

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2485/OF1	
2.	Proposed Development:	RESIDENTIAL DEVELOPMENT TO CREATE FOUR DETACHED DWELLINGS	
3.	Location:	FORMER CASTLE CINEMA SITE, BOOKWELL, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, 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 Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a brownfield site located within the centre of Egremont. The vacant land, which was previously the site of the former Castle Cinema, fronts onto Bookwell Road and lies within the Egremont Conservation Area.	
		The site was cleared under previous planning permissions.	
		The land is bounded on all sides by residential properties, and is currently enclosed by timber boarding.	

Relevant Planning History

4/03/1003/0 – Outline application for demolition of ex-snooker, club and construct six new dwellings – Approved

4/05/2179/0 – Demolition of existing cinema and construction of 15 no. two bedroom apartments plus car parking – Approved

4/10/2598/0F1 – Application to replace extant planning permission (4/05/2179/0, Demolition of existing cinema and construction of 15 no. two bedroom apartments plus car parking – Approved

4/14/2465/0O1 – Outline application for proposed development of 8 houses – Approved in outline

4/18/2039/0R1 – Reserved matters for full development details (8 dwellings) – Approved Reserved Matters

Proposal

This application seeks permission for a residential development of four detached dwellings. Two of the plots will front onto Bookwell Road, whilst the other two plots will be located to the rear of the site, arranged around the access road.

The proposed dwellings are as follows:

- Plot 1: This proposed dwelling will form part of the frontage of the application site. It has been designed with a front and rear gable, a small rear porch and a first and ground floor bay windows within the front elevation. Internally, the proposal will create within the ground floor an attached garage, a hall, wc, living room, and an open plan kitchen/dining room. Within the first floor the dwelling will accommodate four double bedrooms, one with an ensuite, and a bathroom.
- Plot2: This proposed dwelling will be located to the east of the access point for the development, forming part of the frontage for the site. It has been designed with a front and rear gable, and a ground floor bay window within the front elevation. Internally, the proposal will create an attached garage, a hall, wc, and an open plan kitchen/living/dining room at ground floor level. The first floor of the dwelling will accommodate four double bedrooms, one with an ensuite, and a bathroom.
- Plot 3 & 4: These dwelling are located within the rear portion of the site and are of similar design. They both benefit from a front porch and an attached garage which is subservient in scale to the main dwelling. Internally, these dwellings will create an attached garage, wc, a living room and an open plan kitchen/dining room at ground floor level. The first floor of the dwellings will accommodate four double bedrooms, one with an ensuite, and a bathroom.

Externally each dwelling will be finished with rendered walls, a slate roof, and artstone window and door surrounds. It is proposed that windows and doors facing onto Bookwell Road will be finished

with timber whilst the remainder of the site will be finished with UPVC.

The frontage of the site onto Bookwell Road and the eastern boundary of the site will be finished with a reclaimed stone boundary wall with railings above. These will be at a height of 1m within the proposed visibility splays. Within the application site the boundaries between properties will be finished with vertical timber boarded fencing at a height of 1.8m.

The site access will be located within the middle of the site frontage on Bookwell Road. It is proposed that the development will be access by a single road with turning head as per the previous planning approvals at this site. The proposed access road will be finished with permeable paving and tarmac, and a block paver dished gulley to prevent surface water discharging onto the highway. The proposed access will provide visibility splays of 2.4m x 48m in both directions.

In terms of drainage the proposed development seeks to deal with foul drainage via the existing mains sewer which runs along Bookwell Road using the existing connections that served the former buildings that occupied the site. It is proposed to deal with rain/surface water from the development by individual attenuation units before discharging to the culverted water course.

Consultation Responses

Egremont Town Council

3rd December 2021

Egremont Town Council however have no objections although they are concerned about access and traffic noise.

Cumbria County Council – Highway Authority & Lead Local Flood Authority

2nd December 2021

Highways Response:

I can confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to visibility splays, access and turning, and surface water discharge.

LLFA Response:

- The Environment Agency (EA) surface water maps indicate that the site is in flood zone 2. The applicant should consult with the Environment Agency regarding a flood risk assessment.
- The LLFA surface water map show flooding to the area and indicate 1 in 30 chance of occurring each year.

17th February 2022

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA)

has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

9th March 2022

No objections to the proposal subject to the inclusion of a condition relating to surface water discharge.

