

Planning Appeal Statement of Case – Land at Spout House Stables, Sandwith, Whitehaven

Proposal: Permission in Principle for residential development



Planning Application Reference 4/22/2128/PIP

Mr N Amor

August 2022

SRE Associates - Planning and Development Consultancy



1.0 Introduction

- 1.1 This planning statement has been prepared in support of a planning application for residential development at Spout House Stables, Sandwith, Whitehaven.
- 1.2 The application is submitted as Permission in Principle, 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 plan submitted.
- 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 details the decision made by Copeland Borough Council, Section 6 will set out the planning policy context against which the application must be considered and undertakes a planning assessment of the proposed development, Section 7 covers the Permission in Principle process, and Section 8 will draw together the conclusions.

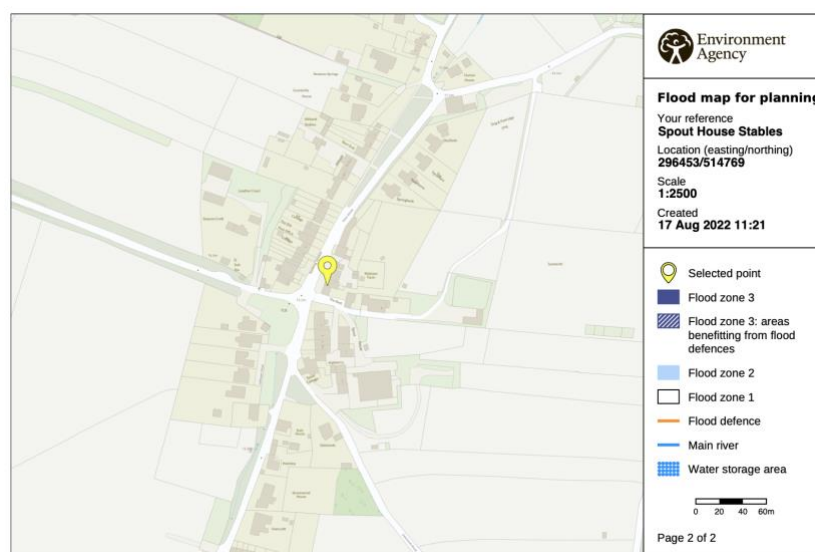
2.0 The Site

- 2.1 The application relates to an area of land that is currently occupied by a large building associated used for domestic storage, a garden areas currently used by Spout House Stables and disused land that would be classed as agricultural grazing. The site is located in the heart of the village. Residential properties are located to the north, west and south. Agricultural land is located to the east.
- 2.2 The southern part of the site is currently used for ad-hoc agricultural grazing technically but acts as an access to the remainder of the agricultural land to the east which is also in the landowner's ownership. The northern part of the site is within the residential curtilage of Spout House Stables and consist of a large building which is used for storage and garden land which is used by Spout House Stables. The residential curtilage of Spout House Stables takes up approximately 66% of the site. The land falls to the west towards the highway and there is a retaining structure between the large storage building and the land the garden area to the south. The remainder of the site is relatively level.
- 2.3 The application site is situated within the envelope of the village. Sandwith is a commuter settlement within Copeland and is located less than 1 mile from the southern edge of Whitehaven. There are limited services within the village with a pub and hair dressers as the only noticeable businesses serving the community but this reflects its proximity to Whitehaven itself which is as the principle town within the Copeland Local Plan. Whitehaven town centre is located 2.4 miles drive to the north.
- 2.4 The A595 which runs through Copeland can be joined 2 miles from the site and provides easy access to Workington to the north and Egremont and Sellafield to the south. Furthermore, the A595 continues north towards Carlisle.
- 2.5 In summary therefore, the site is situated within a long-established residential area that is within reach of the best range of facilities that the Borough can offer.
- 2.6 There are no Conservation Areas or Listed Buildings on or directly adjacent to the site.

- 2.7 There are also no Tree Preservation Order's on, or near to the site, as detailed below in the extract from the Copeland Borough Council GIS Map The nearest is approximately 150m to the north:



- 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. A copy of the Environment Agency's Flood Map is included below.



