

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2131/OR1
2.	<b>Proposed Development:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR PLOT 3 RELATING TO ACCESS APPEARANCE, LANDSCAPING & LAYOUT (FOLLOWING OUTLINE APPROVAL 4/17/2022/001 FOR SEVEN DWELLINGS)
3.	<b>Location:</b>	PLOT 3, LAND AT BANK YARD ROAD, PARTON, WHITEHAVEN
4.	<b>Parish:</b>	Parton
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - POTENTIAL AREA for the Small Blue
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to a building plot at Bank Yard Road in Parton. It is adjoined by existing residential properties to the east and south. To the west of the site, an existing railway track is located roughly 20 metres from the rear of the building line. Parton Brow which leads up to the A595 lies to the south east and the southern entrance to Parton lies to the north, adjacent to Bank Yard Road.</p> <p><b>PROPOSAL</b></p> <p>This application seeks approval of the reserved matters relating to layout, scale, access, appearance and landscaping for Plot 3, further to the previously approved outline application.</p> <p>The proposed detached dwelling is to be two storey, with a lower ground level. On the lower ground,</p>

there will be 2 bedrooms, a bathroom and store, a large open plan kitchen/dining/living room, separate living room and garage on the ground floor and two bedrooms and a bathroom on the first floor.

The dwelling will be 11 metres in overall width, 11.1 metres in length with a further projection of 0.9m for the porch and garage at the front, an eaves height of 3 metres and an overall ridge height of 7.6 metres at the front and 9.2 metres at the rear which reflects that change in levels across the site. The land drops away to the west by approximately 3 metres.

Access will be taken from Bank Yard Road, with parking, turning and amenity space provided to the front of the property with a large garden to the rear.

This application has been submitted in tandem with a reserved matters application for Plot 2 (application reference 4/22/2130/OR1 relates).

#### **RELEVANT PREVIOUS PLANNING APPLICATIONS**

Outline application for 15 residential terraced properties, approved in outline in May 2008 (application reference 4/08/2090/0 relates);

Outline application for seven dwellings, approved in outline in March 2017 (application reference 4/17/2022/001 relates).

#### **CONSULTATION RESPONSES**

##### Parton Parish Council

No response received.

##### Cumbria Highways

Drawing number SP-202102-01 shows a 6.25m wide driveway proposed for Plot 3 which would allow two vehicles to park side-by-side within the site. It is noted there will be a garage built within the dwelling, should this be considered a parking space we would recommend it is built to 3m by 7m or 21m<sup>2</sup> to allow for the opening and closing of doors.

The driveway will take access from the U4116. It is understood the LHA recommended conditions during the outline application 4/17/2022/001 relating to the footways to the frontage of the estate being built to an adoptable standard with appropriate crossing places and dropped kerb access for each dwelling. These requirements are still applicable. The access should be constructed from a bound material and drainage should be installed to prevent surface water discharging onto or off the highway.

With the above in mind I can confirm that the LHA raise no objections to the layout of Plot 3.

### United Utilities

Further to our review of the submitted documents, Drawing SP-202102-01,- Dated FEB 2022, we can confirm the proposals are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

The applicant can discuss the above with Developer Engineer, Gary Jaundrell, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk). 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 Representations

The application has been advertised by way of a site notice and neighbour notification letters issued to 10 no. properties.

No responses have been received as a result on these advertisements.

### **PLANNING POLICIES**

Planning law requires 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 SS2 – Sustainable Housing Growth  
Policy ENV1 – Flood Risk and Risk Management

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place  
Policy DM12 – Standards for New Residential Developments  
Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposals and Flood Risk  
Policy DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy 2021 (NPPF)  
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Copeland Borough Council – Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)  
National Design Guide (NDG)  
Cumbria Development Design Guide (CDDG)

### 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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development  
Policy DS3PU – Settlement Hierarchy  
Policy DS4PU – Settlement Boundaries  
Policy DS6PU – Design and Development Standards  
Policy DS7PU – Hard and Soft Landscaping  
Policy DS8PU – Reducing Flood Risk  
Policy DS9PU – Sustainable Drainage  
Policy H1PU – Improving the Housing Offer  
Policy H2PU – Housing Requirement  
Policy H4PU - Distribution of Housing  
Policy H6PU – New Housing Development  
Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

### **ASSESSMENT**

#### Principle of Development

Outline planning permission was granted for seven residential properties in 2017 under reference 4/17/2022/001, which established the principle of residential development on the site. Layout, scale, access, appearance and landscaping were reserved for future approval and this application seeks to address these matters.

#### Layout, Scale, Design and Appearance

The dwelling submitted is of a modest scale when viewed in context with the dwelling to the north. The bulk of the property has been broken up, with the attached garage being single storey when viewed from Bank Yard Road and the addition of a gable at first floor level for a section of the

building. This allows a gradual transition from the bungalow on plot 1 to the larger properties on plots 4, 5, 6 and 7. A street scene was requested in order to understand the relationship of the proposed dwelling within the dwellings on the other plots. This demonstrates that the dwelling sits neatly in the plot and is compatible with the overall development of the wider site. This also allowing space for amenity and maintenance of the property.