United Utilities

6th December 2021

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. UU request conditions to be attached to this permission relating to surface water and foul water.

15th February 2022

Following our review of the submitted drainage documents; Drainage Strategy Ref: 20.33/100, Dated Oct 2021, the plans are not acceptable to United Utilities. This is because it is unclear where the surface water is proposed to drain. There is a culverted watercourse and a public combined sewer both lying to the East of the proposed development. We would expect that it's draining to the watercourse, in line with the surface water hierarchy, however we would request that this is specified on the drainage plan. Should planning permission be granted UU request the inclusion of a condition requiring the submission of a sustainable surface water drainage scheme and a foul water drainage scheme.

8th March 2022

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion a condition to require the drainage to be carried out in accordance with the approved details.

9th May 2022

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to require the drainage to be carried out in accordance with the approved details.

Environment Agency

1st December 2021

Environment Agency position:

We have reviewed the submitted Flood Risk Assessment prepared by Martin Buthell Ltd (dated 06 November 2021) and we consider that it is appropriate to the nature and scale of the development. We have no objection to the development as proposed but wish to make the following comments:

Copeland Borough Council – Flood and Coastal Defence Engineer

15th November 2021

At this stage there is additional information required.

I have some comments and queries as follows:

- Part of the site is in Flood Zone 2.
- With the exception of the rear wall of one of the proposed dwellings, the dwellings will be located in Flood Zone 1.
- The Flood Risk assessment states that the predicted flood level is 43.6m AOD, with the finished ground floor level of the lowest property being 45.6m AOD, so the properties are clearly well above flood levels.
- The application states that the surface water will be disposed by means of a sustainable drainage system.
- The site layout shows storage crates for each dwelling, running into a shared system, which is shown as discharging into the main sewer.
- No evidence of the drainage hierarchy being applied has been submitted. Why has infiltration been discounted?
- Based on the site layout, it would appear that the surface water drainage from the site is actually going to be connected into the culverted section of Skirting Beck, rather than the sewer. Whilst a better option than the sewer, consent to connect into Skirting Beck would need consent from the Environment Agency and it is likely that maximum discharge rates will need to be agreed in advance.

7th February 2022

Based on the additional information provided, my comments/queries from my previous response

have been addressed.

I am happy for the proposed development to proceed.

Copeland Borough Council – Conservation Officer

3rd December 2021

Conclusion: Request further information and design revision

Assessment:

This site is a vacant plot located within Egremont conservation area, immediately opposite a scheduled ancient monument (the Castle and its enclosure) and within the setting of several designated and non-designated heritage assets.

Recent policy/guidance developments

There have been several planning permissions granted for redevelopment on this site (2003, 2005, 2015) and it is clear that the principle of inserting a housing scheme is established, and is welcome. This site has been in a poor state for too long.

Since the last permission (reserved matters in 2018) the national policy landscape has changed, particularly with respect to housing development. This is a sensitive site – it's at a gateway, it has a conspicuous frontage, it is opposite a scheduled ancient monument, and within the settings of the War Memorial and Railings in Market Square, and the water Fountain and Trough on Bookwell (both grade II listed) as well as the non-designated heritage assets nearby. This response is therefore a mixture of conservation and design consultation; these elements should be viewed together as opposed to being two separate things.

In order to begin appraising this proposal, it would be useful to engage with some questions:

- How does this development encourage a sense of community, both among its inhabitants and between them as individuals and Egremont more generally?
- How does the scheme consider the user requirements and desires that became increasingly apparent during the earlier COVID-19 lockdowns? The following study may prove interesting here [Place-Alliance-Homes-and-Covid-Report_2020.pdf \(placealliance.org.uk\)](https://placealliance.org.uk/wp-content/uploads/2020/06/Place-Alliance-Homes-and-Covid-Report-2020.pdf)
- How have townscape and a sense of place been engendered by the proposal, both within the scheme and in the context of Egremont itself?
- How has impact on heritage assets been understood, and guided the proposal from the outset?

The Government's response to the Living with Beauty report produced by the Building Better, Building Beautiful Commission was released in January 2021. The BBBB Commission was convened in

order to provide a roadmap for driving up standards of design and beauty for homes, villages, towns and streets.

As a result (among many), the wording of the National Planning Policy Framework was updated to assert that “proposals that are not well designed should be refused” (para. 134).

