

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2164/OF1
2.	Proposed Development:	TERRACE OF FIVE (3 BEDROOMED) DWELLINGS WITH PRIVATE REAR PARKING
3.	Location:	LAND AT LINDOW STREET, FRIZINGTON,
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: INTRODUCTION Planning permission is sought for the erection of 5 dwellings on land adjacent to the Frizington Veterans Club, Lindow Street, Frizington. The site is currently an informal parking area for the Veterans' Club with access to 5 lock up garages which are under the Club's ownership. With the exception of the Club to the south west of the site, Lindow Street consists of residential properties, as is the majority of the surrounding area. It is located centrally within Frizington village which is classified as a Local Centre in the Copeland Local Plan 2013-2028. PROPOSAL This application seeks full planning permission for five 3 bedroomed dwellings on the site. The proposed dwellings are to be arranged in a terrace which reflects the traditional form and	

appearance found elsewhere within the village.

Each dwelling will be two storey in height although they have been designed to include the use of the roof space to provide a total of 3 bedrooms. There will be patio doors leading out to the rear with one parking space and a small back garden allocated to each unit. The houses are to be set back from the pavement by 1.8 metres with a path to the front door and a small area for bin storage.

Externally the dwellings are to be finished in render with slate roofs to match the adjoining dwellings.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for 5 no. three bedroomed terraced houses, approved in 2011 (application reference 4/11/2405/001 relates);

Outline application for the erection of 5 no. three bedroomed terraced family homes with private rear parking including full details relating to access, approved in 2014 (application reference 4/14/2446/001 relates);

Reserved matters application for access, appearance, landscaping and scale (5 dwellings), approved in 2018 (application reference 4/18/2029/0R1 relates).

CONSULTATION RESPONSES

Parish Council – No comments received

Cumbria County Council Highways Department – No objections, subject to conditions relating to ground floor windows not abutting the highway, the re-installation of the highway crossing and boundary and the details of the vehicular crossing over the footway.

Local Lead Flood Authority – No objections.

United Utilities – Raised no objections, subject to conditions relating to foul and surface water drainage.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 9 no. properties.

Comments have been received from 2 neighbouring properties.

Concerns raised include the following:

- Concerns with regards to ownership;
- The site plan appears to show the dwellings built directly onto Lindow House;
- The plans show dwellings labelled incorrectly;

- Concerns that access may be blocked.

PLANNING POLICIES

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

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy 2019 (NPPF)

Cumbria Development Design Guide (CDG)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 is currently the subject of a Preferred Options Consultation. 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. Emerging Copeland Local Plan

ASSESSMENT

The main issues raised by this application are the principle of development, the scale, design, the impact on residential amenity, highway safety and drainage.

Principle of development

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

This site comprises brownfield land located within the development boundary for Frizington which is classed under Policy ST2 as a Local Centre where a modest scale of development is acceptable.

The site is well related to the physical form of the village and is located within an existing residential area. It is considered that development on this land, would “infill” an existing gap site.

This site has had permission previously in both 2011 and 2014 for the same development. This has established the principle of developing the site. The location of the site within the settlement boundary accords with Policy ST2 of the Copeland Local Plan.

Scale, Layout, Design and Impact on the Residential Amenity

The proposed dwellings will be arranged in a terrace and will reflect the design and form of the properties on the opposite side of Lindow Street. A terraced form of development is characteristic of the character of Frizington.

There are no windows proposed on the gable ends, therefore mitigating any overlooking issues. Although there are no properties with facing elevations within 21 metres of the rear of the proposed dwellings, the front of the dwellings will have a separation distance of 9.5 metres with the facing terraced properties. Whilst this falls short of the recommended separation distances set out in Policy DM12 of the Local Plan, the distances quoted are only guidelines and it is considered acceptable in this case as it follows the existing form and layout of the many terraces that characterize the form and layout of Frizington which are arranged along narrow access roads.

Although visual street scene plans have been provided as part of the application and the materials appear to be similar to the surrounding dwellings it is considered necessary to attach a condition to the planning permission that requires external materials to be agreed in order to ensure that the development compliments the existing appearance of this part of the village.

The submitted plans indicate that the small amenity area to the front of each property will be bound with a 900mm high wooden picket fence. This is considered to be acceptable in the context of the surroundings.

