

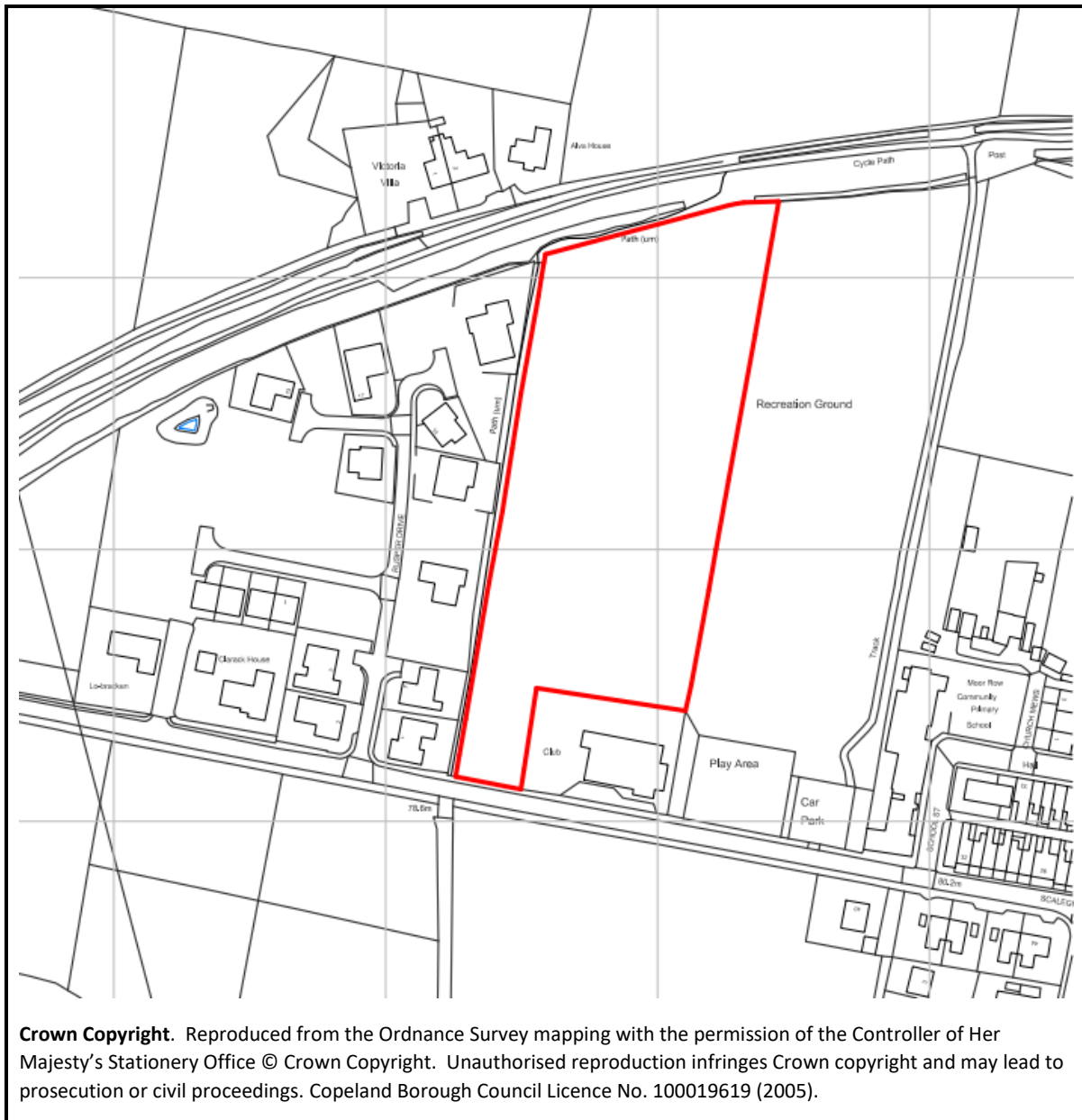


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 19/01/2022**

<b>Application Number:</b>	4/21/2360/001
<b>Application Type:</b>	Outline : CBC
<b>Applicant:</b>	Mr David Sharpe
<b>Application Address:</b>	LAND AT SCALEGILL ROAD, MOOR ROW
<b>Proposal</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH DETAILS OF PROPOSED ACCESS JUNCTION AND ALL OTHER MATTERS RESERVED
<b>Parish:</b>	Egremont
<b>Recommendation Summary:</b>	Approve subject to Section 106



### Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the proposal is a major development which is a departure from the adopted Copeland Local Plan 2013-2028 and also the requirement for a Section 106 Planning Obligation.

