

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2045/0F1
2.	Proposed Development:	ERECTION OF DETACHED DWELLING TOGETHER WITH DETACHED GARAGE (REVISION OF APPROVED APPLICATION 4/22/2078/0F1)
3.	Location:	LAND ADJACENT TO BELVERDERE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION The Application Site comprises a 0.16 hectare parcel of land located to the north of the property known as Belvedere, Wath Brown, Cleator. The Application Site is bounded by a stable block to the west; a parcel of agricultural land to the north; and, existing dwellings to the south and east. The Application Site is enclosed by a combination of walls and hedgerows. A line of mature trees exist to the southern boundary.	

PROPOSAL

This full planning application seeks approval for the erection of a dwelling with detached garage on land to the north of the property known as Belvedere.

The proposal is for a single dwelling which is to be 2 storey in height and includes the use of the roof space as accommodation. The dwelling will have an eaves height of 5.3m and an overall height to the pitch of 9m. The dwelling will be 9.8m in width and 12m in length and also includes a single storey projection of 4.3m to the rear and a porch projecting 2m on the front elevation. A detached garage is also proposed which will measure 6.7m x 6.7m giving an overall floor space of 44.89m². The garage will be 2.2m to the eaves level and 4.8m to the ridge in height.

The ground floor of the dwelling will comprise an open plan kitchen/dining/living room, a further family room and a utility room, with a sun-room to the rear. The upper levels will comprise 4 bedrooms and three bathrooms on the first floor and two bedrooms and a bathroom within the roof space.

The proposed dwelling will be constructed from render and natural stone with a natural slate roof and grey UPVC windows and doors.

A parking and turning area is proposed in front of the dwelling, This will be finished with permeable concrete pavers and provides sufficient space to accommodate multiple vehicles.

The garden will be landscaped with a patio to the rear of the property with the remainder of the garden finished with grass. The rear and side boundaries of the site will be bound with a stock proof fence. The front boundary will be defined by a stone wall to match the proposed dwelling.

RELEVANT PLANNING APPLICATION HISTORY

Outline application (with all matters reserved) for a single residential dwelling, approved in September 2021 (application reference 4/21/2202/001 relates);

Erection of a detached dwelling with detached garage, approved in July 2022 (application reference 4/22/2078/0F1 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

No response received.

Rights of Way Officer

No response received.

Highways

Outline permission was granted (4/21/2202/001) in September 2021. During the outline application a speed survey was carried out which determined visibility splays of 2.4 metres by 41.1 metres to the left and 46.2 metres to the right would be adequate for the intensification of the use of the existing access.

Drawing Number 005RevD has shown the existing access will be widened to 4.1m for the first 10m into the site from the carriageway edge in line with our previous comments.

I would like to note that inter-visibility should be considered where the internal accesses for the proposed dwelling and Belverdere join. Although this is within the private site, we would advise that the boundary height is approximately 1.05m to ensure vehicles are visible to one another.

I can confirm that the LHA and LLFA have no objections to this proposal however we would recommend that conditions are included with any permission that may be granted to retain safe access for the lifespan of this development.

Local Lead Flood Authority

No objections, subject to conditions to ensure that surface water does not drain onto the highway.

United Utilities

No objections provided the development is not built over or in close proximity to a water main.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 8 no. properties.

One letter of objection has been received raising the following concerns:

- Queries as to why the house is being moved;
- The proposed dwelling is too big;
- The plans are labelled incorrectly.

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

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 the 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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

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 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 DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Cumbria Development Design Guide (CDDG)

Manual for Streets (MfS).

Emerging Copeland Local Plan (ELP)

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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 following policies are relevant to this proposal:

- 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
- Strategic Policy DS5PU - Planning Obligations
- 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
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations

- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Policy H8PU - Affordable Housing
- Policy H21PU – Residential Caravans
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks
- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of the development

Outline planning permission was approved in September 2021 for a single residential dwelling, therefore establishing the principle of residential development on this site. A further permission for full planning was granted in July 2022 for the erection of a detached dwelling with detached garage. This application seeks to amend the design and siting of this dwelling, pushing it further back into the plot.

Policy ST2 of the CS identifies Cleator Moor as a Key Service Centre.

Policy ST2 of the CS states that Key Service Centres are to support moderate levels of development reflecting the respective scale and function of these smaller towns and contribute to the regeneration of their town centres. Figure 3.3 of the supporting text to Policy ST2 identifies that Cleator Moor will deliver at least 23 dwellings per annum throughout the plan period 2013-2028 based upon an annual housing requirement of 230 dwellings per annum.

