
**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2020/0F1
2.	Proposed Development:	PROPOSED DORMER BUNGALOW
3.	Location:	PLOT 2, ARLECDON ROAD, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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>This application relates to a plot of land situated on Arlecdon Road in Arlecdon. The site has agricultural fields to the west, further plots for development to the north and a residential garden to the south. There are residential properties on the opposite side of Arlecdon Road known as Mona Street.</p> <p>The land has previously been subject to an outline approval, approved in 2021 (application reference 4/21/2469/001 relates).</p>

PROPOSAL

This application seeks full planning permission for the erection of a single 4 bedroomed dwelling.

The proposed detached dwelling is designed as a dormer bungalow, including a kitchen/diner, utility room, bedroom with walk in wardrobe and en-suite bathroom and living room on the ground floor and three further bedrooms and a bathroom on the first floor.

The dwelling will be 14 in width, 16.5 metres in length, an eaves height of 2.7 metres and an overall ridge height of 7.5 metres.

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

The dwelling will be constructed from the following materials:

Roof – Black Marley Modern Concrete Roof Tiles

External Walls – White K-Rend, Facing Brick and Stone Panels

Windows and Doors – Black UPVC

Parking area – permeable setts – Marshall Tegulars (black).

No details of external boundary treatments or landscaping have been included as part of the application.

The application is accompanied by the following documentation:-

- Site Location Plan;
- Block Plan;
- Elevations;
- Floor Plans;
- Proposed Drainage Plan, calculations and percolation results;
- Design and Access Statement;
- Visibility Splay Plan.

CONSULTATION RESPONSES

Parish Council

No comments received

Cumbria Highways and Local Lead Flood Authority



Cumberland Council

1st Response

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 accordance with the Agreement.

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

2nd Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Following the submission of Drawing P2AR-KM-001 demonstrating visibility splays, these are acceptable given the nature of the road.

Flood and Coastal Drainage Engineer

1st Response

- Surface water is to be disposed of by means of a soakaway, which is the preferred method following the drainage hierarchy.
- However, no percolation testing has been submitted to demonstrate that this is feasible. Percolation testing needs to be undertaken to demonstrate that this is feasible.
- The soakaway is shown as connection to an existing field drain. Why?
- Is the field drain fully functioning?
- Where does the field drain lead to?
- As the soakaway appears to be on third party land has permission been given to install the soakaway here?

2nd Response

Without checking the calculations, that answers my queries but I assume it should read Dub Beck not Deb Beck.

United Utilities

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing P2AR-KM-002- Dated 2 Jan 23. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Public Representations

The application has been advertised by way of a site notice, press notice and neighbour notification letters issued to 5 no. properties.

3 letters of objection have been received in response to these advertisements raising the following concerns:

- The new access point will cause an added danger/problem to an already congested area;
- The water on the street can be problematic and another dwelling on to the existing drains would exacerbate this issue;
- Loss of light to adjacent dwelling;
- Omissions from car exhausts into the adjacent garden are of concern;
- The proposal creates an overlooking issue;
- The site is greenfield and not brownfield as described within the design and access statement;
- There will be a detrimental impact on local wildlife;
- Parking on Arlecdon Road will be intensified;
- The proposed store room on the first floor could be used as a bedroom.

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

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



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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 SS2 – Sustainable Housing Growth

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Copeland Borough Council – Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

Emerging Copeland Local Plan (ELP):

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.

The policies relevant to this application are:

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy H6PU: New Housing Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of Development

Outline planning permission was granted for a single residential property in 2021 under reference 4/21/2469/001, which established the principle of residential development on the site.

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



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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 2023, Copeland Borough Council produced an updated Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 191 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.

The Local Plan 2021-2038 Publication Draft (ECLP) was submitted to the Planning Inspectorate in November 2022 and was subject to examination by the Planning Inspector during January to March 2023. Once formally adopted the ECLP will replace the policies of the adopted Local Plan.

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 village. The ECLP continues to identify the Application Site as outside the revised development boundary for Arlecdon.

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 0.07 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.