### Site and Location

This application site relates to an area of agricultural land to the north of Scalegill Road to the west of Moor Row. The site covers an area of 1.50 hectares, and lies to the east of the new residential estate of Rusper Drive. The northern boundary of the site abuts the embankment to the Whitehaven-Rowrah cycleway, the eastern boundary adjoins the

recreation ground and the Moor Row Social Club is located adjacent to the southern boundary which fronts onto Scalegill Road.

### **Relevant Planning History**

No relevant planning history.

### **Proposal**

This outline application seeks to establish the principle of developing the site for residential purposes. The application seeks detailed approval of the proposed access junction, however all matters relating to layout, scale, appearance, and landscaping are reserved for further consideration.

A detailed plan and supporting access advice report has been submitted with this application to show how access can be achieved from Scalegill Road to the south of the application site. The proposed access has been designed with a 5.5m wide carriageway and 1.8m wide footways. The access will be located between the public footpath located to the east of Rusper Drive and the existing Social Club, and will benefit from visibility splays of 2.4 x 43m in each directions along Scalegill Road. As part of this development it is also proposed to remove the existing speed bump at the access point onto Scalegill Road, and replace this with a raised speed table at the proposed junction.

Whilst all other matters are reserved for subsequent approval, an indicative layout plan has been submitted with this application to show how the site could accommodate a residential development of 19 dwellings. It is proposed that the dwellings will be distributed around a single spine road leading to a shared driveway. Each plot would benefit from parking and turning spaces.

This planning application is accompanied by the following documents:

- Location Plan;
- Existing Site Plan;
- Proposed Site Plan;
- Access Advice;
- Proposed Access Arrangements;
- Flood Risk Assessment & Drainage Strategy;
- Preliminary Ecological Appraisal;
- Planning/Design & Access Statement;
- Phase 1: Desk Top Study Report.

### **Consultation Responses**

#### **Egremont Town Council**

No comments received.

## Cumbria County Council – Cumbria Highways & LLFA

This is an outline application with all matter, excluding access, reserved. Therefore, all matters relating to the layout of the site the means of access, parking and turning within the site shall be reserved for approval at the detail planning stage.

### **Access:**

Although the LHA would usually require the applicant to demonstrate that 60 x 2.4 x 60 meter visibility splays can be achieved for an access that joins a 30mph speed zone, there has been traffic calming measures implemented on Scalegill Road which have proven effective in reducing speeds in the area. We can therefore accept the 43 x 2.4 x 43 meter visibility splays that have been demonstrated on Drawing Number 20/07/977-03 with this application in line with Manual for Streets.

As the proposal will exceed 6x Dwellings, we recommend that it is built to an adoptable standard. This would include the access being built in order to accommodate the anticipated traffic intensification. The applicant has shown on Drawing Number 20/07/977-03 that the proposed access is to be a minimum width of 5.5m extending for a minimum of 15m into the site from the carriageway edge. This is acceptable to the LHA in line with the Cumbria Development Design Guide.

The applicant is proposing to remove one of the existing speed humps and replace it with a speed table. The LHA raise no concerns to this provided that the following points are addressed:

- It has undergone a stage 1/2 Road Safety Audit
- It is constructed of bituminous material and not any form of block paving
- Drainage considerations have been addressed and proposals for draining of the public highway on each approach to the junction have been submitted to the LHA for consideration
- The existing road lighting requirements have been checked to ensure they are sufficient for the new junction or, that proposed road lighting provision has been submitted for our consideration.

Overall, I can confirm that the LHA have no objections to the principle of this proposal for 19no. Dwellings subject to the inclusion of conditions relating to footways, carriageways and cycleways, visibility splays, access roads, access drives, existing highway boundaries, surface water discharge, footways, construction traffic management plans, and traffic management schemes.

### **Lead Local Flood Authority response:**

The applicants are proposing to discharge surface water to an existing watercourse. Although the principle of this could be acceptable, they need to provide evidence in line with BRE365 that the drainage hierarchy has been considered in accordance with the NPPG. Please see below a reference from the NPPG:

*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 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.*

*Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.*

*Paragraph: 080 Reference ID: 7-080-20150323*

*Revision date: 23 03 2015*

#### United Utilities

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.

Following our review of the submitted Flood Risk Assessment & Drainage Strategy proposing surface water discharging into local watercourse, we can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design. With this in mind, we request drainage conditions, relating to surface and foul water, are attached to any subsequent Decision Notice.

