

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2190/OR1	
2.	Proposed Development:	RESERVED MATTERS APPROVAL FOR THE 2 DWELLINGS APPROVED AT OUTLINE STAGE ALONG WITH ROAD LAYOUT AND LANDSCAPING FOLLOWING PLANNING APPROVAL 4/20/2468/001	
3.	Location:	LAND TO 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	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	<p>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 west by existing residential properties and to the east and south by open countryside. To the north of the site is an area of the domestic curtilage which was granted outline planning permission (ref: 4/18/2465/001) in March 2019 for three dwellings include the access position, and a reserved matters permission (4/21/2041/OR1) in April 2021 for three dwellings.</p>		
	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.

4/21/2041/0R1 – Reserved matters approval for the erection of three dwellings approved with outline approval 4/18/2465/001 – Approved on the adjacent site.

Proposal

This application seeks the approval of Reserved Matters for two dwellings on this site, including appearance, landscaping, layout, and scale. This application is made following the approval of outline planning permission (ref: 4/20/2468/001) for two 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 4: 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 4.6m 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 large hall, toilet, a utility room, a double bedroom with ensuite bathroom, a lounge, a media room 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 bathroom, two double bedrooms, a bathroom and a study.

- Plot 5: Handed version of Plot 4.

Each of the proposed dwellings will benefit from a detached garage. The proposed garages will measure 6.2m x 8.4m, with an eaves height of 3.5m and an overall height of 6.2m.

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 Highway Authority have previously raised their comments to this site which have been included in previous decision notices in terms of parking and access. It is therefore confirmed that the Highway Authority and LLFA do not have any objections to this proposal however would like not ensure that the applicant is aware that in order to consider a garage a parking place then it needs to be a minimum of 21m² (3m x 7m) to allow for the opening and closing of doors.

No drainage has been identified, foul and surface water details should be provided. The surface water should not be greater than the already existing. If installing a soakaway the Highway Authority and LLFA would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property. The applicant may also find useful from CCC's website sustainable drainage systems (SuDs) Cumbria Development Design Guide Appendix 6 – SuDs components which provides examples of various types of SuDs components that are considered appropriate to a sustainable drainage system.

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 have stated that as no drainage proposal have been submitted, therefore they have no further comment at this stage.

Resilience Unit

No objections.

Natural England

No comments.

Public Representation

This application was advertised by way of site notice, and neighbour notification letters issued to twenty three 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 two residential dwellings was established in 2021 when outline planning permission was granted. This decision was made in the context that the Council's settlement boundaries were out for date at that time as required by the NPPF. The site also lies adjacent to a site which was granted outline planning permission in 2018 for three dwellings. The

subsequent Reserved Matters were approved in 2021.

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

Scale, Layout, and Appearance

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.

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 the orientation of plot 5 as it faced directly towards plot 4, therefore this dwelling was rotated within the plot away from the adjacent dwelling. First floor windows within the gables of each dwelling are to be fitted with obscure glazing to mitigate against any overlooking 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 1.2m. The proposed also include a 1.8m high hit and miss timber fence to the south west of the site, along the boundary with 1 and 2 Pebble Rise, to screen the development and mitigate against any overlooking.

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. Cumbria Highways have offered no objections to the current application. A number of conditions were attached to the outline planning permission previously requested by Cumbria Highways. As access is not a matter being considered as part of this reserved matters application these 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.

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

	<p>Copeland Local Plan. The principle for developing this site for two residential dwellings was established in 2021 when outline planning permission was granted in the context that the Council's settlement boundaries were out for date at that time as required by the NPPF.</p> <p>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. No statutory consultees have objected to the development and conditions attached to the outline application secure adequate drainage and access requirements 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>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"> - Location Plan, Scale 1:1250, Drawing No: 18/07/935-01, received by the Local Planning Authority on the 28th April 2021. - Proposed Site Plan & Site Section C-C (Amended), Scale 1:500 & 1:200, Drawing No: 18/07/935-04c), received by the Local Planning Authority on the 17th May 2021. - Landscape Structure Plan, Scale 1:500, Drawing No: M3332-Pa-01-V02, received by the Local Planning Authority on the 28th April 2021. - Plots 4 – Plans and Elevations, Scale 1:100, Drawing No: 18/07/935-07, received by the Local Planning Authority on the 28th April 2021.

- Plot 5 – Plans and Elevations, Scale 1:100, Drawing No: 18/07/935-08, received by the Local Planning Authority on the 28th April 2021.
- Detached Garage – Plans and Elevations, Scale 1:100, Drawing No 18/07/935-10, received by the Local Planning Authority on the 28th 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 Conditions

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, Scale 1:500, Drawing No: M3332-Pa-01-V02, received by the Local Planning Authority on the 28th 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:
 - Plots 4 – Plans and Elevations, Scale 1:100, Drawing No: 18/07/935-07, received by the Local Planning Authority on the 28th April 2021.
 - Plot 5 – Plans and Elevations, Scale 1:100, Drawing No: 18/07/935-08, received by the Local Planning Authority on the 28th April 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.

Informative(s):

1. Prior to the commencement of this development, the requirements of Planning Conditions 5, 7, 8, 10, 11, 12, and 13 of Outline Planning Approval Ref: 4/20/2468/001 are required to be submitted to and approved in writing by the Local Planning Authority.
2. The development hereby approved must be carried out in accordance with conditions 4, 6, 9, 14, 15, 16 and 17 of Outline Planning Approval Ref: 4/20/2468/001.
3. In the event of the application being granted, the applicant should contact the resilience units office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

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 : 17.06.2021

Authorising Officer: N.J. Hayhurst

Date : 22/06/2021

Dedicated responses to:- N/A