

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2201/001
2.	Proposed Development:	OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR TWO DETACHED DWELLINGS
3.	Location:	LAND ADJACENT DISTRESSED SAILORS INN, EGREMONT ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
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: SITE AND LOCATION <p>This application relates to an area of land to the south of the former Public House known as the Distressed Sailor. The site lies to the east of Egremont Road in the Hensingham area of Whitehaven. There are residential dwellings to the south and east of the site, the former public house to the north which has recently been granted planning permission for conversion to form a veterinary practice. The site is bound to the west by Egremont Road.</p> PROPOSAL <p>Outline Planning Permission is sought for the erection of two dwellings on the site. All matters relating to scale, layout, appearance, access and landscaping have been reserved for future approval. An indicative plan has been submitted with the application to demonstrate how two dwellings can be</p>	

accommodated on the site. A central access is indicated off Egremont Road.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications on this site.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Cumbria County Council Highways

Initially requested that the Applicant submit visibility splays. On receipt of further information from the Applicant, the highways department raised no further objections to the proposal subject to conditions.

Countryside Access Officer

There are no recorded public rights of way in the vicinity of the proposed development area.

United Utilities

No objections but requested conditions with relation to the provision of full details of surface water drainage and that foul and surface water be drained on separate systems.

Local Lead Flood Authority

No objections subject to a condition to provide a full surface water drainage scheme.

Public Representation

The application has been advertised by way of two site notices and neighbour notification letters issued to 5 no. properties.

4 letters of objection have been received raising the following concerns:

- The development would result in loss of light;
- The development would result in loss of views;
- Overlooking;
- Loss of privacy;
- Noise;
- Highway safety;
- Part of the land is under different ownership;

- The plans are incorrect and the plots smaller and access closer together than shown.

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

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 for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

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 (NPPF)

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

The emerging Copeland Local Plan 2017-2035 was recently 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.

ASSESSMENT

Introduction

This outline application seeks to establish the principle of developing this site for residential purposes. All matters relating to layout, scale, appearance, means of access thereto and landscaping have been reserved for subsequent approval.

Principle of development

The site falls within the existing settlement boundary for Whitehaven and is situated within an existing residential area. It is brownfield land, having previously been used for housing development which has since been demolished. Policies ST2, SS1, SS2 and SS3 seek to allow new dwellings, particularly in Whitehaven which is designated as Copeland's Principal Town where most development should be directed.

Whitehaven has a wide variety of local services, education facilities and sustainable transport options and is therefore considered to be suitable for development. The site is within easy walking distance of the main shopping area and is considered to be sustainable.

On this basis, the principle of development is acceptable and is considered to comply with Policies ST2, SS1, SS2 and SS3 of the Local Plan.

Housing Need

Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the SHMA.

Hensingham falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing

Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of three bedroom houses, semidetached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The illustrative site layout plan and supporting documentation outlines that the proposed dwellings are likely to comprise of market homes which have the potential to assist in providing a greater balance of market housing stock in accordance with Policy SS3 of the CS. No affordable housing is proposed in accordance with the provisions of Paragraph 63 of the NPPF which sets out that the provision for affordable housing should not be sought for residential developments that are less than 10 units.

Design and siting

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that a development layout is deliverable with interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking. The requirements of Policy DM12 of the Local Plan are considered achievable.

Concerns have been raised by local residents relating to loss of light, loss of privacy and overlooking. As this is an outline application, these concerns cannot be considered in detail at this stage, however the scale of the site and size of the proposed plots is sufficient to ensure that these issues can be mitigated. Concerns relating to loss of view cannot be considered as this is not a material planning consideration.

All details relating to siting, layout and appearance have been reserved for future approval and will be assessed at the Reserved Matters Application stage.

Settlement Character, Landscape Impact and Visual Impact

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.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The proposed development would comprise an infill development within an existing residential estate. Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that the site could be developed in a manner that respects the form, density and character of the existing

developments within the locality. The proposal is therefore considered to comply with policies ST1 and ENV5 of the Copeland Local Plan and provision of the NPPF.

Access and Highway safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. 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.

The submitted indicative block plan demonstrates how two dwellings can be arranged within the site to allow a reasonable amenity space for the properties and their surroundings, as well as sufficient access and parking. No details of the access have been submitted at this stage and the Cumbria Highways Authority requested that the Applicant submit visibility splays due to concerns that they cannot be achieved. The Agent for the application responded to this request as follows:-

"I have indicated on the drawings the exact size and angle of the private access vision splay which exceeds the vision splay standards described in the Cumbria Design Guide. This Guide only advises for vision splay 2 metres deep at an angle of 45 degrees from the back of the highway footpath. The footpath here is only approximately 1 metre wide making the vision splay provision in excess of what is required by approximately 1.5 metres deep again and an angle of 45 degrees to the perpendicular centre line of the drives. Further to this I have illustrated the maximum vision splays available across the front of the site measured from 2.4 metres back from the centre line of the drive perpendicular to the highway edge. There is unlimited vision to the nearside traffic to the north of the site and limited vision to the far side of the road to the south.