#### Copeland Borough Council – Flood and Coastal Defence Engineer

I only have a few comments on this Outline Application as follows:

- The site is in Flood Zone 1 and is at generally a very low risk of surface water flooding.
- The Flood Risk Assessment and Drainage Strategy states that the surface water system will be discharged into an existing watercourse at the north of the site.
- The system will be designed to attenuate at greenfield run off rates up to and including a 1 in 100 year storm, plus an allowance for climate change and urban creep.
- I could see no mention of disposal of surface water by infiltration, which needs at least to be considered. The Preliminary Risk Assessment expects to see shallow groundwater, so it is unlikely that infiltration would be feasible.

- The discharge will be on third party land [Sustrans?], so as well as the discharge rate and outfall needing to be agreed with the LLFA, so agreement will be needed with the third party landowner.
- It is proposed that the foul sewage is disposed of by means of the existing mains sewer. It has been assumed that this is within the public highway to the south of the site, however, our GIS later would indicate that this actually runs just within the northern boundary of the site, where the site natural falls towards.

In summary, as there is a low flood risk to the site and the site can be drained, I have no objection to the proposed development.

Topics, such as the drainage hierarchy, detailed drainage design, etc. can be dealt with at the Reserved Matter Stage.

#### Copeland Borough Council – Environmental Health

Based on the information submitted with the above application and subject to the following conditions, Environmental Health have no objections.

With the note of potential for disruption and the design layout submitted with 2-3 properties being in close proximity to a licensed premises, we request conditions relating to a noise assessment, external lighting, HGV deliveries, operating hours, and construction management plans.

#### Copeland Borough Council – Housing Manager

*25<sup>th</sup> August 2021*

This is an application for permission for 19 units of market housing in the village of Moor Row. The site provides good access to the A595 and the location would likely attract a wide market.

The applicant is proposing that all the units are market housing, citing a limited need for affordable housing. Whilst this may seem to be the case given the relatively low house prices compared to other parts of the County and Country, Copeland does have an unmet need for affordable housing – this is confirmed by the SHMA and our Housing Needs Survey from 2020. Newly forming households especially find it difficult to afford to buy a house – the survey reported that three quarters of those cannot afford an averagely priced house. We would therefore like to see affordable housing on this site and would suggest that discounted sale would be the most viable option, on 2- or 3-bedroom properties.

We agree that there is a need for attractive new ‘executive’ style housing to attract and retain young people and families to the borough and welcome the consideration of self-build plots for the site. In terms of the mix of properties, whilst larger properties are

attractive to the market, current evidence suggests that the housing need in the borough is for more 2- and 3-bedroom properties, so we would like to see this reflected in the mix.

*4<sup>th</sup> November 2021*

In terms of housing need, Moor Row was surveyed as part of our 2020 Housing Needs Survey and included in the wider parish summary for Egremont. There was strong interest in detached properties and bungalows, with 2 and 3 bedrooms being most in demand from those surveyed who were considering a move.

Whilst we accept the point made by the developer that the location of Moor Row means that there is a supply of smaller, more affordable properties within Egremont, Cleator Moor and Whitehaven, much of this stock is older, less energy efficient and less attractive to people than new, modern housing, and the provision of affordable housing on new sites provides a wider offer for people who require such accommodation. We would therefore still like to see affordable provision on this site.

*6<sup>th</sup> January 2022*

We welcome this agreement from the developer and do not have any further comments at this stage, other than to say our recommendation would be that the affordable units should be either 2 or 3 bedroomed properties.

#### Arboricultural Consultant – Capita

The site is a rectangular field with hedgerows and small trees along the western, northern and eastern boundaries. The indicative layout would have little, if any, impact on the existing trees and hedges. No arboricultural information has been provided with this outline application and this must be provided at the reserved matters stage in relation to the final layout. This can be achieved by way of a condition attached to the decision notice of this outline application, should it be acceptable, and should include information on;

- Existing trees and hedgerows.
- Trees and hedgerows to be retained/removed.
- Tree and hedgerow protection measures during the construction phase.

A detailed hard and soft landscaping scheme for the site will also be required and secured by way of a condition attached to the decision notice of this outline application.

Conditions requiring an Arboricultural Impact assessment and Method Statement, and a condition requiring a detailed hard and soft landscaping scheme must be attached to the decision notice should this application be acceptable.

### Natural England

No objections.

### Cumbria County Council – Footpaths Officer

Public Footpath 406016 follows an alignment to the west 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, for further information please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk).