3.0 The Proposed Development

- 3.1 The application is for Permission in Principle and therefore all details regarding access, scale, layout, landscaping and appearance of the residential development proposed on the site would be covered within a subsequent technical details consent, if this is approved.
- 3.2 While not forming part of the application at this stage, the proposed scale of the development is likely in the form of 5 dwellings on the site as detailed in the indicative layout, which is what the site would be suitable for given the size and layout, and surrounding density of dwellings.
- 3.3 The indicative layout of the proposed development ensures properties are provided in accordance with Copeland's required separation distances. All properties would have adequate parking arrangements and private rear gardens.
- 3.4 The application site is considered well related to the existing residential developments to the west, south and north, 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 or the local landscape.
- 3.5 The application site is considered well related to the existing residential development; 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 existing properties.

4.0 Planning history

- 4.1 There is no recent planning history directly on the application site.
- 4.2 The following application is near to the application site as it is considered relevant to the proposal, in terms of type and location:
- 4/20/2120/0F1 – Full planning application for the erection of two detached dwellings – land at Dalelands, Sandwith, Whitehaven – Approved
- 4.3 The above application is an example of recent planning approval in the Borough that shares the same location as the proposed application site. It is in fact only 15m from the application site at its nearest point.

5.0 Planning Application Decision by Copeland Borough Council

- 5.1 *'The Site is located within Sandwith which is designated as open countryside within Policy ST2 of the Copeland Local Plan 2013- 2028. A need for the dwellings to be located outside of the Borough's recognised settlements has not been demonstrated and development on this site is likely to be detrimental to the character and appearance of the local landscape. Community facilities in the general wider vicinity of the Site are limited. Access to services from the Site is also extremely limited being beyond distances which residents could*

SRE Associates - Planning and Development Consultancy



reasonably be expected to walk or cycle. There are no footways or direct access routes from the Site to the available services. Given the distances involved to the services and facilities, travel by more sustainable methods would be unlikely to offer a feasible alternative to the private vehicle.

The proposal is therefore contrary to policies ST1, ST2, SS3, ENV5 and DM10 of the Copeland Local Plan 2013-2028, and the guidance set out in the National Planning Policy Framework when taken as a whole.'

6.0 Planning Policy and its application to the proposed development

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 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.
- 6.3 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.
- 6.4 Copeland Borough Council's most recent 5-year land supply position statement which concluded that there currently is a 6.35 year housing land supply, following 3 years of sub-5 year supply. This updated position led to the removal of the Interim Housing Policy, which had been in place since 2017 as Copeland's primary decision-making document.
- 6.5 The settlement boundaries currently forming part of the Copeland Local Plan however have not been reviewed or updated in many years (referenced verbally in a Copeland Borough Council Planning Panel meeting as reviewed in 2004). This position is confirmed in the Housing Land Supply position document which states:

'As the Council is now able to demonstrate a 5 year supply of deliverable housing sites, the Interim Housing Policy has been revoked. As the policy in the Core Strategy relating to development boundaries (Policy ST2 B and C) is still out of date, albeit for a different reason, applications for development outside the settlement boundaries in the Core Strategy will be determined in accordance with the National Planning Policy Framework, other policies relevant to the proposal and relevant material considerations.'

The explanation to the above is detailed as:

'These parts of the policy are considered to be out of date as the Preferred Options Draft of the Local Plan indicates that in order to meet housing needs identified in the SHMA over the period 2017-2035 (140 dwellings per year), development will be required outside the

settlement boundaries in the Core strategy. Given this, the policy does not accord with the NPPF which requires local authorities to significantly boost housing delivery.'

Proposed Copeland Local Plan 2021 - 2038

- 6.6 The proposed Copeland Local Plan 2021 – 2038 is currently under a public consultation stage, involving detail relevant to residential development applications. It has not yet been submitted to the Planning Inspectorate for examination, and therefore should be afforded very little weight in the decision making process for current applications submitted to Copeland Borough Council.

Strategic Policies of the Copeland Local Plan 2013 - 2028

- 6.7 **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.

'ii) Ensure development provides or safeguards good levels of residential amenity and security

iii) Accommodate traffic and access arrangements in ways that make it safe and convenient for pedestrians and cyclists to move around.'

