

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2285/001
2.	Proposed Development:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED INCLUDING APPROVAL OF ACCESS FOR THE ERECTION OF A TWO STOREY DWELLING
3.	Location:	LAND ADJACENT TO 49 THREAPLANDS, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: The Application Site comprises part of the curtilage of the property known as 49 Threaplands, Cleator Moor. Threaplands comprises a residential estate located to the east of Cleator Moor. The estate comprises a combination of single storey and two storey dwellings arranged in cul-de-sacs and around areas of public open space. 49 Threaplands comprises a single storey end terrace dwelling located to the northeast boundary of the Threaplands estate. The dwelling is finished externally with buff brick and render with buff stone and red brick details to the elevations and concrete tiles to the roof structure. Vehicular access to the dwelling is via a shared surface access, which connects to the private driveway incorporating 2/3 off highway parking spaces. The Application Site comprises the area of residential curtilage located to the southeast of 49 Threaplands. This area is enclosed by vertically boarded timber fencing.	

The Application Site is located in Flood Zone 1.

Planning History Directly Relevant To Proposal:

None.

Proposal:

This application seeks Outline Planning Permission for the erection of 1no. two storey dwelling.

Approval is sought for access, with appearance, landscaping, layout and scale reserved for subsequent approval.

It is proposed to utilise the existing shared surface access that provides access to 38, 40 and 49 Threaplands to access the dwelling.

It is proposed to discharge foul water and surface water to the mains sewer.

A biodiversity net gain small sites metric has been completed.

Consultee:	Nature of Response:
Town Council	Resolved that members wish to place on record their objection to this application of outline planning for a two-storey dwelling. Members feel that granting approval for a two-storey building will have a negative effect on the character and appearance of the immediate neighbourhood which predominantly consists of single storey dwellings and would be detrimental to the neighbours regarding access and privacy. The wider estate of Threaplands is currently made up of single and two storey properties complimented by garden and separate green open spaces, this development if allowed would permanently change the existing look in this area of the estate.
Cumberland Council – Highways and LLFA	The Local Highway Authority and Lead Local Flood Authority has reviewed the application and has the following comments and observations: Highway Comments I note the access to the dwelling is from the un-adopted existing private shared driveway. This category of street is suitable for up to 5 dwellings so there is not objection to this arrangement. However, the parking and turning facilities may have a negative impact on neighbouring houses



Cumberland Council

and the highway if not sufficient. We will seek details for approval on this matter. For a 4 bedroom house, we would seek 3 parking spaces as a minimum.

LLFA Comments

I note from the application form that the surface water will be disposed to the main sewer. There are separate surface and foul water systems on Threaplands so this is an acceptable solution.

Conclusion

Can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant:

The driveway showing suitable access, parking and turning arrangements shall be designed the satisfaction of the Local Planning Authority and in this respect further details (including swept paths) and details of measures to prevent surface water discharging onto or off the driveway site onto the shared driveway shall be submitted to the Local Planning Authority for approval before work commences on site. Any works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety and minimising inconvenience to neighbouring properties and highway users .

Details showing the provision within the site for areas for construction vehicle parking, manoeuvring, storage of materials, loading and unloading for their specific purpose during the development; shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure a minimum standard of provision is made within the site for vehicles, storage of materials, loading and unloading so as not to impact the highway and its users unnecessarily.

Advisory Statement

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate

		permit from the LHA Streetworks team. https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.
	United Utilities	DRAINAGE Directed by the principles set out in the National Planning Practice Guidance and the new National Standards for Sustainable Drainage Systems (2025) we require developers and Local Planning Authorities, to do all that they can to avoid surface water entering the public sewer, unless absolutely necessary. This applies to all proposed development. See Appendix 1.1 'Surface Water Hierarchy'. All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water. Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application. Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice: 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: (i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and

		the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) (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 be in accordance with the National Standards for Sustainable Drainage Systems (2025) 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. To discuss their drainage proposals the applicant should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 6.0 'Contacts'. 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). Advice is provided in relation to the management and maintenance of sustainable drainage systems, the existence of United Utilities assets crossing the Application Site and water efficiency in new development.
	Cumberland Council - Ecologist	Breeding Birds Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged. Small Mammals

