

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/20/2288/OF1 |
| 2. | Proposed Development: | PROPOSED THREE BEDROOMED BUNGALOW |
| 3. | Location: | PLOT 6, CLEATOR GATE, JACKTREES ROAD, CLEATOR |
| 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>The Application Site comprises a parcel of land located at Cleator Gate, Cleator.</p> <p>The Application Site is located to the west of the C4024.</p> <p>The Application Site comprises a plot on the residential development that has been partially constructed under the provisions of planning application refs. 4/15/2304/001, 4/16/2351/0R1 and 4/17/2280/0R1.</p> <p>The access and associated infrastructure and 1no. dwelling has been constructed to date.</p> <p>Direct Planning Application History</p> <p>4/14/2327/001 – Outline Planning Application – 6no. dwellings. Approved.</p> <p>4/15/2177/001 – Outline Planning Application – 6no. dwellings. Withdrawn.</p> <p>4/15/2304/001 – Outline Planning Application – 6no. dwellings. Approved.</p> <p>4/16/2351/0R1 – Reserved Matters Application – Layout and drainage. Approved.</p> |

Proposal:

This application seeks Full Planning Permission for the erection of 1no. dwelling.

The proposed comprises a detached bungalow finished externally with a combination of grey facing brick, render and slate to the elevations under a concrete tile covered dual pitched roof structure.

Anthracite coloured uPVC windows, doors, fascia and rainwater goods are proposed.

Access is proposed via the existing access road serving the wider development leading to a permeable surfaced parking and turning rear. An ACO channel drain is proposed to prevent surface water discharging to the highway.

It is proposed to enclose the curtilage with a combination of 1.8m and 0.9m high hit and miss timber fencing.

It is proposed to dispose of foul water to the public main and surface water to a watercourse via a scheme of attenuation.

The design of the dwelling has been revised during the course of the planning application.

| Consultee: | Nature of Response: |
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| Town Council | No comments received. |
| Cumbria County Council – Highways and LLFA | Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning application and would inform you there are no objections to the proposal subject to the following conditions being included in any notice of consent that may be issued:- 1) Access gates, if provided, shall be hung to open inwards only away from the highway. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8 2. The proposed plot boundary enclosure arrangements are not shown on a drawing, this needs to be submitted for approval to ensure they do not interfere with highway sight lines. |
| Flood and Coastal Defence | No comments. |

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| Engineer | |
| United Utilities | <p>No objection providing the drainage proposal is in line with the agreed one of the whole development.</p> <p>A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 10 metres, 5 metres either side of the centre line of the sewer which is in accordance with the minimum distances for maintenance or replacement.</p> <p>A modification of the site layout, or a diversion of the affected public sewer may be necessary to comply with the above requirements. All costs associated with sewer diversions must be borne by the applicant.</p> <p>To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.</p> <p>Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.</p> <p>Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.</p> |
| Neighbour Responses: | |
| The application has been advertised by way of an application site notice. | |
| No representations have been received. | |

Development plan policies:

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

Core Strategy (CS):

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy SS1 – Improving the Housing Offer
- Policy SS2 – Sustainable Housing Growth
- Policy SS3 – Housing Needs, Mix and Affordability
- 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 DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

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).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

Interim Housing Policy (IHP).

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

[Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#) (SBCHA).

[Self-build and Custom Housebuilding Regulations 2016](#) (SBCHR).

Emerging Copeland Local Plan

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;

Outline Planning Application Ref. 4/15/2304/001 has expired therefore an application for approval of reserved matters following outline approval cannot be submitted in relation to the Application Site.

Policy ST2 of the CS identifies Cleator as a Local Centre.

Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

Figure 3.3 of the supporting text to Policy ST2 identifies that the 14no. Local Centres will deliver not more than 45 dwellings per annum throughout the plan period based upon an annual housing requirement of 230 dwellings per annum.

