

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2092/001
2.	Proposed Development:	HYBRID APPLICATION INCLUDING AN OUTLINE APPLICATION FOR 21 SELF-BUILD DWELLINGS (WITH ALL MATTERS RESERVED WITH THE EXCEPTION OF ACCESS) AND FULL PLANNING TO ESTABLISH PLOT BOUNDARIES, ROAD LAYOUT AND SITE INFRASTRUCTURE ASSOCIATED WITH THE ERECTION OF THE 21 SELF-BUILD DWELLINGS
3.	Location:	LAND ADJACENT TO FLOSH MEADOWS, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Surroundings <p>The Application Site comprises an area of agricultural land which is accessed from Flosh Meadows via Main Street, Cleator.</p> <p>The Site comprises part of a larger field enclosure and is adjoined by a small collection of residential properties known as Flosh Meadows and Cross Grove</p> <p>The Site was the subject of an Outline Planning Permission for the development of 21no. self-build dwellings under application ref. 4/17/2214/001 and application ref. 4/16/2063/001. This planning permission has expired.</p> <p>The land to the East of the Site comprises a rectangular parcel of agricultural land, which benefits from planning permission for the development of 7no. dwellings under application ref. 4/20/2218/0R1. This land is enclosed by a mature hedgerow and trees, which provide screening of the adjacent cemetery and Grotto.</p>	

The land to the North of the Site comprises a broadly square parcel of agricultural land, which benefits from planning permission for the development of 19no. dwellings under application ref. 4/17/2391/0O1 and 4/21/2554/0R1.

Proposals

A Hybrid Planning Application has been submitted including an Outline Planning Application for 21 self-build dwellings (with all matters reserved with the exception of access) and Full Planning Permission to establish plot boundaries, road layout and site infrastructure associated with the erection of the 21 self-build dwellings.

A hybrid application has been proposed to allow the Applicant to commence the construction of site infrastructure in advance of the submission and approval of any reserved matters application(s) that will provide details of the individual self-build dwellings. This will allow the Applicant to move swiftly to establish the infrastructure which will facilitate the development of the site.

Access to the development is proposed via Flosch Meadows which connects to the local road network on Main Street (A5086).

The proposed layout is consistent with that previously approved under application ref. 4/16/2063/0O1 and the developments approved under application ref. 4/17/2214/0O1 and 4/20/2218/0R1 and application ref. 4/17/2391/0O1 and 4/21/2554/0R1, which approve the alignment/layout of the access.

The layout incorporates a connection from the existing Flosch Meadows to a u-shaped highway approved as part of application ref. 4/17/2214/0O1 and 4/20/2218/0R1 and application ref. 4/17/2391/0O1 and 4/21/2554/0R1. Two cul-de-sacs are proposed from the highway.

A Design Code has been prepared in support of the application demonstrating how the scale, appearance, layout and design of the proposed development will be sympathetic to the character of the locality.

Detailed highway specifications are submitted in support of the planning application.

It is proposed to dispose of foul water to the public main and surface water to a watercourse via a scheme of attenuation. A detailed drainage scheme has been submitted in support of the planning application.

A scheme of landscaping and a Biodiversity Net Gain Assessment has been submitted in support of the planning application.

Consultations and Representations

Cleator Moor Town Council

No objections.

United Utilities

Following review of the submitted Drainage Strategy, Foul & Surface Water Drainage Design Drawing (ref 1842 202, Rev P9, dated 09/06/2023), confirm the proposals are now acceptable in principle.

There is no surface water discharge to the public sewer. It is noted that as this is a hybrid submission, there are two drainage conditions to address that applied for in full, and that applied for in outline. These are separated to ensure co-ordination of the drainage solution.

A planning condition is proposed in relation to the management and maintenance of any proposed drainage systems.

Cumberland Council – LLFA

The LLFA are satisfied with the proposed drainage strategy showing a discharge to the local watercourse through the site.

The proposed strategy complies with the hierarchy of drainage destinations in the NPPF. Specifically, the revised strategy provides:

- the necessary climate change and urban creep allowances
- suitable flow rate controls to meet or better the Greenfield and QBar rates
- suitable surface water storage for adoptable highways (oversized pipes)
- separation of the existing watercourse through the site
- suitable SUDS maintenance plan
- Necessary overall surface water storage volumes

No objections subject to the imposition of planning conditions.

