

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2083/0F1
2.	Proposed Development:	PROPOSED DETACHED BUNGALOW
3.	Location:	LAND TO NORTH WEST OF OAK CRESCENT, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - 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: SITE AND LOCATION <p>The Application Site comprises a 0.06 hectare vacant parcel of land which is located adjacent to the turning head off Rannerdale Drive to the rear of Oak Crescent in Whitehaven. Further to the development of two adjacent residential plots on Oak Crescent, this land was left undeveloped and was intended to be open space.</p> <p>There are dwellings surrounding the site with the cul de-sac to the north. A footpath runs to the south of the site, however, this is unclassified.</p> <p>The site is currently overgrown and unkept.</p> PROPOSAL	

This full planning application seeks approval for the erection of a dwelling on the vacant piece of to the rear of Oak Crescent.

The proposal is for a single storey "L" shaped bungalow. It will be 12.4m at the longest elevation and 11.3m in width. The eaves will be 2.7m with an overall ridge height of 4.4m.

The ground floor of the dwelling will comprise an open plan kitchen/dining room, a lounge, utility room, two bedrooms and two bathrooms.

The proposed dwelling will be faced externally with a combination of white K-Rend and Bradstone Buff coloured walling stone, with a dark grey concrete tile roof and UPVC windows and doors.

A parking area is proposed to the south of the dwelling which will be finished in paviours.

The garden will be landscaped with a patio to the south of the property, a paved walkway surrounding the dwelling with the remainder of the garden finished with grass. The existing block wall will be retained to the north, north west and south east with a new timber fence to the south at 1.8m for the first stretch then 1.5m for the remainder of the footpath.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for residential development for 3 infill plots and landscaping scheme, approved in October 2006 (application reference 4/06/2042/0 relates);

Extension of time limit (3 years) for implementation of outline application for residential development for 3 infill estate plots and landscaping, approved in February 2010 (application reference 4/09/2477/0 relates);

Outline application for residential development including revised siting for footpath and landscaped area (revised scheme for 4/09/2477), approved in November 2012 (application reference 4/12/2440/001 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Cumbria Highways and Local Lead Flood Authority

As presented on the site plan - On the footway in front of the proposed parking a lamp post and a utility pole is situated, for these to be moved/re-located there will be a cost at the applicants expense. This will need to be discussed with our street works team.

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.

Informative

A footpath runs through the site providing a pedestrian link within the development, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Any further aspects would be covered under our Service Level Agreement (SLA) The remaining highway and drainage implications of this application would therefore be decided by the Local Planning Authority.

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.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 9 no. properties.

One letter of support has been received.

Two letters of objection has been received raising the following concerns:

- The land is designated as public green space and is not a building plot.

Two neutral letters have been received:

- Requesting that the site be maintained as it is currently a public health hazard;
- Requesting a condition to ensure the roof height cannot be increased;
- Requesting that there is no damage to the retaining wall 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 ST4 – Providing Infrastructure

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards 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

Policy DM28 – Protection of Trees

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.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on 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 following policies are relevant to this proposal:

- 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
- Policy H21PU – Residential Caravans
- 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 CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy 2023 (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Cumbria Development Design Guide (CDDG)

Manual for Streets (MfS)

ASSESSMENT

Principle of Development

Policy ST1 of the Copeland Local Plan sets out the key principles directing the Borough towards greater sustainable development. The NPPF promotes sustainable development and the provision of housing.

Policy ST2 identifies Whitehaven as the Principal Service Centre and directs development to the most sustainable locations. Policy ST2 states that the Principal Town will comprise the focus for the largest scale development, regeneration and important development opportunities.

Draft Policy DS3PU of the Emerging Local Plan continues to identify Whitehaven as the Principal Town in the Settlement Hierarchy which will continue to be the primary focus for new development in the borough. Draft Policy H4PU directs 40% of housing to Whitehaven.

The Application Site is located within the settlement boundary for Whitehaven as defined in Policy ST2 and Draft Policy DS4PU.

The site adjoins the highway and is an infill plot within an existing residential area of Whitehaven. It holds no designation as public open space.

On this basis, the principle of redeveloping the site to provide a new dwelling within this location is acceptable. The residential use on the land has been previously established and the house will make a small contribution to the housing provision in the area. As a result, the

principle of development is supported by Policies ST1 and ST2 of the Copeland Local Plan, along with the Policies within the Emerging Local Plan.

Housing Need

The site falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SMHA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a low need for new affordable housing.

Policy SS3 of the CS and H4PU of the ELP seek to establish a supply of sites suitable for executive and high quality family housing within Whitehaven.

