

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2301/0F1
2.	Proposed Development:	DEMOLITION OF EXISTING BUNGALOW AND REPLACEMENT WITH NEW DORMER BUNGALOW
3.	Location:	MANX VIEW, DRIGG ROAD, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations & Policy	<p>Neighbour Notification Letter - YES</p> <p>Site Notice - YES</p> <p>Press Notice - No</p> <p>Consultation Responses – See report</p> <p>Relevant Policies – See report</p>
7.	<p>Report:</p> <p>Site and Location</p> <p>This application relates to an existing detached bungalow dwelling, known as Manx View, located off Drigg Road within the south of Seascale. The property is set back from the B5344 in an elevated position with a prominent sandstone wall along the road frontage. The site</p>	

shares an access with the neighbour property, Fox Parke, with the driveway providing access to the rear of the two sites from the south. The property also benefits from a parking area and detached garage, which will be demolished as part of this application, to the rear of the site.

Relevant Planning History

No relevant planning history.

Proposal

This application seeks planning permission for the demolition of the existing three bedroom bungalow and its replacement with a new dormer bungalow.

The proposed replacement bungalow will be located in the same position as the existing bungalow, however the footprint will exceed that currently on site. The replacement bungalow will measure 13.8m x 10.6m, with an eaves height of 2.8m and an overall height of 7.4m. The proposed dwelling will benefit from a front facing gable which will measure 2.4m x 8.6m with an eaves height of 2.6m and an overall height of 6.8m. The rear of the proposed dwelling will also benefit from a projecting gable measuring 2m x 8.6m with an eaves height of 2.6m and an overall height of 7.3m, and will also benefit from a Juliet balcony at first floor level. A dormer window is proposed on both the front and rear of the dwelling.

Internally, the proposed dwelling will create a hall, a large open plan kitchen/living/dinning room, a utility room, toilet, and double bedroom with ensuite bathroom. The first floor of the proposal will incorporate a master bedroom with walk in wardrobe and ensuite bathroom, a double bedroom with ensuite bathroom, and an office.

Externally, the proposal will be finished with white k-render, a slate roof, and anthracite UPVC windows and doors.

The proposal will utilise the existing access to the site, however a larger driveway will be created to the rear of the site which it is proposed to finish with Marshalls permeable paving.

Consultation Responses

Seascale Parish Council

No objections.

Cumberland Council – Highway Authority & LLFA

20th July 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



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accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

15th June 2023

I can confirm that the response made to the previous application should still apply, as this falls under our Service Level Agreement and no amendments alter this decision.

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.

We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.

Public Representation

This application has been advertised by way of neighbour notification letters issued to eight properties. One letter of support was received for this application stating that the plans look fantastic and will enhance Drigg Road.

Further to the submission of amended plans for this application all neighbours and previous supporters were consulted on this application. Once letter of support was again received stated that the development would make a fantastic improvement to the existing bungalow.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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 SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

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 DM16 – Replacement Dwellings

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)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR).



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Strategic Housing Market Assessment 2021 (SHMA)

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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.

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

Assessment

The key issues raised by this application relate to the principle of the development; the scale, design, and impact of the development; impact on landscape and settlement character; access, parking, and highway safety; ecology; and drainage and flood risk.

Principle of Development

This application site relates to an existing residential site, which falls within the designated settlement boundary for Seascale, 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. Policy DS3PU of the Emerging Local Plan continues to identify Seascale as a Local Service Centre, with development focused around moderate housing allocations, and windfall and infill sites.

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. Policy DM16 of the Copeland Local Plan allows for replacement dwellings so long as the scale and character of the replacement matches that which it is proposed to replace.

The principle of a replacement dwelling at this site is therefore acceptable subject to site specific matters.

Scale, Design and Impact of Development

Policy DM16 of the Copeland Local Plan allows for replacement dwellings so long as the scale and character of the replacement matches that which it is proposed to replace.

Within the Emerging Local Plan, Policy H18PU sets out that that replacement dwellings will be permitted outside of settlement boundaries where the replacement dwelling is sited on or close to the footprint of the existing dwelling, and the replacement dwelling and curtilage is of a scale, form and design appropriate to the location, will enhance the immediate setting, and



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will not result in unacceptable visual harm. The Emerging Local Plan, however has no restrictions for replacement dwellings in settlement boundaries.

