
**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2106/001
2.	Proposed Development:	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT WITH DETAILS OF PROPOSED ACCESS AND ALL OTHER MATTERS RESERVED
3.	Location:	SITE OF FORMER GROVE COURT HOTEL, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - 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:	<p>SITE AND LOCATION</p> <p>This application relates to the site of the former Grove Court Hotel, situated within Cleator. The site has residential properties to the north and west, a Grade II Listed church to the east and the A5086 leading to Cleator Moor to the south.</p> <p>PROPOSAL</p> <p>Outline Planning Permission is sought for proposed residential development on the site,</p>

including full details of the access. All matters relating to scale, layout and landscaping have been reserved for future approval.

The indicative plan submitted shows the site can accommodate 7 dwellings. Vehicular access is proposed from the A5086 and it is anticipated that four of the plots would be accessed direct off the existing layby area. The remaining three plots together with the existing bungalows would be access off an existing service road

RELEVANT PLANNING APPLICATION HISTORY

Erection of building for staff accommodation, approved in November 2009 (application reference 4/09/2390/0 relates);

Application to determine if prior approval is required to demolish the main hotel building, approved in July 2022 (application reference 4/22/2277/0F1 relates).

CONSULTATION RESPONSES

Town Council

No comments

Highways Authority

1st response

In principle the LHA would have no objection to the proposed small residential site, especially since two of the plots have planning already approved.

However, we cannot agree to the layout which determines the access which is in turn not a reserved matter so requires proper consideration at this stage. Due to the number of dwellings (>5 served off the access road), length of access road, it should be built to adoptable standards to become adopted and constructed to accommodate refuse vehicles and 7.5t delivery rigid trucks. The manoeuvre from Cross Grove to the access road (or vice-versa) looks like it would be extremely difficult for a refuse vehicle.

As shown, the proposed access is awkward and does not comply with layout best practice. The access road would run parallel and abutting the existing road creating a confusing expanse of road to navigate. Instead a more conventional access road should be built such as an access road at right-angles of the hammerhead to form a crossroads for example (other access layouts may also be possible). The layout of the plots would need reviewing.

The access road along the layby in front of Plots 4,5,6,7 needs a 2m wide footway terminating at the crossroads where the access road could be a shared surface street at



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footway level or a secondary Street.

In summary the LHA cannot approve the access as it is substandard and not to an adoptable layout. Please also confirm the adoption intention / extent.

2nd response

I am satisfied from a highways point of view that since the site is using the existing access there will be no material change to the current arrangement and therefore no objection to the site layout and access proposals. (The existing access will be modified / widened and the boundary walls removed so visibility will be improved accordingly). I note that the access road is to remain private and that there is sufficient parking for each dwelling and also convenient visitor parking.

In the detailed design submission to discharge conditions, the refuse collection arrangements should be made clear.

Summary

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

Local Lead Flood Authority

1st response

The Application states that surface water will be discharged through the use of soakaways. This would be the preferred strategy yet no evidence is provided to show that this is feasible. However, I also note that the existing hotel has large areas of impermeable paving which it is assumed drains to the UU combined sewer, so the soakaway proposal would be a significant improvement if viable. However, an understanding of how the site drains at the moment, and a comparison of impermeable areas should be provided as preliminary surface water drainage information along with infiltration testing, outline calculations and an exceedance flow diagram.

Please see the Cumbria Development Design Guide Appendix 7 on what information we require at the Outline Planning Stage.

2nd response

I note that with the existing scenario, there is approximately 3,500m² of impermeable surface discharging at an uncontrolled rate to the UU combined system. The proposed development includes much more landscaping / permeable surfaces which brings the impermeable areas down to 1,659m² or nearly a 50% reduction. I also note and welcome the use of individual plot soakaways (infiltration testing required to prove this is viable)

Therefore I am satisfied that with a drainage scheme designed in accordance with the NSTS including appropriate attenuation with a 50% betterment on the existing discharge rate will be possible. A further examination of the drainage destination options and ground conditions against the NPPF is included in the recommended conditions.

Summary

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval



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before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason:

To ensure a minimum standard of construction in the interests of highway safety.

Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management.

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance shall be submitted to and approved in writing by the Local Planning Authority. (Refer to the CDDG Appendix 7 for list of documents and evidence to be submitted)

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the submitted Drainage Strategy

The works shall be constructed, maintained and managed in accordance with the approved details.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

United Utilities

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Conservation and Design Officer

Description: Cleared site of former hotel, originally a school dating from the early 20th century in red sandstone with slate roofs.