- 6.8 **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. Therefore, while this is included on the reason for refusal, it is not considered that a Policy that relates to settlement boundaries that have not been reviewed in around 18 years is relevant to the determination of a current application.
- 6.9 The above are the strategic policies with particular relevance to residential housing sites in the Local Plan 2013 – 2028. They are both included in the reasons for refusal.
- 6.10 The above however should not form part of the decision making process, given that they are housing policies which are acknowledged by the Council to be out of date, and have not been replaced by a new adopted local plan as yet.
- 6.11 **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.
- 6.12 **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.
- 6.13 The proposed development is located within Flood Zone 1 which the Environment Agency (EA) define as an area having less than 0.1% annual risk of flooding and is therefore at the lowest risk of flooding. The site is therefore considered to be a low risk in terms of flooding.
- 6.14 **Policy ENV3** seek to ensure that new development will protect and enhance biodiversity and geodiversity.
- 6.15 There are no designations or information available which suggests that the site is subject to any biodiversity interest, also as detailed by the ecological appraisal.
- 6.16 **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. This policy is included within the reason for refusal.
- 6.17 It is considered that the proposed development, being of small scale and adjoining an existing cluster of dwellings within a village, is not an inappropriate change to the landscape.

Development Management Policies

Design

- 6.18 **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.
- 6.19 It is considered that the above principles can be taken into account in the design and layout of the proposed development. The proposed dwellings on the indicative layout are considered appropriate in form, design and size, and also the size is laid out at an appropriate scale for the site and context of the adjacent dwellings. Further details regarding the exact nature of the property would be addressed through a further submission but at the density proposed, the layout would allow for a suitable development.

Residential Amenity

- 6.20 **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
- 6.21 The indicative layout confirms that the proposed dwellings would as detailed meet all of the above separation distances.

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

- 6.22 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.
- 6.23 The aims listed in Paragraph 8 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;*
- 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.*
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

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.

- 6.24 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.”

- 6.25 The above is important because specifically planning permission should be granted, unless the adverse impacts of the development significantly outweigh the benefits, not the other way around.
- 6.26 As previously noted, this site is located adjacent to a site recently approved by the Council for residential development. It is important to note that the planning policy situation within the LPA has not changed since the determination of this application. No Local Plan has been submitted for examination or is anywhere near adoption, and the old Local Plan is considered out of date in relation to housing policy.
- 6.27 In the delegated report for Planning Application 4/20/2120/0F1 (Appendix A), this situation is detailed in the concluding paragraphs, which state:

Paragraph 11 sets out that where the development plan is absent, silent or relevant policies are out of date the Local Planning Authority should grant planning permission unless:

- *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; or*
- *specific policies in this Framework indicate development should be restricted.*

It is considered that any impacts of the proposal would not significantly or demonstrably outweigh the benefits of the scheme when assessed against the Local Plan, the Interim Housing Policy and the NPPF taken as a whole.

All issues raised during the application process have been addressed with the submission of further information from the applicant.

It is considered that due to the location within the village of Sandwith and the close proximity to Whitehaven, the Councils current lack of a 5 year land supply and the presumption in favour of sustainable development the principle of developing this site for two residential properties is considered to be acceptable.

Furthermore in light of the Government’s commitment to housing delivery, this proposal will deliver a small residential development in a sustainable location without having any detrimental impact. The benefits of the proposal are considered to outweigh any adverse impacts when considered against the NPPF as a whole.

Overall, the proposal is deemed to be acceptable and based on the information submitted, will result in an acceptable form of development which will be consistent with the general form and appearance of the area and meets the requirements of Local Plan Policies ST1, ST2, DM10, DM12 and DM22.’

- 6.28 Given the above, it is contended that the application should have been approved.

7.0 Permission in Principle

- 7.1 The National Planning Policy Guidance on the Permission in Principle states 'The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.'

Location: The site is within the envelope of Sandwith a site that has been considered a sustainable settlement as recent as 2020 and is therefore in a suitable location.

Land use: The site is surrounded by residential properties on three sides and is therefore a suitable land use.

Amount of development: The application has an indicative layout which shows 5 dwellings. This is a suitable number of properties on this size of site and is appropriate in the context of the size of Sandwith village as a whole.

