

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2218/OR1
2.	Proposed Development:	RESERVED MATTERS APPLICATION FOR APPEARANCE, LANDSCAPE, LAYOUT AND SCALE FOLLOWING ON FROM APPROVED APPLICATION 4/17/2214/001 (OUTLINE FOR THE ERECTION OF 7 DWELLINGS)
3.	Location:	LAND TO THE NORTH OF CROSS GROVE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See Report
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises a 0.5 hectare parcel of land located to the north of the residential estate known as Cross Grove, Cleator Moor.</p> <p>The land is bounded by the cemetery associated with St Marys Church to the northeast; the Cross Grove residential estate to southeast; and, agricultural land to the northwest and southwest.</p> <p>The northwest boundary is lined with mature trees.</p> <p>The land was granted Outline Planning Permission for residential development on the 27th September 2017 under planning application ref. 4/17/2214/001.</p> <p>Direct Planning Application History:</p> <p>Application Ref. 4/17/2214/001 – Outline for the erection of 7 dwellings. Approved.</p> <p>Proposal:</p>

This application seeks approval of the matters of layout, scale, appearance and landscaping pursuant to Application Ref. 4/17/2214/001.

The proposed comprises a linear development 7no. dwellings accessed via a new access road connecting to the existing access road serving the Cross Grove residential estate.

The proposed dwellings comprise 6no. two storey dwellings and 1no. dormer bungalow.

It is proposed to finish the dwellings externally with a combination of smooth self-coloured off white render and back bedded coursed random sandstone with sandstone quoins, cills and heads to the elevations; natural slate to the roof; anthracite uPVC windows; composite doors; Velux recessed fitting rooflights; and, insulated coloured roller shutter garage doors.

Four off highway parking spaces are proposed to each dwelling.

A combination of 1.8m high timber hit and miss fences and hedgerow are proposed to delineate the plot boundaries. No details of the rear boundary are provided as this is controlled via a specific planning condition imposed on Application Ref. 4/17/2214/001.

Consultee:	Nature of Response:
Parish Council	No consultation response received.
Cumbria County Council – Highways and LLFA	<p>13th July 2020</p> <p>Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>There is concern with the proposed parking for this development, for dwellings with 4 bedrooms we would expect to see 2.5 spaces per unit, for garages to be classed as a parking space it should be 7m x 3m in dimension.</p> <p>Whilst the driveways proposed could accommodate vehicles parked longitudinally as note at Plot 6, the applicant needs to consider if this will be achievable and adopted in practice by the homeowner, in reality householder and visitor vehicles tend to be parked within the public highway when presented with this type of parking, given that the carriageway width is to be 4.8m and the likelihood of development opposite coming forward, excessive vehicle parking within the highway will hinder vehicle movement and have an overall impact highway safety.</p> <p>Further details are required for driveway drainage to prevent surface water</p>

		<p>discharging onto the highway.</p> <p>Until the above points can be clarified the Highway Authority recommends refusal for the following reason: Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of: a) off-street parking b) surface water drainage To support Local Transport Plan Policy: LD7, LD8</p> <p>7th September 2020</p> <p>Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>A previous response recommended refusal due to lack of information in regard to off road parking and surface water drainage.</p> <p>In reviewing the supplied information which addresses the concerns of parking showing further provision within the driveway and confirmation of parking bay sizes, the request for further information in regard to driveway surface water drainage, this has been confirmed to be in the form of a permeable surface.</p> <p>The previous recommendation for refusal can be removed and the Highway Authority has no further objections to the proposed development.</p>
	<p>United Utilities</p>	<p>It should be noted that we have previously commented on the Outline Application (Planning Ref 4/17/2214/001) to which the above application relates.</p> <p>Surface water drainage should accord with the national drainage hierarchy.</p> <p>Any scheme of drainage should accord with an approved <i>sustainable drainage management and maintenance plan for the lifetime of the development</i>.</p>
	<p>Flood and Coastal Defence Engineer</p>	<p>No comments.</p>
<p>Neighbour Responses:</p>		
<p>The application has been advertised by way of an application site notice and press notice and neighbour notification letters sent to 25no. properties.</p>		

Representations have been received from 4no. interested parties.

The material planning issues raised comprise the following:

Principle of Development

- The Outline Planning Application should never have been granted.
- The development does not provide affordable housing and first homes for local which are needed in Cleator Moor.
- There is no need for more dwellings. No new dwellings should be built as the infrastructure does not exist to support these development. More factories and workplaces are required.
- The development will not represent sustainable development as required in the National Planning Policy Framework

Highway Safety

- The development will vastly increase the traffic flow through the existing Flosch Meadows development to access the junction onto the A5086. This will result in a departure from the existing highways agency standard and introduce heavy traffic hazards into an existing community.

