

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2350/OF1
2.	<b>Proposed Development:</b>	ERECTION OF DWELLING WITH DETACHED GARAGE
3.	<b>Location:</b>	PLOT 13, COLLIERS WAY, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to a plot of land on the former White School Site in the Kells area of Whitehaven. The plot is served by the road known as Colliers Way and is surrounded by other residential properties.  <b>PROPOSAL</b>  This full planning application seeks approval for the erection of a dwelling with detached garage on Plot 13.  The proposal is for a single dwelling which is to be 2 storey in height and includes the use of the roof space as accommodation. The dwelling will have an eaves height of 5.1m and an overall height to the	

pitch of 9.1m. The dwelling will be 10.7m in width and 13.5m in length.

The ground floor will comprise an open plan kitchen/dining/lounge, two further family rooms and a utility room, with 4 bedrooms and two bathrooms the first floor and two bedrooms within the roofspace.

The proposed dwelling will be constructed from a combination of brick and render with a tiled roof and grey UPVC windows with composite doors. The dwelling has been designed with a balcony at first floor level across the full length of the rear elevation.

A parking area is to be created to serve the dwelling which will be finished with paving and will provide sufficient space to accommodate 3 vehicles.

The rear garden will be landscaped with a patio to the rear of the property with the remainder of the garden finished with grass. A rear boundary wall will be constructed from rendered concrete blocks extending up to a height of 1.2 metres.

The proposed garage will be 6m x 5m and 4m in overall height. There will be a front up and over door with triple windows facing the dwelling to be 3m in width. It will be constructed from bricks to match the parent dwelling.

#### **RELEVANT PLANNING APPLICATION HISTORY**

Outline application for 74 dwellings, approved in October 2010 (application reference 4/10/2127/001 relates);

Variation of condition 3 of application reference 4/10/2127/001, approved in February 2011 (application reference 4/10/2573/0B1 relates).

#### **CONSULTATION RESPONSES**

##### Town Council

No comments received,

##### Cumbria County Highways

Further to our response in 2015 for the proposal of 1no. dwelling to be built as Plot 13, I can confirm that the LHA do not raise any objections to this application as the slight increase of vehicular movement will not cause a significant risk to other road users. Collier Way now has a Section 38 agreement in place that will mean that the site is to eventually become adopted by the Highway Authority. We recommend that the boundary wall/fence/hedge that is adjacent to the access and leads to Plot 12 is maintained at a height 1.05m to ensure that inter-visibility is achievable for vehicles leaving either of the plots. The applicant should also note that the parking requirement for a 6no. bedroom dwelling is 3x spaces this means in order for a garage to be considered a parking space it needs to be 3m x 7m or 21m<sup>2</sup> at the minimum to allow for the opening or closing of doors. Conditions were suggested relating to the surfacing of the access drive, access gates to be hung inwards, the wall adjacent to the highway not being over 1.05m in height, the provision of vehicle

parking and turning on site and this being brought into use before the commencement of development.

United Utilities

No objections to the proposal providing that the site drainage is in line with the agreed drainage of the larger development.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties.

No responses have been received as a result of these consultations.

**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) (LP)

Core Strategy (CS)

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 DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

HSG2 – New Housing Allocations

Proposals Map including settlement boundaries.

### **Other Material Planning Considerations**

National Planning Policy 2021 (NPPF)

National Design Guide (NDG).

Cumbria Development Design Guide (CDDG).

#### 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**

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

#### Principle of Development

Planning Policies ST2 and SS2 seek to focus the provision of new dwellings into sustainable locations, with a particular emphasis on Whitehaven as Copeland's Principal Town.

The Application Site is located within the settlement boundary for Whitehaven as defined in Policy ST2 of the CS.

The Application Site is also allocated for housing development in Policy HSG2 of the LP.

This site benefits from a previous outline approval with all matters reserved, determined in 2010 (application reference 4/10/2127/001 relates. This has established the principle of development on the site. This application has been submitted as a full application, including full details of the proposed dwelling.

#### Scale and Design

The plans submitted show the dwelling to be 9.1m in overall height which is large in scale, but is considered to be acceptable when viewed in the context with the neighbouring dwellings. A dwelling of this scale allows the use of the roof space to provide additional accommodation. On this basis, it is considered that the proposed roof height, although significant, will be satisfactory when viewed in context with the surrounding dwellings on this large residential estate.

The proposed garage is of a suitable scale for the residential dwelling proposed. It is to be sited at the rear of the drive, set back from the dwelling and will not be highly visible when viewed from the

main highway.

The proposed materials have been specified as white UPVC doors and windows, Marshalls Standard Concrete Block paving in charcoal for the drive, Grantchester Blend brick for the walls and dark grey slate roof tiles. These will match the other dwellings on Colliers Way and are therefore considered to be acceptable.

Overall, the scale and design of the proposed dwelling is considered to be acceptable in this location within an existing residential estate and accords with Policy DM10 of the Copeland Local Plan.

#### Impacts on Neighbouring Amenity

On the original plans, there was a window in the side elevation overlooking the west to serve the master bedroom. The Agent agreed to remove this window in order to protect the amenity of the neighbouring property, therefore ensuring there are no windows serving habitable rooms on the side elevations. A distance of approximately 9 metres will be retained between the property to the west and the side elevation of the proposed dwelling. Although this falls short of the 12 metres specified in Policy DM 12 this is only a guide and the proposed property sits in an elevated position in relation to 12 Colliers Way to the west. This will ensure that the windows in each dwelling are not directly facing. This relationship follows the pattern and form of development elsewhere on the estate. No objections have been raised from the neighbouring properties to the proposal.

