

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2215/PIP	
2.	<b>Proposed Development:</b>	PERMISSION IN PRINCIPLE FOR THE DEMOLITION OF EXISTING BUNGALOW AND DEVELOPMENT OF UP TO 5 DWELLINGS	
3.	<b>Location:</b>	OAKLANDS, THE GREEN, MILLOM	
4.	<b>Parish:</b>	Millom Without	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change	
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	<p>The application site comprises approximately 0.47 hectares of land forming an existing residential plot known as 'Oaklands'. The site is located within the north of The Green within a residential area. The site comprises a large detached bungalow with extensive garden which includes a large pond, raised lawn, a walled garden and outbuildings. The property is accessed via a driveway from Stonebridge Close to the south east of the site, which connects onto the A5093 via Roanlands Brow.</p>	

## **Relevant Planning History**

4/88/1248/0 – New dwelling to replace existing – Approved.

## **Proposal**

This application seeks 'Permission in Principle' for the demolition of the existing bungalow and the erection of up to five dwellings at this site.

## **Consultation Responses**

### Millom Without Parish Council

The Parish Council is concerned that PIP for up to five units on this site would potentially lead to significant overdevelopment on this site. Local residents attending the Parish Council expressed fears and concerns about loss of residential amenity and traffic impacts if the site were to be developed to this level and the Parish Council concurs.

On the whole, the Parish Council recognises the need for a range of different sized units to be available for the Village to remain sustainable but believes an outline permission would be a more appropriate and inclusive way to approach development on this site. It would also help mitigate the potential negative impacts of a speculative transfer of the site to a developer with no connection to the area and an imperative to make as much money as possible from the development of the site with less sensitivity to local concerns.

In conclusion, the Parish Council objects to the proposal of the use of a PIP process as inappropriate for the site but would welcome more detailed proposals at an earlier stage for the site (such as an outline application) on the basis that should a developer seek to maximise returns, it would have potentially significant impact on the residential amenity and traffic safety of the immediate

### Cumberland Council – Highway Authority & Lead Local Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection in principle to the proposed development.

The LHA would expect the applicant to follow the Cumberland Development Design Guide link below, (<https://cumbria.gov.uk/elibrary/Content/Internet/544/3887/43115144751.PDF>)

The LLFA would require the applicant to follow the Drainage Hierarchy to dispose of surface water from the development site to meet the required standards.

Information:

It's worth noting that the existing access to the proposed development site is gained from a private road which is not adopted by Cumberland Highways..



## Cumberland Council

### United Utilities

Should this proposal be approved, and a further application submitted for Technical Detail Consent, it is important to note that our response to a subsequent application will be based upon the information that is available at the time of response, and therefore, our position and advice may vary.

We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a pre-development enquiry form, on our website: Building & Developing - United Utilities Alternative ways to contact the team are available in the Appendix, Section 5.0 'Contacts'.

### **DRAINAGE:**

Directed by the principles set out in the National Planning Practice Guidance and the new National Standards for Sustainable Drainage Systems (2025) we require developers and Local Planning Authorities, to do all that they can to avoid surface water entering the public sewer, unless absolutely necessary. This applies to all proposed development. See Appendix 1.1 'Surface Water Hierarchy'.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with comments made above.

In the event of us reviewing an application for Technical Detail Consent, it is likely we may request the following condition: details of a sustainable surface water drainage scheme and a foul water drainage scheme.

### Environment Agency

Environment Agency position:

We have no objections in principle to the application, however we do wish to make the following comments:-

### Flood Risk

The application site lies within Flood Zone 1, with a small portion of the site located in Flood Zones 2 & 3 to the south-easterly corner. No illustrative site plan or Flood Risk Assessment (FRA) has been submitted with the application, however there is no evidence to suggest that the up to 5 dwellings could not be located in Flood Zone 1 within the red edge boundary of

the site.

Please note that, if the Local Planning Authority are minded approve this Permission in Principle (PiP) application, sufficient subsequent information will be required under a Technical Details Consent (TDC) application to assess flood risk, including a site specific FRA. The details provided would need to demonstrate that the development would be safe for its lifetime (including climate change impacts) without increasing risk elsewhere and, where possible, help to reduce flood risk overall.

#### FRA sources of information - advice to applicant

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please email [Inforequests.cmbinc@environment-agency.gov.uk](mailto:Inforequests.cmbinc@environment-agency.gov.uk). Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found in the planning practice guidance including a checklist: <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para80>

Further advice on what to include in an FRA can be found at:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>.

