



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2148/0F1	
2.	<b>Proposed Development:</b>	CONSTRUCTION OF A SPLIT LEVEL BUNGALOW WITH ASSOCIATED INFRASTRUCTURE, PARKING, LANDSCAPING, AND REGARDING OF EXISTING LAND LEVELS	
3.	<b>Location:</b>	LAND ADJACENT TO 13 GREEN CLOSE, SEASCALE	
4.	<b>Parish:</b>	Seascale	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Relevant Policies	See Report
		Consultation Responses	See Report
7.	<b>Report:</b>		
	<b>Site and Location</b>		

This application relates to an area of land located adjacent to 13 Green Close. The site is an undeveloped plot located at the end of the cul-de-sac, which is sited in the western section of Seascale. The site is significantly sloping towards the highway and has a culvert running through the most northern part of the land.

### **Relevant Planning History**

4/89/0144/0 – 40 dwellings, garages and estate road – Approved.

4/22/2165/0F1 – Construction of two new dwellings, associated infrastructure and parking – Withdrawn.

### **Proposal**

This application seeks planning permission for the construction of a split-level bungalow with associated infrastructure, parking, landscaping and the regrading of existing land levels.

The proposed bungalow will be located to the rear of the application site. The proposed dwelling will measure 12m x 8.8m. Due to the sloping nature of the application site the front of the dwelling will benefit from a maximum eaves height of 4.8m and ridge height of 8.3m, and a minimum eaves height of 2.2m and ridge height 5.7m to the rear. Access to the living accommodation will be via a set of access stairs.

Internally, the upper ground floor of the dwelling will incorporate a hall, living room, kitchen/dining room, utility room, bathroom, master bedroom with ensuite bathroom, a double bedroom, and single dwelling. The lower ground floor of the proposal will accommodate a single garage.

Externally the dwelling will be finished with red pantiles, red facing brick walls, buff facing brick quoins, sills, and lintels, and white UPVC windows and doors.

Due to the existing sloping nature of the application site, permission is also sought to regrade the land levels in order to accommodate the proposed dwelling within the site. Land levels to the rear of the site will be lowered by a maximum of 0.4m in order to accommodate the siting of the main dwelling, whilst the front of the site will be lowered by a maximum of 1.4m in order to create a driveway access to the site. The proposed driveway will provide access to the dwelling and lower floor garage, providing two off street parking spaces and finished with natural concrete block pavers. A new masonry/retaining wall is proposed in line with the front elevation of the bungalow with a maximum height of 3m. New planting, trees and a 1.8m timber fence is proposed to the rear areas of the application site with the front remaining open.

It is proposed that the site will be drained on separate systems with foul water discharged into the existing combined sewer and surface water installed in accordance with the hierarchy of drainage options. The proposal also includes the installation of a new manhole to provide



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access to the existing culvert which will be protected and repaired during the proposed works.

### **Consultation Responses**

#### Seascale Parish Council

Seascale Parish Council submit a strong objection to this repeated application which still fails to address all the previous grounds to submit an objection. For example

- The area is subject to flooding; it has already flooded twice over the last 10 years and an additional development here would exacerbate the problem
- Previous planning application for an extension been refused for this reason
- There will be a loss of parking space for the existing developments
- The current road is not suitable for HGV and plant vehicles, the refuse wagon regularly cannot access

Further additional grounds for objection have surfaced

- Drainage continues to be a problem with the current culvert reducing in size at this proposed site and encasing the culvert in concrete is not the solution
- How will the development spoils be managed during construction?
- The stability of the banking is likely the reason why there was no building on this spot when the original development was constructed. This is the original banking of the old watercourse, and the large sandstone church sits on the ground above.

Seascale Parish Council will be requesting to have this called into planning committee.

#### Cumberland Council – Highway Authority & LLFA

*15<sup>th</sup> June 2023*

I can confirm that we have no objection to the proposal, subject to the inclusion of conditions relating to construction traffic management, surface water drainage system, access gates, visibility splays, and culvert surveying and repair.

*31<sup>st</sup> July 2023*

I can confirm that the previous response made to this application should still apply.

*2<sup>nd</sup> November 2023*

I can confirm that we have no objection to the proposal, subject to the inclusion of conditions relating to construction traffic management, surface water drainage system, access gates, visibility splays, and culvert surveying and repair.

### United Utilities

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

United Utilities will not allow building over or in close proximity to a water main.

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

### Environment Agency

Surface water is no longer within the remit of the Environment Agency, and this now falls to the LLFA. Also, the site isn't located upon a Source Protect Zone (SPZ) and the drainage plan would not have impact on a watercourse classified as a main river. I would suggest it may be best to check with the LLFA.

