

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2084/OR1
2.	<b>Proposed Development:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR THE ERECTION OF 5 DWELLINGS PURSUANT TO OUTLINE APPROVAL 4/18/2441/001
3.	<b>Location:</b>	LAND AT BIRKS ROAD, CLEATOR MOOR
4.	<b>Parish:</b>	Arlecdon and Frizington, Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to an open area of agricultural of land which lies to the north east of Cleator Moor.  The land is bound by an existing post and wire fence and fronts onto Birks Road, with residential properties to the north east and south east of the site.  Outline planning was approved in February 2019 for the erection of up to five dwellings on the site (application reference 4/18/2441/001 relates).  <b>PROPOSAL</b>  This application seeks approval of the reserved matters relating to layout, scale, access, appearance	

and landscaping, further to the previously approved outline application, for up to 5 dwellings.

The proposed detached dwellings are to be 3 bedroomed bungalows including an integral garage. The dwellings include a living room, open plan kitchen/dining room, utility, 3 bedrooms and two bathrooms.

The dwellings will be an L shape measuring 14 metres in length and 13 metres in width. They will have an eaves height of 2.6 metres and a ridge height of 6.6m.

The dwellings have been designed to include some traditional features in order to fit in with the local vernacular of Cleator Moor, including banding to the windows. No specific details of materials have been provided with the application.

Access will be taken from Birks Road to a central spine road, with parking and turning space available within each plot. There will be grassed amenity space to the frontage, sides and rear with paved walkways surrounding the properties and patios to the rear.

## **CONSULTATION RESPONSES**

### Cleator Moor Town Council

No issues raised.

### Cumbria County Council

#### **1<sup>st</sup> response**

The LHA and LLFA have reviewed the submitted documentation for this reserved matters application following outline 4/18/2441/001. We raise no concerns with the indicative layout shown on the proposed site plan, 22-109-01. We would ask that the applicant submits a vehicle swept path diagram showing that refuse and emergency vehicles are able to turn within the site and therefore enter and leave the development in a forward gear. Otherwise they will need to show a refuse bin collection area within the site but near to the site access.

It is noted the LHA previously requested a footway was provided along the frontage of this site adjacent to the highway. This has not yet been shown on the proposed plans. I would therefore ask that our recommended comments and conditions previously made in 2018 - as attached – are considered for this application also.

#### **2<sup>nd</sup> response**

Further to the additional information submitted stating that the site is to remain private, I can confirm that a vehicle swept path for refuse vehicles will not be required however they will need to ensure there is a refuse collection storage area provided for the occupants near to the access but not encroaching onto the highway. This has been noted on the cover letter however not shown on the

corresponding plans submitted on 20/06/2022.

Our previous response noted the footway we requested during the 2018 outline application has not been shown on the current plans. Please could this be shown on a plan to support our previous request?

### **3<sup>rd</sup> response**

I can confirm that the Local Highway Authority are satisfied with the plans showing a refuse bin storage area located within the site but accessible from the highway.

We still feel a footway adjacent to the highway from the extent of the frontage of the site should be included within the overall layout of this development which may require a legal agreement to be in place prior to the works being carried out.

The surface water drainage arrangements for the site should be suitably conditioned for approval before works commence on site plus the above itemised highway works.

Conditions included in our response to 4/18/2441/001 are still relevant with the addition of:

Footways shall be provided for the full extent of the site frontage. Pedestrian within and to and from the site shall be provided that is convenient to use.

### Environment Agency

### **1<sup>st</sup> response**

We object to this application as it involves building in close proximity to a watercourse, Nor Beck Extension. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

#### Reason

The proposed development is likely to adversely affect the stability of the embankment. The proposal may therefore increase the risk of flooding to the development itself or to existing buildings on the right bank.

#### Overcoming our objection

Please provide a cross-section to indicate where the boundary of plots 1 and 4 will be in relation to the top of the bank. At this location we can confirm that we require a minimum 4 m access strip between the top of the bank and any proposed development, please ensure any submitted plans conform to this requirement.

If Nor Beck Extension does not run adjacent to the site, please provide evidence of its route in the form of recent maps and photographs.

