

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2120/OR1	
2.	Proposed Development:	APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR THE ERECTION OF ONE DWELLING PURSUANT TO OUTLINE APPROVAL 4/21/2470/001	
3.	Location:	REAR HOLBORN HILL, 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 Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to land to the rear of Holborn Hill, located within the west of Millom. The site is currently a detached garden area and is sited between two existing garage sites. Access to this site is via a single access road between no’s. 176 and 178 Holborn Hill, which is the only access for 13 other properties and a number of existing garage sites.		
	Relevant Planning History		
	4/21/2470/001 – Garage and Workshop – Approved		
	4/21/2470/001 – Outline application for the erection of one dwelling with all matters reserved – Approved		

Proposal

This application seeks the approval of Reserved Matters for a single dwelling on this site, including details of access, appearance, landscaping, layout, and scale. This application follows the approval of outline planning permission (ref: 4/21/22470/001) for one dwelling, with all matters reserved.

The proposed single detached dwelling will be located within the north east corner of the application site and will be 1.4m from the north boundary of the site and 1m from the east elevation adjacent to the access road. The proposed dormer style bungalow will be L-shaped with the main body of the dwelling measuring 10.5m x 8m, with an eaves height of 2.4m and an overall height of 6.2m. The proposed dwelling will benefit from a front facing gable measuring 5.5m x 8.05m, reflecting the eaves and ridge of the main dwelling. The development will also benefit from a single dormer window within the south roof slope and two within the west roof slope.

Internally, the proposed dwelling will incorporate within the ground floor a hallway, an open plan kitchen/dining/living room, utility room, store, bathroom, and bedroom with wardrobe and ensuite bathroom. The roof space of the dwelling will accommodate three bedrooms and bathrooms.

Externally the proposed dwelling will be finished with white k-rend with slatestone quoins, a natural grey slate roof, anthracite grey UPVC windows and doors, and an aluminium grey bifold doors. The boundary of the site will be finished with 1.8m timber fence with a lattice top to the north and west, and a 0.9m high rendered wall to the east. There will be no additional boundary treatment to the south of the site as this boundary is formed by the wall of the adjoining buildings.

The site will be accessed from the single access road to the east of the site. The access will be located within the south east corner of the site with a free draining driveway providing parking for up to four cars.

Consultation Responses

Millom Town Council

No objections in principle to this application

Cumbria County Council – Cumbria Highways & LLFA

5th April 2022

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.

7th July 2022

Whilst the standing advice within the Service Level Agreement should be applied to the development as a whole our advice in relation to Conditions 4 and 5 is as follows:

Condition 4: This site is under 4 dwellings therefore building control will look into the drainage for the site. They appear to have proposed to connect into an existing system so your authority will need to ensure they have appropriate permissions to do so.

Condition 5: We are satisfied that they will have measures in place to prevent surface water discharging onto or off the highway through the use of a channel drain.

United Utilities

5th April 2022

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the surface water should drain in the most sustainable way.

It is noted the drainage proposals are to connect foul and surface water to the public combined sewer. Please note United Utilities would expect to see evidence as to why infiltration is not possible prior to any conditions relating to drainage being discharged in any future discharge of conditions applications.

We would also expect to see the point of connection to the public sewer shown on the drainage plans.

7th July 2022

Further to our review of the submitted documents showing the drainage proposals are to drain northwards, United Utilities have no objections to the drainage proposals.

8th July 2022

To my knowledge we wouldn't advise the DOC through a response to a reserved matters application. As conveyed in our response letter, our engineer has determined the drainage proposals for the RM to be acceptable.

Public Representation

This application was advertised by way of site notice, and neighbour notification letters issued to eight residential 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 DM25 – Protecting Nature Conservation Sites, Habitats and Species

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 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 Borough's housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

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 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 previous outline approval has already established the principle for developing this site for residential purposes.

This application seeks approval of access, scale, layout, appearance and landscaping. These are considered below.

Scale, Layout, and Appearance

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 part of the original outline application concerns were raised by the Local Planning Authority with regard to the impact of the development on the neighbouring properties and the surrounding area. Consequently, a condition was attached to the permission to restrict the development to single storey with use of the roof space only. The proposed plans show that the proposed dwelling will comply with this condition and is limited to single storey in height. This will ensure that the proposed development is not overbearing for nearby properties or within the streetscene.

The submitted plans meet the required separation distances set out within Policy DM12 of the Local Plan and are therefore not considered to create overlooking issues for the nearby residential properties. Furthermore, no windows are proposed within the east elevation facing the adjacent highway and neighbouring properties, therefore the development is not considered to create amenity issues for the neighbouring dwellings. Although concerns have been raised with regard to the overall scale of the dwelling on quite a restricted site, the agent has confirmed that the overall footprint of the development cannot be reduced due to the requirement for a single storey dwelling at this site. Whilst the property is large in scale for a plot of this size adequate parking and amenity space can be accommodated within the site, therefore in this instance the proposal is considered acceptable.

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.

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, however the Lead Local Flood Authority and United Utilities have been consulted upon this application. The LLFA have offered no comments on this application. UU have offered no objections but have stated that it is noted that the drainage proposals are to connect foul and surface water to the public combined sewer.