#### EA remit on Surface Water Drainage

Amendments to the Development Management Procedure Order (DMPO) came into effect on 15th April 2015. As a result, we are no longer a statutory consultee on the surface water aspects of development proposals. Providing detailed comments on the drainage strategy is not within our remit and we are not resourced to provide this service as part of our Flood and Coastal Risk Management function.

Cumberland Council in their role as the Lead Local Flood Authority (LLFA) and Local Planning Authority, will need to consider if surface water has the potential to impact third



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parties as a result of the proposed development under their responsibilities of the Floods and Water Management Act 2010.

### Cumberland Council – Flood and Coastal Defence Engineer

*31<sup>st</sup> May 2023*

I have no objection to the proposed development, but have a couple of comments / queries:

- Before direction surface water into the existing culvert, it needs to be demonstrated that infiltration is not feasible for the site. This can be conditioned, rather than be needed at the application stage.
- The surface water proposal is to include a channel drain at the foot of the driveway to intercept surface water running off the driveway onto the highway. This channel drain is piped into the attenuation tank via two manholes. However, it isn't clear from the site levels in the various drawings provided, as to whether this is possible. Can this be checked.
- The existing culverts through site are in a poor condition. Whilst at present this is not resulting in any know problems, there are concerns that undertaking the development, could result in further damage that could lead to problems. The Design and Access Statement only states that as a result of feedback the culvert will be protected and repaired. A little more information on the protection to the culvert and repairs is required.

*24<sup>th</sup> July 2023*

With regards to the above proposed development, I have received two updated consultation invites, one stated there is a revised Flood Risk and Drainage Assessment and one for additional and amended information.

As there was no original or revised Flood Risk and Drainage Assessment submitted, I have reviewed the additional and amended information and updated my comments in [blue](#) below.

- Before direction surface water into the existing culvert, it needs to be demonstrated that infiltration is not feasible for the site. This can be conditioned, rather than be needed at the application stage. [I had missed that consideration into infiltration is mentioned in the Design and Access Statement, but is as stated something that can be conditioned.](#)
- The surface water proposal is to include a channel drain at the foot of the driveway to intercept surface water running off the driveway onto the highway. This channel drain is piped into the attenuation tank via two manholes. However, it isn't clear from the site levels in the various drawings provided, as to whether this is possible. Can this be

checked. It still isn't clear from the latest drawings that this is feasible, as levels are difficult to read. I suggest that a section through the site, showing the drainage and levels are submitted.

- The existing culverts through site are in a poor condition. Whilst at present this is not resulting in any know problems, there are concerns that undertaking the development, could result in further damage that could lead to problems. The Design and Access Statement only states that as a result of feedback the culvert will be protected and repaired. A little more information on the protection to the culvert and repairs is required. The updated Design and Access Statement, states that the proposed repairs will be submitted for approval and this can now be conditioned.

*1<sup>st</sup> September 2023*

I'm happy with the latest information.

As far as I am concerned, nothing further required at this time, for the application to proceed.

Cumberland Council – Conservation and Design Officer

*9<sup>th</sup> August 2023*

Conclusion: Request design revision

Assessment:

- This proposal affects the setting of the grade II listed church.
- The contribution of the plot is currently small but positive.
- The broad setting of the church has become characterised over the course of the last few decades by a large quantity of brick and render bungalows and two-storey houses with pantile roofs. These are of no great architectural quality, and have had the effect of creating a strongly suburban character of driveways, access roads and front gardens that in some respects appears peculiarly American.
- I would expect the proposal to be in keeping with the broad character of Seascale and not to have an impact on the broad setting of the church.
- More locally, Green Close, which is flanked mainly by two-storey houses, terminates with a view in a south-westerly direction of the green slope of the site in question and the church itself, which can be appreciated in its prominent local position, reflecting its importance.
- The development of this site could be expected to largely remove this view, with most of the impression of the green slope being constituted by the domestic front curtilages familiar to either side of the road, and the church being visible behind the new building



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rather than as a focal point.

- I would consider the view of the church along Green Close – in which the greenery of the knoll on which the church sits still exists in this fragment – to enable the significance of the church to be appreciated.
- I would therefore consider its loss to constitute less-than-substantial harm to the setting of the listed church. The magnitude of this harm is low, but appreciable, and should still be given special attention in the planning decision.
- The design of the proposal appears unexceptional, although in keeping with its surroundings. Design tweaking of the existing scheme would appear unlikely to greatly affect the impact on the listed building as the impact is caused by the development of the site itself and insertion of a built mass where there presently isn't one.
- Preserving this setting should be given special regard, and the harm weighed against the public benefits.