### **2<sup>nd</sup> response**

Environment Agency maps indicate that the designated main river Nor Beck Extension runs adjacent to the proposed development site up to and beyond Birks Road.

We have reviewed the revised documentation submitted by SUMMIT Town Planning (dated 17/06/2022). We are satisfied that our previous objection (our ref NO/2022/114308/01 dated 30 March 2022 has been resolved and we therefore withdraw our objection.

The plans indicated that the development will be at least 8.3m from the riverbank.

#### Flood and Coastal Drainage Engineer

With regards to the above application, no drainage information has been submitted, not even how the site is to be drained, therefore, I am objecting to the proposed development.

I also note that the Plots 1 and 4 of the proposed development are adjacent to Norbeck Extension "Main River" and therefore may breach the 8m bank width requirement of the Environment Agency.

#### Public Representations

The application has been advertised by way of a site notice and neighbour notification letters issued to 5 no. properties.

3 letters of objection have been received stating the following concerns:

- This is not a brown field site;
- It is overdevelopment;
- Cleator Moor does not need any more houses;
- No EIA has been requested;
- Parking is already difficult in the area.

#### **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 SS2 – Sustainable Housing Growth

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy 2021 (NPPF)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Copeland Borough Council – Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

### 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.

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy H6PU: New Housing Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of Development

Outline planning permission for up to five residential properties with all matters reserved was granted on the site in 2019 under reference 4/18/2441/001, which established the principle of residential development on the site. Layout, scale, access, appearance and landscaping were reserved for future approval and this application seeks to address these matters.

### Layout, Scale, Design and Appearance

Policy DM10 seeks to ensure that new development maintains high standards of design, with Policy ST1 ensuring that the design respects neighbouring amenity. DM12 sets out specific design standards for new residential development including the need to retain appropriate separation distances.

The dwellings will all be bungalows, with two similar house types used. The use of bungalows will ensure that the development is less prominent within the landscape, being low lying and therefore less obvious from surrounding viewpoints.

The dwellings have been orientated to ensure that there is no adverse impacts on privacy or amenity issues for the neighbouring dwellings opposite. Each dwelling sits on a large plot with ample space for amenity and bin storage.

The dwellings include some traditional features in order to fit in with the local vernacular of Cleator Moor, including a vertical emphasis to the fenestration and banding to the windows.

No details of materials have been provided with the application and therefore it is considered that any approval should include a suitably worded planning condition to ensure that all external facing materials are approved prior to their use on the site.

Overall, it is considered that the dwelling is of an appropriate scale, design and appearance and complies with Policies ST1, DM10 and DM12.

### Access and Parking

Policy DM22 of the Copeland Local Plan requires that the layout of development responds positively to the existing movement pattern in the area and incorporates off street parking where possible.

Whilst Cumbria Highways have confirmed that the layout is acceptable, there were concerns that refuse vehicles would not be able to enter the site and exit in a forward gear. As a result the scheme was amended and a bin refuse area was shown at the entrance to the development. As the roads within the development will not be adopted, this was considered to be acceptable.

Cumbria Highways requested a pavement to the front of the development and have requested a planning condition to ensure that this is secured.

Parking and turning space has been provided within each plot, with ample space for off road parking and further space within the integral garage. Vehicles are able to exit the site in a forward gear, therefore ensuring that there will be no adverse impact on highway safety.

Provided that the access is constructed in accordance with the submitted plans, the proposal complies with Policy DM22 of the Copeland Local Plan.

#### Landscaping

Policy DM26 of the Copeland Local Plan requires that proposals are assessed according to whether the landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

Full landscaping for the site has not been provided, with limited information submitted to show some tree planting. The proposed landscaping is likely to be acceptable for residential properties in this location, however, in order to ensure that the proposal complies with Policy DM26 of the Copeland Local Plan and is suitable for the area, a suitably worded planning condition is proposed to ensure that an appropriate landscaping scheme is submitted and implemented.

#### Drainage

Policies ENV1 and DM24 require a flood risk assessment to be submitted where a proposed development is likely to increase the risk of flooding onsite or elsewhere or where there is an existing flood risk.