Cumberland Council – Highways

No objections subject to the imposition of planning conditions.

Cumberland Council – Education

Primary

There are sufficient places available in the catchment school of Montreal to accommodate the primary pupil yield of 4 from this development. The next nearest school is St Patrick's Catholic Primary School, Cleator Moor.

No education contribution would be required.

Secondary

There are insufficient places available in the catchment school of West Lakes Academy to accommodate the secondary pupil yield of three from this development. The next nearest school is Whitehaven Academy which is over the walking threshold.

An education contribution of **£81,960** (3 x £27,320) would be required to provide additional capacity.

Cumberland Council – Strategic Housing

This is a hybrid application for 21 self-build dwellings on a plot of land in Cleator, to allow infrastructure construction to commence in advance of a reserved matters application that will determine more detail on the proposed dwellings.

Very supportive of self-build and our recent Housing Needs survey showed that there is significant interest in this within the borough and particularly in the parish of Cleator Moor, where Cleator sits.

Whilst there is a design code attached that will control the overall appearance of the development, and owners will not have full control over the design and build of the properties, this provides an alternative to traditional market housing that will be very appealing.

Subject to the reserved matters application we are supportive of this application.

Arboricultural Consultant

Recommend attaching a condition to planning permission requiring the applicant to carry out the proposed hedgerow planting detailed in the Landscaping Plan in full.

Include a condition of any planning permission requiring the submission of a tree protection plan, which must include adequate protection measures for the retained hedgerows. This must be agreed in writing by the Local Planning Authority and must be implemented in full prior to and during construction activity on site.

Representations

The application has been advertised by way of site notices, a press notice and notification letters issued to neighbouring dwellings.

No comments have been received.



Cumberland Council

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

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 DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping
Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP) Saved Policies:

Policy HSG2 – New Housing Allocations
Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Now that the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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



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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 N10PU - Green Wedges
Policy N11PU - Protected Green Spaces
Policy N12PU - Local Green Spaces
Policy N13PU - Woodlands, Trees and Hedgerows
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 Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS).

Assessment

Principle of Development

The Application Site is located outside of the defined settlement boundaries in Policy ST2 of the CS and so is in a location where housing development is restricted to that which has a proven requirement for such a location.

Notwithstanding the above, the Application Site is located within the settlement boundary of Cleator as defined in Policy DS4PU of the ELP and Cleator is identified as a sustainable location for housing development in Policy DS3PU of the ELP.

The principle of residential development has previously been approved on the Application Site, which is a material planning consideration. The Application Site is also contained by two parcels of land that benefit from extant planning permissions for residential development.

Housing Need and Housing Mix

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 (SHMA). The SHMA suggests a particular focus on the delivery of two and three bedroom (75%) and some 4+ bedroom houses (20%) semi-detached and detached houses. It is stated that the Council should also consider the role of bungalows.

The application comprises an Outline Planning Application with all matters excluding access reserved; therefore, details of the housing mix etc. is reserved for subsequent approval.

The density of the proposed development is lower than the 30 dwellings per hectare cited within Policy DM11 of the CS; however, it is considered suitable for the rural location and site context as per the requirements of Policy H7PU of the ELP.

This application proposes the development of self-build dwellings.

The Self-build and Custom Housebuilding Act 2015 and the Self-build and Custom Housebuilding (Register) Regulations 2016 place a duty on relevant local planning authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. It is required that local planning authorities have regard to each self-build and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

Housing and Planning Act 2016 places duty on a relevant local planning authority to grant permissions for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each defined base period. It is confirmed that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the Self-build Register of the relevant local planning authority.

The Copeland Self-Build Register includes 20 no. interested persons/parties which have been registered since 2017. Only some of these identify interest in plots in the location of the Application Site. No persons have been added to the register in the last base period.

The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build exceed the identified need; however, it is accepted that the register does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

The Copeland Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and accessibility.

A total of 10% of dwellings are to meet the definition of affordable homes.

