

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2082/0F1	
2.	Proposed Development:	RESIDENTIAL DEVELOPMENT CONSISTING OF 8 DWELLINGS AND ASSOCIATED INFRASTRUCTURE	
3.	Location:	LAND AT NORTH LANE, HAVERIGG	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to an area of land covering approximately 0.4 hectares which is located along North Lane, to the north west of Haverigg.	
		The application site fronts on to North Lane and is bound to the east by existing residential dwellings and to the south and west by open countryside. The greenfield site is relatively flat in nature and is currently used as agricultural land. Due to the existing use the site benefits	

from an existing established access onto North Lane.

A public right of way (FP 416064) runs along North Lane the boundary of the proposed development.

An existing open watercourse/drain flanks the eastern boundary and runs in a south westerly direction away from the site to join another drain.

Relevant Planning History

4/22/2279/0F1 – Hybrid application for full planning permission for one dwelling (plot 1) and outline planning permission with all matters reserved for up to seven – Withdrawn.

Proposal

This application seeks full planning permission for a residential development consisting of 8 dwellings and the associated infrastructure. It is anticipated that the scheme will be developed on a self-build/partial self-build basis.

The dwellings are to be sited in a linear fashion fronting onto North Lane. The proposed dwellings will be one and a half story in height and five different house types are proposed:

Plot 1: The detached dwelling measures 18.03m x 11.76m, with an eaves height of 2.96m and an overall height of 6.46m. The front elevation will benefit from two front facing gables measuring 1.8m x 5.26m with heights to match the main dwelling, a canopy roof over the entrance, and a dormer window located to the west side of the dwelling. The rear of the dwelling will benefit from two rear gables measuring 0.7m x 5.1m with an eaves height of 3.6m and an overall height to match the main dwelling. The western rear gable will also benefit from a large covered balcony which will project a further 2.85m from the gable.

Internally, the ground floor will accommodate a garage/workshop, playroom, hall, lounge, kitchen/dining room, utility room, lobby and bathroom. The first floor/roof space of the proposed dwelling will incorporate a master bedroom with wardrobe and balcony, double bedroom with wardrobe, double bedroom, office, and bathroom.

Plot 2: The detached dwelling measures 15.14m x 12.76m with an eaves height of 2.95m and an overall height of 6.53m. The entrance to the site will be recessed by 1.2m to create two front gables with a width of 5.64m and 6.93m. The dwelling will benefit from two dormer windows on the front roof slope and three larger dormers on the rear.

Internally, the ground floor will accommodate a hall, an attached garage, a toilet, office, lounge, kitchen/dining room, a pantry and a utility room. The first floor/roof space of the dwelling will accommodate four double bedrooms, two with ensuite bathrooms, and a

bathroom.

Plot 3 and 4: These dwellings will be a handed version of plot 2.

Plot 5: The dwelling will measure 15.53m x 13.27m, with an eaves height to 4.6m and an overall height of 6.7m. The front elevation will benefit from a recessed entrance with a covered canopy, two front facing gables with a width of 5.26m and 4.76m, and two dormer windows. The rear of the property will benefit from two rear gable which will measure 5.1m x 5.1m and 5.1m x 4.7m with an eaves height of 4.2m and an overall height of 6.2m. The area of the dwelling between these two gables will benefit from a flat roof with a height of 3.2m and glazed roof light.

Internally, the ground floor of the dwelling will accommodate an entrance hall, toilet, cloakroom, attached garage, bathroom, utility room, playroom, living room, and kitchen/dining room. The first floor/roof space will incorporate a master bedroom with ensuite, two offices, two double bedrooms and a bathroom.

Plots 6, 7 and 8: The detached dwellings measures 15m x 11.76m with an eaves height of 2.96m and an overall height of 6.46m. The entrance to the site will be recessed with a covered canopy to create two front gables with a width of 5.26m and 5.29m. The dwellings will benefit from two dormer windows on the front roof slope and three larger dormers on the rear.

Internally, the ground floor will accommodate a hall, an attached garage/wprkshop, a toilet, lounge, kitchen/dining room, a lobby and a utility room. The first floor/roof space of the dwelling will accommodate four double bedrooms, one with ensuite bathrooms, and a bathroom.

Externally the dwellings will be finished with a combination of stone cladding and smooth render, concrete roof tiles, and anthracite grey windows and doors.

Access to the proposed dwellings will be via the existing unadopted highway, North Lane, which flanks the north eastern boundary of the application site. Four access points are proposed with a single access serving plots 1 and 2, plots 3 and 4, and plots 6, 7 and 8. Plot 5 is to be served by its own individual access. Each access point will have visibility splays of 60m in both directions set back 2.4m from the highway, with the shared surfaces finished with asphalt and a threshold drain to prevent surface water discharging onto the highway. The shared accesses will provide access to large driveways to the front of each dwelling, which will provide a turning area and three parking spaces for plots 1-5 and 8, and 2 off street parking spaces for plots 6 and 7. Each dwelling will also benefit from an attached garage and an electrical vehicle charging point.

The two existing field accesses located within the centre and south parts of the application site will be retained to allow access to the field to the south/south west of the land which is used for agriculture.

It is proposed that surface water will be attenuated on each plot and released to the existing watercourse, and foul water will be dealt with via individual package treatment plants for each dwelling.

The submitted master plan for the application details the proposed landscaping scheme for the development. It is proposed that a 1.8m post and rail boundary fence will be erected along the rear and each side boundary of the site with a hedgerow on the field side of the boundary. A 1.8m double sided fence will be erected between each plot.

