

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2318/0B1	
2.	<b>Proposed Development:</b>	VARIATION OF CONDITIONS 2, 3, 4, 5, 6, 7 AND 18 (PLOT 5 ONLY) OF PLANNING APPROVAL 4/23/2082/0F1 - RESIDENTIAL DEVELOPMENT CONSISTING OF 8 DWELLINGS AND ASSOCIATED INFRASTRUCTURE	
3.	<b>Location:</b>	LAND AT NORTH LANE, HAVERIGG	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way	
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	<p>This application relates to 0.4 hectares of land located along North Lane, to the north west of Haverigg. The application site is bounded to the north by North Lane, to the east by existing residential dwellings and to the south and west by open countryside. The greenfield site is relatively flat in nature, and is currently used as agricultural land. Due to the existing use the</p>	

site benefits from existing established access onto North Lane.

### **Relevant Planning History**

4/22/2279/0F1 – Hybrid application for full planning permission for one dwelling (plot 1) and outline planning permission with all matters reserved for up to seven – Withdrawn.

4/23/2082/0F1 – Residential development consisting of 8 dwellings and associated infrastructure – Approved.

4/24/2201/0B1 – Variation of condition 2 (plans – addition of external flue pipe to serve wood burning stove) and condition 18 (approved materials – amend boundary treatments & paving) for plot 5 of planning application 4/23/2082/0F1 residential development consisting of 8 dwellings & associated infrastructure – Withdrawn.

### **Proposal**

In October 2023, planning permission (ref: 4/23/2082/0F1) was granted for a residential development consisting of 8 dwelling and associated infrastructure at this site.

This current application seeks to vary the following conditions attached to planning approval ref: 4/23/2082/0F1:

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
  - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
  - Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
  - Proposed Site Plan 01, Scale 1:500, Drawing Reference: 22-15-P-00, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
  - Proposed Site Plan 02, Scale 1:500, Drawing Reference: 22-15-P-01, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
  - Proposed Street Elevation, Scale 1:250, Drawing Reference: 22-15-P-31, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
  - Ground Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-03, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
  - First Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-04, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.



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- Roof Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-05, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 01 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-06, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 02 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-07, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 01 – Plot 01, Drawing Reference: 22-15-P-08, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 01, Drawing Reference: 22-15-P-09, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Ground Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-10, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- First Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-11, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-12, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 01 – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-13, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 02 – Plot 2 (Amended), Scale 1:100, Drawing Reference: 22-15-P-14, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Proposed 3D Sketches 01 – Plot 02, Drawing Reference: 22-15-P-15, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 02, Drawing Reference: 22-15-P-16, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Ground Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-17, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- First Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-18, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-19, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 01 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-20, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.

- Elevations as Proposed 02 – Plot 3 & 4 (Amended), Scale 1:100, Drawing Reference: 22-15-P-21, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Proposed 3D Sketches 01 – Plot 3 & 4, Drawing Reference: 22-15-P-22, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-23, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Ground Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-03, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- First Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-04, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-05, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 01 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-06, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 02 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-07, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 01 – Plot 5, Drawing Reference: 22-39-P-08, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 5, Drawing Reference: 22-39-P-09, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Ground Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-24, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- First Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-25, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-26, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevation as Proposed 01 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-27, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevation as Proposed 02 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-28, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 01 – Plot 6-7-8, Drawing Reference: 22-15-P-29, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.

- Proposed 3D Sketches 02 – Plot 6-7-8, Drawing Reference: 22-15-P-30, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Planning Statement (Amended), received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Preliminary Ecological Appraisal, Prepared by Envirotech April 2022, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Flood Risk Assessment and Drainage Report (Amended), Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 11<sup>th</sup> October 2023.
- Letter from Agent – Biodiversity Information, received by the Local Planning Authority on the 6<sup>th</sup> September 2023.
- Response to Flood Officer, Prepared by Kingmoor Consultants June 2023, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Email from Agent – Ecological Survey Status, received by the Local Planning Authority on the 23<sup>rd</sup> May 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. Prior to the commencement of development, details of a sustainable surface water drainage scheme must 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 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 must 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 must 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 in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

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

Reason

In the interests of highway safety and environmental management in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

5. The development hereby approved must not commence until visibility splays providing clear visibility of 60m in both directions at each approved access measured 2.4m down the centre of the access road and the and the nearside channel line of the major road have been provided at the junction of the access road with the county highway in accordance with the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023'.

