

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2039/OF1
2.	Proposed Development:	PROPOSED SINGLE STOREY BUNGALOW
3.	Location:	PLOT 1, CLEATOR GATE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
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: Site and Location: The Application Site comprises a parcel of land located at Cleator Gate, Cleator, known as Plot 1. The Application Site is located to the west of the C4024. The Application Site comprises a plot on the residential development that has been partially constructed under the provisions of planning application refs - 4/15/2304/001 and 4/16/2351/OR1. The access and associated infrastructure and 4 no. dwellings have been constructed to date. Direct Planning Application History 4/14/2327/001 – Outline Planning Application – 6no. dwellings. Approved. 4/15/2177/001 – Outline Planning Application – 6no. dwellings. Withdrawn.	

4/15/2304/001 – Outline Planning Application – 6no. dwellings. Approved.

4/16/2351/0R1 – Reserved Matters Application – Layout and drainage. Approved.

Proposal:

This application seeks Full Planning Permission for the erection of 1no. dwelling.

The proposed detached bungalow measures 19.7m by 9.5m with an overall height of 4.78m. It will benefit from two garage doors, four windows and an access door on the front elevation, the two side elevations will be blank and the rear elevation will include a garage access door, three windows and bi-fold doors. It will incorporate an entrance hall, a living room, an open plan kitchen/dining room, a family bathroom, three bedrooms with one en-suite and a double garage.

It will be finished externally with a combination of white k-render and Lakeland slate quoins and an open porch under a grey slate roof covered dual pitched roof structure. Anthracite coloured uPVC windows, doors, fascia and rainwater goods are proposed to match the adjacent plots.

Access is proposed via the existing access road serving the wider development leading to a permeable surfaced parking and turning area. The parking, patio and footpaths will be constructed out of black Marshall Tegula drivesetts and an ACO channel drain is proposed to prevent surface water discharging to the highway.

It is proposed to enclose the curtilage with a combination of the existing stone wall to the north-eastern side boundary, a 1.8m high close-boarded timber fencing to the rear and south-western boundary and a 0.9m high smooth rendered block wall to the front to match the adjacent plots and dwellings.

It is proposed to dispose of foul water to the public main and surface water to a watercourse via a scheme of attenuation.

Consultee:	Nature of Response:
Town Council	Drawing states 2M and 1.8M close boarded fence and should only be 1.8M.
Cumbria County Council – Highways and LLFA	Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning application and 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.
Flood and Coastal Defence Engineer	No objections. <u>Flood Mapping:</u> The Flood Map for Planning shows the proposed development lies in Flood

	<p>Zone 1.</p> <p>Flood Zone 1 comprises land assessed as having a less than 0.1% annual probability of river or sea flooding.</p> <p>All uses of land are appropriate in this zone.</p> <p>For development proposals on sites comprising one hectare or above, the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effects of the new development on surface water run-off should be incorporated in a Flood Risk Assessment. This need only be brief unless the factors above or other local considerations require particular attention</p> <p>In this zone developers and Local Authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems.</p> <p>The Flood Risk for Surface Water Map shows the proposed development lies in an area at a very low risk of surface water flooding.</p> <p><u>Proposed Drainage Plans:</u></p> <p>Plans show the proposed bungalow drained on separate systems connected to appropriate off plot separate systems, with connections approved under the Planning Permission 4/16/2351/OR1.</p> <p>A channel drain is incorporated at the boundary across the drive entrance to prevent the run off of surface water off the property on to the highway, or vice versa.</p> <p>The proposed drainage plan states that the surface water will be via an existing attenuated surface water system into the River Keekle.</p> <p>The plot plan shows the paving to be porous.</p>
United Utilities	No comments.
Neighbour Responses:	
<p>The application has been advertised by way of an application site notice and neighbour consultation letter to 2 no. properties.</p> <p>No representations have been received.</p>	
<p>Development plan policies:</p> <p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p>	

Core Strategy (CS):

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

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 DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

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

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been 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 key issues raised by this proposal are the principle of development, its scale, design and settlement character, landscape and visual impact, drainage and flood risk, ecology, access and highway safety and residential amenity.

Principle of Development

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

Policy ST2 of the Local Plan identifies Cleator as a Local Centre, which 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.

Although the site lies just outside the settlement boundary of Cleator, the principle for developing this site for residential purposes has already been established by the previous outline application ref. 4/15/2304/0F1 and the reserved matters application for the layout and drainage ref. 4/16/2351/OR1. The outline application has expired and therefore an application for approval of reserved matters following outline approval cannot be submitted in relation to the Application Site.

On the basis of the above, the residential development on the edge of the settlement is therefore considered to be acceptable in principle subject to the consideration of site specific matters.

Scale, Design and Settlement Character

Within the Copeland Local Plan, Policies DM10, DM11, and DM12, 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.

The Site comprises a plot on a development that has been partially constructed under the provisions of planning application refs. 4/15/2304/001 and 4/16/2351/OR1.

The proposed bungalow is of an appropriate scale and mass in relation the plot and the adjacent

dwellings. It will provide reasonable standards of amenity space and the layout will satisfy the required separation distances.

The proposed external finishes are consistent with the dwellings approved on the remainder of the development and therefore the design is in-keeping with the surrounding area.