Achieving good design

The National Design Guide, published in 2021, contains guidance on how this goal can be achieved. As it states, “A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings” (P.5). This therefore requires a demonstrable engagement with options for layout, form and scale, appearance, landscape, material, detailing etc.

The National Design Guide introduced ten characteristics of well-designed places. Although this is a small scheme, it is in a sensitive and conspicuous location that will bring considerable lasting change to this part of an ancient settlement, so it will be useful to use these characteristics to appraise the proposal.

- Context: Enhances the surroundings
- Identity: Attractive and distinctive
- Built form: A coherent pattern of development
- Movement: Accessible and easy to move around
- Nature: Enhanced and optimised
- Public spaces: Safe, social and inclusive
- Uses: Mixed and integrated
- Homes and buildings: Functional, healthy and sustainable
- Resources: Efficient and resilient
- Lifespan: Made to last

Of these, I would consider Context, Identity and Built Form the most obviously necessary to get right within the purview of the consultation I can offer, however aspects such as Movement (How will the various residents meet one another within the development? What opportunities will there be for them to interact?), Nature (How are views of greenery made accessible from within and around the houses? How do the occupants engage with private gardens and other planting schemes?), Homes and Buildings, Resources and Lifespan are obviously all salient.

An alternative way of satisfying the requirement of para. 134 (to conforming to national and local guidance) would be to demonstrate outstanding or innovative design that promotes high levels of sustainability or raises the standard of design more generally in the area, provided an overall fit with

local form and layout.

Also in this period, a new Housing Design Audit for England was published by the Place Alliance. This found that almost three-quarters of the 142 large, post-2007 schemes evaluated were “mediocre”, “poor” or “very poor” against their seventeen-point framework. These were large schemes, it is still an informative study for this proposal as it demonstrates trends in housebuilding generally.

This identified aspects that cause systemic shortcomings and hinder achievement of good design, of which the following are likely to be relevant to this project:

- Overly engineered highways infrastructure and poorly integrated parking and bin storage. This leads to unattractive large areas of hard surfacing, parked cars and bins;
- Poor architectural response to context, weakness establishing character for new development, little distinctiveness;
- Poor definition of hard surfacing by buildings, relationship of buildings and hard surfacing to landscape;
- Environmental impacts (relevant in the sense that decisions about these houses’ environmental strategy will have implications on layout, massing, appearance etc.)

From this, we have a priority series of design characteristics and common areas in which housebuilding falls down.

The design and access statement is likely to be the best venue for defending the development, however, at its foundation the proposal has to be of good quality for the D&A statement to defend it.

The heritage statement is likely to be the best venue for demonstrating that the requirement in NPPF 194 to describe the significance of affected heritage assets. This assessment should inform the design of the site.

The proposal

It is telling that the site layout annotations are focused on visibility splays, water discharge, and vehicle turning. While getting these right is of course necessary, it would be a mistake to base the site layout only on these narrow constraints.

The planning statement is clear on establishing principles for energy efficiency, but not specific in what implications these principles have had for the scheme or what opportunities have been capitalised upon.

The design, access and heritage statement consists of five brief paragraphs that establishes the buildings will be staggered in height to reflect the sloping nature of the site, although the site front elevation drawing shows two houses, both detached, and approximately the same height, so it’s not

clear how this principle has been used to guide the design.

Materials are briefly described, but there's no justification or consideration of alternatives.

The design, access and heritage statement provides very little support for the application. This fails to meet the requirement in NPPF 194 and leaves the job of demonstrating good design entirely to the drawings.

Context, Identity and Built Form are the three characteristics described in the National Design Guide that most closely correspond to character:

- Context.
 - The application provides almost no analysis of local character and it is also difficult to infer this from the drawings, which show a late 19th century pastiche style that is applied to generic detached dwellings without conviction. The neighbouring Castle Villas are mentioned, but the bay windows and doors read as an afterthought.
 - The site access, massing and layout appear to have little relationship to local character, even accidentally.
 - The more superficial aspects (facing materials, styling) appear to relate to the Victorian developments further up Bookwell, but there is no reasoning provided for this as opposed to the context on Market Place etc. The execution does not seem well observed or carefully incorporated. As this site is at a gateway, providing a sense of place and articulating the juncture between Bookwell's character and that of Market Place/Main Street would seem at least considering and an attempt making to understand the context before advancing a strategy.
 - It is not clear whether the layout and massing are intended to form a continuation of the frontage established by Castle Villas, or whether it is intended to appear softer and more permeable.
 - Local heritage doesn't appear to have been considered.
 - There is little or no evidence of novelty, inventiveness or inspiration taken from contemporary issues, like the well-understood difficulties integrating cars, environmental performance, social interaction of inhabitants.
- Identity
 - There is little evidence that the ways people will experience the development have been considered.
 - It would be wrong to consider Identity as only visual, but at least some visual analysis showing important viewpoints and how influential they've been should be included.