The dwelling includes frosted windows on both side elevations to serve the bathrooms at both first and lower ground levels. There will also be a small terrace on the rear of the ground floor of the property. Due to the changes in levels, this will be at first storey level on the rear elevation and has the potential for overlooking to the neighbouring property to the south. Adequate mitigation against overlooking is proposed in the form of a 1.8m high screen which is to be fully frosted. It is proposed to include a condition to ensure the frosted windows and balcony balustrade in order to maintain the privacy of the dwellings on each side.

Details of the proposed materials have been provided with the application to include a dark grey concrete tiled roof with black verge capping, red/brown facing brickwork and white through coloured render with anthracite windows and doors. Details of the material specifications have not been provided and therefore, in order to ensure that the materials are appropriate for this locality a suitably worded planning condition is proposed to ensure that the information is provided prior to the use of the materials on the dwelling.

Overall, it is considered that the dwelling is of an appropriate scale, design and appearance and complies with Policy DM10. Its siting within the plot will help to reduce its impact at this entrance into the village

#### Access and parking

The plans show a single access point onto Bank Yard which is considered to be acceptable as it mirrors the layout of the existing dwellings. Parking spaces on the driveway and an attached garage have also been provided within the plot. Cumbria Highways have raised no objections to the proposal.

Cumbria County Council requested that the driveway be constructed from bound material and that drainage be dealt with onsite to avoid any negative impact on the adjoining highway. A condition is proposed to ensure that this information is provided, for highway safety purposes.

Provided the access is constructed in accordance with the submitted plans, the proposal complies with Policy DM22 of the Copeland Local Plan.

#### Landscaping

The boundary treatments specified include a 1.8m high fence on the north and south boundaries of the property. No other information has been submitted, therefore a suitably worded planning condition is required in order to ensure that the information is received prior to the occupation of the

	<p>dwelling.</p> <p><u>Drainage</u></p> <p>Despite the request of further information from United Utilities, a full drainage strategy has already been considered and approved at the outline planning stage and the relevant conditions have been suitably discharged. This information is therefore considered to be satisfied and does not require assessment during this application.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The principle of the development was established by the granting of outline planning permission in 2017.</p> <p>The submitted details show a typical two storey dwelling which has been appropriately sited within the plot to fit into the surrounding street scene. Any potential overlooking issues have been mitigated, therefore there is unlikely to be amenity issues for the surrounding properties.</p> <p>The proposed access point is appropriately sited to achieve a safe and convenient entrance to the plot and adequate provision of parking can be achieved to serve a single dwelling.</p> <p>No objections have been received to the proposal.</p> <p>On balance, the proposal is deemed to be acceptable and, based on the information submitted, will result in an acceptable form of development which will be consistent with the policy requirements set out in the Local Plan and the guidance contained with the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve Reserved Matters</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development shall 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> </li> <li>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: - <p>Location and Site Plans, scales 1:1250 and 1:100, drawing number SP-202102-01,</p> </li> </ol>

received 17<sup>th</sup> March 2022;  
Proposed Lower and Ground Floor Plans, scale 1:50, drawing number SP-202102-02,  
received 17<sup>th</sup> March 2022;  
Proposed First Floor Plan and Elevations, scales 1:50 and 1:100, drawing number SP-202102-03, received 17<sup>th</sup> March 2022;  
Street View, scale 1:100, drawing number SP-202101-06, received 26<sup>th</sup> April 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 condition

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

Pre-occupation conditions

4. Prior to the first occupation of the dwelling hereby approved, any windows situated on the north and south elevations must be fitted with fully obscured glazing and be retained as such at all times thereafter.

Reason

To safeguard the amenity of the neighbouring properties and in accordance with Policy DM12 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, full details of the privacy glass to be utilised as a balustrade on the balcony must be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to protect the amenity of the neighbouring properties and in accordance with Policy DM12 of the Copeland Local Plan.

6. Prior to the first occupation of the dwelling hereby approved, the balustrade on the balcony must be erected according to the approved details and retained as such at all times thereafter.

Reason

In order to ensure that the amenity of the neighbouring properties is protected in accordance with Policy DM11 of the Copeland Local Plan.

7. Prior to the first use of the development hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing and means of enclosure as a minimum. Landscaping must be carried out in accordance with the approved details.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

8. The access drive must be surfaced in bituminous or cement bound materials or otherwise bound and must be constructed and completed prior to the development being brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway and be retained as such at all times.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

### **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](http://www.gov.uk/government/organisations/the-coal-authority)

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: Sarah Papaleo**

**Date : 29/04/2022**

**Authorising Officer: N.J. Hayhurst**

**Date : 04/05/2022**

**Dedicated responses to:- N/A**