The submitted plans are for a bungalow on the site, therefore contributing to the delivery of the aspirations of the SHMA.

The proposed development will help to assist in providing a greater balance of housing stock within Whitehaven in accordance with the provisions of Policy SS3 of CS and H4PU of the ELP.

Design and Residential Amenity

Policy DM10 of the CS and DS6PU of the ELP seek a high standard of design whilst Policy DM12 of the CS prescribes the minimum acceptable separation distances to ensure that new dwellings do not create amenity issues for existing properties relating to overlooking or loss of light. This sentiment is echoed in Policy DS6PU of the ELP, however, separation distances are no longer prescribed and each development is judged on its unique situation.

Concerns were raised with the Applicant regarding the lack of available amenity space and questioning the separation distances with the surrounding residential properties.

The Agent responded that the dwelling was of a modest scale and that the amenity space available is commensurate with the size of the bungalow. The Agent calculated that the bungalow occupies 40.75% of the total plot area and therefore does not consider this to be overdevelopment. The Applicant owns the land to the south of the public footpath, which, whilst being an awkward shape, can form part of the amenity space for the dwelling. On this basis, it is considered to be acceptable. It is considered to be reasonable to remove permitted development rights for the property to ensure any alterations which increase the height or the footprint or results in the loss of any amenity space of the dwelling are controlled to protect residential amenity and also secure the adequate provision of amenity space.

Under the current local plan, the separation distances are not sufficient, however, more weight can now be attached to the emerging local plan due to its stage of preparation, nearing adoption. The emerging local plan does not prescribe separation distances and justification was received from the Agent summarised as follows:

NE boundary to 117 Rannerdale Drive

The proposed bungalow has no habitable room windows on the NE elevation so therefore the minimum separation required to the habitable windows in 117 Rannerdale Drive is 12m. The actual distance varies because of slightly different angles of the two buildings but is approximately 16.5m.

SE boundary to 20 Oak Crescent

The proposed bungalow has no habitable room windows on the NE elevation therefore the minimum separation under the Copeland Local Plan would be 12m. The separation distance varies because of the different angles of the two buildings but is less than 12m. This was considered at the design stage and it was concluded that the relationship was acceptable due to the fact that 20 Oak Crescent sits much higher in the landscape than the application site with a ground floor level that is only marginally below eaves level of the proposed bungalow. In addition, the proposed bungalow has a hipped roof and there is only a utility room door in the NE elevation.

SW boundary

It is considered that there is no potential for overlooking or loss of amenity in a SW direction. The position of the French doors in the SW elevation of the proposed bungalow is such that they look beyond the front elevation of 86 Rannerdale Drive. The nearest dwelling thereafter is 77 Rannerdale Drive which is approximately 40m away.

The only other opening on the SW elevation of the proposed bungalow is the bi-fold door opening in the kitchen/ dining which is set back from the SW boundary. Apart from not normally being classed as a habitable room, the orientation of this elevation is at a different angle to the north elevation of 86 Rannerdale Drive so there is no direct overlooking. The separation from the centre of the bi-fold doors is 16m as annotated on the site plan. This is also mitigated by the timber boundary fence/ retaining wall and new hedgerow that I have added that separate the proposed bungalow from the public footpath and existing dwelling beyond.

NW boundary

The NW elevation of the proposed bungalow contains 2 bedroom windows and a lounge window.

The two bedroom windows face towards 111 Rannerdale Drive and the separation distance is in excess of 21m. The actual distance varies because of slightly different angles of the two buildings but is approximately 23.5m to 24.5m.

The lounge window faces the gable end of 109 Rannerdale Drive. The minimum separation requirement under the Copeland Local Plan would be 12m but there is a single window in the gable end of 109 Rannerdale Drive however this does not directly align with the lounge

window of the proposed bungalow. There is 19m separation, so given the lounge window is secondary to the French doors then this is considered to be acceptable on balance.

On the basis of the justification received from the Applicant and the proposed boundary fence of 1.8m as specified, the proposal is considered to comply with the emerging Local Plan, the policies in which are now being given significant weight. In order to ensure the mitigation is undertaken, a planning condition is proposed to ensure the installation and retention of the boundary fence for the lifetime of the development.

Materials have been specified by the Applicant, however no samples have been received. It is therefore considered to be reasonable to include a suitably worded planning condition to ensure that these are approved prior to their use in the interests of the visual amenity of the area.

Overall, the proposal is considered to be compliant with the policies within the CS and ELP with regards to respectful design and the protection of residential amenity.

Highway Safety and Parking

Policy DM22 of the CS and Policy CO7PU of the ELP seek to ensure a suitable and safe access and sufficient parking standards for all development.

