

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2390/0F1	
2.	Proposed Development:	PROPOSED NEW TWO STOREY DWELLING AND ERECTION OF DETACHED GARDEN ROOM WITHIN FRONT GARDEN	
3.	Location:	LAND TO THE SIDE OF WHITRIGGS COTTAGE, HAVERIGG ROAD, 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 land sited to the side of the residential property known as Whitriggs Cottage, which is located off Haverigg Road to the north of Haverigg. The land subject to this application is located to the north east of the existing property and currently forms existing residential curtilage associated with this dwelling. An existing conservatory to the north east gable of the property has been demolished. The land is significantly sloping from the northern corner of the site, and is bounded to the south west by existing residential properties and to the north west and north east by agricultural land.		
	Relevant Planning History		

No relevant planning history.

Proposal

This application seeks planning permission for the erection of a new two storey dwelling, sited to the north east of the existing property Whitriggs Cottage. The main dwelling will measure 13m x 7.7m, benefitting from an eaves height of 4.8m and an overall height of 7.3m. The dwelling has been designed with a front and rear gable which will project from the main body of the proposed property by 0.7 (front) and 1m (rear), and will reflect the eaves and ridge height. The rear gable leads to a raised balcony area 2.5m from the lowest ground level, measuring 5m x 5.9m with a glazed balustrade. The proposed dwelling will also benefit from an attached garage which will project by 5.8m from the south west gable and extending along this elevation by 7.1m. The proposed garage will be set down a further 1m from the floor level of the main dwelling, and will benefit from an eaves height of 2.3m and an overall height of 4.7m.

Internally, the ground floor of the property will accommodate the garage, a laundry/utility room, a double bedroom with ensuite, an entrance hall, a bathroom, a double bedroom, a store/lift, and an office/craft room. The first floor of the proposed dwelling will accommodate an open plan kitchen/diner/living room, a toilet, and a master bedroom with ensuite bathroom and wardrobe area.

Externally, the property will be finished with grey concrete tiles, white render and natural stone walls, and grey UPVC/aluminium windows.

This application also seeks planning permission for the erection of a detached garden room within the front garden of the proposed property. The garden room is to be located within the eastern corner of the application site and will measure 3m x 8m with a mono pitch roof with an eaves height of 2.4m and a ridge height of 2.6m. Internally, the garden room will incorporate a kitchen area, living space, and bathroom. Externally, the building will be finished with mineral felt roof covering, timber cladded walls, and UPVC/aluminium bi-folding doors.

Access to the property will be via the existing entrance which serves Whitriggs Cottage. The entrance will be extended to create a communal entrance finished with porous tarmac, which will lead to a private driveway finished with porous paving and providing parking and turning for the proposed dwelling. It is proposed that foul water from the development will be drained by a package treatment plant, and surface water will be drained via soakaways.

Consultation Responses

Millom Town Council

6th February 2024

Millom Town Council have no objections in principle to this application.

Cumberland Council – Local Highway Authority & Lead Local Flood Authority

18th January 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Highway

The local highway authority have no objections to the proposed development.

LLFA

It is noted that retaining walls are proposed due to the land levels behind the proposed development meaning it will sit below the existing field levels. We advise that there is consideration for sufficient drainage around the rear of the boundary of the development area to prevent surface water running off the land and effecting the property.

11th March 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

I can confirm that the response made to the previous application 19/01/2024 should still apply.

United Utilities

16th January 2024

United Utilities has no further comment on this application.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development.

We recommend the applicant visits our website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: [Working near our pipes - United Utilities](#)

United Utilities will not allow building over or in close proximity to a water main.

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Nb. Proposals to extend domestic properties either

above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities.

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

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

11th March 2024

United Utilities have no further comments to make on the additional information received.

Natural England

1st February 2024

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Public Representation



Cumberland Council

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

Planning Policy

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

Development Plan

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 SS3 – Housing Needs, Mix and Affordability

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

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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

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

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 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)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

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

Principle of Development

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 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.

The application site is located to the north 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 development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

Within the Emerging Local Plan, under Policy DS3PU Haverigg continues to be identified as a Local Service Centre where development will be focused on 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 and the Emerging Local Plan, the application site is identified as outside of the existing and proposed settlement boundary for Haverigg.

Policy ST2 of the Copeland Local Plan restricts the development of housing outside of the defined settlement boundary to that which has a proven and specific local need including the provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing, and the conversion of rural buildings to residential use.

Policy DS4PU of the ELP states that to ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundary will be considered acceptable where the proposal is for housing and the site is well related to or directly adjoins an identified settlement boundary of a town or Local Centre, and the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes.

