

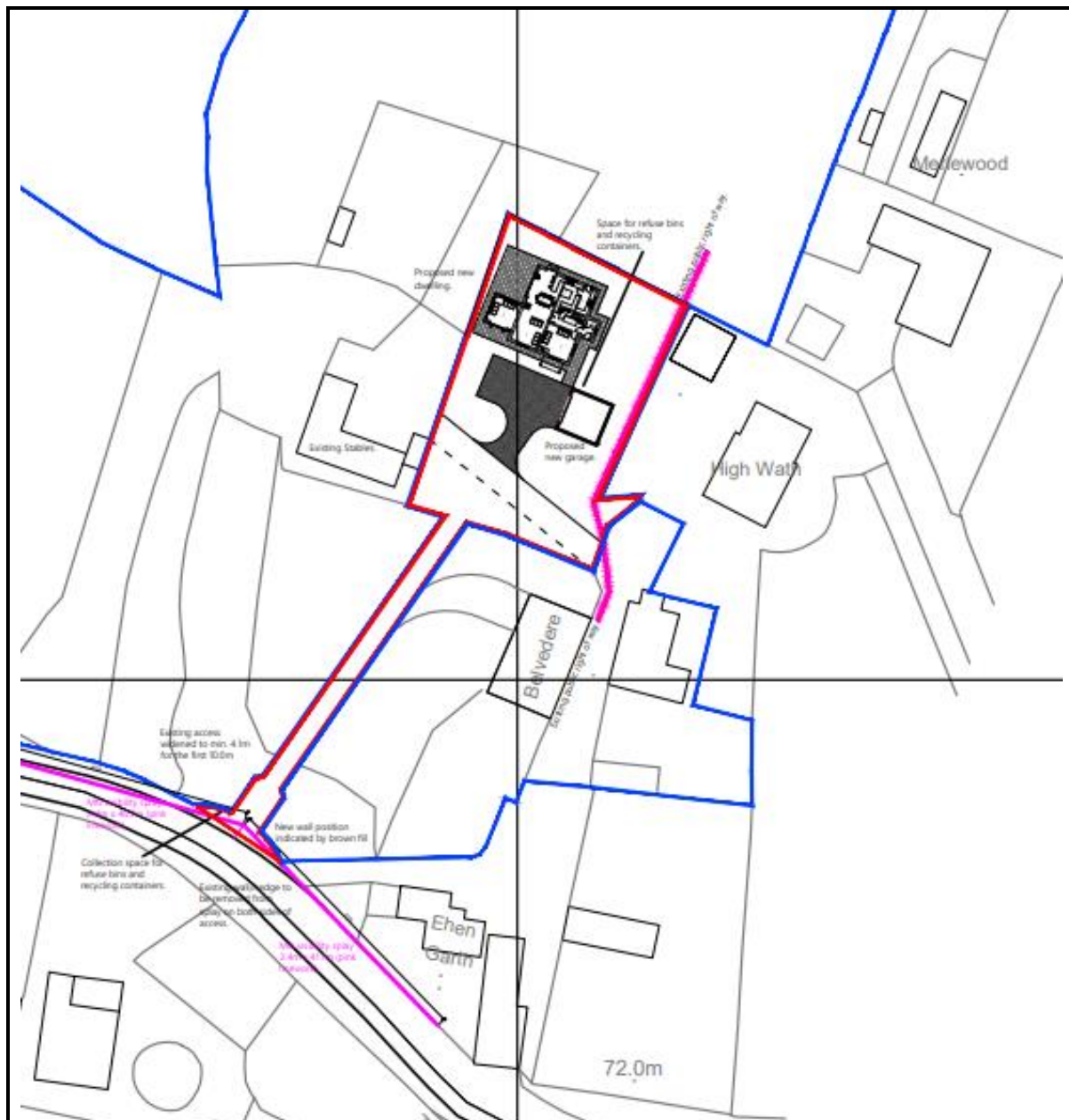


To: PLANNING PANEL

Development Management Section

Date of Meeting: 05/07/2022

Application Number:	4/22/2078/0F1
Application Type:	Full : CBC
Applicant:	Mr Gerrard Coan
Application Address:	LAND ADJACENT TO BELVERDERE, CLEATOR
Proposal	ERECTION OF DETACHED DWELLING WITH DETACHED GARAGE
Parish:	Cleator Moor
Recommendation Summary:	Approve (commence within 3 years)



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

REASON FOR DETERMINATION BY PLANNING PANEL

This Outline Planning Application is brought for consideration by the Planning Panel as the proposed development comprises a technical departure from the provisions of the Development Plan.