The existing sandstone boundary wall to the north-east of the site, adjacent to Cleator Gate will also be retained, ensuring the settlement character is maintained. In addition, as the Parish Council noted, the proposed 1.8 metre high fence details outlined on the layout plan are considered to be acceptable and the design will reflect the adjacent plots.

On this basis, the proposed therefore accords with the provisions of Policies DM10, DM11, DM12 and the NPPF guidance.

Landscape Impact and Visual Impact

Policy ENV5 seeks to protect all landscapes from inappropriate change by ensuring that developments does not threaten or detract from the distinctive characteristics of that particular area.

This application relates to plot 1 on this development site which is located between the existing settlement boundary and the other plots within this development. The development would be viewed against the backdrop of the existing properties and adjacent sites, currently under construction, therefore the proposal is not considered to result in intrusion into open countryside or impact on the surrounding area.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

Drainage, United Utilities Infrastructure 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.

The application site is located within Flood Zone 1, however the Lead Local Flood Authority, Copeland's Flood and Coastal Defence Engineer and United Utilities have been consulted on this application.

It is proposed to dispose of surface water to a watercourse via a scheme of attenuation as approved under planning application refs. 4/15/2304/001 and 4/16/2351/OR1 and accords with the national drainage hierarchy. The scheme also includes measures to prevent water discharging from the development onto the public highway.

The LLFA and Copeland's Flood Engineer both raised no objections to the proposal and the development can be secured by the use of a planning condition.

On this basis, the proposal is therefore considered to comply with policies ENV1 and DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Ecology

The Site comprises a former area of agricultural land on which the access to the development and drainage infrastructure has been created.

The Site is of limited ecological interest.

The development is unlikely to adversely impact upon protected or local important species.

A European Protected Species Licence will not reasonably be required.

Access 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.

Access is proposed via the existing access road serving the wider development and the development will benefit from a large driveway with a parking and turning area.

The proposal will include 5 off-street parking spaces within the driveway and double garage and therefore Cumbria Highway have offered no objections to the proposal.

A planning condition is proposed to ensure that the off-street parking provision is installed prior to the first use of the dwelling.

On this basis, the proposal complies with Policies T1 and DM22 of the Copeland Local Plan.

Residential Amenity

Given the scale, form and location of the proposed dwelling in relation to the existing dwellings and the proposed dwelling on Plot 2, no significant adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result. In addition, the proposed boundary fence will provide suitable screening and mitigation.

Given the scale of the development and the fact that the development is self-build, it would not be reasonable or proportionate to impose a planning condition securing a Construction Method Statement and hours of construction limitations. If nuisance were to occur, potential would exist to address this under other legislation.

Planning Balance and Conclusion

This application seeks planning permission for a single detached bungalow outside of the settlement boundary of Cleator. Although the site lies outside of any settlement boundary identified within the Copeland Local Plan, the principle for developing this site for residential purposes has already been established by previous applications.

The previously approved Outline Planning Applications, whilst now expired are material planning considerations to be given weight in decision taking.

The proposed development is of an acceptable design and layout and reflects the developments

	<p>within the adjacent plots. The development is contained within an existing approved development will not result in adverse impacts upon settlement character or harmful landscape and visual effects.</p> <p>The development is acceptable in respect of flood risk, drainage, ecology and highway impacts.</p> <p>In overall terms, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and is considered to accord with the policies of the Development Plan when taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <p>The development hereby permitted must commence 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>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>Planning Application Form, received 25th January 2022; Proposed Site Location and Block Plan, scale 1:1250 and 1:500, reference P1CG-GM-002, received 25th January 2022; Proposed Site Location and Block Plan, scale 1:2500 and 1:1250, reference P1CG-GM-004, received 25th January 2022; Proposed Plot Layout Plan, scale 1:200 and 1:50, reference P1CG-GM-003, received 25th January 2022; Proposed Floor and Elevations Plan, scale 1:50 and 1:500, reference P1CG-GM-001, received 25th January 2022; Proposed Drainage Plans, scale 1:200, reference P1CG-GM-005, received 25th January 2022; Design and Access Statement, reference DAS-001, received 25th January 2022.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990,</p>

as amended by the Planning and Compulsory Purchase Act 2004.

Prior to Use/Occupation Conditions

3. The dwelling hereby approved shall not be occupied until the approved surface water and foul water disposal works have been completed on site in accordance with the approved Drainage Plan, reference P1CG-GM-005, received by the Local Planning Authority on 25th January 2022. The approved works shall be retained for the lifetime of the development.

Reason

To ensure adequate provision is made for the management of surface water and sewage disposal in accordance with Policy ENV1 of the Copeland Local Plan 2013-2028.

4. The dwelling hereby approved shall be not occupied until the approved parking layout has been constructed and made available for use in accordance with the approved Plot Layout Plan, reference P1CG-GM-003, received by the Local Planning Authority on 25th January 2022. The approved parking layout shall be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan 2013-2028.

Other conditions:

5. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with 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

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: C. Unsworth

Date : 21/03/2022

Authorising Officer: N.J. Hayhurst

Date : 22/03/2022

Dedicated responses to:- N/A