The application is located to the north east of the existing and proposed settlement boundary for Haverigg, separated by Haverigg Road, and is sited at the end of a group of existing residential properties located on Poolside. The application site is considered to be well related to the town of Haverigg, and is physically connected to the settlement by an existing pedestrian route. The site is also connected to the Key Service Centre of Millom by an existing footpath. The development is therefore considered to comply with Policy DS4PU of the ELP.

Although the proposal is in conflict with the existing Local Plan, the proposal is however considered to be in accordance with the Emerging Local Plan and provisions of the NPPF.

Settlement Character, Landscape Impact 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 enhanced by supporting proposals which enhance the value of the Borough's 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.

The proposed dwelling will be constructed within the garden of the existing residential property, Whitriggs Cottage. The proposal has been designed to reflect the scale and character of the existing adjacent dwellings, and has been set back within the site to reflect the build line of the directly adjacent property. Whilst the site is located outside the settlement boundary for Haverigg, it lies adjacent to a number of existing residential dwellings on

Poolside. On this basis the proposal would be viewed in the context of these existing residential dwellings which would limit its impact on the overall landscape. Whilst large in scale the proposed works reduce the existing ground levels in order to sit the development lower into the site, this ensures that the development does not exceed the existing ridge height of the directly adjacent dwelling, therefore the development is complementary to the existing built form. The proposal is considered to have some impact on the localised character given the site will change from garden area but this will be limited through its design.

The proposal is therefore 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 of Development

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.

Policy H6PU of the Emerging Local Plan states that new housing developments will be supported when the design, layout, scale and appearance of the development is appropriate to the locality, consideration is given to the local, natural, cultural and historical assets and landscape character, acceptable levels of amenity is provided, privacy is proposed through distance or good design, the development will have no unacceptable overbearing impact on neighbouring residents due to scale, height and/or proximity, the layout promotes active travels, adequate parking is provided, and the proposal does not constitute inappropriate development of a residential garden which would harm the character of the area.

Originally, concerns were raised with regard to the overall scale and design of the proposed dwelling, within the constrained site. It was therefore requested that consideration be given to reducing the overall footprint of the garage to create a greater separation with the adjacent

property, and amending the overall design of the dwelling in order to reflect the more simple traditional character of the adjacent properties.

Based on these concerns amended plans were submitted to reduce the projection of the attached garage from the gable of the dwelling in order to increase the separation distances between the proposed and existing dwelling Whitriggs Cottage. Section drawings were also submitted to show the relationship between the existing property, its side facing window and the proposed garage which would be set down in the site. Whilst the development does not meet the required separation distances as set out in Policy DM12 of the Copeland Local Plan, Emerging Policy H6PU requires new housing development to protect neighbouring amenity through distance or good design, and to ensure the development is not overbearing due to scale, height and/or proximity. The reduction in the scale of the garage, and its design so it is set down within the site ensures the development complies with this Emerging Policy which can now be given significant weight due to the limited modification proposed to the wording of this policy. The amended plans for this scheme have also been submitted to show the reduction in the amount of gable projections within the development, the reduction in gable height so it matches the main dwelling, and alterations to the roof design to ensure the character of the adjacent properties has been reflected. Based on these amendments the proposed is considered to be of a suitable scale and design in the context of the surrounding area.

Emerging Policy H6PU also states that development of new housing will only be permitted where the proposal does not constitute inappropriate development of a residential garden which would harm the character of the area. Whilst the site is constraint in its width, the development has been design to reflect the character of the area and continue the built form of the existing residential dwellings in this area. The proposed development has also been designed to limit the impacts on the adjacent dwellings and has retained adequate amenity space for both properties. The proposed development also includes the erection of a garden room, location within the front garden space for the dwelling. Whilst this is a prominent location within the site, the existing boundary treatment is considered to provide adequate screening for this element of the proposal. Conditions can be used to secure the retention of this boundary treatment and limit the use of the proposed garden room.

Although the application makes some reference to the proposed materials within the development, which appear to reflect those used within the surrounding area, specific details have not been provided therefore a condition is proposed to secure these details prior to their use within the development. The installation of additional boundary treatment, in particular the additional 1.8m close boarded fence to the rear of the site, will further ensure the development does not result in overlooking and will ensure the amenity of neighbouring properties is protected. The proposed boundary treatment for this development can also be secured by condition. Permitted development rights will also be removed from the site in order to ensure that the constrained site isn't overdeveloped to be detriment of the neighbouring dwellings by future extensions/alterations.

No objections have been received from any neighbouring properties.

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.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

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

Access to the property will be via the existing entrance serving Whitriggs Cottage. The entrance will be extended to create a communal entrance finished with porous tarmac, which will lead to a private driveway finished with porous paving and providing parking and turning for the proposed dwelling. The Highways Team has confirmed that they have no objections to the application. The Highway Authority have not requested the inclusion of any conditions, however in order to ensure the proposed dwelling is served by an adequate access, parking and turning it is deemed appropriate to ensure these details are secured and retained through the use of appropriately worded planning conditions.