Conclusion: No objection – see notes



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Assessment:

- Heritage impact has been caused by the loss of the hotel, however that is not being considered here.
- Heritage impact will be caused by the proposed development, although this will primarily be a function of the design solution and so reserved matters. On this point, the further thoughts below are particularly important as the design response will have a substantial bearing on whether the detailed proposed can be supported.
- The proposed revised access considered here is likely to have a negligible impact on the setting of the listed St Mary's Church, but I would consider this to be justified by the need to reconfigure the entrance.

Further thoughts:

- The Grove Court demolition will have provided significant quantities of red sandstone and slate that could be reused. Retaining these securely on site to be used in a new scheme would clearly be a way of reducing the heritage impact of the replacement.
- Additionally, it would be a way of reducing the embodied carbon of the replacement through reducing demand for new materials and reducing transport costs.
- I therefore recommend that as much of the red sandstone masonry and slate from the Grove Court be retained safely on site for future use as possible.
- The design approach will have a potentially significant bearing on the outcome of the reserved matters application.
- This is since 2021 the NPPF has guided that "development that is not well designed should be refused" because mediocre or poor design cannot be considered sustainable development. Therefore, a burden falls on proposed development to demonstrate it is well designed.
- The National Design Guide is a useful framework for considering this, and I would also draw the applicants' and agents' attention to the Housing Design Audit for England , carried out by the Place Alliance with a substantial advisory group in 2021. This uses volume developments in its data, but is applicable more generally, and highlights a number of issues, e.g. relating to problems with environmental performance, integration of bins and parking, and the development of character and sense of place.
- Owing to the national planning guidance as of 2021, if the worked up scheme cannot demonstrate high design quality there is a likelihood of refusal, so coordination on design intent and principles for the site would be useful when formulating the reserved matters.
- Additionally, special regard will be given to the desirability of preserving the setting of the listed church, so the way the development appears in view, relates to its surroundings, and establishes an attractive aspect toward the road, where shared

views with the church are primarily experienced, should be given careful attention.

Historic Environment Officer

I am writing to thank you for consulting me on the above application and to confirm that I have no objections and I do not wish to make any recommendations.

Arboricultural Officer

1st Response

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development.

The applicant has submitted a Tree Report. This includes a calculation of the tree's root protection area (RPA). The plan included within the report shows the car park area for plot 5 encroaches into the calculated RPA. The proposed building at plot 5 is 9.5m from the tree.

The report suggests erecting a 'wooden crate that it approximately 1.5m square and 2.5m high...around the trunks of the trees before development commences.' This will not be sufficient to protect the tree's RPA. The British Standard recommends erecting a barrier outside the calculated RPA to minimise the impact of the development on the tree's RPA, trunk, and branches.

The report also recommends installing a load bearing support system as a sub-base for the proposed car parking area. The British Standard recommends installing a three-dimensional load-bearing system to minimise soil compaction and root damage. These systems should use a 'no-dig' construction technique to minimise the impact on the RPA.

The Tree Report should include all trees impacted by the development, including the conifer (probably Lawson Cypress). The report should indicate this tree is proposed for removal, if that is the case.

RECOMMENDATIONS

Request the applicant submits an amended Tree Report to include all trees on the site. The amended report should include a suitable tree assessment and adequate protection measures in accordance with the British Standard (BS 5837:2012) to ensure the longevity of the retained tree(s).

BS 5837 (2012) section 4.4.1.1 states: the tree survey should be undertaken by an arboriculturist and section 3.3 states an arboriculturist is 'a person who has through relevant education, training and experience, gained expertise in the field of trees in relation to construction.'

2nd response

DISCUSSION



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Following our site visit, we have the following comment/observation to make on the proposed development.

The applicant has submitted an updated Arboricultural Survey, Impact Assessment and Tree Protection by Lowther Forestry (Ref. No.F476-13/JL). This includes an assessment of the two trees on the site (T1-Sycamore and T2-Cypress) and allocates them a British Standard (BS 5837:2012) retention category. It shows the calculated tree root protection areas (RPA) for the two trees and shows the car park area for plot 5 encroaches into the calculated RPA for tree T1.

The report recommends pruning the crown of tree T1 and removing tree T2. It also gives details for protecting the RPA for T1 using a robust fence erected around the perimeter of the RPA. The report also recommends installing a cellular confinement system as a sub-base for the proposed car parking area.

