

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2273/OR1
2.	Proposed Development:	RESERVED MATTERS FOR PHASE 5 FOR 23 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) OF APPROVED OUTLINE APPLICATION 4/16/2315/001
3.	Location:	LAND AT BIRKS ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See report.
7.	Report:	<p>Site and Location:</p> <p>This application relates to an area of land extending to 3.15 hectares located to the east of Birks Road, Cleator Moor.</p> <p>The land comprises a former horticultural nursery and an area of agricultural land.</p> <p>Industrial uses associated with a quarry and a railway line have previously existed on the land.</p> <p>In 2018, Outline Planning Permission with some matters reserved was granted subject to planning conditions for residential development on the land (application ref. 4/16/2315/001).</p> <p>Again in 2018, Reserved Matters Approval was granted for Phase 1 of the development (9 units) subject to planning conditions (application ref. 4/18/2336/OR1).</p> <p>In 2019, Reserved Matters Approval was granted for Phase 2 of the development (9 units) subject to planning conditions (application ref. 4/19/2123/OR1).</p> <p>Again in 2019, Reserved Matters Approval was granted for Phase 3 of the development (9 units) subject to planning conditions (application ref. 4/19/2359/OR1).</p>

In 2020, Reserved Matters Approval was granted for Phase 4 of the development (10 units) subject to planning conditions (application ref. 4/20/2155/OR1).

Proposal:

This application seeks approval of reserved matters in respect of Phase 5 of the development – 23no. dwellings.

The dwellings comprise a combination of single storey and two storey dwellings located adjacent to the dwellings approved under Phase 4 of the development.

It is proposed to finish the dwellings externally with facing bricks complemented by stone surrounds and detailing to the elevations under smooth grey concrete tiled covered roof structures. Grey uPVC windows and doors are proposed.

Private garden areas are proposed to each dwelling. Paved off highway parking areas are proposed. Close-boarded timber fences and hedgerows are proposed to delineate the site boundaries.

An area of defined open space and a green corridor are proposed.

The proposed layout has been amended during the determination of the planning application. The revisions include the amendment of the position of two dwellings and revisions to the levels of the garden areas and arrangement/finish of the acoustic fence.

Consultee:	Nature of Response:
Town Council	No comments received.
Cumbria County Council – Highways and LLFA	<p>Highways Authority Response</p> <p>Whilst the Local Highway Authority has no objection specifically relating to this reserved matter consultation we would like point out that again issues previously raised in response to reserved matters applications have not been resolved and we still have concerns in relation to site layout and design, which are detailed below.</p> <p>Whilst the developer provided construction details for the highway, footway and drainage systems in previous applications it is not currently known if these are being adhered too, furthermore with regard to ‘adoptable standards’ this includes the layout of the proposed site and with regard to this application currently does not meet an adoptable standard as detailed on the provided plan Phase 5 15/11/869 - 57 as follows;</p> <ul style="list-style-type: none"> • The access roads at plots 29 - 31 if this is to be a shared surface street

		<p>then a bend radius of 3m is required see Figure JR2 CDDG at a junction to a primary road minimising the impact on radius of view for crossing pedestrians see Figure JR4 CDDG. Also the footways at access roads for 29 – 31 & 41 – 48 should continue into the junction to allow for pedestrians to cross safely closest to the desired line see Figure JR5 CDDG, this is an issue throughout the site.</p> <ul style="list-style-type: none"> • If roads leading from the Primary Road are to be shared surfaces there should be a raised table transition from Primary to Shared Surfaced which continues throughout the shared surface area, a contrasting strip at the junction entrance is not acceptable. • There is no details of pedestrian crossings again this is an issue throughout the site. <p>As the site is not being put forward for adoption the County Council will not carry out any inspections to and check for adherence to our recommendations that the site be developed to meet an adoptable standard.</p> <p>Local Lead Flood Authority</p> <p>I can confirm that the Lead Local Flood Authority has no objection to the Reserved Matters for Phase 5.</p>
	Sport England	<p>1st October 2020</p> <p>Sport England has seen this planning application on Copeland Council’s website and believes that a consultation with Sport England is required. It proposes phase 5 of a residential development for 23 dwellings at Birks Road, Cleator Moor as part of a reserved matters application. Sport England was not consulted on the outline application. Local planning authorities are required by law to consult Sport England (the brand name for the English Sports Council) when they receive planning applications for development affecting playing fields. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the 2015 Order”) states that a local planning authority shall consult Sport England on “development which:</p> <ul style="list-style-type: none"> (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been— <ul style="list-style-type: none"> (a) used as a playing field at any time in the five years before the making of the relevant application and which remains undeveloped; or (b) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a

playing field with an artificial, man-made or composite surface.”