### Summary:

- The view along Green Close of the church in its prominent position contributes positively to its setting by allowing the significance of the church to be appreciated.
- The development will largely cause the loss of this view.
- This is therefore less-than-substantial harm to the significance of the asset's setting, which should be given special regard and weighed against the public benefits.
- A possible way of mitigating this harm while allowing the development to proceed may come in the form of shifting the building as close as possible to the eastern boundary of the site and leaving the remainder as garden.
- This would cause the building to be screened by Number 13 until all but the closest viewpoints, preserving the view along the close, across the green slope to the church.
- I would therefore suggest the applicant and agent conduct a heritage impact assessment for their project, given the need to preserve the setting of the church, and investigate design solutions that move the dwelling in such a way as to preserve the view.

*4<sup>th</sup> September 2023*

The NPPF states that “great weight” should be given to an asset’s conservation [...] irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm [199]

Any harm, including within an asset’s setting, should have clear and convincing justification [200]. Where harm is less-than-substantial, as is the case here, harm should be weighed against the public benefits [202], meaning that if the harm is very little, a relatively small

public benefit would be enough to make it worthwhile, whereas if the harm were greater, a greater level of public benefit would be needed.

Given the need to give great weight to a designated asset's conservation, there would appear to me to be a suggestion that the balance should weight in favour of conservation rather than public benefit where they are equal.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission [...] for development which affects a listed building or its setting, the local planning authority [...] shall have special regard to the desirability of preserving the building or its setting [...]". This agrees with the above observation as a "special regard" should be held above other regards, being special.

I am unable to comment authoritatively on how to assess public benefit, although wonder whether a new house benefits the public generally or only benefits the small number of people who live in it, and whether any corresponding harm, such as from increased traffic or impact on views, is considered to moderate such public benefit.

These three observations are true, but that fact doesn't prevent the view along Green Close from contributing to the church's setting and the harm from the development as therefore being low but nonzero.

I am not necessarily opposed to the principle of development here, but given the obligations outlined above in law and national policy, is there a design among the set of all viable solutions that both allows a home to be developed and maintains the view of the church along Green Close (or even enriches it)? If so, it would be valuable and worth finding. If the answer however is a genuine no, arrived at following thorough assessment, I'd be happy to provide another consultation response.

*24<sup>th</sup> October 2023*

No further comments to add.

Cumberland Council & Westmorland and Furness Council – Resilience Unit

*25<sup>th</sup> May 2023*

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.





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In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via [emergency.planning@westmorlandandfurness.gov.uk](mailto:emergency.planning@westmorlandandfurness.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

*20<sup>th</sup> June 2023*

No further comments in addition to the email response below sent on the 25/05/23.

*8<sup>th</sup> August 2023*

No further comments in addition to the email response below sent on the 25/05/23.

### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to fifteen properties.

Four letters of objection were received which raised the following concerns:

- Planning permission I submitted was passed a number of years ago however it was turned down due to building regulations as there is a stream that runs under our property so it must run under the opposed building site.
- Previous planning application refused due to culvert/flooding issues.
- Dave Cummins Ltd believe there is no risk of flooding this is not the case. It has flooded on several occasions at the bottom of Green Close. On one occasion my brand new car was written off due to flood water entering the car after excessive rain even though there are two drain which could not cope with the rainfall. The new builds will only add to the problem.
- Increase in houses and tarmac will increase the surface water run off placing the already strained drainage under more pressure and increase flood risk at the bottom of the estate.
- Following the Cumbria County Council Seascale Flood Investigation Report No 31, Published 2/4/2014. This identifies the likely causes of flooding to the Fairways (including Green Close) being linked to the un-named natural water course which flows through the culvert under the estate. Investigation works have commenced (Phase 1- Design). However, Phase 2 (the repairs to the culvert) have not yet commenced. Any development on this site would therefore have the potential to interfere with the repairs identified during Phase 1, resulting in in the need to complete phase 1 again prior to commencement of Phase 2 which has already been outstanding for some considerable amount of time.
- The Flood Engineer comments on this application highlights the risk of damaging the

Culvert during the construction which I strongly agree with.

