

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2471/0B1
2.	Proposed Development:	PROPOSED SUBSTITUTION OF HOUSE TYPES ON PLOTS 37,38 AND 39; AND, REMOVAL OF GARAGES AND INTRODUCTION OF INDIVIDUAL DRIVEWAYS TO PLOTS 40 AND 41 COMPRISING A VARIATION OF PLANNING CONDITION 1 OF PLANNING APPROVAL 4/21/2334/0B1 (AMENDMENT OF CONDITION 5 (MODIFICATION OF ACCESS JUNCTION) OF PLANNING APPROVAL 4/16/2409/001 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 65 DWELLINGS INCLUDING FULL DETAILS OF ACCESS WITH ALL OTHER MATTERS RESERVED)
3.	Location:	LAND AT MILL HILL, 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: Site and Location: <p>This application relates to part of the residential development of Keekle Meadows located to the western boundary of Cleator Moor. The development is currently under construction.</p> <p>Outline Planning Permission was approved for this element of the development under application reference 4/16/2409/001 and reserved matters permission was approved under application reference 4/20/2074/0R1.</p> <p>The planning permission created by application reference 4/16/2409/001 and application reference 4/20/2074/0R1 has been amended via Section 73 of the Town and Country Planning Act (as amended) (TCPA) under application reference 4/21/2227/0B1 and application reference 4/21/2334/0B1. These revisions sought amendments to the design of the approved layout and dwellings and amendments of the trigger for the completion of works to modify the access junction to the development.</p>	

Application reference 4/21/2334/OB1 encompasses the amendments secured under application reference 4/21/2227/OB1 and is the planning permission being implemented by the developer.

Proposal:

This application seeks a variation of Planning Condition 2 attached to application reference 4/21/2334/OB1 under Section 73 of the Town and Country Planning Act (as amended) (TCPA).

The proposed variations comprise the following:

- Substitution of house types and minor alterations to layout on Plots 37, 38 and 39; and,
- The removal of a double garage and replacement with frontage parking to Plots 40-41.

Consultee:	Nature of Response:
Town Council	None received.
Cumbria County Council – Highways and LLFA	Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.
Neighbour Responses:	
The application has been advertised by way of a planning application site notice and press notice.	
No written representations have been received in respect of the proposals.	

Development plan policies:

Development Plan:

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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST3 – Strategic Development Priorities

Policy ST4 – Providing Infrastructure

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services
Policy SS5 – Provision and Access to Open Space and Green Infrastructure
Policy T1 – Improving Accessibility and Transport
Policy ENV1 – Flood Risk and Risk Management
Policy ENV3 – Biodiversity and Geodiversity
Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes
Policy ENV6 – Access to the Countryside

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place
Policy DM11 – Sustainable Development Standards
Policy DM12 – Standards for New Residential Developments
Policy DM22 – Accessible Developments
Policy DM24 – Development Proposals and Flood Risk
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan 2017-2035 (ELP).

The emerging Copeland Local Plan 2017-2035 is currently 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

The planning permission approved under application reference 4/21/2227/OB1 remains extant.

The proposed variations fall within the scope of what is permitted under the provisions of Section 73 of the TCPA.

Design and Landscape Impact

No alterations are proposed to the overall approved structure and layout of the development.

The proposed changes relate solely to the delineation of plot boundaries within the approved structure, the revision of the house types proposed on the respective plots and alterations to the garage/parking provisions.

The proposed house types are consistent with the house types approved across the remainder of this phase of the development.

The overall mix of house types continues to include a number of larger detached properties reflecting the identified need for executive style houses as set out in the Strategic Housing Market Assessment etc..

No alterations are proposed to the structural landscaped framework proposed to the site boundaries that define and soften the site and specifically the boundaries in views from both the north and west.

Highways Impacts

The proposed means of access and off highway vehicle parking to the substituted house types on Plots 37, 38 and 39 are appropriate to the development and accord with the provisions of the CDDG.

The revised means of access and frontage parking to Plots 40-41 are also appropriate to the development layout and highway hierarchy and accord with the provisions of the CDDG.

A combination of dedicated visitor parking spaces and informal on highway parking spaces remains proposed and would not be impacted by the proposed.

No alterations are proposed to the layout of the turning heads and pedestrian footways that continue to fail to accord with the CDDG.

Drainage

Planning Condition 7 attached to application reference 4/16/2409/001 requires that drainage be completed in accordance with the principles set out in the submitted Flood Risk Assessment & Drainage Strategy ref. 06/11/542-FRA/1.

The planning condition does not require approval of a detailed scheme in advance of the

	<p>commencement of the development.</p> <p>No provisions exist within Flood Risk Assessment & Drainage Strategy ref. 06/11/542-FRA/1 in relation to the permeability of external surfacing etc. As such, no conflict and no control reasonably exists in respect of the proposed external finishes.</p> <p><i>Residential Amenity</i></p> <p>The proposed replacement house types on Plots 37, 38 and 39 achieve the interface separation distances required by Policy DM12.</p> <p><i>Reconciliation of Planning Conditions</i></p> <p>Revisions are proposed to Planning Condition 2 of application reference 4/21/2334/0B1 only.</p> <p>It is proposed to remove the reference to the plans and documents approved under application ref 4/21/2227/0B1 and to replace this with the documents list from Planning Condition 2 of application reference 4/21/2227/0B1 that has been updated to reflect the revisions now proposed.</p> <p><i>Conclusion</i></p> <p>The proposed variations fall within the scope of the provisions of Section 73 of the TCPA.</p> <p>The revisions proposed are acceptable in respect of the design, landscaping, residential amenity and highway safety subject to the planning conditions proposed.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.</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>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p>

Plans and documents approved under Outline Planning Application Ref. 4/16/2409/001.
Plans and documents approved under Reserved Matters Planning Application Ref.
4/18/2069/OR1.

