

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2168/OF1
2.	Proposed Development:	PROPOSED DETACHED DORMER BUNGALOW WITH INTEGRAL GARAGE
3.	Location:	LAND ADJACENT TO BLUEBELL HOUSE, ARLECDON ROAD, ARLECDON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>The Application Site comprises a 0.06 hectare parcel of land located to the south of the property known as Bluebell House situated on Arlecdon Road, Arlecdon.</p> <p>The Application Site is bounded by a dwelling to the north, agricultural fields to the south and west and Arlecdon Road to the east.</p> <p>The route of the United Utilities West Cumbria Pipeline is located to the south of the Site.</p> <p>The Site is enclosed by an established hedgerow to the east and a wall to the north with open boundaries to the south and west.</p>	

PROPOSAL

This full planning application seeks approval for the erection of a dwelling which is to be single storey and includes the use of the roof space and an integral garage. The dwelling will have an eaves height of 2.7m and an overall height to the pitch of 6.3m. The building will be 10.3m in width and 13.5m in length with a further smaller rear projection of 3.8m.

The ground floor will comprise an open plan kitchen/dining/living room, a further family room and a utility room, two bedrooms and two bathrooms with 2 bedrooms and a bathroom on the first floor.

The proposed dwelling will be constructed from red multi facing brickwork with pointed finish St Bees red sandstone cills and mock gable vent. The windows and doors will be anthracite grey UPVC and the roof will be smooth dark grey concrete tiles with velux rooflights in anthracite grey with fascias and soffits to match.

The parking area will be finished with paviors and provides sufficient space to accommodate multiple vehicles.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for residential development of two dwellings, approved in July 2019 (application reference 4/19/2141/001 relates);

Reserved matters application for detached dwelling (following approval 4/19/2141/001), approved in January 2020 (application reference 4/19/2399/0R1 relates).

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

No response received.

Cumbria Highways

1st response

Drawing Number 21/09/1005-02 shows the proposed access for this plot to be located next to Bluebell House. It is understood that under 4/19/2399/001 a shared access was approved.

The applicant should demonstrate they can still achieve the required visibility splays for the proposed access of 60m by 2.4m by 60m and measured to a height not exceeding 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the

carriageway. The latter dimension is used to ensure small children can be seen. Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicants ownership.

It should be noted as per previous responses and conditions that the access is to be of a bound material and drained to prevent surface water discharging onto or off the highway. A permit to cross the public footway and join the U4017 may also be required.

Upon receipt of the visibility splays plan, we will be able to formally respond to this application.

2nd response

The visibility splays demonstrated on Drawing Number 21/09/1005-02a) submitted on 26.05.22 are acceptable to the Local Highway Authority. I can confirm that we raise no objections to this proposal subject to a number of conditions relating to the following:

- The surfacing of the access drive;
- The provision of inward swinging access gates;
- The reduction in height of front boundary treatments to 600mm;
- The gradient of the access drive.

Local Lead Flood Authority

No objections, subject to the provision of details to show how surface water runoff will not discharge onto the highway.

United Utilities

1st response

We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review PRIOR TO DETERMINATION so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

2nd response

No objections subject to a full surface water drainage condition.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 7 no. properties.

No responses have been received as a result of these consultations.

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 ST4 – Providing Infrastructure

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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 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 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 DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Planning Practice Guidance (PPG)
National Design Guide (NDG)
The Conservation of Habitats and Species Regulations 2017 (CHSR)
Cumbria Development Design Guide (CDDG)
Manual for Streets (MfS).

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:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk Policy
- Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Policy H8PU - Affordable Housing
- Policy H21PU – Residential Caravans
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks

- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection

ASSESSMENT

Relevant Planning History

Outline planning permission was approved in July 2019 for two residential dwellings, thereby establishing the principle of residential development on this site. A Reserved Matters application for one plot was subsequently approved in January 2020. This application seeks full planning permission for the site, necessitated because of discrepancies in the boundary alignment and the applicants wish to provide a dwelling on the plot which is sited in a position that results in a less cramped form of development.

Principle of the development

Policy ST2 of the CS identifies Arlecdon/Rowrah as a Local Centre.

Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

Figure 3.3 of the supporting text to Policy ST2 identifies that the 14no. Local Centres will deliver not more than 45 dwellings per annum throughout the plan period based upon an annual housing requirement of 230 dwellings per annum.