Action Point 21 raised by the Planning Inspector during the hearing sessions for the ELP outlines that an affordable housing contribution exceeding the 10% requirement outlined in Policy H7PU of the ELP is to be sought from schemes with proven viability, this being aligned with the requirements of the NPPF and the conclusions of the SHMA.

A Viability Assessment of the Application Site has not been prepared as part of the evidence base for the ELP and assessed during the hearing sessions.

The Applicant has proposed that the affordable dwellings are Discounted Sale homes provided at a discounted rent of 80% of the market rent. Whilst this is at slight odds with the provisions of Policy H7PU of the ELP, social rented housing is not considered to be an attractive proposition for a Registered Social Provider given the number of dwellings proposed and location of the Application Site, which would create a disproportionate management and maintenance liability.

The Site clearly holds the potential to deliver a mix of housing that accords with the need identified within the SHMA and the requirements of Policy SS3 of the CS and Policy H7PU of the ELP and is supported by the Copeland Housing Officer.

A s.106 agreement is required in order to secure a total of 10% of dwellings are to meet the definition of affordable homes.

Settlement Character, Landscape Impact and Visual Impact

The Application Site is contained by two parcels of land that benefit from extant planning permissions for residential development and an existing residential development.

The proposed layout is consistent with that previously approved under application ref. 4/16/2063/0O1 and the developments approved under application ref. 4/17/2214/0O1 and 4/20/2218/0R1 and application ref. 4/17/2391/0O1 and 4/21/2554/0R1, which approve the alignment of the access.

The proposed layout does not present the optimum layout for the site. The layout incorporates a connection from the existing Flosch Meadows to a u-shaped highway approved as part of application ref. 4/17/2214/0O1 and 4/20/2218/0R1 and application ref. 4/17/2391/0O1 and 4/21/2554/0R1, which largely fix the main form of the layout.

The development is not wholly inappropriate for this edge of settlement location and the layout accords with the principles of rounding off the existing development in this area of Cleator as per the assessment in Outline Planning Application ref. 4/17/2391/0O1.

It is proposed to reinforce the existing landscaping to the north and west boundary and introduce landscaping to the front curtilage areas.

Ecology

An Ecological Assessment has not been prepared in support of the planning application; however, the Application Site comprises only modified grassland, native hedgerow and a culvert that has been grazed by livestock and so is of limited ecological value.

Given the location of the Application Site in relation to designated ecological sites, potential for impact are very limited.

Planning conditions are proposed in relation to construction environmental management and construction drainage to control construction impacts.

The Applicant has undertaken a Biodiversity Net Gain Assessment of the Application Site. The Assessment classifies the habitats on the Application Site and demonstrates the achievement of an overall biodiversity net gain exceeding ten percent. The net gain does not achieve the trading rules; however, given that the development is not the subject of mandatory biodiversity net gain, this is considered acceptable.

A planning condition is proposed securing the submission, approval and implementation of a Biodiversity Net Gain Project Implementation Plan (BNGPIP) to ensure that the net gain is delivered at an appropriate time in the delivery of the project and to ensure that the net gain is maintained for a minimum of 30 years.

Access and Highways

Access is not a reserved matter and full details have been submitted.

Access to the development is proposed via Floss Meadows which connects to the local road network on Main Street (A5086).

The use of the proposed access has been established under application ref, 4/16/2063/0O1 and the developments approved under application ref. 4/17/2214/0O1 and 4/20/2218/0R1 and application ref. 4/17/2391/0O1 and 4/21/2554/0R1, which approve the alignment of the access.

Appropriate visibility splays have been demonstrated as achieved to the junction with Main Street (A5086).



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Given the scale of the development, there would not be an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

Flood Risk and Drainage

A Flood Risk Assessment and Drainage Strategy have been submitted in support of the planning application.

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 Flood Risk Assessment and Drainage Strategy demonstrates that an appropriate surface water drainage scheme can be achieved to existing watercourses utilising a scheme of attenuation without increasing flood risk.

The proposed drainage strategy accords with the national drainage hierarchy.

Cumberland Council – LLFA and United Utilities have raised no objection subject to the imposition of planning conditions.

Residential Amenity

The matters of layout, appearance and landscaping are reserved; however, given the size of the Application Site, the highway layout proposed and the scale of development proposed, a scheme is deliverable that will not result in adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking.

