



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2166/0F1
2.	Proposed Development:	PROPOSED DETACHED DWELLING & ASSOCIATED INFRASTRUCTURE
3.	Location:	PLOT 2, CLEATOR GATE, JACKTREES ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location: <p>The Application Site comprises a parcel of land located at Cleator Gate, Cleator.</p> <p>The Application Site is located to the west of the C4024.</p> <p>The Application Site comprises a plot on a residential development that has been partially constructed.</p> <p>The access and associated infrastructure and 4no. dwellings have been constructed/commenced to date.</p> Direct Planning Application History: <p>4/14/2327/001 – Outline Planning Application – 6no. dwellings. Approved.</p> <p>4/15/2177/001 – Outline Planning Application – 6no. dwellings. Withdrawn.</p> <p>4/15/2304/001 – Outline Planning Application – 6no. dwellings. Approved.</p>	

Proposal:

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

The proposed comprises a detached two storey dwelling finished externally with a combination of render and slate to the elevations under a concrete tile covered dual pitched roof structure.

Anthracite coloured uPVC windows, doors, fascia and rainwater goods are proposed.

Access is proposed via the existing access road serving the wider development leading to a permeable surfaced parking and turning area. An ACO channel drain is proposed to prevent surface water discharging to the highway.

It is proposed to enclose the curtilage with a combination of 1.8m high hit and miss timber fencing and 0.9m high rendered walls.

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

The design of the dwelling has been amended during the course of application to move the window in the garage; increase the size of the window above front porch; amend the windows to the rear garden to doors; and, move the soil vent pipe to the side elevation.

Consultee:	Nature of Response:
Parish Council	<i>11th May 2022</i> No concerns.
Cumbria County Council – Highways and LLFA	<i>9th May 2022</i> No objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued: <i>Access gates, if provided, shall be hung to open inwards only away from the highway.</i> <i>Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8.</i> <i>Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced.</i> <i>Any approved works shall be implemented prior to the development being</i>

		<p><i>completed and shall be maintained operational thereafter.</i></p> <p><i>Reason: In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8.</i></p> <p><i>14th June 2022</i></p> <p>I can confirm that the condition relating to surface water discharging on or off the highway can be removed. I have reviewed the site history and as you have stated the drainage is acceptable therefore we raise no concerns following the installation of the channel drain at the access.</p> <p>The applicant has stated there will be no gates installed and this was a precautionary condition and this can also be removed.</p>
	Flood and Coastal Defence Engineer	<p><i>5th May 2022</i></p> <p>Based on my understanding that the drainage arrangements for these plots have already been approved, I have no comments to make on this application.</p>
	United Utilities	<p><i>16th May 2022</i></p> <p>Drainage</p> <p>National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:</p> <ol style="list-style-type: none"> 1. into the ground (infiltration); 2. to a surface water body; 3. to a surface water sewer, highway drain, or another drainage system; 4. to a combined sewer. <p>We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.</p>
	Neighbour Responses:	
	<p>The application has been advertised by way of an application site notice and notification letters issued to 4 neighbouring dwellings.</p> <p>No representations have been received.</p>	

Development Plan Policies:

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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles
Policy ST2 – Spatial Development Strategy
Policy SS1 – Improving the Housing Offer
Policy SS2 – Sustainable Housing Growth
Policy SS3 – Housing Needs, Mix and Affordability
Policy ENV1 – Flood Risk and Risk Management
Policy ENV3 – Biodiversity and Geodiversity
Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place
Policy DM11 – Sustainable Development Standards
Policy DM12 – Standards for New Residential Developments
Policy DM24 – Development Proposals and Flood Risk
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
Policy DM26 – Landscaping
Policy DM27 – Built Heritage and Archaeology
Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements
Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
[Self-build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#) (SBCHA).
[Self-build and Custom Housebuilding Regulations 2016](#) (SBCHR).

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.

Assessment:

Principle;

Outline Planning Application Ref. 4/15/2304/001 has expired therefore an application for approval of reserved matters following outline approval cannot be submitted in relation to the Application Site.

Policy ST2 of the CS identifies Cleator as a Local Centre.

Policy ST2 of the CS seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

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.

Policy DS3PU of the ELP identifies Cleator as a Local Service Centre, where new housing development is supported and development will be focussed on existing employment allocations, moderate housing allocations, windfall and infill development.

Policy DS4PU of the ELP identifies the Application Site as being within the settlement boundary for Cleator.

Policy H4PU of the ELP identifies that 17% of new housing development will be within the defined Local Service Centres.

Whilst the proposed development accords with the provisions of the ELP, as there are outstanding objections to the relevant policies applicable to the development, little weight can be given to these policies.

The ELP has been drafted based upon an evidence base of documents which includes an 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 ELP 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.