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.

The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.



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### Reason

In the interests of highway safety and in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

6. Prior to the commencement of any development at this site, the existing boundary wall along North Lane must be lowered in accordance with the approved plans 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023'. The boundary must be retained at this approved height at all times thereafter.

### Reason

In the interests of highway safety and in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

7. 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:
- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian)
  - surface water management details during the construction phase

The development must be carried out in accordance with these approved details at all times thereafter.

18. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy ST1 and DM10 of the Copeland Local Plan.

### **Consultation Responses**

#### Millom Town Council

No comments received within consultation period.

#### Cumberland Council – Highway Authority & Lead Local Flood Authority

*16<sup>th</sup> October 2024*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the Variation of condition 2,3,4,5,6,7 and 8 for the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

*20<sup>th</sup> January 2024*

I can confirm the LHA and LLFA have no objection to the relocation of the drainage channel within the plots driveways.

#### United Utilities

United Utilities has reviewed the submitted information and has no objection to a variation of Condition 3.

#### Environment Agency

We have no objection to the proposed development but we wish to make the following informative comments:-

Foul drainage – advice to applicant





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In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and sewage treatment plants: what you need to do: Overview - GOV.UK ([www.gov.uk](http://www.gov.uk))

Environmental permit - advice to applicant

Stoup Dub Branch watercourse is designated main river and runs in open channel along the south-eastern boundary of the site.

It is noted that the Proposed Site Plan- Master drawing 22-15-P-32 Rev. B, indicates that access to the southern field is retained as part of the proposals, at present we cannot say that the access provision will be satisfactory to facilitate access for Environment Agency to undertake programmed aquatic vegetation management. We would normally require an 8m wide access for plant to allow for a 2m safety buffer from the top of the bank and sufficient room to manoeuvre medium plant equipment.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Cumberland Council – Countryside Access Officer

No comments received.

Natural England

Natural England currently has no comment to make on the variation of conditions 2, 3, 4, 5, 6, 7 and 18.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 18 properties.

8 letters of objection have been received to this application raising the following concerns:

- Concerns over this development in further review of the details contained.
- Disappointed that more applications have been submitted for this site. This will be the fourth.
- The applicant thinks he can do whatever he wants.
- If they cannot comply with everything in my opinion it should be turned down.
- In regard to Plot 5 which directly fronts my property the plans submitted show that no obscure glazing are to be permanently retained at all times thereafter - "Reason To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028". Is this a mistake or error? – the other adjacent Plots (ie 2 to 4) do have this protection. My home is a bungalow and living-room and main bedroom front onto the Plot 5. especially when the proposed Plot 5 is a two Story building.
- The finished floor levels are too high to allow rain water etc to be maintained within the plot of the houses, and therefore present a serious risk to flooding on my property and other residents along North Lane. I already sent photos to you about the flooding that is already experienced, and this is a current situation, and one only likely to increased in the years to come effects of global warming and excess drainage issues even without



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the proposed new developments.

