

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2120/001
2.	Proposed Development:	OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR THREE DWELLINGS
3.	Location:	LAND ADJACENT TO TANGLIN, JACKTREES ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to an area of land to the south of the dwelling known as Tanglin, situated between Earl Street and Jacktrees Road. PROPOSAL Outline Planning Permission is sought for the erection of up to three dwellings on the site. All matters relating to layout, scale, appearance, means of access thereto and landscaping have been reserved for future approval. RELEVANT PLANNING APPLICATION HISTORY There have been no previous planning applications on this site.	

CONSULTATION RESPONSES

Town Council

No comments received.

Cumbria Highways

Raised no objections to the development subject to conditions relating to visibility splays, the provision of access and turning to the required specifications and detailed drawings of the access and frontage to be approved.

Local Lead Flood Authority

No objections subject to conditions relating to the provision of a full surface water drainage scheme.

United Utilities

Raised no objections to the proposal, subject to conditions relating to surface water drainage and drainage to be on separate systems.

The Coal Authority

Initially raised substantive concerns to the development and objected. Further to the receipt of a coal mining risk assessment, raised no further objections.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 3 no. properties.

No consultation responses have been received as a result of this consultation process.

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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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 Proposal and Flood Risk
Policy DM26 – Landscaping

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 Design Guide (NDG).
Cumbria Development Design Guide (CDG)
Strategic Housing Market Assessment 2019 (SHMA)
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)
The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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

Introduction

This outline application seeks to establish the principle of developing this site for residential purposes. All matters relating to layout, scale, appearance, means of access thereto and landscaping have been reserved for subsequent approval.

Principle of development

The site falls within the existing settlement boundary for Cleator Moor and is located within an existing residential area. It is brownfield land, having previously been used for garaging. Policies ST2, SS1, SS2 and SS3 seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market. Cleator Moor is designated as a Key Service Centre within the Borough where development of an appropriate scale.

Cleator Moor has a variety of local services, education facilities and sustainable transport options and is therefore considered to be suitable for development. The site is within easy walking distance of the main shopping area and is considered to be sustainable.

On this basis, the principle of development is acceptable and is considered to comply with Policies ST2, SS1, SS2 and SS3 of the Local Plan.

Housing Need

Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the SHMA.

Cleator Moor falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of three bedroom houses, semidetached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The illustrative site layout plan and supporting documentation outlines that the proposed dwellings are likely to comprise of market homes which have the potential to assist in providing a greater balance of market housing stock within Cleator Moor in accordance with Policy SS3 of the CS. No affordable housing is proposed in accordance with the provisions of Paragraph 63 of the NPPF which sets out that the provision for affordable housing should not be sought for residential developments that are less than 10 units.

Design and Siting

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that a development layout is deliverable with interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking. The requirements of Policy DM12 of the Local Plan are

considered achievable.

Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The proposed development would comprise an infill development within an existing residential estate. Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that the site could be developed in a manner that respects the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with policies ST1 and ENV5 of the Copeland Local Plan and provision of the NPPF.

Access and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The submitted indicative block plan demonstrates how three dwelling can be situated within the site to allow a reasonable amenity space for the properties and their surroundings, as well as provide sufficient access and parking. No details of the access have been submitted at this stage, however it is likely that there will be sufficient visibility in both directions to serve the dwellings. Details of the access will be dealt with at Reserved Matters stage.

Cumbria Highways have requested a number of conditions for this site including visibility splays, surface water discharge into the highway, and the use of a bound material on part of the driveway. However, as this is an outline application with all matter reserved these issues cannot be conditioned as part of this outline application and will be addressed as part of any subsequent reserved matters applications for this site.

Overall, it is considered that the submitted details demonstrate that the site can be developed in a way that complies with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

The proposal is therefore considered compliant with Policies ST1 and DM22 of the local plan and

considered to be satisfactory in this respect, with full details to be assessed at the reserved matters stage.

Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 1.

