

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2514/0B1	
2.	Proposed Development:	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/20/2016/0B1 FOR CHANGE OF HOUSE TYPES ON PLOTS 11, 12, 14 AND 15 AND ALTERATIONS TO	
		ASSOCIATED LANDSCAPING.	
3.	Location:	MILLFIELDS, LAMPLUGH	
4.	Parish:	Lamplugh	
5.	Constraints: ASC;Adverts - ASC;Adverts,		
		Coal - Standing Advice - Data Subject To Change	
6.	Publicity	See report.	
	Representations &Policy		
	-	•	

7. Report:

Site and Location:

This application relates to an area of land extending to 1.9 hectares that lies on the north-western edge of Lamplugh.

The site is bound on its northern edge by the minor road which adjoins the A5086 at Crossgates approximately 800 metres to the west. This road is lined by a mature hedgerow.

The land is bound on its southern edge by Inglenook Caravan Park and a small collection of residential properties. Immediately to the west the site is bound by a small collection of buildings including the former Mill House and Sawmill which have been converted into residential properties. The land to the north is undulating agricultural land.

The western boundary of the Lake District National Park lies approximately 10 metres to the east of the site. The Lake District has been granted World Heritage Site status by UNESCO.

On the 16th March 2022, Natural England identified that the catchments of Bassenthwaite Lake (River Derwent and Tributaries SSSI unit 1) and River Marron (unit 124 of River Derwent and Tributaries SSSI) which form part of the River Derwent & Bassenthwaite Lake SAC are in unfavourable condition due to nutrient enrichment from elevated nitrogen and phosphorus levels. The Application Site is located within the impacted catchment.

Recent Relevant Planning Application History:

Application ref. 4/17/2182/0F1 – Proposed residential development of 27 executive dwellings, the erection of a village hall, community facilities and associated infrastructure – Approved subject to Section 106 Legal Agreement.

Application ref. 4/20/2016/0B1 - Application under s.73 for the variation of condition 2 of planning approval 4/17/2182/0F1 for the replacement of dwelling type g on plots 20 & 21 along with the addition of a single storey offshoot to dwelling type e on plots 16, 17 & 19 – Approved subject to Section 106 Legal Agreement.

Application ref. 4/20/2138/0B1 - Variation of condition 2 of planning approval 4/20/2016/0B1 for change of house types on plots 11, 12, 14 and 15 and alterations to associated landscaping – Approved subject to Section 106 Legal Agreement.

Application ref. 4/20/2267/0F1 – Removal of previously approved village hall and replacement with 2no. detached dwellings and detached double garage – Approved.

Proposal:

This application seeks to vary Planning Condition 2 attached to application ref. 4/20/2138/0B1 to secure the following revisions:

- Revision of house types on Plots 1, 2, 5, 6, 7, 8, 9 and 10;
- Revisions to the layout and finished floor levels of Plots 1-10;
- Retention of the existing routing of the PRoW; and,
- Revisions to the proposed landscaping to Plots 1-10.

Consultee:	Nature of Response:
Parish Council	20 th December 2021
	Have had a look at the site and the views from adjacent properties with the residents.
	The overriding concern is the property on plots 3/4 overpowering things. As you indicate the distance's are well within acceptable standards. But it would seem a single storey dwelling more suited to the highest point of the estate and of course this may be of benefit to prospective residents of the estate in the other houses.
	I have had a conversation with the developer about the changes to the

	landscaping and all queries were resolved.
Cumbria County Council	16 th December 2021
– Highways and LLFA	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.
Cumbria County Council	24 th December 2021
CountrysideAccess Officer	No comments to submit on the variation.
	The applicant will be required to apply for a temporary closure order before the commencement of any works on site that would affect the existing right of way.

Neighbour Responses:

The application has been advertised by way of a planning application site notice, press notice and neighbour notification letters issued to 12no. neighbouring properties.

One representation has been received in objection. The material planning issues raised comprise the following:

Relieved that properties 1 and 2 remain as bungalows and that several others near Mill House remain bungalows rather than 2 storey houses.

