

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2028/OF1
2.	<b>Proposed Development:</b>	ERECTION OF 3 NO. DWELLINGS ON PLOTS 87, 88 AND 91
3.	<b>Location:</b>	PLOT 87. 88 AND 91 AT KEELKE MEADOWS, MILL HILL, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>	<p><b>Site and Location:</b></p> <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>The Application Site is located within the centre of the approved residential development and straddles the boundaries of two approved phases of the development, each of which were approved under separate outline planning permissions, namely application reference 4/16/2409/001 and application reference 4/18/2472/001.</p> <p>The Site has a complex planning history with both application reference 4/16/2409/001 and application reference 4/18/2472/001 having been the subject of both reserved matters applications/permission and numerous Section 73 planning applications/permissions which comprise the now effective planning permission but take forward the planning conditions etc. of the initial outline planning permissions with revisions.</p> <p>A Section 73 planning application, application reference 4/22/2015/0B1 has been submitted separately. This application seeks removal of previously approved Plots 23, 24 and 25 and the previously approved landscaped area to create the space within the approved development for the proposed surface water attenuation basin.</p>

**Proposal:**

This application seeks Full Planning Permission for the erection of 3no. dwellings on land straddling the boundaries of the two approved phases of the development, each of which were approved under separate outline planning permissions, namely application reference 4/16/2409/001 and application reference 4/18/2472/001.

A Full Planning Application is required for the development as the plots are located on land straddling the boundaries of the two approved phases of the development and so cannot be secured via a Section 73 planning application.

Two of the dwellings are located to face onto the proposed attenuation basin and one dwelling is located facing onto the approved highway.

The dwelling designs and proposed external finishes are consistent with those within the remainder of the development.

The Applicant has provided plans detailing how the proposed dwellings relate to the approved development and the development proposed in the subsequent phase on land to the north/west.

Consultee:	Nature of Response:
Town Council	No comments.
Cumbria County Council – Highways and LLFA	<p><i>16<sup>th</sup> February 2022</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:</p> <p>Unfortunately due to ongoing discussion regarding condition 7 of application 4/21/2416/DOC to discharge conditions which deal with the surface water discharge aspect of this application, we are unable provide further comment on this application as presented, as a final design cannot be established until details within condition 7 are resolved.</p> <p>Although the point above still needs resolved, looking through the application details/information we would suggest the following points would need addressed.</p> <ul style="list-style-type: none"><li>• The proposed shared surface which starts adjacent to plot 87 is only 4.1 metres in width which is fine in principle for a shared surface, Is it to be assumed refuse collection vehicles are not going to be collecting in front of the property's within the cul de sac ? if so refuse collection points need to be installed at the start of the shared surface. If this assumption</li></ul>

		<p>is incorrect to allow safe passage of vehicles the shared surfaced is to be widened to 4.8 metres with room to manoeuvre at the turning head.</p> <ul style="list-style-type: none"> <li>• Maintenance/service strips need to be clearly identified within the site plan (drawing number 06/11/542 - 207).</li> <li>• Driveway construction details need to be stated within a plan showing how surface water will be dealt with and not encroaching onto the highway.</li> </ul> <p>As stated earlier in my response the above points are recommendations based on information submitted with application 4/22/2028/0F1 these recommendations may change following the outcome of condition 7 of application 4/21/2416/DOC being resolved.</p> <p><i>18<sup>th</sup> January 2023</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:</p> <p><b>Condition 1 :</b> No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.</p> <p>Reason:</p> <p>In the interests of highway safety To support Local Transport Plan Policies: LD5, LD7, LD8.</p> <p><b>Condition 2 :</b> Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.</p> <p>Reason:</p>
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		In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8.
	United Utilities	<p>United Utilities wish to make the following comments regarding the proposal detailed above.</p> <p><b>DRAINAGE</b></p> <p>Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.</p> <p>Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice:</p> <p><i>Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:</i></p> <ul style="list-style-type: none"> <li><i>(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 in accordance with BRE365;</i></li> <li><i>(ii) 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);</i></li> <li><i>(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;</i></li> <li><i>(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and</i></li> <li><i>(v) Foul and surface water shall drain on separate systems.</i></li> </ul> <p><i>The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.</i></p> <p><i>Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</i></p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p> <p><b>Management and Maintenance of Sustainable Drainage Systems</b></p>

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

#### **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:**

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

##### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

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 Boroughs Landscapes

##### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

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 DS3PU - Settlement Hierarchy

Policy DS4PU - Settlement Boundaries

Policy DS5PU - Planning Obligations

Policy DS6PU - Design and Development Standards

Policy DS7PU - Hard and Soft Landscaping

Policy DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy DS10PU - Soils, Contamination and Land Stability

Policy DS11PU - Protecting Air Quality

Policy H1PU - Improving the Housing Offer

Policy H2PU - Housing Requirement

Policy H3PU - Housing delivery

Policy H4PU - Distribution of Housing

Policy H5PU - Housing Allocations

Policy H6PU - New Housing Development

Policy H7PU - Housing Density and Mix

Policy H8PU - Affordable Housing

Policy SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N2PU - Local Nature Recovery Networks Strategic  
Policy N3PU - Biodiversity Net Gain  
Policy N5PU - Protection of Water Resources  
Policy N6PU - Landscape Protection  
Policy N9PU - Green Infrastructure  
Policy N11PU - Protected Green Spaces  
Policy CO4PU - Sustainable Travel  
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 Borough Council Housing Strategy 2018-2023 (CBCHS).