- Delivery vehicles (some 10 tonne plus), parking and off-loading over the Culvert will only add undue stress & pressure to existing water course that is awaiting repairs.
- Concerned that the plans detail the lowering of existing land to allow access and driveway installation. This will reduce the depth of the culvert and could compromise the culvert infrastructure. Especially the 600mm pipe which is currently only 2.18m below the surface at 45.5m from MH02. There is no obvious details on the plan as to how much the land would be lowered over the two culvert pipes.
- The dwelling has a potential of several vehicles utilising the driveway daily which could cause future damage to the culvert. Up to now the only 'traffic' above the culvert has been pedestrian / lawn mower etc and the culvert has already suffered damage. Electric vehicles are also reported to be up to 35% heavier than current motor vehicles, which again has the potential to add further stress to the culvert underneath.
- The Environment Agency Policy regarding culverts section 6.4 states that "Buildings should not be sited over the top of new or existing culverts. The Agency will normally oppose planning consent for any building over a culvert and, in addition, may recommend restrictions on land use (for example stockpiling) above a culvert to secure structural integrity. The culvert may, in the future, need to be repaired, replaced or up-rated if conditions in the catchment change. There is also the need to maintain an overland flow route if the culvert is blocked or its capacity exceeded" Has the Environment Agency been consulted on this planning application as there is no attached response from them confirming that this has taken place.
- When we obtained the extra land from Hassle Holms next to the plot we were informed we could not put any permanent structure on it because of the close proximity to the church.
- Would the removal of large amounts of soil so close to the Grade II listed church have a negative impact on the stability and strength of the church.
- If the banking was dug part away during the process of building this bungalow what would be the potential impact on the safety of residents of Green Close or their property. It would most certainly block the drains if the banking was to slump due to heavy rain.
- We also understand that any new build structure should have disabled access, however the plans show the steep stairs to access the front door.
- Although the garage will include a wc the room is not a habitable room, the rest of the house is accessed by steps which is not wheelchair user friendly.
- Green Close is a cul-de-sac so if the build commences there will be considerable congestion to all residents and constant noise.



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- Access to the estate is limited. The bin wagon cannot drive to the end of the cul-de-sac and turn around.
- If there are cars parked on the road access to houses at the bottom of the estate and where the proposed planning site is virtually impossible with a car let along a large construction vehicle.
- The proposed would have a detrimental impact on gaining access to my property which is located opposite the site.
- Constant flow of large vehicles in and out of the narrow estate would present a huge safety risk to residents, from frail and elderly to families with children and pets.
- Design of the bungalow will not be in keeping with the estate.
- The estate is laid out in a linear format, the proposed bungalow would site on a piece of land which is at the bottom of the cul-de-sac, which would not follow the same linear approach as the rest of the estate.
- Overlooking due to elevated position of dwelling.
- Overlooking of gardens and front of houses it will face.
- Loss of privacy in existing properties effecting resale values.
- Concerns that the property could be used for short term holiday letting which would result in increased noise and traffic in what is a quiet residential cul-de-sac.
- 2012 Community Plan for Seascale states 'Residents state that there is a need for affordable housing so younger people can stay in the village and buy their own homes'. This proposal does not meet this specification.

One letter of support was received which offered the following comments:

- This is a positive development proposal for the area as there is a higher demand than supply of housing in Seascale.
- The proposal is in keeping with the other residencies in the street.
- The proposed development would also avoid the land ever becoming overgrown, unsightly, and susceptible to fly tipping, dog fouling and other forms of anti-social behaviour on the land.

Further to the receipt of amended information for this application, three letters of objection have been received to the reconsultation process offering the following concerns:

- Previous objections still stand as they have failed to meet any of the objections.
- Green Close, is a small housing estate which is located off a much larger estate (The Fairways) in Seascale. Access to the estate is limited, the bin wagon cannot drive to the end of the cul-de-sac and turn around it has to reverse from the top.