SITE AND LOCATION

The Application Site comprises a 0.12 hectare parcel of land located to the north of the property known as Belvedere, Wath Brown, Cleator.

The Application Site is bounded by a stable block to the west; a parcel of agricultural land to the north; and, existing dwellings to the south and east.

The Application Site is enclosed by a combination of walls and hedgerows. A line of mature trees exist to the southern boundary.

PROPOSAL

This full planning application seeks approval for the erection of a dwelling with detached garage on land to the north of the property known as Belvedere.

The proposal is for a single dwelling which is to be 2 storey in height and includes the use of the roof space. The dwelling will have an eaves height of 5.2m and an overall height to the pitch of 8.7m. The dwelling will be 9.8m in width and 12m in length and also includes a single storey projection of 4.3m to the rear. A detached garage is also proposed which will measure 6.7m x 6.7m giving an overall floor space of 44.89m². The garage will be 2.2m to the eaves level and 4.8m to the ridge in height.

The ground floor of the dwelling will comprise an open plan kitchen/dining/living room, a further family room and a utility room, with a sun-room to the rear. The upper levels will comprise 4 bedrooms and three bathrooms on the first floor and two bedrooms and a bathroom within the roof space.

The proposed dwelling will be constructed from multi red clay facing brickwork with a natural slate roof and grey UPVC windows and doors.

A parking and turning area is proposed in front of the dwelling, This will be finished with permeable concrete pavers and provides sufficient space to accommodate multiple vehicles.

The garden will be landscaped with a patio to the rear of the property with the remainder of the garden finished with grass. The rear and side boundaries of the site will be bound with a stock proof fence. The front boundary will be defined by a low clay facing brick wall to match the proposed dwelling.

RELEVANT PLANNING APPLICATION HISTORY

Outline application (with all matters reserved) for a single residential dwelling, approved in September 2021 (application reference 4/21/2202/001 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

Queried whether this application will create a second property on the site.

Cumbria Highways

Outline permission was granted (4/21/2202/001) in September 2021. During the outline application a speed survey was carried out which determined visibility splays of 2.4 metres by 41.1 metres to the left and 46.2 metres to the right would be adequate for the intensification of the use of the existing access.

Drawing Number 005RevD has shown the existing access will be widened to 4.1m for the first 10m into the site from the carriageway edge in line with our previous comments.

I would like to note that inter-visibility should be considered where the internal accesses for the proposed dwelling and Belverdere join. Although this is within the private site, we would advise that the boundary height is approximately 1.05m to ensure vehicles are visible to one another.

I can confirm that the LHA and LLFA have no objections to this proposal however we would recommend that conditions are included with any permission that may be granted to retain safe access for the lifespan of this development.

Local Lead Flood Authority

No objections, subject to conditions to ensure that surface water does not drain onto the highway.

Rights of Way Officer

1st Response

The Site Block Plan shows FP 403007 passing through and along the eastern boundary of the development site. However, this doesn't follow the line of the right of way as shown on the definitive map and statement (see attached plan).

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.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumbria Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

The proposed site plan as shown would not be acceptable. We would strongly advise the applicant that:

- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close them has been confirmed.
- The granting of planning permission would not give the applicant the right to block or obstruct the rights of way shown on the attached plan.

No development should take place on or near the footpath unless the appropriate statutory legal process has been successfully completed.

2nd Response

FP 403007 is located adjacent to the development site (see attached plan).

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.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumbria Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise the applicant that:

- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close them has been confirmed.
- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.

No development should take place on or near the footpath unless the appropriate statutory legal process has been successfully completed.

United Utilities

United Utilities request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 8 no. properties.

No responses have been received as a result of these consultations.