Heritage

- St. Mary's Grotto and cemetery adjacent to this proposed development represent a distinct and unique example of West Cumbria's working class history that should be preserved. The Grotto was built by unemployed iron ore miners in the 1920's as an expression of their faith and their desire to work. It is a place where both the living and the dead find rest, respected by all in the community regardless of their beliefs. The development will result in disturbance to a place of beauty, remembrance, tranquillity and prayer.

Design and Layout

- The proposed dwelling should be turned so the front gardens look towards the grotto. This will result in hot tubs, bouncy castles, bbq etc. no being visible when visiting the grotto. There is room for access road between front garden and grotto boundary to facilitate this arrangement.
- Existing dwellings in the area are bungalows therefore new dwellings should comprise two

bungalows; two of 1.5 storey dwellings and then two storey dwellings.

- The development will be out of keeping with the rural landscape character and quality of the area and will result in harm to the rural setting and edge of the village.

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (NPPG).

Interim Housing Policy (IHP).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 is currently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options

Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment:

Principle;

The land was granted Outline Planning Permission for residential development on the 27th September 2017 under planning application ref. 4/17/2214/001.

Planning Condition 1 of planning application ref. 4/17/2214/001 defines the reserved matters as layout, scale, appearance and landscaping and Planning Condition 2 requires the submission of detailed plans and drawings with respect of the matter reserved for subsequent approval to the local planning authority within three year of the date of the permission.

This Application for Approval of Reserved Matters following Outline Approval was received on the 18th June 2020 and is therefore a valid application and can proceed.

Design and Landscape Impact;

The impact of a residential development on the Application Site on landscape was considered as part of Outline Planning Application ref. 4/17/2214/001.

In respect of landscape impact, Outline Planning Application ref. 4/17/2214/001 states the following:

“The site is identified in the Cumbria Landscape Character Guidance as landscape sub type 5d which is defined as “Urban Fringe”.

The low density of the development proposed is considered to be appropriate for this edge of settlement location. Existing landscaping on the northern boundary and with the Church Grounds to the east will help to soften the impact of the development within the local are.

The applicant has provided some details to illustrate that the existing landscaping located on and beyond the site boundary will be safeguarded to ensure no impact on existing mature trees. Additional landscaping is also proposed on either side of the proposed access road and some reinforcement of hedgerows along field boundaries on land within the applicant’s ownership are also proposed. This approach to reinforce existing landscaping is supported in the Cumbria Landscape Character Guidance and Toolkit.

Although the site forms part of the Green Gap in the Site Allocations and Policies Plan (SAPP) which was published in 2015 the whole of the Local Plan is now to be reviewed following the Councils announcements that it cannot demonstrate a 5 year land supply. This reduces the weight that can be attached to the designation of the Green Gap in the decision making process.

Notwithstanding this the proposed site is modest in scale and is considered to round off this part of Cleator. It has mature planting on its northern and eastern boundaries which will provide significant screening. On this basis the development of the site is not considered to have a significant impact on the local landscape and would not significantly impinge on the larger area of land that has been identified as a potential "Green Gap".

The proposed comprises a low-density linear development of 7no. dwellings that remains appropriate for this edge of settlement location and the layout accords with the principles of rounding off the existing development in this area of Cleator as per the assessment in Outline Planning Application ref. 4/17/2214/001.

It is proposed to reinforce the existing landscaping to the northern boundary and introduce landscaping to the front curtilage areas. Planning Condition 10 attached to Outline Planning Application ref. 4/17/2214/001 secures details of the boundary with the adjacent cemetery. Landscaping is not proposed along the boundary with the highway as per the assessment in Outline Planning Application ref. 4/17/2214/001; however, given the subsequent approval of further residential development on this land, this is not considered unacceptable.

The proposed dwellings are comparable in scale, form and design to the existing dwellings within the wider locality. A dormer bungalow is proposed to the southeast of the development, which provides a visual transition between the existing bungalows and proposed two storey dwellings.

The proposed dwellings are traditional in design and form and accord in general terms with the existing development in the wider locality. The proposed materials are appropriate to the dwelling designs and are consistent with other development in the wider locality.

The finished floor levels of the dwelling and the levels of the internal access are appropriate the existing site levels.

Residential Amenity;

The interface separation distances achieved between the existing dwellings and proposed dwelling accord with the provisions of Policy DM12.

