



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2301/OF1
2.	Proposed Development:	TERRACE TYPE HOUSING BLOCK CONTAINING 4X STUDIO APARTMENTS AND 4X TWO BEDROOM APARTMENTS, WITH PRIVATE CAR PARK FOR 8 CARS INCLUDING 1 DISABLED BAY (WITH ACCESS OFF TODHOLES ROAD)
3.	Location:	DENTHOLME, CRAGG ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - 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:	<p>INTRODUCTION</p> <p>This application relates to a parcel of land that fronts onto Todholes Road in Cleator Moor. There are residential dwellings to the south, north east and south west, with the former care home known as Dentholme to the north west. The site was previously used as open green amenity space for the care home.</p> <p>PROPOSAL</p> <p>This application seeks full planning permission for a terrace of 4 x studio apartments and 4 x two bedroomed apartments. The proposal includes off street parking for 8 cars to the west of the site, fronting onto Todholes Road.</p> <p>The two bedroomed flats will utilize the space in the roof and include a balcony to the rear. The ground floor flats will have patio doors opening out onto a small amenity space. The terraced block is</p>

to be constructed directly up to the pavement. There will be two shared entrances on the front of the terrace with internal staircases to access the other properties.

The dwellings are to be arranged in a terrace which reflects the traditional form and appearance found elsewhere within the village. The proposed units are of a modern design with rendered walls and tiles roofs. Flat roofed dormers are to be provided to both the front and rear roof slope.

RELEVANT PLANNING APPLICATION HISTORY

Change of use from vacant residential care home (use class C2) to hotel (use class C1), approved in 2020 (application reference 4/20/2444/0F1 relates);

First floor extension to the existing hotel building and single storey extension to create guest spa, approved in 2021 (application reference 4/21/2128/0F1 relates).

CONSULTATION RESPONSES

Town Council

Cumbria Highways

The proposed access has limited visibility and visibility splays are required based on traffic speeds. An average speed survey is therefore necessary. Further to a submitted plan to show visibility splays, the Highways department requested clarity on these and confirmed that 43m splays would be required. A further plan was submitted and approved by the Highways Authority show the required visibility splays.

Local Lead Flood Authority

As the development will occupy greenfield land we would expect a Sustainable Urban Drainage System (SUDS) to ensure the surface water runoff from the site is restricted to the existing greenfield rate. The applicant should therefore provide a drainage plan. It was agreed that this could be considered by way of a planning condition.

Flood and Coastal Defence Engineer

No details of drainage have been received, therefore initially raised an objection. Further to discussions with the Agent, agreed that the details could be dealt with by way of a Planning Condition and required prior to commencement of the development.

United Utilities

No objections subject to conditions relating to the details of foul and surface water drainage.

Countryside Access Officer

Public Footpath 403013 follows an alignment to the south side of the proposed development area and must not be altered or obstructed before or after the development has been completed

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 10 no. properties.

Comments have been received from 5 neighbouring properties.

Concerns relate to the following:

- Access and parking and the lack of suitable parking likely to be worsened by the development;
- Loss of the amenity space;
- Overlooking and privacy concerns;
- Loss of light;
- Safety of increased traffic on Todholes Road;
- Potential flooding from blocked drains;
- Trees on the site have already been felled;
- Overdevelopment of the site when considered with the hotel as well;
- Construction hours and access.

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 ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

National Design Guide

Cumbria Development Design Guide (CDG)

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

The main issues raised by this application are the principle of the siting, scale, design, the effect on the surrounding properties, access and parking, landscaping and drainage.

Principle of development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policy SS1. These policies seek to promote sustainable development to meet the needs and aspirations of the boroughs housing market, as well as having consideration for the requirements of smaller settlements within the borough which respect their scale and function.

This site is located within the development boundary for Cleator Moor. The town is classed under Policy ST2 as a Key Service Centre where new development is acceptable within the confines of the settlement boundary.

The site was previously in use as a garden for the previous care home which has recently been granted planning permission for a change of use to a hotel. As this was private land and not able to be utilized by local residents, it is considered that there will not be a loss of open space as a result of the development. The location within the settlement boundary complies with Policy ST2 of the Copeland Local Plan and it is considered that the principle of residential development is acceptable on this basis.

Scale, layout, appearance and effect on the neighbouring properties

The proposed flats are arranged in a terraced block which corresponded to the built form and prevailing character of the locality. These terraces are characteristic of Cleator Moor and therefore the proposal is likely to blend into the street scene.

Although of a modern design the proposed terraced block corresponds to the scale of the surrounding houses on Todholes Road and Ennerdale Road and picks up key design characteristics in terms of a simple fenestration pattern which is aligned to provide vertical emphasis and also a simple pitched roof.

Details of the materials to be used include slate effect roof tiles, rendered walls and white UPVC doors and windows. These materials are considered to be acceptable in this location where the majority of properties are rendered, however, full details should be provided prior to the commencement of the development in order to ensure that they are in keeping with the surrounding area.

