

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2477/OF1
2.	Proposed Development:	ERECTION OF END TERRACE HOUSING BLOCK COMPRISING OF TWO APARTMENTS & TWO ADDITIONAL PARKING BAYS TO PREVIOUSLY APPROVED CAR PARK ACCESSED OFF TODHOLES ROAD
3.	Location:	DENTHOLME, CRAGG ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: INTRODUCTION <p>This application relates to a parcel of land that fronts onto Todholes Road in Cleator Moor. There are residential dwellings to the south, north east and south west, with the former care home known as Dentholme to the north west. The site was previously used as an open green space in association with the care home. Planning Permission was granted in September 2021 for terrace housing to the adjoining the south west of this site (application reference 4/21/2301/OF1 relates).</p> PROPOSAL <p>This application seeks full planning permission for an additional 2 apartments in addition to the other residential units already approved on the site. The proposal is for one studio apartment on the ground floor and one 3 bedroomed apartment on the second floor, utilizing the loft space. An internal stairwell will be situated to the north east of the building to serve both properties.</p> <p>The three bedroomed flat will utilize the space in the roof for bedrooms and include a balcony to the</p>	

rear. The ground floor apartment will have patio doors opening to a small amenity space. The terrace is to be constructed up to the back of pavement, keeping the same building line as the terrace already approved.

The proposal includes the creation of an additional two parking bays to serve the apartments, one of which will be a disabled bay. These will be located with the parking provision already approved for the land to the south west of the site.

RELEVANT PLANNING APPLICATION HISTORY

Change of use from vacant residential care home (use class C2) to hotel (use class C1), approved in 2020 (application reference 4/20/2444/OF1 relates);

First floor extension to the existing hotel building and single storey extension to create guest spa, approved in 2021 (application reference 4/21/2128/OF1 relates);

Terrace type housing block containing 4 x studio apartments and 4 x two bedroom apartments with private car park for 8 cars including 1 disabled bay, approved in September 2021 (application reference 4/21/2301/OF1 relates).

CONSULTATION RESPONSES

Town Council

No comments received

Cumbria Highways

No objections as it is considered that the proposal will not have a material effect on the existing highway conditions. A PROW (public right of way number 403013) lies adjacent to the site. The Applicant must ensure that no obstruction to the footpath occurs during or after the completion of the site works.

Local Lead Flood Authority

No objections as it is considered that the proposal will not increase the flood risk on site or elsewhere.

Flood and Coastal Defence Engineer

1st response

With regards to the submission there is no information that drainage hierarchy is being followed.

For the earlier application at Dentholme, I raised the same point, but ground investigations had been undertaken, which had ruled out infiltration.

I then pointed out the presence in the vicinity of a culverted watercourse, possibly two, which were

going to be investigated as a potential route for surface water disposal.

However, I was never made aware of whether these investigations were undertaken and if so what the findings were.

This application and the earlier application have different company names, but the same address.

Therefore I would expect that some information on consideration of the drainage hierarchy would be available currently to demonstrate why the surface water is to be disposed of into the combined sewer.

Without this information, I am raising an objection, as the application fails to comply with NPPF guidance.

2nd response

I can confirm that my concerns about following the drainage hierarchy have now been addressed.

As expected, evidence that ground conditions are unsuitable for surface water disposal has been provided.

Investigations have failed to identify culverted watercourses on site, but have identified highway drains on site.

In the first instance, Cumbria Highways should be contacted regarding the feasibility of surface water disposal via the highway drainage.

However, should Cumbria Highways refuse, then discharge into the combined sewer at an agreed controlled rate would be an acceptable solution.

Therefore, I have no objection to the proposed development.

United Utilities

No objections subject to conditions relating to the provision of a surface water drainage plan and foul and surface water being drained on separate systems.

Countryside Access Officer

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law

FP 403013 runs parallel to the development site, see attached plan.

We advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct

the right of way adjacent to the development site.

- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use, unless or until an order is made to divert, stop up or to temporarily close it comes into effect.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 16 no. properties.

Comments have been received from 2 neighbouring properties.

Concerns relate to the following:

- A greenhouse on the adjacent allotment will be shaded by the development;
- Views will be spoiled from the opposite terrace;
- The road is narrow;
- Parking is inadequate;
- Construction traffic will cause disruption.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

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

Principle of development

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

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

The site is well related to the physical form of the town and is located within an existing residential area. It is considered that development on this land would “infill” an existing gap and will cohesively sit alongside the terrace already approved.