Access to the site will be taken directly from Rannerdale Drive, with parking for two cars available to the south of the dwelling.

Parking provision in accordance with the requirements of the Cumbria Design Guide is deliverable on the Application Site.

The proposed development would not impact upon the surrounding highway conditions or cause unacceptable harm to the footpath to the south of the Application Site.

There is a lamppost and utility pole in front of the site which will require to be moved by the Applicant. This can be included as an informative.

No objections were received from the Highways department. The proposal is considered to comply with Policies DM22 of the CS and CO7PU of the ELP.

Flood Risk and Drainage

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not shown to be liable to surface water flooding.

It is proposed to dispose of surface and foul water to the main sewer. It has not been demonstrated how the drainage complies with the drainage hierarchy within the NPPF, therefore this information is requested by means of condition prior to the commencement of the development.

The condition is required to ensure that the proposal will comply with Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP.

Landscaping

In order to comply with Policy DM26 of the CS and DS7PU of the ELP to secure suitable landscaping for the scheme, details of the landscaping have been provided.

The majority of the garden will be grassed with a flagged patio and path included to surround the dwelling. The parking will be surfaced with pavements. The boundary treatments will be retained as they are existing with the addition of a 1.8m fence to the south of the property, reducing to 1.5m to the east of the site. The reduction in height is specifically to ensure that the footpath does not feel enclosed for users with the 1.8m fence providing privacy for both the new dwelling and 86 Oak Crescent.

On the basis of the submitted landscaping information, it is considered that the proposal reflects a typical residential dwelling and complies with Policy DM26 of the CS and DS7PU of the ELP.

Loss of Open Space and Ecology

The Application Site comprises a small area of space which was retained as an open area of land as part of the development of two residential plots off Oak Crescent in the recent past. It has never been maintained and this has resulted in the receipt of complaints from the local community regarding its overgrown and untidy appearance.

The development will require the clearing of the site, but it is not designated as a public open space within planning policy and it is not considered to be important in wider landscape terms. Given its nature, form and location it has a limited ecological interest.

The proposal is considered to comply with Policy ENV3 and DM25 of the CS and Policy N1PU of the ELP to conserve and protect the local biodiversity.

Planning Balance

The proposal for a dwelling within Copeland's Principal Town is considered to be acceptable in principle. The development will result in an improved appearance for the site and will provide a bungalow which will help to meet a defined local need. This is considered to carry significant weight within the planning balance.

Details relating to design, highway safety, drainage and ecology have been fully assessed and are either considered to be acceptable or can be secured by planning conditions. This is considered to carry moderate weight within the planning balance.

Whilst the separation distances do not wholly comply with the Copeland Local Plan, when the site is considered within its unique situation and with the mitigation measures in place, the proposal is consistent with the policies within the emerging local plan.

	<p>In overall terms, whilst conflicts are identified it is considered that these conflicts and impacts are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which include: the provision of housing to meet the needs of the settlement/borough; boosting the economy of the settlement/borough including the provision of jobs during construction; and, supporting local services when assessed against the policies in the NPPF taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 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: - <ul style="list-style-type: none"> Application form, received 11th March 2024; Site Location Plan, scale 1:1250, drawing number 23/03/1043-01, received 11th March 2024; Proposed site plan, scale 1:500, drawing number 23/03/1043-02c), received 3rd June 2024; Proposed Plan and Elevations, scale 1:100, drawing number 23/03/1043-03, received 11th March 2024; Site Section, scale 1:200, drawing number 23/03/1043-04, received 11th March 2024. <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>

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 in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Prior to Erection of External Walling Condition

4. 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 and in accordance with Policy DM10 of the Copeland Local Plan.

Prior to Occupation Condition

5. Prior to the first occupation of the development hereby approved, the 1.8m high boundary fence to the south of the dwelling must be fully constructed in accordance with the approved details. The fence must be retained at the agreed height at all times for the lifespan of the development.

Reason

To ensure acceptable amenity standards for all occupants in accordance with Policy DM10 of the Copeland Local Plan.

Other Conditions

6. 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 or extensions, conservatories, dormer, or enlargement must be carried out to the dwelling, nor must 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 visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

Informative Notes

1) 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 at:

www.gov.uk/government/organisations/the-coal-authority

2) 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

	<p>receipt of an appropriate permit from the LHA Streetworks team.</p> <p>https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges</p> <p>3) Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.</p> <p>4) A footpath runs through the site providing a pedestrian link within the development, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.</p> <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 : 25/06/2024	
Authorising Officer: N.J. Hayhurst	Date : 28/06/2024	
<p>Dedicated responses to:-</p>		