

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2014/OF1	
2.	Proposed Development:	DETACHED FOUR BED DWELLING (RENEWAL OF PLANNING PERMISSION 4/20/2012/OF1)	
3.	Location:	REAR GARDEN OF 55 GOSFORTH ROAD, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	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	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to an area of land to the rear of 55 Gosforth Road, a semi detached property, which fronts onto the main road through Seascale. The area of land previously functioned as the rear garden of this property however this has now been fenced off to create a vacant plot. The application site fronts onto Whole House Road, from which there is also an existing vehicular access.	

Relevant Planning History

4/08/0448/0- Erection of single detached four bedroomed dwelling with integral garage – Approved

4/10/2509/0F1 – Erection of detached 2 storey four bedroomed dwelling (revised scheme) – Approved

4/13/2512/0F1 – Detached four bedroomed dwelling (resubmission)

4/13/2512/0F1 – Detached four bedroomed dwelling (resubmission) – Approved

4/16/2437/0F1 – Detached four bedroomed dwelling (renewal of planning permission 4/13/2512/0F1) – Approved

4/20/2012/0F1 – Detached four bedroomed dwelling (resubmission) – Approved

Proposal

This application seeks planning permission for the erection of a detached four bedroomed dwelling. Planning permission has historically been granted on this site for the erection of a single dwelling, with the latest permission granted (ref: 4/20/2012/0F1) in February 2020. This application is a resubmission of this proposal, which lapsed in February 2023. The submitted details are unchanged from the previous approval.

Permission is sought as part of this application for a two-storey detached property, which measures 9.3m x 9.7m with an eaves height of 4.85m and an overall height of 7.6m. The proposed dwelling will be orientated to face onto Whole House Road and will be set back into the site from the existing footway by 6.5 metres to allow for two on-site parking spaces. A rear conservatory is also proposed as part of this development, which will measure 3.5m x 3.5m, with an eaves height of 2.2m and an overall height of 2.9m.

The ground floor of the proposed dwelling will incorporate a lounge, toilet, utility, living room, kitchen/dining room, and a conservatory. It is proposed that the first floor of the dwelling will incorporate a master bedroom with an ensuite bathroom, three double bedrooms, and a bathroom. Externally the proposed dwelling will be finished with painted render, grey slate tiles, and painted timber or UPVC windows. The site will be bounded to the northwest by the existing hedgerow, and to the north east and south east by a 1.8m close boarded fence.

Consultation Responses**Seascale Parish Council**

No objections.

Cumbria Highways & Lead Local Flood Authority

No objections subject to the inclusion of conditions relating to access gates, surface water, and surfacing of the access drive.

United Utilities

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

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.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

Resilience Unit

No objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to four properties. No comments have been received in relation to the statutory notification procedure.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

	<p>Cumbria Development Design Guide (CDG)</p> <p>The Conservation of Habitats and Species Regulations 2017 (CHSR).</p> <p>Strategic Housing Market Assessment 2021 (SHMA)</p> <p>Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)</p> <p><u>Emerging Copeland Local Plan (ELP)</u></p> <p>The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been subject to examination by the Planning Inspector.</p> <p>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.</p> <p>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.</p> <p>Strategic Policy DS1PU: Presumption in favour of Sustainable Development</p> <p>Strategic Policy DS2PU: Reducing the impacts of development on Climate Change</p> <p>Strategic Policy DS3PU: Settlement Hierarchy</p> <p>Strategic Policy DS4PU: Settlement Boundaries</p> <p>Strategic Policy DS5PU: Planning Obligations</p> <p>Policy DS6PU: Design and Development Standards</p> <p>Policy DS7PU: Hard and Soft Landscaping</p> <p>Strategic Policy DS8PU: Reducing Flood Risk</p> <p>Policy DS9PU: Sustainable Drainage</p> <p>Strategic Policy H1PU: Improving the Housing Offer</p> <p>Strategic Policy H2PU: Housing Requirement</p> <p>Strategic Policy H3PU: Housing delivery</p> <p>Strategic Policy H4PU: Distribution of Housing</p> <p>Strategic Policy H5PU: Housing Allocations</p> <p>Policy H6PU: New Housing Development</p>
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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 a vacant site, which falls within the designated settlement boundary for Seascale, which is listed as a Local Service Centre in Policy ST2 of the Copeland Local Plan. This policy allows for infill housing sites and moderate allocations to form extensions to the town to meet general needs, with larger sites required to offer a proportion of affordable housing.