A letter was received from a neighbouring property raising concerns that the end of the terrace appeared to join onto Lindow House. This was raised with the Architect, who submitted amended plans to show that the dwellings would maintain a 1 metre gap from the end of Lindow House in

order to ensure that maintenance could be undertaken to each property.

Overall, it is considered that the proposed scale and design of the dwellings are acceptable and appropriate for this part of the village.

Access and Highway Safety

Access to the properties can be gained via a small lane between the existing club building and the proposed dwellings. A lane will be created running adjacent to the rear of the properties to allow access to the rear garden and allocated parking spaces.

The Highways Authority have raised no objections to the proposal, but commented that not all of the parking spaces will be usable. However, the layout is still considered to be acceptable as there is sufficient on-street parking available on Lindow Street to supplement the parking provision. The situation reflects much of Frizington where terraced properties rely on on-street parking.

Concerns were raised from neighbouring properties with regards to the rights of access and ownership of the access road. These issues are considered to be a private legal matter and cannot be considered as part of the planning application, however the Agent for the application has confirmed that all existing accesses will be retained for use and not blocked.

Cumbria Highways have requested planning conditions in order to ensure that any windows do not abut the highway and that the highway edge is finished appropriately.

Overall, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan and will provide an accessible development.

Drainage

The Applicant has not provided details of the drainage system for the site, but has indicated that foul and surface water be drained to the mains sewer. United Utilities have raised no objections to the proposal, but requested that foul and surface water be drained on separate systems and that a full surface water plan be submitted and approved, prior to the commencement of development. It is unlikely that a connection to the mains sewer will be acceptable and more sustainable options should be explored.

Conclusion

This application relates to a brownfield site which is located within the settlement boundary of the Local Centre of Frizington.

The site is located in a residential area and can comfortably accommodate the five units as proposed. The dwellings are of an appropriate design and arranged in a terrace to reflect the local character of Frizington.

Whilst the recommended separation distances cannot be achieved with the dwellings on the opposite side of Lindow Street the relationship is typical of the older parts of the village where tight knit development flanks the narrow street pattern.

	<p>A small amenity area is provided for each unit and a parking space can be achieved to the rear. Additional on street parking is available. This level of parking provision is considered to be acceptable for the location.</p> <p>All objections have been addressed and mitigated with the submission of updated plans.</p> <p>Overall this is considered to be an acceptable form of development which accords with both local Plan policy and national guidelines.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>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: -</p> <p>Location Plan and Block Plan, scales 1:1250 and 1:500, drawing number 1746_01, received 29th April 2021; Proposed Site Plan, scale 1:200, drawing number 1746_02A, received 29th April 2021; Proposed Street Scene (Rear), scale 1:100, drawing number 1746_08A, received 14th April 2021; Typical Elevations, scale 1:100, drawing number 1746_06A, received 14th April 2021; Proposed Street Scene (Front), scale 1:100, drawing number 1746_04A, received 14th April 2021; Typical House Floor Plans, scale 1:50, drawing number 1746_03A, received 14th April 2021; Design and Access Statement, received 14th April 2021.</p> <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>

Pre-commencement conditions

3. Development must not commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation must include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

Reason

To ensure a satisfactory scheme of surface water disposal from the site in accordance with Policy ENV1 and DM24 of the Copeland Local Plan.

Prior occupation conditions

4. Prior to the first occupation of the dwellings hereby approved, the existing access to the highway must be permanently closed and the highway crossing and boundary must be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

Other planning conditions

5. Prior to their first use on the dwellings hereby approved, 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 and in accordance with Policy DM10 of the Copeland Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations, extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity and in order to retain parking and amenity space in accordance with Policies DM10 and DM22 of the Copeland Local Plan.

7. New ground floor windows and doors abutting the highway must be of a type which cannot open outwards into the highway and shall be retained as such at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

8. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy ENV1 and DM24 of the Copeland Local Plan.

9. The vehicular crossing over the footway, including the lowering of kerbs, must be carried out to the specification of the Highway Authority.

	<p>Reason</p> <p>To ensure a minimum standard of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p> <p>Informative</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</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>
<p>Case Officer: Sarah Papaleo</p>	<p>Date : 08/06/2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 09/06/2021</p>
<p>Dedicated responses to:- N/A</p>	