

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2109/OR1	
2.	Proposed Development:	RESERVED MATTERS APPLICATION FOR DETACHED DWELLING WITH DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING FOLLOWING OUTLINE APPROVAL 4/19/2208/001	
3.	Location:	LAND ADJ TO POOLSIDE/WHITRIGGS DRIVE, POOLSIDE, HAVERIGG	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to a greenfield site located to the north of Haverigg. The field is bounded to the south by Poolside Road, to the north by open countryside, and to the east and west by residential properties, including a new build property.</p> <p>Relevant Planning History</p> <p>4/17/2043/0F1 – Creation of new agricultural access.</p> <p>4/19/2208/001 – Outline application for a single residential development with full details of access.</p>	

Proposal

This application seeks the approval of Reserved Matters for a single dwelling on this site, including details of appearance, landscaping, layout, and scale. This application follows the approval of outline planning permission (ref: 4/19/2208/001) for a single dwelling, which included details of the proposed access.

The proposed dwelling will measure 8.2m x 17m, and will have an eaves height of 4m and an overall height of 7.7m. The proposed development will also benefit from a front facing gable which will project from the front of the dwelling by 1.4m and will extend along this elevation by 6.3m, this will have an eaves height to match the main dwelling and an overall height of 7m. This front facing gable will benefit from a large window opening which will include a Juliet balcony.

The development will also include an attached garage which will project from the east gable by 7.8m and extend by 7.9m, 5.2m beyond the front elevation of the proposed dwelling. This element of the development will have an eaves height of 2.6m and an overall height of 6.2m. The rear of the property will benefit from a small dormer windows and also a covered balcony area which will be accessed via an external staircase. The proposed balcony area will project 2m from the rear of the property and will extend along this elevation by 6.3m, and will be 2.4m from ground level. The proposed balcony will benefit from a glazed balustrade, with each side fitted with obscure glazing.

The ground floor of the proposed dwelling will incorporate a large hallway, a utility room, a toilet, a double garage, two double bedrooms, a master bedroom and a family bathroom. The proposed first floor of the dwelling will accommodate a large open plan kitchen/dining room, a lounge, a double bedroom, and a Jack n Jill bathroom. Externally the proposed development will be finished with local stone, smooth render, a slate roof, timber boarded doors and powder coated aluminium windows, sliding doors and rainwater goods.

A timber shed is also proposed as part of this development, to be located within the eastern corner of the site. The proposed timber shed will measure 3m x 6m, with an eaves height of 2m and an overall height of 3m.

Consultation Responses

Millom Town Council

No objections.

Cumbria County Council – Highways Authority

Access for a residential development at this site was approved by the Highway Authority at the outline stage under 4/19/2208/001. It is understood that this site will now be for one dwelling and the proposed access appears unchanged from that which was originally submitted. Drawing number 20.18.08c shows that there will be sufficient space on site for turning and off-street parking. It is

therefore confirmed that the Highway Authority have no objections to this application in terms of highway safety.

Cumbria County Council – LLFA

The Environmental Health department at Copeland Borough Council originally brought to the LLFA their concerns regarding drainage at this site. Your authority should therefore consider the following points:

- Legal confirmation to discharge the surface water and treated effluent through third party land into Haverigg Pool.
- A suitable diversion in place for existing drainage through the site, which is for that identified in the attached report, but could include the culvert as mention above.
- As the land falls towards the highway, suitable means of intercepting surface water and disposing of it.

The LLFA stated that the first two points are the responsibility of the Building Control Department, however they would recommend a condition relating to surface water discharge onto the highway to deal with the last point. The LLFA have confirmed that they have no objections to this development.

United Utilities

It should be noted that UU have previously commented on the Outline Application (Planning Ref: 4/19/2208/001) to which the above application relates. UU have stated that in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Further to UU's review of the submitted Drainage Report and Flood Risk Assessment, prepared by Fawcett, recommending surface water discharging into Haverigg Pool, the plans are acceptable in principle to United Utilities

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to nine properties. No comments have been received in relation to the statutory notification procedure.

Planning Policy

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

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy 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 a single residential dwelling was established in 2020 when outline planning permission was granted. This decision was made in the context that the Council 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 full planning permission in May 2018 for a single dwelling.

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.

This application seeks approval of Reserved Matters for the erection of a single detached dwelling on this site. Concerns were originally raised by the Local Planning Authority with regard to the proposed

scale of the development, in particular the attached garage. Extensive discussions have been undertaken with the agent for this application, and amended plans have been submitted to overcome these concerns. The amended plans have resulted in the dwelling being reoriented, and have relocated the attached garage to reduce its projection. The amended plans also removed a large dormer from the front roof slope of the garage to ensure the structure was subservient to the main dwelling. On the basis of the amended plans the submitted layout and design of the proposed dwellings is considered acceptable for this site.

