

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2266/OF1	
2.	Proposed Development:	ERECTION OF DETACHED DWELLING	
3.	Location:	PLOT 5, LAND ADJACENT TO WEST LAKES HOTEL, GOSFORTH, SEASCALE	
4.	Parish:	Gosforth	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, 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		
		This application relates to an area land to the south west of the West Lakes Hotel, at Gosforth. The parcel of land is grassland and 0.4 hectares in area. The site adjoins the main grounds of the hotel to the north east and is bounded to the north west and south west by agricultural land, and the south east by the B5344.	
	Planning History		
		4/16/2163/001 – Outline for erection of five dwellings – Refused but allowed on appeal.	

4/18/2254/OR1 – Reserved matters for access, road layout, drainage and plot layout.

4/18/2270/OR1 – Reserved matters for Plot 1.

4/19/2204/OR1 – Reserved matter for Plot 2.

4/19/2273/OR1 – Reserved matter for Plot 4.

4/20/2035/OR1 – Reserved matters application for new dwelling on plot 3 including details of appearance, landscaping, layout & scale.

### **Proposal**

This application seeks planning permission for the erection of a detached dwelling on plot 5 of this site. This application follows an outline application for the residential development of the site which was allowed on appeal in 2016 and a number of reserved matters application on the other approved plots.

The proposed dwelling measures 10.8m x 10.2m, with an eaves height of 5.8m and an overall height of 8.7m. The proposed dwelling will benefit from two front facing gables which will project from the front elevation by 1m and will extend along the front elevation by 2.6m. The front facing gables will each have an eaves height of 5.8m to match the main dwelling, and an overall height of 6m. The development will also benefit from an attached garage extending from the south west gable of the dwelling by 6.4m and extending along this elevation by 10m, with an eaves height of 2.5m and an overall height of 6.2m.

The ground floor of the proposed dwelling will incorporate an entrance hall, a living room, a snug, a toilet, an open plan kitchen/dining/family room, a utility room, a plant room, and a double garage with loft space above. The proposed first floor of the development will incorporate a master bedroom with a dressing room and an ensuite bathroom, two double bedrooms and a bathroom. Externally, the proposed development will be finished with a blue/grey slate roof, white k-rend to walls, natural stone (St Bees red sandstone) to the entrance, red artificial stone window surrounds, and grey UPVC windows and doors. The property also benefits from a large driveway off the main spine road for the development, which will be finished with marshalls tegular cobble sets or similar permeable surface.

### **Consultation Responses**

#### Gosforth Parish Council

No comments received.

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

No objections to the proposal, however conditions relating to surface water drainage and the surfacing of the driveway have been recommended.

Following the submission of additional information for this application Cumbria Highways have confirmed that the details provided are in order and are acceptable, therefore they have no objections to this application. They have also confirmed that the previously requested pre commencement condition is no longer required.

#### United Utilities

No objections to the proposal providing that site drainage is in line with the larger development. Following the submission of additional information for this application UU have confirmed that their comments still stand.

#### Cumbria County Council - Resilience Unit

No comments received.

#### Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to five 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 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 DM26 - Landscaping

**Other Material Planning Considerations**

National Planning Policy Framework (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 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

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

Although the site lies outside of any settlement boundary identified within the Copeland Local Plan, the principle for developing this site for residential purposes has already been established by the previous appeal decision. A subsequent reserved matters application has also established the plot layout and main access for this development.

On the basis of the above, it is therefore considered that the development would be in accordance with

the aims and objectives of the NPPF which set a presumption in favour of sustainable development as well as the relevant policies of the adopted Copeland Local Plan. The principle of residential development is supported subject to site-specific matters.

#### Scale, Design and Impact of Development

Within the Copeland Local Plan, Policies DM10, DM11, and DM12, 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 permission for the erection of a detached dwelling on plot 5 of this site which has previously been granted permission for five dwellings. The other four plots have already been granted reserved matters approval, however this application has been submitted outside of the stated timescale therefore a full application has been submitted. Initially concerns were raised with regard to the proposed development and the relationship with the other adjacent plots. The approved locations of the adjacent dwellings was not correctly shown on the submitted block plan, this was therefore amended and adequate separation distances annotated on the plan to show the development would meet the requirements of Policy DM12 of the Copeland Local Plan. Concerns were also raised in terms of potential overlooking from the front facing gables due to a number of side facing windows. This was also not compliant with the Design Code for the overall site which was approved as part of the previous reserved matter application. Amended plans were therefore submitted to show the inclusion of obscure glazing in all side facing windows. In order to ensure the amenity of the neighbouring properties are retained this obscuring glazing will be secured and retained through an appropriately worded planning condition.

As part of the previous Reserved Matters approval a Design Code was approved, which creates high-level rules for the design of housing within this site. This Design Code has been conditioned as part of the previous planning approval to ensure the individual dwellings comply with development standards and creates a harmonious development within this sensitive location. Although this Design Code has not been submitted with this application, a document has been included to indicate the proposals compliance with this document. It has, however, been deemed appropriate to condition the submission of external samples prior to the erection of external walling for this development in order to ensure this property is constructed from similar materials as the other plots in order to create a harmonious residential development and accord with the intentions of the design code.

