



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2239/0F1
2.	Proposed Development:	ERECTION OF DETACHED DWELLING
3.	Location:	PLOT 3, 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: Site and Location: <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/OR1 and 4/17/2280/OR1.</p> <p>The access and associated infrastructure and 1no. dwelling has been constructed to date.</p> Direct Planning Application History <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 Withdrawn.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/OR1 – Reserved Matters Application – Layout and drainage. Approved.</p> <p>4/17/2280/OR1 – Reserved Matters Application – Plot 4 – Approved.</p> <p>4/19/2222/OR1 - Reserved Matters Application – Plot 5 – Could not proceed.</p>	

4/19/2280/OF1 – Proposed Dwelling – Approved.

4/19/2432/OF1 – Proposed Dormer Bungalow – Approved.

Proposal:

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

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

Anthracyte coloured uPVC windows and doors 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:
Parish Council	No comments received.
Cumbria County Council – Highways and LLFA	<p><i>28th July 2021</i></p> <p>Thank you for your consultation on 16 July 2021 regarding the above Planning Application.</p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>I can confirm that the previous response should still apply.</p> <p><i>15th June 2021</i></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>I can confirm that the Highway Authority and Lead Local Flood Authority has no</p>

		<p>objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood risk on the site or elsewhere.</p> <p>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.</p>
	United Utilities	<p><i>8th June 2021</i></p> <p>We have no objection to the proposal providing that site drainage is in line with the agreed drainage proposal of the larger development.</p>
	David Bechelli	<p><i>27th July 2021</i></p> <p>Based on the update / amended submissions, I have no objection to the proposed development.</p> <p><i>3rd June</i></p> <p>Assuming the attenuation is within the shared adopted (or to be adopted) surface water system, then that's fine.</p> <p><i>2nd June 2021</i></p> <p>I've received the above planning application for consultation, which I understand you are dealing with.</p> <p>As it appears that the drainage side of the application has previously been approved, I would normally have no comments to make.</p> <p>However, I have looked at the proposed drainage plan and do have a couple of comments / queries, although one of these is actually outside the site boundary.</p> <ul style="list-style-type: none"> <input type="checkbox"/> The comments under Surface water drainage around the building states that the surface water is to be disposed of by an adequately sized and roddable drainage system via soakaways, or other approved matters. Am I correct in stating that disposal is via an adopted UU surface water sewer, which discharges into the River Keekle? <input type="checkbox"/> The comments under Rain/surface water disposal state that water will be piped away from buildings in to a new and approved attenuation tank in the middle of the garden. However the plan does not show an attenuation tank. Where is the tank actually going to be located and will it conform to Building Regulations?

	<div> <input type="checkbox"/> The comments under Rain/surface water disposal also state new connection to existing field drain. Where is the field drain? Does the surface water off the larger development connect into this ? </div> <div> <input type="checkbox"/> It appears that what are two road gullies outside the property boundary are actually connected to the foul sewer and not the surface water sewer and are against the flow, as far as I can determine. </div>
	<div> Neighbour Responses: </div> <div> <p>The application has been advertised by way of an application site notice and neighbour notification letters sent to 5no. neighbouring property.</p> <p>One representation has been received in objection. The material planning issues raised comprise the following:</p> <ul style="list-style-type: none"> - The distance between the existing and proposed dwellings resulting in overlooking. - The proposed dwelling is large and could be smaller. - Three large bedroom windows face onto the existing dwelling to the rear. These should be located on the gable walls or use velux windows. - An excessive amount of glazing is proposed. - The proposed brick finish is imposing. The use of white render will reduce the impacts. - The overall height of the dwelling should be reduced including the introduction of standard ceiling heights. </div>
	<div> Development plan policies: </div> <div> <p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p> <p><u>Core Strategy (CS):</u></p> <p>Policy ST1 – Strategic Development Principles</p> <p>Policy ST2 – Spatial Development Strategy</p> <p>Policy SS1 – Improving the Housing Offer</p> <p>Policy SS2 – Sustainable Housing Growth</p> <p>Policy SS3 – Housing Needs, Mix and Affordability</p> <p>Policy ENV1 – Flood Risk and Risk Management</p> <p>Policy ENV3 – Biodiversity and Geodiversity</p> </div>

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).

