

**Planning Statement – Land to the south of West Road, Kirkland,
Frizington**

Proposal: Outline Planning Application for residential development
of a single dwelling



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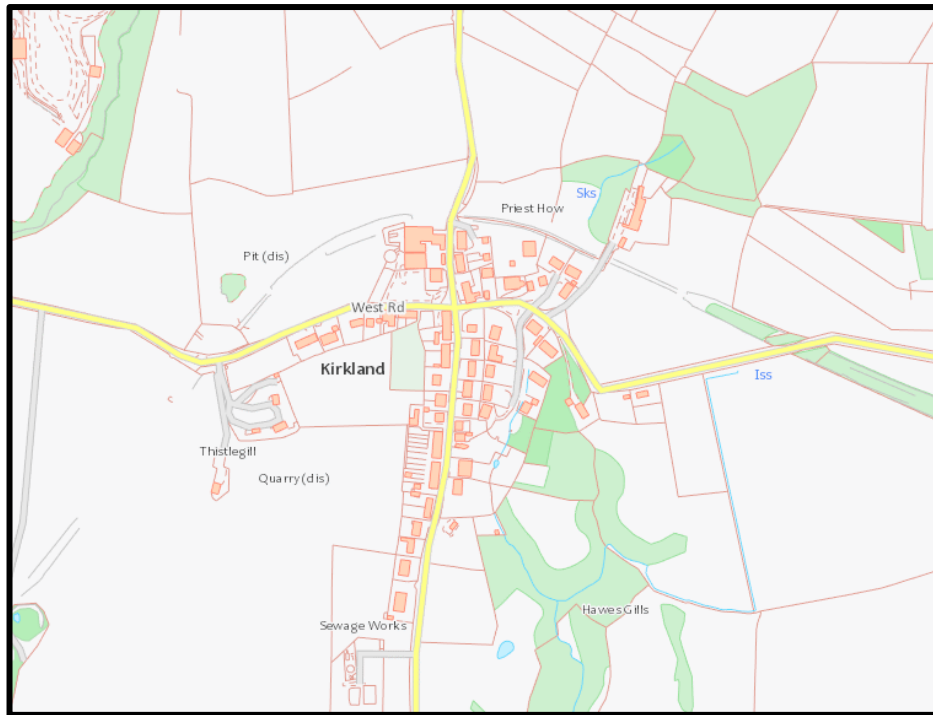


