

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2383/OR1
2.	<b>Proposed Development:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ONE DWELLING PURSUANT TO OUTLINE PLANNING APPROVAL 4/18/2461/001
3.	<b>Location:</b>	BRANDLE HOW, GILGARRAN
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, 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>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to the land to the north of the dwelling known as Brandle How in Gilgarran. It is currently unused space. The site is adjoined by residential dwellings to the west with open fields to the south, an access road to the north and a residential garden to the east.</p> <p>On the 16<sup>th</sup> March 2022, Natural England identified that the catchments of Bassenthwaite Lake (River Derwent and Tributaries SSSI unit 1) and River Marron (unit 124 of River Derwent and Tributaries SSSI) which form part of the River Derwent &amp; Bassenthwaite Lake SAC are in unfavourable condition due to nutrient enrichment from elevated nitrogen and phosphorus levels. The Application Site is located within the impacted catchment.</p> <p>The land has been subject to an outline approval approved in 2018 (application reference 4/18/2461/001 relates).</p>

## **PROPOSAL**

This application seeks the approval of the Reserved Matters relating to layout, scale, access, appearance and landscaping, further to the previously approved outline application.

The proposed detached dwelling is designed as a dormer bungalow, including an open plan kitchen/dining room, utility room, living room, two bedrooms, a bathroom and an integrated garage on the ground floor and two bedrooms, each with their own shower room on the first floor.

The dwelling will be 13.7 metres in overall length, 10 metres in width with a further rear projection of 6m, an eaves height of 4.5 metres and an overall ridge height of 8.1 metres at the lowest point on the sloping site.

Access will be taken from the existing estate road to the north, with provision for parking and turning space included to the front of the dwelling. There will be grassed amenity space to the front and rear and access from the front to the back of the property on both sides.

The existing hedgerow which marks the eastern boundary will be retained. A new 1.9m high close boarded fence to be installed along the western boundary. A stock proof post and wire fence will be installed to the south of the property.

The application is accompanied by the following documentation:-

- Site Location Plan;
- Elevations;
- Floor Plans;
- Sectional Drawing;
- Topographical Survey.

## **CONSULTATION RESPONSES**

### Distington Parish Council

No objections.

### Cumbria Highways

Gilgarran Park is a private road with really narrow access to U4006. Your Authority may wish to satisfy itself that safe visibility splays can be achieved from the proposed access and that there is sufficient onsite parking available for the proposed dwelling and that the parking area/driveway is suitably constructed and drained.

As this road is private then the above comment is advisory only.

### Local Lead Flood Authority

No objections as the proposal will not increase the flood risk on site or elsewhere.

### United Utilities

No drainage information has been submitted, so the previous condition on the outline still applies.

### Public Representations

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

Responses have been received from one neighbouring property raising the following concerns:

- There is information missing from the application including the following:
  - Existing site levels;
  - Finished floor levels;
  - Bat surveys;
  - A full ecological appraisal;
  - Landscape proposals;
  - A flood risk assessment;
  - A street scene drawing;
  - A site plan to show the access to Brandle How.
  
- A topographical survey should be submitted as the site is not flat and no details of the scale of the dwelling were provided at the outline stage;
- The dwelling is too large in scale for the plot of land;
- The hardstanding for parking would be visually intrusive;
- The proposal does not satisfy the separation distances stated in Policy DM12 of the Local Plan;
- The existing trees on the site have not been surveyed or considered for protection;
- The site is designated as ancient woodland and no assessment or consideration has been given to this;
- No survey has been undertaken to consider the impact on wildlife;
- No landscaping information has been provided;
- Flood risk and drainage has not been addressed;
- Access to the site is poor and construction traffic will not be able to access the site easily;
- Concerns with regards to noise and lighting;
- The site has been cleared without planning permission.

