

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2103/0F1	
2.	Proposed Development:	DEMOLITION OF EXISTING GARAGE AND ERECTION OF A TWO STOREY DETACHED DWELLING	
3.	Location:	PLOT 8, CALDERFIELD, SALTHOUSE ROAD, MILLOM	
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	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to a site formed within the existing curtilage of the detached property known as Calderfield, which is located off Castle View adjacent to Salthouse Road, Millom. The application site lies to the west of the existing house and is an overgrown part of the existing garden. Within the site is an old dilapidated garage with poor access from the driveway, which has an overall footprint of 98m2.		
	Relevant Planning History		
	4/15/2330/0F1 – Erection of a detached dwelling; new detached garage for Calderfield –		

Approved.

4/17/2225/0F1 – Erection of detached two storey dwelling – Approved.

4/22/2351/0F1 – Erection of a dormer bungalow & erection of detached garage associated with Calderfield – Approved.

Proposal

This application seeks planning permission for the demolition of the existing dilapidated garage on the site, and the erection of a two-storey detached dwelling.

The proposed dwelling will measure 9m x 7.5m with an eaves height of 4.7 and an overall height of 8.3m. The front of the dwelling will benefit from a ground floor bay window and covered porch projecting 1m from and extending 7m along the principal elevation, with an eaves height of 2.3m and overall height of 3.1m. The rear of the proposed dwelling will benefit from a single storey projection measuring 4m x 4m, with an eaves height of 2.1m and an overall height of 3.3.

Internally the development will incorporate a hall, toilet, lounge, kitchen/diner, and sunroom within the ground floor. The proposed first floor will accommodate a master bedroom with ensuite bathroom, two bedrooms, and a bathroom. Externally the development will be finished with a combination of rustic brown brick and dry dash render, grey interlocking concrete tiles, and white UPVC windows and doors.

The proposed dwelling will be access via a new access and driveway from Castle View. This will be finished with brindle Marshalls permeable paving.

Foul water will be disposed of via the existing inspection chamber and surface water to a new soakaway.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection in principle to the proposed development.

Although we have no objections in principle the LLFA request BRE365 infiltration testing to be carried out in the proposed area for the soakaway. The results should be submitted to the



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LPA to determine whether the ground is suitable for a soakaway.

United Utilities

Condition requested to secure full details of a sustainable surface water drainage scheme and a foul water drainage scheme.

Natural England

No comments received.

Public Representation

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

Public Reconsultation

Following the receipt of amended information for the application and an amendment to the application description a reconsultation was undertaken with all neighbouring properties and those who previously commented on the application. No comments have been received in relation to this 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 closed on the 28th March 2024. The Planning Inspectors Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local



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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.

This application site relates to an existing site within a residential cul-de-sac, which falls within the designated settlement boundary for Millom, which is listed as a Key Service Centre in Policy ST2 of the Copeland Local Plan. This policy allows for infill housing sites and moderate allocations to form extensions to the town to meet general needs, with larger sites required to offer a proportion of affordable housing.

Policy DS3PU of the Emerging Local Plan continues to identify Millom as a Key Service Centre which focuses development on town centre developments, existing employment development and medium scale housing extensions, 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. The application site is located within the existing and proposed settlement boundary for Millom.



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The principle for developing this site for residential purposes was established by the previous planning approval (ref: 4/17/2225/0F1) for the erection of a detached two storey dwelling.

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 00: Urban.

The application relates to an existing site within an existing residential cul-de-sac estate, directly adjacent to a number of existing residential properties. As the development is surrounded by existing development the proposal is not considered to have an impact on the overall landscape and as the site is an infill plot the development is complementary to the existing built form of this part of the settlement.

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.

Concerns were originally raised with the application in terms of the scale and design of the proposed dwelling within this constrained site. It was therefore requested that clarification be provided with regard to the separation distances shown on the proposed site plan and amendments to the overall design of the dwelling were requested in order to reflect the more simple traditional character of the adjacent properties and the previously approved dwelling at the site.

Based on these concerns, amended plans were submitted which clarified the separation distances with the proposed and existing dwelling. These reflect those approved as part of the original approval at the site and meet the required distances set out in Policy DM12 of the Copeland Local Plan. Whilst Emerging Policy H6PU does not set out specific separation distances, the policy requires new housing developments 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 proposed dwelling has been designed to limit the impacts on the neighbouring properties with limited side facing windows, and those proposed fitted with obscure glazing. The proposal also includes an adequate boundary treatment to retain privacy for existing residents. These elements will be secured by appropriately worded planning conditions to protect residential amenity.

