

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2117/001	
2.	Proposed Development:	OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) TO ERECT ONE DWELLING	
3.	Location:	SHELLEY, CHURCH WALK, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Reponses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to existing garden land associated with the detached dwelling known as Shelley. The application site is located to the west of the existing dwelling and is accessed via a single access road, known as Church Walk, which provides access to 12 properties and a number of garage sites.	
	Proposal		
		This 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	

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 access point and single access track to the south of the application site.

This application is accompanied by the following information:

- Site Plan;
- Block 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

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to four 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 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 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 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

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.

As this application is in outline form only, details of the scale and appearance of the dwelling are

reserved for subsequent applications. The application is 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 if designed correctly. As part of the Design and Access statement for this application it is indicated that the applicant wishes to develop a dormer bungalow within this site. Given the nature and scale of the bungalow properties to the rear/north of the site it is considered that a single storey property within this site would reflect the character of this area and would limit the impacts on these adjacent properties. Based on this it is considered appropriate to include an appropriately worded planning condition to limit the scale of the dwelling to single storey with the use of the roof space.

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 surface water will be dealt with by an underground rainwater harvesting tank with any overflow discharging into the main sewer. No details have been provided with regard to this proposal or how the site will deal with foul water. Although UU have raised no objections to this development they have stated that they will require evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable. As

	<p>this application details connection to the main sewer a condition is proposed to ensure that a surface water drainage scheme is submitted prior to the commencement of works.</p> <p>The inclusion of appropriately worded planning condition 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.</p> <p><u>Access, Parking and Highway Safety</u></p> <p>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.</p> <p>The site will be accessed from the existing single track road to the south of the application site which provides directly access onto Holborn Hill for this application site and the other 12 properties and garages which it already serves. Cumbria Highways have been consulted and they have indiczated that, given the scale of the development, they do not wish to comment on this application. 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.</p> <p>On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan.</p> <p><u>Conclusion and Planning Balance</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.</p> <p>As the application is in outline form only no details have been provided with regard to the scale or appearance of the proposed dwelling, however it is considered that any development on this site can achieve the required separation distance if designed correctly. The development will be viewed within the context of the surrounding existing properties and adjacent garages. The agent has confirmed that the applicant is seeking to develop the site for a dormer bungalow, on this basis and the nature of the properties to the north of the application site a condition will be utilised to limit the height of the dwelling in order to reduce the impact of the proposed upon the surrounding area.</p> <p>Although the site will be access by a single-track road, the introduction of a single dwelling is not considered to have a significant material impact on the existing highway. 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 complaint with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline (commence within 3 years)</p>

9. **Conditions:**

Standard Conditions

1. The layout scale, appearance, access, and landscaping must be as may be approved by the Local Planning Authority.

Reason

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

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval 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 1746, received by the Local Planning Authority on the 9th March 2022
- Design & Access Statement, received by the Local Planning Authority on the 9th March 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

4. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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 in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

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

6. Prior to the commencement of any development at this site full detail of the proposed foul drainage system and a maintenance schedule (identifying the responsible parties) for this development must be submitted to and approved in writing by the Local Planning Authority. The approved drainage system must be implemented prior to the first use of the site and must be maintained thereafter in accordance with the schedule.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Other Conditions

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

Reason

To ensure an appropriate form of development at this site.

8. 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.

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.

	<p>Informative:</p> <p>A PROW (public footpath/bridleway/byway) number 415003 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.</p> <p>Statement:</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: C. Burns	Date : 26.04.2022
Authorising Officer: N.J. Hayhurst	Date : 28.04.2022
Dedicated responses to:- N/A	