

**CONTRACT NO.22/302/**

**DATE: 29 November 2022**

## **DESIGN AND ACCESS STATEMENT**

### **DETAILED PLANS, FULL APPLICATION FOR PLANNING APPROVAL, 4 NO. DETACHED HOUSES, ONE DOUBLE GARAGE (108 VICTORIA ROAD) AND ROADS AND SERVICES 108 VICTORIA ROAD, AND LAND TO REAR WHITEHAVEN FOR ROY DONNAN.**

#### **Planning History.**

The site was agreed in principle for 1 to 5 houses.

#### **Appeal Ref: APP/Z0923/W/20/3246227**

108 Victoria Road, Whitehaven, Cumbria CA28 6JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr Roy Donnan against the decision of Copeland Borough Council.
- The application Ref 4/19/2246/PIP, dated 3 July 2019, was refused by notice dated 15 August 2019.
- The development proposed is described as "Residential Development".

#### **Decision**

1. The appeal is allowed and permission in principle is granted for the development described as "Residential Development" in accordance with the terms of the application Ref 4/19/2246/PIP, dated 3 July 2019.

#### **Procedural Matters and Main Issue**

2. As set out in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved.

3. This appeal relates to the first of these 2 stages. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and the amount of development. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only, showing what a residential development on this site might look like.

4. In respect of residential development, an applicant can apply for permission in principle (PIP) for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of 1-5 residential dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the PPG.

5. The main issues are the effect of the proposed development on the character and appearance of the area and on highway safety, with particular regards to access. Reasons Character and appearance

6. The appeal site consists of land to the rear of 108 Victoria Road, the site is generally sloping with some levelled ground. The site is bound by built development on two sides, by the rear of properties fronting on to Victoria Road and by properties on Rosemary Close. With the remaining boundaries consisting of open grassed and wooded land.

7. At the site visit I saw that the site is generally concealed from views from Victoria Road by the properties that front on to it. The appellant has submitted an image taken from South View Road that shows a long-distance view of the appeal site and at the site visit I saw that the proposed development would be viewed in the context of the adjacent existing built development of the settlement.

8. Consequently, by virtue of the modest scale of the proposed development, the relationship of the appeal site to existing built development and acknowledging that the submitted plans show only a potential scheme, I am satisfied that on the basis of the evidence before me the proposed development will not harm the character and appearance of the area.

9. I therefore find that the proposed development is not contrary to Policy ST1, ENV5 and DM10 that, amongst other matters, relate to design principles and the protection of landscapes. Highway Safety

10. The submitted plans show that access to the proposed development would be via the existing driveway and would also incorporate the garage and driveway of no.108.

11. Cumbria County Council, the Local Highway Authority (LHA), objected to the application referring to concerns about the visibility splays for the access to both the east and west along Victoria Road. The appellant has provided preapplication correspondence with the LHA that, while overall more positive, raised concerns that were not dissimilar to those raised in respect of the application. The LHA response specifically referred to the sightlines interaction with the garden of 110 Victoria Road, a telegraph pole and a lighting column. Furthermore, the response also requested specific additional information and evidence to support the proposals to overcome these concerns.

12. As detailed previously, the appeal scheme seeks permission in principle only. As such, the principle of the development, that is location, land use, and the amount of development are at issue only, other matters are considered at technical detail consent stage.

13. On the basis of the evidence before me I find that the concerns raised in respect of highway safety, with particular regards to access, while not unreasonable are nonetheless technical details to be considered at the second technical detail consent stage. Therefore, I find that the proposed development is not contrary to criteria C of the Council's Interim Housing Policy Appeal and the proposal complies with the provisions of paragraphs 108 and 109 of the National Planning Policy Framework.

## **Conclusion**

14. For the reasons given above, I conclude that the appeal should be allowed. Mark Brooker  
INSPECTOR

## **The Full Plans Application**

Please find herewith details plans for a full planning application at the above residential development site.

The details plans are:

### **29-11-2022 Victoria Road Proposed Planning Details 1 to 8**

- Cover (showing front elevations and clay model representation images to illustrate the massing on the steep site)
- 01 1-100 scale Plot 1 House type plans
- 02 1/100 scale Plots 2, 3 and 4 House type plans
- 03 1/100 scale Plot 1 Elevations
- 04 1/100 scale Plots 2, 3 and 4 Elevations
- 05 1/500 and 1/1250 scale Existing Site and Location Plan
- 06 1/500 scale Proposed Site Plan and Garage Details
- 07 1/200 scale Proposed Orthogonal House Plans.
- 08 H 1/200 V 1/1000 scales Road and Drainage Sections Amended.

### **Engineering details**

- B030271 REV P02 Long section
- B030271 REV P02 Cross sections
- 28-11-2022 Victoria Road Details.