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.

Drainage and Flood Risk

Policy ST1 of the Copeland Local Plan and paragraph 165 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. As the application is for a single dwelling a Flood Risk Assessment has not be submitted to support this application.

The application states that foul water from the development will be drained by a package treatment plant, and surface water will be drained via soakaways, however a full drainage scheme has not been submitted with this application.

UU have reviewed this application and have confirmed that they have no comments to make on this application however it is advised that drainage hierarchy is followed to ensure compliance with the NPPF and NPPG. The LLFA have also offered no objections to the development. Given that full drainage details haven't been provided for this application, this is to be secured by an appropriately worded planning condition.

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.

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.

The application site is identified as a potential area for natterjack toads, therefore the proposal is supported by a Preliminary Ecological Appraisal. This report concludes:

- The proposed development site is not functionally linked with any statutory or non-statutory designated sites and the proposal is unlikely to impact on any designated sites.
- The site predominantly comprises modified grassland habitat and built-up areas which are considered to be of limited nature conservation value.
- The risk of natterjack toad being present on site is considered to be negligible, and it is highly unlikely that any offence would be committed should the development proceed. Therefore, this species is not considered to be a constraint to the proposed development.
- It is considered that the site is unlikely to support Great-Crested Newt populations.
- The site is unlikely to support a reptile population.
- Roosting bats and otters are not considered to be a potential constraint to the proposed development.

- The proposed works are highly unlikely to impact local badger populations and badger setts.
- Hedgehog may be a potential constraint to the proposed development.

The appraisal recommends the following mitigation measures:

- A Construction Environmental Management Plan (CEMP) for the works should include best practice mitigation measures to avoid disturbance of the boundary features and adjacent habitats during the construction phase by minimising excessive light, noise, and dust pollution.
- During the bats active season (May to September inclusive), the construction works should be undertaken during daylight hours in order to avoid significant indirect disturbance to any potential roosting features within the Whitriggs Cottage building and bat foraging / commuting habitat on site.
- A sensitive lighting strategy is recommended to be implemented on site as part of the proposed scheme; this should be in line with the Bats and artificial lighting in the UK Guidance Note (ILP, 2023) and should reduce artificial lighting, consider lighting technology to impact the impact on bats, should be directional to avoid lighting spillage, be as low to the ground as possible and avoid direct lighting of tree, hedgerows, and other adjacent habitats.
- If any hedgerow / tree clearance works are required, it is recommended that these should be carried out outside of the main bird breeding season (considered to be March to August / September, inclusive). If this is not possible, suitable nesting habitats should be checked for nests by an Ecological Clerk of Works (ECoW) immediately prior to removal / works. If nesting activity is identified, the ecologist will advise on suitable working methods and exclusion zones for works in the area until the chicks have fledged or the nest becomes otherwise inactive.
- Before vegetation clearance works, any areas covered by dense vegetation should be disturbed by hand (or by the contractor walking over and disturbing the ground cover) to alert any animal that might be present.
- Exit ramps (planks of roughened wood) to be installed each night within any trench or pit to allow any animals that accidentally fall into the excavation a means of climbing out.
- Daily checks of the excavation are made by construction staff prior to commencing work to ensure that no hedgehogs, or other animals have become trapped in the excavations. Should a trapped animal be found within the works, an ecologist should be immediately contacted for advice.
- Any pipes stored, or installed on site, with a diameter of greater than 200mm are covered or capped at night to reduce the risk of hedgehogs or other animals becoming trapped inside. This will also negate the potential for birds to build nests in pipes.
- Avoid works at night where possible to minimise disturbance to any nocturnal or crepuscular species (such as hedgehog, badger or bats) that might use the site.

The following enhancement measures are also suggested within this report:

- Planting new areas of soft landscaping with insect-attracting, native species of local provenance, wherever possible, to enhance the site's biodiversity.
- Installation of two bat boxes.
- Installation of two new bird boxes.

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. Conditions will also be included within the decision notice to secure details of the proposed enhancement measures, as details of the bird/bat boxes have not been provided within the application.

Based on the inclusion of the requested conditions, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Planning Balance and Conclusions

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.

The ELP will, once adopted, replace the policies of the adopted CS. The ELP 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 CS and includes development boundaries and allocations sites for residential development that will permit delivery of the identified housing need in accordance with the sustainable development strategy proposed.