### Sports England

The design and access statement makes no attempt to consider any potential for impact on the adjacent playing field from proposing residential development alongside. Paragraph 187 of the NPPF (2021) requires planning decisions to ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In this instance the residential development brought about by the applicants planning application is the 'agent of change' in the vicinity of the playing field site, where the applicant should be required to provide suitable mitigation before the development has been completed.

Having assessed the application Sport England consider that although there is no ball trajectory report included with the planning application the risk of prejudicial impact on the playing field could be mitigated by the erection of a ball stop fence along the entire boundary of the application site with the playing field. It is therefore essential that the local planning authority secures this mitigation by the developer through the planning application. It should be provided and be maintained in perpetuity by the developer, in order to protect the playing field and enable the residential development to exist alongside in order to meet the requirements of paragraph 187 of the NPPF.

Provided that mitigation is secured as part of any approval Sport England would be satisfied that the proposed development would not significantly affect the playing field and the development could meet Exception 3 of its Playing Fields Policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;



- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

### Consultation with the National Governing Bodies of Sport

Sport England has a memorandum of understanding with the National Governing Bodies of Sport (NGBs) and consults with them on planning applications. Sport England has consulted with the Football Foundation (FF) on this application and they advise that they do not consider that there appears to be any direct impact on the playing field. However, the playing field appears to be used for a variety of football formats (including rotating pitches/orientation of pitches), therefore any mitigation against possible ball strike should require the installation of a permanent 6m high ball retention mesh net fence along the western edge of the playing field. The fencing could be positioned within the hedge line. The ball strike mitigation fence should be maintained to a suitable standard and provide adequate protection in perpetuity. The users of the facility should also consider their liability insurance should an incident occur in the future.

### Conclusion

In light of the above, Sport England has no objection subject to planning conditions or a legal agreement to secure construction of a 6 metre high ball-stop fence (and maintenance in perpetuity) by the developer.

If planning conditions or legal agreement are not used to secure the ball-stop fence then this response should be considered an objection because of prejudicial impact of the residential development on the adjacent playing field.

### Electricity North West

The proposed development appears to be within very close proximity to Electricity North West's high and low voltage electricity distribution assets.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

**The documents are as follows:-**

**HS(G)47 – Avoiding danger from underground services.**

**GS6 – Avoidance of danger from overhead electric lines.**

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion is usually borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications. In the event of a dangerous situation/emergency, the number to call is 105.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

### Public Representation

This application was advertised by way of site notice, press notice and neighbour notification letters issued to twelve residential properties. **Five letters of objection** have been received in relation to this application, which raise the following concerns:

- The proposal only references volumes of traffic from the 19 properties to be built against the defined database for traffic movements however what is not clear is the volume of traffic during construction and the impact that will have on the adjacent properties and the public highway.
- Whilst we accept the proposal is specifically aligned to the development of the land there is no mention or detail of the risk assessment that has been developed to assess the aggregated impact of traffic management during construction phase.
- Construction vehicles will cause noise and disruption to existing dwellings.
- The proposal to tie into the existing junction could cause issues with traffic access and egress from the social club.
- There will be a considerable increase traffic in the area adjacent to a social club, playground and school. These look underestimated within the submitted reports.

- The proposal defines that the surface water management will tie into the existing system however it is not clear whether the existing system has the capacity to accommodate any additional volume. Looking at current surface water drainage system located within Rusper Drive and the acknowledged challenges of drainage in this specific area remains unclear as to what impact the additional surface water system requirements are to accommodate the development.
- Concerns that the development is using existing hedging to mitigate surface water flooding, there are no other proposals for prevention of flooding to adjacent areas.
- Although the land does not hold any special ecological sites or endangered species, it is used as feeding grounds for local wildlife, including breeding birds, owls and bats. There is no statement that the winter ecological report would be conducted again in the summer months to accommodate for changes in vegetation and wildlife.
- It is not clear how privacy has been considered against the existing adjacent properties where existing builds have extensive panoramic views.
- Overshadowing and loss of privacy for existing dwellings. How would privacy be maintained and overshadowing be prevented?
- How will be the privacy of the social club and playground be protected?
- The Social Club are concerned about the possibility of any future noise nuisance due to close proximity of the proposed new build dwelling to their boundary.
- Whilst the Club Committee are not against the building of the proposed houses they are concerned about the proximity of the three intended plots closest to the Club. These are nearer the Club than the existing estate buildings to our west and, although there have been no official complaints made, the music on function nights is perceptible. The Committee would suggest no building within a reasonable distance of the Club to avoid any future noise complaints leading to the demise of Moor Row Working Men's Club.
- The Club is the villages community hub, we hold family parties and are used by groups for fitness, dancing and various other get togethers. It is events such as these that allow us to be financially viable and should we be the subject of noise complaints from new builds, which will be extremely close, the Club would be severely impacted.

