

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2337/001
2.	<b>Proposed Development:</b>	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT CONSISTING OF A SINGLE DWELLING
3.	<b>Location:</b>	LAND AT WYNDAM STREET, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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>  <p>This application relates to a vacant, brownfield parcel of land situated on Wyndam Street in Cleator Moor. The site is surrounded by residential development to the north and south. There is a residential nursing home to the west and a medical surgery to the east.</p> <p>There is a public highway surrounding the site and it adjoins but lies outside the Cleator Moor Conservation Area boundary.</p> <b>Proposal</b>  <p>This application seeks to establish the principle for developing the site for a single residential property. All matters relating to access, layout, scale, appearance, and landscaping are reserved for subsequent approval.</p> <p>An indicative layout plan has been submitted with this application to show how the site could be</p>	

developed to accommodate a single dwelling. The indicative elevations indicate that the dwelling would be single storey. The plan also indicates that the site will be accessed from the east of the site and three defined parking spaces can be provided to serve the dwelling.

This application is accompanied by the following information:

- Site Plan;
- Block Plan;
- Indicative Elevations and Flood Plan;
- Planning and Design & Access Statement.

### **Consultation Responses**

#### Cleator Moor Town Council

No comment

#### Cumbria Highways and Local Lead Flood Authority

No comments.

#### Conservation Officer

This outline application seeks to establish the principle of developing a single small dwelling on this plot. The indicative drawings show a square-plan bungalow in brick.

There may be some improvements possible when it comes to the details of the design, but as far as the principle goes, I believe it is justifiable given the site's current status. I do not anticipate any harm on the setting of the listed building, the conservation area, or any non-designated heritage assets from the construction of a well-designed small house here.

On the topic of design, in the event of working up the scheme for reserved matters, basing the response around the principles of the National Design Guide will likely be helpful in demonstrating the building is well designed, as per NPPF 134.

Regarding the submitted drawings, the north, south, east and west elevation labels don't quite seem to correspond to the actual north, south, east and west directions (the one with the front door, for example, would appear to be the south elevation etc.).

#### United Utilities

No objections subject to the submission of full drainage details prior to the commencement of development.

#### Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to 14 no. properties. No comments have been received in relation to the statutory notification procedure.

## **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**

### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

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 T1 – Improving Accessibility and Transport  
Policy ENV1 – Flood Risk and Risk Management  
Policy ENV3 – Biodiversity and Geodiversity  
Policy ENV4 – Heritage Assets  
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 of New Residential Developments  
Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposal and Flood Risk  
Policy DM26 – Landscaping  
Policy DM27 – Built Heritage and Archaeology

## **Other Material Planning Considerations**

National Planning Policy Framework (2021)  
National Design Guide (NDG).  
Cumbria Development Design Guide (CDG)  
Strategic Housing Market Assessment 2021 (SHMA)  
Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)  
Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

#### 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**

The key issues raised by this outline planning application relate to the principle of the development; design and impact on residential amenity; landscape and visual impacts; drainage and flood risk; and highway safety.

#### Principle of Development

The application site falls within the designated settlement boundary for Cleator Moor, which is listed as a Key Service Centre in Policy ST2 of the Copeland Local Plan. This policy allows for infill and windfall housing sites, and moderate allocations to form extensions to the town to meet general needs, with larger sites required to offer a proportion of affordable housing.

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

Development management policies DM10, DM11 and DM12 seek to ensure that the proposed development can provide quality places to live and are also relevant to this scheme.

Policies ENV4 and DM27 seek to protect Heritage Assets within the Borough, including Listed Buildings and the Conservation Areas. The site adjoins the boundary of the Cleator Moor Conservation Area and therefore the Conservation Officer was consulted on the application. No objections were raised from the Officer with regards to the principle of the dwelling.

On the basis of the above, it is therefore considered that the development would be in accordance with the aims and objectives of the relevant policies of the adopted Copeland Local Plan and the NPPF which set a presumption in favour of sustainable development. The principle of residential development on this site is supported subject to site-specific matters.

#### Design and Impact on Residential Amenity

Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

As this application is in outline form only, details of the scale and appearance of the dwelling are reserved for subsequent applications. The application is accompanied by a block plan to show how the site could accommodate a single dwelling, however these are indicative only and do not form part of any approval. The impact on residential and the wider amenity of the area would therefore be

considered further as part of any subsequent reserved matters applications.