- Visual attractiveness of the individual buildings is middling – likely to be inoffensive to a majority of people, however the visual identity stops short of being good.
- No evidence is provided that roofscape has been considered.
- No evidence is provided that qualitative and phenomenal aspects have shaped the design at a foundational level.
- The design process does not appear to have been excited or inspired by the local area. Consequently the result seems unexciting and uninspiring, missing its chance to enhance or play with locale and vernacular.

- Built Form

- The three-dimension pattern of solids and spaces is neither good nor bad, but rather nondescript. It appears to have been specified on the basis of estate agents recommending detached houses and the access of vehicles. Without detailed supporting documentation, there is little in the application to counter a concern of this sort.
- Is there a risk that the site entrance might read as a street, rather than an access to four houses that doesn't go anywhere else? The site should be legible to passers-by.
- Is the site memorable, beautiful or uplifting in a way that would allow it to be noted and fitted within the mental map of a person experiencing Egremont's environment?

- The scheme and its supporting documentation should be able to demonstrate a high standard against the above, while also responding to the remaining seven characteristics of good design, as summarised.

Conclusion

This is some way off being best practice, either in terms of the scheme itself or the supporting information, however, the decision to go with four houses seems a good one bearing in mind the ratio of house-to-garden that should be achievable.

The application should be supported by a detailed contextual analysis, demonstrating understanding of local character and showing how this has informed and inspired the developed solution.

The application should be supported by an analysis of local heritage assets (scheduled ancient monuments, listed buildings, the conservation area, and non-designated heritage assets).

The application should include analysis of important views, showing how the development establishes a distinct, attractive character, and how it complements and enhances its surroundings.

This is a sensitive site in heritage terms and an unambiguously design-focused policy context. As the

Place Alliance's Housing Audit points out:

- Less affluent communities get worse design, however better design is affordable, and even low value locations can host good or very good results.
- Both poor and mediocre design are unsustainable and therefore falls foul of the NPPF's presumption in favour of sustainable development.

I cannot support the scheme in its current form and with its current level of documentation, which reinforces rather than allays fears that context, identity and built form (in particular) are not coherent.

I am supportive of the principle of developing this site and believe that a good quality scheme can be brought forward with inventiveness and a sound base of research.

3rd March 2022

Conclusion: Request design revision

Assessment:

Since my previous consultation, updated information has been provided.

As before, I remain in favour of redeveloping this site and aware of the previous permissions that have been granted. As mentioned previously, the national policy context has changed slightly since the previous permission was granted.

Context, identity and built form are obviously necessary to get right here. Overly engineered highways infrastructure is not ideal, so care should be taken to minimise the impact of the site access.

The design and heritage statement is minimal and appears to have had little influence in the design process. I flagged this up in an earlier consultation, but almost nothing has changed in either the designs or the justification for them.

Looking for the simplest opportunities to improve matters is likely to be productive here:

- Castle Villas are characterised by repetition, and a frontage that is straight and parallel with the road, although broken up by articulation and ornamentation in the form of substantial bay windows, dormers and chimneys.
- These new buildings will not feature chimneys, however gables and bays are within the visual language being used.
- The site plan and the Bookwell elevation drawing don't appear quite consistent – The dormer at No. 1 is shown with a gable above, extending higher than the eaves in elevation, but in plan the dormer is shown on the front façade only. The gabled section above the dormer presumably has a small section of roof behind it (this is shown in the side elevation for the

house), which should be shown on the plan.

