



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2469/001
2.	Proposed Development:	OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR RESIDENTIAL DEVELOPEMENT
3.	Location:	LAND AT ARLECDON ROAD, ARLECDON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to a plot of land situated on Arlecdon Road in Arlecdon. The site has agricultural fields to the west, a further plot for development to the north and a residential property to the south.</p> PROPOSAL <p>Outline planning permission is sought for the erection of a single dwelling house on the site. This application seeks to establish the principle of development with all matters reserved for future approval.</p> <p>Indicative details have been submitted to demonstrate how access can be achieved directly from Arlecdon Road.</p>	

CONSULTATION RESPONSES

Parish Council

No objections

Cumbria Highways

1st response

The visibility to the south east appears to be restricted and our minimum visibility splay of 60m does not appear to be achievable at this site. If the required visibility splays cannot be achieved, we would strongly recommend they carry out a speed survey or show speeds reflect the required visibility splays.

2nd response

The relocation of the site access allows for adequate visibility splays for the site. We would therefore raise no objection to the proposal subject to conditions being included in any notice of consent that may be issued.

United Utilities

1st response

OBJECTION AND REQUEST FOR FURTHER INFORMATION PRIOR TO DETERMINATION

A Large diameter pressurised water trunk main crosses this site. As we need unrestricted access for operating and maintaining the main, we will not permit development over or in close proximity. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed. This should be taken into account in the final site layout, or a diversion may be necessary. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as the cost of water main diversion may be prohibitive in the context of the proposed development.

PRIOR TO DETERMINATION of the application, the applicant must provide a site constraints plan showing all United Utilities assets and infrastructure. Please note that given the strategic nature of this asset, its size and the size of the required access strip, it may not be feasible to locate any residential development on this site.

2nd response

I note the comments of the agent below, and it may be that we have plotted the site too far north –

given the size and strategic nature of this infrastructure we need the agent to pinpoint the exact location of the trunk main on the block plan provided and illustrate the no-build/access zone to either side of the pipe. I will pass this to our Asset Manager and we can revise our comments accordingly.

3rd response

Following receipt of a site constraints plan on 30th November 2021 showing the United Utilities water trunk main, I can confirm that United Utilities is satisfied that the main and required easement have been avoided.

Request conditions relating to the provision of a surface water drainage plan and foul and surface water to be drained on separate systems.

Public Representations

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

One response has been received as a result of this advertisement stating the following concerns:

- The proposed dwelling will be two storey which will cause loss of light to the neighbouring dwelling;
- Loss of privacy;
- The dwelling will create noise pollution;
- Increase in traffic;
- Visual amenity will be spoiled;
- The dwelling will be too close to the United Utilities pipeline;
- The dwelling will add to existing mental health problems.

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 ENV5 – Protecting and Enhancing the Borough's Landscapes

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 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 2021 (NPPF)

National Design Guide (NDG)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Copeland Borough Council – Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

Copeland Borough-Wide Housing Needs Survey (2020)

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

Introduction

This is an outline application which seeks to establish the principle of development only. All other

matters have been reserved for subsequent approval.

Principle of development

The application site lies outside of any designated settlement boundary, and as such, the proposal is in conflict with Policy ST2. Policy ST2 of the Copeland Local Plan states that outside of the defined settlement boundaries development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use. None of these exceptions have been identified in this case, therefore any planning application would be assessed as an open market dwelling.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the Local Plan must still be considered out of date and only some weight can be given to their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Preferred Options Draft (ECLP) ended in November 2020. The ECLP will, once adopted, replace the policies of the adopted Local Plan.

The ECLP has been drafted based upon an evidence base. The SHMA calculates a housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

The ECLP continues to identify Arlecdon as a Local Service Centre reflective of the number and type of services it contains and identifies a settlement boundary around the village. The ECLP continues to identify the Application Site as outside but adjoining the revised settlement boundary for Arlecdon. Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, the document is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, the identified conflict can be given little weight at present.

In the context of the provisions of Paragraph 11, the defined development boundaries in Copeland must be considered out of date. Paragraph 11 of the NPPF sets out that planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The site lies on the western edge of the built up area of Arlecdon, and is considered to be within walking distance from the range local services within the village.

In applying the provisions of paragraph 11:

- The site would assist in boosting housing supply to meet the identified need for housing in Arlecdon and the wider Borough;
- The proposed development comprising the erection of a single dwelling and is appropriate in size to the designation of Arlecdon as a Local Centre in accordance with the spatial objectives of Policy ST2;
- The site is adjacent to the existing settlement boundary and the existing built form on the western edge of Arlecdon;
- The site is located adjacent to sites with recent planning permissions for residential dwellings;
- The site is located in close and convenient proximity to the services located within Arlecdon. The proposed development will support existing services;
- Sustainable travel options exist within the vicinity, including cycle routes and bus services, as per the provisions of Policy DM22 of the Local Plan.