1.0 Introduction

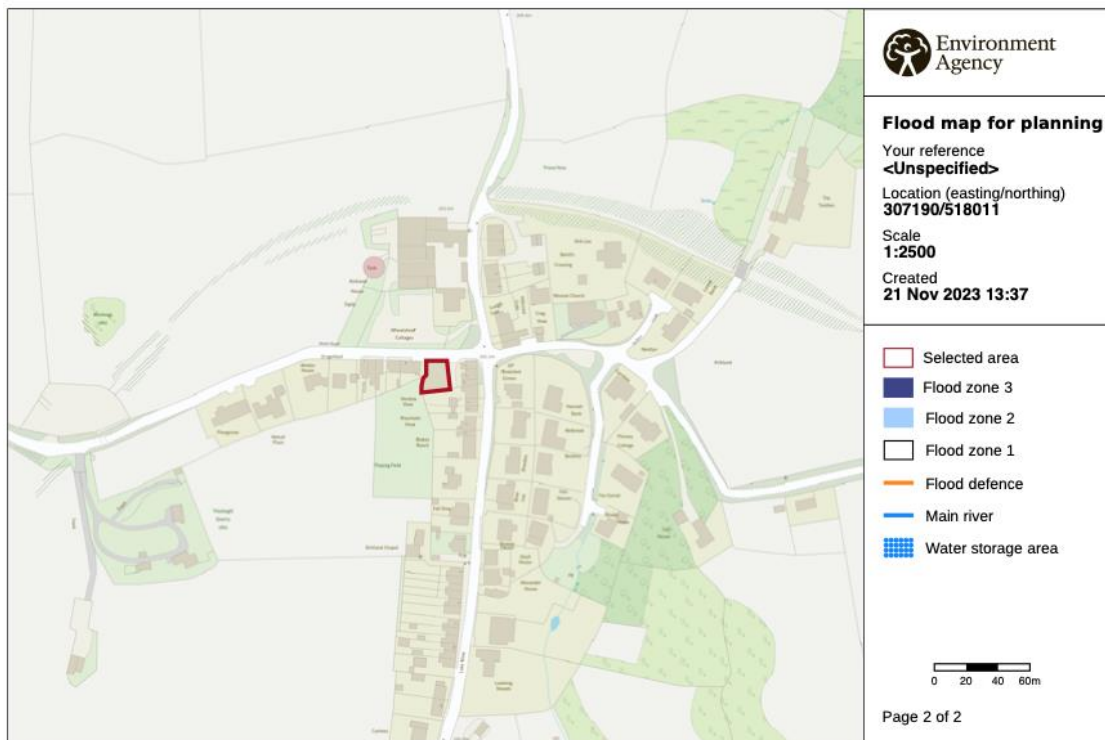
- 1.1 This planning statement has been prepared in support of a planning application for residential development on land to the south of West Road, Kirkland, Frizington.
- 1.2 The application is submitted in outline, covering matters only relating to the principle of the development. The purpose of this statement is to set out the planning case in support of the development of the site, and it should be read in conjunction with the indicative layout plan.
- 1.3 Section 2 of this Statement will set out the site's context, Section 3 covers the proposed development, Section 4 relates to the planning history of the site and surroundings, Section 5 will set out the planning policy context against which the application must be considered and undertakes a planning assessment of the proposed development and section 6 will draw together the conclusions.

2.0 The Site

- 2.1 The application related to an area of vacant land extending to 0.04 hectares at West Road, Kirkland, Frizington.
- 2.2 The site is currently not in use and is vacant overgrown land. The topography of the land is generally flat to nearer to the road frontage but raises slightly towards the southwest of this site and it is surrounded by a post and wire fences to all sides.
- 2.3 The application site is within the settlement boundary of Kirkland village from the Copeland Borough Council Settlement Boundary as adopted in 2004 and retained by the Council in June 2015 as part of the Copeland Local Plan 2013 – 2028. It is within close distance of the village centre. Within the Copeland Local Plan 2013 – 2028 Kirkland is noted as a Local Service Centre.
- 2.4 It is located close to the Ennerdale Bridge settlement (1 mile away) and is therefore close to the local amenities of Ennerdale Bridge consisting of the Parish Church, The Fox & Hounds pub, The Shepherds Arms pub & hotel, The Gather village shop, café and village hall.
- 2.4 The A5086 which runs through Copeland can be joined 1mile from the site and provides easy access to both Sellafield and Whitehaven and continues north towards Cockermouth, and Egremont and Sellafield to the south. The A5086 links to the A66, 8 miles north of the site which connects to Penrith and Junction 40 of the M6 to the east.
- 2.5 In summary therefore, the site is situated within a long-established residential village that is within reach of the best range of facilities that the Borough can offer.
- 2.6 There are no Conservation Areas in the village, or Tree Preservation Order's on or directly adjacent to the site.
- 2.7 There are no Listed Building's on the site, or within the village of Kirkland, as detailed below from the Copeland GIS map:



2.8 The site is located in an area that the Environment Agency Flood Map for Planning has noted as Flood Zone 1, and as such have a low probability of flooding, as detailed below in the Environment Agency Flood Map:



3.0 The Proposed Development

- 3.1 The application is for Outline Planning Permission, and therefore all details regarding scale, layout, access, landscaping and appearance of the residential development proposed on the site would be covered within a reserved matters application, if this is approved.
- 3.2 The access is as mentioned not a matter forming part of the application at this stage, but the proposed development would utilise the frontage onto West Road, as noted on the indicative layout plan.
- 3.3 While also not forming part of the application at this stage, the proposed scale of the development is in the form of a single dwelling on the site as detailed again in the indicative layout, which is what the site would be suitable for given the size and layout, and surrounding density of dwellings. This would also generally match the form of development on West Road and would provide properties consistent with the size of dwellings and curtilage within Kirkland, which are generally detached dwellings.
- 3.4 The indicative layout of the proposed development has the two properties fronting onto West Road, with parking within the plot. It would have a garden area to the south of the dwelling in similar form to the adjacent properties to the west of the site on West Road.
- 3.5 The property will have a minimum of two in curtilage parking spaces, although the plots could accommodate more parking for cars. The dwellings in the surrounding area are generally in the form of detached two storey dwellings or bungalows.
- 3.6 The application site is considered well related to the existing residential developments to tall sides, the road network and it is considered that the development of the site in the proposed form is possible without having any adverse impact on residential amenity to the surrounding properties. The proposed development would also not be visible from any wider viewpoints given the surrounding development already in place.

4.0 Planning history

- 4.1 There are no previous planning applications on the site.

5.0 Planning Policy and its application to the proposed development

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Local Development Plan consists of policies within the Core Strategy and Development Management Policies DPD (December 2013). The policies in the following paragraphs are considered relevant to the proposed development.
- 5.3 The Local Plan sets out a long-term spatial vision and strategic objectives to support Copeland's vision which is "Working to improve lives, communities and the prosperity of Copeland". Although it was adopted before the updated NPPF (2019) it was adopted after the first NPPF that was published in March 2012 and therefore closely follows the principles

of sustainable development, as defined by national policy and delivering sustainable housing in accordance with that policy.

- 5.4 Copeland Borough Council have recently released a 5-year land supply position statement which concludes that they currently have a 6.35 year housing land supply, following 3 years of sub-5 year supply. This updated position has led to the removal of the Interim Housing Policy, which had been in place since 2017 as Copeland's primary decision-making document.

Strategic Policies

- 5.5 **Policy ST1** of the core strategy sets out the fundamental principles that will achieve sustainable development. Amongst other things it seeks to ensure that development created a residential offer which meets the needs and aspirations of the Boroughs housing markers and is focussed on previously developed land away from greenfield sites.
- 5.6 **Policy ST2** sets a spatial development strategy whereby development should be guided to the Principal settlement and other centres and sustain rural services and facilities. As detailed above however, this policy that relates to the settlement boundaries is considered out of date until such time that the settlement boundaries are fully reviewed and adopted in a new Local Plan document.
- 5.7 The above are the strategic policies with particular relevance to residential housing sites.
- 5.8 **Policy SS1** seeks to improve the housing offer of the borough by, amongst other things, by allocating housing sites to meet local needs in locations attractive to house builders and enhancing the general surrounding residential environment of the borough.
- 5.9 With regards to the above, it is noted that the site is within a noted village settlement, within the vicinity of a number of residential properties. The proposed residential development can be built to a high standard, will have minimal impact on local amenity and improve the borough's housing stock in this desirable village location.

Furthermore, residential development is directed towards Kirkland as a Local Service Centre. The site is within to the village's settlement boundary and therefore the principle of residential development is supported by both the NPPF and the Local Plan.

- 5.10 **Policy SS3** requires housing development proposals to demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone. This is assessed by how well a proposal meets the identified needs and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment (SHMA). The aim of the policy is therefore to: -
- Create a more balanced mix of housing types and tenure within that market area, in line with the evidence provided in the SHMA
 - Include a proportion of affordable housing which makes the maximum contribution (consistent with maintaining the viability of the development) to meeting identified needs in that market area.