- Because the site frontage features two detached dwellings, the density is low, however there may be opportunities in the scale and massing of these two dwellings, and the boundary treatment, to establish a positive front to the site that gives a proper “opposite” to the Castle Precinct on the south, while connecting the fairly low and dense grain at Rustic Garden to the east with the tall and regimented Castle Villas to the west.
- The site comes to a natural point at its east end, which is advantageous as it will relate well to the grain of Rustic Garden, and the slope of the road provides opportunity to build this up towards Castle Villas at the other end.
- I’d suggest that keeping dwellings 1 and 2 parallel with each other and with Castle Villas may be helpful.
- It may also be beneficial to orientate these two dwellings with their long axes parallel, or rather, to introduce a clearer long axis to each dwelling’s plan, and align them. Dwelling 1 has a clearer long axis, however, perhaps this could be arranged to better effect?
- It may be to the scheme’s advantage to have both dwelling 1 and dwelling 2 pulling together, so to speak, as opposed to unrelated to each other. Aside from aligning the long axes of the buildings, perhaps there are opportunities related to symmetry, line flow or massing?
- Additionally, an alternative facing material may provide opportunities that haven’t yet been explored.
- This should also apply to the boundary treatment. Is the stepped facing-brick clad front wall to dwelling 1 the best option? I’m not 100% certain if the wall opposite and around dwelling 2 is the same, as there’s a chunk without any rendering in the elevation drawing, but I presume it is, as it’s indicated this way on the site layout.
- I’m aware that some of the single windows on the ground floors are into garage spaces, however, having a smaller window underneath a larger one looks rather odd, so there may be an opportunity here.
- The designs may also benefit from revisions to the fascia boards – If these can be omitted, it’s likely to tidy up the appearance, particularly on the gabled sections of the front and side elevations.

Conclusion

I remain supportive of the principle, and of the use of the site for four houses, although there are a number of question marks over specific design decisions, and the supporting documentation is not robust in showing why this particular arrangement is fully evolved.

I'd be happy to see revisions limited to the two forward dwellings and the boundary, but feel this scheme has potential left on the table, and needs a little more exploration before it should be signed off.

I hope the above questions and thoughts are of assistance, and welcome further discussion.

22nd March 2022

Conclusion: Request additional information

Assessment:

- Since my last consultation response, I have had the opportunity to meet with the applicants and agent and have had a productive conversation about the constraints present on the site, the previous versions of the scheme, and the ways in which the current could be revised.
- Updated drawing showing revisions to the road-side façades has been received:
 - Site constraints minimise the flexibility of Plot 2, so this remains largely as was, with the exception of a steeper pitch to the gabled bay.
 - However, Plot 1 has been revised so that the frontage consists of two taller and better balanced masses. Rather than using a break in the roofline, this has been achieved by emphasising the gabled volume on the left, which now echoes that to the right of the frontage of Plot 2, and introducing a smaller gable above the right-hand bay of Plot 1's frontage.
 - Changes to proportions of fenestration reduce the slightly top-heavy look of the previous proposal and emphasise the two outer bays while making the central one (with the front door) appear taller and narrower.
 - Fascia boards have been enhanced with the addition of a moulded profile, which with the steeper gabled bay pitches has had quite an appreciable effect.
 - Additionally, the front wall treatment being revised to random stone does much to anchor these raised plots in their surroundings, and gives the site a more attractive and confident appearance.
- Additionally, a photo sample has been provided showing the proposed Marshall's Pennant Grey paving for use in the site. The site plan shows that this extends to the neck of the junction (and conversation with the applicants and agent clarified that the splay must remain tarmacked). The proposed material appears attractive and suitable.
- As discussed previously with the applicants and agent, I think use of good quality uPVC or composite windows and doors could be acceptable further back in the site (as this is a new build context, not a recreation of historic fabric, and is tucked away) but on the frontage

timber should be specified. I don't believe details of windows and doors are currently included in the application, but would be very happy to take a look at proposals and advise as needed.

- I would also be grateful if the application could include a spec sheet or similar for the proposed railings to the frontage of Plot 2, as these will be quite conspicuous.
- I appreciate this is a test of the waters, design-wise, and that the remaining documents are yet to be updated to reflect the revisions.

Summary:

This revised proposal is a welcome step forward from the previous scheme and has done much with some modest changes along the frontage. I remain supportive of the principle, and am supportive of the general design, so look forward to seeing the remaining updated and additional information.

