



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2031/001
2.	Proposed Development:	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT CONSISTING OF A SINGLE DWELLING
3.	Location:	LAND TO SOUTH OF WEST ROAD, KIRKLAND
4.	Parish:	Lamplugh
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
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 a vacant parcel of land sited south of West Road in Kirkland. The land extends to 0.04 hectares and is currently vacant.</p> <p>The land is flanked by residential development to the east and west, vacant land to the south and West Road to the north. It is accessed directly from West Road.</p> <p>A public right of way – 412023 runs north to south to the west of the site.</p> <p>Proposal</p> <p>Outline Planning Permission is sought for the development of the site for residential purposes comprising a single dwelling. All matters relating to access, scale, layout and landscaping have been reserved for future approval.</p>

An indicative plan has been submitted with the application to demonstrate how the site can accommodate a single residential property with parking to the front and access taken directly from West Road.

Relevant Planning Application History

Dwelling and garage, approved in September 1989 (application reference 4/89/0719/0 relates);

Two semi-detached houses with parking to rear, approved in March 1990 (application reference 4/90/0137/1 relates);

Dwelling and two garages, approved in October 1992 (application reference 4/92/0562/0 relates).

Consultation Responses

Lamplugh Parish Council

No response received.

Highways and Local Lead Flood Authority

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.

A frontage footway of 1.8m width is required as part of the development, it is required to link the nearby terraces providing access to existing houses and the play park as currently pedestrians have to walk within the carriageway. We recommend that this is secured through condition.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition 1: The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. 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 shall be constructed before general development of the site



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commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

Condition 2: A 2.0 metre x 2.0 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), shall be provided 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 provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access

Condition 3: Any fence/wall boundary shall be to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety.

Condition 4: A frontage footway of 1.8m width shall be provided that links continuously and conveniently to the nearest existing pedestrian footways adjacent to the site.

Reason: In the interests of highway safety.

Condition 5: The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety.

Condition 6: Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning

Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.

Condition 7: Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: In the interests of highway safety.

Condition 8: Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.

Condition 9: The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

Informative:

A PROW public footpath number 412023 lies adjacent to the site. The Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Reason: To support Local Transport Plan Policy W1, W2.

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and->



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pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

United Utilities

No comments – standing advice.

Countryside Access Officer

We have no objections to the proposed development. However, it should be noted that Public Right of Way FP 412023 passes along the boundary of the development site. See attached Plan.

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.

The applicant must be advised that:

- The granting of planning permission would not give the applicant the right to block or obstruct the rights of way shown on the attached plan.
- The rights 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, stop up or to temporarily close it has been confirmed.

Public Representation

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

Three responses have been received as a result of these advertisements – one raising no objections, one neutral and one objection. The following points were noted:

- The roadside verge bordering the site will be lost for car parking;
- Parking issues would be worsened in the vicinity;
- The Planning Statement fails to mention the previous applications on the site;
- The boundary wall may be damaged or collapse during construction.

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.

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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Emerging Copeland Local Plan (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.



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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.

The policies within this plan that are relevant to this application are as follows:

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

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

Policy H8PU - Affordable Housing

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

Strategic 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) NPPF

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2023 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Assessment

Principle of Development

As this is an outline application with all matters reserved for subsequent approval, this proposal only seeks to determine the principle of residential development for one dwelling on the site.

The Copeland Local Plan seeks the minimum standards acceptable for residential development within the Borough. Policy ST1 of the CS and DS1PU of the ELP seeks to ensure the creation and retention of quality places, incorporated with Policy DM10 of the CS and DS6PU of the ELP to create good design and safeguarding good levels of amenity through Policy DM12 of the CS.

Policies ST2, SS1, SS2 and SS3 of the CS and DS3PU and DS4PU of the ELP seek to allow new dwellings within the defined settlement boundaries. Kirkland is designated as a Local Centre. Within the Copeland Local Plan, development is encouraged and seeks to create a good offer to meet the needs of local residents.

The site falls within the existing settlement boundary for Kirkland and is situated within an existing residential area with West Road to the west and terraced properties on Kirkland Road to the east. Whilst the site is greenfield, it has benefitted from Planning Permission for residential development in the past which has previously established the principle. The current and emerging planning policies still support small scale residential development in the form of infilling and rounding off within the settlement,

Kirkland has some services, but is also supported by the nearby settlements of Arlecdon/Rowrah, Ennerdale Bridge and Frizington which have a variety of local services, education facilities and sustainable transport options and is therefore considered to be suitable for development.



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On this basis, the principle of development is acceptable in planning policy terms. .

Design and Layout

Policies DM10 of the CS and DS6PU of the ELP seek to ensure that good design is incorporated into any new development. Policies DM12 of the CS and HM6PU ensure that neighbouring dwellings are protected from any amenity issues resulting from overlooking, loss of light or loss of privacy.

The application has been submitted in outline form only, therefore design and layout are reserved for future consideration. However, an indicative plan has been submitted to show that the site can accommodate a single dwelling satisfactorily.