On the basis of the submitted amended plans for this proposal the design and layout of the proposed dwellings is therefore considered acceptable for this location. It is therefore considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

### Landscape 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.

This application relates to plot 5 on this development site which is located to the north of the land. The plot lies adjacent to the former Westlakes Hotel, and behind the other plots within this development. The development would be viewed against the backdrop of the existing property and adjacent sites, currently under construction, therefore the proposal is not considered to result in intrusion into open countryside or impact on the surrounding area.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

### Drainage and 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 application site is located within Flood Zone 1, however the Lead Local Flood Authority and United Utilities have been consulted on this application.

This current application is a full application for plot 5 of a development site which has previously been granted outline and reserved matter applications. Planning application ref: 4/18/2254/OR1, had the reserved matters approved for the whole development site in relation to access, road layout, drainage and plot layout. As this is a full planning application the agent has submitted additional plans and details which were approved under this reserved matter application in order to ensure the development is carried out in accordance with this approved detail. Cumbria Highways and UU have offered no objections to this application.

The proposal is therefore considered to comply with policies ENV1 and DM24 of the Copeland Local Plan 2013 – 2028 and the provisions 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,

	<p>which reflect the needs of the Borough in its rural context.</p> <p>The proposed development will utilise the access approved under the reserved matters application 4/18/2254/OR1, which has already been constructed. The development will benefit from a large driveway with a parking and turning area. Cumbria Highway have offered no objections to the proposal, however they have recommended conditions relating to surface water drainage and the surfacing of the driveway.</p> <p>The requested conditions will ensure the proposal complies with Policies T1 and DM22 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusions</u></p> <p>This application seeks planning permission for a single dwelling outside of any settlement boundary. Although the site lies outside of any settlement boundary identified within the Copeland Local Plan, the principle for developing this site for residential purposes has already been established by the previous appeal decision. A subsequent reserved matters application has also established the plot layout and main access for this development. The proposed development is of an acceptable design and layout, reflects the developments within the adjacent plots, and complies with the approved design guide for the overall site. Although the application is in full form, details have been submitted to ensure the development is carried out in accordance with the details submitted and approved as part of the previous reserved matter stage, i.e. drainage.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li> </ol> <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> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective</li> </ol>

dates and development shall be carried out in accordance with them:-

- Site Plan (Amended), Scale 1:200, Drawing No 04, Rev E, received by the Local Planning Authority on the 29<sup>th</sup> June 2021.
- Additional Information (Amended), received by the Local Planning Authority on the 23<sup>rd</sup> June 2021.
- Final Proposal Plans, Elevations, Section & Location Plan (Amended), Scale 1:100, Drawing No 05, Rev F, received by the Local Planning Authority on the 20<sup>th</sup> August 2021.
- Design and Access Statement, Rev A, received by the Local Planning Authority on the 9<sup>th</sup> June 2021.
- Foul Drainage Layout, Scale 1:200, Drg No 004-004, Rev D, received by the Local Planning Authority on the 6<sup>th</sup> July 2021.
- Utility Service Strip Layout, Scale 1:100, Drg No 004-005, Rev A, received by the Local Planning Authority on the 6<sup>th</sup> July 2021.
- Aco Multidrain M150D/DS 10.0 Channel Installation Detail Drawing, Scale 1:10, Rev F, received by the Local Planning Authority on the 6<sup>th</sup> July 2021.
- GRI Report, Prepared by GEO Environmental Engineering on the April 2018, received by the Local Planning Authority on the 6<sup>th</sup> July 2021.
- Exploratory Holes Location Plan, received by the Local Planning Authority on the 6<sup>th</sup> July 2021.
- Road Setting Out, Scale 1:100, Drg No: 004-001, Rev G, received by the Local Planning Authority on the 26<sup>th</sup> July 2021.
- Date for Permeable Paviers Exfiltration System, received by the Local Planning Authority on the 6<sup>th</sup> September 2021.
- SW Surface Areas, received by the Local Planning Authority on the 6<sup>th</sup> September 2021.
- Materials List, Rev A, received by the Local Planning Authority on the 8<sup>th</sup> September 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 Use/Occupation Conditions

3. 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 occupied/brought into use.

Reason



In the interests of highway safety.

4. Prior to the first occupation of the dwelling hereby approved the first floor and ground floor windows within the front facing gable shall be fitted with obscuring glazing in line with 'Final Proposal Plans, Elevations, Section & Location Plan (Amended), Scale 1:100, Drawing No 05, Rev F, received by the Local Planning Authority on the 20<sup>th</sup> August 2021'. The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system.

Other conditions:

6. The development hereby approved must be finished in strict accordance with the materials set out on the approved document 'Materials List, Rev A, received by the Local Planning Authority on the 8th September 2021', and must be maintained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

	<p><b>Statement:</b></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><b>Case Officer:</b> C. Burns</p>	<p><b>Date :</b> 15.09.2021</p>
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>	<p><b>Date :</b> 16/09/2021</p>
<p><b>Dedicated responses to:-</b> N/A</p>	