- 5.11 **Policy ENV1** sets out an approach to ensure that new build development is not prejudiced by flood risk, by permitting new build on sites outside areas at risk of flooding, and ensuring that new development does not contribute to increased surface water run-off through measures such as Sustainable Drainage Systems.
- 5.12 The proposed development is located within Flood Zone 1 which the Environment Agency (EA) and is therefore at the lowest risk of flooding. The site is therefore considered to be a low risk in terms of flooding.
- 5.13 **Policy ENV3** seek to ensure that new development will protect and enhance biodiversity and geodiversity.
- 5.14 The proposed development is currently vacant grassed agricultural land. Therefore, the development proposed does not raise any obvious concerns on this subject. There are no designations or information available which suggests that the site is subject to any biodiversity interest.
- 5.15 **Policy ENV5** relates to the protection and enhancement of the Boroughs landscapes. It seeks to ensure that landscapes are protected from inappropriate change through unsympathetic development.
- 5.16 It is considered that the proposed development, being small scale, adjoining existing dwellings and being within a settlement boundary is not an inappropriate change to the landscape.

Development Management Policies

Design

- 5.17 **Policy DM10** states the Council will expect high standard of design and the fostering of 'quality places' and development proposals will be required to: -
- Respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through an appropriate size and arrangement of development plots, the appropriate scale and massing of houses;
 - Incorporate existing features of interest including local vernacular styles and building materials;
 - Address vulnerability to and fear of crime and anti-social behaviour by ensuring that the design, location and layout of all new development creates clear distinctions between public and private spaces, overlooked routes and spaces within and on the edges of development;
 - Create and maintain reasonable standards of general amenity.
- 5.18 It is considered that the above principles can be taken into account in any subsequent submission for reserved matters regarding scale, layout, landscaping and appearance.

Residential Amenity

- 5.19 **Policy DM12** requires new build residential properties to have: -

- a separation distance of at least 21 metres between directly facing elevations of dwellings containing windows of habitable rooms
- a separation of at least 12 metres between directly facing elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation

5.20 While only submitted in outline, the indicative layout confirms that the proposed dwelling would as detailed meet the separation distances.

Drainage and Flood Risk

5.21 **Policy DM24** states where a proposed development is likely to be at risk from flooding or increases risk of flooding elsewhere, a Flood Risk Assessment (FRA) will be required to be submitted as part of the planning application. Development will not be permitted where it is found that there is an unacceptable risk of flooding; or the development would increase the risk of flooding elsewhere.

5.22 The development area is located within a Flood Zone 1 in which the NPPF recognises that all uses types are therefore appropriate.

Access and Transport

5.23 **Policy DM12** requires housing development to provide a car parking provision in accordance with adopted residential parking standards. Cumbria Highways have provided a Cumbria Development Design Guide but there are no adopted parking standards. The guidance provides a suggested level of parking for housing development.