National Design Guide (NDG).

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).

Assessment:

Principle

The principle of residential development on the Site was established under Application Ref. 4/19/2432/0F1.

Application Ref. 4/19/2432/0F1 remains extant and lawfully capable of implementation.

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, 4/16/2351/0R1 and 4/17/2280/0R1.

The layout of the development accords with that defined by the provisions of planning application refs. 4/15/2304/001, 4/16/2351/0R1 and 4/17/2280/0R1.

The proposed dwelling is large in overall scale and massing. It is however not materially different in scale and massing to the dwellings approved on Plot 4 and Plot 5 and so is not considered unacceptable.

The proposed external finishes are consistent with Plot 4 and Plot 5.

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 has been revised during the course of the application to reduce the overall height of the dwelling and introduce render to the rear elevation to add interest in break up the visual mass.

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, 4/16/2351/0R1 and 4/17/2280/0R1 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 and raise no objections.

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

	<p>Off highway parking exists for 2no. vehicles and a detached double garage is proposed.</p> <p><u>Residential Amenity</u></p> <p>Given the scale, form and location of the proposed dwelling in relation to the existing and proposed dwellings on Plot 4, Plot 5 and Plot 6 no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result, with the minimum interface separation distances required by Policy DM12 achieved.</p> <p>In relation to the dwelling known as Prospect House, objections have been raised regarding the distance between the existing and proposed dwellings and the resulting overlooking, the scale of the dwelling, the size and location of the proposed fenestration, the imposing nature of the brick finish to the rear elevation and the overall height of the dwelling. The design of the dwelling has been revised during the course of the planning application in response to these comments, with specific regard to the increasing the interface separation distances, reducing the overall height of the dwelling and the introduction of render to the rear elevation. Following the revisions to the design and the relationship between the dwellings, adverse impacts upon residential amenity through loss of light, overshadowing and overbearing effects will not result. The proposed dwelling meets the interface separation distance requirements of Policy DM12, with a distance of 21m achieved between the Prospect House and the proposed dwellings. To prevent adverse impact from occurring particularly through overlooking in the future, it is proposed to remove the permitted development rights applicable in relation to two storey extensions and roof extensions.</p> <p>Given the scale of the development, it would not be reasonable or proportionate to impose a planning condition securing a Construction Method Statement. If nuisance were to occur, potential would exist to address this under other legislation.</p> <p><u>The Planning Balance</u></p> <p>The principle of residential development on the Site was established under Application Ref. 4/19/2432/0F1.</p> <p>The 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, highways and amenity subject to the planning conditions proposed.</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 when taken as a whole therefore the development is acceptable.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>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:-</p> <p>Proposed Elevation Plans – Drawing No. P3CG-CB-001 Rev. D received 15th July 2021 Proposed Block Plan 1/500 and Proposed Site Plan 1/1250 – Drawing No. P3CG -CB-002 Rev. B received 15th July 2021 Proposed Block Plan 1/500 – Drawing No. P3CG -CB-003 Rev. B received 15th July 2021 Proposed Block Plan 1/2500 and Proposed Site Plan 1/1250 Drawing No. P3CG -CB-004 Rev. B received 15th July 2021 Proposed Drainage Plan 1/200 – Drawing No. P3CG-CB-005 Rev. D received 15th July 2021</p> <p>Reason</p> <p>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.</p> <p>3. 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.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan 2013-2028.</p> <p>4. 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.</p> <p>Reason</p>
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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.

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.

5. 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 extension exceeding one story in height shall be constructed to the southeast (rear) elevation; and, no roof extensions, windows or dormer windows shall be constructed on the southeast (rear) roof plane, except with the prior written permission of the Local Planning Authority.

Reason

To safeguard the residential amenity of the neighbouring dwellings in accordance with the provisions of 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 identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Chris Harrison	Date : 09.08.2021
Authorising Officer: N.J. Hayhurst	Date : 09/08/2021
Dedicated responses to:-	