Consultation Responses

Millom Town Council

5th May 2023

No objections in principle to this application.

Cumberland Council – Highway Authority & LLFA

10th May 2023

Local Highway Authority response:

The LHA recognise's the access road for the proposed development is not maintained by the LHA from its junction with Haverigg Main Street to HMP Haverigg. Although the proposal will slightly increase in vehicular use of the existing access it is unlikely to have a significant material affect on existing highway conditions. I can therefore confirm that the Highways Authority has no objection to the proposal.

Lead Local Flood Authority response:

The LLFA has no objections in principle to the proposal but would like the following points addressed before a full response can be submitted.

- New Environment Agency (EA) guidance has stated that storm calculations have to be calculated to a 1 in 100 year event plus 50% for climate change with an additional 10% for urban creep. The LLFA would welcome new calculations to address the above, any increase in attenuation due to the change in calculation needs to be shown on all plans for this development to proceed.
- The LLFA would welcome a detailed plan showing the surface water system within plots to its outfall in both area A and area B, details to be included are placement of

hydrobrake manholes, headwalls, pipe sizes and attenuation detail.

Conclusion:

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.

31st July 2023

I can confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to surface water drainage, access gates, and a construction traffic management plan.

Environment Agency

13th July 2023

Works within 8m of a statutory main river may be considered a Flood Risk Activity will then require an Environmental Permit (more information here <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>). It is at this stage my team is usually consulted and we can comment of how this may affect our assets or maintenance activities. In this case the proposal would hinder our access to the channel side for maintenance so some change may need to be accommodated. Please pass this information on to the developer and I will await the Flood Risk Activity Permit application.

4th August 2023

We have no objection to the proposed development but we wish to make the following informative comments:-

Foul drainage – advice to applicant

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with

General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and sewage treatment plants: what you need to do: Overview - GOV.UK (www.gov.uk)

Environmental permit - advice to applicant

Stoup Dub Branch watercourse is designated main river and runs in open channel along the south-eastern boundary of the site.

It is noted that the Proposed Site Plan- Master drawing 22-15-P-32 Rev. A, indicates that access to the southern field is retained as part of the proposals, at present we cannot say that the access provision will be satisfactory to facilitate access for Environment Agency to undertake programmed aquatic vegetation management. We would normally require an 8m wide access for plant to allow for a 2m safety buffer from the top of the bank and sufficient room to manoeuvre medium plant equipment.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Biodiversity Net Gain

Applicants are encouraged to include biodiversity net gain (BNG) within their proposals. Paragraphs 174 and 179 of the National Planning Policy Framework (NPPF) recognise that the planning system should provide net gains for biodiversity. By November 2023, providing a minimum 10% biodiversity net gain in new development will be a legal requirement due to provisions within the Environment Act 2021. Applicants should have regard to the latest planning practice guidance on BNG in new development proposals.

Applicants can establish the pre-development and post-development biodiversity value of their proposals using the DEFRA Biodiversity Metric. Where development proposals do not demonstrate a minimum 10% BNG, applicants should be encouraged to identify appropriate opportunities and enhancements to achieve it. Where an application site is adjacent to a watercourse, we would recommend applicants retain these features wherever possible and consider whether they represent opportunities to provide biodiversity net gain through restoration and / or enhancement.

United Utilities

15th May 2023

Following our review of the submitted Drainage Strategy, we note that the proposals do not interact with the public sewer network and can therefore confirm the proposals are acceptable in principle to United Utilities. Should planning permission be granted UU have requested a condition to secure the drainage for the development.

31st July 2023

Following our review of the submitted Drainage Strategy, we note that the proposals do not interact with the public sewer network and can therefore confirm the proposals are acceptable in principle to United Utilities. Should planning permission be granted UU have requested a condition to secure the drainage for the development.

Cumberland Council – Flood and Coastal Defence Engineer

14th April 2023

Having a quick look at this, the same Flood Risk Assessment & Drainage Strategy has been submitted for the previous application.

In addition the same issue has arisen in the application, as previously, so my queries from the previous application still apply:

- The Planning Application states that surface water will be disposed of to the main sewer, when this is clearly not the case. Why?
- The Flood Risk Assessment & Drainage Strategy mentions and historic structure and existing drainage arrangements. Can details of these be provided? Is the existing drainage system in an adequate condition?
- Has consideration been given for drainage for the development to be communal, rather than individual, as this may be a more sustainable solution? For example a package treatment plant for each section of the site, rather than each plot.
- Again, as per above there is an indication of existing paved area and a reduction, but no evidence that there is any existing paving on site or areas of hardstanding.

I don't think there will be any issue for the site in terms of flood risk and drainage, but at this stage clarification is needed.

Depending upon responses to the above, I may have further queries.

25th July 2023

With regards to the additional and amended information, I've updated my original comments in [blue](#) below.

- The Planning Application states that surface water will be disposed of to the main sewer, when this is clearly not the case. Why? [This remains outstanding, but is for the applicant, not the consulting drainage engineer to respond to.](#)
- The Flood Risk Assessment & Drainage Strategy mentions and historic structure and existing drainage arrangements. Can details of these be provided? Is the existing drainage system in an adequate condition? [The Flood Risk & Drainage Strategy has been updated to remove reference to these items. The comments sheet confirms that the existing drainage is maintain by landowner and ditches cleared on a routine basis.](#)
- Has consideration been given for drainage for the development to be communal, rather than individual, as this may be a more sustainable solution? For example a package treatment plant for each section of the site, rather than each plot. [The](#)

comments sheet confirms the proposed arrangements, with individual arrangements for self-build plots being the reason. This is understandable.

