
**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2132/0R1
2.	Proposed Development:	APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR 2 DETACHED DORMER DWELLINGS WITH INTEGRAL GARAGE (PURSUANT TO OUTLINE PLANNING APPROVAL 4/21/2469/001)
3.	Location:	LAND AT ARLECDON ROAD, ARLECDON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to an open area of land which is located to the east of Arlecdon Road. The site is adjoined to the north and south by other building plots with planning permission for single dwellings. To the west, there are open agricultural fields.</p> <p>RELEVANT PLANNING HISTORY</p>

Outline application (with all matters reserved) for residential development, approved in January 2022 (application reference 4/21/2469/001 relates).

PROPOSAL

This application seeks approval of the reserved matters relating to layout, scale, access, appearance and landscaping, further to the previously approved outline application.

The proposal is for 2 dwellings which will comprise of three bedrooms, a lounge, dining/kitchen, utility and WC over two storeys, utilizing the space in the roof. There will also be an integrated garage.

Each dwelling will have a total footprint of 126m² with each plot being 12m x 30m.

Externally, the dwellings will be finished with pointed facing red brickwork with St. Bees red sandstone cills and features under a smooth dark grey concrete tiled roof. The windows and doors will be anthracite grey UPVC.

Access for each dwelling is to be taken from Arlecdon Road onto a 7m long driveway with off street parking for each dwelling finished in either pavements or tarmac.

Soft landscaping – laurel hedgerows are proposed to the rear and part side (northwest) boundaries to supplement the existing 1.1m high post/wire fencing.

The rear south east and boundary between the two plots will be 1.8m high timber boarded fenced.

The garden will be surfaced in paving flags to the perimeter paths/patio and turfed lawns.

The application is accompanied by the following documentation:-

- Application Form;
- Site Location Plan;
- Proposed Site Plan;
- Proposed Plans and Elevations;
- Design and Access Statement;
- Topographical Survey.

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

No response received.



Cumberland Council

Cumbria Highways

No comments.

Local Lead Flood Authority

No comments.

United Utilities

1st Response

United Utilities wish to make the following comments regarding the proposal detailed above.

A large diameter trunk main is located in the vicinity of the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

The submitted application does not include evidence to demonstrate that the trunk main has been precisely located by way of a non-intrusive survey. We also request that the submitted plans plot the location of this main accurately and includes the easement width measurements to demonstrate no encroachment from the development both during and after construction.

Following our review of the proposed site layout, we can confirm that the proposal is not currently acceptable to United Utilities as proposed features appear to be in close proximity to our water main. Until such time as the applicant has resolved all concerns regarding the proximity of proposed development to our water assets, our position is that we OBJECT to the proposal.

2nd response

Further to our letter dated 6th June 2023, Water Developer Services has been in contact with the applicant. On receipt of evidence showing the proven location of the large diameter trunk main and also confirmation that the proposed dwellings will not encroach on the pipe or the easement United Utilities can confirm we wish to withdraw our previous objection.

Public Representations

The application has been advertised by way of a site notice and neighbour notification letters

issued to 5 no. properties.

One comment has been received, supporting the application but requesting that the first floor side windows are frosted to retain privacy for other dwellings.

PLANNING POLICIES

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

Development Plan

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

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

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS2 – Sustainable Housing Growth

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations



Cumberland Council

National Planning Policy 2021 (NPPF)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

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

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

Emerging Copeland Local Plan (ELP):

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

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

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

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The policies relevant to this proposal are:

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy H6PU: New Housing Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of Development

Arlecdon is classified as a Local Service Centre under Policy ST2 of the CS.

Outline planning permission was granted for residential development in January 2022 (application reference 4/21/2469/001), which established the principle of residential development on the site. Layout, scale, access, appearance and landscaping were reserved for future approval and this application seeks to address these matters.

Due to the scale of the proposal comprising 2 dwellings only, no affordable provision is required.

Layout, Scale, Design and Appearance

Policy DM10 of the CS and DS6PU of the ELP seek to ensure that new development maintains high standards of design, with Policy ST1 ensuring that the design respects neighbouring amenity. DM12 of the CS and H6PU of the ELP sets out specific design standards for new residential development including the need to retain appropriate separation distances.

The dwellings have been laid out to create a road frontage with off street parking for each plot to avoid on street parking in the locality. The site can comfortably accommodate 2 dwellings, with adequate provision of space for amenity, bin storage and parking and turning within the red line boundary for the development.

The dwellings have been designed to be modern in appearance but also include some local features that reflect the traditional character of Arlecdon. These include window banding detail, projecting gables and a vertical emphasis to the window fenestration. The use of sandstone and facing brick will allow these dwellings to reflect local characteristics with feature frontages visible from Arlecdon Road.

Adequate separation distances have been provided between the new dwellings and the existing dwellings to the north and south, as well as the dwellings yet to be constructed in the adjoining plots. One comment was received raising concerns with overlooking due to windows on the first floor side elevations. These windows will serve the upstairs bedrooms, but are proposed to be frosted. This can be secured by use of a planning condition to ensure that these windows remain fully frosted, in order that there is not an issue with overlooking or loss of privacy as a result of the development.

Overall, it is considered that the dwellings are of an appropriate scale, design and appearance and comply with Policies ST1, DM10 and DM12 of the CS and Policies DS6PU and H6PU of the ELP.