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 significantly boosting housing supply to meet the identified need for housing in Cleator and the wider Borough as detailed in the CS and the ELP and as required by the NPPF;
- the proposed development comprising the erection of 1no. dwelling is appropriate in size and character to the Local Centre of Cleator in accordance with the spatial objectives of the CS and ELP;
- the proposed comprises a self-build dwelling on a serviced self-build plot which meets the identified demand for such development in the Borough;
- footpath linkages exist that provide connections to the range of services and employment opportunities located within Cleator and for which the settlement has been designated as a Local Centre in the CS and is proposed for designation in the ELP; and,
- Sustainable travel options exist within the vicinity.

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

Housing Need;

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

The SHMA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows.

The proposed development comprises an executive home and so will assist in providing a greater balance of market housing stock within Cleator in accordance with the provisions of Policy SS3 of the CS and Policy H7PU of the ELP, to which there are outstanding objections and so only little weight can

be given.

The proposed comprises a self-build dwelling on a serviced self-build plot.

Design, Settlement Character, Landscape Impact and Visual Impact;

The Site comprises a plot on a development that has been partially constructed.

The layout of the development accords with that defined by the provisions of the previously approved planning permissions.

The proposed dwelling is large in overall scale and massing. It is however no greater in scale and massing to the dwellings approved on the remainder of the development and so is not considered unacceptable.

The proposed external finishes are consistent with the dwellings approved on the remainder of the development.

Whilst the design of the dwelling could be more refined with specific regard to the form, the use of the proposed materials and fenestration details, it is not unacceptable in its context.

Drainage, United Utilities Infrastructure and Flood Risk;

The Site is located within Flood Zone 1.

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

It is proposed to dispose of surface water to a watercourse via a scheme of attenuation as approved under planning application refs. 4/15/2304/001, 4/16/2351/OR1 and 4/17/2280/OR1. This accords with the drainage hierarchy.

The scheme includes measures to prevent water discharging from the development onto the public highway.

Ecology;

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

The Site is of no discernible ecological interest.

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

A European Protected Species Licence will not reasonably be required.

A biodiversity net gain is not reasonably applicable given the characteristics of the Site.

Highways;

Cumbria County Council – Highways have been consulted.

Access is proposed via the existing access road serving the wider development leading to a permeable surfaced parking and turning area.

Off highway parking exists for 4no. vehicles.

Residential Amenity;

Given the scale, form and location of the proposed dwelling in relation to the existing dwellings and proposed dwellings, no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result.

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

The Planning Balance;

The Application Site is located out with the settlement boundary for Cleator as defined in Policy ST2 of the CS. Policy ST2 of the CS defines Cleator as a location where development within the defined physical limits of development; possible small extension sites on the edges of settlements and housing to meet general and local needs is supported.

The development will clearly: assist in boosting housing supply; is of appropriate scale for a Local Centre; will support the retention of existing services locally; and, benefits from some limited sustainable travel options.

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

The development will contribute towards the availability of self-build plots within the Borough.

The development is contained within existing approved development will not result in adverse

	<p>impacts upon settlement character or harmful landscape and visual effects.</p> <p>The development is acceptable in respect of design, flood risk, drainage, ecology and highway impacts.</p> <p>In overall terms, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and is considered to accord with the policies of the Development Plan when taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <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>Planning Application Form received 10th April 2022</p> <p>Design and Access Statement – Ref. DAS-001 Rev. A received 9th June 2022</p> <p>Proposed Elevation Plans - Drawing No. P2CG-AG-001 Rev. A received 30th April 2022</p> <p>Proposed Floor Plans - Drawing No. P2CG-AG-002 Rev. A received 30th April 2022</p> <p>Proposed Site and Block Plans - Drawing No. P2CG-AG-003 Rev. – received 30th April 2022</p> <p>Proposed Site and Block Plans – Existing Drainage Plan and Proposed Drainage Plan – Drawing No. P2CG-AG-004 Rev. A received 9th June 2022</p> <p>Proposed Garage Plans – Drawing No. P2CG-AG-006 Rev. A received 30th April 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>3. The dwelling hereby approved shall not be occupied until the approved surface water and foul water disposal works have been completed on site in accordance with the approved plans and details. The approved works shall be retained for the lifetime of the development.</p> <p>Reason</p> <p>To ensure adequate provision is made for the management of surface water and sewage disposal in accordance with Policy ENV1 of the Copeland Local Plan 2013-2028.</p> <p>4. The dwelling hereby approved shall be not occupied until the approved parking layout has been constructed and made available for use. The approved parking layout shall be retained for the lifetime of the development.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan 2013-2028.</p> <p>Informative - Coal</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: Chris Harrison	Date : 15.06.2022
Authorising Officer: N.J. Hayhurst	Date : 15.06.2022
Dedicated responses to:- N/A	