- Again, as per above there is an indication of existing paved area and a reduction, but no evidence that there is any existing paving on site or areas of hardstanding. The comments sheet confirms this has been removed. Calculations for the site were based on greenfield rates.

27th July 2023

My first point was raised relating to the fact that, as often, there is conflicting information provided, with planning applications.

With regards to drainage, the Drainage Strategy is what the application should be considered on, and I now have no concerns with that document.

Cumberland Council – Countryside Access Officer

22nd August 2023

Public right of way FP 416064 runs along the boundary of the proposed development. (See attached plan)

The impact of the proposed development on the right of way has not been assessed or considered by the applicant.

Section 7.7 of Policy **ENV6 – Access to the Countryside** within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumberland Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and

unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

- No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.

Natural England

No comments received.

Public Representation

This application has been advertised by way of a site notice, press notice and neighbour notification letters issued to nineteen properties. Thirteen letters of objection have been received to this application raising the following concerns:

- No notifications seek to have appeared locally regarding this application.
- Concerned about lack of proper notification of the proposed planning application. I have found great difficulty in tracking down the application via the Copeland website.
- With the planning department there seems to be a direct attempt to circumvent the views of local people.
- Timescales for submitting objections are too short.
- Strongly object due to worries about impact on pedestrians, localised flooding and impact on individual properties.
- Concerned about the narrowness of North Lane especially in the increased amount of traffic and this is likely to get more in the future.
- North Lane is an unadopted road with no speed limit and additional the narrowness means that parked cars along properties cause further restrictions.
- Road traffic accidents have occurred causing serious and life changing injuries to people.
- Road has recently been resurfaced by HMP who mistakenly believed that they were responsible for this which they were not and therefore the road surface will deteriorate over the years.
- As the road is unadopted upkeep is paid for by existing owners who live on North Lane. This could be significant due to the development which I am not prepared to pay for.

- It has taken residents 20 years to get the road up to standard.
- There is a prison at the top of the road.
- With no pavement along North Lane, no street lighting, and with the amount of traffic that access North Lane, children are at very serious risk of injury or death.
- Although a 30 mph sign is in existence this has no legal bearing any many vehicles travel significantly faster.
- I observe at many times potential danger from bikes especially when ridden at full speed without regard to safety – we have a duty to protect children.
- As far as I am aware no traffic census has been carried out no police advise sought about the potential danger to pedestrians especially children. A Local Planning Authority had to consider whether children's best interests are relevant to any planning issues.
- When walking down North Lane you feel vulnerable with the speed of cars, van and lorries travel at.
- There are no bus services around Millom and Haverigg, therefore there are a lot of pedestrian journeys made.
- Worries about impact on my farming business. The use of large agricultural vehicles who already access my farm and shop will be jeopardised with the inclusion of these new properties.
- The farm shop attracts many visitors and cars are parked on the lane itself.
- The document submitted are out of date and different to the ones submitted within 4/22/22/79/0F1 which was withdrawn.
- PFK state they have sought planning advise prior to submission but has this been done because the documents they includes are just based on earlier submission therefore out of date now.
- If the planning department were not aware of this significant change as can they offer pre application advise.
- The Flood Risk and Drainage Assessment Report date back to 2022 and may not be accurate now.
- Previous evidence has been provided showing that there are serious risk of flooding to properties along North Lane.
- Where is the proposed mains sewer – where is this to be as the original proposal was for run-off into the water course via an initial water filter.

- Houses on North Lane have septic tanks. What is the package treatment plan that is proposed? I presume this also septic tanks and the excess water will drain into the gutter which the environment agencies do not want as this creates a further problem at stub dub.
- The new homes being considered are situated on land subject to flooding and will increase the risk in future with the new buildings. The main field has flooded every winter/
- The ecological appraisal report is outdated.
- There is significant wildlife that inhabit the area.
- Information provided in the ecology report is incorrect.
- The layout scale and form is not compatible to the existing properties on North Lane as they are predominantly single story houses that have been built.
- Objectors have been approached by the applicant to discuss their objections to the application. They have been threatened with being reported to the Council for unauthorised works if they do not withdraw their objections. This is inappropriate and unnecessary behaviour.

Further to a reconsultation on the amended information received for this application, six letters of objection were received which raised the following concerns:

- The issues that concern me most have not still been addressed.
- No consideration has been made in respect to the very real dangers that occurring to pedestrians faced in accessing North Lane due to the increasing volumes of traffic, the total lack of lighting along the Lane, especially during the Autumn/Winter period.
- North Lane is an 'unadopted' road, with no enforceable speed limit.
- North Lane is a very straight road which encourages reckless road speed, and that has resulted in jury/damage to property etc.
- North Lane does not get gritted in winter.
- It is used by parents and children for access to the village, bicycles, and elderly/disabled people feel very threatened using this, especially with large delivery lorries/farm equipment with no safe separation between people and vehicles, i.e. no pavement.
- This Lane is also used by Motocross events, with large Motor Homes/Equipment etc.
- HMP Haverigg has over 300+ prisoners and the accordingly many staff members who

travel day and night for shift changes, resulting in streams of traffic.