Amended plans were also submitted to alter the overall design of the proposed dwelling. The



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main alteration relates to the front elevation and the removal of the front facing gable. The proposed changes to the dwelling ensure that the building will reflect the character of the properties located within Castle View and the previously approved dwelling at this site. The materials have also been amended for the site again to reflect those utilised within the wider cul-de-sac estate. Whilst the submitted plans make reference to the proposed materials, specific details have not been provided. An appropriately worded planning condition will therefore be utilised in order to secure full material details prior to their use within the development.

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.

The proposal will be accessed via a new access and driveway from Castle View. This access was approved as part of the previous planning approval (ref: 4/17/2225/0F1) at this site. The Highway Authority have offered no objections to this proposal. A condition will be attached to this decision notice to secure the installation and retention of the access and driveway. On this basis the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Policy CO7PU of the Emerging Local Plan and the NPPF.

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 for the development will be disposed of via the existing inspection chamber and surface water to a new soakaway, however a full drainage scheme has not been submitted for this application.

The LLFA have reviewed the application and whilst they have no objection additional testing is required to determine if a soakaway would be acceptable at the site. UU have also reviewed and requested a condition to secure full details of the proposed foul and surface water for the development. The request from the LLFA is covered within this condition.

It is therefore considered that based on the inclusion of the requested condition, 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 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is located within the centre of a built up residential area. On this basis it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policy N1PU of the Emerging Local Plan and NPPF.

Planning Balance & Conclusions

The application site is located within the defined settlement boundary for Millom which is identified as a Key Service Centre where new housing will be supported. The principle for developing this site for residential purposes was established in 2017 when permission was granted (ref: 4/17/2225/0F1) for the erection of single dwelling at the site.



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	<p>Following amendments to the scheme in terms of the overall design and clarification of the separation distances, the proposal now reflects the previous approval at the site. The amended proposals also 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. Boundary treatment and obscure glazing will be secured by condition to protect residential amenity.</p> <p>The site will form a new access and driveway from Castle View, as per the previous approval. The proposal is not considered to have any adverse impacts on existing highways conditions as the Highway Authority have offered no objections to the proposal.</p> <p>As full details of drainage have not been provided this will be secured by an appropriately worded planning condition.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of 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. <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 must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:<ul style="list-style-type: none">- Location Plan, Scale 1:1250, Drg No: MEJ/2024/780/002, received by the Local Planning Authority on the 28th March 2024.- Proposed Site Plan (Amended), Scale 1:200, Drg No: MEJ/2024/780/006, Issue 4, received by the Local Planning Authority on the 24th June 2024.- Proposed Ground Floor Plan, Scale 1:50, Drg No: MEJ/2024/780/003, received by the

Local Planning Authority on the 28th March 2024.

- Proposed First Floor Plan (Amended), Scale 1:50, Drg No: MEJ/2024/780/004, Issue 2, received by the Local Planning Authority on the 13th May 2024.
- Proposed Elevations (Amended), Scale 1:100, Drg No: MEJ/2024/780/005, Issue 2, received by the Local Planning Authority on the 21st May 2024.
- Planning and Design Statement, Scale 1:50 & 1:100, Issue 1, received by the Local Planning Authority on the 28th March 2024.
- Design & Access Statement, Issue 1, received by the Local Planning Authority on the 28th 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 scheme 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 scheme 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 the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Prior to Erection of External Walling Conditions

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.

Prior to Occupation Conditions:

5. Prior to the first occupation of the dwelling hereby approved the boundary treatment must be installed in line with the approved plan 'Proposed Site Plan (Amended), Scale 1:200, Drg No: MEJ/2024/780/006, Issue 4, received by the Local Planning Authority on the 24th June 2024'. All boundary treatment must be retained in accordance with this approved plan at all times thereafter.

Reason

In the interest of residential amenity.

6. The development hereby approved must not be occupied until the access and driveway requirements have been constructed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:200, Drg No: MEJ/2024/780/006, Issue 4, received by the Local Planning Authority on the 24th June 2024'. The approved access and driveway 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.

7. Prior to the first occupation of the dwelling hereby approved the indicated gable windows must be fitted with obscure glazing in line with the approved plan 'Proposed Elevations (Amended), Scale 1:100, Drg No: MEJ/2024/780/005, Issue 2, received by the Local Planning Authority on the 21st May 2024'. The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Other Conditions:

8. 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/installation of 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.

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 : 25.06.2024

Authorising Officer: N.J. Hayhurst

Date : 18/06/2024

Dedicated responses to:- N/A