The Environment Agency list the following developments as requiring a FRA during the planning application process:

This includes developments:

- in flood zone 2 or 3 including minor development and change of use
- more than 1 hectare (ha) in flood zone 1
- less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)
- in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency.

The site is located within Flood Zone 1, therefore having a low risk of flooding and the proposal will not be more than 1 hectare. A flood risk assessment is therefore not required to be submitted.

Due to the location of the site in close proximity to Nor Beck, the Environment Agency were consulted. They initially objected to the proposal due to the proximity of the site to Nor Beck,

however, following the submission of an amended plan and the confirmation that the dwellings will be in excess of 8m from the Beck, the development was considered to be acceptable.

No information has been submitted in relation to drainage, however a condition was attached to the outline consent to require full drainage details prior to the commencement of the development. As this information is yet to be received, the condition is still valid.

On approval of this information, the proposal is likely to comply with Policies ENV1 and DM24 of the Copeland Local Plan.

#### Ecology

Policies ENV3 and DM25 protect international, national and locally designated sites and ensure that any development incorporates measures to protect and enhance any biodiversity interest.

There are no designations on the land at international, national or local level with regards to ecology.

Furthermore, the development does not fall under either Schedule 1 or Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and therefore an Environmental Impact Assessment is not required.

#### Planning Balance and Conclusion

The principle of the development was established by the granting of outline planning permission in 2019.

The submitted details show appropriately sited dwellings within large plots with associated amenity and parking space. The restriction of the dwellings to single storey will help to mitigate any adverse impacts in terms of landscape impact and residential amenity. The dwellings as proposed comply with the separation distances set out in Local Plan policy.

Further details with regards to drainage, external materials, pavements and landscaping are required, prior to the commencement of the development in order to ensure that all aspects of the dwellings will be appropriate in this edge of settlement location.

The proposed access point is appropriately sited to achieve a safe and convenient entrance to the site and adequate provision of parking and turning can be achieved to serve each dwelling.

All objections received have been considered and suitably addressed throughout the report.

Overall, the proposal is deemed to be acceptable and, based on the information submitted, will result in an acceptable form of development which will be consistent with the policy requirements set out in the Local Plan and the guidance contained within the NPPF.



8.	<p><b>Recommendation:</b> Approve Reserved Matters</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <p>1. 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>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, drawing number 22-109-02, received 21<sup>st</sup> February 2022;  Site Block Plan, scale 1:500, drawing number 22-109-03A, received 17<sup>th</sup> June 2022;  Proposed Site Plan and Elevations, scales 1:100 and 1:200, drawing number 22-109-01B, received 11<sup>th</sup> July 2022.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p><u>Prior to Occupation Conditions</u></p> <p>3. Prior to the first occupation of the dwellings hereby approved, the access road and pavements must be constructed and completed in accordance with the approved plans and retained as such at all times thereafter.</p> <p>Reason</p> <p>To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p> <p>4. Prior to the first occupation of the dwellings hereby approved, the parking and turning areas for each plot must be constructed and brought into use. The parking and turning areas must</p>

be retained for the lifetime of the development.

Reason

To ensure that anti-social parking does not create issues for the surrounding properties and in accordance with Policy DM22 of the Copeland Local Plan.

5. Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works including boundary treatments must be submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours. 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.

6. Prior to the first occupation of the dwellings hereby approved, footways must be provided for the full extent of the site frontage. The footways must be retained for the lifetime of the development.

Reason

To ensure the provision of a safe development and encourage sustainable transport options in accordance with Policy DM22 of the Copeland Local Plan.

Other Conditions

7. 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.

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.

## Informatives

- 1) The development hereby approved must be carried out in accordance with conditions 4, 5, 6, 9, 10, 11 and 12 of Outline Planning Approval Ref: 4/18/2441/001.
- 2) The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 3) 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.

<b>Case Officer: Sarah Papaleo</b>	<b>Date : 16/09/2022</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 16/09/2022</b>
<b>Dedicated responses to:-</b>	