**Nine letters of support** have also been received in relation to this application, which confirm that there are no objections to the proposed development.

One letter stating a neutral response has also been received which states that drawing number 20/07/977-01 states that the area of land between the proposed development and the school is reference as Recreation Ground. This is incorrect this land is the school field which is owned by the school.

## **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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

#### Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

## **Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

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

Emerging Copeland Local Plan:

The emerging Copeland Local Plan 2017-2035 has recently been subject to a Preferred Options Consultation which ended on 30th November 2020. 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 primary issues relevant to the determination of this application are:

- The principle of the development;
- Housing need;
- Settlement Character, Landscape Impact and Visual Impact
- Design and impact on residential amenity;
- Access, Parking and Highway Safety
- Flood risk and the achievement of satisfactory drainage;
- The impact of the development on highway safety;
- Tree/Ecology;
- Contaminated Land.

### **Principle of Development**

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. 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.

Moor Row is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

The majority of the application site lies outside of, but directly adjacent to, the designated settlement boundary for Moor Row, and as such, the proposal is in conflict with Policy ST2. Policy ST2 of the Copeland Local Plan 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 73); 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 calculated in the updated Strategic Housing Market Assessment (SHMA) 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 Local Plan must still be considered out of date and only some weight can be given to 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 Local Plan. The ECLP has been drafted based upon an evidence base. The SHMA calculates a 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 seeks to identify Moor Row as a 'Sustainable Rural Village' reflective of the number and type of services it contains and identifies a settlement boundary around the village.

The ECLP identifies the Application Site as within the revised development boundary for Moor Row, and is identified as a draft allocation site for housing. Whilst the proposed development conforms 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, this can be given little weight at present. The ECLP does however show the direction for growth in the area and identifies the site as suitable for residential purposes.

In the context of the provisions of Paragraph 11, the defined development boundary for Moor Row must be considered out of date. Paragraph 11 of the NPPF sets out that planning permission should 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.

The site lies on the western edge of the built up area of Moor Row, and is considered to be within walking from the local services within the village which includes a primary school, Church, pub, employers, open spaces and a post box as identified within the Copeland Village Survey 2019.

In applying the provisions of paragraph 11:

- The site would assist in boosting housing supply to meet the identified need for housing in the Borough;
- The proposed development comprising the erection of nineteen dwellings is appropriate in size to the designation of Moor Row as a Local Centre in accordance with the spatial objectives of Policy ST2;
- The site adjoins the existing settlement boundary and is located adjacent to the existing built form on the western edge of Moor Row;
- The site is located in close and convenient proximity to the services and employment opportunities located within Moor Row for which the settlement has been designated as a Local Centre in Policy ST2 of the Local Plan.
- The proposed development will support existing services and thus the aspiration of retaining these services;
- Some sustainable travel options exist within the vicinity, including the Coast to Coast Cycleway, as per the provisions of Policy DM22 of the Local Plan.

### **Housing Need and Housing Mix**

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

Moor Row falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SMHA suggests that there is a slightly lower proportion of market home to be 3 bedroomed needed due to the large current stock of this size, and a greater need for 1 bedroomed rented affordable units. It also identifies a need for bungalows and affordable housing delivering smaller family homes.

Initially the application sought permission for 19 units all to be developed for market housing, as the agent cited a limited need for affordable housing within Moor Row. The Council's Housing Team confirmed that Copeland does have an unmet need for affordable housing which is confirmed by the SHMA and Housing Needs Survey. As the application is for a major development, extensive discussion were undertaken with the agent for this application to secure 10% of properties within this site are available for affordable home ownership. Based on these discussions, the agent has confirmed that 10% of the total number of homes development within this site will be made available for affordable home

ownership, with these properties sold at a price no greater than 80% of market value. The Council's Housing Team have confirmed that they welcome this agreement from the applicant and have no further comments to make at this stage.

A Section 106 Agreement is therefore proposed to secure 10% of the proposed dwellings to be sold as affordable units as is required by Policy H8PO of the ELP and the NPPF. On this basis this proposal is considered to create a residential offer which meets the needs of the Boroughs housing market and is therefore considered to be in accordance with Policies SS2 and SS3 of the Copeland Local Plan.

