



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2129/0F1
2.	Proposed Development:	FOUR BEDROOM DETACHED BUNGALOW AND GARAGE
3.	Location:	CHURCHSIDE, 1 CRICKETERS VIEW, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	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>The Application Site comprises a parcel of land located at 1 Cricketers View, Cleator, known as Plot 1 – Churchside.</p> <p>The site is located to the north of Church Street, U4241, which continues on past the site to serve the Cleator Cricket Club, football pitch, a single dwelling and the United Utilities water treatment compound. The site is bound by agricultural land to the west, an existing dwelling, no. 2 to the north and the existing access road to the east.</p> <p>The Site comprises an undeveloped plot on the residential development that has been</p>

partially constructed. The access, associated infrastructure and 2 no. dwellings have been constructed to date.

Planning Application History

There have been the following previous planning applications at this self-build site:

- Outline planning permission was granted for 8 dwellings on the site in 2014 (ref: 4/14/2432/0O1).
- A Reserved Matters application for the layout and drainage was approved in 2015 (ref: 4/15/2378/0R1).
- A subsequent application for the approval of Reserved Matters relating to access and plot layout as approved in 2017 (ref: 4/17/2025/0R1)
- Variation of Condition 2 of approved application 4/17/2025/0R1 (application for design to estate access road) to relocate access junction (ref: 4/17/2438/0F1)
- Outline planning application for the erection of five no. detached and semi-detached 3 and 4 bedroom dwelling (ref: 4/19/2344/0O1) which excludes the two properties already built on site.

Proposal:

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

The proposed four-bedroom detached bungalow measures 10.5m in width by 12.6m in depth with an overall height of 6.9m. It will benefit from a garage door, two windows and an access door on the front elevation, the side elevation facing no. 2 will include an access door and small WC window and the rear elevation will include a window and two patio doors. The side elevation facing the road will include a ground floor en-suite window along with a Juliet balcony and an additional window on the first floor. It will also include three skylights on the front roof elevation and two skylights on the rear roof elevation.

It will incorporate a single garage, an entrance hall, an open plan kitchen-living room, utility room, WC and the master bedroom with dressing area and en-suite on the ground floor and three bedrooms and a family bathroom in the loft space.

The dwelling will be finished externally with rendered walls, natural slate on the front porch and grey concrete roof tiles. Anthracite coloured uPVC windows and doors are proposed to match the adjacent plots.

Access is proposed via the existing access road serving the wider development leading to a



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permeable surfaced parking area. The driveway will be constructed out of permeable pavers and the patio will be constructed out of stone or concrete flags.

The curtilage will be enclosed with a combination of the existing stone wall to the side boundary, the existing stock proof fence to the rear and a boundary between Nos 1 and 2 which will comprise the existing concrete post and timber panel infill.

It is proposed to dispose of foul water to an existing private pumping station connected to the public sewer and surface water to an existing surface water drain that outfalls to the adjoining River Keekle.

Consultee:	Nature of Response:
Cleator Moor Town Council	No objections
Highway Authority and LLFA	Standing advice.
United Utilities	<p>Initial Response:</p> <p>Request for further information regarding the pumping station and noted the application site is located adjacent to Cleator Wastewater Treatment Works. UU has concerns about the odour, noise and flies which could impact the amenity of the new residents. Requested an Odour Impact Assessment.</p> <p>Final Response:</p> <p>Repeated concerns regarding odour, noise and flies given the location and requested the applicant understands such concerns and how this may impact the proposal.</p> <p>As this is a new full planning application, we would have expected to see the submission of detailed drainage proposals associated with the application scheme. However, as the proposed drainage and pumping station will be private and the applicant has received confirmation from the Local Authority that they are satisfied with the proximity of the proposed dwelling to the pumping station wet well, United Utilities have no further comments to make on these drainage proposals.</p>

Neighbour Responses:

The application has been advertised by way of an application site notice and neighbour consultation letter to 2 no. properties.

No representations have been received.

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 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 (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place



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Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

Strategic Housing Market Assessment Update 2021 (SHMAA)

Housing Needs Survey 2020

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

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:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS2PU – Reducing the impacts of development on Climate Change

Policy DS3PU – Settlement Hierarchy

Policy DS4PU - Settlement Boundaries

Policy DS6PU - Design and Development Standards

Policy DS7PU - Hard and Soft Landscaping

Policy DS8PU – Reducing Flood Risk

Policy DS9PU – Sustainable Drainage

Policy DS10PU – Soils, Contamination and Land Stability

Policy H1PU – Improving the Housing Offer

Policy H2PU - Housing Requirement

Policy H3PU - Housing delivery

Policy H4PU – Distribution of Housing

Policy H6PU – New Housing Development

Policy H7PU – Housing Density and Mix

Policy H8PU – Affordable Housing

Policy N3PU – Biodiversity Net-Gain

Policy N6PU – Landscape Protection

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Assessment:



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The key issues raised by this proposal are the principle of development, its scale, design and its impact on settlement character, landscape and visual impact, drainage and flood risk, ecology, access and highway safety and residential amenity.

Principle of Development

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

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

Although the site lies just outside the settlement boundary of Cleator, the principle for developing this site for residential purposes has already been established. The previous 2017 applications established the plot layout for the site along with the access road.

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

Scale, Design and Settlement Character

Within the Copeland Local Plan, Policies DM10, DM11, and DM12, 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.

The Site comprises a plot on a development that has been partially constructed. It will be located adjacent to Church Street and therefore the proposed bungalow is of an appropriate scale and mass in relation the plot and the entrance to the self-build site. It will provide

reasonable standards of amenity space and the layout will satisfy the required separation distances.