- Condition 07 (Construction Traffic Management Plan)) states that a drainage channel currently discharges surface water from each dwelling – it does not as photo (5) shows clearly that is not a drainage channel that can be cleared, currently filled with grass, hedge clipping etc that cannot be removed and this has no drainage in any event.
- ‘The pavements fronting the houses to the North will be unaffected during the construction stage’ – what pavements do the authors of this report identify? I would be pleased to know!
- These conditions have already been broken with a shipping type heavy metal container on the site of Plot 5. This container have been in situ for at least 4 months and is at least 5 metres tall.
- I have seen no evidence of such a Construction Traffic Management Plan, some industrial i.e. farming type equipment has occasionally been on site but no washing of site entrance/vehicle conducted.
- I still have extreme worries that North Lane is viewed as a ‘Country Lane’ rather than an active thoroughfare for all the traffic that use the Lane. There is no pavement on either side of the Lane, no Street Lighting, no way of avoiding traffic – indeed even cars and lorries have to give way to allow passage, and what does this say about the poor pedestrians, children, pensioners/disabled etc with no speed limit along this Lane – I estimate that traffic passes by at speeds from 40 to 50 mph, and some even in excess of this i.e. 60 – 70 mph given that this is a long straight road and there are many idiots!
- This road is dangerous as there is no pavements or lighting as its unadopted and can change lives forever.
- The new access points will only make the road more dangerous.
- HGVs have created more danger.
- This road floods badly making it difficult to walk through and will be made worse by this development.
- The drainage is inadequate for existing housing never mind the 8 new ones.
- The field floods and geese come back year after year.
- The water from this development has to go somewhere.
- The Environment Agency are forever telling us about the problems of Septic Tanks etc to Stub Dub.
- The proposed drainage is not suitable.
- The updated information sounds reassuring by completely misses the points that objectors have previously raised.

- The existing flooding problem will only increase with global warming.
- Residents have been unable to get discounts on property insurance due to it being on a flood plane and so pay inflated prices.

### **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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/23/2082/0F1 was determined under the previous Local Plan, however this current variation of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability



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Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

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)

### **Assessment**

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/23/2082/0F1), condition 1 will be repeated to ensure timescales for commencement are clearly outlined. Conditions 11, 12, 14, 17, 19 and 20 will be repeated to ensure that works are carried out as per the approved details. Conditions 8, 9, 10, 13, 15, and 16 will be amended to reflect the information submitted within this current application.

This current application seeks to vary conditions 2, 3, 4, 5, 6, 7, and 18 of the original planning approval (ref: 4/23/2082/0F1).

Condition 2 relates to the approved plans for the development. This application seeks to vary these plans for the entire development and make specific amendments to Plot 5, including amendments to the surfacing to the front and rear of the property and the installation of an external flue.

Condition 3 sought to secure full details of the proposed sustainable surface water drainage scheme for the development prior to the commencement of works at this site. Works have commenced on site without discharging this condition, therefore this application seeks to amend this condition to ensure works are carried out in accordance with the drainage scheme submitted as part of this application. A Flood Risk and Drainage Assessment has been submitted to support this application. No objections have been received from statutory consultees in relation to the variation of condition 3.

Condition 4 sought to secure full details of the proposed measures to prevent surface water discharging onto or off the highway prior to the commencement of works at this site. Works have commenced on site without discharging this condition, therefore this application seeks to amend this condition to ensure works are carried out in accordance with the details submitted as part of this application, including the installation of a drainage channel at each plot entrance. No objections have been received from statutory consultees in relation to the variation of condition 4.

Condition 5 sought to secure visibility splays for the proposed development. Works have commenced on site without discharging this condition, therefore this application seeks to amend this condition to ensure no further works are carried out until the required visibility splays are installed at the site. No objections have been received from statutory consultees in relation to the variation of condition 5.

Condition 6 sought to lower the existing boundary wall along North Lane prior to works commencing on site. Works have commenced on site without discharging this condition, therefore this application seeks to amend this condition to ensure no further works are carried out until the required boundary wall has been lowered in accordance with the previously approved details. No objections have been received from statutory consultees in relation to the variation of condition 6.