In mitigation of this limited vision to the south the following factors should be taken into consideration.

- Apart from the public house to the north of the site all the houses on the east side of the road within the vision splays described for the application, none have a facility to turn on site therefore they all have to perform a reversing manoeuvre either to get into their garages or on egressing site.*
- The application site has a turning facility on site, ensuring the vehicles can leave the site in a forward gear.*
- With forward gear egress the vision to the on-coming traffic on the near side from the north could not be better as you can see all the way up to the top of the hill.*
- While the vision to the south is restricted, it is possible to see the oncoming traffic on the far side road up to 44 metres at the centre of the road and 57 metres to the far side of the road from the centre line of the drives as described above Given that traffic will have just negotiated the roundabout and will be in low gear it is unlikely that anyone will be driving at the full highway design limit within 50 meters of the roundabout and it is even less probable that anyone would be overtaking a vehicle so close to the junction, this I believe would result in*

the vision splay shown contributing to a low traffic safety risk. Certainly given that none of the other houses in the vicinity have safe vision splays or on site turning facilities.

- It could be argued that allowing access to this site for housing would actually improve highway safety as it would limit any access and use of the site to a vastly improved and controlled situation whereas at present traffic to the site has no limits on how it enters and leaves the site.”*

The Highways Authority response sets out that it is clear that the visibility splays will be grossly substandard towards the south and that the expected distance would be 43m, however accepted that the use of the land as a pub car park would be likely to generate more traffic than the proposed 2 dwellings. As this is an outline application with all matters reserved, the location and details of the access is not yet decided and the full details will be considered at the reserved matters stage. It is reasonable to conclude that there is likely to be a solution to the access arrangement and therefore this should not preclude development of the site. Although the Highways department suggested a number of conditions to be added to any approval granted, as the application does not include details of the access, these are not considered to be relevant at this stage and therefore cannot be imposed on any outline permission.

Overall, it is considered that the submitted details demonstrate that the site can be developed in a way that complies with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

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.

United Utilities and the LLFA have commented on the application. It has been requested 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. In line with these comments relevant conditions are proposed to ensure an adequate drainage system can be secured to serve the site and to ensure a surface water drainage scheme is achievable based on the hierarchy of drainage options set out in the NPPF. These details should be secured prior to commencement of works on the site.

The imposition of these conditions will 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.

Land ownership

Although the ownership of the land is considered to be a private, legal matter, a letter was received stating that all of the land was not under the ownership of the Applicant. As the ownership

	<p>certificate had been provided to state that it was, a copy of the ownership title deeds were requested in order to ensure that the Planning application had been processed lawfully with the requisite notices served. The Applicant supplied the title deeds showing the whole of the site submitted and the objector failed to provide any further ownership details to counter this. As a result, for the purposes of planning this information was considered to be sufficient and any further dispute would need to be considered as a legal matter.</p> <p><u>Planning Balance and Conclusion</u></p> <p>All objections received have been considered fully and mitigated, with some issues relating to the reserved matters stage of the planning process. It is considered that any potential loss of light or overlooking can be designed out and that a sufficient access and parking can be provided for the site.</p> <p>The site lies within the development boundary of Whitehaven which is Copeland's Principal Town. It is capable of accommodating two dwellings satisfactorily, provided that the overall scale and siting is carefully considered in order to maintain amenity. The principle of development is therefore considered to be appropriate and all other matters will be considered at the reserved matters stage.</p> <p>The development will help in boosting housing supply within Whitehaven and is of an appropriate scale for a Key Service Centre in accordance with the spatial objectives of the Local Plan.</p> <p>It will be viewed in the context of the surrounding built form of this part of Hensingham which will limit its visual impact.</p> <p>All other detailed matters will be considered at the reserved matters stage.</p> <p>On balance, this is considered to be an acceptable form of sustainable development which accords with the policies set out in the adopted Local Plan.</p>
8.	<p>Recommendation: Approve in Outline (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The layout, scale, appearance, means of access thereto and landscaping must be as may be approved by the Local Planning Authority. <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. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this

permission and the development hereby permitted must be commenced not later than the later of the following dates:-

a) The expiration of THREE years from the date of this permission

Or

b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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: -

- Site Location Plan and Layout, scales 1:2500 and 1:200, drawing number 21/0293/01, received 27th May 2021;
- Design and Access Statement, prepared by Geoffrey Wallace, received 5th May 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.

Pre-commencement conditions

4. No development shall 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 shall 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 shall 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 shall be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

Reason

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

Other conditions

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

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

7. This permission gives outline approval for a maximum of two dwellings only at this site.

Reason

To ensure that the site does not suffer from overdevelopment or have a detrimental effect on the existing residential properties adjacent to the site, in accordance with Policies ST1 and

DM12 of the Copeland Local Plan.

Informative

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.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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: Sarah Papaleo

Date : 29/06/2021

Authorising Officer: N.J. Hayhurst

Date : 30/06/2021

Dedicated responses to:- Letters to Objectors