Access and parking

Policy DM22 of the CS and CO7PU of the ELP requires that the layout of development responds positively to the existing movement pattern in the area and incorporates off street



Cumberland Council

parking where possible.

The plans show a single access point onto Arlecdon Road from each plot. Sufficient visibility splays are available and the access arrangement reflects the local character of Arlecdon.

Parking and turning space has been provided within the site, with two parking spaces allocated for each dwelling and an integrated garage for each plot. It is considered necessary for road safety to ensure that the access and driveways are constructed and brought into use, prior to the commencement of the development in order to reduce the impact from construction traffic in the vicinity.

Provided that the access is constructed in accordance with the submitted plans, the proposal is considered to comply with Policy DM22 of the Copeland Local Plan.

Landscaping

Policy DM26 of the CS and DS7PU of the ELP requires that proposals are assessed according to whether the landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

The landscaping for each plot is considered to be suitable for these dwellings – to include patio and grassed areas.

High timber fences are proposed between the two plots to protect privacy and the hedged areas to the rear of the dwellings will help to soften the transition from urban to rural.

Drainage

Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP require a flood risk assessment to be submitted where a proposed development is likely to increase the risk of flooding onsite or elsewhere or where there is an existing flood risk.

The site is located within Flood Zone 1, therefore having a low risk of flooding and the proposal will not be more than 1 hectare. A flood risk assessment is therefore not required to be submitted.

United Utilities initially objected to the development as their local assets had not been identified within the plans. As these assets require protection, building cannot take place over or within a buffer zone. The Agent provided a topographical survey, with the line of the mains water pipe accurately located on the site plan.

Whilst full details of the drainage have not been provided during the course of this application, a full drainage condition was included on the outline application and is yet to be discharged.

On this basis, the proposal complies with Policies ENV1 and DM24 of the Copeland Local Plan.

Ecology

Policies ENV3 and DM25 of the CS and N1PU of the ELP protect international, national and

locally designated sites and ensure that any development incorporates measures to protect and enhance any biodiversity interest.

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

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

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

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

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

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

Planning Balance and Conclusion

The principle of the development was established by the outline planning permission which was granted in 2022. Arlecdon is listed as a Local Centre within the CS where small scale residential development is deemed acceptable. Arlecdon is retained in the ECLP as a local centre.

The submitted details show appropriately sited dwellings within the plot of land which are



**Cumberland
Council**

	<p>compatible with the density and appearance of other housing within Arlecdon.</p> <p>The proposed access points are located to achieve a safe and convenient entrance to the plots and adequate provision for parking and turning can be achieved to serve each dwelling with the addition of an integrated garage for each.</p> <p>Overall, based on the information submitted, the proposals are considered to be an acceptable form of development which will be consistent with the policy requirements set out in the Local Plan and the guidance contained within the NPPF when considered as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve Reserved Matters</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <p>Application form, received 10th May 2023;</p> <p>Site Location Plan, scale 1:1250, drawing number 23/01/1038-01, received 10th May 2023;</p> <p>Proposed Site Plan, scale 1:500, drawing number 23/01/1038-02, received 10th May 2023;</p> <p>Proposed Plans and Elevations, scale 1:100, drawing number 23/01/1038-03a), received 5th June 2023;</p> <p>Design and Access Statement, reference 23/01/1038-DAS, received 10th May 2023;</p> <p>Topographical Survey, scale 1:500, received 19th June 2023.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Pre-commencement Condition</p>

3. No dwelling hereby approved will be commenced until the approved parking layout and any associated turning spaces associated with the use of those dwellings have been constructed, marked out and made available for use. The approved parking layout and any associated turning spaces associated must be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the provisions of Policy DM22 of the Copeland Local Plan 2013-2028.

Prior to Occupation Conditions

4. Prior to the first occupation of the dwellings hereby approved, the development must be carried out in accordance with the details of external materials within the proposed plans and elevations, reference 23/01/1038-03a), received 5th June 2023 and so maintained as such at all times thereafter.

Reason

To ensure that the development reflects the character of the surrounding area and in accordance with Policy DM10 of the Copeland Local Plan.

5. Prior to the first occupation of the dwellings hereby approved, the side elevation, first floor windows must be fully obscured in accordance with the proposed plans and elevations, scale 1:100, drawing number 23/01/1038-03a), received 5th June 2023 and so maintained as such at all times thereafter.

Reason

To ensure the privacy of the neighbouring dwellings and in accordance with Policies DM10 and DM12 of the Copeland Local Plan.

6. Prior to the first occupation of the dwellings hereby approved, the boundary treatments including the 1.8m high timber boarded fence and the laurel hedgerow must be erected in accordance with the site plan, scale 1:500, drawing number 23/01/1038-02, received 10th May 2023 and maintained as such at all times thereafter.

Reason



Cumberland Council

To safeguard the amenities of occupiers of adjoining properties in accordance with Policies DM10 and DM12 of the Copeland Local Plan.

7. No dwelling hereby approved will be occupied until the foul and surface water infrastructure to serve those dwellings have been constructed and brought into full operational use.

Reason

To prevent suitable provision for the control and management of surface and foul water in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

Informatives

- 1) The development hereby approved must be carried out in accordance with the conditions included in the outline approval 4/21/2469/001.
- 2) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 03/07/2023

Authorising Officer: N.J. Hayhurst

Date : 05/07/2023

Dedicated responses to:- N/A