### **Settlement Character, Landscape Impact and Visual Impact**

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

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

The application site comprises of undeveloped land that lies on the edge of the existing settlement boundary for Moor Row, between the historic built form and a new residential estate.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5d 'Lowland – Urban Fringe'. The Key Characteristics of the land comprise: long term urban influences on agricultural land, recreation, large scale buildings and industrial estates are common, mining and opencast coal workings are found around Keekle and Moor Row, and wooded valleys, restored woodland and some semi-urbanised woodland provide interest.

The Guidelines for development within this landscape classification include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside; protect 'green' areas from sporadic and peripheral development; protect countryside areas from sporadic and peripheral development through the local plans; careful siting of any new development in non-prominent locations; strengthen undeveloped areas of land with mixed woodland and hedgerow planting and restoration of natural landscape features; and along major roads, develop schemes to improve visual awareness of the individual settlements, land uses and cultural landmarks.



The site comprises an area of agricultural land located to the west of Moor Row, directly adjoining the existing settlement boundary and the new residential estate of Rusper Drive. This area of Moor Row is characterised by detached dwellings formed around an estate style road. The proposed development would act as an infill of the greenfield site located between the existing village form and the adjacent residential estate. The proposed development would continue to extend the developed form of the settlement to the west, reflecting the character of this part of the village.

Whilst the development would be considered a small edge of settlement extension the proposed site does not extend into the open countryside, as the site adjoins the existing residential estate of Rusper Drive. Consequently, the site could be considered to infill and naturally round off this part of the settlement. The development would be viewed against the backdrop of these existing properties. Additional landscaping, which would be detailed within any subsequent reserved matters applications, will also help to soften the potential landscape and visual impacts of the development.

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

### **Design and Impact on Residential Amenity**

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

This application site lies adjacent to the built form of Moor Row, with the new residential estate of Rusper Drive located to the east of the site. The application includes indicative details of the proposed layout only with details of the siting, scale and appearance of the dwellings reserved for subsequent approval at the Reserved Matters stage. It is considered that, based on the indicative layout a scheme for this site could be developed to reasonably allow for adequate separation distances to be achieved between facing elevations of the proposed and existing dwelling as required by Policy DM12 of the Copeland Local Plan.

Concerns have been raised from neighbouring properties with regard to retaining privacy, however these matters are reserved for subsequent approvals. The application site is also separated from the adjacent residential estate by a public footpath, therefore this separation alongside the use of suitable boundary treatments would help to mitigate the potential impact on the adjacent properties. Details of the boundary treatment would be submitted at the reserved matters planning stage.

Concerns have also been raised with regard to the impact of the proposed development upon the adjacent recreation ground and also the Moor Row Social Club which occupies part of the site frontage. Sports England have been consulted on this application and have confirmed that they have no objection to the development subject to planning conditions of legal agreement to secure construction of a 6 metre high ball-stop fence by the development. The agent for the application has agreed to the inclusion of an appropriately worded planning condition to ensure this mitigation measure is secure and retained as part of this development. In order to overcome concerns with regard to the proximity of the residential development to the Moor Row Social Club and to reduce potential issues arising from the close proximity to a licensed premises, the agent has also agreed to carry out a noise assessment and to undertake remedial action where required. This detail will also be secured by an appropriately worded planning condition.

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

### **Access, Parking and Highway Safety**

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

Although this application is in outline form, the proposal as submitted does include full details of the proposed access for the development. A detailed plan has been submitted with this application to show how access can be achieved from Scalegill Road to the south of the application site. The proposed access has been designed with a 5.5m wide carriageway, benefitting from a 1.8m wide footpath, and visibility splays of 2.4 m x 43m in each direction. As part of this development it is also proposed to remove the existing speed bump at the access point on Scalegill Road, and replace it with a raised speed table at the proposed junction.

Concerns have been raised from neighbouring objectors with regard to the increased traffic from the development, particularly during the construction phase, however no objections have been received from the Highway Authority. Cumbria Highways have confirmed that although the Highway Authority would usually require the applicant to demonstrate that 60m visibility splays can be achieved for an access that joins a 30mph speed zone, there has been traffic calming measures implemented on Scalegill Road which have proven effective in reducing speeds in the area. They therefore confirm that the proposed visibility splays

from this access are acceptable. The Highway Authority have also confirmed that they have no concerns with the proposal to remove one of the existing speed humps and its replacement with a speed table, however an appropriately worded planning conditions will be attached to any decision notice in order to secure full details of this proposal. Conditions relating to footways, carriageways and cycleways, viability splays, access roads, access drives, existing highway boundaries, surface water discharge, footways, and construction traffic management plans will also be included on any decision notice at the request of Cumbria Highways.