Notwithstanding the above it is considered that a development of a single dwelling is unlikely to meet the required separation distances set out within Policy DM12 of the Copeland Local Plan. The indicative plans detail that the applicant wishes to develop a bungalow within this site. This is likely to be a suitable option for this site as any shortfall in separation distances can be mitigated with suitable boundary treatments and a single storey property will have the least impact on the surrounding dwellings. Based on this it is considered appropriate to include an appropriately worded planning condition to limit the scale of the dwelling to single storey only.

Due to the location, adjoining Cleator Moors Conservation Area, the Conservation Officer suggested some design guidance to help ensure the dwelling is coherent with the heritage of the area. This detail would be considered in full at the Reserved Matters stage of the application. In order to control the resulting dwelling from any additions that have not been approved, such as dormer windows or outbuildings, it is considered that a condition should be added to any approval to remove the Permitted Development Rights for the property.

On the basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

#### Landscape and Settlement Character

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.

The application site lies within the existing settlement boundary for Cleator Moor, within a residential area and on a piece of surfaced brownfield land. It is considered that a single dwelling on this infill site would be viewed against the backdrop of the existing properties, therefore the development is not considered to result in any impact on the landscape and would not be out of character with the built form of this part of the settlement.

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

#### Drainage and Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 1 therefore a Flood Risk Assessment has not been submitted to support this application. No details have been provided with regard to how this proposal will deal with surface or foul water. Although UU have raised no objections to this

development, they have stated that they will require 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.

The inclusion of appropriately worded planning condition will secure appropriate drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

#### Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The site will be accessed from the existing road network off High Street Cleator Moor. The Highways Authority has been consulted and they have indicated that, given the scale of the development, they do not wish to comment on this application. As this application only seeks outline permission for a single dwelling at this site, it is not considered that an additional property will have a significant material impact on existing highway safety. Adequate parking spaces can be provided within the site and have been highlighted on the indicative block plan. Although these will be considered in full during any Reserved Matters application the site is considered to be of sufficient scale to accommodate off street parking for the property.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan.

#### Planning Balance and Conclusion

The principle for developing this site for a single dwelling is acceptable as the site is located on a brownfield land within the existing settlement boundary for one of the Borough's Key Service Centres.

As the application is in outline form only no details have been provided with regards to the scale or appearance of the proposed dwelling, however it is considered that the impact of any development on this site on residential amenity can be limited by the use of appropriate boundary treatments.

The development will be viewed within the context of the surrounding existing properties and adjacent care home. The agent has confirmed that the applicant is seeking to develop the site for a bungalow and, on this basis, a condition is proposed to limit the height of the dwelling in order to reduce the impact of the proposed upon the surrounding area.

Due to the surrounding road network, the introduction of a single dwelling is not considered to have a significant material impact on the existing highway safety. Details of drainage can be secured by appropriately worded planning conditions.

On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.

8.	<p><b>Recommendation:</b> Approve in Outline (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li data-bbox="183 394 1498 661"> <p>1. The layout, scale, appearance, means of access thereto and landscaping must be as may be approved by the Local Planning Authority.</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> </li> <li data-bbox="183 703 1498 1396"> <p>2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-</p> <ol style="list-style-type: none"> <li data-bbox="277 898 1187 930">a) The expiration of THREE years from the date of this permission</li> </ol> <p>Or</p> <ol style="list-style-type: none"> <li data-bbox="277 1052 1490 1161">b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.</li> </ol> <p>Reason</p> <p>To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li data-bbox="183 1438 1498 1820"> <p>3. 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 1:500, received 16<sup>th</sup> August 2022; Planning Statement and Design and Access Statement, written by SRE Associates, received 16<sup>th</sup> August 2022.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990,</p> </li> </ol>

as amended by the Planning and Compulsory Purchase Act 2004.

Prior commencement Condition

4. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Other Conditions

5. Foul and surface water must be drained on separate systems.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

6. The dwelling hereby permitted must not exceed one storey in height.

Reason

To minimise the impact on neighbouring properties and the visual amenities of the area in accordance with Policies DM10 and DM12 of the Copeland Local Plan.

7. The site will accommodate no more than one dwelling.

Reason

In order to ensure that neighbouring amenity is maintained and to avoid the overdevelopment of the site in accordance with Policies DM10 and DM12 of the Copeland Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement must be carried out to the dwelling, nor



must any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

**Reason**

To safeguard the character and appearance of the development in the interests of visual amenity and in accordance with Policies DM10, DM12, ENV4 and DM27 of the Copeland Local Plan.

**Informative**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](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.

**Case Officer: Sarah Papaleo**

**Date : 10/10/2022**

**Authorising Officer: N.J. Hayhurst**

**Date : 11/10/2022**

**Dedicated responses to:- N/A**