The Application Site is located outwith the settlement boundary for Cleator Moor as defined in Policy ST2 of the CS.

Policy ST2 of the CS states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including... *housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.*

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 (with the appropriate buffer, as set out in paragraph 74); 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 2023, Copeland Borough Council produced an updated Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 191 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.

The Local Plan 2021-2038 Publication Draft (ECLP) was submitted to the Planning Inspectorate in November 2022 and was subject to examination by the Planning Inspector during January to March 2023. Once formally adopted the ECLP will replace the policies of the adopted Local Plan.

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

The ECLP continues to identify Cleator Moor as a Key Service Centre reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP continues to identify the Application Site as outside the revised development boundary for Cleator Moor.

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.

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 boosting housing supply to meet the identified need for housing in Cleator Moor and the wider Borough as detailed in Policy ST2 of the CS and the ECLP as required by the NPPF;
- the proposed development comprising the erection of 1 no. dwelling is appropriate in size and character to the Key Service Centre of Cleator Moor in accordance with the spatial objectives of Policy ST2 of the CS and ECLP;
- the Application Site is located outside of the defined development boundary in Policy ST2 of the CS; however, footpath linkages exist that provide connections to the wide range of services and employment opportunities located within the Cleator Moor for which the settlement has been designated as a Key Service Centre in Policy ST2 of the CS and is proposed for designation in the ECLP. The proposed development will support existing services and thus the aspiration of Cleator Moor to become thriving place; and,
- Sustainable travel options exist within the vicinity. An existing bus stop is located within 400m of the Site and is accessible via footpath linkages and local cycle routes provide linkages to the National Cycle Network Route 72 as required by Policy DM22 of the CS;
- The fall back position for the application would be for the implementation of application reference 4/22/2078/0F1, which proposes a similar development and established the principle of a dwelling on this site.

Housing Need

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

The SMHA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a low need for new affordable housing.

Policy SS3 of the CS and H4PU of the ELP seek to establish a supply of sites suitable for executive and high quality family housing within Cleator Moor.

The submitted plans are for a larger executive home on the site, therefore delivering the

aspirations of the SHMA.

The proposed development will reasonably assist in providing a greater balance of housing stock within the Cleator Moor area in accordance with the provisions of Policy SS3 of CS and H4PU of the ELP.

Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 of the CS and N6PU of the ELP state 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.

Paragraph 174 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes... and b) recognising the intrinsic character and beauty of the countryside.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Application Site as being located in an area of landscape character Sub Type 11a Foothills.

The key characteristics of Sub Type 11a are stated as: rolling, hilly or plateau farmland and moorland; occasional rocky outcrops; hills dissected by numerous streams and minor river valleys; areas of improved grassland, unimproved heathland and extensive conifer plantations; semi natural woodland in the small valleys; and, large areas of farmland bounded by stone walls and hedges.

The guidelines for development in areas of Sub Type 11a include: protecting village fringes from unsympathetic development; resisting development of important open spaces such as small pastures or woods within villages; and, conserving the rural character of the existing small road network.

The Application Site is located within close proximity to the Lake District National Park, which is a nationally designated landscape.

Paragraph 176 of the NPPF requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks... which have the highest status of protection in relation to these issues and that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated

areas.

The Application Site comprises a small parcel of land that is well related to an existing group of buildings and dwellings with a stable block existing to the west and existing dwellings to the south and east. A line of mature trees exist to the southern boundary. The existing buildings, dwellings and landscaping screen the Application Site in short and longer range views from the south, east and west.

The surrounding land to the north and west rises up towards Frizington Road and Red Beck Road. This landform in combination with the existing development and landscaping screens the Application Site in short and long range views from the west. Short and longer range views of the Application Site exist from the north and east; however, in such views, the proposed dwelling would be viewed in the context of the existing buildings, dwellings and landscaping and so would not cause unacceptable visual harm or landscape character harm.

It not considered that the proposed dwelling would impose to any great extent upon the existing views experienced from the Lake District National Park and existing views of its westernmost higher fells.

Design and Residential Amenity

Policy DM10 of the CS and DS6PU of the ELP seek a high standard of design whilst Policy DM12 of the CS prescribes the minimum acceptable separation distances to ensure that new dwellings to do create amenity issues for existing properties relating to overlooking or loss of light. This sentiment is echoed in Policy DS6PU of the ELP.