Within the Copeland Local Plan, 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.

Policy DS6PU within the Emerging Local Plan states that the Council will expect all new development to meet high-quality standards of design. This means that developments must, make use of existing buildings on site, create and enhance local distinctive places, and use good quality building materials that reflect local character and vernacular. This is further supported by Emerging Policy H6PU which stated that new housing development must be of a design, layout, scale and appearance which is appropriate to the locality, demonstrate that consideration has been given to surrounding natural and landscape character, provides an acceptable level of amenity, protects privacy through distance or good design, the development is not overbearing and adequate space for parking is provided.

The existing dwelling relates to a small, detached bungalow property, which benefits from a glazed conservatory along the western elevation of the dwelling fronting the adjacent highway. The existing property has a simple character, muted materials, and a significant amount of glazing within the main elevation seen from the highway.

Initially, the proposal sought permission for a replacement dwelling which included a large attached garage to the north side of the dwelling, and a fully glazed gable within the west elevation fronting Drigg Road. Concerns were however raised with regard to the proposal ability to comply with policy DM16 of the Copeland Local Plan given that the proposal was significantly larger than the existing and was of a much more modern design and character. Discussions were undertaken with the agent for this application, and amended plans were submitted to support this application which removed the detached garage, and also significantly reduced the proposed glazing within the western elevation.

Whilst the amended replacement dwelling is still considerably larger than the existing modest bungalow at this site, consideration was given to the Emerging Local Plan position. Policy H18PU of the Emerging Local Plan only restricts the scale and character of replacement dwellings outside of settlement boundaries. Emerging Policies DS6PU and H6PU do, however, seek new development that reflects the local character of the area through design, layout, scale and appearance. Given the stage in preparing the Emerging Local Plan some weight can now be given to these policies, therefore a compromise position was agreed with

the agent.

Although larger in scale the proposed replacement dwelling is located broadly upon the same footprint as the existing dwelling, which means the relationship with the adjacent highway and neighbouring properties is maintained. Whilst the development benefits from a front and rear facing gable, the proposal does not significantly alter the position within the site therefore the development is not considered to be overbearing or significantly impact on the overall streetscene. The proposed dwelling will benefit from a traditional pitched roof to be finished in slate which is a prominent feature within the area. Although the replacement dwelling will be of a more modern design than the existing, the front and rear facing gables are considered to reflect the existing front projections of other properties along Drigg Road. Furthermore, whilst the amount of glazing with the western elevation has been significantly reduced, the development still benefits from large glazed openings which are also considered to reflect the vertical emphasis characteristic of other properties within the locality.

The proposed replacement dwelling includes a number of side facing windows and doors, with a number also included at first floor level. Concerns were raised with regard to potential overlooking from the replacement dwelling, therefore the agent for this application provided amended plans to show obscuring glazing within the first floor of the dwelling and the inclusion of a 1.8m close boarded timber fence. The installation and retention of these details can be secured by appropriately worded planning conditions to ensure existing amenity is protected prior to the first occupation of the proposed dwelling.

On the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with Policies DM10 and DM12 of the Copeland Local Plan, Policies DS6PU and H6PU of the Emerging Local Plan, and the NPPF.

Impact on Landscape and Settlement Character

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 is an existing residential property which lies within a residential area within the south of Seascale and is directly adjacent to a number of existing residential properties. As the development replaces an existing dwelling and is surrounded by existing development the proposal is not considered to have an impact on the overall landscape and



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is considered complementary to the existing built form of this part of the settlement.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and provision 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 access to the site will remain as existing, via the shared access with the neighbouring property to the south of the site. The proposal will, however, create a larger driveway to the rear of the land. The Highway Authority have offered no comments to this application. The development is considered to comply with the parking standards identified within the Cumbria Design Guide. The access to this site is to remain unaltered and will continue to serve the same number of residential dwellings, therefore the development is not considered to adversely impact on the existing highway.

On this basis the development is considered to comply with policies T1 and DM22 of the Copeland Local Plan, Policy CO7PU of the Emerging 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.