RECOMMENDATIONS

We recommend attaching the following condition to any planning permission:

- The applicant should implement in full the recommendations in the Arboricultural Survey, Impact Assessment and Tree Protection (Ref. No.F476-13/JL) prior to and during construction activity on the site. Any alterations or variations to the recommendations must be agreed in writing from the Local Planning Authority.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 13 no. properties.

Two responses have been received as a result of these advertisements raising the following:

- No objections, however the plans do not relate to the number of dwellings proposed;
- Supportive of the development and query whether the existing wall between Cross Grove and the site can be improved as part of the scheme.

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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV4 – Heritage Assets

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 DM27 – Built Heritage and Archaeology

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



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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

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

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

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Strategic Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2023 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

ASSESSMENT

Principle of development

As this is an outline application with matters reserved for subsequent approval, this proposal only seeks to determine the principle of residential development on the site and to establish details of the proposed access.

Policies ST2, SS1, SS2 and SS3 of the CS and DS3PU and DS4PU of the ELP seek to allow new dwellings within the settlement boundary of Cleator which is designated as a Local Centre. Within the Copeland Local Plan, development is encouraged and seeks to create a good housing offer to meet the needs of local residents.

The site falls within the existing settlement boundary for Cleator and is situated within an existing residential area with Cross Grove to the west. It is brownfield land, having previously been the site of the former Grove Court Hotel.

Although Cleator has some services it is within walking distance of Cleator Moor, which has a variety of local services, education facilities and sustainable transport options. The site is within easy walking distance of the main shopping area and is considered to be sustainable.

On this basis, the principle of development is acceptable, and it is considered that the proposal complies with the local planning policies.

Housing Need and Housing Mix

Policy SS3 of the CS states that applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone. It is confirmed that development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority.



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Policy H7PU of the ELP states that: developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure.

The SHMA suggests a particular focus on the delivery of two and three bedroom (75-85%) and some 4+ bedroom houses (15-20%) semi-detached and detached houses. It is stated that the Council should also consider the role of bungalows.

The application comprises an Outline Planning Application with all matters excluding access reserved; therefore, details of the housing mix etc. is reserved for subsequent approval; however, the illustrative plans submitted in support of the application demonstrates how a scheme of 7no. dwellings could be developed.

The density of the proposed development is considered to be acceptable and would be compatible with the adjoining existing modern residential development and is considered suitable for the rural location and site context.

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

Design and Siting

Policies DM10 of the CS and DS6PU of the ELP seek to ensure that good design is incorporated into any new development. Policies DM12 of the CS and HM6PU ensure that neighbouring dwellings are protected from any amenity issues resulting from overlooking, loss of light or loss of privacy.

The application is submitted in an outline form only, therefore design and siting is not being considered at this stage. Notwithstanding this, the site is of sufficient size to accommodate a small number of dwellings and it is reasonable to conclude that a suitably designed scheme which meets the required separation distances between properties can be achieved.

All details relating to design and scale have been reserved for future approval therefore these can be assessed at the Reserved Matters Application stage.

Impact on the adjacent Heritage Asset

Policy ENV4 and Policy DM27 of the CS and BE1PU and BE2PU of the ELP seek to protect, conserve and where possible enhance listed buildings and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the

desirability of preserving a heritage asset and its setting.

Section 16.2 requires that: *'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Paragraphs 194-198 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

No information has been provided by the Applicant in respect of the adjacent heritage assets significance and the impacts of the proposed development; however, the proposals have been fully reviewed and assessed by the Conservation Officer of the Council.

The site is adjacent to the Grade II Listed St Marys RC Church.

The Conservation Officer considers that the development will have a negligible impact on the Heritage Asset and that the design of the dwellings will be important in ensuring that the setting is not negatively affected.

As this application is in outline form, this detail will be fully assessed when a detailed layout and design is submitted for approval.

Highway safety

Policy ST1, along with Policy DM22 of the CS and Policy CO7PU of the ELP says that the traffic and access arrangements should make it safe and convenient for pedestrians and cyclists to move around whilst sufficient off street parking should be provided for each development.

Vehicular access is proposed from the A5086 using the existing access arrangements. It is anticipated that 4 of the plots would be accessed direct off the existing layby area and the remaining three plots together with the existing bungalows would be accessed off an existing service road. The submitted block plan demonstrates that the site is of sufficient size to ensure that individual access and parking provision can be secured for each plot.

