

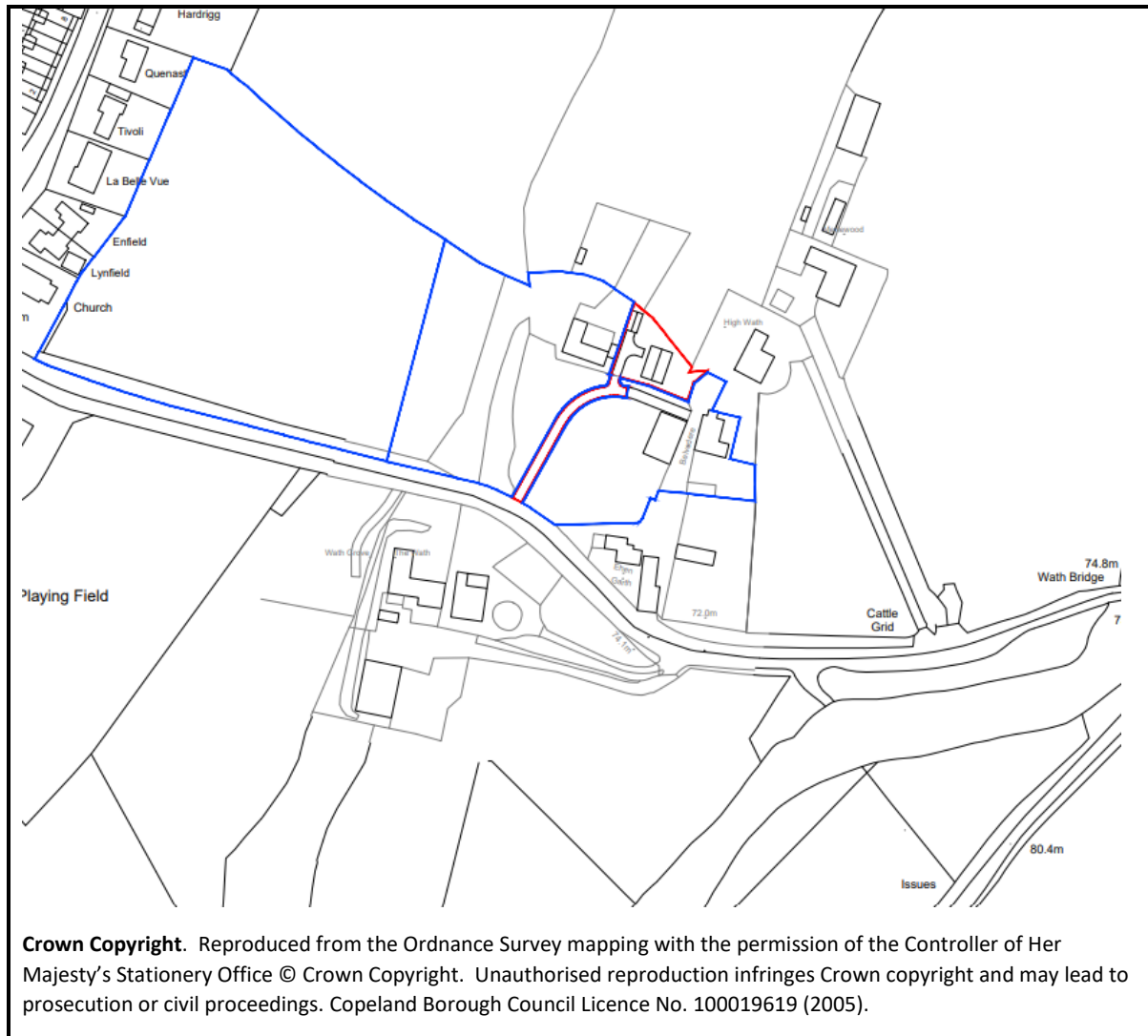


To: PLANNING PANEL

Development Control Section

Date of Meeting: 29/09/2021

Application Number:	4/21/2202/001
Application Type:	Outline : CBC
Applicant:	Gerard Coan
Application Address:	LAND ADJACENT BELVEDERE, WATH BROW, CLEATOR
Proposal	OUTLINE (WITH ALL MATTERS RESERVED) FOR A SINGLE RESIDENTIAL DWELLING
Parish:	Cleator Moor
Recommendation Summary:	Approve in Outline (commence within 3 years)



