



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2335/0B1
2.	Proposed Development:	AMENDMENT OF CONDITION 5 OF PLANNING APPROVAL 4/18/2472/001 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 65 DWELLINGS INCLUDING FULL DETAILS OF ACCESS AND ASSOCIATED INFRASTRUCTURE
3.	Location:	KEEKLE MEADOWS, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See Report.
7.	Report:	<p>Site and Location:</p> <p>This application relates to an area of land covering approximately 3 hectares located on the western boundary of Cleator Moor adjacent to both the existing housing estate at Mill Hill and a residential development which is currently under construction.</p> <p>Recent Relevant Planning Application History:</p> <p>4/18/2472/001 – Outline application for residential development of up to 65 dwellings with full details of access and associated infrastructure – Approved.</p> <p>Proposal:</p> <p>This application seeks the variation of Planning Condition 5 attached to application ref. 4/18/2472/001.</p> <p>Planning Condition 5 as approved states the following:</p> <p><i>5. The junction of the access road and the B5295 shall be modified strictly in accordance with the details approved on WYG drawing no. A 085136 – C001 to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. The modification works shall be completed and made fully operational before the 100th dwelling on the estate served by the access road is occupied.</i></p>

It is proposed to amend Planning Condition 5 to state the following:

5. *The junction of the access road and the B5295 shall be modified strictly in accordance with the details approved on WYG drawing no. A 085136 – C001 to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. The modification works shall be completed and made fully operational before the 125th dwelling on the estate served by the access road is occupied.*

No other revisions are proposed.

Consultee:	Nature of Response:
Town Council	None received.
Cumbria County Council – Highways	<p><i>2nd August 2021</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning application for the variation of condition 5 and we can confirm as follows:</p> <p>We have no alternative but to retain our previous view on this matter. The original condition stated that when the 100th property is occupied the works under the Section 278 agreement between Cumbria Highways and High Grange Homes on the B5295 should be carried out.</p> <p>The issues that created the delay in the Sec 278 should now be resolved and work should be able to commence without delay. In light of the above we can confirm that we would recommend that this condition be retained in its current form.</p> <p><i>19th August 2021</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning application for the variation of condition 5 and we can confirm as follows:</p> <p>We have no alternative but to retain our previous view on this matter. The original condition stated that when the 100th property is occupied the works under the Section 278 agreement between Cumbria Highways and High Grange Homes on the B5295 should be carried out.</p>

The issues that created the delay in the Sec 278 should now be resolved and work should be able to commence without delay. In light of the above we can confirm that we would recommend that this condition be retained in its current form

31st August 2021

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.

As the LHA we are comfortable in accepting the Sc 73 application to amend Condition 5 of planning application 4/16/2409/001.

This amendment will change the start of the agreed section 278 works trigger point from 100 properties occupied to 125 properties occupied.

Neighbour Responses:

The application has been advertised by way of a planning application site notice and a press notice.

No representations have been received.

Development Plan:

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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy T1 – Improving Accessibility and Transport

Development Management Policies (DMP):

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Cumbria Development Design Guide (CDDG).

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

Planning Condition 2 of Outline Planning Permission ref. 4/18/2472/001 requires the following:

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.*

Outline Planning Permission ref. 4/18/2472/001 was approved on the 23rd January 2019 and therefore remains an extant planning permission.

Highways

Planning Condition 5 of Outline Planning Permission ref. 4/18/2472/001 was imposed to ensure the delivery of improvements of the junction of the access road to serve this development and the B5295.

Planning Condition 5 required the works be completed and made fully operational before the 100th dwelling on the estate served by the access road is occupied.

The trigger of 100 dwellings was imposed to ensure the timely delivery of the improvements by the Developer and to ensure that the capacity and flows rates at the junction are not adversely impacted by the number of dwellings occupied on the estate.

The Developer is seeking to increase the trigger from 100 dwellings to 125 dwellings due to delays in the progression of the required Section 278 Agreement by Cumbria County Council, which has prevented the completion of the required works prior to now and the reaching of the trigger of 100 dwellings.

Cumbria County Council – Highways have been consulted in respect of the proposed development and initially objected to the proposed amendment. It was confirmed that the delay in the Section 278 has now been resolved and that the works should be able to commence without delay.

The Developer subsequently confirmed the following:

- There are currently 98 dwellings occupied and served by the estate access road, with a further 20 forward sales of which 13 dwellings are currently under construction.
- All forward sales are due to be complete and occupied by end of 2022 and that the obligation to deliver these dwellings is binding by law, demonstrating the on-going commitment to the Developer to the construction of the site and the completion of the required Section 278 works.
- The Section 278 works would be completed in early 2022 due to the availability of contractors to complete the works.

Cumbria County Council – Highways subsequently confirmed that the proposed trigger of 125 dwellings occupied is acceptable.

Reconciliation of Previously Imposed Planning Conditions

The approval of a Section 73 planning application has the effect of creating a new planning permission; therefore, it is required that the planning conditions imposed on Outline Planning Permission ref. 4/18/2472/001 are required to be re-stated/imposed.

