



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2346/001
2.	Proposed Development:	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR SINGLE DWELLING
3.	Location:	LAND TO SOUTH OF TANGLIN, JACKTREES ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to an area of land to the east of the dwelling known as Tanglin, situated between Earl Street and Jacktrees Road.</p> <p>Planning permission was granted in 2021 for three dwellings on the land immediately to the south of the site. The land is bound on its eastern side by Earl Street, with residential properties to the west and north and a residential care home to the east.</p> PROPOSAL <p>This application seeks Outline Planning Permission for the erection of a single dwelling on the site. All matters relating to scale, layout, access and landscaping have been reserved for future approval.</p>	

RELEVANT PLANNING APPLICATION HISTORY

Erection of 10 no. flats for living accommodation, approved in January 1988 (application reference 4/87/1120/0 relates);

Outline application for an additional plot, approved in May 2006 (application reference 4/06/2154/0 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Cumbria Highways

No comments.

Local Lead Flood Authority

No comments.

United Utilities

No objections provided that the Applicant considers drainage in association with the drainage hierarchy.

The Coal Authority

The Coal Authority considers that the content and conclusions of the Preliminary Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

Cumbria Rights of Way Officer

No response received.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 3 no. properties.

No consultation responses have been received as a result of this consultation process.

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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

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)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

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 stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The policies within this plan that are relevant to this application are as follows:

Strategic Policy DS1PU - Presumption in favour of Sustainable Development

Strategic Policy DS2PU - Reducing the impacts of development on Climate Change

Strategic Policy DS3PU - Settlement Hierarchy

Strategic Policy DS4PU - Settlement Boundaries

Policy DS6PU - Design and Development Standards

Policy DS7PU - Hard and Soft Landscaping

Strategic Policy DS8PU - Reducing Flood Risk Policy

Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU - Improving the Housing Offer

Policy H6PU - New Housing Development

Policy H7PU - Housing Density and Mix Strategic

Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3PU - Biodiversity Net Gain

Strategic Policy N6PU - Landscape Protection

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of development

This outline application seeks to establish the principle of developing the site for a single residential unit, with all matters reserved for subsequent approval.

Policies ST2, SS1, SS2 and SS3 of the CS and DS3PU and DS4PU of the ELP seek to allow new dwellings, particularly in Cleator Moor which is designated as a Key Service Centre within the Borough where development is encouraged and where they can create a good offer to meet the needs of local residents.

The site falls within the existing settlement boundary for Cleator Moor and is situated within an existing residential area. It is brownfield land, having previously been used for garaging.

Cleator Moor has a variety of local services, education facilities and sustainable transport options and is therefore considered to be suitable for development. The site is within easy walking distance of the main shopping area and is considered to be sustainable.

On this basis, the principal of development is acceptable and it is considered that the proposal

complies with the local planning policies.

Design, Siting and Impact on Residential Amenity

Policies ST1, DM10, DM11, and DM12 of the CS, Policies DS6PU and HM6PU of the ELP 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 which identifies the developable area of the site. Although modest in scale this is considered to be sufficient to accommodate a single dwelling. The scale of development can be limited to a single dwelling by use of an appropriately worded planning condition.

The impact on residential and the wider amenity of the area would be considered further as part of any subsequent reserved matters applications. However, given the modest scale of the site it is considered to be reasonable to remove permitted development rights. This can be secured by an appropriately worded planning condition which will ensure that amenity is upheld for the surrounding properties and adjacent development.

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. 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.

Highway safety

Policy T1 of the CS 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 and Policy CO7PU of the ELP 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

Although the site is modest on scale it is a suitable site size to allow a reasonable amenity space for the property including sufficient access and parking. Details of access are reserved for future approval although there is a reasonable prospect of being able to create an access with suitable visibility splays.

The proposal is therefore considered compliant with policies within the CS and ELP and considered to be satisfactory in this respect, with full details to be assessed at the reserved matters stage.

Ground Conditions

The application site is located within a Coal Referral Area and therefore a Preliminary Coal Mining Risk Assessment has been submitted in support of the application. This report concludes as follows:-

The desk-based information indicates that the site is underlain by Glacial Till deposits over solid geology comprising Frizington Limestone Formation. These deposits are devoid of productive coal seams and therefore the development site is not considered to be at risk of coal mining related geohazards.

Whilst there is a history of iron ore mining in the general area, the published geological plan (NY01SW) indicates that subsurface iron ore (haematite) mining has occurred close to, but not beneath the site. Therefore, when taking into consideration the desk-based information presented to GEO, the site is not considered to be at significant risk of subsurface iron ore mining and no intrusive ground investigations or remedial measures relating to historical iron ore mining are considered necessary at this time.

Any items not specifically mentioned cannot be assumed to be covered. GEO is not responsible for the accuracy or completeness of third-party information contained within this report. It is recommended that care and consideration of potential mining features be made during any planning, design and construction works on site.

A watching brief is recommended during any development works to ensure that if evidence of mine workings or mine entrances are encountered then works should be stopped and advice should be sought from an appropriately qualified and experienced Geo-Environmental Engineer.

The Coal Authority has reviewed the report and have raised no objections, stating that the submitted report indicates that the site is underlain by solid strata of the Frizington Limestone Formation, which is devoid of productive coal seams. As such, the site to be at risk of coal mining related geohazards. They confirm that they are satisfied that intrusive ground investigations or remedial measures are not required.

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

	<p>reinforces the focus of protecting development against flood risk.</p> <p>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.</p> <p>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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The site lies within the development boundary of one of Copeland’s Key Service Centres and is capable of accommodating a single dwelling satisfactorily, provided that the overall scale and siting is carefully considered in order to maintain amenity. The principle of development is therefore considered to be appropriate, and all other matters will be considered at the reserved matters stage.</p> <p>The development will be viewed within the context of the surrounding existing properties. It is proposed to remove permitted development rights in order to protect amenity within the locality.</p> <p>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.</p> <p>No objections have been received to the proposal from neighbouring or statutory consultees, subject to conditions.</p> <p>On balance, this is considered to be an acceptable form of development which accords with the policies set out in the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority. <p>Reason</p>

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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:-
- a) The expiration of THREE years from the date of this permission
- Or
- 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.

Reason

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.

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: -

Site Location Plan, scale 1:1250, received 22nd August 2022;
Block Plan, scale 1:500, received 22nd August 2022;
Preliminary Coal Mining Risk Assessment, written by GEO Environmental Engineering, received 22nd August 2022.

Reason

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

Pre-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 permission hereby approved shall limit the scale of development to a single dwelling only.

Reason

To ensure that the site does not suffer from overdevelopment, in accordance with Policies ST1 and DM12 of the Copeland Local Plan.

7. 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 or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall 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 ST1 and DM10 of the Copeland Local Plan.

Informative

The proposed development lies within an area that has been defined by the Coal Authority as

containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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 : 17/10/2022
Authorising Officer: N.J. Hayhurst		Date : 17/10/2022
Dedicated responses to:- N/A		