

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2292/0F1
2.	Proposed Development:	ERECTION OF A DWELLING & DETACHED GARAGE/WORKSHOP
3.	Location:	FIELD ADJACENT TO CHURCH STREET, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location:	<p>The Application Site comprises a parcel of land located at Church Crecent, Cleator, known as Plot 7.</p> <p>The site is located to the north of Church Street, U4241, which continues on past the site to serve the Cleator Cricket Club, football pitch, a single dwelling and the United Utilities water treatment compound. The site is bound by the existing access road to the north and west and Jubilee Hall and garage site to the east.</p> <p>The Site comprises a plot on a small residential development that has been partially constructed. The access and associated infrastructure to serve the development and 2 no. dwellings have been constructed to date.</p>

Planning Application History

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

- Outline planning permission was granted for 8 dwellings on the site in 2014 (ref: 4/14/2432/0O1).
- A Reserved Matters application for the layout and drainage was approved in 2015 (ref: 4/15/2378/0R1).
- A subsequent application for the approval of Reserved Matters relating to access and plot layout as approved in 2017 (ref: 4/17/2025/0R1)
- VARIATION OF CONDITION 2 OF APPROVED APPLICATION 4/17/2025/0R1 (APPLICATION FOR DESIGN 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: 4/19/2344/0O1) which excludes the two properties already built on site.

Proposal:

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

The proposed two-bedroom detached bungalow will have an overall length of 20.925 metres and a depth of 11.475 metres. It will have an overall height of 5.514 metres and the two smaller side projections will have a height of 4.49 metres. It will benefit from a rear cross-gable projection and it will incorporate an entrance hall, a kitchen, utility room, lounge, sunroom, bedroom, bathroom and the master bedroom will include an en-suite. It will also include a stone façade on the front gable and it will include the installation of seven skylights within the roof.

The proposed detached garage will measure 6.965 metres in width and 9.44 metres in depth. It will have a pitched roof with a height of 4.707 metres. It will include a garage door and pedestrian access door on the front elevation facing the dwelling and three windows and a stone plinth on the side elevation facing the street. The rear and side elevation facing the garage site will be blank.

It will be finished externally with rendered walls, sandstone quoins and a stone façade to the front gable and garage plinth and concrete roof tiles. Anthracite coloured uPVC windows and doors are proposed to match the adjacent plots.

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

The curtilage will be enclosed with a combination of the existing stone wall to the side boundary and a new 900mm high hit & miss timber fencing set 600mm from boundary with a privet hedging being planted between fence and boundary to the front boundary.

Details of the foul and surface water disposal is to be confirmed.



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Consultee:	Nature of Response:
Cleator Moor Town Council	<p>15th November 2023 - Initial Response: No objections.</p> <p>13th March 2024 - Final Response: No objections.</p>
Highway Authority and LLFA	<p>1st November 2023 - Initial Response:</p> <p>As this site is private, you should ensure adequate visibility is in place for the access, the aco channel needs to extend to cover the entire frontage of the driveway, as presented it only covers half of the access.</p> <p>Surface water drainage is proposed to connect into the existing surface water sewer onsite, a permeable surface is also proposed and these elements can be managed through building control.</p> <p>Our recommendation is to apply standing advice as per the service level agreement. As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.</p> <p>15th January 2024 - Second Response:</p> <p>As shown on plan TF-PDD-001 the aco channel has been extended to cover the entire frontage of the driveway.</p> <p>As this site is private, you should ensure adequate visibility is in place for the access.</p> <p>Surface water drainage is proposed to connect into the existing surface water sewer onsite, a permeable surface is also proposed and these elements can be managed through building control.</p> <p>Our recommendation is to apply standing advice as per the service level agreement. As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local</p>

Planning Authority.

15th March 2024 - Final Response:

As shown on plan TF-PDD-001_E the access channel has been extended to cover the entire frontage of the driveway.

As this site is private, you should ensure adequate visibility is in place for the development access and also the junction to the public highway.

As presented on TF-PPD-001_E a privet hedge is to be planted between fence and boundary, the privet hedge needs to be maintained and must not grow higher than the 900mm fence as this will affect visibility from the driveway and also forward visibility from the junction onto and off the estate so you should seek to secure this through condition.

Surface water drainage is proposed to connect into the existing surface water sewer onsite, a permeable surface is also proposed and these elements can be managed through building control.

Our recommendation is to apply standing advice as per the service level agreement to the remaining aspects.

The LHA & LLFA have no objections to the development subject to the following conditions being included in any notice of consent you may grant.

Condition: The development shall not commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, 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 which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded. Reason: In the interests of highway safety.

Condition: The proposed fence/hedge boundary shall not exceed 900mm above the footway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 900mm thereafter. Reason: In the interests of highway safety.