Given the scale, form and design of the proposed dwelling unacceptable adverse impacts upon the existing dwellings will not result through overbearing, loss of light, overlooking or overshadowing.

Cemetery;

The impact of a residential development on the Application Site on the adjacent cemetery was considered as part of Outline Planning Application ref. 4/17/2214/001.

In respect of impacts on the cemetery, Outline Planning Application ref. 4/17/2214/001 states the following:

“Concerns have been raised about the potential impacts of the development on the Church Grounds which lie to the east. Whilst these concerns are noted the low density of the development proposed together with the extent of the site would allow elongated gardens to be provided which will provide a generous separation distances between the dwelling and the adjoining cemetery. This shared boundary is marked by a hedgerow and mature trees. The applicant has also indicated that he is prepared to impose a covenant on each plot to ensure that a 10 metre gap is provided between the edge of the cemetery and the residential gardens to prevent development in this area to act as a buffer zone. It is also possible to impose a condition on any planning permission which removes permitted development rights to ensure that any development in the rear garden areas is controlled. These factors are considered to provide sufficient mitigation and reduce the potential impact of the development on the amenities of the Church Grounds.”

The proposed development accords with the provisions considered in Outline Planning Application ref. 4/17/2214/001. The development is low density, elongated gardens are incorporated as a buffer zone and permitted development rights were removed as part of Outline Planning Application ref. 4/17/2214/001.

Highways;

Access was not a reserved matter.

Details of the internal access road was not provided as part of Outline Planning Application ref. 4/17/2214/001 and therefore falls within the remit of the reserved matter of layout.

The proposed comprises a linear access, the southern extent of which follows the boundary with Cross Grove and the southwest boundary of the Application Site.

4no. vehicle parking spaces measuring 2.5m x 5m per dwelling are proposed.

Cumbria County Council – Highways have been consulted and raise no objections to the proposed access and parking provisions.

Planning Condition 4 and Planning Condition 5 imposed on Outline Planning Application ref. 4/17/2214/001 require the submission of highway specifications and implementation of the access

	<p>required to serve each dwelling before occupation.</p> <p><i>Other Planning Conditions Imposed on Outline Planning Application ref. 4/17/2214/001</i></p> <p><i>1. and 2. – See Principle.</i></p> <p><i>3. – The proposals accord with the approved Site Location Plan</i></p> <p><i>4. – No conflict. Details remain to be approved on the basis of Outline Planning Permission and current proposals.</i></p> <p><i>5. – No conflict.</i></p> <p><i>6. – No conflict.</i></p> <p><i>7. – No. conflict. Details remain to be approved.</i></p> <p><i>8. - No. conflict. Details remain to be approved.</i></p> <p><i>9. - No conflict.</i></p> <p><i>10. No conflict. No details provided in respect of this boundary.</i></p> <p><i>Planning Balance;</i></p> <p>In overall terms, the development in respect of layout, scale, appearance and landscaping accords with the provisions of the development plan and the terms/assessment of the Outline Planning Permission.</p>
8.	<p>Recommendation: Approve Reserved Matters</p>
9.	<p>Condition(s):</p> <p>1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.</p> <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Site Location Plan – Drawing No. 1 received 18th June 2020; Topographical Survey – Drawing No. P14053 2/2 Rev. C received 28th September 2020; Site Plan – Top Meadow – Drawing No. 1236 Dwg No. 05 Rev. G received 26th August 2020; House Types – Top Meadow – Drawing No. 1236 Dwg. 01 Rev. F received 26th August 2020; House Types – Top Meadow – Drawing No. 1236 Dwg. 02 Rev. D received 26th August 2020;</p>

House Types – Top Meadow – Drawing No. 1236 Dwg. 03 Rev. C received 26th August 2020;
House Types – Top Meadow – Drawing No. 1236 Dwg. 04 Rev. C received 26th August 2020;
and,
Stone Specification Sheet received 26th August 2020.

Reason

For the avoidance of doubt and in the interests of proper planning.

3. The dwellings hereby approved shall not be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. The vehicular access and parking requirements shall be retained and capable of use at all times thereafter and shall not be removed or altered.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

4. All soft landscape works proposed within the curtilage of the each dwelling hereby approved shall be carried out in accordance with the approved details in the first planting season following first occupation of that dwelling. Any specimens which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with specimens of similar size and species to those originally required to be planted.

Reason:

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policy DM26 of the Copeland Local Plan 2013-2028.

Informative

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

Case Officer: Chris Harrison	Date : 29.09.2020
Authorising Officer: N.J. Hayhurst	Date : 30/09/2020
Dedicated responses to:- Letter to objectors	