Based on the inclusion of these requested conditions the proposal is considered to be compliant with the Policy T1 and Policy DM22 of the Copeland Local Plan.

### **Drainage and Flood Risk**

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

Although the application site is located within Flood Zone 1, as the applicant is for a major residential development a Flood Risk Assessment has been produced to support the scheme, and the Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon this application. This Flood Risk Assessment concludes that the site is at low risk of river or sea flooding and is not at risk of any other sources of flooding. As the application is in outline form only, the agent for this application has indicated that the site will be drained to meet appropriate standards, and will be designed to attenuate to greenfield run-off rates up to and including the 1:100 year event plus climate change and urban creep. Concerns have been raised with regard to drainage and flood risk from neighbouring properties, however no objections have been received from any Statutory Consultees on this matter. In line with these comments relevant conditions are proposed to ensure an adequate drainage system can be secured to serve the site and to ensure a surface water drainage scheme is achievable based on the hierarchy of drainage options set out in the NPPF. These details should be secured prior to commencement of works on the site.

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

### **Trees/Ecology**

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

A preliminary ecological appraisal has been submitted in support of this planning application and provides an assessment of the ecological impacts of the development. The report identifies potential ecological impacts to breeding birds, other mammals and invasive non-native species, and recommends the following mitigation measures:

- Undertaking vegetation clearance outside nesting seasons or if not a breeding bird survey must be conducted.
- Plant operatives will be vigilant of mammal burrows. Any burrows found will be inspected and to exclude mammals before works proceed.
- All plant and equipment will be washed and dried prior to being delivered to site, and materials will be clean and free from contamination.
- No arisings or spoil will be removed from site unless free of invasive non-native species or otherwise to an appropriate facility.

Appropriately worded planning conditions will be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures. Natural England have confirmed that they have no objections to this application.

The Council's Arboricultural Consultant has also confirmed that the indicative layout would have little, if any, impact on the existing trees and hedges, however no arboricultural information has been provided with this outline application and this must be provided at the reserved matters stage in relation to the final layout. The Consultant has therefore requested conditions requiring an Arboricultural Impact assessment and Method Statement, and a condition requiring a detailed hard and soft landscaping scheme.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.

### **Contaminated Land**

Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The application site is not identified as potentially contaminated land, however a Phase 1 Preliminary Geo- Environmental Risk Assessment has been submitted to support this application. The Assessment concludes that the development is currently considered to represent a low geotechnical risk and very low risk to proposed end users, adjacent sites, and controlled waters. It is however recommended that a Phase 2 Ground Investigation work be carried out and the site operates a 'watching brief' and 'observational techniques'. Appropriately worded planning conditions will be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures.

## **Planning Balance**

The application site is located outside of the settlement boundary for Moor Row as defined in Policy ST2 of the Copeland Local Plan.

For the reasons outlined, 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:

- 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
- 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 Local Plan with regard to the location outside the settlement boundary for Moor Row; 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.

As the ECLP is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, this can be given little weight at present. However the ECLP identifies the application site as within the revised development boundary for Moor Row, and as a draft allocation site for housing, indicating the direction for future growth in the area.

The development will assist in boosting housing supply within Moor Row, is of an appropriate scale for the Local Centre, will support the retention of existing services locally, and benefits from some sustainable travel options in accordance with the spatial objectives of the Local Plan. A total of four affordable ownership homes are also proposed as part of this development, this equates to the delivery of 10% of the development as is required by Policy H8PO of the ELP and the NPPF.

Whilst the development by virtue of its location would have some impacts on the existing character of the western edge of the village, the site would not extend into the open countryside and would infill the remaining greenfield site between the existing built form of the village and the new residential estate of Rusper Drive to the east, which the development has been designed to reflect. The proposed development is therefore considered to infill and naturally round off this part of the settlement, and would be viewed against the existing built form of Moor Row limiting its impacts.

## **Conclusion**

On balance, whilst some conflicts are identified it is considered that these are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which would include: the provision of housing in a sustainable location,

and supporting local services when assessed against the policies in the NPPF taken as a whole.

### **Recommendation:-**

Members authorise delegated authority to the Head of Planning and Place to approve outline planning permission for the development subject to:

- A planning obligation securing the delivery of 10% affordable units within the development; and;
- The planning conditions outlined below:-.