8.0 Conclusion

- 8.1 The proposed development provides the opportunity for additional dwellings on a site that is considered suitable for residential use.
- 8.2 The land is currently used for residential and/or agriculture but only to facilitate access to the remainder of an agricultural field.
- 8.3 While the technical issues will be address by a subsequent submission, the proposed development can be sensitively designed to consider the site characteristics, surroundings, wider location and separation distances.
- 8.4 It is in a location considered sustainable by the LPA, given the recent approval adjacent to the site for residential development.
- 8.5 It is considered that the adverse impacts do not significantly and demonstrably outweigh the benefits in terms of decision making.
- 8.6 It is contended therefore that the proposed development is acceptable and is in accordance with both national and local planning policy, and therefore the appeal should be approved.

Simon Blacker MRTPI

Appendix A – CBC Delegated Planning Report – Planning Application 4/20/2120/OF1

SRE Associates - Planning and Development Consultancy



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2120/0F1
2.	Proposed Development:	ERECTION OF TWO DETACHED DWELLINGS
3.	Location:	DALELANDS, SANDWITH, 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: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	SITE AND LOCATION This application relates to a plot of land on the southern side of Sandwith which is currently vacant agricultural land. The land is bound by an existing hedgerow and fronts onto Dalelands Road which leads to Byerstead Road. PROPOSAL This full planning application seeks approval for two identical detached dwellings on the site, including an attached garage. The proposed dwellings are to be 2 storey in height and include projecting gables and a dormer

window on the South East elevation. The dwellings will have variable eaves heights and an overall height to the ridge of 7.2m. The dwellings will be 11m in width and 13.4m in length. The attached garage will be 5.5m in height, 4.3 metres in width and attached to the north west elevation of the dwelling.

The ground floor will comprise a kitchen/family/dining room, living room, bedroom with en-suite and utility room. The first floor will include three bedrooms each with their own en-suite and a dressing room.

The proposed dwellings will be faced externally with rendered block work and stone, a slate roof and timber windows and doors.

The parking areas will be finished with tarmac and paviers. The drives provides sufficient space to accommodate 2 vehicles and a further vehicle can be accommodated within the garage.

There will be a 1.8 metre high wall between the properties with a replanted hedge along the road frontage, behind the visibility splay.

The surface water will be disposed of to a soakaway and the foul sewage will drain to the mains sewer.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for detached dwelling, refused in 2008 (application reference 4/08/2376/001 relates);

Outline application for two dwellings, approved in June 2018 (application reference 4/18/2142/001 relates).

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objections.

Cumbria County Highways – No objections subject to conditions relating to visibility splays, access gates and surface water drainage. Furthermore, a permit must be sought for any works to the highway.

United Utilities – No objections.

Public Representation

The application has been advertised by way of a site notice, press notice and neighbour notification

letters issued to 8 no. properties.

One letter has been received raising concerns relating to the following:

- There have been no recent improvements to the road infrastructure and the village is served by a single carriageway with no recognized passing places;
- The village has no public transport options;
- The need for executive housing should be demonstrable;
- The site is outside the 30mph zone and is therefore considered to extend the settlement boundary;
- The new application should be judged on its own merits;
- Frustrated that the new local plan has not yet been completed.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS2 – Sustainable Housing Growth

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

Other Material Planning Considerations

Interim Housing Policy 2017 (IHP)

National Planning Policy 2019 (NPPF)

Strategic Housing Market Assessment 2019 (SHMA)

ASSESSMENT

Planning Policies ST2 and SS2 seek to focus the provision of new dwellings into sustainable locations. Policy DM10 seeks to ensure good design whilst DM11 and DM12 ensure that new dwellings will not affect the amenity of surrounding properties by providing suitable separation distances and adequate off street parking.

Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policy SS1. These policies seek to promote sustainable development to meet the needs and aspirations of the boroughs housing market, as well as having consideration for the requirements of smaller settlements within the borough which respect their scale and function.

Sandwith is not classified under Policy ST2 as a settlement where growth is permitted and the site lies outside any designated settlement boundary. As such, the proposal is in conflict with Policy ST2.

Outline planning permission was approved for the erection of two dwellings on this site in 2018. This decision was made on the basis that the Council could not demonstrate a 5 year land supply. It has established the principle of development on the site.