29th April 2022

Conclusion: Request further information

Assessment:

Since my last consultation, updated drawings and details have been received to reflect the previously discussed revisions. I am supportive of the proposal. There is one small detail that I think needs updating, and two sets of details that need supplying still, but could be conditioned if preferred.

- Proposed site layout (100c) labelled with "Facing brick wall to boundary" on left side of entrance and "Reclaimed stone boundary wall" to right hand side. It's shown correctly on the street elevation drawing and in the description, so presumably this label needs updating.
- I'm supportive of the use of Ultimate Rose windows for the secondary elevations of the site with timber used for the primary elevations of properties 1 and 2.
 - The detail on windows is still a little fuzzy however as the brochure isn't specific and the drawings are small scale, so I'd request a detail sheet showing the proposed windows for clarity's sake. If the applicant and agent would like to handle this via a condition, I think that would be fine.
- The other details mentioned in the additional information letter look fine, although mention of rendering a stone wall sounds a bit odd. Wouldn't it be more attractive to leave this as exposed stone, if that's proposed? Apologies if I've misread the letter.
- The docs don't yet appear to include the details of the proposed railings at the front of property 2 previously requested. Again, I think a discharge item should be fine if preferred.

3rd May 2022

Conclusion: No objection**Assessment:**

Since my last consultation, updated details have been received:

- Proposed site layout (100c) old label has been removed re front boundary wall;
- Clarification has been provided that the reclaimed stone walls on the back lane boundary will be hybrid construction, with reclaimed stone facing and rendered blockwork to the rear. This is supportable;
- Detail of the proposed front boundary railing has been attached and appears supportable.

I request a condition be attached to any permission along the lines of the following:

- Prior to their first installation in the development, details of all windows and external doors should be submitted and approved in writing by the Local Authority to preserve the character and appearance of the conservation area and settings of nearby heritage assets.
- Request slate sample for roof.
- Schedule of materials.

Public Representation

This application has been advertised by way of a site notice, press notice and neighbour notification letters issued to seventeen 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 ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

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

Policy DM27 – Built Heritage and Archaeology

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)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

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.

Assessment

The main issues raised by this application relate to the principle of the development; design and impact on residential amenity; settlement character, landscape and visual impact; access and highway safety; impact on conservation area and heritage assets and drainage and flood risk.

Principle of the development

This application relates to a vacant brownfield site, which lies within the designated settlement boundary for Egremont, which is listed as a Key Service Centre in Policy ST2 of the Copeland Local Plan. This policy allows for infill 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 application seeks to develop an existing brownfield site, which is supported by provisions within the NPPF and policy ST1 of the Copeland Local Plan, which promotes the reuse of existing buildings and previously developed land wherever possible, directing development away from greenfield sites.

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.

The principle for developing this site for residential purposes has already been established by the previous planning approvals at this site.

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 upon the Conservation Area & Heritage Asset

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.

Policy ST1, ENV4, DM27 of the Copeland Local Plan seek to protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that "Development that is not well designed should be refused".

NPPF para. 194 states that "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..."

NPPF para. 199 states, in the case of designated heritage assets, "great weight should be given to the asset's conservation", irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a Conservation Area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 206).

Extensive discussions have been undertaken with the agent for this application in relation to the proposed appearance of the development. Whilst the overall layout of the proposed development meets the required separation distances set out in Policy DM12 with adjacent residential properties and was consistent with the general built form of the area, concerns were raised with the agent regarding the design of the development. Whilst the scheme is a significant reduction in scale from the previous approvals at this site which allowed the construction of a greater number of dwellings, the proposal for four dwellings is welcomed allowing adequate garden space for each and reducing the impact on the surrounding area.

The application site relates to a vacant brownfield plot located within Egremont Conservation Area, immediately opposite a scheduled ancient monument (the Castle and its enclosure) and within the setting of several designated and non-designated heritage assets. Based on this the Council's

Conservation Officer originally raised concerns with the overall design and documentation submitted to support this application. Based on these concerns the agent for this application submitted amended detail for the application including confidential financial information to justify the overall design, and choice of materials, and sited previous approvals for the level of documentation provided. Although these financial constraints were considered the Council's Conservation Officer worked with the agent to secure amendments to the design of the frontage of the development, including the boundary wall for the site and plots 1 and 2. These alterations to the overall scheme ensure that traditional materials are to be used within the main frontage and elevations of the scheme reflect the character and appearance of the surrounding buildings which are constructed of traditional materials.