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		<p>Informative: A PROW public footpath number 403005 lies adjacent to/runs through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. Reason: To support Local Transport Plan Policy W1, W2.</p>
	<p>United Utilities</p>	<p>30th November 2023 - Initial Response:</p> <p><u>UNITED UTILITIES WASTEWATER TREATMENT WORKS – ODOUR</u> 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. We wish for the Local Planning Authority to ensure that the applicant understands such concerns and how this may impact the proposal.</p> <p><u>DRAINAGE</u> Following our review of the submitted drainage documents; Drainage Strategy Ref: TF-PDD001, Dated October 2023, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and we require an indicative foul and surface water drainage strategy which includes cover and invert levels. Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:</p> <p>REQUESTED CONDITION Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:</p> <ul style="list-style-type: none"> (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer

surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

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

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

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

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

10th January 2024 – Second Response:

DRAINAGE Following our review of the submitted drainage documents; Drainage Strategy Ref: TF-PDD-001, Dated December 2023, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and we require an indicative foul and surface water drainage strategy which includes cover and invert levels.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

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

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed

		<p>ground and finished floor levels in AOD;</p> <p>(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and</p> <p>(v) Foul and surface water shall drain on separate systems.</p> <p>The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.</p> <p>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.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p> <p>20th March 2024 - Final Response:</p> <p><u>DRAINAGE</u> Following our review of the submitted drainage documents; Block and Drainage Plan Ref: TFPDD-001, Rev E, Dated Feb 24 the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. Furthermore, there are no cover and invert levels detailed on the drainage plan. Finally, we will not allow an unrestricted discharge of surface water to our network. If the hierarchy has been satisfied and a connection to the sewer is permitted, we request the surface water is restricted to 5 l/s.</p> <p>Drainage design can be a key determining factor of site levels and layout. In the absence of a detailed plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels), we are unable to assess any risk of sewer surcharge.</p> <p>In the absence of this information, we request a pre-commencement condition relating to drainage to ensure that an appropriate, robust drainage solution is proposed and delivered. If the applicant provides the required information prior to determination, we will review any new plans at the request of the Local Authority.</p> <p>REQUESTED CONDITION: Foul and Surface Water Drainage (as above).</p>
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Footpaths
Officer

13th November 2023 - Public Right of Way FP 403005 is located adjacent to the proposed development.

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 2013- 2028 recognises that existing Public Rights of Way are protected in law.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumberland Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Way shown on the attached plan.
- The Public Right of Way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, extinguish or to temporarily close it has been confirmed.

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.



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The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

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.

Emerging Copeland Local Plan 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the

discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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



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Policy N3PU – Biodiversity Net-Gain

Policy N6PU – Landscape Protection

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

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).

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

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.

In addition, the Emerging Policy DS3 designates Cleator as a 'Local Service Centre' and Policy DS4PU and the Local Plan Proposals Map confirm the development site is located within the settlement boundary of Cleator and therefore development will be supported in principle. Given the stage of the Emerging Local Plan, significant weight can be given to the development within the settlement boundary.

On the basis of the above, as the residential development is located on the edge of the settlement and within the emerging settlement boundary, it is 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 and emerging 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 standards of residential amenity, including the provision of parking spaces, separation distances and open space. DS6PU also set out Design and Development Standards.

Policy H6PU supports development subject to the following criteria: The design, layout, scale and appearance of the development is appropriate to the locality; consideration has been given to surrounding natural, cultural and historical assets and local landscape character; adequate external amenity space is provided, including for the storage of waste and recycling bins in a location which does not harm the street scene, where possible.

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

Following initial concerns regarding the scale of the proposed detached garage alternatives were discussed at a meeting with the applicant/agent. This resulted in the submission of an amended/reduced detached garage proposal. The reduced proposal is considered to be more subservient to the main dwelling and suitable in relation to the locality and to meet the needs of the applicant's hobby of car restoration. The design now includes a stone plinth and side windows which will help to break up the side elevation. The garage will also be screened by a front boundary hedge, the installation of which can be secured by the use of a planning condition.



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

The existing boundary wall to the side of the site, adjacent to Church Street will also be retained, ensuring the settlement character is maintained. The additional boundary treatments are considered to be acceptable with a new front boundary hedge and fence to create a secure side/front garden. The installation of the new boundary treatments in accordance with the approved details can be secured by the use of a planning condition.

On this basis, the proposed therefore accords with the provisions of Policies DM10, DM11, DM12, H6PU and the NPPF guidance.

Landscape Impact and Visual Impact

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

This application relates to plot 7, at the entrance to the self-build development site and it is adjacent to the existing Church Hall and garage 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 intrusion into open countryside or impact on the visual amenities of the surrounding area.

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

Drainage, United Utilities Infrastructure and Flood Risk

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

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

United Utilities initially 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 it should be noted that the principle of development has already been established. The previously approved planning applications are material planning considerations to be given weight in the planning balance.

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

Following United Utilities review of the submitted plans, they advised these are not acceptable as no robust evidence to show that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. On this basis, the agent has agreed to the inclusion of pre-commencement conditions to provide the drainage details once investigated.