- There will be no safe part to walk up North Lane if the planned houses are built as there would be drives opening out of both sides of the road.
- Has a traffic survey been carried out for this application?
- The road is an accident waiting to happen.
- The updated PFK facts and figures on Water/Drainage sounds very reassuring, but completely misses the points that I have reported on before in earlier submission, i.e. the realities, with photograph proof via the photos I previously submitted of flooding on the proposed development land, and also along North Lane that has not received any drainage work.
- PFL Report cover photo shows a peaceful, dry sunlit area, quite different to the conditions that we experience usually.
- I don't know if the Environment Agency have been informed of this Development plan - members come quite often from Penrith and are very concerned about the water going down the gutters then down to Stub Dub, and then onwards to the beach. The housing plan may have fancy septic tanks but the water will still drain down the gutters and however the water may be, it is not pure.
- The properties still have soak ways, which we know for a fact do not work, and can lead to Flood Plan problems.
- The flooding problem has taken place at this site throughout the 45 years I have lived here, and is also likely to increase with the global warming situation.
- My neighbours have been unable to get discounts on property insurance due to it being on a flood plain and so have to pay inflated prices for cover.
- We have been refused house insurance as we are located on a flood plain.
- The applicant has been aggressive to objectors.

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 SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

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



**Cumberland
Council**

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

Policy DS11PU - Protecting Air Quality

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU - Affordable Housing

Policy SC1PU - Health and Wellbeing

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 N9PU - Green Infrastructure

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

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

Strategic Housing Market Assessment 2021 (SHMA)

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

Self-build and Custom Housebuilding Act 2015

Self-build and Custom Housebuilding (Register) Regulations 2016

Assessment

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

Principle of Development

The application site is located to the west of Haverigg, which is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. 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 developments, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These



**Cumberland
Council**

policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

Within the Emerging Local Plan, under Policy DS3PU Haverigg continues to be identified as a Local Service Centre where the focus will be to support the retention and small scale growth of existing services and businesses, with development focused upon existing employment allocations, moderate housing allocations, windfall and infill development.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Within the existing Copeland Local Plan the whole of the application site is located outside but adjacent to the existing settlement boundary for Haverigg. The development would therefore be considered a small extension to the western edge of the settlement and therefore would comply with the requirements of Policy ST2 of the Local Plan. The whole of the application, however, is located within the revised settlement boundary of Haverigg as identified within the Emerging Local plan where new housing development is supported. Given the advanced stage of the ELP some weight can be attached to it in the decision making process.

Housing Need & Housing Mix

Policy SS3 of the Copeland Local Plan requires housing development to demonstrate how proposals will deliver a good range of affordable homes for everyone. Developments will be assessed on how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing.

Within the Emerging Local Plan, Policy H7PU states that development should make the most of effective use of land and when determining appropriate densities development proposals should demonstrate that consideration has been given to the shape and size of the site, requirements for public open space and landscaping, the character of the surrounding area and setting of the site, and whether the density would help achieve appropriate housing mix and help regeneration aims. It must also be demonstrated that proposals meeting local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs

Assessment is out of date.

Policy H8PO of the Emerging Local Plan stated that on sites of 10 units or more, or on sites of 5 units or more within the Whitehaven Rural sub-area, at least 10% of the homes should be affordable as defined in the NPPF unless this would exceed the level of affordable houses required in the area as identified in the Housing Needs Study, or the development falls into an exemption category listed in the NPPF. This Policy further states that affordable housing should be provided in the tenure split of 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The application site falls within the Millom Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is also stated the Council should also consider the role of bungalow and there is a high need for new affordable housing.

It is anticipated that the proposed development will be delivered as self-build/partial self-build although mechanism has been set out for delivery purposes..

The Self-build and Custom Housebuilding Act 2015 and the Self-build and Custom Housebuilding (Register) Regulations 2016 place a duty on relevant local planning authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. It is required that local planning authorities have regard to each self-build and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

Housing and Planning Act 2016 places duty on a relevant local planning authority to grant permissions for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each defined base period. It is confirmed that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the Self-build Register of the relevant local planning authority.

The Copeland Self-Build Register includes 20no. interested persons/parties which have been registered since 2017. No persons have been added to the register in the last base period.

The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build reasonably exceed the identified need; however, it is accepted that the register does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

The Copeland Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and

accessibility.

The development will assist in providing housing that will help meet the identified housing need identified in the SHMA and the requirements of Policy SS3 of the Copeland Local Plan, Policies H7PU and H8PU of the Emerging Local Plan and provisions of the NPPF.

Settlement Character and Landscape and Visual Impact

Policy ENV5 of the Copeland Local Plan 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.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhance by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2d: Coastal Margin – Coastal Urban Fringe. The Key Characteristics of the land comprise: low lying flat land, urban influences linked to tourism development, derelict buildings and major transport routes, strong man-made landforms on coastal edges, mixed land cover of mown grass, pasture, scrub and semi natural grassland, and weak field patterns.

The Guidelines for development include: protect 'green' areas from sporadic and peripheral development, encourage new development on brownfield and vacant sites to protect and enhance habitats, minimise the impact of new development by careful siting, design and high standards of landscape treatment particularly where public views are affected, and establish

new woodland belts or thick hedgerows along the edges of developments to soften their impact, provide a backcloth, define limits of urban expansion and integrate isolated development.