Condition 7 sought to secure a Construction Traffic Management Plan prior to the commencement of works at this site. Works have commenced on site without discharging this condition, therefore this application seeks to amend this condition to ensure works are carried



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	<p>out in accordance with the CTMP submitted as part of this application. No objections have been received from statutory consultees in relation to the variation of condition 7.</p> <p>Condition 18 secures details of the proposed external materials and boundary treatments within this development. This application seeks to amend the external materials in relation to Plot 5, including alterations to the proposed render, and the surfacing to the front and rear of the property.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must be commenced before the 13<sup>th</sup> October 2026.</li></ol> <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> <ol style="list-style-type: none"><li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-<ul style="list-style-type: none"><li>- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.</li><li>- Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li><li>- Proposed Site Plan 01, Scale 1:500, Drawing Reference: 22-15-P-00, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.</li><li>- Proposed Site Plan 02, Scale 1:500, Drawing Reference: 22-15-P-01, Revision: C, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.</li><li>- Proposed Street Elevation, Scale 1:250, Drawing Reference: 22-15-P-31, Revision: B, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.</li><li>- Ground Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-03, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March</li></ul></li></ol>

2023.

- First Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-04, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-05, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 01 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-06, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 02 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-07, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 01 – Plot 01, Drawing Reference: 22-15-P-08, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 01, Drawing Reference: 22-15-P-09, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Ground Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-10, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- First Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-11, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-12, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 01 – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-13, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 02 – Plot 2 (Amended), Scale 1:100, Drawing Reference: 22-15-P-14, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Proposed 3D Sketches 01 – Plot 02, Drawing Reference: 22-15-P-15, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 02, Drawing Reference: 22-15-P-16, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Ground Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-17, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- First Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-18, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-19,



Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.

- Elevations as Proposed 01 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-20, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevations as Proposed 02 – Plot 3 & 4 (Amended), Scale 1:100, Drawing Reference: 22-15-P-21, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Proposed 3D Sketches 01 – Plot 3 & 4, Drawing Reference: 22-15-P-22, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-23, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Ground Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-03, Revision: D, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- First Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-04, Revision: D, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Roof Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-05, Revision: D, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Elevations as Proposed 01 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-06, Revision: D, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Elevations as Proposed 02 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-07, Revision: D, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Proposed 3D Sketches 01 – Plot 5, Drawing Reference: 22-39-P-08, Revision: D, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Proposed 3D Sketches 02 – Plot 5, Drawing Reference: 22-39-P-09, Revision: D, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Ground Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-24, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- First Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-25, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Roof Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-26, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Elevation as Proposed 01 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-27, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.

- Elevation as Proposed 02 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-28, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 01 – Plot 6-7-8, Drawing Reference: 22-15-P-29, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Proposed 3D Sketches 02 – Plot 6-7-8, Drawing Reference: 22-15-P-30, Revision: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Planning Statement (Amended), received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Preliminary Ecological Appraisal, Prepared by Envirotech April 2022, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Flood Risk Assessment and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.
- Letter from Agent – Biodiversity Information, received by the Local Planning Authority on the 6<sup>th</sup> September 2023.
- Response to Flood Officer, Prepared by Kingmoor Consultants June 2023, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- External Materials & Landscaping Schedule – Plot 5 (Amended), received by the Local Planning Authority on the 16<sup>th</sup> January 2025.
- Email from Agent – Ecological Survey Status, received by the Local Planning Authority on the 23<sup>rd</sup> May 2023.
- Letter Regarding Condition Amendments (Amended), received by the Local Planning Authority on the 16<sup>th</sup> January 2025.
- Construction Traffic Management Plan, Prepared by FOX-AD, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.

#### 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. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the approved document 'Flood Risk Assessment

and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24<sup>th</sup> September 2024'. For the avoidance of doubt 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

4. No further works are to commence on site until all measures shown on the approved document 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025' to prevent surface water discharging onto or off the highway have been implemented. These measures must be retained for the lifetime of the development and must be maintained operational thereafter.

#### Reason

In the interests of highway safety and environmental management in accordance with Policy CO4 of the Copeland Local Plan

5. No further works are to commence on site until the visibility splays providing clear visibility of 60m in both directions at each approved access measured 2.4m down the centre of the access road and the and the nearside channel line of the major road have been provided at the junction of the access road with the county highway in accordance with the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025'.