Based on these amendments to the overall scheme the Council's Conservation Officer has offered no objections to the development. However, in order to ensure and secure traditional materials are used within the development conditions relating to material, window/door details, and slate samples will be included within any relevant decision notice. An appropriately worded planning condition will also be used to removed permitted development rights for the site to ensure that any further development within the site does not adversely impact on the site surroundings or Conservation Area.

Based on the amendments to this scheme and the inclusion of the conditions suggested above, 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.

Settlement Character, 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.

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.

The application site relates to a vacant brownfield site which occupies a prominent central location within Egremont and which previously sited that Former Castle Cinema,. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type OO: 'Urban'. The site is located within a prominently residential area, and is bounded to the south-west by traditional terrace properties, and terrace bungalows to the rear of the site. As the development is surrounding

by existing dwellings the proposal is not considered to have an impact on the overall landscape.

The current application seeks permission for four detached dwellings, which is a significant reduction in scale from the previous permissions which granted approval for eight dwelling. Although the proposal is a reduced number the development is still considered to complement the existing built form and character of this part of the settlement. The proposed development for this brownfield site offers the opportunity to regenerate this prominent area of Egremont.

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 majority of the application site is located within Flood Zone 1, however the north-east boundary of the site is located within Flood Zone 2. The application is, therefore, supported by a Flood Risk Assessment. This Assessment concludes that the main site area and proposed floor levels are considered to be well above flood levels and, therefore, there is no risk of flooding to the proposed residential buildings and there is no need for flood defences. However, as there is the possibility of flooding on the lower garden areas, raised patios are proposed to provide access from higher ground levels. Finally, the report states that the proposal is not considered to create a greater flood risk than the previously approved schemes for 8 dwellings.

In terms of drainage, the application seeks to deal with foul drainage via the existing mains sewer which runs along Bookwell Road using the existing connections that served the previous buildings which occupied the site. The rainwater/surface water from the development was originally proposed to be dealt with by individual attenuation units before discharging into the mains.

As part of this application the LLFA, Environment Agency, UU and the Council's Flood and Coastal Defence Engineer were consulted. No objections were received from any of the consultees, however, a number of pre commencement drainage conditions were requested. In order to avoid these conditions the agent for this application submitted amended details which meant that the outfall from the proposed attenuation units would be connected to the culverted water course rather than the main sewer. Furthermore, the proposed access road will now be finished with permeable paving and a block paver dished gulley to prevent surface water discharging onto the highway.

Based on these amendments the consultees have now removed the requirements for the pre commencement condition and have confirmed that the drainage for the development should be carried out in accordance with the submitted amended plans/details.

The imposition of these 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 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 site will be accessed from Bookwell Road, with each dwelling providing at least two off street parking spaces. The access is located as per the previous approvals at this site. Cumbria Highways have offered no objections to the development, however, they have requested conditions relating to visibility splays and access and turning.

The inclusion of these conditions will ensure that the development will comply with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

Planning Balance and Conclusion

This application relates to a vacant brownfield site which lies within the designated settlement boundary for Egremont. Egremont is classified within the Copeland Local Plan as a Key Service Centre where new development within the defined physical limits of the settlement are appropriate.

Extensive discussions have been undertaken with the agent for this application in order to secure a design which reflects character of the surrounding Conservation Area. Financial constraints/details were submitted to justify the design and proposed materials for the development, however, following discussion with the agent amendments were agreed to the frontage of the site to secure traditional materials. Minor alterations to the design of plots 1 and 2 were also agreed to create a more sympathetic development. Conditions will be used to secure the use of traditional materials within the proposal.

No objections have been raised by any statutory consultees. Amended details were submitted for the development to avoid the requested pre commencement drainage conditions. Based on these details the statutory consultees have confirmed that the development should be carried out in accordance with the submitted amended plans/details. Conditions will be attached to the decision notice to secure this detail. Conditions will also be utilised to secure adequate access and parking arrangements for the development.