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

Ecology

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

The Site is of limited ecological interest.

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

A European Protected Species Licence will not reasonably be required.

Access and Highway Safety

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

Emerging Policy CO7PU also seeks to ensure that developments provide adequate parking in accordance with Cumbria Development Design Guide.

Access is proposed via the existing access road serving the wider development and the development will include a large area of off-street parking within the driveway and garage. This therefore complies with the Highway Authorities standing advice and standards set out in the Cumbria Development Design Guide for a two-bedroom sized property.

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

The wider site access has already been approved and installed and new fence/hedge is stepped back away from the visibility splay. Although, in the interest of highway safety, planning conditions are attached to ensure the visibility splays are maintained.

On this basis, the proposal complies with Policies T1 and DM22 of the Copeland Local Plan and Policy CO7PU of the ELP.



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Residential Amenity

Policy DM10, DM11, DM12 and section 12 of the NPPF set out design standards to create and maintain reasonable standards of general amenity.

Policy H6PU supports new housing developments that ensure an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlighting and daylighting; Privacy is protected through distance or good design; The development will have no unacceptable overbearing impact upon neighbouring residents due to its scale, height and/or proximity.

Given the scale, form and location of the proposed dwelling in relation to the existing dwellings, 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.

In addition, in the interest of residential amenity, a planning conditions is proposed to control the use of the garage/ workshop to domestic purposes only.

No concerns have received as a result of the public consultation.

On this basis, the proposed therefore accords with the provisions of both the Copeland Local Plan, the Emerging Local Plan and the NPPF guidance.

Planning Balance and Conclusion

This application seeks planning permission for a single detached bungalow outside of the settlement boundary of Cleator. Although the site lies outside of any settlement boundary identified within the 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. In addition, given the stage of the emerging local plan, the new settlement boundary for Cleator includes this application site. This is afforded significant weight.

Following negotiations with the applicant/agent, the updated proposal which includes a reduced garage is of an acceptable design and layout and reflects the other dwellings within the adjacent plots. The development is contained within an existing approved development and will not result in adverse impacts upon settlement character or harmful landscape and visual effects.

The development is acceptable in respect of flood risk, drainage, ecology and highway impacts subject to relevant planning conditions,

	<p>In overall terms, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and is considered to accord with the policies of the Development Plan when taken as a whole.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Planning Application Form, received 17th October 2023; Site Location Plan, scale 1:2500, drawing no. TF-PDD-001 Rev F, received 22nd March 2024; Existing And Proposed Site Plan, scale 1:500, drawing no. TF-PDD-001 Rev F, received 22nd March 2024; Block and Drainage Plan, scale 1:200, drawing no. TF-PDD-001 Rev F, received 22nd March 2024; Proposed Floor Plan and Elevations, scale 1:50, drawing no. TF-PDD-002 Rev L, received 22nd March 2024; Proposed Elevations, scale 1:50, drawing no. TF-PDD-003 Rev H, received 22nd March 2024; Dimensional Plan and Section, scale 1:50, drawing no. TF-PDD-004 Rev F, received 22nd March 2024.</p> <p>Reason</p> <p>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.</p>



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Prior to Commencement

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

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

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

Reason

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

Prior to the Installation

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

Reason

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

Prior to Use/Occupation Conditions

5. The dwelling hereby approved shall be not occupied until the approved parking layout has been constructed and made available for use in accordance with the approved Proposed Block Plan, drawing no. TF-PDD-001 Rev F, received by the Local Planning Authority on 22nd March 2024. The approved parking layout shall be retained for the lifetime of the development.

Reason

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

6. The dwelling hereby approved shall be not occupied until the approved measures are installed to prevent surface water from flowing onto or off the highway has been constructed and made available for use in accordance with the details illustrated on the approved Proposed Block Plan, drawing no. TF-PDD-001 Rev F, received by the Local Planning Authority on 22nd March 2024. The approved ACO drainage measures shall be retained for the lifetime of the development.

Reason

For the avoidance of doubt and in the interests of highway safety in accordance with Policy DM22 of the Copeland Local Plan.

7. The approved new fence and boundary hedge shall be installed in the first planting season following the occupation of the house. It shall not exceed 900mm above the footway level of the adjacent highway in accordance with the details set out on the approved Proposed Block Plan, drawing no. TF-PDD-001 Rev F, received by the Local Planning Authority on 22nd March 2024 and shall be maintained to a maximum height of 900mm thereafter.

Reason

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



Cumberland Council

Other Conditions

8. Visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge shall be maintained at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, 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 grown within the visibility splay which obstruct the visibility splays.

Reason

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

9. The detached garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the main dwelling and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM10 of the Copeland Local Plan.

Informative Notes

1. A PROW public footpath number 403005 lies adjacent to/runs through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
2. 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

	<p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: C. Wootton	Date : 03/04/2024
Authorising Officer: N.J. Hayhurst	Date : 04/04/2024
Dedicated responses to:- N/A	