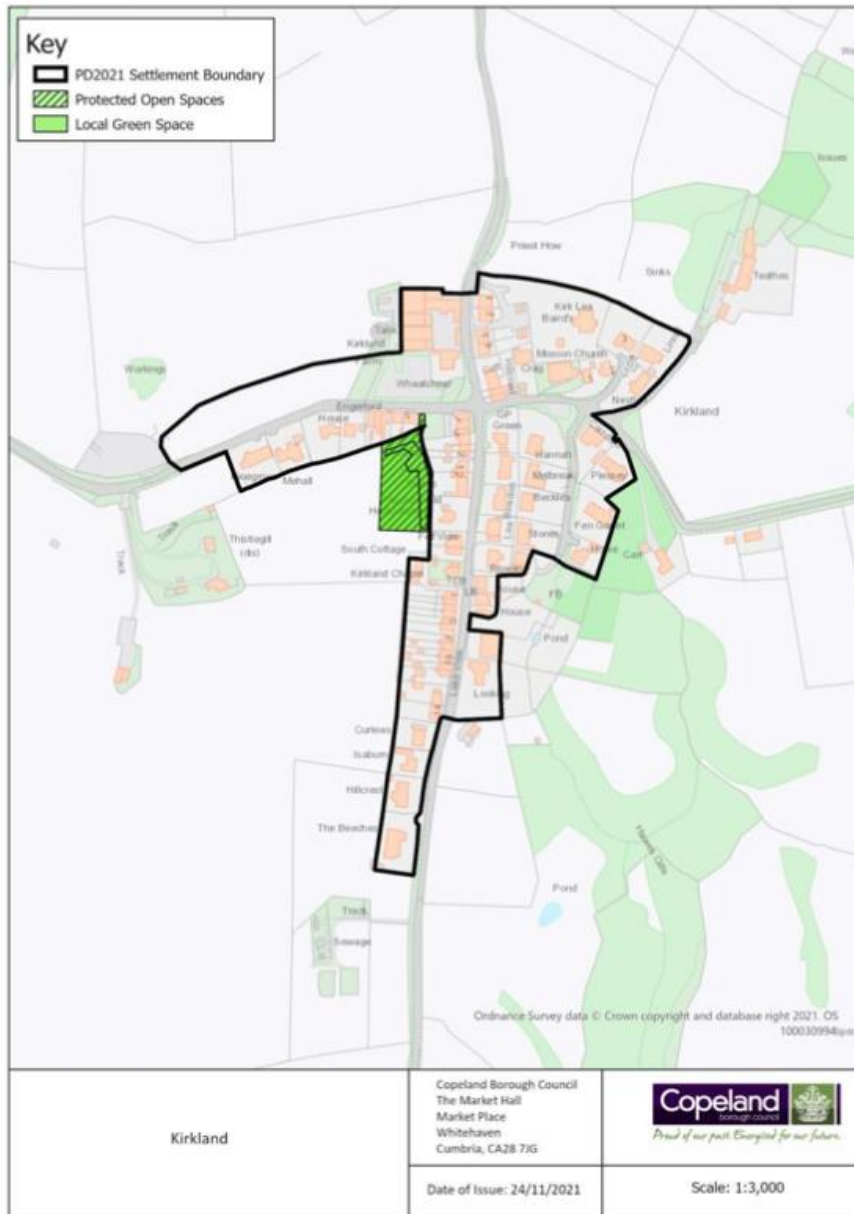
5.24 The size of the proposed site could accommodate sufficient parking for the dwelling proposed on the indicative layout. It is therefore considered that any proposed layout can meet this criterion of Policy DM12.

Emerging Copeland Local Plan

5.25 Cumberland Council is continuing to progress with the proposed Copeland Local Plan 2021 – 2038. It is currently awaiting further consultation on the Major Modifications document.

5.26 With the emerging Local Plan, Policy DS3PU is regarding the proposed Settlement Hierarchy. Within this policy, Kirkland is listed as a Rural Village, where limited development is considered appropriate, where is it small scale and primarily infill and rounding off.

5.27 The Settlement map for Kirkland is detailed below:



Principle – National Planning Policy Framework (“NPPF”) (as revised July 2021)

5.28 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that sustainable development has three objectives social, economic and environmental.

5.29 The social and economic are as follows:

”a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

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b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being. “

It is noted in the above that a central aim of the NPPF is to ensure that the right type of land is available in the right areas, to ensure that the correct housing is available to meet the needs of present generations.

- 5.30 Paragraph 11 covers the issue of the application of the presumption in favour of sustainable development.

*“For **decision-taking** this means:*

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 5.31 Paragraph 49 in the revised NPPF now states “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission.”
- 5.32 Paragraph 68 of the NPPF states that Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
- 5.33 Paragraph 74 of the NPPF covers maintaining supply and delivery of housing. This states Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or

- c) 20% where there has been significant under delivery of housing over the planned supply.
- 5.34 Paragraph 79 states: *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'*
- 5.35 The above again enhances the case as to why this is a suitable site for a dwelling. A new dwelling in this location helps to enhance and maintain the vitality of the community in Kirkland and Ennerdale Bridge. While technically being two separate villages, they are close together, and overall form a highly sustainable location in terms of the settlement hierarchy within Copeland.
- 5.36 It is considered from the above that the proposed development site is appropriate in terms of a location when judged against the wording of the National Planning Policy Framework regarding location principle.