### **Assessment:**

#### *Principle*

The principle of residential development on the Application Site has been approved by application reference 4/16/2409/001 and application reference 4/18/2472/001.

The proposed development would result in additional dwellings beyond those approved under application reference 4/16/2409/001 and application reference 4/18/2472/001.

#### *Design*

The layout of this element of the development is largely influenced by previous approval of reserved matters and the subsequent Section 73 planning application of which the proposed comprises a continuation and partial infilling.

The SHMA 2021 identifies that the focus for new market housing over the plan period should be 2-3 bed properties. The SHMA 2021 and HNS also identify a need for more specialised types of housing such as executive homes and key worker and student accommodation. The HNS notes that “there is a case for continuing to invest in high-end, larger, market homes to appeal to both the highly paid sector mainly involved in the Sellafield supply chain and as a suitable offer for those the authority wants to attract as part of its strategy to develop new high value technical and innovative industries.”

There is a higher level of smaller and social rented accommodation within Cleator Moor and the higher level of larger executive housing would assist in rebalancing the overall housing mix within the settlement.

In the context of the above, the proposed housing mix including the higher level of executive style houses is considered acceptable.

The proposed external finishes are appropriate to the dwellings and wider site.

A planning condition is proposed to secure details of the proposed boundary treatments.

#### *Highways Impacts*

Access is proposed via the approved highways serving this area of the development.

Off highway vehicle parking for 2no. or 3no. vehicles are proposed to each dwelling.

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 in relation to this area of the development and would not be impacted by the proposed.

#### *Drainage*

In respect of drainage, it is proposed to discharge foul water to the main sewer and surface water to an existing watercourse.

No details of the proposed means of surface water drainage have been provided; therefore, a pre-commencement planning condition is proposed to secure these details.

Cumbria County Council – LLFA and United Utilities have been consulted and raise no objections to the development subject to the imposition of planning conditions.

#### *Residential Amenity*

The proposed dwellings achieve the interface separation distances required by Policy DM12 of the CS.

Given the location of the dwellings and their form, the proposed will not result in unacceptable impacts upon approved dwellings through loss of light, overshadowing or overbearing.

#### *Other Matters*



	<p>The approval of application reference 4/16/2409/001 and application reference 4/18/2472/001 establish the suitability of the ground conditions for residential development and its associated infrastructure. A planning condition is proposed to provide controls in relation to unexpected land contamination.</p> <p>The proposed assists in facilitating the provision of the separately proposed attenuation basin, which will deliver comparable if not greater biodiversity enhancement than the previously approved amenity space in this location and so in overall terms delivers a net gain over the approved fallback position.</p> <p><i>Planning Balance</i></p> <p>The principle of residential development on the Application Site has been approved by application reference 4/16/2409/001 and application reference 4/18/2472/001.</p> <p>The proposed development would result in additional dwellings beyond those approved under application reference 4/16/2409/001 and application reference 4/18/2472/001.</p> <p>The development is acceptable in respect of the design, residential amenity, drainage, ecology and highway safety subject to the planning conditions proposed.</p>
8.	<p><b>Recommendation:</b> Approve</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall begin not later than three years from the date of this decision.</li> </ol> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</li> </ol> <p>Planning Application Form received 15<sup>th</sup> September 2022  Site Location Plan – Drawing No. 06/11/542-100a received 15<sup>th</sup> September 2022  Site Plan – Plots 4/22, 4/23 and 4/55 – Drawing No. 06/11/542-207a) received 7<sup>th</sup> September 2022</p>

External Material Schedule – Ref. 06/11/542 – EMS received 10<sup>th</sup> January 2022  
Dwelling Type E+ Plans & Elevations – Drawing No. 06/11/542-202 received 10<sup>th</sup> January 2022  
Dwelling Type A1 – Plans & Elevations – Drawing No. 06/11/542-124 received 10<sup>th</sup> January 2022

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

3. 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.

4. Notwithstanding the submitted details, no development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:-

1. proposed finished levels or contours;
2. means of enclosure;
3. hard surfacing materials; and,
4. minor artefacts and structures.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. 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

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high-quality landscaping in accordance with saved Policy ENV3, Policy DM25 and Policy DM26 of the Copeland Local Plan 2013-2028.

5. Prior to the commencement of development full details of the proposed surface water drainage scheme to serve the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved details.

Reason

To ensure a satisfactory form of development which prevents an undue risk in surface water run-off and to reduce the risk of flooding in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

6. Prior to occupation of the development a Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority.

The sustainable drainage management and maintenance plan shall include as a minimum:

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

The drainage scheme shall maintained and managed in accordance with the approved details for the lifetime of the development.

Reason

To ensure that the development is completed and satisfactorily maintained and managed in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

7. If during the development, contamination not previously identified is found to be present at the Application Site, no further development shall be carried outlined until a scheme of

investigation and scheme of remediation detailing how the unsuspected contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme of remediation shall be implemented as approved.

**Reason**

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

8. No work for the construction of the developments hereby approved, shall take place on the site, except between the hours:

08.00 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays;

In particular, no work should be carried out on Sundays or officially recognised public holidays.

**Reason**

To safeguard the residential amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

9. 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.

**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](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.

**Case Officer:** Chris Harrison

**Date :** 09.02.2023

**Authorising Officer:** N.J. Hayhurst

**Date :** 13.02.2023

**Dedicated responses to:-** N/A