As the application site is located within Flood Zone 1 a Flood Risk Assessment has not been submitted to support this application. As part of the application, it is proposed that the foul and surface water from the development would be disposed of by the existing mains sewers located within the existing highway. Although UU have not raised any objections to the proposed development, they have stated that the development will be required to be drained in accordance with the hierarchy. Based on this the agent for this application has agreed to the inclusion of a pre commencement condition requiring the submission of a surface water drainage scheme for the development to ensure the hierarchy is being followed.

Based on the inclusion of these conditions, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Policy DS8PU of the Emerging Local Plan, and the NPPF.

Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF

	<p>outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species. Strategic Policy N1PU of the Emerging Local Plan confirms the Council's commitment to conserve the Borough's biodiversity and geodiversity.</p> <p>The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposed replacement dwelling will be sited in the same location as the existing dwelling on the site. The proposal is also located within the centre of a built-up residential area therefore the development will not disturb any habitats. On this basis it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application. Furthermore, the development will be located upon the footprint of an existing dwelling therefore will not disturb any habitats.</p> <p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>The application site is located within one of the Borough's Key Service Centres and currently accommodates a single residential dwelling. The proposal for a replacement dwelling is therefore considered acceptable for this site in policy terms.</p> <p>Given the position of the Emerging Local Plan weighting has been given to Emerging Policies which no longer seek to restrict replacement dwellings within settlement only those in open countryside. Several discussions have therefore been undertaken with the agent for this application to reach a compromise position and to secure a scheme which reflects the character of the surrounding area in terms of design, scale and appearance. Amended plans have been received which reduced the scale of the development and reflect the traditional character of the surrounding properties within the locality.</p> <p>Appropriately worded planning conditions will be attached to any planning decision to protect existing amenity through the installation and retention of obscuring glazing and timber fencing. Conditions will also be attached to secure details of the proposed drainage for this development as information has not been provided to support this application.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>



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9. Conditions:

Standard Conditions

1. The development hereby permitted must 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 must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:
 - Existing Plans: Existing Location Plans, Existing Ground Floor Plan, and Existing Elevations, Scale 1:50, 1:100, 1:500 & 1:1250, DWG01, Rev A, received by the Local Planning Authority on the 14th July 2022.
 - Proposed Floor Plans (Amended), Scale 1:50 & 1:100, DWG 02, Rev E, received by the Local Planning Authority on the 9th June 2023.
 - Proposed Elevations & Maps: Proposed Location Plans, and Proposed Elevations (Amended), Scale 1:100, 1:500 & 1:1250, DWG03, Rev H, received by the Local Planning Authority on the 21st June 2023.
 - Justification Statement for Replacement Dwelling (Amended), Prepared June 2023, received by the Local Planning Authority on the 9th June 2023.

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:

3. 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:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation

must include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

- ii. 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
- iii. 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.

Prior to Occupation

- 4. Prior to the first occupation of the replacement dwelling hereby approved the boundary treatment must be installed in accordance with the approved plan 'Proposed Elevations & Maps: Proposed Location Plans, and Proposed Elevations (Amended), Scale 1:100, 1:500 & 1:1250, DWG03, Rev H, received by the Local Planning Authority on the 21st June 2023'. All boundary treatment must be retained in accordance with the approved details at all times thereafter.

Reason

In the interest of residential amenity.

- 5. Prior to the first occupation of the replacement dwelling hereby approved the first floor side facing windows must be fitted with obscure glazing in line with the approved document 'Proposed Elevations & Maps: Proposed Location Plans, and Proposed Elevations (Amended), Scale 1:100, 1:500 & 1:1250, DWG03, Rev H, received by the Local Planning Authority on the 21st June 2023'. The obscure glazing must be permanently retained at all times thereafter.



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Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with DM10 of the Copeland Local Plan.

Other Conditions:

6. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- Proposed Elevations & Maps: Proposed Location Plans, and Proposed Elevations (Amended), Scale 1:100, 1:500 & 1:1250, DWG03, Rev H, received by the Local Planning Authority on the 21st June 2023.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

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: C. Burns

Date : 10.07.2023

Authorising Officer: N.J. Hayhurst

Date : 13/07/2023

Dedicated responses to:-