Reason for Determination by Planning Panel:

This Outline Planning Application is brought for consideration by the Planning Panel as the proposed development comprises a technical departure from the provisions of the Development Plan.

Site and Location:

The Application Site comprises a 0.09 hectare parcel of land located to the north of the property known as Belvedere, Wath Brown, Cleator.

The Application Site is bounded by a stable block to the west; a parcel of agricultural land to the north; and, existing dwellings to the south and east.

The Application Site is enclosed by a combination of walls and hedgerows. A line of mature trees exist to the southern boundary.

Directly Relevant Planning Application History

None.

Proposal:

This application is an Outline Planning Application with all matters reserved for a single residential dwelling.

Access to the Application Site is deliverable via the existing access serving the property known as Belvedere only.

An Illustrative Site Plan has been prepared showing the ability to accommodate a single dwelling and detached garage on the Application Site.

Additional information has been submitted during the course of the determination of the planning application in relation to the ability to achieve a satisfactory access.

Consultee:	Nature of Response:
Parish Council	<p>No comments received.</p> <p>No comments could be identified in the minutes of the meetings of Cleator Moor Parish Council.</p>
Cumbria County Council – Highways and LLFA	<p>11th June 2021</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>The access at present would not be acceptable by the Highway Authority standards, the proposed shared access would require improvements to allow 2 cars to pass on the access without either car having to wait on the highway. The widening of the access should be widened at 4.1m for the first 10m into the site from the carriageway edge. The boundary material for this improvement should be permeable and extended 5m from the carriageway edge.</p>

	<p>Visibility splays will be required as the adjacent highway operates at a 60mph road speed limit from the private site. The required visibility splay for a 60mph speed road should be 215m at the minimum in both directions back by 2.4m and at a height of 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. The latter dimension is used to ensure small children can be seen. Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicant's ownership. If the required visibility splays cannot be achieved, we would strongly recommend they carry out a speed survey or show speeds reflect the required visibility splays.</p> <p>It is notable that a refuse vehicle would unlikely enter the site therefore we recommend a refuse collection area is considered close to the access to avoid bins obstructing the highway.</p> <p>With the comments above considered, I can confirm that the Highway Authority and Lead Local Flood Authority has no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:</p> <ol style="list-style-type: none"> 1) The development shall not commence until visibility splays providing clear visibility of 215 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8 2) The use of the development shall not be commenced until the access has been formed to give a minimum access width of 4.1 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8
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	<p>3) The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8</p> <p>4) Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8</p> <p>5) Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter. Reason: To support Local Transport Plan Policies: LD7, LD8</p> <p>6) Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45-degree splays to each side. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8</p> <p>LLFA Response</p> <ul style="list-style-type: none"> - The Environment Agency (EA) surface water maps indicate that the site is in flood zone 1 but is also very close to an area shown as Flood Zone 2 & 3. The planner may wish to consider if they need to contact the Environment Agency regarding a flood risk assessment. - The LLFA surface water map show flooding to the area and indicate 1 in 30 chance of occurring each year.
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Note:- A PROW (public footpath/bridleway/byway) number 403007 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

26th August 2021

Further to the submission of the speed survey results where it has been confirmed that the 85th%ile speeds were 32mph westbound and 31mph eastbound coupled with the 7% gradient therefore reducing the required visibility splays to 41.1m to the left and 46.2m to the right of the access. Please see below the amended condition.