	<p>On this basis, the policies in the CS in relation to housing delivery must be considered out of date and only limited weight be given their content as far as they are consistent with the provisions of the NPPF.</p> <p>Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.</p> <p>The application is located to the north east of the existing and proposed settlement boundary for Haverigg, separated by Haverigg Road, and is sited at the end of a group of existing residential properties located on Poolside. The application site is considered to be well related to the town of Haverigg, and is physically connected to the settlement by an existing pedestrian route. The site is also connected to the Key Service Centre of Millom by an existing footpath. The development is therefore considered to comply with Policy DS4PU of the ELP. Given the limit modifications to this Emerging Policy this Policy can now be given significant weight.</p> <p>The amended scheme for this development shows a development which is of a scale and design which reflects the surrounding properties, and is not considered to have a detrimental impact on the nearby residential properties. The site is accessed via the existing access to the site which currently serves Whitriggs Cottage. The use of this access by an additional single dwelling is not considered to have adverse impacts on highway safety, and the site is to be served by a suitable access, and adequate off-road parking and turning facilities.</p> <p>Conditions are proposed to secure full details of the proposed drainage at this site which is currently not considered to meet the drainage hierarchy. Conditions will also be utilised to deal with ecology details.</p> <p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

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. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:
 - Existing Site Plan & Site Location Plan (Amended), Scale 1:250 & 1:1250, Drawing No: WHD12A PA 001B, received by the Local Planning Authority on the 5th March 2024.
 - Proposed Site Plan (Amended), Scale 1:250, Drawing No: WHD12A PA 002D, received by the Local Planning Authority on the 22nd February 2024.
 - Proposed Ground Floor Plan & Proposed First Floor Plan (Amended), Scale 1:100, Drawing No: WHD12A PA 003B, received by the Local Planning Authority on the 9th February 2024.
 - Proposed Rear/North West Facing Elevation & North East Facing Elevation (Amended), Scale 1:100, Drawing No: WHD12A PA 005B, received by the Local Planning Authority on the 9th February 2024.
 - Proposed Front/South East Facing Elevation & South West Facing Elevation (Amended), Scale 1:100, Drawing No: WHD12A PA 004B, received by the Local Planning Authority on the 9th February 2024.
 - Proposed Garden Room, Scale 1:75, Drawing No: WHD12A PA 009, received by the Local Planning Authority on the 19th December 2023.
 - Proposed Section A-A & Section B-B (Amended), Scale 1:150, Drawing No: WHD12A PA 008F, received by the Local Planning Authority on the 22nd February 2024.
 - Proposed Section C-C & Section D-D, Scale 1:150, Drawing No: WHD12A PA 009, received by the Local Planning Authority on the 22nd February 2024.
 - Design & Access Statement (Amended), received by the Local Planning Authority on the 4th March 2024.
 - Preliminary Ecological Appraisal, Prepared by Lakeland Ecology March 2024, received by the Local Planning Authority on the 5th March 2024.

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 and a foul 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 drainage 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.

4. Before development commences, a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority in line with the approved document 'Preliminary Ecological Appraisal, Prepared by Lakeland Ecology March 2024, received by the Local Planning Authority on the 5th March 2024'. The development must be carried out in accordance with the approved details 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.

Prior to Erection of External Walling Conditions

5. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Prior to Use/Occupation Conditions:

6. The development hereby approved must not be occupied until the access, parking and turning requirements have been constructed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:250, Drawing No: WHD12A PA 002D, received by the Local Planning Authority on the 22nd February 2024'. The approved access, parking, and turning 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 and in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

7. Prior to the first occupation of the dwelling hereby approved the biodiversity enhancement measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by Lakeland Ecology March 2024, received by the Local Planning Authority on the 5th March 2024' must be installed. The enhancement measures must be submitted to and agreed in writing by the Local Planning Authority prior to installation and must be installed in accordance with these approved details and retained 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.

8. Prior to the first occupation of the dwelling hereby approved the proposed boundary treatment must be installed in accordance with the approved plan 'Proposed Site Plan

(Amended), Scale 1:250, Drawing No: WHD12A PA 002D, received by the Local Planning Authority on the 22nd February 2024'. Once installed the proposed and existing boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential amenity.

Other Conditions:

9. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by Lakeland Ecology March 2024, received by the Local Planning Authority on the 5th March 2024'. 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.

10. 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.

11. The garden room hereby approved must not be occupied at any time other than for purposes ancillary to the residential property also approved under this application and must not be independently occupied let or sold as a separate permanent dwelling, or used for any business purposes whatsoever.

Reason

The garden room is not considered appropriate for use as a separate residential unit.

12. Any access gates installed within the property must be of a style which do not open onto the highway and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

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 : 27.03.2024

Authorising Officer: N.J. Hayhurst

Date : 28/03/2024

Dedicated responses to:- N/A