:- Letter to objectors	