The Council adopted the Interim Housing Policy in 2017 as it could not demonstrate a five year land supply. Whilst the adoption of the Interim Housing Policy falls outside of the statutory development plan, it will however be relied upon as a material consideration in the determination of planning applications. As the Council cannot demonstrate a five year supply of housing sites, policies for the supply of housing set out within the Copeland Local Plan 2013-2028 (Core Strategy and Development Management Policies) will no longer be deemed up-to-date; and therefore carry less than full weight in decision-making. Applications that are in accordance with the development plan will continue to be supported, however, in addition to the development plan and other material considerations, proposals for residential development which are contiguous to the development boundary, or the existing built form of a settlement, will be considered against specific criteria.

The Council's lack of a five year land supply means that both the housing policies within the Local Plan and the settlement boundaries which were defined under the previous Local Plan which dates back to 2006 must be considered out of date. On this basis, the provisions of the presumption in favour of sustainable development outlined in Paragraph 11 of the NPPF must be applied in determining this application.

Paragraph 11 of the NPPF sets out that planning permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies in the NPPF taken as a whole.

The site lies within the existing settlement of Sandwith and is considered to be within walking distance from the local services within the village which include a pub and a hairdresser. Furthermore, Sandwith is in close proximity to Whitehaven where there is a large range of services. On this basis, a dwelling in this situation is considered to be sustainable. The proposal is also considered to be consistent with the Council's Interim Housing Policy (IHP) which was adopted in 2017 in response to the lack of a 5 year land.

In applying the provisions of Paragraph 11:

- the Site would assist in boosting housing supply to meet the identified need for housing within the Borough as detailed in Policy ST2 of the Local Plan;
- the proposed development comprising the erection of two dwellings is appropriate in size and character to the surrounding village of Sandwith in accordance with the requirements of Criterion A of the IHP;
- the Site is located next to a cluster of existing residential properties in accordance with Criterion B of the IHP;
- the Site is located in close and convenient proximity to the services within Sandwith and within an acceptable distance of the wide range of services and employment opportunities located within Whitehaven for which the settlement has been designated as the Principal Town in Policy ST2 of the Local Plan. The proposed development will support existing services achieving the requirements of Criteria B and D of the IHP; and,

As the Council does not currently have a 5 year supply of deliverable sites the housing policies carry less weight in the decision making process. The application therefore needs to be considered against the "tilted balance" set out under paragraph 11 of the NPPF which states that:

"Development should be approved that accords with the development plan; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted."*

The impacts of the development are assessed below.

The main issues raised by this application are scale and design, the effect on neighbouring amenity,

access and drainage.

Scale and Design

The site is well related to the physical form of the village and lies on the edge of the existing built up area. It is located with residential properties to the west and north and is defined by an existing hedgerow. It is considered that development on this land, would be seen in context with the existing dwellings on the main street through Sandwith and Dalelands to the north. With an existing mature woodland to the east of the site providing a visual barrier for the development, it is not considered that the proposal would result in a loss of visual amenity or intrusion into the open countryside.

The plans submitted show the dwellings to be 7.2m in overall height which is considered to be acceptable when viewed in context with the surrounding properties. The eaves height varies which allows the dwellings to appear broken up, reducing their scale and massing. The eaves of the dwelling are low at 3.5m and this will ensure that the dwelling is read as single storey. The dormer projecting from the front and the projecting gable ensure that the roof space can be utilized but will reduce the overall massing and bulk of the dwellings by adding relief and variation. They are set back from the road and low in density sitting on large plots therefore softening the edge of the built up area. On this basis, it is considered that the dwelling will be satisfactory when viewed in context with the surroundings.

The footprint of the dwellings is considered to be satisfactory with the internal layout providing suitable living space. The dormer window feature on the front elevation of the properties is considered to be acceptable and will reflect the traditional character of the built form of the village.

The materials to be used have been specified and are considered to be acceptable for use on this site, however it is considered necessary for a condition to be attached to the approval to require samples to be approved prior to their use on the property. This is to ensure that the dwelling fits in with the surrounding properties and respects the character of the local area.

Effect on neighbouring amenity

Although the dwellings will be sited close to existing dwellings to the north and west, the required separation distances set out in Policy DM12 have been met and it is unlikely that the addition of dwellings on this land will create any amenity issues for the neighbouring properties. The elevations of the proposed and existing dwellings will not be facing, however there is at least 21 metres between dwellings due to the size of the plots. There are unlikely to be any privacy issues created for either the new dwellings or the existing dwellings in this part of the village.

The dwellings will benefit from a 1.8m high boundary wall which will help to maintain privacy.