Copeland Landscape Settlement Study November 2021 identifies the Application Site as being in Character Type 2D: Coastal Urban Fringe. This area is characterised by a flat coastal plain defined by foothills of Lakeland Fells to the north and west and by Morecambe Bay to the east and south. The setting of the settlements sitting on the coastal plain changes from disturbed, post industrial derelict land to the west of Haverigg to a deeply rural, pastoral landscape. Haverigg is a 19th Century coastal settlement, centred on the harbour, with newer residential and tourism development spreading along the coast at the back of a small band of sand dunes. The village has an evident relationship with the sea but faces away from Millom. The open, flat area to the west of Haverigg was an airfield in the mid 20th Century. It retains an open character, fields separated by ditches or scrappy hedgerows. A windfarm and prison, with small discrete housing estate, now occupy the land.

The application site relates to agricultural land to the west of Haverigg. The site runs along the southern side of the existing highway North Lane and would extend the built form within this area. This area of Haverigg is characterised by detached dwellings set back from North Lane. The proposed development of eight detached dwellings would reflect the existing character of this area. At present this section of North Lane only benefits from residential dwellings on its northern side. The site is rectangular in shape, is relatively flat and follows the amended settlement boundary proposed for Haverigg within the Emerging Local Plan. The site does not project into open countryside beyond the existing dwellings adjacent to the site. The proposed development would also not extend any further along North Lane than the properties on the opposite side of the highway. The development would therefore not be considered to result in a major intrusion into the open countryside and would be viewed against the backdrop of these existing properties.

Given the location of the site the development will result in localised change to the landform, and would result in loss of agricultural land, which would result in localised loss of openness and would result in some minor impacts upon the local landscape character. The development would be visible in localised view from the public right of way, highways and some surrounding properties, however the proposed development will act as an extension to the existing settlement and would be viewed against the backdrop of the existing surrounding residential properties. The application also includes details of a landscaping scheme which will also help to lessen the impact on the character and surrounding landscape. The implementation and retention of the landscaping scheme will be secured by appropriately worded planning conditions.

Based on the inclusion of these conditions the proposal is considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design and Impact on Residential Amenity

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

As part of this application process extensive discussions have been undertaken with the agent with regard to the overall design and scale of the proposed dwellings. Originally, a hybrid application (ref: 4/22/2279/0F1) was submitted at this site for full planning permission for one dwelling and outline planning permission with all matters reserved for up to seven dwellings. This application was withdrawn following discussions with the agent with regard to concerns about scale, design and the delivery of the site. Further to this withdrawal the applicant engaged with the Local Planning Authority in pre application discussions for a development of eight dwellings. Discussions were undertaken with regard to the overall design of the scheme, and amendments were sought in order to ensure the development reflected the character of the surrounding area.

The current application is a direct result of these discussions and amendments and includes a simpler form of design on the prominent elevations and a reduction in the scale to include one and half storey dwellings. Whilst concerns have still been raised from objectors, the application now includes eight dwellings, which although large in scale, are considered to be of a suitable design and scale in the context of the surrounding area.

The application also includes a material schedule, which provides specific details of the materials to be utilised within the development. These are considered to reflect those used within the surrounding area. A condition is proposed to ensure the development is carried out in accordance with these approved details.

In terms of residential amenity the proposal is not considered to have a detrimental impact on neighbouring properties as the layout of the development has ensured that the required separation distances set out in Policy DM12 of the Local Plan are exceeded.

The application is also supported by a landscaping scheme which includes details of the

boundary to be installed around the perimeter of the site and between each dwelling. The proposed boundary treatment between plots includes the erection of a double sided 1.8m fence. The installation of this boundary treatment will ensure the ground floor windows within each plot will not overlook the neighbouring dwelling or result in loss of amenity. The installation of this boundary treatment can be secured by an appropriately worded planning condition. Concerns were raised with regard to the proposed side facing first floor windows in plots 2, 3 and 4, however as these windows relate to bathrooms, the agent has submitted plans to show these openings will be fitted with obscure glazing. This will also be secured by an appropriately worded planning condition.

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.

Flood Risk and Drainage

Policy ST1 of the Copeland Local Plan and paragraph 159 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 for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

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 Flood Risk and Drainage Assessment submitted to support this application concludes that, as the site is not within the flood areas, therefore the development would not impact on the existing flood risk to the site or wider area. The assessment further concludes that this site is considered to be at low risk of flooding from sewers, groundwater, and land. However the risk from rivers/watercourses is considered to be medium to high as the drainage around the site including main rivers and minor watercourses are hydrologically connected to both the wider drainage network which shall be influenced by the coastal flooding. It is therefore recommended that the development includes mitigation measures, these should include flood resilience and resistance measure (i.e. proposed floor levels, raising critical services and infrastructure, and use of suitable materials), and the use of an emergency access plan.

These mitigation measures can be secured by an appropriately worded planning condition.

The submitted drainage strategy for the development proposes that surface water on the site is to be attenuated on each plot and released to the existing watercourse present on site. Each plot will restrict individual flows to a central surface water drain on the site and this will in turn discharge to the main drainage servicing the local area. All surface water run off will mimic the greenfield runoff rates. The strategy also recommends the use of SUDS including rainwater harvesting, permeable paving, and sub surface storage. The submitted drainage strategy also confirms that, due to the complex nature of the existing public sewer, it is proposed that each property will adopt its own package treatment plans with discharge via a soakaway to the rear of the properties.

Whilst concerns have been raised by local residents with regard to flood risk and drainage issues within the existing area and from the proposed development, no objections have been raised from statutory consultees.

