

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2223/0F1
2.	Proposed Development:	PROPOSED 2 NO. DETACHED DWELLINGS
3.	Location:	PLOTS 4 & 5, CHURCH CRESCENT, 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 Plot 4 and 5 at Church Crescent, Cleator.</p> <p>The site is located to the north of Church Street and the unclassified road 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. 9 Church Cresnet to the north and the existing access road to the east.</p> <p>The Site comprises two plots on the residential development that has been partially</p>

constructed. The access and 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: 4/14/2432/001).
- 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 OF ESTATE ACCESS ROAD) - TO RELOCATE ACCESS JUNCTION (ref: 4/17/2438/0F1)
- OUTLINE PLANNING APPLICATION FOR ERECTION OF FIVE NO. DETACHED AND SEMI-DETACHED 3 AND 4 BEDROOM DWELLINGS (ref: 4/19/2344/001) which excludes the two properties already built on site.

Proposal:

This application seeks Full Planning Permission for the erection of 2 no. dwellings.

The proposed four-bedroom detached dwellings each measure 8.3m in width by 12m in depth with an overall height of 8.8m. They have been designed to include a covered front porch with an access door and two windows on the ground floor and two bedroom windows on the front first-floor elevation. The other three elevations will contain conventional window openings including a bi-fold door on the rear elevation.

It is also proposed to include an array of solar panels on the front roof elevation.

Each dwelling will comprise an entrance hall, an open plan kitchen-dining room, utility room, WC, living room and office on the ground floor and four bedrooms, one with an en-suite and a family bathroom on the first floor.

The dwellings will be finished externally with white painted cement rendered walls, black Marley Modern flat roof tiles, anthracite coloured uPVC windows and doors are proposed to match the adjacent plots. The front porch will be faced with slate stone walling to match the existing properties at the adjacent Cleator Gate self-build site.

Access is proposed via the existing access road serving the wider development leading to a permeable surfaced parking area. The driveway will be constructed out of Black Marshall



**Cumberland
Council**

Tegulars permeable sets and the site entrance will include an ACO drain to prevent rainwater runoff onto the highway.

The curtilage will be enclosed with a 1.8m high hit and miss timber fence.

It is proposed to dispose of foul water to an existing combined sewer system and surface water to an existing private surface water drain.

Consultee:	Nature of Response:
Cleator Moor Town Council	No objections
Highway Authority and LLFA	Standing advice.
Footpath Officer	No comments.
United Utilities	<p>UNITED UTILITIES WASTEWATER TREATMENT WORKS – ODOUR</p> <p>United Utilities note that the proposed layout shows that the new dwelling is located in close proximity to Cleator Wastewater Treatment Works (WwTW). United Utilities has concerns with the location of new sensitive receptors, such as residential use, close to an operational wastewater treatment works. There is an amenity risk from odour, flies and noise. The site is in operation 24/7 with multiple vehicles using the access route at all times.</p> <p>We wish for the Local Planning Authority to ensure that the applicant understands such concerns and how this may impact the proposal.</p> <p>DRAINAGE</p> <p>Following our review of the Section 104 Adoption Layout C/W Manhole Schedule, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:</p> <p>CONDITION:</p> <p><i>The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the Section 104 Adoption Layout C/W Manhole Schedule Drawing 3439-C106, Rev C - Dated March 2017 which was prepared by DTA Consulting Engineers LLP. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior</i></p>

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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



Cumberland Council

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

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:

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

Principle of Development



Cumberland Council

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, the residential development on the edge of the settlement is therefore considered that the development would be 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 two plots on a self-build development that has been partially constructed. They will be located adjacent to an existing two-storey dwelling and therefore the proposed two 4-bedroom dwellings are of an appropriate scale and mass in relation to the plots and the wider 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 the adjacent self-build site, Cleator Gate and therefore the design of the dwellings is in-keeping with the surrounding area.

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 plots 4 and 5 on this development site which is located adjacent to an existing dwelling on the site and therefore the development would be viewed against the backdrop of the existing properties and the wider construction site. On this basis 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 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 these concerns be passed onto the applicant. This information was passed on although the principle of development has already been established. The previously approved planning applications are material planning considerations to be given weight in decision 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 administered by Environmental Health.

United Utilities raised no objections to the drainage, subject to the inclusion of a planning condition that ensures the proposal is carried out in accordance with the principles set out in the Section 104 Adoption Drainage Plan.

The application is also supported by a Drainage Plan which outlines that the foul and surface water will drain separately, in accordance with the sustainable drainage hierarchy. This development can also 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.



Cumberland Council

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 of the properties.

Each property will include 2 off-street parking spaces within the driveway 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 dwellings 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

Given the scale, form and location of the proposed dwelling in relation to the existing dwellings, proposed dwelling on Plot 2, no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result.

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.

Planning Balance and Conclusion

This application seeks planning permission for two 4-bedroom dwellings outside of the settlement boundary of Cleator. Although the site lies outside of any settlement boundary identified within the Copeland Local Plan, the principle for developing this site for residential purposes has already been established by previous applications.

The previously approved planning applications are material planning considerations to be given weight in decision taking.

The proposed development is of an acceptable design and layout and reflects the developments approved on the adjacent plots. The development is contained within the existing approved development will not result in adverse impacts upon settlement character or harmful landscape and visual effects.

	<p>The development is acceptable in respect of flood risk, drainage, ecology and highway impacts.</p> <p>In overall terms, any 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:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li data-bbox="159 913 1514 1176">1. The development hereby permitted must commence 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. <li data-bbox="159 1249 1514 2038">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 3rd August 2023; Site Location Plan, scale 1:1250, reference P4&5-CC-009, received 3rd August 2023; Block Plan, scale 1:500, reference P4&5-CC-009, received 3rd August 2023; Proposed Ground and First Floor Plans, scale 1:50, reference P4&5-CC-006, received 3rd August 2023; Proposed Floor Plans and Elevations, scale 1:100, reference P4&5-CC-001, received 3rd August 2023; Proposed North Elevation Plan, scale 1:50, reference P4&5-CC-002, received 3rd August 2023; Proposed South Elevation Plan, scale 1:50, reference P4&5-CC-003, received 3rd August 2023; Proposed East Elevation Plan, scale 1:50, reference P4&5-CC-004, received 3rd August 2023; Proposed West Elevation Plan, scale 1:50, reference P4&5-CC-005, received 3rd August 2023;



Cumberland Council

Proposed Drainage Plan, scale 1:150 and 1:500, reference P4&5-CC-010, received 3rd August 2023;

Design and Access Statement, reference DAS-001, received 3rd August 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 Use/Occupation Conditions

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the Section 104 Adoption Layout C/W Manhole Schedule Drawing 3439-C106, Rev C - Dated March 2017 which was prepared by DTA Consulting Engineers LLP. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

4. The dwellings 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 Proposed Drainage Plan, received by the Local Planning Authority on 3rd August 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 dwellings hereby approved shall be not occupied until the approved parking layout has been constructed and made available for use in accordance with the approved Block Plan, received by the Local Planning Authority on 3rd August 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.

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.

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 : 03/10/2023

Authorising Officer: N.J. Hayhurst

Date : 04/10/2023

Dedicated responses to:- N/A