The development will impact views of Blake Fell from Mill House, limiting this to over roof tops, but at least lower roof tops.

The dwelling on Plots 3 and 4 is of concern. This is portrayed in an artist's impression as a tall, double fronted house. The proposed changes to its location within the site move it closer to Mill House from behind a large tree and further up a steep incline in the land. The proposed changes will result in a large visual impact on Mill House. The proposed property or properties should be bungalows, or rotated nearer the footpath (i.e. behind the tree, as before) or further south and west towards Mill Howe.

Queries were received from a further party, which included negative comments relating to the proposed development. It was confirmed that a formal objection would be made; however, no such objection has been received to date.

The material planning issues raised comprise the following:

It appears that the proposed farmhouse (Plot 3 and Plot 4) will be closer to the existing dwellings. It is considered that due to the scale of the dwellings, adverse impacts will result to the residential amenity of the existing dwellings through overlooking and an increase in noise and light pollution. The dwelling should be moved forwards closer to the footpath.

The porch of Plot 1 is now facing the existing dwellings and faces directly up the drive.

Concern regarding the woodland area proposed adjacent to the existing dwellings, which will block out any views of the local fells and will reduce light. The proposed planting is not native and should be reviewed. The landscaping is not currently being managed and this is of concern.

External lighting should not be permitted.

Development Plan:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST3 – Strategic Development Priorities

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other services areas: Roles and Functions

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 - Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Policy ENV6 – Access to the Countryside

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBA).

Lake District National Park (LDNP).

Lake District National Park World Heritage Site (WHS).

Emerging Copeland Local Plan (ECLP).

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:

Principle

Full Planning Application Ref. 4/17/2182/0F1 was approved on the 28th March 2018.

The relevant pre-commencement planning conditions excluding Planning Condition 8 were discharged and development commenced on the Application Site.

Planning Condition 8 relates to the protection of a mature Sycamore tree located to the west of the Application Site. Development has commenced to the east of the Application Site; therefore, the failure to discharge the requirements of Planning Condition 8 does not run to the heart of the planning permission.

The approval of application ref. 4/20/2016/0B1 and application ref. 4/20/2138/0B1 created two new planning permissions.

Application ref. 4/20/2138/0B1 is an extant planning permission.

The proposed comprises the revision of house types, alterations to the approved layout and revisions to the approved landscaping. The scale and nature of these changes will not result in a development, which is substantially different from that which has been approved under Application ref. 4/20/2138/0B1 and so can proceed under Section 73.

Village Hall

The approval of Application ref. 4/20/2267/0F1 and approved amendments to the approved Section 106 Agreement has had the effect of removing the requirement to deliver the village hall approved on site, but required a financial contribution to facilitate delivery of a village hall off site.

A 'drop in' Full Planning Application has also been approved for the erection of dwellings on the site of the approved village hall under application ref. 4/20/2267/0F1.

Whilst forming part of the description of the development, the approved village hall is not referenced in the current application documents as it is no longer to be delivered.

Planning conditions relating to the delivery and use of the village hall are no longer required.

Housing Need and Housing Market Assessment

No additional dwellings are proposed.

The proposed dwellings continue to comprise premium executive housing in accordance with the objective of the Western Lakes HMA and Full Planning Application Ref. 4/17/2182/0F1.

Design, Settlement Character and Landscape

The style of housing within Lamplugh can be characterised as 'farm cottages, more grand period detached dwellings; converted former agricultural buildings; and simple, modest, unadorned single and two story dwellings. Properties lie either directly fronting the country lanes in and out of the settlement or set back behind rows of mature hedging. The materials palate within the village is predominantly local stone and/or rendered facades'.

The development approved under Full Planning Application Ref. 4/17/2182/0F1 and revised under Application Ref. 4/20/2138/0B1 was designed to loosely reflect historic agricultural settlements, with a hierarchy of dwellings centred around a large detached 'farm house', with smaller dwellings and

terraces of 'workers cottages'. The proposed dwellings range from low, single storey properties to 1.5 storey "transition" houses to large 2 storey dwellings. The variety of heights utilised has been carefully set to complement the scale of neighbouring pockets of residential development in Lamplugh. This is proposed to reflect both historic and more recent development within the village.