#### Foul Drainage

We note that the red edge boundary is located over 180m away from a mains sewer. As such, we wish to draw your attention to the following information comments:-

#### Advice to applicant

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial



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waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit

#### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 8 properties.

11 letters of objection have been received to this application. The concerns raised comprise of the following:

- Approval of the PiP would be detrimental as a whole.
- The proposal does not comply with the NPPF or the Copeland Local Plan 2013-2028 and Emerging Local Plan.
- The number of dwellings is speculative, with no specifics detailed within the application.
- The PiP does not reflect the character and appearance of the locality and is fundamentally unsuitable to Stonebridge Close.
- Any development of the site should be reflective and in keeping with existing properties.
- Overdevelopment of the site.
- The unique identity and established character of Stonebridge Close would be eroded

by a development of this scale

- Negative impacts from traffic generation.
- Damage to road from construction vehicles and increase in use will cause hazards/issues for existing residents, pedestrians and other road users.
- Will the proposed construction company and potential new residents be liable for any damage caused and for future maintenance and upkeep.
- Inadequate parking during construction will add to these issues.
- Stonebridge Close is a private road therefore its upkeep is at the expense of current owners.
- Access to Stonebridge Close is not clearly defined to traffic on Roanlands Brow and egress from Stonebridge Close onto Roanlands Brow is extremely hazardous with no clear view before pulling onto the Brow. The proposals could potentially lead to the doubling of current levels of personal vehicles, not including visitors, delivery vehicles etc.
- Residents of The Green have limited access to public transport.
- There are only 2 pavements within The Green, pedestrians must walk of the roads which are at times single width and no streetlighting.
- There are no jobs or shops making private modes of transport essential.
- NPPF Paragraph 111 states that development should only be permitted where there is no unacceptable impact on highway safety.
- In the restrictive covenants for Stonebridge Close it states Not to obstruct or park vehicles of any kind on the roadway.
- Visibility to the main road is restricted.
- Impact from development through noise during construction will have an impact on the quality of life of existing residents.
- Overlooking from new dwellings affected the privacy of existing residents. Particularly through loss of trees and if multi storey houses proposed.
- Loss of light for existing residents.
- Under HRA Protocol 1, Article 1 'A person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Additionally, Article 8 states a person has the substantive right to respect for their private and family life.
- Impact on health and well-being by loss of calm and higher noise levels.
- Insufficient wastewater infrastructure capacity can lead to water pollution of Black Beck causing serve harm to ecosystem, environment and cause health risks for

residents.

- Currently no access to a mains sewage system. Is the current septic tank on Oaklands in accordance with current legislation and suitable for the number of dwellings?
- What would happen with the additional run off from new septic tanks with the effluent from any drainage fields either running towards the existing properties or being directed to Black Beck and thus causing an unacceptable environmental risk.
- Disturbance to wildlife and destruction of habitats.
- A high proportion of trees would need to be felled to accommodate this development creating a loss of habitat and increasing noise from traffic from the main road next to the site.
- Whilst not currently a listed building, the neighbouring site The Oaks, is a building of significant local history and interest, with the garden setting being a significant feature; the Oaklands grounds originally forming part of this, retaining the Gardener's cottage and much of the perimeter of the walled garden.
- The proposal is commercially driven as opposed to being one required for the needs of the applicant. A simple search of the Companies House Register shows a now defunct property company set up in 2020 with the applicants and two of their sons, a second property company was then set up again in December 2024. This would suggest that this application has most likely been in development for several years.
- It is states the Oaklands is too large for personal requirements. Maintenance has stopped at the site with the large garden previously maintained by the applicant and a handyman. The applicant could have easily moved to a smaller property, there have been several suitable properties sold in the local area in the last 2 years alone.
- The application also states that the bungalow is in need of full refurbishment. The house was on the market 2-3 years ago with the condition of the bungalow good. Within the last 2-3 years solar panels have been installed, the kitchen refurbished and a multi-fuel burner installed. How can this be defined as in need of total refurbishment.