### **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 SS2 – Sustainable Housing Growth  
Policy ENV1 – Flood Risk and Risk Management  
Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place  
Policy DM12 – Standards for New Residential Developments  
Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposals and Flood Risk  
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species  
Policy DM26 – Landscaping

**Other Material Planning Considerations**

National Planning Policy 2021 (NPPF)  
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)  
Copeland Borough Council – Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)  
National Design Guide (NDG)  
Cumbria Development Design Guide (CDDG)  
The Conservation of Habitats and Species Regulations 2017 (CHSR).

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

Policy DS6PU: Design and Development Standards  
Policy DS7PU: Hard and Soft Landscaping  
Strategic Policy DS8PU: Reducing Flood Risk  
Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability  
Policy H6PU: New Housing Development  
Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity  
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of Development

Outline planning permission was granted for a single residential property in 2018 under reference 4/18/2461/001, which established the principle of residential development on the site. Layout, scale, access, appearance and landscaping were reserved for future approval and this application seeks to address these matters.

### Layout, Scale, Design and Appearance

Policy DM10 seeks to ensure that new development maintains high standards of design, with Policy ST1 ensuring that the design respects neighbouring amenity. DM12 sets out specific design standards for new residential development including the need to retain appropriate separation distances.

Initially, the submitted plans showed the dwelling on a flat site and with windows in the first floor side elevation which created an overlooking issue for the neighbouring dwelling known as “Beech View”. The plans were updated by the Agent to include a sectional drawing and levels for the proposed dwelling and neighbouring dwelling which were informed by the undertaken topographical survey. The window was removed from the western facing elevation on the first floor.

The dwelling has been designed to be a dormer bungalow, with a low eaves height and the provision of space in the roof. Due to the sloping nature of the site, the dwelling has more bulk visible on the front elevation than from the west. It is considered that the dwelling sits comfortably on the plot, allowing adequate space for amenity and the maintenance of the property.

The dwelling includes windows on the ground floor, western elevation to serve the bedroom and the open plan kitchen/dining room. There is a window in the neighbouring property, known as “Beech View” that faces the proposed plot which serves the kitchen. Planning policy states that separation distances of at least 12 metres are required in order to avoid overlooking issues. These distances cannot be achieved due to the size of the plots, however the Applicant is proposing to erect a 1.9 metre high close boarded timber fence along the shared boundary in order to mitigate this issue on the ground floor. A suitably worded planning condition is proposed in order to ensure that the fence is erected and maintained to secure the mitigation.

Details of the proposed materials have not been provided with the application as submitted. On this basis conditions are proposed to secure these details prior to the external materials being used.

Overall, it is considered that the dwelling is of an appropriate scale, design and appearance and

complies with Policies ST1, DM10 and DM12.

#### Access and parking

Policy DM22 of the Copeland Local Plan requires that the layout of development responds positively to the existing movement pattern in the area and incorporates off street parking where possible.

The plans show a single access point onto the access road that runs through Gilgarran. This is considered to be acceptable as it mirrors the layout of the existing dwellings within this part of the village. The Highways Authority has raised no objections to the proposal but suggested that the LPA consider whether the visibility splays are sufficient. Given that the access road is single track and there are many other similar existing openings, traffic speeds are low and, therefore, on assessment, the access is considered to be acceptable to serve a single dwelling.

Parking and turning space are to be provided within the plot, with ample space for off road parking in addition to the inclusion of an integrated garage. Cars are able to exit the site in a forward gear, therefore ensuring that there will be no adverse impact on highway safety. Parking to the front of the property is commonplace in Gilgarran and considered to be acceptable in this case. The Applicant has stated that the driveway will be covered with permeable block paving. This is considered to be acceptable in this location and similar to other driveways in the vicinity.

A letter received from the occupiers of a neighbouring property raised concerns with regards to the removal of the existing access to the adjacent dwelling known as Brandle How in order to utilize the space for the new development. The Agent for the application stated that the owner of Brandle How, who also owns this application plot, is seeking to change the access from Brandle How but is currently considering how this will be undertaken. As the creation of a new access to an unclassified road does not require Planning Permission, this decision is for the Applicant and does not have a bearing on the decision making process for this application.