The design of the dwellings fall into two distinct characters. Smaller scale, simple rendered dwellings sit next to dwellings which are more complex in design, featuring ornate finials, barge boards, timber porches and gable features and window surrounds. The more ornately designed dwellings generally reference the late Victorian/early Edwardian period with Cumbrian references. This is reflective of a number of properties within the village, within close proximity to the site.

The simpler dwellings are proposed at key locations within the site. These dwellings reflect the more modern development which has taken place within the village in more recent times. The properties are considered to be more contemporary than those within the existing village, with the use of quality materials, and a colour palate reflecting the other properties within the scheme ensuring that the development is well integrated and cohesive. A simple palette of quality materials is proposed, in line with that of the existing village. This includes off-white roughcast render, Lake District split face stone walling, buff stone details and Buttermere Slate pitched roofs.

The revised house types now proposed retain an overall form and scale consistent with the dwellings previously approved, albeit the designs are slightly simplified. The proposed revisions to the design of the 'barn' dwellings do slightly diminish the character of the development in this area, with the proposed incorporating fewer agricultural type features. The proposed do, however, retain simple openings consistent with agricultural buildings and are to be finished with stone, which creates deep reveals to the openings.

No alterations are proposed to the design of the proposed farmhouse dwellings.

The proposed dwellings, whilst simpler in design than the dwellings to be replaced, maintain the design principles and thus the overall form and character of the development and Lamplugh.

It is proposed to relocate the proposed farmhouse dwellings to the southwest of the approved position and to increase the finished floor level of the dwellings by 0.15m. The increase in level is owed to the difference in prevailing land levels. Given the position and finished floor levels as approved, the proposed arrangement will not be materially more dominant than the approved.

Revisions are proposed to the approved scheme of landscaping to accommodate the revised dwellings. The revisions relate to the placement of trees and hard surfacing. The overall quantity and composition of the planting accords with the overall character of the wider scheme.

Residential Amenity

The distances achieved between the windows in the proposed dwellings and the windows in the existing dwellings achieve the interface separation distances required by Policy DM12.

The proposed relocation of the farmhouse dwellings reduces the interface distance achieved between these dwellings and the existing dwellings to the west from c.57m to c.44m. The revised orientation introduces windows facing, albeit at an acute angle, towards the existing dwellings. The revised position and proposed increase in finished floor level will increase impacts through overbearing effects. Whilst these changes will result in additional adverse impacts upon the residential amenity of the existing dwellings, these impacts are not sufficiently harmful to justify refusal given the distances and relationship between the dwellings etc..

Heritage

Given the location, scale, form and design of the proposed revised house types, additional adverse impacts upon the settings of the designated, non-designated heritage assets and Lake District World Heritage Site will not result from the development.

Highway Safety

The proposed revisions will not result in a material impact upon the safe operation of highway network.

Flood Risk and Drainage

The Application Site is located in Flood Zone 1.

A scheme of foul and surface water disposal has been approved under Application Ref. 4/17/2182/0F1 and Application Ref. 4/20/2016/0B1. No revisions are proposed to the approved scheme.

Ecology

The proposed development will not result in ecological impacts beyond the approved development.

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

A HRA has been prepared. This concludes that likely significant effects will not result from the proposed development beyond the existing baseline position i.e. the ongoing construction and likely completion of application reference 4/20/2138/0B1.

Reconciliation of Planning Conditions

Planning Condition	Retain/Amend
1.	-
2.	Amended to refer to revised plans.
3.	Retain.
4.	Retain.
5.	Retain.
6.	Retain.
7.	Retain.
8.	Retain.
9.	Retain.
10.	Remove - Works within the public highway have been completed. Planning condition no longer required.
11.	
12	Remove - Works within the public highway have been completed. Planning condition no longer required.
13.	Retain.
14.	Updated to reflect the amended plans.
15.	
16.	Amended to revised layout.
17.	
18.	Retain.
19.	Retain.
20.	
21.	
22.	Retain.
23.	Remove – Delivery of village hall now secured
	via S106 on alternative site.
24.	Remove – Delivery of village hall now secured
	via S106 on alternative site.
25.	Retain.
26.	Remove – Delivery of village hall now secured
	via S106 on alternative site.