United Utilities and the LLFA have commented on the application. It has been requested that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. In line with these comments relevant conditions are proposed to ensure an adequate drainage system can be secured to serve the site and to ensure a surface water drainage scheme is achievable based on the hierarchy of drainage options set out in the NPPF. These details should be secured prior to commencement of works on the site.

The imposition of these conditions will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Ground Conditions

The application site is located within a coal referral area and the application was originally submitted without any information in relation to ground conditions. The Coal Authority were consulted and raised fundamental concern with the proposal, due to lack of information and the likelihood of there being historic unrecorded coal workings at a shallow depth. In response to this the Applicant undertook a Preliminary Coal Mining Risk Assessment which concluded the following:

The desk-based information indicates that the site is underlain by Glacial Till deposits over solid geology comprising Frizington Limestone Formation. These deposits are devoid of productive coal seams and therefore the development site is not considered to be at risk of coal mining related geohazards.

Whilst there is a history of iron ore mining in the general area, the published geological plan (NY01SW) indicates that subsurface iron ore (haematite) mining has occurred close to, but not beneath the site. Therefore, when taking into consideration the desk-based information presented to GEO, the site is not considered to be at significant risk of subsurface iron ore mining and no intrusive ground investigations or remedial measures relating to historical iron ore mining are considered necessary at this time.

Any items not specifically mentioned cannot be assumed to be covered. GEO is not responsible for the accuracy or completeness of third-party information contained within this report. It is recommended that care and consideration of potential mining features be made during any planning, design and

	<p><i>construction works on site.</i></p> <p><i>A watching brief is recommended during any development works to ensure that if evidence of mine workings or mine entrances are encountered then works should be stopped and advice should be sought from an appropriately qualified and experienced Geo-Environmental Engineer.</i></p> <p>The Coal Authority reviewed the report and withdrew the objection, stating that the submitted report indicates that the site is underlain by solid strata of the Frizington Limestone Formation, which is devoid of productive coal seams. As such, the report author does not consider the site to be at risk of coal mining related geohazards. They confirm that they are satisfied that intrusive ground investigations or remedial measures are not required.</p> <p><u>Planning Balance and Conclusion</u></p> <p>No objections have been received to the proposal from neighbouring or statutory consultees, subject to conditions.</p> <p>The site lies within the development boundary of one of Copeland's Key Service Centres and is capable of accommodating three dwellings satisfactorily, provided that the overall scale and siting is carefully considered in order to maintain amenity. The principle of development is therefore considered to be appropriate.</p> <p>The development will help in boosting housing supply within Cleator Moor and is of an appropriate scale for a Key Service Centre in accordance with the spatial objectives of the Local Plan.</p> <p>It will be viewed in the context of the surrounding built form of this part of Cleator Moor which will limit its visual impact.</p> <p>All other detailed matters will be considered at the reserved matters stage.</p> <p>On balance, this is considered to be an acceptable form of sustainable development which accords with the policies set out in the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <p>1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.</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>

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

a) The expiration of THREE years from the date of this permission

Or

b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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 20th March 2021;

Block Plan, scale 1:500, received 20th March 2021;

Design and Access Statement, written by Green Swallow, dated 20th March 2021, received 22nd March 2021;

Preliminary Coal Mining Risk Assessment, written by Geo Environmental Engineering, received 27th May 2021.

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.

Pre-commencement conditions

4. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence

of an assessment of ground conditions and the potential for infiltration of surface water;
(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
(iii) A timetable for its implementation

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to the commencement of development hereby approved, a full 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 so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Other Conditions

6. Foul and surface water must be drained on separate systems.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

7. This permission gives outline approval for a maximum of three dwellings only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions

of Policy ST1 and DM12 of the Copeland Local Plan 2013 - 2028.

Informative

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

	<p>Statement</p> <p>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.</p>
<p>Case Officer: Sarah Papaleo</p>	<p>Date : 15/06/2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 18/06/2021</p>
<p>Dedicated responses to:- N/A</p>	