The proposed dwelling and detached garage has been designed to sit neatly in the plot and respects the topography of the landscape. Separation distances far greater than the minimum of 21m have been achieved, therefore protecting residential amenity for the surrounding properties including “Luino” and “Merle Wood” to the east and “Belverdere” to the south. The proposal includes a balcony at first floor level which will face south-west. As there are no residential properties within the sightline of this feature, it is considered to be acceptable.

Materials have been specified by the Applicant with a sample of the stone to be used on the facing elevation provided. The materials for the detached garage will match the main dwelling and this is welcomed. The design of the dwelling is modern but is influenced by the local character, using brick quoin detailing and window banding.

Due to the size of the garage, it is considered reasonable to include a condition to limit the use for domestic purposes only in order to ensure that commercial uses are not introduced

into the area which may affect the neighbouring amenity.

Overall, the proposal is considered to be compliant with the policies within the CS and ELP with regards to respectful design and the protection of residential amenity.

Highway Safety and Parking

Policy DM22 of the CS and Policy CO7PU of the ELP seek to ensure a suitable and safe access and sufficient parking standards for all development.

Access to the Application Site is deliverable via the existing access serving the property known as “Belvedere” only.

During the application approved in 2021, the Highway Authority initially confirmed that the existing access to the C4017 from the property known as “Belvedere” would need to be widened to at least 4.1m for the first 10m so that two cars can pass without either having to wait on the public highway; and, that visibility splays of 2.4m x 215m would be required to accommodate the proposed development.

The Applicant subsequently commissioned an automated traffic count survey of the C4017. The speed survey recorded average 24-hour 85th percentile speeds of 32mph westbound (travelling uphill); and, 31mph eastbound (travelling downhill). As the 85th percentile speeds are below 37mph, the Manual for Streets is applicable for determining the recommended visibility splays. Accounting for the c.7% gradient on the C4017 a visibility splay of 41.1m x 2.4m is required to the left (looking downhill); and, a visibility splay of 46.2m x 2.4m is required to the right (looking uphill).

In line with this information, the Applicant has shown the widening of the existing access to 4.1m for the first 10m into the site from the carriageway edge.

It is clear that an acceptable access is therefore deliverable and the Highway Authority has raised no objections, subject to a number of conditions relating to the securing of visibility splays, the surfacing of the access drive, ensuring that the boundary wall does not exceed 1.05m and that access gates open inwards only.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site.

The proposed development would not impact upon the route or cause unacceptable harm to the setting of the existing Public Right of Way to the east of the Application Site.

Flood Risk and Drainage

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 Application Site is not shown to be liable to surface water flooding.

It is proposed to dispose of surface water to a soakaway which accords with the national drainage hierarchy. Calculations to show that this is feasible were included within the submitted Drainage Report.

Foul drainage will be managed and treated via a Clearwater BTAU 12 person package treatment plant.

Details of the drainage have been reviewed and raised no objections from statutory consultees. It is therefore considered to comply with Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP. A condition is considered to be prudent for any approval to ensure that the development is completed consistently with the submitted details.

Landscaping

In order to comply with Policy DM26 of the CS and DS7PU of the ELP to secure suitable landscaping for the scheme, a full landscaping plan has been provided.

The majority of the garden will be grassed with feature specimen trees in 3 corners. A flagged patio and path has been included to surround the dwelling with permeable pavers to the front for parking and turning.

The plans show that bin storage has been made available adjacent to the parking area.

On the basis of the submitted landscaping information, it is considered that the proposal reflects a typical residential dwelling and complies with Policy DM26 of the Copeland Local Plan.

Arboriculture and Ecology

The Application Site comprises an existing hard surfaced access and an existing area of hard standing and therefore is of limited ecological interest.

The creation of the proposed access will require the removal of a small number of existing trees. These trees are not important in wider landscape terms and given their nature and form etc. have low potential for the presence of bats; therefore, a protected species licence is unlikely to be required.

The proposal is considered to comply with Policy ENV3 and DM25 of the CS and Policy N1PU of the ELP to conserve and protect the local biodiversity.

Received Objection

One letter of objection has been received from a neighbouring dwelling raising concerns relating to the scale and siting of the dwelling and the mis-labelling of the plans.

The scale and siting of the dwelling has been addressed within this report and is considered to be acceptable within this location.

The plans show the label of “Merlewood” to be over a garage, as opposed to on the dwelling itself. This is a technical issue with the mapping software used by the Applicant and does not affect the assessment of the application. A full site visit has been undertaken, as well as a review of the Council’s GIS system to gain an understanding of the surrounding dwellings.

The Planning Balance

For the reasons outlined above, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- iii. 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
- iv. 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.