The initial plans submitted included details of the highway that were not designed to an adoptable standard. Furthermore, a 2m wide pavement had not been demonstrated, therefore, whilst not raising an objection to the proposal in principle, the Highways Officer requested that the layout be amended to incorporate these features.

Further to the receipt of further plans showing an increase in width of the access road, pavements and space for refuse vehicles to access and egress, the Highways Officer raised no further objections, subject to the imposition of a number of conditions.

The proposal is therefore considered compliant with policies within the local plan and



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emerging local plan and considered to be satisfactory in this respect.

Trees

One tree on the southern edge of the site is protected by a Tree Protection Order. A second mature tree is not protected but is worthy of retention as it enhances the amenity of the site

An Arboricultural report was submitted with the application but this failed to demonstrate how the root protection area of the existing tree would be maintained. Further information was therefore requested and submitted to ensure the protection and retention of the two mature trees on site. The Arboricultural Officer considered that the revised information is sufficient, but that the details within the report must be complied with in order to ensure sufficient protection for the trees. A suitably worded planning condition is therefore suggested to secure this.

Drainage

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 and DS8PU and DS9PU of the ELP 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. Limited details have been provided with regard to foul or surface water although it has been indicated that this is likely to be via soakaways. Although UU and the LLFA have raised no objections to this development they have stated that they will require evidence that the drainage hierarchy has been fully investigated and full details of any drainage system, including mitigation for the highways, are submitted and agreed prior to the commencement of development on site.

The inclusion of appropriately worded planning conditions will secure proper 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 CS, the ELP and the provisions of the NPPF.

Planning Balance and Conclusion

Policies within the Local Plan and Emerging Local Plan seek to ensure that development is situated within a suitably designated area for development whilst respecting any surrounding properties and ensuring suitable amenity standards for both the proposed and any existing properties.

This brownfield site lies within the development boundary of one of Copeland's Local Centres and is capable of accommodating a modest residential development satisfactorily whilst respecting the amenity of nearby residential properties. The principle of development is therefore considered to be acceptable. All other detailed matters will be considered at the

	<p>reserved matters stage. This is given significant weight in the planning balance.</p> <p>An adequate access can be achieved to serve a development of the scale proposed.</p> <p>Heritage impact will be caused by the proposed development, although this will primarily be a function of the design solution and so will be assessed fully as part of the reserved matters submission. This is given moderate weight.</p> <p>Adequate mitigation can be secured to ensure that the two mature trees on the site are protected and retained on site.</p> <p>On balance, this is considered to be an acceptable form of development which accords with the policies set out in the adopted and emerging Local Plans.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Defining the Permission</u></p> <p>1. The layout, scale, appearance and landscaping shall 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> <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> <p>a) The expiration of THREE years from the date of this permission</p> <p>Or</p> <p>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.</p> <p>Reason</p> <p>To enable the Local Planning Authority to control the development in detail and to</p>



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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: -

- Application form, received 23rd March 2023;
- Site Location and Existing Plan, scales 1:1250 and 1:250, drawing number 5464 10, received 23rd March 2023;
- Arboricultural Survey, Impact Assessment and Tree Protection, written by Lowther, received 18th July 2023;
- Proposed Indicative Site Plan, scale 1:500, drawing number 5464 07C, received 18th July 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.

Pre-commencement Conditions

4. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

Reason:

To ensure the undertaking of the development does not adversely impact upon the

fabric or operation of the local highway network and in the interests of highway and pedestrian safety and in accordance with Policy DM22 of the Copeland Local Plan.

5. The carriageway, footways, footpaths, cycleways etc must be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work must be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete.

Reason:

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance must be submitted to and approved in writing by the Local Planning Authority. (Refer to the CDDG Appendix 7 for list of documents and evidence to be submitted)

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water must discharge to the public sewerage system either directly or indirectly.



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The drainage scheme submitted for approval must also be in accordance with the principles set out in the submitted Drainage Strategy.

The works must be constructed, maintained and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Other Conditions

8. The applicant must implement in full the recommendations in the Arboricultural Survey, Impact Assessment and Tree Protection (Ref. No.F476-13/JL) prior to and during construction activity on the site. Any alterations or variations to the recommendations must be agreed in writing from the Local Planning Authority.

Reason

In order to ensure that the protected trees are not harmed during the construction process and in accordance with Policy DM28 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

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 : 01/11/2023
Authorising Officer: N.J. Hayhurst	Date : 03/11/2023
Dedicated responses to:-	