

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2175/OR1	
2.	<b>Proposed Development:</b>	RESERVED MATTERS APPLICATION FOR DETACHED DWELLING & GARAGE (FOLLOWING GRANT OF OUTLINE APPROVAL 4/19/2314/001)	
3.	<b>Location:</b>	FIELD AT RACESIDE, KIRKSANTON, MILLOM	
4.	<b>Parish:</b>	Whicham	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Gas Pipeline - Northern Gas Pipeline - 135m buffer	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to a greenfield site located within the south west of the village of Kirksanton. The land is currently used for grazing and is bounded to the north, west and east by residential properties and to the south by stables.</p> <p><b>RELEVANT PLANNING HISTORY</b></p> <p>4/19/2191/001 – Outline application for two detached residential dwellings and the formalisation of current agricultural access to facilitate development – Withdrawn</p> <p>4/19/2314/001 – Outline application for one detached residential dwelling and the formalisation of</p>	

current agricultural access to facilitate the development – Approve

## **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: 4/19/2314/001) for one dwelling, which included details of the proposed access.

The proposed dwelling will be single storey in height and will measure 18.4m x 7m, with an eaves height of 2.3m and an overall height of 4.7m. The proposal will have a front facing gable which will project from the front of the dwelling by 2.5m and extend along this elevation by 6.5m. The gable will have an eaves height of 2.3m and an overall height of 5.1m. The development also benefits from a rear extension with the same eaves and overall height, measuring 3.2m x 8m.

Internally, the proposed dwelling will incorporate a snug, an open plan kitchen/living/dining room, a utility room, a bathroom, a master bedroom with ensuite and dressing room, and three double bedrooms.

Externally, the proposed dwelling will be finished with off white wet dash render, natural stone facing, natural blue/grey slate roof, and blue/grey UPVC windows and doors.

The proposal will also incorporate a detached double garage to the side/rear of the property. The proposed garage will measure 7.4m x 7.2m, with an eaves height of 2.5m and an overall height of 4.8m. The garage will be finished materials to match the main dwelling and will be accessed via a gravel driveway.

## **CONSULTATION RESPONSES**

### Whicham Parish Council

The council resolved to support the application but felt that the proposed plastic timber effect cladding was not in keeping with surrounding properties and should be replaced with the continuation of the exterior random stone facing.

### Cumbria County Council – Cumbria Highways & LLFA

It is confirmed that following CCC's response to the outline application for this site (4/19/2314/001), the Highway Authority and LLFA have no objections to this proposal although previous comments regarding boundary height should still be applied.

The Highway Authority would however like to comment on the surfacing on the proposed driveway. As the access to the site is close to the highway, it should be minded that the first 5m of the access from the carriageway edge should be surfaced with a bound material to prevent debris being driven onto the highway. It is therefore recommended a condition relating to driveway surfacing is included

with any permission the may be granted at this site.

#### United Utilities

No comments received.

#### Electricity North West

Electricity North West have considered this application and find it could have an impact on their infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.

Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

#### Health and Safety Executive

No comments received.

#### Public Representation

This application was advertised by way of site notice, and neighbour notification letters issued to seventeen residential properties. No comments have been received in relation to the statutory notification procedure.

#### **Consultation on Amended Plans**

Based on concerns raised in relation to the proposed materials for the development amended plans were submitted to remove the proposed timber cladding at this site. The plans were also amended in order to ensure the proposed access reflected that previously approved at the outline stage.

#### Whicham Parish Council

No comments received.

#### Cumbria County Council – Cumbria Highways & LLFA

Comments made by the Highway Authority on the 19th May 2021 should be applied to the amended documents for this application. In terms of the applicants request to discharge conditions 5 and 6 on the outline approval the following comments are made:

- Condition 5: The applicant has shown that the surface water for the site will be directed into a

soakaway near to the site. As this development is under 5 dwellings, the LLFA have no objections to this condition being discharged.

- Condition 6: The plans provided show that there will be a new hedge in place surrounding the site however no details of the height have been shown. Where the proposed hedge runs adjacent to the highway, we ask that it is maintained at a height not exceeding 1.05m to ensure that visibility is not obstructed. However, it is noted that this part of the hedge is separated from the highway by a strip of verge meaning that it is unlikely to obstruct the visibility. I can therefore confirm that the Highway Authority have no objections to this condition being discharged.

Following the submission of an amended plan showing the hedge adjacent to the highway being maintained at 1.05m, the Highway Authority have no objections to this condition being discharged.

#### United Utilities

The application site located in an area not served by United Utilities' public sewers. 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 Proposed Drainage Plan, Ref: 10042/4 - Dated: April 2021, UU note surface water flows are proposed to be drained into a soakaway system. On this basis, we have no comments to make in relation to the above application.

In terms of the applicants request to discharge conditions 4 and 5 attached to the outline planning permission for this site, UU have stated that their Engineer looked at the plan provided and has confirmed that the applicant intends to infiltrate and therefore condition 4 can be discharged. In relation to condition 5, an Engineer has reviewed the proposal with the reserved matters application and commented that the applicant intends to manage surface water with infiltration which is in line with the drainage hierarchy. UU have no additional comments to make at this time.

#### Electricity North West

Electricity North West have considered this application and find it could have an impact on their infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.

Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

Health and Safety Executive

No comments received.