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 and will secure the

	redevelopment of a prominent brownfield site within the Egremont Conservation Area.
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <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"> 2. 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:- <ul style="list-style-type: none"> - Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 8th November 2021. - Proposed Block Plan (Amended), Scale 1:500, Number 20.33/107a, received by the Local Planning Authority on the 7th April 2022. - Proposed Site Layout (Amended), Scale 1:200, Drawing No 20.33/100D, received by the Local Planning Authority on the 29th April 2022. - Plots 1 Plans and Elevations (Amended), Scale 1:100, Number 20.33/101a, received by the Local Planning Authority on the 7th April 2022. - Plots 2 Plans and Elevations (Amended), Scale 1:100, Number 20.33/102a, received by the Local Planning Authority on the 7th April 2022. - Plots 3 Plans and Elevations, Scale 1:100, Number 20.33/103, received by the Local Planning Authority on the 8th November 2021. - Plots 4 Plans and Elevations, Scale 1:100, Number 20.33/104, received by the Local Planning Authority on the 8th November 2021. - Cross Section & Street Elevation (Amended), Scale 1:100, Number 20.33/106a, received by the Local Planning Authority on the 7th April 2022. - Long Sections & Street Elevations (Amended), Scale 1:100, Number 20.33/105b, received by the Local Planning Authority on the 7th April 2022. - Flood Risk Assessment, Prepared by Martin Cuthell Ltd November 2021, received by the Local Planning Authority on the 8th November 2021. - Percolation Test, Prepared by Bingham Yates Limited October 2018, received by the Local Planning Authority on the 31st January 2022.

- Copeland Letter Planning Response, Prepared by Martin Cuthell Ltd January 2022, received by the Local Planning Authority on the 4th February 2022.
- Rose Wood Collection – Retail Brochure, received by the Local Planning Authority on the 7th April 2022.
- Additional Information Letter (Amended), Prepared by Martin Cuthell Ltd April 2022, received by the Local Planning Authority on the 29th April 2022.
- Planning Statement (Amended), Prepared by Martin Cuthell Ltd October 2021, V2 updated May 2022, received by the Local Planning Authority on the 17th May 2022.

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 development must not commence until visibility splays providing clear visibility as shown on approved plan 'Proposed Site Layout (Amended), Scale 1:200, Drawing No 20.33/100D, received by the Local Planning Authority on the 29th April 2022' of 48 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety.

Prior to Erection of External Walling Conditions

4. 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. 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.

Prior to Installation Conditions:

5. Prior to their first installation within the development hereby approved, full details of all proposed windows and external doors must be submitted and approved in writing by the Local Planning Authority. The development must be carried out and maintained in accordance with this approved detail at all times thereafter.

Reason

In the interest of protecting the heritage asset.

6. Prior to their first use within the development hereby approved details of the proposed new roof slates must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and must be maintained at all times thereafter.

Reason

In the interest of protecting the heritage asset.

Prior to Occupation/Completion Conditions:

7. The dwellings hereby approved must not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan 'Proposed Site Layout (Amended), Scale 1:200, Drawing No 20.33/100D, received by the Local Planning Authority on the 29th April 2022.' and has been brought into use. The vehicular access turning provisions must be retained and capable of use at all times thereafter and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

8. The drainage for the development hereby approved, must be carried out in accordance with the principles set out in the approved plan 'Proposed Site Layout (Amended), Scale 1:200, Drawing No 20.33/100D, received by the Local Planning Authority on the 29th April 2022.' For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into

the public sewer. Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

9. Prior to the first occupation of the development hereby approved, all measures to prevent surface water discharging onto and off the highways must be implemented in accordance with the approved plan 'Proposed Site Layout (Amended), Scale 1:200, Drawing No 20.33/100D, received by the Local Planning Authority on the 29th April 2022'. The development must be retained in accordance with these approved details all times thereafter for the lifetime of the development.

Reason

In the interests of highway safety and environmental management.

10. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the following approved plans:
- Proposed Site Layout (Amended), Scale 1:200, Drawing No 20.33/100D, received by the Local Planning Authority on the 29th April 2022.
 - Additional Information Letter (Amended), Prepared by Martin Cuthell Ltd April 2022, received by the Local Planning Authority on the 29th April 2022.

Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity.

Other Conditions

11. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within 'Flood Risk Assessment, received by the Local Planning Authority on the 8th November 2021' and must be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

12. 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.

13. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- Additional Information Letter (Amended), Prepared by Martin Cuthell Ltd April 2022, received by the Local Planning Authority on the 29th April 2022.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

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

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 : 26.05.2022

Authorising Officer: N.J. Hayhurst

Date : 26.05.2022

Dedicated responses to:- N/A