As part of the initial consultation on this application the LLFA and Council's Flood and Coastal Defence Engineer requested additional information with regard to the proposed surface water drainage. Following the submission of amended information both consultees have now confirmed that they have no objections to the proposed development, however the LLFA have requested a condition to secure a full surface water drainage scheme for the development. UU have also confirmed that they have no objections to the principle of the proposed surface water drainage scheme. The EA have confirmed they have no objections to the proposal however they have advised that a Environmental Permit may also be required for the development, this is dealt with separately to the planning application process but will be included as an informative so the applicant is aware.

It is therefore considered that based on the inclusion of the requested conditions, the proposal will not have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Access 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.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

Access to the proposed dwellings will be via the existing unadopted highway, North Lane, located to the north east of the application site. Four access points will be created with a single access serving plots 1 and 2, plots 3 and 4, and plots 6, 7 and 8, with plot 5 benefitting from its own access. Each access point will have visibility splays of 60m in both directions set back 2.4m from the highway. The shared accesses will provide access to large driveways to

the front of each dwelling, which provide turning/parking for three parking spaces for plots 1-5 and 8, and 2 off street parking spaces for plots 6 and 7. Each dwelling will also benefit from an attached garage and electrical vehicle charging points. The two existing field accesses within the centre and south of the application site will be retained to allow access to the field to the south/south west of the land.

The main objections raised to this application from local residents relates to the impact of the development upon highway safety. The Highway Authority have, however, confirmed that they have no objections to the application as the proposal will only slightly increase vehicular use of the existing access therefore it is unlikely to have a significant material impact on existing highway conditions. The Highway Authority have further confirmed that whilst the road is unadopted, the individual accesses would be deemed acceptable as they benefit from in plot turning spaces.

In response to concerns from residents the Local Planning Authority requested that a traffic statement be submitted to support this proposal, however due to the confirmation from the Highway Authority that they had no concerns with the application the agent would not comply with this request. Due to the modest scale of the site and comments from the Highway Authority it is considered that this request cannot be enforced.

The Highway Authority have requested that any decision notice should secure a construction traffic management plan, and access gates. Conditions will also be attached to any decision notice to secure visibility splays, access, driveway and parking construction, measure to prevent surface water discharging onto the highway, and lowering of the boundary adjacent to the highway as part of the development.

Concerns have also been raised from local residents regarding the lack of footpath to link the site to the centre of Haverigg. As North Lane is an unadopted road there is a not a continuous footpath to the adopted highway on Main Street, there are however some small sporadic areas of footpath along this road. Although these concerns have been raised the Highway Authority have not requested the addition of a footpath as part of their consultation comments. On this basis it is not deemed necessary to request this as part of the application process.

It is therefore considered that based on the inclusion of conditions outlined above, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

Concerns have been raised by local residents with regard to the impact of the development upon ecology, however no comments have been received from Natural England to this application. Concerns were also raised with regard to the ecology survey being out of date as the original report was produced in April 2022. Based on these concerns the agent submitted a statement from the Ecological Consultant who produced the original report to confirm that the survey data provided is still valid. This statement however states that if works do not commence within 18 months of the original survey a professional ecological will need to undertake a site visit and may also need to update the desk study information.

A Preliminary Ecological Appraisal has been submitted in support of this planning application and provides an assessment of the ecological impacts of the development. The report concludes:

- There are no statutory or non-statutory sites which are connected to the site such that site development would directly affect the dispersal of species between them or directly impact upon their integrity.
- Plant species recorded are all commonly occurring and undoubtedly occur elsewhere in similar habitats in the local area.
- The improved grassland has a low species diversity and ecological value- dominated by swards of rye-grass and white clover, containing clusters of daisy and dandelions. This habitat is widespread.
- None of the hedgerows are classified as important under the Hedgerow Regulations (1997).
- There are no suitable breeding sites on or within 250m of the site for amphibian species. The core development area has a low value to amphibians being open and exposed. The boundary hedgerows are limited as refuges/hibernacula owing to their lack of understorey and there are no breeding ponds in proximity to the site. The

presence of this species on site is therefore unlikely and it would not breed on site. The proposed development will not result in the permanent loss of or a substantial negative effect on any waterbodies or foraging areas linked to them. Boundary areas which may provide foraging or refuge sites for amphibians, other than natterjack toad, are to be retained.

- Badger setts do not occur on site and a lack of feeding signs or runs across the site would suggest that they do not occur within 30m of site boundaries. The proposed development will not impact on any existing badger runs or setts. The porosity of the surrounding fields to the passage of badgers will not be affected.
- The foraging habitat at the site is very poor for bat species being open and exposed. The improved grassland offers negligible foraging opportunities for bats. The hedge lines onsite are poor in terms of their structure, diversity and interconnectivity and trees are absent from the site altogether. Bat species are highly unlikely to rely on the site for feeding but may occur in the local area. Roosting by bats will not occur on the site.
- The intact hedgerow to the north of Field 2 offers some potential habitat for feeding and nesting birds. The improved grassland has a low potential for use by nesting birds as the grassland is grazed and as such is usually short. Trampling risks are also very high within this area of the site.
- No indication of the presence or past use of the site by otter was found.
- The majority of the site has a very low value to reptiles being devoid of significant ground cover. There are no areas of the core development area which would be particularly favourable to reptiles.