Overall, due to the separation distances, plot sizes and boundary treatments, it is considered that there is unlikely to be an adverse effect on the neighbouring dwellings and the proposal is considered

to satisfy policies DM10 and DM12 of the Copeland Local Plan.

Highways and parking

The access will be taken from Dalelands Road via a single driveway which splits into two to serve the plots. Based on the submitted speed survey information, the Highways department are satisfied with the proposed visibility splays of 2.4m x 33.4 to the south and 2.4m x 36.2m to the north. A condition in order to request the visibility splays be implemented prior to commencement has been requested in order to ensure road safety. Subject to the conditions proposed it is considered that the proposal complies with Policy DM22 of the local plan and is therefore considered to be acceptable in highways terms.

Drainage

The proposal includes some details of drainage, stating that foul and surface water drainage will be on different systems and that a soakaway is proposed for the site. Cumbria Highways requested a condition relating to surface water drainage as full details have not been provided to ensure that the highway will not be affected by surface water runoff.

It is proposed to provide a connection to the existing sewer which lies in close proximity to the site to deal with Foul Drainage.

Response to the letter of objection

Issues relating to the principle of the development, access and the need for housing have been dealt with throughout this report. Concerns raised with relation to the adoption of the new local plan have been passed on to the Planning Manager, however this application can only be assessed on its own merits and within the current policy context. It is considered that there are insufficient material planning reasons to refuse this application, based on planning policy.

Planning Balance and Conclusion

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration as it sets out Government guidance and is considered to carry significant weight in the decision making process.

The NPPF advises that applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. The Council acknowledged on 9th May 2017 that it cannot demonstrate a five year supply of deliverable housing sites.

Where a five year supply of deliverable housing sites cannot be demonstrated then paragraph 11 of the NPPF is engaged and an application is to be assessed in this context.

Paragraph 11 sets out that where the development plan is absent, silent or relevant policies are out

	of date the Local Planning Authority should grant planning permission unless: - 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; or - specific policies in this Framework indicate development should be restricted. It is considered that any impacts of the proposal would not significantly or demonstrably outweigh the benefits of the scheme when assessed against the Local Plan, the Interim Housing Policy and the NPPF taken as a whole. All issues raised during the application process have been addressed with the submission of further information from the applicant. It is considered that due to the location within the village of Sandwith and the close proximity to Whitehaven, the Councils current lack of a 5 year land supply and the presumption in favour of sustainable development the principle of developing this site for two residential properties is considered to be acceptable. Furthermore in light of the Government's commitment to housing delivery, this proposal will deliver a small residential development in a sustainable location without having any detrimental impact. The benefits of the proposal are considered to outweigh any adverse impacts when considered against the NPPF as a whole. Overall, the proposal is deemed to be acceptable and based on the information submitted, will result in an acceptable form of development which will be consistent with the general form and appearance of the area and meets the requirements of Local Plan Policies ST1, ST2, DM10, DM12 and DM22.
8.	Recommendation: Approve (commence within 3 years)
9.	Condition(s): 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 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: - Site Location Plan, scale 1:1250, received 18th March 2020;

	Existing Site Plan, scale 1:250, drawing number 18/07/938-02, received 18th March 2020; Proposed Plans and Elevations, scale 1:100, drawing number 18/07/938-05, received 12th March 2020; Proposed Site Plan, scale 1:250, drawing number 18/07/938-03, received 12th March 2020; Design and Access Statement, received 12th March 2020; Visibility Appraisal, received 12th March 2020. 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. 3. Before development commences full details of the surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be maintained as such thereafter. Reason To ensure a satisfactory scheme of surface water disposal from the site. 4. Prior to their use on the development hereby approved, representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter. Reason To ensure a satisfactory appearance of the development in the interests of visual amenity. 5. The development must not commence until visibility splays providing clear visibility of (S)33.4m and (N)36.2m measured 2.4metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. Reason
--	---

	In the interests of highway safety. 6. Access gates, if provided, shall be hung to open inwards only away from the highway. Reason In the interests of highway safety. Informatives 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. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Council Streetwork's team 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 Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
Case Officer: S. Papaleo	Date : 24/06/2020
Authorising Officer: N. J. Hayhurst	Date : 25/06/2020
Dedicated responses to:- Letter to objector	