The Application Site is located out with the settlement boundary for Arlecdon/Rowrah as defined in Policy ST2 of the CS.

Policy ST2 of the CS states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including... *housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.*

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Publication Draft Consultation ended on 18th March 2022. The ECLP will, once adopted, replace the policies of the adopted CS.

The ECLP has been drafted based upon an evidence base of documents which includes a updated Strategic Housing Market Assessment (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

The ECLP continues to identify Arlecdon as a Local Centre reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP continues to identify the Application Site as outside the revised development boundary for Arlecdon.

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.

In the context of the above, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In applying the provisions of Paragraph 11:

- the Site would assist in a small way in boosting housing supply to meet the identified need for housing in Arlecdon and the wider Borough;

- the proposed development comprising a site of 0.06 ha is appropriate in size to the designation of the Arlecdon/Rowrah as a Local Centre in accordance with the spatial objectives of Policy ST2 of the CS;
- the Site is located in close and convenient proximity to the services and employment opportunities located within Arlecdon/Rowrah for which the settlement has been designated as a Local Centre in Policy ST2 of the CS. The proposed development will support existing services and thus the aspiration of retaining these services; and,
- Some sustainable travel options exist within the vicinity, with a limited bus route serving the settlement and local cycle routes providing linkages to the National Cycle Network Route 71 as per the provisions of Policy DM22 of the DMP.

Housing Need

Arlecdon/Rowrah falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SHMA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The proposed development will reasonably deliver a detached four bedroom bungalows so will assist in providing a greater balance of market housing stock within Arlecdon/Rowrah accordance with the provisions of Policy SS3 of CS and Paragraph 61 of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

The Site is located in an area of Sub Type 5a Ridge and Valley landscape as defined in the Cumbria Landscape Character Guidance and Toolkit (CLCGT).

The Key Characteristics of the land comprise: a series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; and, large scale structures generally scarce.

The Guidelines for development include: discouraging the further nucleation of the settlement pattern; ensuring new development makes a contribution to the character of the area by respecting the form of villages e.g. linear along ridge lines, creates new focal spaces and takes advantage of attractive long views; and, carrying out village enhancement schemes including townscape environmental improvements, tree planting and establishment of attractive green spaces.

The Site comprises an area of undeveloped agricultural land located to the west of Arlecdon Road.

The settlement of Arlecdon is centred around Arlecdon Road, which runs approximately north-south and connects to Arlecdon Parks Road, which runs approximately east-west and transitions into the settlement of Rowrah.

Arlecdon Road is principally characterised by linear frontage development on both sides of the highway, with some nucleated estate type development to the north and south, which is at odds with the general overall form.

The proposed development would comprise a continuation of the linear developed form of Arlecdon Road and so would respect the developed form and character of the settlement.

The development would impact upon localised views into and out of the settlement; however, these impacts would not result in a significant intrusion into the open countryside or significant and demonstrable harm to the local landscape character.

The proposed plot is similar to the existing plot to the north and the scale and layout does not result in harmful impacts upon settlement character.

The proposed therefore accords with the provisions of Policy ENV5 of CS and Paragraph 170 of the NPPF.

Design and Residential Amenity

Policy DM10 of the CS seeks a high standard of design whilst Policy DM12 prescribes the minimum acceptable separation distances to ensure that new dwellings do not create amenity issues for existing properties relating to overlooking or loss of light.

The proposed dwelling has been designed to sit neatly in the plot and respects the topography of the landscape. Separation distances greater than the minimum of 12m have been achieved with the use of an obscure glazed window on the first floor north facing window, therefore protecting residential amenity for the surrounding properties. The blank elevation on the north of the dwelling ensures privacy between the two neighbouring properties.

Whilst materials have been specified by the Applicant, no samples or brochure details have been provided, therefore this detail should be secured for approval by way of a suitably worded planning condition in order to ensure that the dwelling will fit in with its surroundings. The design of the dwelling is simple and reflects the other modern bungalows in this part of the village.

Overall, the proposal is considered to be compliant with the policies within the CS with regards to

respectful design and the protection of residential amenity.

Highway Safety and Parking

Access to the Application Site is deliverable via an access straight onto Arlecdon Road.