### **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

	<p>Consolidated Planning Policy Framework for Cumberland.</p> <p>The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><u>Copeland Local Plan 2021 - 2039 (LP):</u></p> <p>Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.</p> <p>The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.</p> <p>Strategic Policy DS1: Settlement Hierarchy</p> <p>Strategic Policy DS2: Settlement Boundaries</p> <p>Policy DS4: Design and Development Standards</p> <p>Policy DS5: Hard and Soft Landscaping</p> <p>Strategic Policy DS6: Reducing Flood Risk</p> <p>Policy DS7: Sustainable Drainage</p> <p>Policy DS8: Soils, Contamination and Land Stability</p> <p>Strategic Policy H1: Improving the Housing Offer</p> <p>Strategic Policy H2: Housing Requirement</p> <p>Strategic Policy H3: Housing Delivery</p> <p>Strategic Policy H4: Distribution of Housing</p> <p>Strategic Policy H5: Housing Allocations</p> <p>Policy H6: New Housing Development</p> <p>Policy H7: Housing Density and Mix</p> <p>Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity</p> <p>Strategic Policy N2: Local Nature Recovery Networks</p> <p>Strategic Policy N3: Biodiversity Net Gain</p> <p>Strategic Policy CO4: Sustainable Travel</p> <p>Policy CO5: Transport Hierarchy</p> <p>Policy CO7: Parking Standards</p>
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### **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 application is seeking 'Permission in Principle' for the erection of up to five dwellings; therefore, the matters for consideration comprise the location, land use and amount of development only.

Points of detail, such as the layout of the dwellings and scale of the dwelling etc. are to be considered at technical details consent stage if 'Permission in Principle' is approved.

### Location

#### *Development Plan*

The Green is identified in Strategic Policy DS1 of the Copeland Local Plan as one of the Rural Villages, which are identified as smaller settlements which offer one or two key services, but which are physically separated from settlements within a higher tier. It is stated that limited development would enable future housing needs to be met and would support existing local services. Development should be small scale and should be primarily focused on windfall and infill sites.

The settlement boundary for The Green is defined in Strategic Policy DS2. The application site is located within this settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Section 11 of the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, by utilising previously developed or brownfield land.

The application site is currently in residential use. The redevelopment of this site for residential purposes is therefore considered to comply with Policies DS1 and DS2 of the Copeland Local Plan and the provisions of the NPPF.

## Land Use

### *Landscape and Settlement*

The application site currently comprises of a single detached bungalow within a large plot benefiting from a large garden and outbuildings. The site is located within the predominantly residential area to the north of the village. Given the location of the site it is not considered that the development will have an adverse impact on landscape character and adverse visual effects will not result.

The development of the site for up to five dwelling could reasonably be delivered on the application site in a form that would respond to and relate to the character of this area of the settlement including the surrounding dwellings.

### *Flood Risk*

The majority of the application site is located within Flood Zone 1, however a small section to the south east boundary is located within Flood Zone 2 and 3.

It is considered that the proposed five dwellings could be sited within the land which falls within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The applicant is aware that any subsequent Technical Details Consent (TD) application for this site would need to be supported by sufficient information to assess flood risk, including a site specific FRA which would need to demonstrate that the development would be safe for its lifetime (including climate change impacts) without increasing risk elsewhere and, where possible, help to reduce flood risk overall.

### *Ecology*

The application site is not the subject of a statutory ecological designation.

The development is unlikely to adversely impact upon protected or local important species. The agent has confirmed that relevant studies will be undertaken at the technical matters details stage to understand whether future development will have any ecological impact. It is confirmed that impacts are identified, appropriate mitigation strategies will be developed into the proposal.

### Amount of Development

A development of up to five dwellings is deliverable on the application site that would respond to and relate to this area of the settlement including the surrounding dwellings.

### Other Matters Raised in Representation

A number of objections have been raised in representations in relation to the matters of highway safety, access, parking, development layout and form, residential amenity, and suitability of services. Such matters are to be considered at the technical details consent stage and cannot be considered at this 'Permission in Principle' stage.



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	<p>The agent has provided a response to consultee comments and has confirmed that these concerns will be considered as part of the technical details consent application. Evidence has also been provided by the agent that the applicant has rights of access to the application site.</p> <p>It must be highlighted that should any scheme at the technical details consent stage not meet the requirements of the Development Plan etc. potential exists for refusal which will prevent the development of the Application Site.</p> <p><u>The Planning Balance</u></p> <p>The application site is located within the defined settlement boundary for The Green which is identified as a Rural Village. The site currently forms a large residential plot for a single detached dwelling. The principle for redeveloping this site for residential purposes is therefore considered acceptable.</p> <p>The proposed development would assist in significantly boosting housing supply to meet the identified need for housing within the wider Borough.</p> <p>A development of up to five dwellings is deliverable on the application site that would respond to and relate to this area of the settlement including the surrounding dwellings.</p> <p>In overall terms, it is considered that the impacts of the development are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development when assessed against the policies in the NPPF taken as a whole.</p>	
8.	<b>Recommendation:</b> Approve	
9.	<b>Condition(s):</b> N/A	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 28.07.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 30.07.2025
<b>Dedicated responses to:-</b> N/A		