The access at present would not be acceptable by the Highway Authority standards, the proposed shared access would require improvements to allow 2 cars to pass on the access without either car having to wait on the highway. The widening of the access should be widened at 4.1m for the first 10m into the site from the carriageway edge. The boundary material for this improvement should be permeable and extended 5m from the carriageway edge.

It is notable that a refuse vehicle would unlikely enter the site therefore we recommend a refuse collection area is considered close to the access to avoid bins obstructing the highway.

With the comments above considered, I can confirm that the Highway Authority and Lead Local Flood Authority has no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

- 1) The development shall not commence until visibility splays providing clear visibility of 41.1m left x 2.4m x 46.2m right down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

- 2) The use of the development shall not be commenced until the access has been formed to give a minimum access width of 4.1 metres, and

	<p>that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8</p> <p>3) The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8</p> <p>4) Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8</p> <p>5) Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter. Reason: In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8</p> <p>6) Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45-degree splays to each side. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8</p> <p>LLFA Response</p> <ul style="list-style-type: none"> - The Environment Agency (EA) surface water maps indicate that the site is in flood zone 1 but is also very close to an area shown as Flood Zone 2
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	<p>& 3. The planner may wish to consider if they need to contact the Environment Agency regarding a flood risk assessment.</p> <ul style="list-style-type: none"> - The LLFA surface water map show flooding to the area and indicate 1 in 30 chance of occurring each year. <p><i>Note:- A PROW (public footpath/bridleway/byway) number 403007 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.</i></p>
United Utilities	<p>In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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.</p> <p>The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:</p> <ol style="list-style-type: none"> 1. into the ground (infiltration); 2. to a surface water body; 3. to a surface water sewer, highway drain, or another drainage system; 4. to a combined sewer. <p>We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.</p>
Cumbria County Council – Countryside Access	<p>Public Footpath 403007 follows an alignment to the east side of the development area and must not be altered or obstructed before or after the development has been completed, if the Footpath is to be temporarily obstructed, then a formal temporary closure will be required, there is a 12 week lead in time for this process, please contact Sandra.smith@cumbria.gov.uk for further information.</p>
Neighbour Responses:	
<p>The application has been advertised by way of an application site notice, press notice and neighbour notification letters sent to 8no. neighbouring properties.</p> <p>No representations have been received.</p>	

Planning Policy

Planning law requires that 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 (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

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

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).

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

Cumbria Development Design Guide (CDDG).

Manual for Streets (MfS).

Emerging Copeland Local Plan (ECLP).

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:

Principle:

Policy ST2 of the CS identifies Cleator Moor as a Key Service Centre.

Policy ST2 of the CS states that Key Service Centres are to support moderate levels of development reflecting the respective scale and function of these smaller towns and contribute to the regeneration of their town centres. Figure 3.3 of the supporting text to Policy ST2 identifies that Cleator Moor will deliver at least 23 dwellings per annum throughout the plan period 2013-2028 based upon an annual housing requirement of 230 dwellings per annum.

The Application Site is located out with the settlement boundary for Cleator Moor as defined in Policy ST2 of the CS.

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 the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as

set out in paragraph 74); 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.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Preferred Options Draft (ECLP) ended in December 2020. The ECLP will, once adopted, replace the policies of the adopted CS.

The ECLP has been drafted based upon an evidence base of documents which includes a updated Strategic Housing Market Assessment (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

The ECLP continues to identify Cleator Moor as a Key Service Centre reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP continues to identify the Application Site as outside the revised development boundary for Cleator Moor.

Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, as the document is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, the identified conflict can be given little weight at present.

In the context of the above, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application 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.