One letter was received raising concerns regarding the stability of the boundary wall during construction. This is considered to be a legal matter and any damage to property would be outside the control of the planning legislation.

All details relating to design, scale and landscaping have been reserved for future approval therefore these can be assessed at the Reserved Matters Application stage.

Highway safety

Policy ST1, along with Policy DM22 of the CS and Policy CO7PU of the ELP says that the traffic and access arrangements should make it safe and convenient for pedestrians and cyclists to move around whilst sufficient off street parking should be provided for each development.

The application has been submitted in outline form only with all matters including access reserved for future consideration. However, the submitted indicative block plan demonstrates a suitable site size to allow a reasonable amenity space for the property including sufficient access and parking.

One objection has been received relating to the loss of parking on the verge bordering the site. On street parking is generally discouraged and parking issues in other areas of Kirkland should not preclude the development on the Applicants land.

Cumbria Highways raised no further objections, subject to a number of conditions. The majority of these are not reasonable to impose as matters relating to access are reserved for future approval. However it is considered to be reasonable to include conditions relating to the need for a footway and also to achieve defined visibility splays from any access to serve the land.

The proposal is therefore considered compliant with policies within the local plan and emerging local plan and considered to be satisfactory in this respect.

Drainage

Policy ST1B(ii) and paragraph 163 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. Policy ENV1 and DM24 of the

	<p>Copeland Local Plan and DS8PU and DS9PU of the ELP reinforces the focus of protecting development against flood risk.</p> <p>As the application site is located within Flood Zone 1 a Flood Risk Assessment has not been submitted to support this application. No details have been provided with regard to how this proposal will deal with surface or foul water, but the application form indicates that this is likely to be via soakaways. Although UU and the LLFA have raised no objections to this development they have stated that they will require evidence that the drainage hierarchy has been fully investigated and full details of any drainage system, including mitigation for the highways, prior to the commencement of development on site.</p> <p>The inclusion of appropriately worded planning conditions will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the CS, the ELP and the provisions of the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Policies within the Local Plan and Emerging Local Plan seek to ensure that development is situated within a suitably designated area for development whilst respecting any surrounding properties and ensuring suitable amenity standards for both the proposed and any existing properties.</p> <p>No objections have been received to the proposal from statutory consultees, subject to conditions and it is considered that local concerns raised have been considered and appropriately assessed within this report.</p> <p>The site lies within the development boundary of one of Copeland’s Local Centres and is capable of accommodating a residential dwelling satisfactorily, provided that the overall scale and siting is carefully considered in order to maintain amenity. The principle of development is therefore considered to be appropriate and all other matters will be considered at the reserved matters stage.</p> <p>The addition of a single dwelling, on a site benefitting from previous residential permissions and within an designated settlement boundary is considered to carry significant weight within the planning balance.</p> <p>Details relating to scale, appearance, layout, landscaping, access and drainage will be considered in subsequent applications, but, based on the information available it is considered that there are unlikely to be insurmountable issues.</p> <p>On balance, this is considered to be an acceptable form of sustainable development which accords with the policies set out in the adopted and emerging Local Plans.</p>
8.	<p>Recommendation: Approve in Outline</p>



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9. **Conditions:**

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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: -

Application form, received 30th January 2024;

Site Location Plan, scale 1:1250, drawing number 001, received 30th January 2024;

Planning Statement, written by SRE Associates, dated November 2023, received 30th January 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.

4. This permission authorises the erection of a single dwelling on the site only.

Reason

For the avoidance of doubt and to ensure a satisfactory form of development in the interests of visual and residential amenity

Pre-commencement Conditions

5. The development must not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. 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 will be erected, parked or placed and no trees, bushes or other plants will be planted or be permitted to grow 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.

Reason

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

6. Prior to the commencement of the development on site, a 2.0 metre x 2.0 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), must be provided on both sides of the vehicular access. There will 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 provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and in accordance with Policy DM22 of the Copeland Local Plan.

7. Full details of the proposed drainage system to serve the dwelling must be submitted to the Local Planning Authority for approval prior to development being commenced.



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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 and in accordance with Policy ENV1 of the Copeland Local Plan.

Prior to Occupation Condition

8. Prior to the first occupation of the dwelling hereby approved a frontage footway of 1.8m width must be provided that links continuously and conveniently to the nearest existing pedestrian footways adjacent to the site.

Reason

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

Informative Notes

1. A PROW public footpath number 412023 lies adjacent to the site. The Applicant should note the following:-
 - The granting of planning permission would not give the applicant the right to block or obstruct the rights of way shown on the attached plan.
 - The rights 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, stop up or to temporarily close it has been confirmed.
1. Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

	<p>Statement</p> <p>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.</p>
Case Officer: Sarah Papaleo	Date : 22/03/2024
Authorising Officer: N.J. Hayhurst	Date : 26/03/2024
Dedicated responses to:- N/A	