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

Scale, layout, appearance and effect on the neighbouring properties

The proposed flats will appear as terraced properties in a similar fashion to the surrounding properties on Todholes Road and Ennerdale Road and at a lower height than those already approved on the adjacent land. These terraces are characteristic of Cleator Moor and therefore the proposal is likely to blend into the street scene. There are no windows serving habitable rooms proposed on the gable end facing north east, therefore mitigating any overlooking issues, however there is to be a balcony on the rear of the property. This will include a privacy side screen, therefore ensuring that the field of vision is restricted to the north west, where there are no residential properties to suffer amenity issues.

The separation distance between the flats and facing terraced properties on Todholes Road will be 11 metres. Whilst this falls short of the recommended separation distances set out in Policy DM12 of the Local Plan, it is considered acceptable as it follows the existing form and layout of the terraces separated by narrow roads that are characteristic of Cleator Moor.

Concerns raised with regards to loss of light have been considered, however due to the separation distance of 11m and the orientation of the new properties to the north of the dwellings on Todholes Road, it is unlikely that natural sunlight will be affected by the proposal. Concerns raised with regards of loss of sunlight to the adjacent allotments do not raise issues relating to impact on residential amenity, however due to the orientation of the development, the sun path should not be affected.

The flats have been designed to be in keeping with the existing street scene, fronting directly onto the pavement to mirror the opposite side of the road. The window fenestration has a vertical emphasis, characteristic of terraced properties in Cleator Moor and the proposed front dormers reflect others on both Todholes Road and Ennerdale Road.

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

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

Access and parking

Access to the properties can be gained directly from Todholes Road to the designated off street parking to the south west of the terrace. During the previous application for this site, visibility splays were provided by the Agent to show 43m in both directions. Based on the likely speeds of vehicles not exceeding 30mph on Todholes Road, these details were considered to be acceptable and no objections have been raised by the Highways Department.

The town centre location of the properties would also allow occupants to utilize sustainable transport

methods such as bus, foot and cycle.

Concerns have been raised from some local residents with regards to the intensification of parking on Todholes Road, resulting from the development. Whilst these comments have been noted, it is considered that adequate provision of off street parking can be secured for the level of development on this site. The Highway Authority has not raised any objections on this issue.

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

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

Landscaping

The development has very little space for any landscaping due to the positioning of the flats directly onto the pavement and restricted back gardens, however there is a small amenity space to the rear of the flats and separate bin storage has been shown adjacent to the parking area. The access to the parking will feature an automatic entrance gate and 1.8m high boundary fence which was approved by condition on the previous planning approval on this site. A condition requiring the submission of details relating to boundary treatments is considered to be reasonable to ensure that these are in keeping with the surrounding area.

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

Drainage

The Applicant provided details of how the drainage hierarchy had been followed, which evidenced infiltration being unsuitable and there being no culverted watercourse nearby. Therefore, it is intended to join into the highway drains close to the site. United Utilities have raised no objections to the proposal, but requested that foul and surface water be drained on separate systems and that a full surface water plan be submitted and approved, prior to the commencement of development. The Local Lead Flood Authority and Council's Flood and Defence Engineer raised no objections to the proposal, but stated that permission would have to be sought to utilize the existing highway drains.

The submitted details will ensure compliance with Policies ENV1 and DM24 of the Copeland Local Plan in relation to drainage.

Planning Balance and Conclusion

The site can comfortably accommodate the modest block of flats proposed whilst maintaining a satisfactory amenity area and contextually acceptable separation distances between facing elevations

	<p>with the dwellings opposite. The proposed parking provision is considered to be acceptable for the town centre location.</p> <p>All objections have been addressed and mitigated with the submission of updated plans.</p> <p>On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, received 3rd November 2021; Proposed Site Plan, scale 1:500, received 3rd November 2021; Proposed plans and elevations, scale 1:100, received 3rd November 2021; Design and Access Statement, received 3rd November 2021.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Pre-commencement conditions</p> <p>3. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures and with reference to the drainage hierarchy, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.</p> <p>Reason</p>

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Prior-use conditions

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

Reason

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

Prior-occupation conditions

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

Reason

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

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

Reason

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

Other conditions

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

Reason

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

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

Reason

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

Informatives

- 1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

- 2) Public Footpath 403013 follows an alignment to the south side of the proposed development area and must not be altered or obstructed before or after the development has been completed, if the Footpath is to be temporarily obstructed, then a formal temporary closure will be required, there is a 12 week lead in time for this process, please contact Sandra.smith@cumbria.gov.uk for further information.

Statement

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

	the National Planning Policy Framework.	
Case Officer: Sarah Papaleo		Date : 12/01/2022
Authorising Officer: N. J. Hayhurst		Date : 13/01/2022
Dedicated responses to:-		