In applying the provisions of Paragraph 11:

- the Application Site would assist in significantly boosting housing supply to meet the identified need for housing in Cleator Moor and the wider Borough as detailed in Policy ST2 of the CS and the ECLP as required by the NPPF;

- the proposed development comprising the erection of 1no. dwelling is appropriate in size and character to the Key Service Centre of Cleator Moor in accordance with the spatial objectives of Policy ST2 of the CS and ECLP;
- the Application Site is located outside of the defined development boundary in Policy ST2 of the CS; however, footpath linkages exist that provide connections to the wide range of services and employment opportunities located within the Cleator Moor for which the settlement has been designated as a Key Service Centre in Policy ST2 of the CS and is proposed for designation in the ECLP. The proposed development will support existing services and thus the aspiration of Cleator Moor to become thriving place; and,
- Sustainable travel options exist within the vicinity. An existing bus stop is located within 400m of the Site and is accessible via footpath linkages and local cycle routes provide linkages to the National Cycle Network Route 72 as required by Policy DM22 of the CS.

Housing Need

Cleator Moor falls within 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, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a low need for new affordable housing.

Policy SS3 of the CS seeks to establish a supply of sites suitable for executive and high quality family housing within Cleator Moor.

The illustrative site layout plan demonstrates that a larger executive or market family home is deliverable on the Application Site.

The proposed development will reasonably assist in providing a greater balance of housing stock within the Cleator Moor area in accordance with the provisions of Policy SS3 of CS.

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.

Paragraph 174 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes... and b) recognising the intrinsic character and beauty of the countryside.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Application Site as being located in an area of landscape character Sub Type 11a Foothills.

The key characteristics of Sub Type 11a are stated as: rolling, hilly or plateau farmland and moorland; occasional rocky outcrops; hills dissected by numerous streams and minor river valleys; areas of improved grassland, unimproved heathland and extensive conifer plantations; semi natural woodland in the small valleys; and, large areas of farmland bounded by stone walls and hedges.

The guidelines for development in areas of Sub Type 11a include: protecting village fringes from unsympathetic development; resisting development of important open spaces such as small pastures or woods within villages; and, conserving the rural character of the existing small road network.

The Application Site is located within close proximity to the Lake District National Park, which is a nationally designated landscape.

Paragraph 176 of the NPPF requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks... which have the highest status of protection in relation to these issues and that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Application Site comprises a small parcel of land that is well related to an existing group of buildings and dwellings with a stable block existing to the west and existing dwellings to the south and east. A line of mature trees exist to the southern boundary. The existing buildings, dwellings and landscaping screen the Application Site in short and long range views from the south, east and west.

The surrounding land to the north and west rises up towards Frizington Road and Red Beck Road. This landform in combination with the existing development and landscaping screens the Application Site in short and long range views from the west. Short and longer range views of the Application Site exist from the north and east; however, in such views, the proposed dwelling would be viewed in the context of the existing buildings, dwellings and landscaping and so would not cause unacceptable visual harm or landscape character harm.

It not considered that the proposed dwelling would impose to any great extent upon the existing views experienced from the Lake District National Park and existing views of its westernmost higher fells.

Residential Amenity

Whilst all matters are reserved for subsequent approval, the Illustrative Site 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.

Highway Safety and Parking

Access to the Application Site is deliverable via the existing access serving the property known as Belvedere only.

Cumbria County Council – Highways initially confirmed that the existing access to the C4017 from the property known as Belvedere would need to be widened to at least 4.1m for the first 10m so that two cars can pass without either having to wait on the public highway; and, that visibility splays of 2.4m x 215m would be required to accommodate the proposed development.

The Applicant subsequently commissioned an automated traffic count survey of the C4017. The speed survey recorded average 24-hour 85th percentile speeds of 32mph westbound (travelling uphill); and, 31mph eastbound (travelling downhill). As the 85th percentile speeds are below 37mph, the Manual for Streets is applicable for determining the recommended visibility splays. Accounting for the c.7% gradient on the C4017 a visibility splay of 41.1m x 2.4m is required to the left (looking downhill); and, a visibility splay of 46.2m x 2.4m is required to the right (looking uphill).

A plan has been prepared to demonstrate the visibility splays recommended in the Manual for Streets and required widening of the existing access could be accommodated/delivered on land in the ownership and control of the Applicant.