On this basis, the principle of residential development on this site is supported as it would create a sustainable development within a recognised settlement.

Design and Impact on Residential Amenity

The plot is of sufficient size to accommodate a dwelling in an appropriate position to respect the local building line and maintain suitable separation distances between the existing properties and proposed dwelling as required by Policy DM12.

An objection to the proposal was received raising some material planning concerns. As this application is only in outline form and as such is considering the principle of development these concerns cannot be considered. All matters relating to siting, layout, scale, landscaping and access are reserved for future approval. However, based on the illustrative details provided it is reasonable to conclude that adequate separation distances can be achieved with the existing residential properties within the vicinity and that any privacy and overlooking concerns can be mitigated. A full neighbour consultation would be undertaken should a reserved matters planning application be submitted and

these concerns will be considered in full at that 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.

Whilst the development, by virtue of its location, would have some impacts on the existing character of this part of the village, the site would not extend into the open countryside and is adjoined by other recently approved development plots. This site would effectively round off the built form of this part of the settlement and would be viewed against the existing built form of Arlecdon which would limit its impact.

It is proposed to impose a condition which limits the height of the dwelling to a single storey and this would help to limit its visual impacts. Landscaping, which would be detailed within any subsequent reserved matters applications, will also help to soften the potential landscape and visual impacts of the development.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM10 of the Copeland Local Plan and provisions of the NPPF.

Access and Highway Safety

The submitted indicative block plan demonstrates how an adequate access can be reasonably achieved.

The Highways Authority initially objected to the application due to insufficient information relating to visibility splays. The applicant submitted a further plan to show that visibility splays of 2.4m x 75m in both directions can be achieved. The Highway Authority raised no further objections to the proposal, subject to several conditions which could be addressed as part of any reserved matters application.

The proposal is therefore compliant with Policies ST1 and DM22 of the local plan and considered to be satisfactory in this respect.

Drainage

United Utilities raised concerns that the development would affect a water main in the area. In response to this that applicants agent submitted a plan which confirmed the position of the site in respect to the adjoining water main. In response to this United Utilities advised that they were

	<p>satisfied that the development would not affect the main, or it's easement zone.</p> <p>All details of drainage should be provided at the reserved matters stage and it is considered to be prudent to attach conditions to any approval to ensure this.</p> <p><u>Planning Balance and Conclusion</u></p> <p>No objections have been received to the proposal from statutory consultees, subject to full details of surface water drainage and access being provided at the reserved matters stage.</p> <p>The application site is located outside of the settlement boundary for Arlecdon as defined in Policy ST2 of the Copeland Local Plan.</p> <p>For the reasons outlined, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:</p> <ul style="list-style-type: none"> - The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. <p>The proposed development is in clear conflict with the provisions of Policy ST2 of the Local Plan with regard to the location outside the settlement boundary for Arlecdon, however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.</p> <p>As the ECLP is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, this can be given little weight at present. However the ECLP continues to identify Arlecdon as a sustainable settlement.</p> <p>The development will assist in boosting housing supply within Arelecodn, is of an appropriate scale for the Local Centre, will support the retention of existing services locally, and benefits from some sustainable travel options in accordance with the spatial objectives of the Local Plan.</p> <p>Whilst the development by virtue of its location would have some impacts on the existing character of this part of the village, the site would not extend into the open countryside and is adjoined by other recent development plots. This would effectively round off the built form of this part of the settlement and would be viewed against the existing built form of Arlecdon limiting its impacts</p> <p>Overall this is considered to be an acceptable form of development which accords with the policies set out in the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9. **Conditions:**

Standard Conditions

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall 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: -

Location Plan, scale 1:1250, received 13th December 2021;
Block Plan, scale 1:500, received 13th December 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 Condition

4. 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

5. 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.

6. The dwellings hereby approved shall not exceed 1no. storey in height. For the avoidance of doubt, this does not prevent the use of the roof space of any dwelling as living accommodation.

Reason

To safeguard and enhance the character of the area.

Informatives

1. 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
2. Please note that both during and post construction, there should be no additional load bearing capacity on the mains without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles. The applicant can contact Sara Livesey at DeveloperServicesWater@uuplc.co.uk for further discussion regarding development within close proximity to these mains.

	<p>Statement</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>Case Officer: Sarah Papaleo</p>	<p>Date : 14/01/2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 28/01/2022</p>
<p>Dedicated responses to:-</p>	