

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2278/OF1
2.	Proposed Development:	ERECTION OF A TWO BED BUNGALOW
3.	Location:	DALELANDS, SANDWITH
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to a plot of land adjacent to the dwelling known as Dalelands in Sandwith. It equates to roughly 379 square metres and is currently utilised for residential curtilage. There are residential dwellings to the north and west, with an access road to the east and south. PROPOSAL This application seeks full planning permission for the erection of a single 2 bedroomed dwelling. The dwelling will be single storey and feature two bedrooms – one with an en suite bathroom, a bathroom, living room, kitchen/dining room and utility room. It will measure 11.6 in length and 9.6m in width. It will be 2.6m to the eaves and 4.6m in overall	

height.

The materials proposed will match the two dwellings to the south and south west of the proposal with white rough cast K rend walls with buff sandstone surrounds and features, Marley grey roof tiles, grey PVC windows and doors and an oak front door.

Two parking spaces are proposed to the south of the dwelling, with amenity space to the front, rear and sides of the property.

The planning application has been submitted with the following supporting documentation:

- Application Form;
- Site Location Plan;
- Site Block Plan;
- Overall Site Plan;
- Proposed Plans and Elevations;
- Phase 1 - Desk Top Study (Preliminary Environmental Risk Assessment)

RELEVANT PLANNING APPLICATION HISTORY

Outline application for the erection of two dwellings, approved in June 2018 (application reference 4/18/2142/001 relates);

Erection of two detached dwellings, approved in June 2020 (application reference 4/20/2120/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Cumbria Highways

The proposed two bed bungalow will connect within the site to the access approved under 4/20/2120. Drawing number 18/07/938-03b) demonstrates an access that is suitable to serve an additional dwelling as per the Cumbria Design Guide - Appendix 4 (Private Shared Driveways).

Reduced visibility splays have also been shown following a speed survey which have previously been accepted. I would note that inter-visibility within the site should be considered allowing vehicles to see others leaving each of the driveways.

I can therefore confirm that the Local Highway Authority raise no objections with this proposal.

United Utilities

Drainage should be considered in accordance with the drainage hierarchy.

Public Representation

The application has been advertised by way of a site notice, press notice and neighbour notification letters issued to 8 no. properties.

One neutral letter has been received questioning the wording of the site notice and whether the application is likely to be supported by the LPA.

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 (CS)

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 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

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)
Strategic Housing Market Assessment 2019 (SHMA)
Village Services Survey 2019
Five Year Housing Land Supply Statement 2022

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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 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
- 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
- Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of development

This application is seeking full planning permission for a single dwelling, on a site that already benefits from outline planning permission and reserved matters for two dwellings. The outline planning permission did not specifically restrict the site to a certain number of dwellings.

Legal opinions have previously been provided by the Solicitor to the Council with regards to the matter of whether an original planning permission restricts the number of dwellings that can be constructed on a site where no condition was attached to the permission to limit the number of dwellings proposed.

The relevant legal principles in respect of this matter comprise the following:

(a) In construing a planning permission which is not unambiguous, regard may only be had to the permission itself (R v Ashford BC).

(b) An application for reserved matters must be within the ambit of the outline permission (R v Hammersmith & Fulham BC) and in determining whether the application falls within the ambit of the outline consent, it must be determined as to whether there has been a material departure from the outline consent (Shemara Ltd v Luton Corporation). This is a matter of planning judgement. The 'Four Corners' principle (Miller v Mead) makes it clear that only the permission itself may be considered when determining its ambit.

In accordance with the relevant legal principles, it is necessary to question if a reasonable reader would draw the conclusion that the approved Planning Permission limits the number of dwellings approved or the density of the approved development.

Planning Application Ref. reference 4/18/2142/001 comprised an Outline application for the erection of two dwellings. This established the principle of development on the site and no planning conditions are imposed on the Planning Permission limiting the number of dwellings approved.

It is therefore considered that the principle of the development is already established under application reference 4/18/2142/001 and is therefore acceptable.

Design and Residential Amenity

Policy DM10 of the CS and Policy DS6PU of the ELP seek a high standard of design whilst Policy DM12 of the CS and Policy H6PU of the ELP 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 far greater than the minimum of 21m specified in Policy ST12 have been achieved, therefore protecting residential amenity for the surrounding properties.