As part of the outline application a condition was placed upon the decision notice to ensure that full details of surface water drainage are submitted to the Local Planning Authority. The agent has sought to address this condition as part of this application. Initially UU stated that they would expect to see evidence as to why infiltration is not possible prior to any conditions relating to drainage being discharged and they would also expect to see the point of connection to the public sewer shown on the drainage plans. Following submission of additional information for this application UU have now confirmed that the drainage proposals submitted as part of the reserved matters application are acceptable and they have no objections to the application. It is therefore considered that condition 4

of the outline planning approval is discharged.

A condition was also attached to the outline planning permission to ensure full details of measures to prevent surface water discharging to the highway were submitted to the Local Planning Authority. Again, the agent has sought to address this condition as part of this application. The submitted plans indicate that the proposed driveway will be constructed from permeable materials and there will also be a drainage channel and grafting across the entrance to the site to collect any surface water. Cumbria Highways have confirmed that the development will have measures in place to prevent surface water discharging onto or off the highway through the use of a channel drain. It is therefore considered that condition 5 of the outline planning approval is discharged.

On this basis, it is considered that an adequate drainage system will be installed within the site, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The proposed dwelling will be accessed from the existing single track road to the east of the application site. This single access road runs between two existing groups of terrace properties (nos. 176 & 178 Holborn Hill) and provides direct access onto Holborn Hill. The single track road also provides access for 13 other residential dwellings in the locality in addition to the surrounding garage sites. Whilst Cumbria Highways have been consulted upon this application, given the scale of the development, they have confirmed that they do not wish to comment on this application. As this application only seeks 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. The site has also previously had permission to develop a garage which would have resulted in a similar level of traffic movements to the single dwelling now proposed.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan.

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 and is located within a residential area. It is considered that a single dwelling on this infill site would be viewed against the backdrop of the existing properties which would limit its visual impact. The proposed boundary treatment will also provide an element of screening and is considered to be acceptable in this location.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provisions of the NPPF.

Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is located within the centre of a built-up residential area. On this basis this is not considered to be a habitat that is likely to contain natterjack toads and consequently an ecological survey is not required.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

Planning Balance and Conclusion

The application site is located within the designed settlement boundary for Millom, which is identified as one of the Council's Key Service Centres where new residential development is permitted. The principle for developing this site for residential purposes has been established by the previous outline permission.

Due to the small, restricted nature of the site concerns were raised with regard to the scale of the proposed dwelling, however the agent has clarified that the footprint cannot be reduced to accommodate the condition on the outline permission requiring a single storey dwelling at the site. Based on this and due to the available amenity space within the development site, the proposal is considered to be an acceptable scale and would not constitute an over development of the site. The proposed dwelling has also been designed to reduce its impact upon the surrounding area. The scale, layout and design is considered acceptable in this location.

The addition of a single dwelling in this location is not considered to have a significant material

	<p>impact on the existing highway.</p> <p>Details of drainage have been provided and no objections from any statutory consultees have been received. Outline conditions relating to drainage have also been discharged as part of this reserved matters application.</p> <p>On the basis of the above the submitted details of the proposed dwelling are considered to be acceptable in terms of scale and design. The development is therefore compliant with the Policies of the Copeland Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve Reserved Matters</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 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 must be carried out in accordance with them:- <ul style="list-style-type: none"> - Site Plan & Proposed Elevations (Amended), Scale 1:100 & 1:1250, Drawing No: 1744, Sheet 1, received by the Local Planning Authority on the 16th June 2022. - Proposed Floors & Section A.A (Amended), Scale 1:50, Drawing No: 1744, Sheet 2, received by the Local Planning Authority on the 16th June 2022 - Design & Access Statement, received by the Local Planning Authority on the 14th March 2022. - Extract from Map of Public Sewers, received by the Local Planning Authority on the 16th June 2022 <p>Reason</p>

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.

Prior to Erection of External Walling Conditions

3. 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 Occupation/First Use Conditions

4. Prior to the first occupation of the dwelling hereby approved the proposed landscaping must be carried in accordance with the approved document 'Site Plan & Proposed Elevations (Amended), Scale 1:100 & 1:1250, Drawing No: 1744, Sheet 1, received by the Local Planning Authority on the 16th June 2022'. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

5. The drainage of the development hereby approved, must be carried out in accordance with the following approved documents:
 - Site Plan & Proposed Elevations (Amended), Scale 1:100 & 1:1250, Drawing No: 1744, Sheet 1, received by the Local Planning Authority on the 16th June 2022.
 - Proposed Floors & Section A.A (Amended), Scale 1:50, Drawing No: 1744, Sheet 2, received by the Local Planning Authority on the 16th June 2022
 - Extract from Map of Public Sewers, received by the Local Planning Authority on the 16th June 2022

	<p>Prior to the first 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.</p> <p>Reason</p> <p>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.</p> <p>Informatives:</p> <p>The development hereby approved must be carried out in accordance with conditions 2, 4, 5, 6, 7, 8, 9 and 10 of Outline Planning Approval Ref: 4/21/2470/001.</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 : 18.07.2022
Authorising Officer: N.J. Hayhurst	Date : 21.07.2022
Dedicated responses to:- N/A	