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.

The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety and in accordance with Policy CO4 of the Copeland Local Plan

6. No further works are to commence on site until the existing boundary wall along North Lane has been lowered in accordance with the approved plans 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025'. The boundary must be retained at this approved height at all times thereafter.

Reason

In the interests of highway safety and in accordance with Policy CO4 of the Copeland Local Plan.

7. The development hereby approved must be carried out in accordance with and implement the measures set out in the approved document 'Construction Traffic Management Plan, Prepared by FOX-AD, received by the Local Planning Authority on the 24th September 2024'. The development must be carried out in accordance with the approved details at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

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 in accordance with Policy CO4 of the Copeland Local Plan.

Prior to Occupation/First Use Conditions:

8. The foul drainage for the development hereby approved, must be carried out in accordance with the following approved documents:

- Flood Risk Assessment and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24<sup>th</sup> September 2024.

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

**Reason**

To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

9. Prior to the first occupation of any dwelling hereby approved, the boundary treatment and landscaping at this site must be installed in accordance with the following approved plans:

- Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.
- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- External Materials & Landscaping Schedule – Plot 5 (Amended), received by the Local Planning Authority on the 16<sup>th</sup> January 2025.

The landscaping scheme must be implemented within the first available planting season from the date of this permission. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

**Reason**

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy N6 of the Copeland Local Plan.

10. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the approved plans 'Proposed Site

Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity in accordance with in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

11. Prior to the first occupation of the dwelling hereby approved on plots 2, 3 or 4 the indicated windows must be fitted with obscure glazing in line with the approved documents:

- Elevations as Proposed 02 – Plot 2 (Amended), Scale 1:100, Drawing Reference: 22-15-P-14, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.
- Elevations as Proposed 02 – Plot 3 & 4 (Amended), Scale 1:100, Drawing Reference: 22-15-P-21, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> July 2023.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

12. Prior to the first occupation of the development hereby approved the biodiversity enhancement measures set out in the approved document 'Protected Species Survey: Bats and Barn Owls, Prepared by John Temple July 2019, received by the Local Planning Authority on the 20th July 2020' must be installed. The enhancement measures must submitted to and agreed in writing with the Local Planning Authority prior to installation and must be installed in accordance with these approved details and retained at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies N1 of the Copeland Local Plan.

13. The new accesses and driveways hereby approved as detailed on the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The accesses and driveways road 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 CO4 of the Copeland Local Plan.

14. The access drives hereby approved must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan

15. The development hereby approved must not be occupied until the parking requirements have been constructed in accordance with the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025'. The approved parking provision must be retained at all times thereafter and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland

Local Plan

Other Conditions:

16. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk Assessment and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24<sup>th</sup> September 2024', and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

17. The development must implement all of the mitigation and compensation measures set out in the approved documents:

- Preliminary Ecological Appraisal, Prepared by Envirotech April 2022, received by the Local Planning Authority on the 28<sup>th</sup> March 2023.
- Email from Agent – Ecological Survey Status, received by the Local Planning Authority on the 23<sup>rd</sup> May 2023.
- Letter from Agent – Biodiversity Information, received by the Local Planning Authority on the 6<sup>th</sup> September 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies N1 of the Copeland Local Plan.

18. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- External Materials & Landscaping Schedule, received by the Local Planning



Authority on the 4<sup>th</sup> July 2023.

- External Materials & Landscaping Schedule – Plot 5 (Amended), received by the Local Planning Authority on the 16<sup>th</sup> January 2025.

The development must be retained in accordance with these approved details for the lifetime of the development.

**Reason**

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

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

**Reason**

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan

20. 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 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 in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

**Informatives:**

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

	<p><b>Statement:</b></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>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 20.01.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 22.01.2025
<b>Dedicated responses to:-</b> N/A		