Concerns were also raised with the Applicant's Agent with regards to the proposed balcony on the rear elevation of the dwelling to serve the master bedroom. The balcony would allow for overlooking to Plot 12 to the west as the plans only included a 1.8m high obscured privacy glass to the east and no provision on its western side. The plans were altered to include a privacy screen to both the east and west elevations and it was considered that this would alleviate the concerns and preclude overlooking issues for the neighbours. The installation if the privacy screens can be secured by the use of a suitably worded planning condition.

Due to the size of the garage and the windows proposed in the side elevation, it is considered prudent to include a condition to limit the use of this outbuilding for domestic purposes only, in order to ensure that commercial uses are not introduced into the area which may affect the neighbouring amenity.

Overall, it is considered that the proposal complies with Policies DM11 and DM12 of the Copeland Local Plan and the revised drawings are satisfactory.

#### Highways and Parking

The plans include space at the front of the property for off street parking and turning. The Highway Authority requested that this be brought into use prior to the first occupation of the dwelling and that boundary treatments are kept under 1m in order to ensure adequate visibility splays. Furthermore, any access gates should be hung to open inwards, ensuring no effect on the adjacent highway. These details can be secured through appropriately worded planning conditions. The proposals subject to the conditions proposed allow compliance with Policy DM22 of the local plan

	<p>and is therefore considered to be acceptable in highways terms.</p> <p><u>Drainage</u></p> <p>The proposal did not include any details of drainage, however this was dealt with during the outline application and the foul and surface water systems are now established and maintained site wide by United Utilities. These details are therefore considered to be acceptable and the connections will be checked during the construction phase under the Building Regulations.</p> <p><u>Landscaping</u></p> <p>The Applicant has specified a very simple landscaping scheme including a small patio area and a lawn to the east. Further details were requested, however the Applicant expressed a desire for a very simple scheme that would create little maintenance and allow for uninterrupted views to the coast to the south. On the basis that the scheme is suitable for a residential garden within an established housing estate, no objections are raised to the simple proposals put forward.</p> <p><u>Planning Balance and Conclusions</u></p> <p>On balance, although the dwelling is large in scale, it has been designed to be in keeping with the other properties on this site and will fit into the existing street scene. Details relating to the appearance of the dwelling, effect on the neighbouring properties and parking have been considered, and improvements negotiated where applicable. These can be controlled via a planning conditions. All other details are also considered to be acceptable, based on the revised plans for the development.</p> <p>Overall, the proposal is deemed to be acceptable and based on the information submitted, will result in an acceptable form of development which will be consistent with the general form and appearance of this residential estate and meets the requirements of Local Plan Policies ST1, ST2, DM10, DM12 and DM22 and the CDDG.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall 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. 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: -</li> </ol>

Location Plan, scale 1:1250, drawing number 4A, received 9<sup>th</sup> September 2021;  
Proposed Site Plan and Garage elevations and floor plan, scales 1:250 and 1:100, drawing number 3A, received 9<sup>th</sup> September 2021;  
Floor plans, scale 1:100, drawing number 2A, received 9<sup>th</sup> September 2021;  
Elevations, scale 1:100, drawing number 1B, received 9<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.

Pre-Commencement Conditions

3. The access and parking/turning requirements must be substantially met before any building work commences on site.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and in accordance with Policy DM22 of the Copeland Local Plan.

Pre-Occupation Of Development Condition

4. Prior to the first use of the development hereby approved, full details showing the provision of a vehicle turning space within the site, which allows vehicles to enter and leave the highway in a forward gear must be submitted to and approved in writing by the Local Authority. The turning space must be constructed prior to the occupation of the dwelling and must not be used for any other purpose thereafter.

Reason

To ensure that provision is made for vehicle turning within the site and in the interests of highway safety in accordance with Policy DM22 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, full details of the privacy glass to be utilised as a balustrade on the balcony must be submitted to and approved in writing by the Local Planning Authority.

Reason

	<p>In order to protect the amenity of the neighbouring properties and in accordance with Policy DM12 of the Copeland Local Plan.</p>
6.	<p>Prior to the first occupation of the dwelling hereby approved, the balustrade on the balcony must be erected according to the approved details and retained as such at all times thereafter.</p> <p>Reason</p> <p>In order to ensure that the amenity of the neighbouring properties is protected in accordance with Policy DM11 of the Copeland Local Plan.</p> <p><u>Other Conditions</u></p>
7.	<p>Any fence or wall boundary adjacent to the access must remain at a height not exceeding 1.05m above the carriageway level of the adjacent highway.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy DM22 of the Copeland Local Plan.</p>
8.	<p>The access drive must be surfaced in bituminous or cement bound materials or otherwise bound and must be constructed and completed prior to the development being 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 and be retained as such at all times.</p> <p>Reason</p> <p>In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p>
9.	<p>Access gates, if provided, must be hung to open inwards only away from the highway and be retained as such at all times thereafter.</p> <p>Reason</p> <p>In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p>
10.	<p>The detached garage building hereby approved must only be used in association with and ancillary to the residential property known as Plot 13 Colliers Way and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.</p>



	<p>Reason</p> <p>To ensure that non conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 of the Copeland Local Plan.</p> <p><b>Informative</b></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:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p> <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: Sarah Papaleo</b></p>	<p><b>Date : 12/10/2021</b></p>	
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 14/10/2021</b></p>	
<p><b>Dedicated responses to:- N/A</b></p>		