It is inevitable that any residential development is likely to result in some adverse impacts upon residential amenity during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management and construction traffic management.

Ground Conditions

The Application Site comprises agricultural land. There are no known historic uses that would suggest the present of land contamination.

A planning condition is proposed control and instances of unexpected land contamination.

Education

Primary

There are sufficient places available in the catchment school of Montreal to accommodate the

primary pupil yield of 4 from this development. The next nearest school is St Patrick's Catholic Primary School, Cleator Moor.

No education contribution would be required.

Secondary

There are insufficient places available in the catchment school of West Lakes Academy to accommodate the secondary pupil yield of three from this development. The next nearest school is Whitehaven Academy which is over the walking threshold.

An education contribution of **£81,960** (3 x £27,320) would be required to provide additional capacity.

A s106 agreement is required in order to secure the education contribution.

Open Space

The proposed layout does not provide the requisite open space required in conflict with the requirements of the LP and ELP.

Given the scale of the development, only a small area of public open space would be secured.

The Applicant has entered into a Section 106 Agreement to make a financial contribution towards to improvement/maintenance of the existing public open space in lieu of on-site provision under application ref. 4/21/2554/OR1.

Hybrid

Given the hybrid nature of the planning application, separate planning conditions have been proposed in relation to the respective full and outline elements of the development.

A period 10 years is proposed in relation to the submission of reserved matters reflecting the self-build nature of the development and the lead times relating to the sale of plots etc..

Planning Balance

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; 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 February 2023, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

The ELP will, once adopted, replace the policies of the adopted CS. The ELP has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment 2021 (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 146 dwellings per annum. The ELP identifies that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries and allocations identified in the CS and includes development boundaries and allocations sites for residential development that will permit delivery of the identified housing need in accordance with the sustainable development strategy proposed.

On this basis, the policies in the CS in relation to housing delivery must be considered out of date and only limited weight be given their content as far as they are consistent with the provisions of the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Now that the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The Application Site is located within the settlement boundary of Cleator as defined in Policy DS4PU of the ELP and Cleator is identified as a sustainable location for housing development in Policy DS3PU of the ELP.

The Application Site is located in close and convenient proximity to a range of services, employment opportunities and transport links, a small number of which are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspirations for growth in the Borough. This is given great weight.

The proposed development comprising the erection of up to 21no. dwellings is appropriate in size and character to Cleator and so is alignment with the development hierarchy and housing distribution in the ELP. This is given great weight.

A total of 10% of the dwellings are to meet the definition of affordable housing. This is given great weight.

Based upon the advice of the relevant consultees, the proposed development will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. This is given moderate weight.

	<p>The development would not result in unacceptable impacts in respect of residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions proposed. This is given moderate weight.</p> <p>The development will result in some adverse local landscape and visual impacts but comprises the extension of an existing settlement and is viewed on the context of an existing and approved housing development. This is given moderate weight.</p> <p>The development benefits from some active travel linkages. This is given neutral weight.</p> <p>In overall terms, the adverse local landscape and visual impacts are not sufficiently harmful to significantly and demonstrably outweigh the benefits of the development.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline, subject to the completion of a s106 to secure the education contribution of £81,960 and a total of 10% of dwellings are to meet the definition of affordable homes and the conditions listed below.</p>
9.	<p>Conditions:</p> <p><u>Planning Conditions and Reasons Relating to the Full Planning Permission</u></p> <p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with the provisions 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> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Site Location Plan – Drawing No. SG 15-178 02 Proposed Longsections Sheet 1 - Drawing No. 1842 11 T4 Proposed Longsections Sheet 2 - Drawing No. 1842 12 T2 Proposed Drainage – Drawing No. 1842 202 P9 SR12 Engineering Layout – Drawing No. 1842 1001 P2 SR12 Surface Finishes – Drawing No. 1842 1031 P3 Drainage Construction Details Sheet 1 of 4 – Drawing No. 1842 51 T1 Drainage Construction Details Sheet 2 of 4 – Drawing No. 1842 52 T1</p>