		All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of hedgehogs and works should be supervised during initial clearance of the site to avoid injury to any disturbed individuals. Biodiversity Net Gain No development hereby permitted shall commence until: a) a Biodiversity Gain Plan has been submitted to the planning authority demonstrating a 10% net gain, b) the planning authority has approved the plan in writing, c) the onsite habitat provision is accompanied by a Habitat Management and Monitoring Plan in place for 30 years as the gains here constitute 'Significant On-site Gains', this monitoring plan is to be accepted by the council and, d) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans.
	Neighbour Responses:	
	The application has been advertised by way of a planning application site notice and press notice. 10no. representations have been received in objection. Design and Access Statement is incorrect. The shared access serves three dwellings. The additional traffic on the access represents a safety risk. Insufficient access exists to accommodate refuse vehicles and emergency vehicles. On highway parking limits access to the 40 and 49 Threaplands. This is likely to be exacerbated by the proposed development. Two parking spaces are proposed, which is insufficient for the 4 bedroom dwelling. Four parking spaces plus parking for visitors is more realistic. The erection of a two story dwelling will look out of character with the area in which it is to be located. It is stated in the Design and Access Statement that another plot had previously been approved where no.49 is but was never constructed. This is incorrect. Concerns exist in respect of the safety and extra traffic that a new build will cause in such	



Cumberland Council

a constrained area during the building stage i.e. how are deliveries and work vehicles going to access the road safely and where are the extra vehicles going to park during this process as the area is not accommodating of parking for works vehicles.

A two storey dwelling would block light and significantly alter the skyline.

The proposed dwelling will result in adverse impacts upon residential amenity through overlooking and loss of privacy.

The construction works have potential to cause damage to the existing drains.

The construction works will adversely impact upon residential amenity.

The proposed dwelling represents overdevelopment of a limited plot/space.

The proposals lack clarity on turning space and bin collection.

Wildlife habitats and activity in the area have not been considered fully. For example there are bats which are often seen across the estate during the evening. Building a new property in this area after the estate has remained untouched for over 20 years may disturb the local ecosystems. An Ecological Survey and Assessment will be required.

There needs to be further investigation into the drainage arrangements for the new dwelling, as there are already drainage problems in the area.

A hedgerow was removed from the Application Site before the planning application was submitted.

Approximately four years ago, a 6ft fence was erected along the frontage of the land in question, directly adjacent to my mother's property at 40 Threaplands. I would appreciate it if you could advise whether this fence is in breach of any planning regulations or bylaws, particularly in relation to height and positioning.

This fence is of particular concern because it obstructs visibility when exiting the block-paved parking area at No. 40. Should this fence remain in situ and new access be constructed to the proposed development, it would significantly increase the risk of a serious accident due to limited sightlines.

To the rear of the proposed plot there is a large high pressure water pipe and whilst it is not currently in use it remains there should it need to be brought back into use in the future to provide additional water services.

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 5th 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

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



Cumberland Council

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).

Assessment:

Principle

Policy DS1 of the LP defines the settlement hierarchy for the Copeland area.

Policy DS2 of the LP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Policy H1 of the LP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.

Policy H5 of the LP allocates land for housing purposes.

A five year housing land supply can be demonstrated in the former Copeland area of Cumberland Council and the housing delivery test has been passed.

The Application Site is located within the defined settlement boundary of the Key Service Centre of Cleator Moor as defined in Policy DS1 and Policy DS2 of the LP.

The Application Site is not allocated for residential development.

The principle of market led housing is supported.

Settlement Character, Landscape Impact and Visual Impact;

Threaplands comprises a residential estate located to the east of Cleator Moor. The estate comprises a combination of single storey and two storey dwellings arranged in cul-de-sacs around areas of public open space.

49 Threaplands comprises a single storey end terrace dwelling located to the northeast boundary of the Threaplands estate.