In this instance Sport England consider that the proposed development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field, namely the artificial grass pitch (AGP) at the Cleator Moor Activity Centre; and therefore Sport England is a statutory consultee as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The development proposed to the rear of the AGP could bring residential development to within 15 metres of the AGP whereby residential development could prejudice its use or lead to loss of use through potential for noise nuisance.

Sport England has a Playing Fields Policy, consistent with the National Planning Policy Framework, in place to help it assess such applications. Sport England’s Playing Fields Policy can be downloaded here:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=playing_fields_policy By being consulted on relevant planning applications and implementing its Playing Fields Policy, Sport England seeks to protect playing fields from development unless an application meets with one or more of five specific exceptions.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Paras. 97 and 182) and against its own Playing Fields Policy. Although the development is not on a playing field it could prejudice it’s use. NPPF Paragraph 182 requires planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities (including sports facilities). Existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing community facility could have a significant adverse effect on new development in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

Sport England understands that AGPs can be a potential source of noise nuisance. Sport England has produced a design guidance note on Artificial Grass Pitch (AGP) Acoustics - Planning Implications (2015) which may be of assistance to you. There is a [Link here](#) to the document on the Sport England website. The design guidance advises that dwellings within 40 metres of an AGP (and greater in some circumstances) could be likely to be affected by noise from the use of AGPs and noise mitigation measures may be required to protect homes.

The development proposes residential development within approximately 15 metres of the AGP where noise could be considered as a nuisance to the occupants of the proposed homes. In determining the application the LPA needs to ensure that the Cleator Moor Activity Centre facilities are not placed in a position where unreasonable restrictions could be imposed as a result of development permitted after its establishment, and where development is proposed in its vicinity, the applicant of the new development should be required to provide suitable mitigation. Therefore the applicant may need to provide noise mitigation measures to protect the proposed residential development from noise nuisance from the AGP, however, there is an absence of information on noise impact from the playing field to understand this matter. Unfortunately in this application there is insufficient information to enable Sport England (or the LPA) to adequately assess potential noise nuisance on the proposed residential development from the AGP and Sport England is therefore unable to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. Request that the applicant provides a noise impact assessment, undertaken by a qualified acoustic professional, of any likely noise impact from the AGP upon the residential development subject to this application, along with and an assessment of whether any or what noise mitigation measures are required as part of the residential development to protect the residential development from noise from AGP use.

Sport England's interim position on this proposal is to submit a **holding objection**. However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

The Councils Environmental Health Officers may have in-house noise expertise and be able to assist the Planning Team. I would be happy to discuss the requested information further with the applicant and/or the local planning authority if necessary.

5th November 2020

Thank you for sharing a copy of the Artificial Grass Pitch Noise Assessment Report (document ref: ENE-0994_Rev) Issue 001). Artificial grass pitches (AGPs) are a key part of the modern sporting landscape and provide valuable facilities

for local communities.

Sport England duly withdraws its holding objection now that that the noise assessment report has been submitted. It is for the LPA to assess the evidence in the report and be satisfied that the development would not cause a prejudicial impact on the Cleator Moor AGP, that this new development can be integrated effectively with existing sports facilities; and if required the developer must provide suitable mitigation to minimise adverse effects before the development is completed (NPPF paragraph 182). However, considering noise impacts for new neighbours and the potential for disturbance from the Cleator Moor AGP should have been considered early on in the planning for development of this site, either at pre-application or during any outline application.

Sport England has produced design guidance on [Artificial Grass Pitch \(AGP\) Acoustics - Planning Implications \(August 2015\)](#) which you may find helpful. Key points to note from that guidance are:

- The determining noise criteria for AGPs proximity to residential properties, to avoid moderate annoyance in the daytime and evenings, is set by The World Health Organisation's 'Guidelines for Community Noise'', and advises that the upper noise limit external to residential properties and within external living areas is 50 dB LAeq(1 hour).
- Sports such as hockey where noise impacts from balls hitting perimeter strike boards and goal back boards could be more noticeable, other sources of noise from sports sessions would be voices.
- The AGP lies in an open area where there are very few existing noise barriers. In such a location noise levels of 50dB LAeq(1 hour) could be achieved at a height of 1.5m and at a distance of 40m away; at greater heights the noise level could be higher; and reflections from buildings could also increase the level.
- Barriers and bunds can provide sound reduction by breaking the line of sight between the noise source and the receiver location. In the most basic terms, the sound attenuation increases the more the line of sight is broken. This can provide a real benefit when trying to protect houses and gardens from noise where the receiver location is relatively low. However at increased heights where there is clear sight of the AGP barrier attenuation can be relatively ineffective.
- A significant sound reduction can be achieved to areas behind a barrier, but the barrier has to be high enough.