The proposed development will reasonably deliver a detached four bedroom bungalow 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



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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.

Layout, Scale, Design and Appearance

The dwelling submitted is of a modest scale, being a bungalow with a low eaves and ridge

height and utilizing of the space within the roof. This will reflect the recently constructed dwellings to the north and southwest of the site. The front elevation includes a gable and projecting bay window demonstrating similar features to the other properties in the vicinity. It is considered that the dwelling sits neatly in the plot, allowing space for amenity and maintenance of the property.

The dwelling includes windows on the side elevations of the ground floor. These will face towards the existing garden land to the north and south. Policy DM12 of the Copeland Local Plan outlines the minimum acceptable separation distances as 12m between habitable windows to blank elevations and 21m between directly facing elevations of dwellings containing windows of habitable room. Due to the distance between the proposed property and Fair View to the north and The Swallows to the south, these windows are considered to be acceptable. No details of boundary treatments have been provided, however a high fence could ensure extra protection for both existing and future occupants. A planning condition is proposed to ensure that a 2m fence is constructed and maintained for this reason.

There are rooflights proposed on the first-floor side elevations to serve the bedrooms. Whilst these will be 1200mm from the floor level and therefore have the potential for overlooking to adjacent plots, the Applicant is proposing the use of obscured glazing in these openings. This can be secured by way of a planning condition and should be for the lifetime of the development in order to protect the occupiers of the neighbouring properties. Due to the distances between the properties, it is not considered that there will be any issues relating to loss of light.

Details of the proposed materials have been provided with the application to include render and facing brick walls and a dark grey slate roof. The materials chosen are modern and will reflect the newly constructed dwellings on both Arlecdon Road and Barwise Row. The dwelling will be set back within the plot to retain the existing building line both from the corner of Barwise Row and along Arlecdon Road.

Overall, it is considered that the dwelling is of an appropriate scale, design and appearance and complies with Policy DM10 of the CS and DS6PU of the ELP.

Access and parking

The plans show a single access point to serve the plot off Arlecdon Road. This is considered to be acceptable as it mirrors the layout of the existing dwellings within the locality.

Concerns were raised from local residents with regards to the access and egress from the site and whether this would be safe with the entrance to Mona Street directly opposite. Advice was therefore sought from Cumbria Highways who requested that visibility splays be provided by the Applicant. On receipt of these, Cumbria Highways raised no objections to the proposal and therefore the access is considered to be acceptable.

Concerns were also raised with regards to inappropriate parking along Arlecdon Road. The proposal includes the provision of space for car parking within the site, therefore keeping cars off the road as far as practicable. No objections were raised by Cumbria Highways to the parking arrangements shown.



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On the basis that the access is constructed in accordance with the submitted plans, the proposal complies with Policy DM22 of the CS and CO7PU of the ELP.

Landscaping

No boundary treatments or landscaping information has been provided to support the application. It is therefore considered that a condition is used to ensure that adequate details are received prior to the occupation of the dwelling.

Drainage

A drainage plan was submitted to show the foul water connecting to an existing main connection and surface water to a newly constructed soakaway to the rear of the property. This detail was supported by drainage calculations and percolation results and no objections were raised.

It is considered that the drainage complies with policies ENV1 and DM24 of the CS and DS8 and DS9PU of the ELP.

Ecology

Policies ENV3 and DM25 of the CS and N1PU of the ELP protect international, national and locally designated sites and ensure that any development incorporates measures to protect and enhance any biodiversity interest.

There are no designations on the land at international, national or local level with regards to ecology.

The Association of Local Government Ecologists has produced a trigger list for development and its effect on species of interest. These include the following:

- Bats;
- Barn owls;
- Breeding birds;
- Great crested newts;
- Otters;
- Dormice;
- Red Squirrels;
- Water voles;
- Badgers;
- Reptiles;
- Amphibians;
- Small blue butterflies;

- **Plants.**

The application site does not meet any of the criteria for further information to be requested with regards to these species.

The Bat Conservation Trust has a similar trigger list for when a protected species survey and report is required to be submitted with a planning application.