The 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.

Development management policies DM10, DM11 and DM12 which seek to ensure that the proposed development can provide quality places to live, are also relevant to this scheme.

The principle of developing this site for a single dwelling house has already been established by the previous planning approvals. It is therefore considered that the development would be in accordance with the aims and objectives of the NPPF which set a presumption in favour of sustainable development as well as the relevant policies of the adopted Copeland Local Plan.

Scale, Design and Impact of Development

Within the Copeland Local Plan, Policies DM10, DM11, and DM12, 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.

This application seeks approval for the erection of a single dwelling house, which has been designed to reinforce the existing frontage pattern along Whole House Road. The proposed development will reflect the previously approved dwelling in scale, location and design. The proposal is therefore not considered to have a significant detrimental impact on residential amenity.

Given the location of the proposed dwelling, the development is not considered to impact on the adjacent property, 55 Gosforth Road, as the dwelling is to be built adjacent to an existing large flat roofed garage within the side/rear garden, which ensures the development is located away from this property. The proposed dwelling will also not include any windows within its gable elevation and will be screened by additional boundary treatment which will be secured by an appropriately worded planning condition to mitigate any overlooking issues for the neighbouring dwellings. It is therefore considered that the development would be in accordance with the aims and objectives of both the adopted Copeland 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 a vacant site which lies within a residential area within the centre of Seascale and is directly adjacent to a number of existing residential properties. As the development is surrounded by existing development the proposal is not considered to have an impact on the overall landscape and as the site is an infill plot the development is 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 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 site will be accessed as per the previous approvals from the existing access and dropped kerb from Whole House Road. Cumbria Highways have offered no objections to the application subject to the inclusion of conditions relating to access gates, surface water, and surfacing of the access drive.

On this basis the development is considered to comply with policies T1 and DM22 of the Copeland 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.

The application site is located within Flood Zone 1 and therefore a Flood Risk Assessment has not been submitted to support this application.

As part of this application, it is proposed that surface and foul water will be disposed of by the mains sewer. 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 and foul water drainage scheme for the development to ensure the hierarchy is being followed. Cumbria Highways have also requested a condition requesting details of the proposed surface water drainage system and a maintenance schedule to secure proper drainage at the site. Again the agent has agreed to these pre commencement conditions.

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 and the NPPF.

Ecology

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

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is located within the centre of a built-up residential area. On this basis 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 extension therefore will not disturb any habitats.

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

	<p><u>Planning Balance & Conclusion</u></p> <p>The application site is located within one of the Council's Local Service Centres and benefits from previous planning approvals, which have established the principle for developing the site for residential purposes.</p> <p>The proposed design and scale of the development reflects these previous approvals, therefore the development is not considered to create any significant amenity issues for the neighbouring dwelling.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 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: - <ul style="list-style-type: none"> - Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 17th January 2023. - Site Layout, Scale 1:100, Drawing No 10100-01, received by the Local Planning Authority on the 17th January 2023. - Plans, Elevations and Block Plan (Amended), Scale 1:100, Drawing No 221202-02, Edition A, received by the Local Planning Authority on the 31st January 2023. - Design and Access Statement, received by the Local Planning Authority on the 10th January 2020. <p>Reason</p>

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre Commencement Conditions:

3. Before development commences full details of the foul and surface water drainage scheme 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.

Reason

To ensure the provision of a satisfactory drainage scheme.

4. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

5. 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 development being commenced. 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 environmental management.

Prior to Occupation

6. Prior to the first occupation of the dwelling hereby approved the boundary treatment must be installed in line with the approved plan 'Plans, Elevations and Block Plan (Amended), Scale 1:100, Drawing No 221202-02, Edition A, received by the Local Planning Authority on the 31st January 2023'. All boundary treatment must be retained in accordance with this approved

plan at all times thereafter.

Reason

In the interest of residential amenity.

Other Conditions:

7. 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 occupied/brought into use.

Reason

In the interests of highway safety.

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

Reason

In the interests of highway safety.

Informatives:

1. Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works. Enquires should be made to Cumbria County Councils Street Work's team - streetworks.central@cumbria.gov.uk.
2. The Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.
3. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.
4. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate

information and actions to take should there be an incident at the Sellafield site.

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 : 06.03.2023

Authorising Officer: N.J. Hayhurst

Date : 14.03.2023

Dedicated responses to:- N/A