Public Representation

The amended detail for this application was advertised by way of neighbour notification letters issued to seventeen residential 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 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.

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

#### Scale, Layout and Appearance

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. 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 Parish Council with regard to the overall scale and design of the proposed dwelling. With these concerns in mind the applicant has designed the dwelling to be a single storey dwelling which will limit the impact of the development upon the overall area and will ensure the development is not overbearing for any neighbouring properties. Notwithstanding this concerns were raised with regard to the external facing materials proposed and the inclusion of windows within the proposed gables of the dwelling. Based on these concerns amended plans were submitted to remove the UPVC timber boarding from the dwelling and detached garage, and to replace them with materials characteristic with the area. The amended plans also indicated that the side facing windows within the development will be fitted with obscure glazing to overcome overlooking concerns. The use of obscure glazing can be secured through the use of an appropriately worded planning condition to mitigate any overlooking concerns. It is also considered that the proposed boundary treatment will mitigate against any impacts. The proposed boundary treatment will again be secured by condition.

#### Landscaping and Boundary Treatment

As part of this application a detailed landscaping plan has been submitted. This plan indicates that the site will be bounded by a new hedge from indigenous species, maintained at a height of 1.05m to the front of the site, and a 1.8m hit and miss fence along the rear and part of the south east boundary of the site. As part of the outline application a condition was placed upon the decision notice to ensure the boundary adjacent to the highway does not exceed 1.05m in height. 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.

Originally this application sought to access the proposed dwelling from the front of the site, however this was not the access approved as part of the outline permission. Based on this amended plans were submitted to reflect the original outline approval. The proposed development now seeks to access the development from the south east of the site by the existing agricultural access.

Cumbria Highways have confirmed that they have no objections to the proposed development. The Highway Authority have, however, stated that as the access to the site is close to the highway, it should be minded that the first 5m of the access from the carriageway edge should be surfaced with a bound material to prevent debris being driven onto the highway. This can be secured by a condition included within any decision notice for this application.

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. UU have stated that the application site located in an area not served by United Utilities' public sewers, however 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. UU have noted that surface water flows are proposed to be drained into a soakaway system, therefore they have no comments to make in relation to the above application.

As part of the outline application a condition was placed upon the decision notice to ensure that full details of surface water drainage are submitted to the Local Planning Authority. The agent has sought to address this condition as part of this application. The LLFA have stated that the applicant has shown that the surface water for the site will be directed into a soakaway near to the site, therefore as this development is under 5 dwellings they have no objections to this condition being discharged. UU have stated that their Engineer looked at the plan provided and has confirmed that the applicant intends to infiltrate and therefore condition 4 can be discharged. In relation to condition 5, an Engineer has reviewed the proposal with the reserved matters application and commented that the applicant intends to manage surface water with infiltration which is in line with the drainage hierarchy. UU have no additional comments to make at this time.

On this basis, it is considered that an adequate drainage system will be installed within the site,



	<p>ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.</p> <p><u>Planning Balance &amp; Conclusion</u></p> <p>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 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.</p> <p>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 relating to drainage on the outline application have been dealt with that secure adequate drainage at the 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, the submitted details of the proposed dwelling are considered to be acceptable in terms of layout, scale and design. The development is therefore compliant with the above Policies of the Copeland Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Reserved Matters</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>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.</li> </ol> <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"> <li>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"> <li>- Existing: Site Plan as Existing &amp; Site Location Plan, Scale 1:100, Drawing Number 10042/1, received by the Local Planning Authority on the 21st April 2021.</li> <li>- Site Plan as Proposed: Garage Plan &amp; Elevations (Amended), Scale 1:100, Drawing</li> </ul> </li> </ol>

Number 10042/2, Rev C, received by the Local Planning Authority on the 7th June 2021.

- Floor Plan, Roof Plan, Elevations & Section (Amended), Scale 1:100, Drawing Number 10042/3, Rev A, received by the Local Planning Authority on the 19th May 2021.
- Site Plan as Proposed: Drainage (Amended), Scale 1:200, Drawing Number 10042/4, Rev B, received by the Local Planning Authority on the 7th June 2021.
- Design and Access Statement, received by the Local Planning Authority on the 21st April 2021.

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.

Prior to Occupation/First Use Conditions

3. Prior to the first occupation of the dwelling hereby approved the proposed landscaping must be carried in accordance with the approved document 'Site Plan as Proposed: Drainage (Amended), Scale 1:200, Drawing Number 10042/4, Rev B, received by the Local Planning Authority on the 7<sup>th</sup> June 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 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:
  - Floor Plan, Roof Plan, Elevations & Section (Amended), Scale 1:100, Drawing Number 10042/3, Rev A, received by the Local Planning Authority on the 19<sup>th</sup> May 2021.

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

Reason

To safeguard the amenities of occupiers of adjoining properties.

5. The access drive must be surfaced in bituminous or cement bound materials, or otherwise

bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

Prior to Erection of External Walling Conditions

6. 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.

**Informative(s):**

1. The development hereby approved must be carried out in accordance with conditions 4, 5, 6, and 7 of Outline Planning Approval Ref: 4/19/2314/001.
2. The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

**Statement:**

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.

**Case Officer:** C. Burns

**Date :** 15.06.2021

<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 15/06/2021
<b>Dedicated responses to:-</b> N/A	