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 ST4 – Providing Infrastructure

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 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

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Cumbria Development Design Guide (CDDG)

Manual for Streets (MfS).

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk Policy
- Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Policy H8PU - Affordable Housing
- Policy H21PU – Residential Caravans
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks
- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection

ASSESSMENT

Principle of the development

Outline planning permission was approved in September 2021 for a single residential dwelling, therefore establishing the principle of residential development on this site.

Policy ST2 of the CS identifies Cleator Moor as a Key Service Centre.

Policy ST2 of the CS states that Key Service Centres are to support moderate levels of development reflecting the respective scale and function of these smaller towns and contribute to the regeneration of their town centres. Figure 3.3 of the supporting text to

Policy ST2 identifies that Cleator Moor will deliver at least 23 dwellings per annum throughout the plan period 2013-2028 based upon an annual housing requirement of 230 dwellings per annum.

The Application Site is located outwith the settlement boundary for Cleator Moor as defined in Policy ST2 of the CS.

Policy ST2 of the CS states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including... *housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.*

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Publication Draft Consultation ended on 18th March 2022. The ECLP will, once adopted, replace the policies of the adopted CS.

The ECLP has been drafted based upon an evidence base of documents which includes a updated Strategic Housing Market Assessment (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

The ECLP continues to identify Cleator Moor as a Key Service Centre reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP continues to identify the Application Site as outside the revised development boundary for Cleator Moor.

The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where

no objections have been received. The Publication Draft 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.

In the context of the above, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In applying the provisions of Paragraph 11:

- the Application Site would assist in boosting housing supply to meet the identified need for housing in Cleator Moor and the wider Borough as detailed in Policy ST2 of the CS and the ECLP as required by the NPPF;
- the proposed development comprising the erection of 1no. dwelling is appropriate in size and character to the Key Service Centre of Cleator Moor in accordance with the spatial objectives of Policy ST2 of the CS and ECLP;
- the Application Site is located outside of the defined development boundary in Policy ST2 of the CS; however, footpath linkages exist that provide connections to the wide range of services and employment opportunities located within the Cleator Moor for which the settlement has been designated as a Key Service Centre in Policy ST2 of the CS and is proposed for designation in the ECLP. The proposed development will support existing services and thus the aspiration of Cleator Moor to become thriving place; and,
- Sustainable travel options exist within the vicinity. An existing bus stop is located within 400m of the Site and is accessible via footpath linkages and local cycle routes provide linkages to the National Cycle Network Route 72 as required by Policy DM22 of the CS.

Housing Need

Cleator Moor falls within Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SMHA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a low need for new affordable housing.

Policy SS3 of the CS seeks to establish a supply of sites suitable for executive and high quality family housing within Cleator Moor.

The submitted plans are for a larger executive home on the site, therefore delivering the aspirations of the SHMA.

The proposed development will reasonably assist in providing a greater balance of housing stock within the Cleator Moor area in accordance with the provisions of Policy SS3 of CS.

Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Paragraph 174 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes... and b) recognising the intrinsic character and beauty of the countryside.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Application Site as being located in an area of landscape character Sub Type 11a Foothills.

The key characteristics of Sub Type 11a are stated as: rolling, hilly or plateau farmland and moorland; occasional rocky outcrops; hills dissected by numerous streams and minor river valleys; areas of improved grassland, unimproved heathland and extensive conifer plantations; semi natural woodland in the small valleys; and, large areas of farmland bounded by stone walls and hedges.

The guidelines for development in areas of Sub Type 11a include: protecting village fringes from unsympathetic development; resisting development of important open spaces such as small pastures or woods within villages; and, conserving the rural character of the existing small road network.

The Application Site is located within close proximity to the Lake District National Park, which is a nationally designated landscape.

Paragraph 176 of the NPPF requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks... which have the highest status of protection in relation to these issues and that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Application Site comprises a small parcel of land that is well related to an existing group of buildings and dwellings with a stable block existing to the west and existing dwellings to the south and east. A line of mature trees exist to the southern boundary. The existing buildings, dwellings and landscaping screen the Application Site in short and longer range views from the south, east and west.