Again, the application site does not meet any of the criteria within this list and it is considered that requesting any species surveys from the Applicant would not be proportionate with regards to this modest development.

Concerns Regarding Car Fumes

An objector submitted a concern with regards to car fumes entering their garden due to the parking area of the proposed dwelling being sited adjacent to their property. This is not considered to be a material planning consideration. .

Planning Balance and Conclusion

The principle of the development was established by the granting of outline planning permission in 2021 and is still considered to be acceptable, given the siting adjoining the current settlement boundary for Arlecdon. 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 the Application Site as outside the revised development boundary for Arlecdon. Consequently the tilted balance under paragraph 11 of the NPPF is triggered.

In applying the provisions of Paragraph 11 the proposal would produce a minor boost to housing supply and also help to sustain local services within the village which is classified as being a sustainable settlement in the ECLP. It is of a modest scale and appropriately designed and will reflect the urban form and linear character of the settlement. Although modern materials are proposed these are appropriately detailed and are likely to produce an appropriate finish that reflects the contemporary nature of the design and surrounding modern properties.

Planning conditions are proposed to ensure the amenity of the neighbouring properties are protected.

The proposed access point is appropriately sited to achieve a safe and convenient entrance to the plot and adequate provision of parking and turning can be achieved to serve a single dwelling.

Full details of landscaping and boundary treatments are required to be submitted prior to the



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	<p>occupation of the dwelling.</p> <p>All objections received have been assessed, considered and where possible, mitigated.</p> <p>Overall. When considered under Paragraph 11 the benefits of the proposal would outweigh any adverse impacts when assessed against the policies in the NPPF taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>Standard Conditions</p> <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> <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>Proposed site and block plan, scales 1:1250 and 1:500, received 23rd January 2023;</p> <p>Proposed dwelling floor plans, scale 1:50, drawing number P2AR-KM-004, received 20th April 2023;</p> <p>Proposed Elevations, scale 1:50, drawing number P2AR-KM-003, received 20th April 2023;</p> <p>Proposed site drainage plan, scale 1:250, drawing number P2AR-KM-002, received 23rd January 2023;</p> <p>Design and access statement, drawing number DAS-001, received 23rd January 2023;</p> <p>Drainage Calculations, written by JDP Limited, received 21st January 2023;</p> <p>Percolation Results, received 21st January 2023;</p> <p>Visibility Splays, scales 1:500 and 1:1250, drawing number P2AR-KM-001, received 3rd April 2023.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act</p>

1990, as amended by the Planning and Compulsory Purchase Act 2004.

Prior to Occupation Conditions

3. Prior to the first occupation of the dwelling hereby approved, any windows on the first floor side elevations that are below 1.7 metres above floor level must be fitted with obscure glazing to a minimum of level 5. Once installed the obscure glazing must be retained at all times thereafter and for the lifetime of the development.

Reason

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

4. Prior to the first occupation of the dwelling hereby approved, the access and parking must be fully constructed and brought into use in accordance with the approved plans. The access and parking must be retained as such at all times during the lifetime of the development.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in order to ensure that there is no antisocial parking in accordance with Policy DM22 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, a 2 metre high, close boarded boundary fence must be erected on the north and south boundaries. The fence must be retained and maintained at all times for the lifetime of the development.

Reason

To ensure that the amenity of the neighbouring dwellings is maintained and in accordance with Policy DM12 of the Copeland Local Plan.

6. Prior to the first occupation of the dwelling hereby approved, full details of hard and soft landscaping must be submitted to and approved by the Local Planning Authority. Once approved, the scheme must be implemented in accordance with the approved plans and retained as such at all times thereafter.

Reason



Cumberland Council

To ensure a satisfactory appearance in the interests of visual amenity and in accordance with Policy DM26 of the Copeland Local Plan.

7. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing P2AR-KM-002- Dated 2 Jan 23. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

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 : 26/04/2023

Authorising Officer: N.J. Hayhurst

Date : 26/04/2023

Dedicated responses to:-