- On some occasions if there are a number of vehicles parked off the driveways, access to houses at the bottom of the estate and where the proposed planning permission site is, virtually impossible with a car let alone a large construction lorry or vehicle.
- I feel that unless the building contractors are either going to remove their vehicles and equipment every night or block the resident's driveways there is absolutely no room for that equipment to be parked overnight at the proposed building site.
- I require access to my property at different times throughout the day and night and I believe this proposal would have a detrimental impact on gaining access to my property, which is located opposite the proposed site.
- Under "Condition 1" of Mr Paul Telford's response, on 31/07/2023, he states that "retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;" whilst this is an excellent idea, it is simply just not practical, unless the retained area(s) are going to obstruct resident's driveways, blocking access to their properties as stated above.
- Green Close is home to a mixture of residents from frail and elderly to families with children and pets. The constant flow of large vehicles in and out of the narrow estate, I feel would present a huge safety risk to the residents.
- A number of the residents, including myself are shift workers. Some working night shifts, the noise pollution involved with this proposed planning permission would prove detrimental to the amount of sleep we would get. Which would almost certainly have a knock-on effect to how effectively we are able to do our jobs, which could potentially cause an un-necessary accident.
- The location, of the proposed planning site, is in the bottom corner of a cul-de-sac. Whilst the rest of the estate, is in a linear format, the proposed site, will be the exception to the rule being on a corner. Looking directly into the front of my property, particularly my living room and master bedroom. Hence the proposed planning permission site, will greatly invade my privacy.
- Drawing your attention back to the responses regarding previous objections on the planning website. Whilst in theory on paper, there is no (low) flood risk on the estate, history and reality have shown us otherwise. With dip in the cul-de-sac flooding twice in the 20 (approximately) years that the estate has been built. With the flooding on one occasion, being so catastrophic, it had written off a neighbour's car. Whilst any potential future flooding is unlikely to directly affect the proposed new planning permission. The knock-on effect of another house and the infrastructure associated with that will almost certainly increase the surface water runoff and so increase the likely hood of another severely damaging flood, reoccurring.
- Green Close, has been built now for approximately 20 years. With that piece of land being a grassed area, if this was a suitable area for another house, why wasn't one



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built with the rest of the estate, and why now after so long has become an acceptable area for one to be built.

- I feel that whilst, the responses made to the proposed planning application have addressed the concerns put forward in previous objections, on paper, they are not realistic. I therefore feel that a site visit would be beneficial, so that the planning board/officer can see for themselves the location of this proposed planning site and visualise the concerns which residents have regarding the construction of the bungalow.
- I would be extremely grateful if the decision could be made by the planning committee and not just a planning officer.

### **Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

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 SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Emerging Copeland Local Plan 2021 – 2038 (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.

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 DS9PU: Sustainable Drainage



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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

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 CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

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

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Planning (Listed Building and Conservation Areas) Act 1990

### **Assessment**

The key issues raised by this application relate to the principle of the development; housing need; settlement character, landscape impact and visual impact; scale, design, and impact of the development; access, parking, and highway safety; ecology; drainage and flood risk; and

impact on heritage assets.

The application was called in for determination by the Planning Committee by the Ward Councillor due to concerns raised regarding flood risk, road access, and drainage issues. This call-in request was considered at the Agenda Scheduling Meeting on 11th October 2023. This meeting was attended by the Assistant Director for Investment and Place, The Chair and Vice Chair of the Planning Committee and the Senior Planning Managers. Following consideration of the planning issues raised as part of the call in it was resolved that there was not a specific reason why this application should be determined by the Planning Committee under the adopted Scheme of Delegation. On this basis the application will be determined at Officer Level under delegated powers.

#### Principle of Development

This application site relates to a vacant site within an existing residential cul-de-sac, which falls within the designated settlement boundary for Seascale, which is listed as a Key Service Centre in Policy ST2 of the Copeland Local Plan. This policy allows for infill housing sites and moderate allocations to form extensions to the town to meet general needs, with larger sites required to offer a proportion of affordable housing.

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

Policy DS3PU of the Emerging Local Plan continues to identify Seascale as a Local Service Centre which focuses development on existing employment allocations, moderate housing allocations, windfall and infill development.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. The application site is located within the existing and proposed settlement boundary for Seascale.

The principle of developing the site for residential purposes is therefore considered to be acceptable subject to site-specific matters.

#### Housing Need

Policy SS3 of the Copeland Local Plan requires housing development to demonstrate how proposals will deliver a good range of affordable homes for everyone. Developments will be assessed on 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





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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.

Within the Emerging Local Plan, Policy H7PU states that development should make the most of effective use of land and when determining appropriate densities development proposals should demonstrate that consideration has been given to the shape and size of the site, requirements for public open space and landscaping, the character of the surrounding area and setting of the site, and whether the density would help achieve appropriate housing mix and help regeneration aims. It must also be demonstrated that proposals meeting 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. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date.

Policy H8PO of the Emerging Local Plan stated that on sites of 10 units or more, or on sites of 5 units or more within the Whitehaven Rural sub-area, at least 10% of the homes should be affordable as defined in the NPPF unless this would exceed the level of affordable houses required in the area as identified in the Housing Needs Study, or the development falls into an exemption category listed in the NPPF. This Policy further states that affordable housing should be provided in the tenure split of 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The application site falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is also stated the Council should also consider the role of bungalow and there is a high need for new affordable housing.

The scale of the proposed development comprising of one three bed detached bungalow is appropriate to the scale and designation of Seascale as a Local Centre. The proposed development will help meet the identified housing need identified in the SHMA, and the requirements of Policy SS3 of the Copeland Local Plan, Policies H7PU and H8PU of the Emerging Local Plan and provisions of the NPPF.

### Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposals which enhance the value of the Borough's landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

The application site is a vacant site which lies within a residential area within the centre of Seascale and is located at the end of an existing cul-de-sac directly adjacent to a number of existing residential properties. As the development is surrounded by existing development the proposal is not considered to have an impact on the overall landscape and as the site is an infill plot the development is complementary to the existing built form of this part of the settlement.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design and Impact of Development



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Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DM12 of the Copeland Local Plan outlines the requirements of the provision of open space and play provision.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Extensive discussions have been undertaken with the agent for this application to secure a suitable development for the site. In 2022 a planning application (ref: 4/22/2165/0F1) was submitted for two detached dwellings at this site, which was subsequently withdrawn following concerns raised regarding overdevelopment of the land and lack of detail regarding the location of the culvert running through the application site. Following the withdrawal of this application a pre app enquiry was submitted for a single split-level bungalow. As part of this process extensive discussions were undertaken with the agent to secure a suitable design for the development given the prominent location of the dwelling. Within these discussions the plans for the proposed bungalow were amended to reflect the character of the surrounding two storey dwellings within Green Close, including the removal of the front facing gable, the installation of quoins and cills, and reflecting the solid void/fenestration patterns detailed with neighbouring dwellings. Based on these discussions the amended proposal is considered to reflect the scale, design, and character of the surrounding area. Although the application makes some reference to the proposed materials within the development, which appear to reflect those used within the surrounding area, specific details have not been provided therefore a condition is proposed to secure these details prior to their use within the development.

Concerns have been raised by residents with regard to overlooking and loss of privacy created by the development, and the potential devaluing of their properties. Property value is not a material planning consideration therefore this cannot be considered as part of this application process.

Although the development is located within a constrained site, the agent has submitted a block plan to show the relationship and separation with adjacent properties. As part of the

development the existing land levels will also be regraded to ensure the split-level bungalow can be sited within the land. Due to the siting of the proposed bungalow the development will not directly face any dwellings on Green Close, and adequate separations distances can be achieved between properties. Although the proposed bungalow is located towards the rear of the application site, the required separation distances can also be retained within properties to the rear of the site. To prevent overlooking a 1.8m timber boarded fence will be installed around the perimeter of the rear garden area. This proposed boundary treatment can be secured by an appropriately worded planning condition to ensure installation prior to the occupation of the dwelling and its retention. Permitted development rights will also be removed from the site in order to ensure that the constrained site isn't overdeveloped to be detriment of the neighbouring dwellings.

On the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with Policies DM10 and DM12 of the Copeland Local Plan, Policies DS6PU and H6PU of the Emerging Local Plan, and the NPPF.

#### Access, Parking and Highway Safety

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

The site will be accessed via the existing turning head on Green Close to the north east of the application site.

Concerns have been raised by residents and the Parish Council with regard to the suitability of the access road, in particular the use of the road by construction vehicles and the highway safety implications for existing residents. Concerns have also been raised regarding loss of on street parking for existing residential dwellings. The Highway Authority have, however, offered no objections to the application, subject to the inclusion of conditions relating to surface water drainage system, access gates, visibility splays, and culvert surveying and repair. They have also requested a condition to secure a construction traffic management plan prior to the commencement of any works at this site, which will require the submission of details including retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development which will address resident's concerns.

Concerns have also been raised by residents regarding the lack of disabled access to the proposed split-level bungalow. The agent for this application has addressed this issue within the submitted design and access statement and has confirmed that the site is too steep to provide a level approach therefore it is proposed to adopt the stepped approach identified within Building Regulations.

On this basis the development would be in accordance with the aims and objectives of both



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the adopted Copeland Local Plan, Policy CO7PU of the Emerging Local Plan and the NPPF.

### Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is located within the centre of a built up residential area. On this basis it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policy N1PU of the Emerging Local Plan and NPPF.

### Drainage and Flood Risk

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

The application site is located within Flood Zone 1 therefore a flood risk assessment has not been submitted to support the proposal. The Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon this application. Concerns have been raised by residents and the Parish Council regarding the existing and potential flood risk at this site, however no objections have been raised from statutory consultees in terms of flood risk.