The surrounding land to the north and west rises up towards Frizington Road and Red Beck Road. This landform in combination with the existing development and landscaping screens the Application Site in short and long range views from the west. Short and longer range views of the Application Site exist from the north and east; however, in such views, the

proposed dwelling would be viewed in the context of the existing buildings, dwellings and landscaping and so would not cause unacceptable visual harm or landscape character harm.

It not considered that the proposed dwelling would impose to any great extent upon the existing views experienced from the Lake District National Park and existing views of its westernmost higher fells.

Design and Residential Amenity

Policy DM10 of the CS seeks a high standard of design whilst Policy DM12 prescribes the minimum acceptable separation distances to ensure that new dwellings do not create amenity issues for existing properties relating to overlooking or loss of light.

The proposed dwelling and detached garage has been designed to sit neatly in the plot and respects the topography of the landscape. Separation distances far greater than the minimum of 21m have been achieved, therefore protecting residential amenity for the surrounding properties including “Luino” and “Merle Wood” to the east and “Belvedere” to the south. The proposal includes a balcony at first floor level which will face south-west. As there are no residential properties within the sightline of this feature, it is considered to be acceptable.

Whilst materials have been specified by the Applicant, no samples or brochure details have been provided, therefore this detail should be secured for approval by way of a suitably worded planning condition in order to ensure that the dwelling will fit in with its surroundings. The materials for the detached garage will match the main dwelling and this is welcomed. The design of the dwelling is modern but is influenced by the local character using brick quoin detailing and window banding.

Due to the size of the garage, it is considered prudent to include a condition to limit the use for domestic purposes only in order to ensure that commercial uses are not introduced into the area which may affect the neighbouring amenity.

Overall, the proposal is considered to be compliant with the policies within the CS with regards to respectful design and the protection of residential amenity.

Highway Safety and Parking

Access to the Application Site is deliverable via the existing access serving the property known as “Belvedere” only.

During the application approved in 2021, the Highway Authority initially confirmed that the existing access to the C4017 from the property known as “Belvedere” would need to be widened to at least 4.1m for the first 10m so that two cars can pass without either having to wait on the public highway; and, that visibility splays of 2.4m x 215m would be required to accommodate the proposed development.

The Applicant subsequently commissioned an automated traffic count survey of the C4017. The speed survey recorded average 24-hour 85th percentile speeds of 32mph westbound (travelling uphill); and, 31mph eastbound (travelling downhill). As the 85th percentile

speeds are below 37mph, the Manual for Streets is applicable for determining the recommended visibility splays. Accounting for the c.7% gradient on the C4017 a visibility splay of 41.1m x 2.4m is required to the left (looking downhill); and, a visibility splay of 46.2m x 2.4m is required to the right (looking uphill).

In line with this information, the Applicant has shown the widening of the existing access to 4.1m for the first 10m into the site from the carriageway edge.

It is clear that an acceptable access is therefore deliverable and the Highway Authority has raised no objections, subject to a number of conditions relating to the securing of visibility splays, the surfacing of the access drive, ensuring that the boundary wall does not exceed 1.05m and that access gates open inwards only.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site.

The proposed development would not impact upon the route or cause unacceptable harm to the setting of the existing Public Right of Way to the east of the Application Site.

Flood Risk and Drainage

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not shown to be liable to surface water flooding.

It is proposed to dispose of surface water to a soakaway which accords with the national drainage hierarchy.

No details are provided in respect of foul water disposal.

A planning condition is proposed requiring the submission, approval and implementation of a detailed scheme for the disposal of foul water and surface water in accordance with the national drainage hierarchy.

Landscaping

Full landscaping details have not been submitted as part of the application however, the plans show that bin storage has been made available adjacent to the parking area. A condition requiring full details of the landscaping should be included on any approval of this application to ensure this detail is approved prior to the occupation of the dwelling. This will ensure that any boundary treatments are in keeping with the surrounding area.

On the basis that the landscaping will be submitted and approved, it is considered to comply with Policy DM26 of the Copeland Local Plan.

Arboriculture and Ecology

The Application Site comprises an existing hard surfaced access and an existing area of hard standing and therefore is of limited ecological interest.

