

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2470/001	
2.	Proposed Development:	OUTLINE APPLICATION FOR THE ERECTION OF ONE DWELLING WITH ALL MATTERS RESERVED	
3.	Location:	LAND TO REAR OF HOLBORN HILL, MILLOM	
4.	Parish:	Millom	
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	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to land to the rear of Holborn Hill, located within the west of Millom. The site is currently a detached garage area, and lies between two existing garage sites. Access to this site is via a single access road between 176 and 178 Holborn Hill, which provides the only access for 13 other properties and a number of garage sites within the immediate vicinity.</p> <p>Relevant Planning History</p> <p>4/21/2470/001 – Garage and Workshop – Approved</p> <p>Proposal</p> <p>This outline application seeks to establish the principle for developing the site for a single residential property. All matters relating to access, layout, scale, appearance, and landscaping are reserved for</p>	

subsequent approval.

An indicative layout plan has been submitted with this application to show how the site could be designed to accommodate a single dwelling. This plan also indicates that the site will be accessed from the existing single access track to the east of the application site.

This application is accompanied by the following information:

- Site Location Plan;
- Suggested Layout Plan;
- Design & Access Statement.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumbria County Council – Cumbria Highways & LLFA

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to four properties. Two letters of objection has been received, which raises the following concerns:

- Loss of value of existing properties.
- Loss of view.
- Loss of light.
- There is only one road in and out of the street which will have an effect on access and congestion.

- The road is narrow with no footpaths.
- Access for emergency services are already limited and bin wagons can't come down the road.
- There will be more parking issues.
- Loss of privacy.
- Noise disturbance from construction.
- The property is large and overbearing and out of scape with the properties in the area.
- A smaller dwelling may be more in keeping with the area,

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 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 of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (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

This application seeks to redevelop an existing detached garden site to provide a single residential dwelling. The key issues raised by this outline planning application relate to the principle of the development, design and impact on residential amenity, landscape and visual impacts, drainage and flood risk, and highway safety.

Principle of Development

The application site falls within the designated settlement boundary for Millom, which is listed as a Key Service Centre in Policy ST2 of the Copeland Local Plan. This policy allows for infill and windfall housing sites, and moderate allocations to form extensions to the town to meet general needs, with larger sites required to offer a proportion of affordable housing.

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their

scale and function.

Development management policies DM10, DM11 and DM12 which seek to ensure that the proposed development can provide quality places to live, are also relevant to this scheme.

On the basis of the above, it is therefore considered that the development would be in accordance with the aims and objectives of the relevant policies of the adopted Copeland Local Plan and the NPPF which set a presumption in favour of sustainable development.

The principle of residential development on this site is supported subject to site-specific matters.

Design and Impact on Residential Amenity

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, 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.

Concerns have been raised with the development from the occupiers of neighbouring properties with regard to the scale of the proposed development and the potential impact of the development on their properties due to overlooking, loss of light, and loss of value. However, as this application is in outline form only, details of the scale and appearance of the dwelling are reserved for subsequent applications. The application has been accompanied by a block plan to show how the site could accommodate a single dwelling, however these are indicative only and do not form part of any approval. The impact on residential and the wider amenity of the area would therefore be considered further as part of any subsequent reserved matters applications, however it is considered that a development of a single dwelling could meet the required separation distances set out within Policy DM12 of the Copeland Local Plan.

Given concerns from neighbouring properties and the prominence of this site along this access road, the agent has agreed to the inclusion of an appropriately worded planning condition to limit the height of the proposed development at this site to a single storey dwelling including use of the roof space as habitable accommodation. The inclusion of this condition will also ensure that the development reflects the lower massing of the adjacent garage sites and does not become an over dominant feature within this area.

On the basis, it is 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.

The application site lies within the existing settlement boundary for Millom located within a residential area. It is considered that a single dwelling at this site would be viewed against the backdrop of the existing properties, therefore the development is not considered to result in an intrusion into the open countryside and would result in infilling between existing dwellings.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provisions 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, therefore a Flood Risk Assessment has not been submitted to support this application. The proposed application suggests that the foul and surface water from the proposed development would drain to the existing public mains combined sewers. As this detail has not been confirmed as part of the submitted detail United Utilities have requested a conditions requiring foul and surface water to be drained on separate systems, and a surface water drainage scheme to be submitted prior to the commencement of works.

The inclusion of appropriately worded planning 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.

Access, Parking 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 proposed dwelling will be accessed from the existing single track road to the east of the application site. This single access road runs between two existing groups of terrace properties (nos. 176 & 178 Holborn Hill) and provides direct access onto Holborn Hill. The single track road also provides access for 13 other residential dwellings in the area and the surrounding garage sites, therefore concerns have been raised from neighbouring properties on the impact on the existing

	<p>highway.</p> <p>Cumbria Highways have been consulted upon this application, however given the scale of the development they have confirmed that they do not wish to comment.</p> <p>As this application only seeks outline permission for a single dwelling at this site, it is not considered that an additional property will have a significant material impact on the existing highway arrangements. The site has also previously had permission to develop a garage therefore additional capacity has already considered acceptable for this access.</p> <p>On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The principle for developing this site for a single dwelling is acceptable as the site is located within the existing settlement boundary for one of the Borough's Key Service Centres. As the application is in outline form only no details have been provided with regard to the scale or appearance of the proposed dwelling. Concerns have, however, been raised with regard to the impact of the development upon existing residential properties. Notwithstanding this it is considered that the required separation distances can be achieved at this site.</p> <p>The development will be viewed within the context of the surrounding existing properties and adjacent garages. The agent has agreed to a condition to limit the height of the dwelling in order to reduce the impact of the proposed upon the surrounding area. Although concerns have been raised with regard to the suitability of the access road, the introduction of a single dwelling is not considered to have a significant material impact on the existing highway.</p> <p>Details of drainage can be secured by appropriately worded planning conditions.</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>Recommendation:</p> <p>Approve in Outline</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The layout scale, appearance, access, and landscaping must be as may be approved by the Local Planning Authority. <p>Reason</p>

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 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. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
- Site Plan, Scale 1:1250, Drawing No 1717, received by the Local Planning Authority on the 26th October 2021.
 - Design & Access Statement, received by the Local Planning Authority on the 26th October 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. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions must be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. The development hereby permitted must 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. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management

Other Conditions

6. This permission gives outline approval for a single dwelling only at this site.

Reason

To ensure an appropriate form of development at this site.

7. The dwelling hereby permitted must not exceed one storey in height. This does not preclude the use of the roof space as habitable accommodation.

Reason

To minimise the impact on neighbouring properties of the visual amenities of the area.

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

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

9. Any access gates installed within the property must be of a style which do not open onto the highway and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area.

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: C. Burns

Date : 20.12.2021

Authorising Officer: N.J. Hayhurst

Date : 20/12/2021

Dedicated responses to:- Letter to Objectors