Traffic volumes were recorded by the automated traffic count survey. This confirmed an average daily total of 1531 vehicles and an average of 60 vehicles in the AM peak hours. The proposed dwelling would be expected at most to generate 1 trip in each network peak hour, resulting in immaterial impacts that can easily be accommodated on the local road network.

Cumbria County Council – Highways has been consulted and has confirmed that the visibility splays recommended by the Manual for Street and widening etc. are acceptable subject to the imposition of planning conditions.

It is clear that an acceptable access is therefore deliverable. As access is a reserved matter, it is not appropriate to impose the planning conditions relating to the access at this stage, with these to be imposed at the reserved matters stage.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site.

The proposed development would not impact upon the route or cause unacceptable harm to the setting of the existing Public Right of Way to the east of the Application Site.

Flood Risk and Drainage

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

The Application Site is not shown to be liable to surface water flooding.

It is proposed to dispose of surface water to a soakaway which accords with the national drainage hierarchy.

No details are provided in respect of foul water disposal.

A planning condition is proposed requiring the submission, approval and implementation of a detailed scheme for the disposal of foul water and surface water in accordance with the national drainage hierarchy.

Arboriculture and Ecology

The Application Site comprises an existing hard surfaced access and an existing area of hard standing and therefore is of limited ecological interest.

The creation of the proposed access will require removal of a small number of existing trees. These trees are not important in wider landscape terms and given their nature and form etc. have low potential for the presence of bats; therefore, a protected species licence is unlikely to be required.

The Planning Balance

For the reasons outlined above, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with 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:

- iii. 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
- iv. 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 proposed development is in clear conflict with the provisions of Policy ST2 of the CS with regard to the location out with the settlement boundary for Cleator Moor; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

It is considered that some adverse impacts upon the character of the landscape will result from the proposed development; however, this will be only minor adverse. The development will also result in the loss of existing trees.

In overall terms, whilst conflicts are identified it is considered that these conflicts and impacts are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which include: the provision of housing to meet the needs of the settlement/borough; boosting the economy of the settlement/borough including the provision of jobs during construction; and, supporting local services when assessed against the policies in the NPPF taken as a whole.

Recommendation: -

Approve subject to the planning conditions outlined at the end of this Planning Panel report.

Conditions

Standard Conditions

1. The layout, scale, appearance, access and landscaping shall be as may be approved by the Local Planning Authority.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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: -

Application Form received 5th May 2021

Location Plan – Drawing No. 1961-002 received 5th 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/Occupation

Drainage

4. No development shall commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

5. No development shall commence until details of works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works for the disposal of sewage have been provided on the site to serve the development. The approved works shall be retained of the lifetime of the development thereafter.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

Construction

6. No development hereby approved shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The statement shall include:

- details of the means of access and parking for construction traffic and vehicles
- procedures for the loading and unloading of plant and materials
- details of the storage of plant and materials used in construction

- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the River Ehen
- a scheme for recycling/disposing of waste resulting from construction works.

The approved Construction Method Statement and Management Plan shall be adhered to throughout the construction period.

Reason:

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

7. No site clearance, preparatory work or development shall take place until a scheme for the protection and future management of the retained trees (the tree protection plan) has been submitted to and agreed in writing with the Local Planning Authority. The tree protection measures shall be carried out as described and approved and the trees shall be permanently retained.

Reason:

To adequately protect the existing trees on site which are considered worthy of retention in accordance with the provisions of Policy DM28 of the Copeland Local Plan 2013-2028.

Other Conditions

Drainage

8. Foul and surface water shall be drained on separate systems.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

Hours of Construction

9. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the

Copeland Local Plan 2013-2028.

Contamination

10. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To ensure the protection of controlled waters from potential land contamination in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

Informative

COAL FIELD STANDING ADVICE AREAS - ALL DEVELOPMENT

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
<<http://www.groundstability.com>>

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.