Plans and documents approved under Reserved Matters Planning Application Ref.
4/18/2223/OR1.

Plans and documents approved under Reserved Matters Planning Application Ref.
4/19/2158/OR1.

Site Location Plan – Drawing No. 06/11/542-100 received 24th February 2020

Double Shared Garage – Plan and Elevations – Drawing No. 06/11/542-55 received 24th
February 2020

Single Detached Garage – Plan and Elevations – Drawing No. 06/11/542-36 d) received 24th
February 2020

Dwelling Type A – Plans and Elevations – Drawing No. 06/11/542-32d) received 24th February
2020

Dwelling Type A1 – Plans and Elevations – Drawing No. 06/11/542-141 received 24th February
2020

Dwelling Type A/2 – Plans and Elevations – Drawing No. 06/11/542-153a) received 24th
February 2020

Dwelling Type A/2 Handed (No Garage) – Plans and Elevations – Drawing No. 06/11/542-155
received 24th February 2020

Dwelling Type B (Handed) – Plans and Elevations – Drawing No. 06/11/542-175 received 8th
July 2020

Dwelling Type C – Plans and Elevations – Drawing No. 06/11/542-16c) received 24th February
2020

Dwelling Type D – Plans and Elevations – Drawing No. 06/11/542-06a) received 24th February
2020

Dwelling Type E – Plans and Elevations – Drawing No. 06/11/542-33 received 24th February
2020

Dwelling Type F – Plans and Elevations – Drawing No. 06/11/542-31d) received 24th February
2020

Dwelling Type G – Plans and Elevations – Drawing No. 06/11/542-07 received 24th February
2020

Dwelling Type H – Plans and Elevations – Drawing No. 06/11/542-171 received 24th February
2020

Dwelling Type J – Plans and Elevations – Drawing No. 06/11/542-134 received 24th February
2020

Dwelling Type K – Plans and Elevations – Drawing No. 06/11/542-152 received 24th February
2020

Design and Access Statement – Ref. 06/11/542-DAS/15 received 24th February 2020

Site Plan – 3rd Reserved Matters – 44 Dwellings – Drawing No. 06/11/542-172 g) received 2nd
December 2021

Landscape Layout – Drawing No. 06/11/542-174 f) received 26th October 2021
Original 5-Bed Dwelling Type – Plans and Elevation (Plot 37 and Plot 38) – Drawing No. 06/11/542-53 c) received 26th October 2021

Reason

For the avoidance of doubt and in the interests of proper planning.

3. All work to the internal roads shall be completed prior to the occupation of the 50th dwelling hereby permitted.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the requirements of Policy T1 of the Copeland Local Plan 2013-2028.

4. 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 in accordance with the requirements of Policy T1 of the Copeland Local Plan 2013-2028.

5. 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, ref: 06/11/542-FRA/1 dated November 2016 which was prepared by Alpha Design proposing surface water discharging into the River Keekle and foul water discharging into combined/foul sewer.
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

	<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 in accordance with the requirements of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.</p>
6.	<p>The development shall be completed, maintained and managed in accordance with the approved drainage management and maintenance plan for the lifetime of the development.</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 in accordance with the requirements of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.</p>
7.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason</p> <p>To ensure that the development does not contribute to or is put at unacceptable risk from unacceptable levels water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028 and the relevant provisions of the National Planning Policy Framework (NPPF).</p>
8.	<p>None of the dwellings hereby approved shall be occupied until the vehicular access, turning and parking requirements serving that dwelling have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.</p> <p>Reason</p> <p>To ensure a minimum standard of access provision when the development is brought into use in accordance with the requirements of Policy T1 of the Copeland Local Plan 2013-2028.</p>

9. All hard and soft landscape works shall be carried out in accordance with the approved details.
The hard and soft landscape works to the dwellings shall be carried out in the first planting season following the first occupation of the dwellings.
The hard and soft landscape works to the open spaces shall be carried out in the first planting season following the first occupation of the dwellings sharing a boundary with that open space.
Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.
- Reason
- To ensure the implementation of a satisfactory landscaping scheme in accordance with Policy ENV5 and Policy DM26 of the Copeland Local Plan 2013-2028.
10. The hedgerows to the western boundaries of the application site as identified on Landscape Layout – Drawing No. 06/11/542-174 f) received 26th October 2021 shall be allowed to grow to a height exceeding 1m metre and shall be retained thereafter at or above the stated height for the lifetime of the development.
- Reason
- To ensure that the character of the area is not adversely affected in accordance with Policy DM26 of the Copeland Local Plan 2013-2028.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by 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 : 06.12.2021
Authorising Officer: N.J. Hayhurst	Date : 13/12/2021
Dedicated responses to:- N/A	