

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2271/0F1
2.	<b>Proposed Development:</b>	CONSTRUCTION OF A NEW VEHICULAR ACCESS AND CROSS OVER TO THE PARCEL OF LAND ADJACENT BELSFIELD AT THE GREEN
3.	<b>Location:</b>	LAND TO THE NORTH OF BELSFIELD, THE GREEN
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<b>Report:</b>	
	<b>Site and Location</b>	<p>This application relates to land to the north of Belsfield, a detached bungalow located within The Green, Millom.</p> <p>The site is bound by the A5093 to the front, Black Beck to the rear and residential dwellings to each side. The site benefits from an existing 1-metre high stone boundary wall.</p>
	<b>Proposal</b>	<p>Planning permission is sought for the construction of a new vehicular access and cross over to the parcel of land.</p>

The existing gated access will be increased to 4 metres in width to allow space for a new vehicular access. The access and the first 5m into the parcel of land will be surfaced with hard standing asphalt and it includes 120m clear visibility splays to the north and south along the A5093. The proposal also includes a threshold drain to prevent surface water running onto the highway.

### **Planning History**

Planning Permission has previously been granted at Belsfield for the construction of a single-storey side and rear link extension, rear extension to existing garage with internal modifications and the change of use of the agricultural land (which included the current application red line) to extend the domestic curtilage to form a residential garden.

### **Consultation Responses**

#### Millom Without Parish Council

The Parish Council has reviewed the application and is concerned that despite the application itself mentioning a further single dwelling to be built on this land, that we cannot find an application for change of use from Agricultural Land. We note that as part of application 4/21/2333/0F1 the residential curtilage of the original land was extended to accommodate the extension and extended garden, but it's not clear that this would apply to the whole of the remaining land. We believe that this application for the creation of access should be part of either an application for change of use or more appropriately (at the very least) an outline application for further dwelling houses on the site.

Equally, if we have missed something and this land has been subject to a change of use application, given the size of the plot and its potential for more than one dwelling, we would prefer to see the application for access accompanied by a full or outline planning application for any dwelling houses that are planned. This would give consultees (and your own Highways' department) more concrete information on which to assess likely axle counts at a point in the road very close to the traffic lights and subject potential issues with vehicles coming through the lights from Duddon Bridge to Millom.

The Parish Council object to this application on the grounds that it provides a potential gateway to more residential development on the land concerned, which may potentially not benefit from the appropriate use class and would more appropriately be part of a full application for residential development. This piecemeal approach (with its mention of one dwelling) could potentially be later used to assume an implied agreement that such development would be acceptable to consultees.

#### Highway Authority and Lead Local Flood Authority

Initial comments – Requested 120m visibility splays for the 40mph speed road.



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Second comments – Requested updated plan to the north.

Final comments – Confirmed visibility splays are acceptable.

### Public Representations

The application has been advertised by way of site notice and neighbour consultation letters to 3 no. properties.

One objection letter has been received as part of this consultation which raised the following concerns:

- Having a driveway onto the main road is a risk, the cars come down the road at high speed.
- The field has always been agricultural, the entrance to the field is not wide enough for agricultural vehicles due to the risk.

### **Planning Policy**

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 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

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

**Emerging Copeland Local Plan 2021-2038 (ELP):**

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

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

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

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

The following policies are relevant to this proposal:

Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS6PU: Design and Development Standards

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

**Assessment**

The key issues raised by this proposal are the principle of development and the potential impact of the development on highway safety and flood risk.

Principle of Development

The Parish Council raised concerns regarding future development but the application assessment can only consider what has been submitted. Each application has to be



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determined on its merits. On this basis, this proposal only relates to the new access and has to be assessed on that basis. Further details regarding potential future developments cannot be considered at this point.

The land has previously been granted planning permission for the change of use to extend the domestic curtilage to form a residential garden associated with Belsfield, the detached bungalow to the south of this application site.

On this basis, the principle of creating a new vehicular access to serve the land is considered to be acceptable in accordance with Policy ST2 and DM22 of the Local Plan.