Sport England comments on the report are as follows:

1. The key consultee with regard to planning and noise is the Environmental Health Officer (EHO) and you are strongly advised to seek advice on the accuracy and detail in the report from your own Council EHO; and seek further clarity or amplified information if needed.
2. It is known that the AGP had been used for hockey and football where the noise from the impact of balls hitting perimeter boards and goals can be more noticeable, has this been fully considered in the report?
3. The AGP lies within 15m (approximately) of the boundary of the proposed dwellings with the AGP fence, where there is potential for noise nuisance to occur. Barriers and bunds provide sound reduction by breaking the line of sight between the noise source (AGP) and the receiver location (proposed residential development). In basic terms, the sound attenuation increases the more the line of sight is broken. However, barrier attenuation is relatively ineffective when calculated at increased heights because there is a clear view of the AGP from the receiver to the noise source.
4. The report doesn't make it clear if local topography has influenced the outcome of the assessment or the mitigation.
5. The report doesn't make it clear if it has fully assessed any impacts in terms of evening and weekend use of the AGP.
6. The report appendices show noise contour diagrams but no cross sections to demonstrate the behaviour of the noise with and without an acoustic barrier in place, and it's relationship to the dwellings proposed.
7. For such a close distance between the AGP and the residential development the mitigation fencing seems unusual and noise would still travel above the fence. You are strongly advised to check with your own EHO to ascertain if this specification and level of mitigation is appropriate. I am aware of other locations elsewhere where mitigation with bunds and fencing have been used up to first floor window height (3m) and at greater separation distances between residential development and an AGP than in this proposal.
8. The precise mitigation (fencing), specification and sample materials would need to be submitted to and agreed by the LPA before the development commences. The noise report provides a description of a mitigation barrier fence. Planning conditions would need to be imposed to secure that such mitigation can be achieved.
9. Any mitigation fencing would need to be completed to the agreed specification, including position, height and density (11kg/m²) of the fencing material as specified in the acoustic assessment report, prior to occupation of any of the dwellings. Planning conditions would need to be imposed to secure that this can be achieved.

		<p>10. Any mitigation fencing would need to be maintained to the agreed specification by the developer in perpetuity. Planning conditions would need to be imposed to secure that such can be achieved.</p>
	<p>Environmental Health – Copeland Borough Council</p>	<p><i>9th November 2020</i></p> <p>Thank you for sending through the Noise Assessment and Sports England’s subsequent comments. You will have also seen Stephen Wigham’s follow up comments.</p> <p>The approach of the noise assessment seems to be reasonable. It is a shame that due to lockdown noise levels from the AGP in use were not able to be measured, however the assumptions made for the modelling were appropriate for a worst case scenario.</p> <p>With regards to concern about the potential noise on the upper floor of the properties I accept that the pitches are not used late evening or through the night so late night noise in the bedrooms should not be a material consideration. I did try to double check what times the AGP was typically open but the information is not available on the website and the activity centre is currently closed due to lockdown.</p> <p>Sports England state that in some situations fences up to 3m high have been used, particularly to protect upper floors of residential properties from noise. I do not believe that such a high fence would be appropriate in this case, however I would suggest that the height of the fence should be measured from the ground level at the back façade of the house rather than just be a fixed height. This would help account for any raised patios or slopes down the garden. In addition, the 1.8m suggested should be a minimum height.</p> <p>As noted the acoustic fence should be specified in a condition. The condition should state that:</p> <p><i>...a close boarded timber fence with a minimum mass of 11 kg/m² and a minimum height of 1.8m (measured from the ground level at the house façade) is constructed on the boundary shown in Figure 3 of the noise assessment. The barrier will need to be maintained in perpetuity and be free of knots or gaps.</i></p> <p>I note that the noise assessment states that no noise complaints have been raised by the residents of the phase 1-4 properties. I can also confirm that the Council has not received any complaints about noise from the AGP from any other nearby residential property. In particular, the properties on King George’s</p>

Close where the assessment predicted worse case noise levels from the AGP to be above 50dB (LAeq 1hr).