The Preliminary Ecological Appraisal includes a scheme of mitigation to mitigation prior to and during construction to prevent unacceptable impacts upon ecology arising from the development. These mitigation measures includes the following:

- Any landscaping scheme should utilise plants which are native and wildlife friendly.
- Hedgerows around the site should be retained or (most likely) improved where possible. Any lengths of intact hedgerow to be removed to facilitate development should be transplanted and or replanted in order that there is no net negative impact on this BAP habitat due to development. The roots of hedgerow plants/trees should be adequately protected during development from compaction/ground disturbance.
- There is no requirement for specific mitigation for these species. There are currently no suitable breeding sites on or near the site. However, as a precautionary measure, in the unlikely event that any signs of any amphibian activity is subsequently found, all site works should cease and further ecological advice should be sought with a view to a detailed method statement and programme of mitigation measures being prepared

and implemented.

- In order to further minimise impacts on amphibians the works should take place in daylight hours, measures should be put in place to discourage amphibians from using the development area, the storage of loose materials must be palletised or similar so they are off the ground where possible, and trenches should include escape routes for animals and should be checked before works continue.
- Badger setts are not known to occur within 2km of the site. Despite this the following points should be followed: all works to take place during daylight hours, trenches to include escape routes, and boundary fences/walls to incorporate gaps at their base to facilitate the passage of badgers.
- Work at night should be restricted, new planting within the site should enhance structural diversity and light spill onto the boundary should be minimised. New roosting provision for crevice dwelling bats could be incorporated into the buildings on site or bat boxes could be erected on the upper gables of any new houses.
- Any vegetation to be trimmed or cleared should be checked for nesting birds before it is removed. Ideally this should occur outside the bird nesting period March-September. If vegetation clearance is to occur in the March-September period a check for nesting birds should be conducted first by a suitably qualified individual. Artificial bird nesting sites for swallow could be incorporated into the new buildings under the eaves in suitable locations.
- If nesting birds are found at the site all site works shall cease and further ecological advice shall be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.

Appropriately worded planning conditions can be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures.

Whilst there is currently no mandatory requirement from Government for this type of application to apply and meet Biodiversity Net Gain requirements, Emerging Policy N1PU requires sites to deliver net gain where possible. Based on this the agent for this application has submitted a statement for Biodiversity information. This document sets out that the development will retain the existing watercourses and 5m wide agricultural accesses, and includes details of the proposed landscaping at this site. Whilst the Biodiversity Metric has not been undertaken the proposed works are considered to enhance the development.

Overall, the site is low in conservation value. The proposed landscaping will help to increase the biodiversity of the site.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policies N1PU and N3PU of the Emerging Local Plan and the provisions of the NPPF.

Planning Balance & Conclusion

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74); 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 February 2023, Copeland Borough Council produced a Five-Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement 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 Copeland Local Plan must still be considered out of date and only some weight be given to their content as far as they are consistent with the provisions of the NPPF.

The Emerging Local Plan will, once adopted, replace the policies of the adopted Copeland Local Plan. The Emerging Local Plan has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment 2021 (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 146 dwellings per annum. The ELP identifies that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries and allocations identified in the Copeland Local Plan. This is given significant weight.

In applying the provisions of Paragraph 11, the site would assist in significantly boosting housing supply and delivery to meet the identified need for housing within the Borough as sought in both the Copeland Local Plan and Emerging Local Plan. The proposed

	<p>development of 8 dwellings is appropriate in size and character for Haverigg which is considered to be a sustainable location.</p> <p>The whole of the application site is located outside but adjacent to the existing settlement boundary for Haverigg as defined in the existing Local Plan. The development would therefore be considered a small extension to the western edge of the settlement and therefore would not comply with the requirements of Policy ST2 of the Local Plan. The whole of the application is, however, located within the revised settlement boundary of Haverigg as identified within the Emerging Local plan where new housing development is supported. The application site is also located in close proximity to a wide range of services. The proposed development will support existing services and the aspirations for growth in the Borough. This is given moderate weight.</p> <p>Based upon the advice of the relevant consultees, the proposed development will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe subject to the planning conditions proposed. The development would not result in unacceptable impacts in respect of residential amenity, ecology, flood risk and drainage subject to the planning conditions proposed.</p> <p>Given its location the development is considered to have some adverse local landscape and visual impacts, however the development will act as an extension to the existing settlement and would be viewed in the context of the surrounding residential properties. This is given moderate weight.</p> <p>On balance, whilst conflicts are identified in terms of the visual impacts of the development, it is considered that these are collectively not significantly harmful to significantly and demonstrably outweigh the identified benefits of the development when considered against the NPPF when taken as a whole..</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.

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. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 28th March 2023.
- Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4th July 2023.
- Proposed Site Plan 01, Scale 1:500, Drawing Reference: 22-15-P-00, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Proposed Site Plan 02, Scale 1:500, Drawing Reference: 22-15-P-01, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Proposed Street Elevation, Scale 1:250, Drawing Reference: 22-15-P-31, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-03, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-04, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-05, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 01 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-06, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 02 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-07, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 01 – Plot 01, Drawing Reference: 22-15-P-08, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 01, Drawing Reference: 22-15-P-09, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-10, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-11, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-12, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 01 – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-13, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 02 – Plot 2 (Amended), Scale 1:100, Drawing Reference: 22-15-P-14, Revision: B, received by the Local Planning Authority on the 4th July



Cumberland Council

2023.

