

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2125/0F1
2.	<b>Proposed Development:</b>	DETACHED DWELLING
3.	<b>Location:</b>	PLOT 45, KEEKLE MEADOWS, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b> <p>This application relates to part of the residential development known as Keekle Meadows, which is located to the western boundary of Cleator Moor.</p> <p>The development is currently under construction.</p> <p>The Application Site comprises an undeveloped area of land located at the end of an existing cul de sac. The land was initially intended by the Applicant to provide access to a subsequent phase of development; however, a differing access was approved resulting in the land becoming a vacant space within the development layout.</p> <b>Proposal:</b> <p>This application seeks Full Planning Permission for the erection of 1no. detached three bedroom dormer bungalow.</p> <p>Access to the dwelling is via Ember Lane and a shared private driveway that currently serves four existing dwellings. A paved off highway driveway is proposed.</p> <p>It is proposed to finish the dwelling externally with a combination of facing bricks and</p>	

sandstone complemented by stone details under a smooth grey concrete tiled covered roof structure. uPVC windows and doors are proposed.

Close-boarded timber fences are proposed to delineate the site boundaries to the rear and the frontage is to remain open.

It is proposed to dispose of foul water to the public main and surface water to a watercourse via the existing surface water infrastructure/connection serving the wider Keekle Meadows development.

Consultee:	Nature of Response:
Town Council	No concerns.
Cumberland Council – Highways and LLFA	As this falls under our Service Level Agreement (SLA), 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 can therefore be decided by the Local Planning Authority.
United Utilities	Initial objection.  Objection removed following site inspection.

**Neighbour Responses:**

The application has been advertised by way of a planning application site notice and letters sent to five neighbouring properties.

No written representations have been received in respect of the proposals.

**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 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.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations

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

Policy DS9: Protecting Air Quality

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy H8: Affordable Housing

Strategic Policy SC1: Health and Wellbeing  
Policy SC3: Playing Fields and Pitches  
Policy SC2: Sports and Leisure Facilities (excluding playing pitches)  
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity  
Strategic Policy N3: Biodiversity Net Gain  
Policy N5: Protection of Water Resources  
Strategic Policy N6: Landscape Protection  
Strategic Policy N9: Green Infrastructure  
Policy N14: Woodlands, Trees and Hedgerows  
Strategic Policy CO2: Priority for improving transport networks within Copeland  
Strategic Policy CO4: Sustainable Travel  
Policy CO5: Transport Hierarchy  
Policy CO7: Parking Standards

**Other Material Planning Considerations:**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).

**Assessment:**

*Principle*

The Application Site is located within the defined settlement boundary of Cleator Moor, which is identified as a Key Service Centre where new market led housing development is supported by Policy DS1, Policy DS2 and Policy H4 subject to site specific issues/matters.

*Housing Mix*

The development comprises the erection of one additional executive style dwelling within a development of similar executive style dwellings and does not therefore materially amend/revise the overall housing mix within the wider development.

### *Design*

The layout of this element of the development has been established by the previous planning permissions for this development.

The Application Site comprises an undeveloped area of land located at the end of an existing cul de sac. The land was initially intended by the Applicant to provide access to a subsequent phase of development; however, a differing access was subsequently approved resulting in the land becoming a vacant space within the development layout.

The development comprises the infilling/completion of the existing cul de sac development.

The proposed dwelling is set back within the plot and does not follow the established building line in this area due to the location/form of the existing turning head required to facilitate safe access/turning. Given the contained location of the plot etc. and limited public vantage points, the setback position results in only limited and localised harm.

The similar dwelling designs and setback/offset plots positions exist elsewhere on the wider development.

The proposed external finishes are appropriate to the dwellings and are consistent with the previously approved and developed dwellings on the wider site.

### *Highways Impacts*

The layout and access to this element of the development has been established by the previous planning permissions for this development.

The proposed development retains and does not impact upon the existing turning head.

Off highway vehicle parking for 3+no. vehicles is proposed.

### *Drainage*

It is proposed to dispose of foul water to the public main and surface water to a watercourse via the existing surface water infrastructure/connection serving the wider Keekle Meadows development.

This is consistent with the established means of drainage for the wider development.

### *Residential Amenity*

The development achieves appropriate interface separation distances to the front and rear elevations.

Given the scale, form and layout of the development no adverse impacts upon existing or approved dwellings would result through loss of light, overshadowing or overbearing.

A planning condition is proposed in relation to construction working hours to prevent unacceptable impacts upon nearby occupied dwellings during the construction works.

### *Ecology*

The area of land has been the construction compound and lay-down area for the 3rd major phase of the wider development established prior to January 2020. A Google Earth historical imagery dated 25/03/2020 and a photograph dated 29/10/2024 provide evidence of the use.

The Application Site is of limited ecological interest and includes no discernible area, linear or watercourse habitats.

The development will not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats; therefore, the development falls below the biodiversity net gain threshold and a ten percent biodiversity net gain is not required to be delivered.

### *Ground Conditions*

A Ground Investigation Report was submitted in support of the Outline Planning Application for this area of the wider development.

The Report concludes that there is a low to moderate geotechnical risk, a very low risk to the end users in relation to ground contamination, the site proposes a negligible risk to adjacent sites and controlled waters with respect to potential ground/groundwater contamination and a very low risk in respect of ground gas.

The use of the land as a construction compound and lay-down area subject to best practice will not have increased risk in respect of contamination etc..

Consistent with the previous planning permission on this area, a planning condition is proposed to secure remediation in relation to unexpected contamination identified during construction.

### **Planning Balance:**

The principle of residential development in this location is acceptable. The proposed development will not materially change the approved housing mix on the development.

The layout and access to this element of the development has been established by the previous planning permissions for this development.

The dwelling proposed is acceptable in respect of the design, residential amenity, ground

	conditions, ecology and highway safety subject to the planning conditions proposed.
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Application Form</p> <p>Site Location Plan – DWG No. 06/11/542-100</p> <p>Site Plan – Plot 45 (3<sup>rd</sup> Major Phase) – Drawing No. 06/11/542 - 218</p> <p>Floor Plans &amp; Elevations – Plot 45 (3<sup>rd</sup> Major Phase) – Drawing No. 06/11/542-219</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p>3. The dwelling hereby approved shall not be occupied until the vehicular access and turning requirements to serve the dwelling has been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.</p> <p>Reason</p>

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 and Policy C07 of the Copeland Local Plan 2021-2039.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

#### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

5. No work for the construction of the development, shall take place on the site, except between the hours:

- 07:30 - 18.00 Monday to Friday; and
- 08.00 - 13.00 on Saturdays.

No work should be carried out on Sundays or officially recognised public holidays.

#### Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.





**Cumberland  
Council**

### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

### **Informative**

#### **Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun as the proposals comprises development that does not impact a priority habitat and impacts less than:

- ☐ 25 square metres (5m by 5m) of on-site habitat; and,
- ☐ 5 metres of on-site linear habitats such as hedgerows.

**Case Officer:** C. Harrison

**Date :** 04.08.2025

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

**Date :** 04.08.2025

**Dedicated responses to:-** N/A