Provided the access is constructed in accordance with the submitted plans, the proposal complies with Policy DM22 of the Copeland Local Plan.

#### Landscaping

Policy DM26 of the Copeland Local Plan requires that proposals are assessed according to whether the landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

Full landscaping details for the site have not been provided, with limited information submitted to show permeable block paving and grass at the front of the property and a grassed area to the rear. Furthermore, the boundary treatments have been specified, but no specifications submitted. The proposed landscaping is likely to be acceptable for a single residential property in this location, however, in order to ensure that the proposal complies with Policy DM26 of the Copeland Local Plan, a suitably worded planning condition is proposed to ensure that this information is received.

### Drainage

Policies ENV1 and DM24 require a flood risk assessment to be submitted where a proposed development is likely to increase the risk of flooding onsite or elsewhere or where there is an existing flood risk.

The Environment Agency list the following developments as requiring a FRA during the planning application process:

This includes developments:

- within flood zone 2 or 3 including minor development and change of use
- sites of more than 1 hectare (ha) in flood zone 1
- sites of less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)
- sites in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency.

The site is located within Flood Zone 1, therefore having a low risk of flooding and the proposal will not exceed 1 hectare in area. A flood risk assessment is therefore not required to be submitted in this case.

No information has been submitted in relation to drainage, however a condition was attached to the outline consent which requires full drainage details to be submitted prior to the commencement of the development. As this information is yet to be received, the condition is still valid.

On approval of this information, the proposal is likely to comply with Policies ENV1 and DM24 of the Copeland Local Plan.

### Ecology

Policies ENV3 and DM25 protect international, national and locally designated sites and ensure that any development incorporates measures to protect and enhance any biodiversity interest.

The proposed site was previously amenity space associated with the dwelling known as “Brandle How”. There are no designations on the land at international, national or local level with regards to ecology.

The Association of Local Government Ecologists has produced a trigger list for development and its effect on species of interest. These include the following:

- Bats;
- Barn owls;

- Breeding birds;
- Great crested newts;
- Otters;
- Dormice;
- Red Squirrels;
- Water voles;
- Badgers;
- Reptiles;
- Amphibians;
- Small blue butterflies;
- Plants.

The application site does not meet any of the criteria for further information to be reasonably requested with regards to these species.

The Bat Conservation Trust has a similar trigger list which sets out when a protected species survey and report is required to be submitted with a planning application.

Again, the application site does not meet any of the criteria within this list and it is considered that requesting any species surveys from the Applicant would not be proportionate with regards to the nature and scale of this development.

During the application process, a complaint was received from the occupiers of a neighbouring property with regards to the Applicant clearing the site. The works undertaken by the Applicant did not require planning permission and, as the site does not fall into any of the categories for the submission of further ecology information, the clearing of the site is the Applicant's prerogative and these concerns cannot be considered by the LPA as part of the application process.

#### Nutrient Neutrality

Pursuant to the identification of the catchments of Bassenthwaite Lake (River Derwent and Tributaries SSSI unit 1) and River Marron (unit 124 of River Derwent and Tributaries SSSI) which form part of the River Derwent & Bassenthwaite Lake SAC as being in unfavourable condition due to nutrient enrichment from elevated nitrogen and phosphorus levels., it is necessary to complete a Habitat Regulations Assessment (HRA).

A HRA has been prepared. This concludes that likely significant effects will not result from the proposed development beyond the existing baseline position i.e. the ongoing construction and likely completion of application reference 4/21/2383/OR1.

This position is based on the additional information that was submitted by the Applicants Agent in response to the request for additional information with regards to nutrient neutrality. This confirmed that the foul drainage system would connect to the Wastewater Treatment Works at Pica which lies



outside the affected catchment area. It was also confirmed that the surface water drainage would be achieved using soakaways which is possible due to favourable ground conditions and also provides a cost-effective solution. The drainage details are controlled by a condition which is attached to the outline permission. Once these details are submitted in order to discharge the drainage conditions a further assessment with regards to nutrient neutrality will need to be undertaken at that time.