Copeland Landscape Settlement Study

- 5.37 The Copeland Landscape Settlement Study, which should be used to determine how the landscape policy in the Local Plan is interpreted. Within this document is a detailed appraisal of Kirkland. The text on Kirkland in particular is noted below:

Kirkland

Key Characteristics and Qualities

Linear settlement on high ground at crossroads. Sense of place reinforced by historic core and well-defined entrance to village from north and east.

Newer development to south and west erode compact form of Kirkland. Industrial time depth from evident remains of railway and quarrying at western edge of village.

Village sits on high ground within rolling landscape of farmland and moorland. Discrete farmsteads dispersed around the local area, following the grain of the rolling topography.

Part of a transitional landscape, seen against a backdrop of the larger fells and pikes of the Lake District.

Open views to the surrounding fells, a sense of openness and space. Attractive and peaceful countryside, highly valued locally.

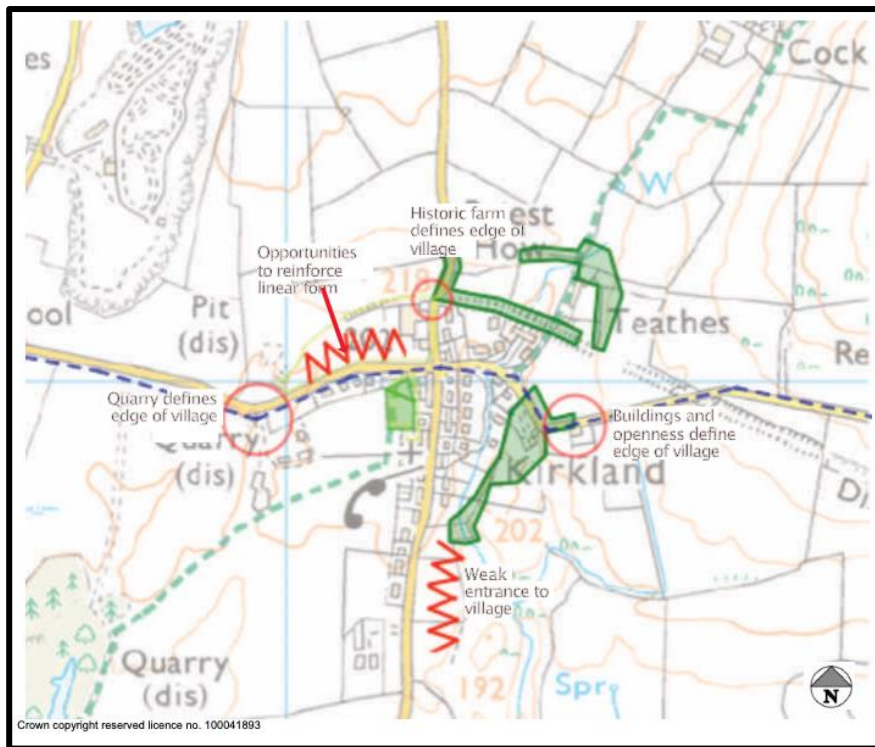
Sensitivity

Dispersed, discrete settlement pattern sensitive to unsympathetic expansion and redevelopment.

The contrast in scale with Lakeland Fells and more intimate farms and woodland are sensitive to large scale infrastructure development.

Sense of place and linear form sensitive to unsympathetic development.

5.38 The landscape map for Kirkland is also copied below:



6.0 Conclusion

- 6.1 The proposed development provides the opportunity for an additional dwelling on a site that is considered suitable for residential use.
- 6.2 The site is within the centre of the village settlement.
- 6.3 Kirkland is a Local Service Centre tier of settlements in the Copeland Local Plan and would remain as a Rural village in the emerging Local Plan.
- 6.4 It is contended therefore that the proposed development is acceptable and is in accordance with both national and local planning policy, and therefore should be approved.

Simon Blacker MRTPI