As part of the application, it is proposed that the site will be drained on separate systems with foul water discharged into the existing combined sewer, which crosses the most northern point of the application site, and surface water installed in accordance with the hierarchy of drainage options. The submitted design and access statement indicates that if infiltration is not possible, surface water will be attenuated onsite before being discharged into an existing culvert which runs through the north of the site. It is also stated that the attenuation would limit the discharge rate from the site to no more than its current rate, plus allowance for climate change. No details have been provided within the application as to how the surface water drainage will comply with the drainage hierarchy, therefore both the LLFA and the Council's Flood and Coastal Defence Engineer have requested that a full surface water drainage scheme is secured by an appropriately worded planning condition. This will also align with the comments of UU who have confirmed that the site should be drained in accordance with the hierarchy. Concerns have been raised by the residents and Parish

Council with regards to the drainage proposed for the development, however this condition will allow the LPA to secure a suitable drainage scheme which will not have a detrimental effect on the surrounding area.

In 2022 a planning application (ref: 4/22/2165/0F1) was submitted for two detached dwellings at this site, which was subsequently withdrawn following concerns raised regarding overdevelopment of the land and lack of detail regarding the location of the culvert running through the application site. As part of this current application the location of the culvert has been clearly shown on the submitted plan following a survey by Andidrain. A culvert easement zone has also been shown on this plan with the proposed dwelling sited outside of this area with the proposed driveway being the only development within this area of the site. This ensures the development complies with UU comments that they will not allow building to be built over or in close proximity to an existing water main, public sewer, or wastewater pipeline. UU have also stated that where their assets cross the red line boundary and the developer will need to contact them prior to commencing works on site. This can be included as an informative on the decision notice so that both the applicant and agent are aware of this requirement.

The agent for this application has undertaken pre application discussions with relevant statutory consultees, and, as a result of these discussions a new manhole to provide access to the culvert will be installed as part of this development in order to provide access to the culvert. The amended design and access statement for this development also indicates that the culvert will be protected and repaired during the proposed works, with any required repairs submitted to the Local Planning Authority for approval prior to these works commencing. The agent has confirmed that the management of the culvert would be the responsibility of the land/bungalow owner, and has agreed to conditions to secure the surveying of the culvert and its management during and after construction. These conditions were requested by the Council's Flood and Coastal Defence Engineer who raised concerns regarding the poor condition of the culvert and the potential further damage created by the development. The inclusion of these conditions will ensure that the development does not impact on the culvert and any impacts can be adequately mitigated in order to address concerns by the residents and the Parish Council.

On this basis, the imposition of these conditions will secure proper drainage within the site, will manage the risk of flooding, and will protect the existing culvert within the development site, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan, Policy DS8PU of the Emerging Local Plan and the provisions of the NPPF.

#### Impact on Heritage Asset

Policy ENV4 and Policy DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.



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The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need “in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest” [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206).

The application site is located to the north east of the Church of St Cuthbert, which is a Grade II Listed Building. The Council’s Conservation Officer has confirmed that the view along Green Close of the Church contributes positively to its setting. As the development would largely cause the loss of this view the Officer has confirmed that it would create less-than-substantial harm to the significance of the assets setting, which should be given special regard and weighed against public benefit.

The Conservation Officer has suggested the reorientation of the dwelling in order to limit this impact, however the proposed siting has been amended to reflect previous concerns raised by the Planning Officer in terms of impact on the surrounding properties. The design of the dwelling has also been amended following Officer concerns to ensure that the development reflects the character of the surrounding dwellings. The location of the proposed dwelling is also limited and dictated by the position of the culvert and UU assets running through the northern end of the site. An alternative solution is therefore not possible for this development.

Paragraph 202 of the NPPF states that where a development will lead to a less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposed development would increase the housing provision in Seascale and would assist in meeting the required housing needs set out in the SHMA due to the bungalow nature of the proposal. The development of this dwelling within this Local Service Centre would also help to retain community facilities and services locally. Green Close is a large residential development which has surrounded the Church for a number of decades, the view towards this asset has therefore been dominated by residential units