The proposed external finishes are considered to be consistent with the dwellings approved on the wider development and therefore the design is in-keeping with the surrounding area. However, to ensure the colour is suitable, a condition is attached to ensure representative samples of materials to be used are provided and approved prior to installation.

The existing boundary wall to the side of the site, adjacent to Church Street will also be retained, ensuring the character in this part of the settlement is maintained.

On this basis, the proposed therefore accords with the provisions of Policies DM10, DM11, DM12 and the NPPF guidance.

Landscape Impact and Visual Impact

Policy ENV5 seeks to protect all landscapes from inappropriate change by ensuring that developments does not threaten or detract from the distinctive characteristics of that particular area.

This application relates to plot 1 on this development site which will ultimately comprise a small collection of houses. A dwelling on the site would be viewed against the backdrop of the constructed properties and the wider construction site, therefore the proposal is not considered to result in an intrusion into open countryside or impact on the surrounding area.

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

Drainage, United Utilities Infrastructure and Flood Risk

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

The application site is located within Flood Zone 1 and the Lead Local Flood Authority and United Utilities have been consulted on this application.

United Utilities initially requested additional information regarding the pumping station and raised concerns relating to location of the site as it is located adjacent to Cleator Wastewater Treatment Works. They had concerns about the odour, noise and flies which could impact the amenity of the new residents and requested an Odour Impact Assessment. This was not considered to be necessary given the proximity of the existing dwellings to the site and the fact that the principle of development has already been established. The previously approved planning applications are material planning considerations to be given weight in decision



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taking.

The odour concerns were not raised during the previous outline application and the agent has been made aware of these concerns. If any issues arise in future, they can be dealt with through other legislation by Environmental Health as a public nuisance.

The agent provided additional information regarding the private pumping station and United Utilities raised no further comments to the proposal. The proposal will drain the foul and surface water separately, in accordance with the sustainable drainage hierarchy and the development can be secured by the use of a planning condition.

On this basis, the proposal is therefore considered to comply with policies ENV1 and DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Ecology

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

The Site is of limited ecological interest.

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

A European Protected Species Licence will not reasonably be required.

Access and Highway Safety

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

Access is proposed via the existing access road serving the wider development and the development will benefit from a large driveway to the front and side of the property.

The proposal will include 4 off-street parking spaces within the driveway and garage and therefore this complies with the Highway Authorities standing advice and standards set out in the Cumbria Development Design Guide.

A planning condition is proposed to ensure that the off-street parking provision is installed prior to the first use of the dwelling and that measures shall be installed to prevent surface water from flowing onto or off the highway.

On this basis, the proposal complies with Policies T1 and DM22 of the Copeland Local Plan.

Residential Amenity

	<p>Given the scale, form and proposed siting of the proposed dwelling in relation to the existing dwellings and the approved dwelling on Plot 2, no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result.</p> <p>Given the scale of the development and the fact that the development is self-build, it would not be reasonable or proportionate to impose a planning condition securing a Construction Method Statement and hours of construction limitations. If nuisance were to occur, potential would exist to address this under other legislation.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks planning permission for a single detached bungalow outside of the settlement boundary of Cleator. Although the site lies outside of any settlement boundary identified within the adopted Copeland Local Plan, the principle for developing this site for residential purposes has already been established by previous applications.</p> <p>The previously approved planning applications are material planning considerations to be given weight in decision taking.</p> <p>The proposed development is of an acceptable design and layout and reflects the scale and appearance of the approved units on the adjacent plots. The development is contained within an existing cluster of new development will not result in any significant adverse impacts upon settlement character or create any harmful landscape and visual effects.</p> <p>The development is acceptable in respect of flood risk, drainage, ecology and highway impacts.</p> <p>In overall terms, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and is considered to accord with the policies of the Development Plan when taken as a whole.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions: <u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>



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by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Planning Application Form, received 4th May 2023;

Site Location Plan, scale 1:1250, received 4th May 2023;

Proposed Block Plan, scale 1:500, received 4th May 2023;

Proposed Ground Floor Plan and Elevations, scale 1:50 and 1:100, reference PC/1, received 4th May 2023;

Proposed First Floor Plan and Section, scale 1:50, reference PC/2, received 4th May 2023;

Radon Risk Report, received 4th May 2023;

Flood Map – Flood Zone 1, received 4th May 2023;

Design and Access Statement, received 4th May 2023;

Drainage Plan, received 27th July 2023;

Drainage Pump Details, received 27th 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.

Prior to the Installation

3. Prior to their use on the site representative samples of materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Prior to Use/Occupation Conditions

4. The dwelling hereby approved shall not be occupied until the approved surface water and foul water disposal works have been completed on site in accordance with the

approved Drainage Plan and Drainage Pump Details, received by the Local Planning Authority on 27th July 2023. The approved works shall be retained for the lifetime of the development.

Reason

To ensure adequate provision is made for the management of surface water and sewage disposal in accordance with Policy ENV1 of the Copeland Local Plan 2013-2028.

5. The dwelling hereby approved shall be not occupied until the approved parking layout has been constructed and made available for use in accordance with the approved Proposed Block Plan, received by the Local Planning Authority on 4th May 2023. The approved parking layout shall be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan 2013-2028.

6. Prior to the first occupation of the dwelling hereby approved measures shall be installed to prevent surface water from flowing onto or off the highway in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and in the interests of highway safety.

Informative Note

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.



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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: C. Wootton

Date : 30/08/2023

Authorising Officer: N.J. Hayhurst

Date : 31/08/2023

Dedicated responses to:- N/A