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Drainage Construction Details Sheet 3 of 4 – Drawing No. 1842 53 T1
Drainage Construction Details Sheet 4 of 4 – Drawing No. 1842 54 T1
Bulk Earthworks Sheet 1 – Drawing No. 1842 71 T4
Bulk Earthworks Sheet 2 – Drawing No. 1842 72 T5
Section 104 – Drawing No. 1842 101 P1
Floss Meadows, Cleator SR12 The Meadows – Drainage Strategy – Report No. 1842-DS1 Rev. H
SR12 – The Meadows – Flood Risk Assessment – Report No. 1842-FRA1 Rev. B
SR12 The Meadows, SR12A Mid Meadows, Top Meadows - SUDS Maintenance Plan – Report No. 1842-SMP01 Rev. D
Biodiversity Net Gain - Floss Meadows – Report Ref. 9200 Report Version 2.

Reason

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

Pre-Commencement Planning Conditions

Arboriculture

3. No development shall commence until an Arboricultural Method Statement (AMS) detailing how works are to be undertaken within the root protection area of retained trees and hedges have been submitted to and approved in writing by the local planning authority.

The AMS shall include details of the following where works are proposed within the root protection area of the retained hedgerow/hedgerow trees:

- ☐ Installation of temporary ground protection;
- ☐ Facilitation tree works;
- ☐ Excavations and requirements for specialised trenchless techniques for the installation of services;
- ☐ Installation of access roads (materials and design) and new hard surfacing;
- ☐ Specialist foundations;
- ☐ Retaining structures to facilitate changes in ground levels;
- ☐ Preparatory works for new landscaping;
- ☐ A programme for the phasing of the works;
- ☐ Contact details of relevant parties.

The AMS shall be carried out as approved throughout the construction period.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy ENV5 and Policy DM28 of the Copeland Local Plan 2013-2028.

Construction Management

4. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall provide for:

- ☐ Details of the means of access and parking for construction traffic and vehicles of site operatives and visitors;
- ☐ Procedures for the loading and unloading of plant and materials;
- ☐ Details of storage of plant and materials used in constructing the development;
- ☐ Details of measures to control the emission of dust, emissions, sediments and pollutants arising during construction of the development;
- ☐ A scheme for recycling/disposing of waste resulting from construction works;
- ☐ A scheme for the management of surface water drainage during the construction period;
- ☐ Details of the erection and maintenance of security hoarding where appropriate;
- ☐ Wheel washing facilities.

The approved CEMP shall be adhered to throughout the construction period.

Reason

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

5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- ☐ The construction of the site access and the creation, positioning and retention of associated visibility splays;
- ☐ Details of access gates to be hung to open away from the public highway no less than 10m from the carriageway and incorporating appropriate visibility splays;
- ☐ Proposed accommodation works and where necessary a programme for their subsequent removal and reinstatement of street furniture where removed and verges where damaged during construction works;
- ☐ Details of carriageway improvements, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- ☐ Details of proposed crossings of the highway verge;



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- ☐ Details of areas to be retained for vehicle parking, manoeuvring, loading and unloading during the construction of the development;
- ☐ Details of recommended routes for construction traffic accessing and leaving the site and how this will be communicated to drivers;
- ☐ Details of the management of junctions and crossings of the public highway and other rights of way/footway affected during the construction period;
- ☐ Details of the scheduling and timing of movements, temporary warning signs and vehicles requiring a banksman/escort.

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

Biodiversity Net Gain

6. Prior to the commencement of development a Biodiversity Net Gain Project Implementation Plan (BNGPIP) shall be submitted to and approved in writing by the local planning authority.

The BNGPIP shall detail the delivery of the ecological biodiversity net gain mitigation and compensation scheme outlined in Biodiversity Net Gain - Floss Meadows – Report Ref. 9200 Report Version 2.

The BNGPIP shall include:

- ☐ detailed specifications of the individual elements of the biodiversity net gain mitigation and compensation scheme. This shall include: specifications for the opening of the existing culvert, detailed hedgerow planting specifications and detailed oversowing specifications;
- ☐ timescales for the implementation of the biodiversity net gain mitigation and compensation scheme; and,
- ☐ an ongoing management and maintenance plan for the biodiversity net gain mitigation and compensation scheme for a period not less than 30 years.