Policy ST2 of the CS states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including... *housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.*

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Copeland Borough Council is currently unable to demonstrate a five year supply of housing land; therefore, the provisions of the presumption in favour of sustainable development outlined in Paragraph 11 of the NPPF must be applied in the determination of this application.

In applying the presumption in favour of sustainable development detailed in Paragraph 11, the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission 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 Application Site is located out with the settlement boundary for Cleator as defined in Policy ST2 of the CS.

In the context of the provisions of Paragraph 11, the defined development boundary for Cleator must be considered out of date.

An Interim Housing Policy (IHP) has been produced by Copeland Borough Council. The policy does not

comprise part of the statutory development plan and was prepared under the provisions of the NPPF 2012; however, the policy provides guidance regarding the acceptability of development proposals when applying the presumption in favour of sustainable development and comprises a material planning consideration to be given some weight in decision taking.

In applying the provisions of Paragraph 11:

- the Site would assist in a small way in boosting housing supply to meet the identified need for housing in Cleator and the wider Borough;
- the proposed development is appropriate in scale to the designation of the Cleator as a Local Centre in accordance with the spatial objectives of Policy ST2 of the CS and the requirements of Criterion A of the IHC;
- the Site is located in close and convenient proximity to the services and employment opportunities located within Cleator for which the settlement has been designated as a Local Centre in Policy ST2 of the CS. The proposed development will support existing services and thus the aspiration of retaining these services and achieves the requirements of Criteria B and D of the IHP;
- Some sustainable travel options exist within the vicinity of the settlement as per the provisions of Policy DM22 of the DMP;
- The previously approved Outline Planning Applications, whilst now expired are material planning considerations to be given weight in decision taking; and,

Housing Need;

Cleator falls within the Whitehaven Housing Market Area (HMA) of the Copeland Strategic Housing Market Assessment (SHMA).

The SHMA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows.

The proposed development comprises an executive bungalow and so will assist in providing a greater balance of market housing stock within Cleator in accordance with the provisions of Policy SS3 of CS, Criteria A, H and I of the IHP and Paragraph 61 of the NPPF.

Whilst the initial Outline Planning Permission has expired, the proposed also comprises a self-build dwelling on a serviced self-build plot.

Design, Settlement Character, Landscape Impact and Visual Impact;

The Site comprises a plot on a development that has been partially constructed under the provisions of planning application refs. 4/15/2304/001, 4/16/2351/OR1 and 4/17/2280/OR1.

The layout of the development accords with that defined by the provisions of planning application refs. 4/15/2304/001, 4/16/2351/OR1 and 4/17/2280/OR1.

The proposed dwelling is large in overall scale and massing. It is, however, no greater in scale and massing to the dwellings approved on the remainder of the development and so is not considered unacceptable.

The form of the dwelling is in part limited and influenced by the existing United Utilities infrastructure that crosses the Application Site.

The proposed external finishes are consistent with the dwellings approved on the remainder of the development.

Whilst the design of the dwelling could be more refined with specific regard to the form, the use of the proposed materials and fenestration details, it is not unacceptable in its context.

The design of the dwelling has been amended during the course of application to introduce facing stone and a window to the side elevation of the garage to introduce visual interest and break up the elevation.

The proposed therefore accords with the provisions of Policy ENV5 of CS, Criteria G, K and L of the IHP and Paragraph 170 of the NPPF.

Drainage, United Utilities Infrastructure and Flood Risk;

The Site is located within Flood Zone 1.

The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

It is proposed to dispose of surface water to a watercourse via a scheme of attenuation as approved under planning application refs. 4/15/2304/001, 4/16/2351/OR1 and 4/17/2280/OR1 and accords with the national drainage hierarchy. The scheme includes measures to prevent water discharging from the development onto the public highway.

Ecology;

The Site comprises a former area of agricultural land on which the access to the development and drainage infrastructure has been created.

The Site is of limited ecological interest.

The development is unlikely to adversely impact upon protected or local important species.

A European Protected Species Licence will not reasonably be required.

Highways;

Cumbria County Council – Highways have been consulted.