#### Issues relating to noise, lighting and the construction period

Objections were received from the occupiers of a neighbouring property raising concerns with regards to noise, lighting and the negative effects of the construction period.

As the proposal is for a single dwelling, noise nuisance beyond usual residential levels are unlikely. Some noise disturbance during the construction phase is expected, however this is generally unavoidable. Should the construction phase result in unacceptable levels of noise and disturbance then these issues would fall to be addressed by the Council's Environmental Health team under the Control of Pollution Act 1974 which is separate legislation from planning.

The concerns with relation to lighting were not expanded upon by the objector, however, the residential dwelling is unlikely to create any light pollution or nuisance for neighbours beyond normal levels. Again, this can be considered by Environmental Health should a problem arise under the Environmental Protection Act 1990.

The negative effects created by heavy goods vehicles during the construction period are not considered to be a material planning consideration. It is accepted that the site is within a restricted location and the Applicant should be mindful of this during the construction phase.

#### Planning Balance and Conclusion

The principle of the development was established by the granting of outline planning permission in 2018.

The submitted details show an appropriately sited dwelling within the plot which is consistent with the scale and appearance of other modern properties within Gilgarran. Further details with regards to materials, drainage and landscaping can be secured by appropriately worded planning conditions prior to the commencement of the development in order to ensure an acceptable form of development.

The proposed access point is appropriately sited to achieve a safe and convenient entrance to the plot and adequate provision of parking and turning can be achieved within the site to serve a single dwelling.

Although strong objection was received from the occupiers of a neighbouring property, these concerns have all been considered and addressed throughout this report and it is considered that there are no material planning reasons to refuse the application which seeks the approval of

	<p>Reserved Matters.</p> <p>Overall, the proposal is deemed to be appropriate and, based on the information submitted, will result in an acceptable form of development which will be consistent with the policy requirements set out in the Local Plan and the guidance contained with the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>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> <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> <p>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: -</p> <p>Site Location Plan, scale 1:1250, drawing number 04002 02, received 24<sup>th</sup> August 2021;  Proposed Site Plan, scale 1:200, drawing number 04003 07, received 10<sup>th</sup> March 2022;  Proposed Floor Plans, scale 1:100, drawing number 04001 03, received 10<sup>th</sup> March 2022;  Proposed Elevations, scale 1:100, drawing number 05001 04, received 10<sup>th</sup> March 2022;  Typical Section, scale 1:100, drawing number 06001 01, received 10<sup>th</sup> March 2022;  Typical Section Street Scene, scale 1:100, drawing number 06002 06, received 10<sup>th</sup> March 2022;  Topographical Survey, scale 1:100, drawing number AB/22/02/01, received 10<sup>th</sup> March 2022.</p> <p>Reason</p> <p>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.</p> <p>3. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.</p>

Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

4. Prior to the first use of the development hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing and means of enclosure as a minimum. Landscaping must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved the access and parking/turning space shall be constructed in accordance with the details set out on the Proposed Site Plan, scale 1:200, drawing number 04003 07, received on 10<sup>th</sup> March 2022. Once installed the access and parking/turning space shall be maintained in accordance with the approved details at all times thereafter.

Reason

For the avoidance of doubt and in the interests of highway safety.

6. Prior to the first occupation of the dwelling hereby approved the boundary treatments to the site shall be installed in accordance with the details illustrated on the Proposed Site Plan, scale 1:200, drawing number 04003 07, received on 10<sup>th</sup> March 2022 and the Typical Section Street Scene, scale 1:100, drawing number 06002 06, received 10<sup>th</sup> March 2022. Once installed the boundary treatments shall be maintained in accordance with the approved details at all times thereafter.

Reason

For the avoidance of doubt and in the interests of visual and residential amenity.

**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](http://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 : 15/06/2022**

**Authorising Officer: N.J. Hayhurst**

**Date : 17/06/2022**

**Dedicated responses to:-** Letter to objector