### **The Site:**

The site is steep and high behind existing ribbon development off the main Victoria Road with views over the town centre to the Irish Sea. The access to the site is steep but the Civil Engineers, Tetrattech, have provided road details to show that the road can meet standards of the Cumbria County Council as set out in their design guidance and the manual for Streets.

The original PIP was for an area of land previously believed would accommodate 3 no. houses without full design consideration. The revised site boundary takes into consideration the inspectorate view expressed in item 4 of the decision that the site could accommodate 5 dwellings.

The new development site boundary takes into consideration the site design for the road infrastructure and the house type design, the garage to 108 Victoria Road and the need for onsite surface water drainage attenuation. The applicants has ownership of the adjacent field outlined in blue on the site location plan which allow for expansion if required for the surface water drainage. Details of the final design for the surface water treatment design can only be completed when the exact form of development is established, and it is approved in principle. The applicant will where necessary make separate application for the provision of any surface water infrastructure that is above ground or otherwise impacts on the Environment.

### **Layout, Scale and Appearance**

The layout is dictated by the practical needs for road access and the steep gradient.

The steep site necessitated split level properties, close to the road to minimise the cut into the steep bank to the rear of the site.

Access to garages and off street parking will be 'side on', adjacent to the access road. This has the advantage of always being able to enter the road in a forward gear. The dwellings need to follow the site contour adjacent to the road to avoid going deep into the site and the houses are laterally distributed along the road. To break up long front elevations, gables have been incorporated to provide a vertical emphasis. These replicate gable features on the properties on the adjacent estate to the rear (see photo illustration page 5 in the appeal statement of case.)

The house types are the same basic plans and elevations with plots 2,3 and 4 being handed versions of plot 1. Each dwelling has a living room, dining kitchen, with utility room. 2 bedrooms with ensuite and two other bedrooms distributed over two floors and a split level floor to the rear with a central hall and stairwell, which also gives access to a rear terrace.

Each dwelling will have a double garage with a flat roof terrace over, providing spectacular views of the historic town centre, harbour and the seascape beyond.

Access to the dwelling will be via external steps, the steepness of the site makes it extremely difficult to incorporate all the accessibility aspirations of the Equalities Act, however, should individual developers have specific needs, then the designs could be modified to include a lift or stairlift.

The number of steps up to each dwelling will be specific to the change in level, dictated by the steepness of the individual plot and the depth of road cut, adjacent to the site.

Each site can accommodate 2 cars in the garaging and 2 on site.

The new road access is designed to enable service vehicles to enter and egress the site in a forward gear by using the turning head at the end of the road.

There will be a new garage to 108 Victoria Road to replace any buildings to be taken down to accommodate the new road infrastructure.

The buildings are traditionally built with a contemporary treatment of the elevations.

### **Ecology and the Environment**

No site of special scientific or natural interest are impacted by the site.

There are no know "at risk species" on the or in the land previously only used as pasture due to it being to steep for farm machinery to prepared seed and crop the land.

### **Flood risk**

The application site is not in any flood risk zone due to it elevation. None of the proposed dwellings will be a risk of flooding.

Any risk that the site could cause to other dwellings and homes will be considered as part of the flood risk management in the design of surface water drainage system.

### **Drainage**

Foul drainage will be designed to enter the existing foul sewers in the main road and will be designed in accordance with the and under the supervision of the service provider, United Utilities Limited for adoption on completion.

Surface water drainage. The roof and hard surfaces drainage and the highway drainage run off will be part of the full design of the surface water on site attenuation to ensure that no greater rainwater run of rate of flow occurs due to the development.

### **Conclusions.**

Given that the site has been approved under appeal for PIP, it is respectfully considered that the details submitted should be considered favourably as a suitable and appropriate form of development of the site.

Geoff Wallace FCSD MCIAT

### **Appendix**

LIST OF SURVEYS THAT MAY BE REQUIRED TO ENABLE A VALID OUTLINE/FULL APPLICATION TO BE REGISTERED AND DETERMINED.

Agricultural appraisal	National federation of farmers	N/A
Design and Access statement	Design consultant	✓
Drawing numbers	Design consultant	✓
Ecological assessment	Ecologist	✓

	In D and A	
Flood impact assessment	Hydro engineer (DTS) DoE Flood Map.	✓
	In D and A	
Foul sewage assessment	Hydro engineer (DTS) (Civil Engineering)	✓
Heritage statement		N/A
Highway assessments	Traffic engineer (DTS) (Civil Engineering)	
Land contamination/land gas assessment	Radon gas report ETC Not in area at risk from Radon Gas	✓
Landscaping and visual impact	Design consultant	✓
Noise impact assessment	Acoustic engineer (DTS)	N/A
Structural survey	Impact of infrastructure (Civil/structural engineering)	✓
Surface water assessment	Hydro engineer (Civil Engineering)	✓
Tree survey	Arborologist	N/A
Construction Management Statement	All	?
CDM Regulations 2015	At appointment of Principal Designer	✓
Desk top study (DTS)		