There are no windows proposed on the gable end facing north east, therefore mitigating any overlooking issues, however there are to be balconies on the rear of the properties. These will include privacy side screens, therefore insuring that the field of vision is restricted to the north west, where there are no residential properties to suffer amenity issues. The front of the flats will have a distance of 11 metres between the facing terraced properties on Todholes Road. Whilst this falls short of the recommended separation distances in Policy DM12 of the Local Plan, it is considered acceptable as it follows the existing form and layout of the terraces that are characteristic of Cleator Moor which are separated by narrow roads. Concerns raised with regards to loss of light have been considered, however due to the separation distance of 11m and the orientation of the new properties to the north of the dwellings on Todholes Road, natural sunlight will not be affected by the proposal.

Overall, it is considered that the plans comply with the aspirations of the Borough to provide dwellings that are suitably designed and sited which with minimal impact on the surrounding properties.

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 market accommodation 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.

Access and parking

Access to the properties can be gained directly from Todholes Road. A vehicular access onto Todholes Road will serve the designated off street parking to the south west of the terrace. On request from the Highways Department, visibility splays were provided by the Agent to show 43m in both directions. Based on the likely speeds of vehicles not exceeding 30mph on Todholes Road, these details were considered to be acceptable.

Further to these amended plans, the Highways department raised no objections to the proposal and it is considered that the situation of the development within the town centre means that occupants can utilize sustainable transport methods such as bus, foot and cycle.

Concerns have been raised from some local residents with regards to the intensification of parking on Todholes Road which is likely to result from the development. Whilst these comments have been noted, it is considered that the provision of off street parking for the site is acceptable in this location, where it is within easy walking distance to the town centre and the reliance is not on the car.

Public Footpath 403013 runs adjacent to the site and along Todholes Road. The Countryside Access Officer has commented that it must not be altered or obstructed before or after the development has been completed, however if a temporary diversion is required, it should be applied for. This should be added to any approval notice as an informative to ensure that the footpath remains available for users.

Overall, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan and will provide an accessible development.

Landscaping

The development has very little space for any landscaping due to the positioning of the flats at the back of the pavement and restricted back gardens, however there is a small amenity space to the rear of the flats and separate bin storage has been shown adjacent to the parking area. The access to the parking will feature an automatic entrance gate and 1.8m high boundary fence, however no details of this have been provided. It is therefore considered that these details should be approved, prior to the occupation of the flats in order to ensure any boundary treatments are in keeping with the surrounding area.

On the basis that the landscaping has been designed in a functional way for this restricted plot, it is considered to comply with Policy DM26 of the Copeland Local Plan.

Drainage

The Applicant has not provided details of the drainage system for the site due to difficulties in finding the correct contractor. They have provided information that the ground is unsuitable for infiltration, but hope to use the nearby culverted watercourse. United Utilities have raised no objections to the

	<p>proposal, but requested that foul and surface water be drained on separate systems and that a full surface water plan be submitted and approved, prior to the commencement of development. The Local Lead Flood Authority and Council’s Flood and Defence Engineer have requested that full details of drainage, including consideration of the drainage hierarchy be submitted and approved, prior to the commencement of development. Concerns raised from a local resident with regards to flooding have been considered and with the proposal not to the mains sewer, it is anticipated that issues with local blocked drains will not be worsened by the proposal.</p> <p>The submitted details will ensure compliance with Policies ENV1 and DM24 of the Copeland Local Plan in relation to drainage.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The site lies within the Key Service Centre of Cleator Moor. The proposal will help to boost housing supply within the Borough.</p> <p>The site can comfortably accommodate the proposed block of flats whilst maintaining a satisfactory amenity area and contextually acceptable separation distances between facing elevations with the dwellings opposite. The parking facility is considered to be acceptable for the town centre location.</p> <p>All objections have been addressed and mitigated with the submission of updated plans.</p> <p>On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by 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: - Site Location Plan, scale 1:1250, received 29th June 2021; Existing Site Plan, scale 1:200, received 29th June 2021; Site plan showing car park visibility, scale 1:500, drawing revision A, received 9th September

2021;
Proposed plans and elevations, scale 1:100, received 29th June 2021;
Street section, scale 1:100, received 29th June 2021;
Design and Access Statement, received 29th June 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

3. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures and with reference to the drainage hierarchy, 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.

Prior-use conditions

4. Prior to their use on the building hereby approved, representative samples of the materials to be used on the external surfaces of the development must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

Prior-occupation conditions

5. Prior to the occupation of the development hereby approved, full details of boundary treatments including access gates, planting and fencing must be submitted to and approved in writing by the Local Planning Authority. The boundary treatments must be erected and maintained in accordance with the approved plans at all times thereafter.

Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity and in order to ensure highway safety in accordance with Policies DM10 and DM22 of the Copeland Local Plan.

6. Prior to the first occupation of the development hereby approved, the designated off street parking must be constructed and brought into use in accordance with the approved plans. The parking must remain operational at all times thereafter.

Reason

To ensure a minimum standard of construction and amenity in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

Other conditions

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

Reason

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations or extensions, conservatories, dormer, or enlargement must be carried out to the building, nor must any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

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) Public Footpath 403013 follows an alignment to the south side of the proposed 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.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 14/09/2021

Authorising Officer: N.J. Hayhurst

Date : 16/09/2021

Dedicated responses to:- Letters to objectors