

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2015/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) OF PLANNING APPROVAL 4/21/2227/0B1 (VARIATION OF CONDITION 2 OF RESERVED MATTERS APPLICATION 4/20/2074/0R1) TO VARY THE APPROVED LAYOUT TO REMOVE PLOTS 23, 24 & 25 AND THE LANDSCAPE AREA ABOVE THE PROPOSED SURFACE WATER TANK AND ADD IN PLOT 46
3.	Location:	KEEKLE MEADOWS, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See report.
7.	Report: 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 under application reference 4/21/2227/0B1, application reference 4/21/2334/0B1 and application reference 4/21/2471/0B1.</p> <p>These revisions sought amendments to the design of the approved layout and dwellings and amendment of the trigger for the completion of works to modify the access junction to the development.</p> <p>Application reference 4/21/2334/0B1 encompassed the amendments secured under application</p>	

reference 4/21/2227/0B1.

Application reference 4/21/2471/0B1 approved the substitution of house types on Plots 37, 38 and 39 and the removal of garages and the introduction of individual driveways to Plots 40 and 41 and encompassed the amendments secured under application reference 4/21/2227/0B1, application reference 4/21/2334/0B1.

Proposal:

This application seeks the amendment of application reference 4/21/2227/0B1 to remove Plots 23, 24 and 25 and the landscaped area above the proposed surface water tank and the introduction of a dwelling to Plot 46.

The development is proposed to create the space within the approved development for the proposed surface water attenuation basin.

Whilst the proposed seeks the amendment of application reference 4/21/2227/0B1, the submitted plans encompass the revisions approved under application reference 4/21/2227/0B1, application reference 4/21/2334/0B1 and application reference 4/21/2471/0B1.

Consultee:	Nature of Response:
Town Council	<i>9th February 2022</i> Not clear on the drawing where plots 23,24 and 25 are located.
Cumbria County Council – Highways and LLFA	<i>30th September 2022</i> (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed Variation of condition 2 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 ST4 – Providing Infrastructure

Policy SS1 – Improving the Housing Offer

Policy SS3 – Housing Needs, Mix and Affordability

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

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):

Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change
Policy DS6PU - Design and Development Standards
Policy DS7PU - Hard and Soft Landscaping
Policy DS8PU - Reducing Flood Risk
Policy DS9PU - Sustainable Drainage
Policy H6PU - New Housing Development
Policy H7PU - Housing Density and Mix
Policy SC1PU - Health and Wellbeing
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic
Policy N3PU - Biodiversity Net Gain
Policy N5PU - Protection of Water Resources
Policy N6PU - Landscape Protection
Policy N9PU - Green Infrastructure
Policy CO5PU - Transport Hierarchy
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Cumbria Development Design Guide (CDDG).
Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Assessment:

Principle

The planning permissions approved under application reference 4/21/2227/0B1, application reference 4/21/2334/0B1 and application reference 4/21/2471/0B1 remain extant.

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

The proposed represents a net reduction in the number of dwellings approved.

Design and Landscape Impact

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

The revisions proposed are sought to create space for the provision of a surface water attenuation basin located partially within the application site and the delivery of a comprehensive scheme of development that relates to and responds to the residential development approved on the adjacent land approved under application ref. 4/18/2472/001 and 4/21/2335/0B1. Separate planning applications for full planning permission and reserved matters approval have been submitted for these developments.

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

Highways Impacts

The access to the proposed dwelling is appropriate to the development and accords with the provisions of the CDDG.

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

No alterations are proposed to the layout of the turning heads and pedestrian footways etc..

Drainage

The development is proposed to create the space within the approved development for the proposed surface water attenuation basin, which it is intended will serve the development approved under application reference 4/16/2409/001 and application reference 4/18/2472/001 and proposed under application reference 4/22/2028/0F1.

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 commencement of the development.

As the proposed basin would discharge to watercourse, the requirements of Planning Condition 7 would reasonably be achieved.

Residential Amenity

The proposed dwelling achieves the interface separation distances required by Policy DM12.

Planning Balance

	<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> <p>Plans and documents approved under Outline Planning Application Ref. 4/16/2409/001.</p> <p>Plans and documents approved under Reserved Matters Planning Application Ref. 4/18/2069/OR1.</p> <p>Plans and documents approved under Reserved Matters Planning Application Ref. 4/18/2223/OR1.</p> <p>Plans and documents approved under Reserved Matters Planning Application Ref. 4/19/2158/OR1.</p> <p>Site Location Plan – Drawing No. 06/11/542-100 received 24th February 2020</p> <p>Double Shared Garage – Plan and Elevations – Drawing No. 06/11/542-55 received 24th February 2020</p> <p>Single Detached Garage – Plan and Elevations – Drawing No. 06/11/542-36 d) received 24th February 2020</p> <p>Dwelling Type A – Plans and Elevations – Drawing No. 06/11/542-32d) received 24th February 2020</p> <p>Dwelling Type A1 – Plans and Elevations – Drawing No. 06/11/542-141 received 24th February 2020</p> <p>Dwelling Type A/2 – Plans and Elevations – Drawing No. 06/11/542-153a) received 24th February 2020</p>

	<p>Dwelling Type A/2 Handed (No Garage) – Plans and Elevations – Drawing No. 06/11/542-155 received 24th February 2020</p> <p>Dwelling Type A+ – Plans and Elevations – Drawing No. 06/11/542-200 received 10th January 2022</p> <p>Dwelling Type B (Handed) – Plans and Elevations – Drawing No. 06/11/542-175 received 8th July 2020</p> <p>Dwelling Type C – Plans and Elevations – Drawing No. 06/11/542-16c) received 24th February 2020</p> <p>Dwelling Type D – Plans and Elevations – Drawing No. 06/11/542-06a) received 24th February 2020</p> <p>Dwelling Type E – Plans and Elevations – Drawing No. 06/11/542-33 received 24th February 2020</p> <p>Dwelling Type F – Plans and Elevations – Drawing No. 06/11/542-31d) received 24th February 2020</p> <p>Dwelling Type G – Plans and Elevations – Drawing No. 06/11/542-07 received 24th February 2020</p> <p>Dwelling Type H – Plans and Elevations – Drawing No. 06/11/542-171 received 24th February 2020</p> <p>Dwelling Type J – Plans and Elevations – Drawing No. 06/11/542-134 received 24th February 2020</p> <p>Dwelling Type K – Plans and Elevations – Drawing No. 06/11/542-152 received 24th February 2020</p> <p>Original 5-Bed Dwelling Type – Plans and Elevation (Plot 37 and Plot 38) – Drawing No. 06/11/542-53 c) received 26th October 2021</p> <p>Site Plan – 3rd Reserved Matters – 44 Dwellings – Drawing No. 06/11/542-172 i) received 1st September 2022</p> <p>Landscape Layout – Drawing No. 06/11/542-174 h) received 1st September 2022</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p>
3.	<p>All work to the internal roads shall be completed prior to the occupation of the 50th dwelling hereby permitted.</p> <p>Reason</p> <p>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.</p>

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

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.

6. The development shall be completed, maintained and managed in accordance with the approved drainage management and maintenance plan for the lifetime of the development.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the requirements of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

7. 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.

Reason

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).

8. 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.

Reason

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.

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 h) received 1st September 2022 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 : 09.02.2023

Authorising Officer: N.J. Hayhurst

Date : 13.02.2023

Dedicated responses to:- N/A