27. Retain.

Planning Obligation

The provisions of the effective planning obligation have been delivered by the Applicant i.e. the required management company has been formed and the required financial contribution to enable delivery of the village hall on the alternative site has been received/paid.

In the context of the above, a new Section 106 Agreement or deed of variation of the existing Section 106 Agreement is not required as there remains nothing to be secured via such a mechanism.

<u>Planning Balance</u>

The proposed revisions are appropriate to the scale, form and character of the development and thus accord with the relevant provisions of the Development Plan.

8. **Recommendation:**

Approve amendment of condition

9. **Conditions:**

1.-

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:

Location Plan, scale 1:1250, Drawing Number 16158 (SU) 100

Landscape Infrastructure Plan - Drawing Number M2821.01 Rev R

Farmhouse Plans and Elevation, scale 1:100 - Drawing Number 16158(PI) 201A

B Type Plans and Elevations, scale 1:100 - Drawing Number 16/11/894-24

C Type Plans and Elevations, scale 1:100 - Drawing Number 16/11/894-25

Dwelling Type E – Floor Plans – Drawing Number 16/11/894-06c)

Dwelling Type E – Working Elevations – Drawing Number 16/11/894-08c)

F Type Plans and Elevations, scale 1:100 - Drawing Number 16158(PI) 207A

Dwelling Type G – Plots 20 &21 – Plans & Elevations – Drawing Number 16/11/894-20

H Type Plans and Elevations, scale 1:100 - Drawing Number 16158 (PI) 209 C

Garage and Carport Plans and Elevations, scale 1:100 - Drawing Number 16158(PI) 210A

Pavilion Plans and Elevations, scale 1:100 - Drawing Number 16158(PI)211A

Revised Overall Drainage Plan – Drawing No. 16/11/894-03a

Plot 1 (Type K) – Plans & Elevations – Drawing No. 16/11/894-68

Plot 2 (Type K) – Plans & Elevations – Drawing No. 16/11/894-69

Plots 5-8 (Type L&M) – Floor Plans – Drawing No. 16/11/894-71

Plots 5-8 (Type L&M) – Elevations – Drawing No. 16/11/894-72

Plots 9 & 10 (Type N) – Plans & Elevations – Drawing No. 16/11/894-70

Design and Access Statement dated May 2017

Transport Statement prepared by WYG, Reference A102386, dated May 2017

Landscape and Visual Impact Assessment prepared by Barnes Walker, Reference M281_LVA_03.17.01 Rev A

Heritage Impact Assessment prepared by Wardell Armstrong, Reference 2-278374, dated February 2017

Flood Risk and Foul Drainage Strategy prepared by Fairhurst, Reference D/I/D/119126/01, dated 11th May 2017

Preliminary Ecological Appraisal prepared by OpenSpace, Reference 17/SCS05v1, dated May 2017 Tree and Hedge Survey Report prepared by OpenSpace, Reference 17/TRE03v1, dated May 2017 Housing Market Assessment prepared by Grisedales dated 16th May 2017

Planning Statement received on 24th May 2017

Phase 1 Desk Top Study (Preliminary Environmental Risk Assessment) Geo Environmental Engineering, Reference 2017-2358, dated 17th May 2017

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.

3. The development hereby approved shall be completed in accordance with the Material Samples detailed on Doc Ref. 16/11/894-PPC approved 19th December 2018.

Reason

To ensure a satisfactory appearance of the development, in the interest of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan 2013-2028.

4. The development hereby approved shall be constructed in accordance with the approved plans, and maintained thereafter, using the materials approved under Planning Condition 3.

Reason

To ensure a satisfactory appearance of the development, in the interest of visual amenity

and in accordance with Policy DM10 of the Copeland Local Plan 2013-2028.