### Highway Safety

Policy DM22 requires development proposals to incorporate innovative approaches to manage vehicular access and parking. Cumbria Development Design Guide also set out highway safety standards.

Despite concerns received from the public regarding highway safety, the proposal is considered to be suitably located and designed to provide a new vehicular access.

Following the application consultation, the Highway Authority requested the 120 metre visibility splays be shown on the site plan. The agent provided these details and the Highway Authority subsequently confirmed that they were satisfied that the site can achieve 120m visibility splays along the 40mph speed road.

In addition, to further satisfy highway safety, planning conditions are proposed to secure the required visibility splays and also that satisfactory drainage measures and surfacing are installed and maintained.

The proposed plans outline that the new access will be surfaced in tarmac and it will include a threshold drain. This will ensure the driveway will not increase surface water discharge onto or off the highway.

On this basis, the proposal is considered to be suitable in design to maintain highway safety in accordance with Policy DM22 and the Cumbria Development Design Guide.

### Flood Risk

Policy DM24 seeks to protect developments against risks of flooding.

The site is located within flood zone 1, an area with a low probability of flooding, although the site is located adjacent to Black Beck which lies within flood zone 3.

Given the proposal only includes a small element of hard surfacing, it is not considered that the proposal will create adverse flood risk impacts within the localised area.

On this basis, the proposal is considered to be acceptable in terms of Policy DM24 of the Local Plan.

### Planning Balance and Conclusion

The land has previously been granted planning permission for the change of use to extend

	<p>the domestic curtilage to form a residential garden associated with Belsfield, the detached bungalow to the south of this application site. On this basis, the proposed new vehicular access is of an appropriate scale and design and would not have any detrimental impact on highway safety or flood risk.</p> <p>Despite the Parish Council concerns, the application assessment can only consider the application as submitted which only relates to the new access. The application has to be determined on its merits and details regarding potential future development on the site cannot be considered at this point.</p> <p>The visibility splays and surfacing can be secured by the use of a planning condition.</p> <p>On balance, it therefore represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence 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.</li> <li>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-  Application Form, received 27<sup>th</sup> September 2023; Location Plan, scale 1:1250, drawing reference 21-56-P-L, received 27<sup>th</sup> September 2023; Block Plan, scale 1:500, drawing reference 21-56-P-L, received 27<sup>th</sup> September 2023; Proposed Site Plan, scale 1:100, drawing reference 21-56-P-01 Rev B, received 16th October 2023; Proposed Site Plan, scale 1:200, drawing reference 21-56-P-01 Rev B, received 16th October 2023;</li> </ol>



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Existing Site Images, received 27<sup>th</sup> September 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.

3. The visibility splays providing clear visibility of 120 metres measured 2.4 metres down the centre of the access and the nearside channel line of the major road and at a height of 1.05m above the carriageway must be provided at the junction of the access with the county highway and must be maintained thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 grow within the visibility splay which obstruct the visibility splays.

Reason

To ensure that adequate visibility is provided in accordance with Policy DM22 of the Copeland Local Plan.

4. A 2.4 metre x 2.4 metre pedestrian visibility sight splay must be installed on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason

To ensure that adequate pedestrian visibility is provided in accordance with Policy DM22 of the Copeland Local Plan.

5. The hard surface must be surfaced in bituminous bound material in accordance with the details set out in approved 'Proposed Site Plan' received by the Local Planning Authority on 16<sup>th</sup> October 2023, and it shall be constructed and completed before the development is brought into use. The surfacing of the driveway shall be maintained in accordance with these details thereafter.

Reason

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

**Informative Notes**

1. Access gates, if provided, shall be hung to open inwards only away from the highway.
2. Any works within the Highway must be agreed with the Highway Authority.

Before any works are commenced, you should contact Cumberland Highway's Street Works team to obtain an appropriate permit.

Enquires should be made to Cumberland Councils Streetwork's team  
[streetworks.central@cumberland.gov.uk](mailto:streetworks.central@cumberland.gov.uk)

**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. Wootton**

**Date : 27/11/2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 29/11/2023**

**Dedicated responses to:- N/A**