The creation of the proposed access will require the removal of a small number of existing trees. These trees are not important in wider landscape terms and given their nature and form etc. have low potential for the presence of bats; therefore, a protected species licence is unlikely to be required.

The Planning Balance

For the reasons outlined above, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- iii. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- iv. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposed development is in clear conflict with the provisions of Policy ST2 of the CS with regard to the location out with the settlement boundary for Cleator Moor; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

The principle of developing the site for a single dwelling has already been established by the approval of an outline application in 2021. This outline approval remains extant.

It is considered that some adverse impacts upon the character of the landscape will result from the proposed development; however, this will be only minor adverse. The development will also result in the loss of some existing trees.

In overall terms, whilst conflicts are identified it is considered that these conflicts and impacts are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which include: the provision of housing to meet the needs of the settlement/borough; boosting the economy of the settlement/borough including the provision of jobs during construction; and, supporting local services when assessed against the policies in the NPPF taken as a whole.

Recommendation: -

Approve subject to the following conditions:-

Conditions

Standard Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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: -

Site Location Plan, scale 1:1250, drawing number 2034 001 C, received 11th May 2022;

Site Block Plan, scale 1:500, drawing number 2034 005 F, received 11th May 2022;

Proposed Site Plan, scale 1:250, drawing number 2034 004 C, received 11th May 2022;

Proposed Floor Plans, scale 1:100, drawing number 2034 006 A, received 17th February 2022;

Proposed Elevations, scale 1:100, drawing number 2034 007 A, received 17th February 2022;

Proposed Site Sections, scales 1:2500 and 1:200, drawing number 2034 009, received 11th May 2022;

Proposed Garage Plans, scale 1:100, drawing number 2034 008, received 17th February 2022;

Design and Access Statement, received 17th February 2022.

Reason

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.

Prior Commencement Conditions

3. No development must commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development must be completed, maintained and managed in accordance with the approved details.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

4. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

5. No development must commence until details of works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority.

The development must not be occupied until the approved works for the disposal of sewage have been provided on the site to serve the development.

The approved works must be retained of the lifetime of the development thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the

Copeland Local Plan 2013-2028.

6. The development must not commence until visibility splays providing clear visibility of 41.1 meters left by 2.4 metres by 46.2 metres right down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order relating to permitted development, no structure, vehicle or object of any kind must be erected, parked or placed and no trees, bushes or other plants must be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

7. No development hereby approved must commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The statement must include:

- details of the means of access and parking for construction traffic and vehicles;
- procedures for the loading and unloading of plant and materials;
- details of the storage of plant and materials used in construction;
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the River Ehen;
- a scheme for recycling/disposing of waste resulting from construction works.

The approved Construction Method Statement and Management Plan must be adhered to throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

8. No site clearance, preparatory work or development must take place until a scheme for the protection and future management of the retained trees (the tree protection plan) has been submitted to and agreed in writing with the Local Planning Authority.

The tree protection measures must be carried out as described and approved and the trees shall be permanently retained.

Reason:

To adequately protect the existing trees on site which are considered worthy of retention in accordance with the provisions of Policy DM28 of the Copeland Local Plan 2013-2028.

9. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

10. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved prior to the development being brought into use and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

11. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

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.

12. Prior to the first use of the development hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local

Planning Authority. These works must include hard surfacing and means of enclosure as a minimum. Landscaping must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

Other Conditions

13. Foul and surface water shall be drained on separate systems.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

14. No construction work associated with the development hereby approved must be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

15. 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) must be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination must be dealt with. The remediation strategy must be implemented as approved.

Reason

To ensure the protection of controlled waters from potential land contamination in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

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

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

17. The detached garage building hereby approved must only be used in association with and ancillary to the residential property hereby approved and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 of the Copeland Local Plan.

Informatives

Coal Authority Standing Advice

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

Public Right of Way

- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close them has been confirmed.
- The granting of planning permission does not give the applicant the right to block or obstruct the right of way shown on the attached plan.

No development should take place on or near the footpath unless the appropriate statutory legal process has been successfully completed.

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.