Access is proposed via the existing access road serving the wider development leading to a permeable surface parking and turning area.

Off highway parking exists for 4no. vehicles.

Cumbria County Council - Highways have recommended planning conditions requiring gates to open inwards away from the highway.

A planning condition is proposed to ensure that the visibility splays to the existing access are not impeded.

Residential Amenity;

Given the scale, form and location of the proposed dwelling in relation to the existing dwellings, proposed dwellings on Plot 4 and Plot 5 and potential dwelling plots to the south, no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result.

Given the scale of the development and the fact that the development is self-build, it would not be reasonable or proportionate to impose a planning condition securing a Construction Method Statement and hours of construction limitations. If nuisance were to occur, potential would exist to address this under other legislation.

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| | <p><i>The Planning Balance;</i></p> <p>The Application Site is located out with the settlement boundary for Cleator as defined in Policy ST2 of the CS.</p> <p>As Copeland Borough Council is currently unable to demonstrate a five-year supply of housing land, the provisions of Policy ST2 of the CS must be considered out of date and Paragraph 11 of the NPPF must be applied.</p> <p>The development will clearly: assist in boosting housing supply; is of appropriate scale for a Local Centre; will support the retention of existing services locally; and, benefits from some limited sustainable travel options.</p> <p>The identified conflict with Policy ST2 in respect of the location out with the defined development boundary must be given limited weight only.</p> <p>The previously approved Outline Planning Applications, whilst now expired are material planning considerations to be given weight in decision taking.</p> <p>The development will contribute towards the availability of self-build plots within the Borough.</p> <p>The development is contained within existing approved development will not result in adverse impacts upon settlement character or harmful landscape and visual effects.</p> <p>The development is acceptable in respect of design, flood risk, drainage, ecology and highway impacts.</p> <p>In overall terms, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and is considered to accord with the policies of the Development Plan when taken as a whole.</p> |
| 8. | <p>Recommendation: Approve (commence within 3 years)</p> |
| 9. | <p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall begin not later than three years from the date of this decision. <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as</p> |

amended by Section 51 of 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:-

Planning Application Form received 23rd July 2020

Design and Access Statement – Ref. DAS-001 Rev A received 29th September 2020

Proposed Site Plans - Drawing No. BT-P6-CG-003 received 23rd July 2020

Proposed Site Drainage Plans– Drawing No. BT-P6-CG-004 received 23rd July 2020

Proposed Site Plan and Proposed Block Plan – Drawing No. BT-P6-CG-002 Rev. A received 29th September 2020

Proposed Block Plan 1/2500 – Drawing No. BT-P6-CG-003 Rev. B received 29th September 2020

Proposed Elevations and Floor Plans – Drawing No. BT-P6-CG-001 Rev. A received 29th September 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. The dwelling hereby approved shall not be occupied until the approved surface water and foul water disposal works have been completed on site in accordance with the approved plans and details. The approved works shall be retained for the lifetime of the development.

Reason

To ensure adequate provision is made for the management of surface water and sewage disposal in accordance with Policy ENV1 of the Copeland Local Plan 2013-2028.

4. The dwelling hereby approved shall be not occupied until the approved parking layout has been constructed and made available for use. The approved parking layout shall be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan 2013-2028.

5. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan 2013-2028.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 grow to a height above 1m within the visibility splays identified on Proposed Site Plan and Proposed Block Plan – Drawing No. BT-P6-CG-002 Rev. A received 29th September 2020 for the lifetime of the development.

Reason:

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan 2013-2028.

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. A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 10 metres, 5 metres either side of the centre line of the sewer which is in accordance with the minimum distances for maintenance or replacement.

A modification of the site layout, or a diversion of the affected public sewer may be necessary to comply with the above requirements. All costs associated with sewer diversions must be borne by the applicant.

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with United Utilities Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

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| Case Officer: C. Harrison | Date : 06/10/2020 |
| Authorising Officer: N.J. Hayhurst | Date : 07/10/2020 |
| Dedicated responses to:- N/A | |