	<p>eroding the significance of this view. Whilst the development of this site would result in the loss of this small area of land adjacent to the Church, this is not the main public view of the asset as it is within a small cul-de-sac development which is not a well-used thoroughfare. The main views of the asset which exist and will be retained are from the B5344, Gosforth Road, and The Banks.</p> <p>On the basis of the above, whilst the development of a single property on this site is considered to have less than substantial harm to the significance of the designated heritage asset, this harm is not considered to outweigh the benefits of the development, which include the increase in housing provision, the development of a bungalow to meet a required housing need, and the benefits to local services and facilities. The application is therefore considered to comply with Policies ENV4 and Policy DM27 of the Copeland Local Plan, Policies BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>The application site is located within the defined settlement boundary for Seascale which is identified as a Local Service Centre where new housing is supported. This is given significant weight.</p> <p>The amended plans for the development show a development which is of a scale and design which reflects the surrounding properties and is not considered to have a detrimental impact on the nearby residential properties. The site will be accessed via the existing estate road and is not considered to have any adverse impacts on existing highways conditions as the Highway Authority have offered no objections to the proposal subject to the inclusion of conditions. The Highway Authority have requested a construction traffic management plan which will be secured by condition in order to address residents' concerns regarding highway safety during construction. This is also given significant weight.</p> <p>Although concerns were raised by the public and Parish Council regarding drainage and highway safety, statutory consultees including the Highway Authority, UU and Flood and Coastal Defence Engineer have offered no objections to the application. Appropriately worded planning conditions will be utilised to secure required visibility splays, culvert maintenance and drainage schemes. This is given significant weight.</p> <p>Whilst the development of a single property on this site is considered to have less than substantial harm to the significance of the designated heritage asset, this harm is not considered to outweigh the benefits of the development, which include the increase in housing provision, the development of a bungalow to meet a required housing need, and the benefits to local services and facilities. This is given moderate weight.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>





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### 9. **Conditions:**

#### Standard Conditions

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

#### Reason

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

2. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -
  - Existing Site Plan, Scale 1:200, Drawing No: 01, Rev: A, received by the Local Planning Authority on the 22<sup>nd</sup> May 2023.
  - Proposed Site Plan (Amended), Scale 1:200, Drawing No: 02, Rev: D, received by the Local Planning Authority on the 7<sup>th</sup> July 2023.
  - Proposed Block Plan, Scale 1:500, Drawing No: 05, Rev: B, received by the Local Planning Authority on the 22<sup>nd</sup> May 2023.
  - Proposed Bungalow Plans & Elevations (Amended), Scale 1:100 & 1:1250, Drawing No: 06, Rev: E, received by the Local Planning Authority on the 25<sup>th</sup> August 2023.
  - Design and Access Statement (Amended), Document Ref: 5702-D-01B, received by the Local Planning Authority on the 7<sup>th</sup> July 2023.
  - Green Close Seascale Survey: Andidrain Ltd, Drg No: 1, Rev: 0, received by the Local Planning Authority on the 22<sup>nd</sup> May 2023.
  - Email from Agent, received by the Local Planning Authority on the 7<sup>th</sup> 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:

3. No development must commence until a surface water drainage scheme has been

submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation must include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- 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); and
- iii) A timetable for its implementation.

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

The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) 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 thereafter in accordance with the schedule.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

5. 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 must include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their



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- 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;
- surface water management details during the construction phase

### 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.

6. No structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay of 8m to left from the centre of the access road from 2.4m into development to the nearside kerb, The visibility splay must be constructed before general development of the site commences so that construction traffic are safeguarded. The visibility splay must remain in situ for the entirety of the development.

### Reason:

In the interests of highway safety.

7. The development hereby approved must not be commenced until a scheme detailing the following has been submitted and approved in writing by the Local Planning Authority:
  - Measures to protect the culvert within the application site during the construction phase of the development;
  - Confirmation of arrangements for on-going maintenance of the culvert within the site boundary upon completion of the development.

The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

### Reason

To ensure the provision of a satisfactory drainage scheme.

Prior to Erection of External Walling Conditions

8. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

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

Prior to Occupation Conditions:

9. Prior to the first occupation of the dwelling hereby approved the boundary treatment must be installed in line with the approved plan 'Proposed Block Plan, Scale 1:500, Drawing No: 05, Rev: B, received by the Local Planning Authority on the 22<sup>nd</sup> May 2023'. All boundary treatment must be retained in accordance with this approved plan at all times thereafter.

Reason

In the interest of residential amenity.

10. The new access, driveway and parking arrangement hereby approved as detailed on the approved plan 'Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7<sup>th</sup> March 2023', must be constructed, completed and brought into use prior to the occupation of the dwelling hereby permitted. The access, driveway, and parking arrangement must remain operational as approved at all times thereafter.

Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) in accordance with Policy T1 and DM22 of the Copeland Local Plan.

11. Before the first occupation development hereby approved, the section of the culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and



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approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

### Other Conditions:

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

Reason

In the interests of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement/installation of windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area.

### **Informatives:**

1. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: [LFRM.consent@cumbria.gov.uk](mailto:LFRM.consent@cumbria.gov.uk) to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.
2. Where United Utilities' assets cross the proposed red line boundary, developers must contact their Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.
3. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the

appropriate information and actions to take should there be an incident at the Sellafield site.

**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. Burns

**Date :** 03.11.2023

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

**Date :** 10.11.2023

**Dedicated responses to:-**