I hope this helps move things forward. If you need me to expand on anything please let me know.

27th November 2020

From the profile showing plot 38 it looks like a 2.5m high fence would provide the necessary 1.8m height at the building façade. If the slopes and relative levels change on other plots the fence height may need to be adjusted to meet the 1.8m at the façade (no problems if the 1.8m is exceeded).

It also appears from the profile that the playing field is lower than the garden area which should help with the noise attenuation.

As such, I can confirm that I am happy with the proposed fence.

Neighbour Responses:

The application has been advertised by way of a planning application site notice and neighbour notification letters issued to 26no. neighbouring dwellings.

No written representations have been received in respect of the proposals.

Development plan policies:

Development Plan:

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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

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 DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Design Guide (NDG).

National Planning Practice Guidance (NPPG).

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

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

In 2018, Outline Planning Permission with some matters reserved was approved subject to planning conditions for residential development on the land (application ref. 4/16/2315/001).

The relevant pre-commencement planning conditions have subsequently been discharged.

The development has commenced.

Application ref. 4/16/2315/001 remains lawfully extant.

Application ref. 4/16/2315/001 was approved on the 2nd March 2018. Planning Condition 2 requires

the submission of reserved matters before the 2nd March 2021. The current planning application was submitted on the 23rd July 2020.

Design and Landscape Impact

This application seeks the approval of reserved matters for 23no. dwellings only.

The proposed layout comprises a continuation of and is consistent in design with those dwellings approved under application ref. 4/18/2336/OR1, application ref. 4/19/2123/OR1, application ref. 4/19/2359/OR1 and application ref. 4/20/2155/OR1.

Although a mix of housing types are proposed there are a number of larger detached properties included in this phase of the development to reflect the identified need for executive style houses as set out in the SHMA and the LP.

The wider site slopes from southeast to northwest. The application site includes one of the highest points within the wider site to the southeast boundary.

Efforts have been made to reduce the level relative to the existing ground conditions to limit their projection above the surrounding dwellings. In overall terms, the proposed are appropriate to the levels of the dwellings approved under application ref. 4/18/2336/OR1, application ref. 4/19/2123/OR1, application ref. 4/19/2359/OR1 and application ref. 4/20/2155/OR1 and the site boundaries.

Highways Impacts

Access was approved at outline stage under application ref. 4/16/2315/001.

Cumbria County Council do not object to the proposed development; however, assert that the proposed layout does not accord fully with the requirements of the Cumbria Development Design Guide (CDDG). As the highway layout of the proposed phase was established under application ref. 4/16/2315/001 it is not reasonably possible to challenge the proposed and secure revisions to the layout to require that this accords with the CDDG in respect of this phase.

Off highway vehicle parking for 2no. or 3no. vehicles is proposed to each dwelling.

Opportunities exist for informal visitor parking along the highway.

Drainage

The LLFA has raised no objection.

Condition 10 and Condition 14 attached to application ref. 4/16/2315/001 remains to be discharged in respect of this phase of the development.

Residential Amenity

The proposed dwellings achieve the interface separation distances required by Policy DM12 of the CS with one exception.

The distance between Plots 46 and 49 and Plots 45 and 50 falls below the Policy DM12 requirement of 21m.

Plot 45 and 50 are single storey in height; therefore, whilst the distances fall below the requirement of Policy DM12, given the comparable levels and the potential to erect boundary structure, unacceptable impacts through overlooking etc. will not result.

Plot 46 is single storey in height and Plot 49 is two storey in height. The proposed arrangement is fundamentally unacceptable. The Applicant has submitted a Section 73 Planning Application to vary Plot 49 to comprise a single storey dwelling also to overcome this issue; however, this application is yet to be determined. To enable progression of this current application ahead of the Section 73 Planning Application, the Planning Development Manager has agreed/proposed the use of a planning condition to prevent the implementation of Plot 46 with a two storey dwelling on Plot 49.

A planning condition is proposed to remove permitted development to extend the dwellings on Plot 45 and Plot 46 without the requirement for planning permission to prevent adverse impacts.

Acoustic Impacts – Sport England

The western boundary of the Application Site is located adjacent to the Cleator Moor Activity Centre.

Sport England initially submitted a holding objection to this application on the basis that the proposed dwellings are located within approximately 15 metres of the existing artificial grass pitch (agp) where noise could be considered as a nuisance to the occupants of the proposed dwellings. It was confirmed that in determining the application it is necessary to ensure that the Cleator Moor Activity Centre facilities are not placed in a position where unreasonable restrictions could be imposed as a result of development permitted after its establishment, and where development is proposed in its vicinity, the applicant of the new development should be required to provide suitable mitigation.