The BNGPIP shall be implemented, managed and maintained in accordance with the approved details.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3PU of the emerging Copeland Local Plan 2017-2038.

Other Planning Conditions

7. The surface water drainage system hereby approved shall be managed and maintained in accordance with the provisions of SR12 The Meadows, SR12A Mid Meadows, Top Meadows - SUDS Maintenance Plan – Report No. 1842-SMP01 Rev. D for the lifetime of the development.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Unexpected Contamination

8. If during development, contamination not previously identified is found to be present at the site then no further development on that plot/area shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that plot/area detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Hours of Construction

9. No construction work associated with the development hereby approved shall 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 in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.



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Planning Conditions and Reasons Relating to the Outline Planning Permission

10. The development hereby permitted shall begin not later than TEN years from the date of this permission or the expiration of TWO years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

11. Application for approval of the reserved matters shall be made to the local planning authority not later than TEN years from the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

12. For each dwelling details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

13. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan – Drawing No. SG 15-178 02

SR12 Surface Finishes – Drawing No. 1842 1031 P3 (in the context of the plot boundaries only, as identified in Condition 15)

Design Code - Self Build Housing Development at Floss Meadows, Cleator.

Reason

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

14. The development hereby permitted shall not exceed 21 no. dwellings.

Reason

For the avoidance of doubt.

15. No layout proposed as part of the reserved matters shall depart from the layout of plots identified on SR12 Surface Finishes – Drawing No. 1842 1031 P3.

Reason

For the avoidance of doubt.

Pre-Commencement Planning Conditions

Arboriculture

16. Prior to the commencement of development on Plots 12-19 an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the local planning authority.

The AMS shall include details of the following where works are proposed within the root protection area of the retained hedgerow/hedgerow trees:

- ☐ Installation of temporary ground protection;
- ☐ Facilitation hedge/tree works;
- ☐ Excavations and requirements for specialised trenchless techniques for the installation of services;
- ☐ Installation of access roads (materials and design) and new hard surfacing;
- ☐ Specialist foundations;
- ☐ Retaining structures to facilitate changes in ground levels;

The AMS shall be carried out as approved throughout the construction period.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy ENV5 and Policy DM28 of the Copeland Local Plan 2013-2028.

Construction Management



Cumberland Council

17. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall provide for:

- ☐ Details of the means of access and parking for construction traffic and vehicles of site operatives and visitors;
- ☐ Procedures for the loading and unloading of plant and materials;
- ☐ Details of storage of plant and materials used in constructing the development;
- ☐ Details of measures to control the emission of dust, emissions, sediments and pollutants arising during construction of the development;
- ☐ A scheme for recycling/disposing of waste resulting from construction works;
- ☐ A scheme for the management of surface water drainage during the construction period;
- ☐ Phasing of the construction of the site access and the creation, positioning and retention of associated visibility splays;
- ☐ Details of the scheduling and timing of vehicle movements (principally to avoid conflicting construction activities on other plots), temporary warning signs and vehicles requiring a banksman/escort.

The approved CEMP shall be adhered to throughout the construction period.

Reason

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

18. Prior to the commencement of development full details of the surface water attenuation infrastructure to serve each dwelling shall be submitted to and approved in writing by the local planning authority.

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 and Policy DM24 of the Copeland Local Plan 2013-2028.

Pre-Occupation Planning Conditions

Highways

19. No dwelling hereby approved shall be occupied until the estate road including footways and cycleways to serve that dwelling 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.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

Drainage

20. No dwelling hereby approved shall be occupied until the approved surface water drainage infrastructure and foul water drainage infrastructure to serve that dwelling has been constructed and brought into full operational use.

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 and Policy DM24 of the Copeland Local Plan 2013-2028.

Other Planning Conditions

Unexpected Contamination

21. If during development, contamination not previously identified is found to be present on a plot then no further development on that plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that plot detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution.

Hours of Construction

22. No construction work associated with the development hereby approved shall 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.



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Reason

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

Highways

23. There shall be no vehicular access to or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

24. 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 the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

Case Officer: Chris Harrison

Date : 09.07.2024

Authorising Officer: N.J. Hayhurst

Date : 24.10.2024

Dedicated responses to:-