### **Conditions**

#### Standard Conditions

1. The layout, scale, appearance, and landscaping must 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 must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must 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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-

- Location Plan, Scale 1:2500, Drawing No 20/07/977-01, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
- Existing Site Plan, Scale 1:500, Drawing No 20/07/977-02, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
- Proposed Site Plan, Scale 1:500, Drawing No 20/07/977-03, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
- Access Advice, prepared by Tetra Tech, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
- Flood Risk Assessment, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
- Preliminary Ecological Appraisal, Prepared by Hesketh Ecology August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
- Planning/Design & Access Statement, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
- Phase 1: Desk Top Study Report (Preliminary Risk Assessment), Prepared by GEO Environmental Engineering August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.

#### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### Pre Commencement Conditions

4. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- I. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - i. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - ii. A timetable for its implementation.

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

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

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

5. The carriageway, footways, footpaths, cycleways etc. must 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 must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and shall be maintained at all times thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

6. Before development commences full details of the foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

7. No dwellings, buildings or structures must be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason

To ensure that the access roads are defined and laid out at an early stage in the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.



8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management.

9. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP must include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian);
- surface water management details during the construction phase.

The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

10. Prior to the commencement of development, a design for a traffic management scheme on the C4003 as shown indicatively on drawing number 20/07/977-03 must be provided including full engineering, drainage, lighting and construction details, for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter, prior to occupation of any dwelling, the scheme must be implemented in accordance with the approved plans and retained at all times thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

11. No development must take place until a Noise Assessment has been submitted to, and approved in writing by the Local Planning Authority. The noise assessment must fully consider the weekend/evenings and night time operation of the nearby licensed premises to provide representative levels of noise. The development must be carried out in accordance with the approved scheme and any remedial action must be implemented prior to the occupation of any dwelling hereby approved and retained at all times thereafter.

Reason

To reduce potential issues arising from the close proximity of the adjacent licensed premises.

12. Before development commences, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include provide details of dust emissions, noise and vibration, and must identify remedial action to prevent nuisance. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In order to protect residential amenity.

13. No development must take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

14. No development must take place until an Arboricultural Impact Assessment and Method Statement, has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details at all times thereafter.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of visual amenity.

15. Prior to the commencement of development, full details of the proposed 6 metre high ball stop fence to be installed along the western edge of the application site must be submitted to and approved in writing by the Local Planning Authority. This fence must be installed in accordance with the approved details prior to the first occupation of any dwelling hereby approved. The approved fence must be retained at all times thereafter.

Reason

To protect the playing field and enable the residential development to exist alongside in order to meet the requirements of paragraph 187 of the NPPF.

Prior to Occupation/Use Conditions:

16. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is occupied/brought into use.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

17. Any existing highway fence/wall boundary must 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 the development is brought into use and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

18. Prior to the first occupation of any dwelling hereby approved footways must be provided that link continuously and conveniently to the nearest existing footway, details of which must be submitted to and approved in writing by the Local Planning Authority prior to their first installation. Once installed the footways shall be retained at all times in accordance with the approved details.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

Other Conditions

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

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

20. This permission gives outline approval for a maximum of nineteen dwellings only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

21. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the Flood Risk Assessment, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

22. The development must implement all of the mitigation and compensation measures set out in the approved document Preliminary Ecological Appraisal, Prepared by Hesketh Ecology August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021. The development must be carried out in accordance with the approved document at all times thereafter.

Reasons

To protect the ecological interests evident on the site.

23. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within Phase 1: Desk Top Study Report (Preliminary Risk Assessment), Prepared by GEO Environmental Engineering August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021, including the submission of a Phase 2 Ground Investigation Report to the Local Planning Authority for further approval. All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure the protection of controlled waters from potential land contamination.

24. All HGV deliveries to the site must be carried out solely between the hours of 09:00 and 17:00 Monday to Friday. There must be no HGV deliveries on Saturdays, Sundays and/or Bank Holidays.

Reason

In the interest of residential amenity.

25. Construction site operating hours will be Monday-Friday 08:00 to 18:00 and Saturdays 08:00 to 13:00. No construction on Sundays or Bank Holidays.

Reason

In the interest of residential amenity.

**Informatives:**

1. If the public 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, for further information please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk).
2. The proposed development appears to be within very close proximity to Electricity North West's high and low voltage electricity distribution assets. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion is usually borne by the applicant. The applicant should be aware of Electricity North West's requirements for access to inspect, maintain, adjust, repair, or alter any of their distribution equipment.
3. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011).
4. 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](http://www.gov.uk/government/organisations/the-coal-authority)

**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.