5. Development shall take place in accordance with the approved landscaping plans and maintained for the lifetime of the development. Any trees or plants which die, are removed, or become damaged or diseased within the first five years following planting shall be replaced during the next planting season with planting of a similar size.

Reason

To ensure that an acceptable form of landscaping is maintained on the site, in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan 2013-2028.

6. The replacement hedgerows along the road frontages of the site shall be completed in accordance with the Road Frontage Hedgerow Specification Doc. Ref 16/11/894-H approved 19th December 2018. Any trees or plants which die, are removed, or become damaged or diseased within the first five years following planting shall be replaced during the next planting season with planting of a similar size and species.

Reason

To ensure an adequate boundary treatment and also to minimise the impact of the development within the locality in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

7. All public landscaped areas shall be maintained in accordance with Landscape Management Plan Doc. Ref. 16/11/894 – LMP approved 8th January 2019.

Reason

To protect and safeguard the amenity of the development in accordance with the provision of Policy DM10 and DM26 of the Copeland Local Plan 2013-2028.

8. The development hereby approved is to be completed in accordance with the provisions of the Tree Protection Plan (TPP) Doc. Ref. 16/11/894-TPP. Rev. B received 18th March 2020. The radius of the Tree Protection Fencing may be reduced to 12m where this abuts the proposed footpath during the construction of the footpath. The approved tree protection shall remain in place until the completion of the development.

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To ensure that the mature tree which is present on the site is adequately protected as part of the development in accordance with the provisions of Policy DM28 of the Copeland Local Plan 2013-2028.

9. Travel Plan Statement - The Millfields, Lamplugh, Workington approved 19th December 2018 shall be implemented as long as any part of the development is occupied.

Reason

In the interests of highway safety and to aid the delivery of sustainable transport objectives in accordance with Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

- 10. -
- 11. -
- 12. -
- 13. There shall be no vehicular access to, or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

14. The visibility splays identified on Landscape Infrastructure Plan – Drawing Number M2821.01 Rev R received 15th March 2022 shall be maintained for the lifetime of the development. 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 splays identified on Landscape Infrastructure Plan – Drawing Number M2821.01 Rev R received 15th March 2022.

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In the interests of highway safety in accordance with the provisions of Policy T1 and DM22 of the Copeland Local Plan 2013-2022.

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16. The development hereby approved shall be completed in accordance with the drainage specifications detailed on Overall Drainage Plan - Drawing No. 16/11/894-03a received 15th March 2022 and maintained operational thereafter.

Reason

In the interests of highway safety and environmental management and in accordance with Policy DM11 and Policy DM22 of the Copeland Local Plan 2013-2028.

17.-

18. The development shall not proceed except in accordance with Construction Method Statement Doc Ref. 16/11/894-CMS approved 19th December 2018.

Reason

In the interests of residential amenity and to protect the water environment from pollution, in accordance with provisions of Policy ST1, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

19. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours-18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

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	22. Following occupation of the first dwelling on the site, refuse collection shall be commenced and maintained in accordance with the Refuse Collection Statement approved 19 th December 2018 to the
	satisfaction of the local planning authority.
	Reason
	To ensure that adequate provision is made with the development for refuse collection
	arrangements in the interests of residential amenity and highway safety in accordance with the
	provisions of Policy ST1 and Policy DM22 of the Copeland Local Plan 2013-2028.
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	25. The development shall not proceed except in accordance with lighting specification detailed on document reference 16/11/894-PCC approved 19 th December 2018. The approved scheme shall be
	maintained for the lifetime of the development.
	Daniel Control of the
	Reason
	In the interest of residential amenity and in accordance with the provisions of Policy ST1 of the
	Copeland Local Plan 2013-2028.
	26
	27. The development shall not proceed except in accordance with Ecological Management Plan –
	16/11/894-EMP approved 19 th December 2018. The contents of the plan shall be adhered during the
	construction of the scheme.
	Reason
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To ensure that adequate protection is given to protected species and in the interests of the environmental protection in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Chris Harrison	Date: 27.05.2022			
Authorising Officer: N.J. Hayhurst	Date: 30.05.2022			
Dedicated responses to:-				