The proposed development is in clear conflict with the provisions of Policy ST2 of the CS and Policy DS4PU of the ELP with regards to the location outwith the settlement boundary for Cleator Moor; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

The principle of developing the site for a single dwelling has already been established by the approval of an outline application in 2021 and the full planning application in 2022. As these remain extant and could be implemented they represent a fall back position which is a material consideration in the assessment of this current application.

It is considered that some adverse impacts upon the character of the landscape will result from the proposed development; however, this will be only minor adverse. The development will also result in the loss of some existing trees which are not subject to protection.

	<p>In overall terms, whilst conflicts are identified it is considered that these conflicts and impacts are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which include: the provision of housing to meet the needs of the settlement/borough; boosting the economy of the settlement/borough including the provision of jobs during construction; and, supporting local services when assessed against the policies in the NPPF taken as a whole.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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>Application form, received 16th February 2023; Proposed Site Plan, scale 1:1250, drawing number 2034/004/E, received 16th February 2023; Proposed Block Plan, scale 1:500, drawing number 2034/005/J, received 16th February 2023; Proposed Floor Plans, scale 1:100, drawing number 2034/006/B, received 16th February 2023; Proposed Elevations, scale 1:100, drawing number 2034/007/B, received 16th February 2023; Proposed Garage Plans and Elevations, scale 1:100, drawing number 2034/008/B, received 16th February 2023; Proposed Site Sections, scale 1:200, drawing number 2034/009/B, received 16th February 2023; Design and Access Statement, received 16th February 2023; Stone Material Sample, received 26th April 2023; Landscaping Plan, scale 1:200, drawing number 2034/021, received 26th April 2023; Drainage Report, written by Kingmoor Consulting, reference 23-041r001, received 26th April 2023;</p>

Construction Environmental Management Plan, scale 1:500, drawing number 2034/020, received 26th April 2023

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.

3. The development must not commence until visibility splays providing clear visibility of 41.1 meters left by 2.4 meters by 46.2 meters right down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order relating to permitted development, no structure, vehicle or object of any kind must be erected, parked or placed and no trees, bushes or other plants must be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

4. Prior to the removal of any trees on site a scheme for the protection and future management of the retained trees (the tree protection plan) must be submitted to and agreed in writing with the Local Planning Authority. The tree protection measures must be carried out as described and approved and the trees must be permanently retained.

Reason:

To adequately protect the existing trees on site which are considered worthy of retention in accordance with the provisions of Policy DM28 of the Copeland Local Plan 2013-2028.

Prior to Use/Occupation Conditions

5. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is

brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved prior to the development being brought into use and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

7. The dwelling hereby approved must not be occupied until the foul and surface water infrastructure to serve that dwelling has been constructed and brought into full operational use.

Reason

To ensure suitable provision for the control and management of surface and foul water in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

8. Development must be carried out in accordance with the submitted Landscaping Block Plan, drawing number 2034/021, received on 26th April 2023 and completed prior to the first occupation of the dwelling. The landscaping must be retained as such at all times during the lifetime of the development.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

Other Conditions

9. Development must be undertaken in accordance with the Drainage Report, written by Kingmoor Consulting, reference 23-041r001 and submitted as part of the application

on 26th April 2023 at all times and retained as such thereafter.

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 of the Copeland Local Plan 2013-2028.

10. Development must be carried out in accordance with the submitted Environmental Management Plan, drawing number 2034/020 and received on 26th April 2023 at all times throughout the construction period.

Reason

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

11. Development must be carried out with the details of external materials submitted within the application form, received 16th February 2023 and the stone sample received 26th April 2023 and retained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

12. No construction work associated with the development hereby approved must 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 and in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

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

strategy must be implemented as approved.

Reason

To ensure the protection of controlled waters from potential land contamination in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

14. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

15. The detached garage building hereby approved must only be used in association with and ancillary to the residential property hereby approved and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 of the Copeland Local Plan.

Informatives

Coal Authority Standing Advice

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

Public Right of Way

The right of way as shown on the definitive map and statement must be kept open and

<p>unaltered for public use until an order made to divert, stop up or to temporarily close them has been confirmed.</p> <p>The granting of planning permission does not give the applicant the right to block or obstruct the right of way shown on the attached plan.</p> <p>No development should take place on or near the footpath unless the appropriate statutory legal process has been successfully completed.</p> <p>Statement</p> <p>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.</p>	<p>Case Officer: Sarah Papaleo</p> <p>Date : 25/05/2023</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 02/06/2023</p>
<p>Dedicated responses to:- N/A</p>	