Cumbria Highways initially requested that suitable visibility splays could be provided. Amended details has demonstrated that this is achievable. On this basis the Highway Authority has confirmed that an acceptable access is deliverable and therefore has raised no objections, subject to a number of conditions relating to the surfacing of the access drive, the provision of inward swinging access gates, the reduction in height of front boundary treatments to 600mm and the maximum gradient of the access drive.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site.

Flood Risk and Drainage

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not shown to be liable to surface water flooding.

United Utilities requested a plan to show the levels on the site and finished floor levels of the proposed dwelling. Furthermore, they set out a requirement for full surface and foul water drainage details prior to the determination of the application. The Applicant set out the proposal for surface water to be drained to a soakaway – which has already been approved under the previous scheme. Furthermore, foul drainage will be to the public sewer through an existing connection in the neighbouring plot.

United Utilities were satisfied with the information but requested a full drainage condition. As this has already been dealt with under the previous application, it is not considered necessary for this to be repeated for this further approval.

Landscaping

Full landscaping details have not been received as part of the application however, the plans show that the front drive will be paved. A condition requiring full details of the landscaping is proposed to ensure this detail is approved, prior to the occupation of the dwelling. This will ensure that any boundary treatments are in keeping with the surrounding area and to protect the amenity of the neighbouring property.

On the basis that the landscaping will be submitted and approved, it is considered to comply with

Policy DM26 of the Copeland Local Plan.

Arboriculture and Ecology

The Site comprises an existing area of agricultural land, which is of limited ecological interest and the development will not require the removal of existing mature trees.

The development will require the removal of a small element of existing hedgerow to facilitate the creation of the access. Given the quality of the hedgerow, the resulting impacts would be limited. Measures to prevent harm to the remainder of the hedgerow, if retained, could be secured via planning condition.

The development is unlikely to adversely impact upon protected or local important species.

The Planning Balance

The previous planning approval has established the principle of developing this site for residential purposes. This is a material consideration in the assessment of this application. Notwithstanding this the current proposal for a revised scheme has been submitted as a full application. Consequently the application is considered on its merits.

For the reasons outlined above, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposed development is in clear conflict with the provisions of Policy ST2 of the CS with regard to the location out with the settlement boundary for Arlecdon; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

It is considered that some adverse impacts upon the character of the landscape will result from the proposed development; however, this will be only minor adverse as the existing linear form of development on Arlecdon Road will be continued.

In overall terms, whilst conflicts are identified it is considered that these conflicts and impacts are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which include: the provision of housing to meet the needs of the settlement/borough; boosting the economy of the settlement/borough including the provision of

	jobs during construction; and, supporting local services when assessed against the policies in the NPPF taken as a whole.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 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 21/09/1005-01, received 12 th April 2022; Proposed Site Plan, scale 1:500, drawing number 21/09/1005-02b), received 27 th June 2022; Proposed Plans and Elevations, scale 1:100, drawing number 21/09/1005-07, received 12 th April 2022; Design and Access Statement, drawing number 21/09/1005-DOC, received 12 th 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. <u>Prior To Use Conditions</u> 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.

	<p>Reason</p> <p>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.</p>
4.	<p>Prior to the first use of the dwelling hereby approved, the window on the first floor north elevation to serve bedroom 3 must be fully obscured and be retained as such at all times throughout the lifetime of the development.</p> <p>Reason</p> <p>To ensure the privacy of occupiers in both properties and in accordance with Policy ST1 of the Copeland Local Plan.</p>
5.	<p>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 and retained as such at all times thereafter.</p> <p>Reason</p> <p>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.</p>
6.	<p>The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is 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.</p> <p>Reason</p> <p>In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p>
7.	<p>Any existing highway fence/wall boundary must be reduced to a height not exceeding 600mm above the carriageway level of the adjacent highway in accordance with details</p>

submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use. The boundary treatment must not be raised to a height exceeding 600mm at anytime thereafter.

Reason

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

8. 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 the first use of the development. 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 in accordance with Policy ENV1 of the Copeland Local Plan.

Other Conditions

9. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

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

10. The gradient of the access drive must be no steeper than 1 in 10 for a distance not less than 5m as measured from the carriageway edge of the adjacent highway.

Reason

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

Informatives

- 1) 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

- 2) The applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central streetworks.central@cumbria.gov.uk for the appropriate permit.

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 : 27/06/2022

Authorising Officer: N.J. Hayhurst

Date : 27/06/2022

Dedicated responses to:-