- Proposed 3D Sketches 01 – Plot 02, Drawing Reference: 22-15-P-15, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 02, Drawing Reference: 22-15-P-16, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-17, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-18, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-19, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 01 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-20, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 02 – Plot 3 & 4 (Amended), Scale 1:100, Drawing Reference: 22-15-P-21, Revision: B, received by the Local Planning Authority on the 4th July 2023.
- Proposed 3D Sketches 01 – Plot 3 & 4, Drawing Reference: 22-15-P-22, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-23, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-03, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-04, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-05, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 01 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-06, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 02 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-07, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 01 – Plot 5, Drawing Reference: 22-39-P-08, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 5, Drawing Reference: 22-39-P-09, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-24, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-25, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-26, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Elevation as Proposed 01 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-

- 27, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Elevation as Proposed 02 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-28, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 01 – Plot 6-7-8, Drawing Reference: 22-15-P-29, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 6-7-8, Drawing Reference: 22-15-P-30, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Planning Statement (Amended), received by the Local Planning Authority on the 4th July 2023.
- Preliminary Ecological Appraisal, Prepared by Envirotech April 2022, received by the Local Planning Authority on the 28th March 2023.
- Flood Risk Assessment and Drainage Report (Amended), Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 11th October 2023.
- Letter from Agent – Biodiversity Information, received by the Local Planning Authority on the 6th September 2023.
- Response to Flood Officer, Prepared by Kingmoor Consultants June 2023, received by the Local Planning Authority on the 4th July 2023.
- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4th July 2023.
- Email from Agent – Ecological Survey Status, received by the Local Planning Authority on the 23rd May 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. Prior to the commencement of development, details of a sustainable surface water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - 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);
 - iii. Levels of the proposed systems including proposed ground and finished floor levels in AOD;
 - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - v. Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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 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.

4. 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 in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

5. The development hereby approved must not commence until visibility splays providing clear visibility of 60m in both directions at each approved access measured 2.4m down the centre of the access road and the and the nearside channel line of the major road have been provided at the junction of the access road with the county highway in accordance with the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4th July 2023'.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety and in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

6. Prior to the commencement of any development at this site, the existing boundary wall along North Lane must be lowered in accordance with the approved plans 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4th July 2023'. The boundary must be retained at this approved height at all times thereafter.

Reason

In the interests of highway safety and in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

7. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:
- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - construction vehicle routing;
 - the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - Details of any proposed temporary access points (vehicular / pedestrian)
 - surface water management details during the construction phase

The development must be carried out in accordance with these approved details at all



Cumberland Council

times thereafter.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Prior to Occupation/First Use Conditions:

8. The foul drainage for the development hereby approved, must be carried out in accordance with the following approved documents:

- Flood Risk Assessment and Drainage Report (Amended), Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 11th October 2023.

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 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.

9. Prior to the first occupation of any dwelling hereby approved, the boundary treatment and landscaping at this site must be installed in accordance with the following approved plans:

- Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4th July 2023.
- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4th July 2023.

The landscaping scheme must be implemented within the first available planting season from the date of this permission. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

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 and ENV5 of the Copeland Local Plan 2013-2028.

10. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the approved plans 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4th July 2023'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

11. Prior to the first occupation of the dwelling hereby approved on plots 2, 3 or 4 the indicated windows must be fitted with obscure glazing in line with the approved documents:

- Elevations as Proposed 02 – Plot 2 (Amended), Scale 1:100, Drawing Reference: 22-15-P-14, Revision: B, received by the Local Planning Authority on the 4th July 2023.
- Elevations as Proposed 02 – Plot 3 & 4 (Amended), Scale 1:100, Drawing Reference: 22-15-P-21, Revision: B, received by the Local Planning Authority on the 4th July 2023.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

12. Prior to the first occupation of the development hereby approved the biodiversity enhancement measures set out in the approved document 'Protected Species Survey: Bats and Barn Owls, Prepared by John Temple July 2019, received by the Local Planning Authority on the 20th July 2020' must be installed. The enhancement measures must be submitted to and agreed in writing with the Local Planning Authority prior to installation and must be installed in accordance with these approved details

and retained at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

13. The new accesses and driveways hereby approved as detailed on the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4th July 2023', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The accesses and driveways road must remain operational as approved at all times thereafter.

Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) in accordance with Policy T1 and DM22 of the Copeland Local Plan.

14. The access drives hereby approved must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

15. The development hereby approved must not be occupied until the parking requirements have been constructed in accordance with the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4th July 2023'. The approved parking provision must be retained at all times thereafter and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

Other Conditions:

16. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk Assessment and Drainage Report (Amended), Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 11th October 2023', and must be maintained as such at all times thereafter.

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.

17. The development must implement all of the mitigation and compensation measures set out in the approved documents:

- Preliminary Ecological Appraisal, Prepared by Envirotech April 2022, received by the Local Planning Authority on the 28th March 2023.
- Email from Agent – Ecological Survey Status, received by the Local Planning Authority on the 23rd May 2023.
- Letter from Agent – Biodiversity Information, received by the Local Planning Authority on the 6th September 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

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

- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4th July 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 in accordance with Policy ST1 and DM10 of the Copeland Local Plan.

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

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

20. 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 (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area in accordance with Policy ST1 and DM10 of the Copeland Local Plan.

Informatives Notes:

Environment Agency Permit

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

Public Right of Way

Public right of way FP 416064 runs along the boundary of the proposed development.

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.
- No development should take place on or near the footpath until the appropriate

statutory legal process has been successfully completed.

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 : 13.10.2023

Authorising Officer: N.J. Hayhurst

Date : 13.10.2023

Dedicated responses to:-