Whilst materials have been specified by the Applicant, no samples or brochure details have been provided. However, the materials match the other two dwellings on the site and these are considered to be attractive and suitable for the area. The design of the dwelling also reflects the other two dwellings, despite it being single storey. It is modern but is influenced by the local character using brick quoin detailing and window banding. The single storey nature of the dwelling allows it to be a soft edge to this area of Sandwith and reduces the impact of the development when viewed from the road.

Overall, the proposal is considered to be compliant with the policies within the CS and ELP with regards to respectful design and the protection of residential amenity.

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.

It is proposed to dispose of surface water to the existing watercourse.

No details are provided in respect of foul water disposal.

A planning condition is proposed requiring the submission, approval and implementation of a detailed scheme for the disposal of foul water and surface water in accordance with the national drainage hierarchy.

Landscaping

Full landscaping details have not been submitted as part of the application however, the plans show the surrounding land largely grassed with some pavement parking and the retention of the boundary wall which is to be lowered to allow for visibility. Due to the edge of settlement location a condition requiring full details of the landscaping is reasonable 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 will soften the impact of the development.

On the basis that the landscaping will be submitted and approved, it is considered to comply with Policy DM26 of the Copeland Local Plan and the policies within the emerging local plan.

Arboriculture and Ecology

The Application Site comprises an existing unmade area which has been dug over during the

construction of the adjacent dwellings and therefore is of limited to zero ecological interest.

Any issues relating to ecology were dealt with during the previous outline planning approval and therefore the proposal corresponds with planning policies.

Highways

Access to the site is only reasonably achieved via Dalelands Road to the south west. Cumbria County Highways were consulted and raised no objections to the increased use of the already approved access road that would result from this proposal.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site. The proposal therefore complies with Policy DM22 of the CS and CO7PU of the ELP.

Ground Conditions

Policy ST1 of the CS and DS1PU of the ELP seek to ensure that the ground for development is suitable with regards to ground conditions and ground contamination.

The site is located within a coal standing advice area, however the Applicant has submitted a Phase 1 ground report in order to ensure that the site is suitable for residential development. The report concludes that there is a very low geotechnical risk, a very low risk to end users from potential ground contamination and ground gas and a negligible risk to the surrounding area from potential ground and groundwater contamination.

The report suggests that a Phase 2 ground report and watching brief should be carried out to ensure that all conclusions are evidence based, however, as development has already taken place on the site with the construction of the access road and two other dwellings, it is considered that this is not necessary in this case.

Conclusion and the planning balance

The principle of developing the site for a single dwelling has already been established by the approval of an outline application in 2018. This outline approval remains extant. Case law confirms that as there were no conditions attached to the permission that restrict the number of dwellings on the site this proposal is within the spirit of the permission.

The dwelling has been designed to reflect the character of the other dwellings on the site, utilizing similar design features and matching materials. There is ample parking for the dwelling and the access road is already in situ to serve the adjacent dwellings. No issues have been raised with regards to drainage, ecology, ground stability or landscaping and any outstanding information can be required by way of suitably worded planning conditions.

In overall terms, there are no material planning considerations to preclude the development on this site, therefore the dwelling should be approved.

8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <li data-bbox="183 394 1500 661"> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <li data-bbox="183 703 1500 1207"> <p>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> <p>Site Location Plan, scale 1:1250, drawing number RC/1/22, received 5th July 2022; Site Block Plan, scale 1:500, drawing number 18/07/938-22a, received 5th July 2022; Plans and Elevations, scale 1:100, drawing number 18/07/938-26, received 5th July 2022; Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), written by Geo Environmental Engineering, received 5th July 2022.</p> <p>Reason</p> <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.</p> <li data-bbox="183 1249 1500 1585"> <p>3. Prior to the first occupation of the dwelling hereby approved, full details of the surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.</p> <p>Reason</p> <p>To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.</p> <li data-bbox="183 1627 1500 1816"> <p>4. 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> <p>5. 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 or extensions, conservatories, dormer, or enlargement must be carried out to the dwelling, nor must any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.</p> <p>Reason</p> <p>To safeguard the character and appearance of the development in the interests of visual amenity and in accordance with Policy ST1 and DM10 of the Copeland Local Plan.</p> <p>Informative</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</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: Sarah Papaleo	Date : 27/01/2023
Authorising Officer: N.J. Hayhurst	Date : 27/01/2023
Dedicated responses to:-	