Planning Condition	Retain/Amend
<p>1. The layout, scale, appearance 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>	<p>Retain.</p>
<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:-</p>	<p>Amend submission date and a) to 23rd January 2022.</p>

	<p>a) The expiration of THREE years from the date of this permission</p> <p>Or</p> <p>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.</p> <p>Reason</p> <p>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.</p>		
	<p>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: -</p> <ul style="list-style-type: none"> - Site Location Plan, scale 1:2500, drawing number 06/11/542-100, received on 24th October 2018 - Outline Site Plan (4th major phase), scale 1:1000, drawing number 06/11/542-148, received on 24th October 2018 - Flood Risk Assessment and Drainage Strategy, prepared by Alpha Design, dated 16th October 2018 - Supporting Planning Statement received on 24th October 2018 - Design and Access Statement, received on 24th October 2018 <p>Reason</p>	<p>Retain.</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>4. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption; and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.</p> <p>Reason</p> <p>To ensure a minimum standard of construction in the interests of highway safety.</p>	<p>Retain.</p>
<p>5. The junction of the access road and the B5295 shall be modified strictly in accordance with the details approved on WYG drawing no. A 085136 – C001 to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. The modification works shall be completed and made fully operational before the 100th dwelling on the estate served by the access road is occupied.</p> <p>Reason</p> <p>For the avoidance of doubt and to ensure</p>	<p>Amend</p> <p>5. The junction of the access road and the B5295 shall be modified strictly in accordance with the details approved on WYG drawing no. A 085136 – C001 to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. The modification works shall be completed and made fully operational before the 125th dwelling on the estate served by the access road is occupied.</p> <p>Reason</p> <p>For the avoidance of doubt and to ensure that a</p>

	<p>that a safe junction can be provided to serve the site in the interests of highway safety.</p>	<p>safe junction can be provided to serve the site in the interests of highway safety.</p>	
	<p>6. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy, dated 16th October 2018 which was prepared by Alpha Design proposing surface water discharging into the River Keekle. No surface water will be permitted to drain directly or indirectly into the public sewer.</p> <p>Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.</p> <p>Reason</p> <p>To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</p>	<p>Retain.</p>	
	<p>7. Prior to the commencement of development full details of the proposed surface water drainage arrangements to serve the proposed residential development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter,</p> <p>Reason</p>	<p>Retain.</p>	

	<p>To ensure a satisfactory form of development which prevents an undue risk in surface water run-off and to reduce the risk of flooding.</p>		
	<p>8. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:</p> <p>a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident’s management company; and</p> <p>b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.</p> <p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p>Reason</p> <p>To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.</p>	<p>Retain.</p>	
	<p>Conclusion</p> <p>The proposed revision is acceptable subject to the revised planning conditions proposed.</p>		
<p>8.</p>	<p>Recommendation:</p> <p>Approve</p>		

9. **Conditions:**

1. The layout, scale, appearance 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 prior to the 23rd January 2022 and the development hereby permitted shall be commenced not later than the later of the following dates:-

a) 23rd January 2022.

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 1:2500, drawing number 06/11/542-100, received on 24th October 2018
- Outline Site Plan (4th major phase), scale 1:1000, drawing number 06/11/542-148, received on 24th October 2018
- Flood Risk Assessment and Drainage Strategy, prepared by Alpha Design, dated 16th October 2018
- Supporting Planning Statement received on 24th October 2018
- Design and Access Statement, received on 24th October 2018

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.

4. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption; and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

5. The junction of the access road and the B5295 shall be modified strictly in accordance with the details approved on WYG drawing no. A 085136 – C001 to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. The modification works shall be completed and made fully operational before the 125th dwelling on the estate served by the access road is occupied.

Reason

For the avoidance of doubt and to ensure that a safe junction can be provided to serve the site in the interests of highway safety.

6. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy, dated 16th October 2018 which was prepared by Alpha Design proposing surface water discharging into the River Keekle. No surface water will be permitted to drain directly or indirectly into the public sewer.

Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface

water run-off and to reduce the risk of flooding.

7. Prior to the commencement of development full details of the proposed surface water drainage arrangements to serve the proposed residential development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter,

Reason

To ensure a satisfactory form of development which prevents an undue risk in surface water run-off and to reduce the risk of flooding.

8. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Informatives

Coal Standing Advice

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

United Utilities

A water main/trunk main crosses the site and the development may affect existing United Utility easements. The easement dated 17/04/1964 UU Ref:N358 (water) and easement dated 18/11/2013 UU ref:Z4620 (sewer) has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply to the provisions stated within the document. Under no circumstances will UU allow anything to be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

The applicant should contact United Utilities Property Services team to discuss how the proposals may interact with the easement at PropertyGeneralEnquiries@uuplc.co.uk

The applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available at the following website:
www.unitedutilities.com/builders-developers.aspx

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: Chris Harrison

Date : 30.09.2021

Authorising Officer: N.J. Hayhurst

Date : 01/10/2021

Dedicated responses to:-