The Applicant has submitted a Noise Assessment that considers the impact of the agp on the residential amenity of the proposed dwellings. The Noise Assessment demonstrates that the noise impacts can be mitigated through the erection of an acoustic fence to the west boundary of Plots 36 to 42 inclusive.

	<p>The Sport England and Copeland Borough Council – Environmental Health have been consulted in respect of the Noise Assessment.</p> <p>The submission of the Noise Assessment resulted in the withdrawal of the initial holding objection of Sport England.</p> <p>The Copeland Borough Council – Environmental Health has reviewed the Noise Assessment and has confirmed that subject to the mitigation measures proposed, unacceptable impacts will not result.</p> <p>The position of the fence has been amended and landscaping introduced to the boundary. These revisions have been the subject of consultation with Copeland Borough Council – Environmental Health who raised no objection.</p> <p>A planning condition is proposed to secure the completion of the mitigation measures detailed in the Noise Assessment and their retention for the lifetime of the development.</p> <p><i>Conclusion</i></p> <p>The principle of the development has previously been established under application ref. 4/16/2315/001.</p> <p>The proposed layout comprises a continuation of and is consistent in design with those dwellings approved under application ref. 4/18/2336/OR1, application ref. 4/19/2123/OR1 and application ref. 4/19/2359/OR1.</p> <p>The development is acceptable subject to the planning conditions proposed.</p>
8.	<p>Recommendation: Approve Reserved Matters</p>
9.	<p>Condition(s): 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</p>

plans and documents:

Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020
Cross-Section Thro' Plot 38 to 33 – Drawing No. 15/11/869-58a) received 23rd November 2020
Phase 5 Residential Development, Cleator Moor Artificial Grass Pitch Noise Assessment 14th October 2020 received 19th October 2020
Site Location Plan – Drawing No. 15/11/869-01 received 16th July 2020
Design and Access Statement – Doc Ref. 15/11/869-DAS/5 received 16th July 2020
The Crummock – Plans & Elevations – Drawing No. 15/11/869-08 received 16th July 2020
Detached Garage (Plot 45) – Drawing No. 15/11/869-59 received 16th July 2020
The Ennerdale – Plans & Elevations – Drawing No. 15/11/869-05 received 16th July 2020
The Wastwater – Plans & Elevations – Drawing No. 15/11/869-10 received 16th July 2020
The Windermere – Plans & Elevations – Drawing No. 15/11/869-11 received 16th July 2020
The Bassenthwaite – Plans & Elevations – Drawing No. 15/11/869-06 received 16th July 2020
The Buttermere – Plans & Elevations – Drawing No. 15/11/869-09 received 16th July 2020
External Material Schedule – Doc. Ref. 15/11/869-EM received 16th July 2020

Reason

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

3. None of the dwellings hereby approved shall be occupied until the vehicular access, turning and parking requirements have been constructed in accordance with the approved plan and brought into use. The vehicular access, turning and parking requirements shall be retained and capable of use at all times at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):

- no roof extensions or dormer windows shall be constructed; and,
- no extensions shall be constructed on the northeast (rear) elevation

of the dwellings identified as Plot 45 and Plot 46 on Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020 without the express permission of the Local Planning Authority.

Reason

To safeguard the residential amenity of neighbouring dwellings in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

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

6. Prior to the occupation of any Plots 36 to 42 (inclusive) as identified on Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020 the noise mitigation measures detailed in Section 4.3 of the Phase 5 Residential Development, Cleator Moor Artificial Grass Pitch Noise Assessment 14th October 2020 received 19th October 2020; Cross-Section Thro’ Plot 38 to 33 – Drawing No. 15/11/869-58a) received 23rd November 2020; and, Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020 shall be implemented. The noise mitigation measures shall be retained for the lifetime of the development.

Reason

To ensure a minimum standard of residential amenity when the development is brought into use in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

7. In the event that a dwelling of two full storeys in height is erected on Plot 49 identified on Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020, the dwelling identified as Plot 46 on Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020 shall not be erected.

Reason

To ensure a minimum standard of residential amenity when the development is brought into use in accordance with Policy ST1 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

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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Chris Harrison

Date : 30.11.2020

Authorising Officer: N.J. Hayhurst

Date : 30/11/2020

Dedicated responses to:- N/A