Concerns were also raised with this proposed in terms of potential overlooking and loss of privacy from the proposed rear balcony area and side facing windows. Based on these concerns an amended plan was submitted to show that the proposed windows within the side gable elevations of the property are to be fitted with obscure glazing. The amended plans also includes obscure glazing on the side balustrades of the rear first floor balcony. These areas of obscure glazing can be secured through appropriately worded conditions to ensure the development safeguards the amenity of neighbouring properties.

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

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.

As part of this application a detailed landscaping plan has been submitted. This plan indicates that the site will be bounded to the east and west by a 1.4m high boundary wall, and to the north by a stock proof fence. Originally the proposed front boundary of the site was to only include a 1m high wall, however additional hedgerow planting is also now included to provide additional screening for the development. As part of the outline application a condition was placed upon the decision notice to secure the reduction of the existing boundary treatment to the front of the site. The agent has sought to address this condition as part of this application. Cumbria Highways have offered no objections to the submitted detail therefore this outline condition can be discharged.

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 west of the site as agreed as part of the outline application. The application seeks to utilise an access originally approved in 2017 (ref: 4/17/2043/0F1), which will also provide access to the agricultural land to the rear of the site. Cumbria Highways have confirmed that the access is the same as the outline application and the submitted plans shows there will be sufficient space on site for turning and off street parking, therefore they have no objections to the development.

Drainage & Flood Risk

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

The site lies within Flood Zone 1, however the LLFA and United Utilities have been consulted on this application. The LLFA have offered no objections to this proposal, however they have recommended the inclusion of a condition relating to surface water discharge onto the highway on any decision notice for this application. UU have also offered no objections to the proposal.

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 flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

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 a single residential dwelling was established in 2020 when outline planning permission was granted at a time when the Council were unable to provide a five year land supply.

Details of access were approved under this outline application and Cumbria Highways again offer no objections to this proposed development. No statutory consultees have objected to the development in terms of flood risk and conditions attached to the outline application secure adequate drainage at the site.

Given the prominent location of the site, extensive discussions have been undertaken with the agent

	<p>for this application to secure an appropriate development for this site. Whilst amendments have been achieved, the proposed dwelling is still large in scale. However, the proposal has now been reduced and designed to reduce the impact of the development upon the surrounding area and the scale, layout and design is considered acceptable in this location, particularly given the nature of the new build on the adjoining site.</p> <p>The proposed landscaping is considered to be acceptable for a small residential development of this 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> <p><u>Standard Conditions</u></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"> - Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09c, received by the Local Planning Authority on the 12th May 2021. - Proposed Block Plan and Front Elevation (Amended), Scale 1:200, Drawing No: 20.18.08d, received by the Local Planning Authority on the 6th May 2021. - Design and Access Statement, received by the Local Planning Authority on the 19th March 2021. <p>Reason</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.

Prior to Commencement Conditions

3. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

Prior to Occupation/First Use Conditions

4. Prior to the first occupation of the dwelling hereby approved the proposed landscaping must be carried in accordance with the approved document 'Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09c, received by the Local Planning Authority on the 12th May 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.

5. Prior to the first occupation of the dwelling hereby approved the proposed windows within east and west gable of the dwelling must be fitted with obscure glazing in line with the approved documents:
 - Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09c, received by the Local Planning Authority on the 12th May 2021.

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

Reason

To safeguard the amenities of occupiers of adjoining properties.

6. Prior to the first use of the first floor balcony hereby approved, obscure glazed screens must be erected along the east and west edges of the balcony, in accordance with the approved document:
- Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09c, received by the Local Planning Authority on the 12th May 2021.

The screens must be maintained at all times and thereafter retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings.

7. The obscure glazed screens along the east and west edges of the first floor balcony hereby approved must be fitted with grade 5 obscure glazing, unless otherwise agreed in writing by the Local Planning Authority. The screens must be maintained at all times and thereafter retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings.

Prior to Erection of External Walling Conditions

8. 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.

	<p>Informatives:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of this development, the requirements of Planning Conditions 5 of Outline Planning Approval Ref: 4/19/2208/001 are required to be submitted and approved in writing by the Local Planning Authority. 2. The development hereby approved must be carried out in accordance with conditions 4, 6, 7, 8, 9 and 10 of Outline Planning Approval Ref: 4/19/2208/001. <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 : 08.06.2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 10/06/2021</p>
<p>Dedicated responses to:-</p>	