The Application Site is limited in scale and is located to the side/rear of 49 Threaplands.

This area of Threaplands is characterised by terraced and detached single storey dwellings facing onto primary and shared access roads with generous open and landscaped frontages.

Any dwelling erected on the Application Site particularly if two storeys in height by virtue of its location and form would comprise overdevelopment of a limited plot and would be at significant odds with the prevailing developed form and character in this area of Threaplands to its detriment.

Flood Risk and Drainage

The Application Site is located within Flood Zone 1.

The development comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not identified as being at risk from surface water flooding.

It is proposed to discharge foul water and surface water to the public mains drainage system.

The proposed surface water drainage scheme does not accord with the defined drainage hierarchy and no evidence has been provided to discount infiltration etc.; however, a planning condition could be imposed to secure a detailed drainage scheme that accords with the drainage hierarchy.

Ecology

The Application Site comprises an area of residential curtilage.

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

Representations have been received claiming the removal of a hedgerow prior to the submission of the Outline Planning Application; however, the Applicant claims that there has been no loss/degradation of habitat on or after 30 January 2020 which were not in accordance with a planning permission; or, on or after 25 August 2023 which were in accordance with a planning permission.



Cumberland Council

Publicly available information appears to show the removal of vegetation between September 2020 and the present time.

Insufficient evidence has been submitted to establish the pre-development biodiversity value of the Application Site.

Extract From BNG Metric:

Ref	Habitat type	Photo 1	Photo 2
1	Developed land, paved surface		
2	Date taken	13 January 2025	
	Unvegetated garden		
3	Date taken	13 January 2025	
	Vegetated garden		

Publicly Available Information – Condition of curtilage – Feb. 2020 to Sep. 2020:

<https://www.rightmove.co.uk/house-prices/details/cd4d6da3-9bd4-4650-99c4-fd7d6a243eb2>

Amenity

Given the scale, form and location of the Application Site in relation to the existing dwellings, with careful design and placement of fenestration, a dwelling could reasonably be accommodated without adverse impacts upon the living conditions of the existing dwellings through overlooking; however, any dwelling, particularly if two storeys in height, is likely to

result in harmful impacts through loss of light, overshadowing or overbearing, particularly to the host dwelling - 49 Threaplands.

Highways

Vehicular access to the dwelling is via a shared surface access, which connects to the private driveway incorporating 2/3 off highway parking spaces.

This category of street is suitable for up to 5 dwellings; however, the parking and turning facilities may have a negative impact on neighbouring dwelling if insufficient. The LHA have raised no objections to the proposed access; however, they have requested a planning condition to secure additional information to ensure that any access/parking provision meets minimum standards and adverse impacts upon the adjacent dwellings will not result.

Construction Management

Any construction activity is likely to result in some impacts upon the residential amenity and the operation of the local highway. These impacts could reasonably be controlled mitigated to an acceptable level via the imposition of suitably worded planning conditions securing a Construction Environmental Management Plan and Construction Traffic Management Plan.

The Planning Balance

The Application Site is located within the defined settlement boundary of the Key Service Centre of Cleator Moor as defined in Policy DS1 and Policy DS2 of the LP; therefore, the principle of market led housing is supported.

Any dwelling erected on the Application Site particularly if two storeys in height by virtue of its location and form would comprise overdevelopment of a limited plot and would be at significant odds with the prevailing developed form and character in this area of Threaplands to its detriment. This is in conflict with the requirements of Policy DS4 of the LP.

Given the scale, form and location of the Application Site in relation to the existing dwellings, any dwelling, particularly if two storeys in height, is likely to result in harmful impacts through loss of light, overshadowing or overbearing, particularly to the host dwelling - 49 Threaplands.

Insufficient evidence has been submitted to establish the pre-development biodiversity value of the Application Site.

The development is in clear conflict with the provisions of the development plan and the requirements of [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#).

The harms of the development outweigh the benefits of the development.

8.	Recommendation: Refuse
9.	Reasons for Refusal <i>Reason 1</i> Threaplands comprises a residential estate located to the east of Cleator Moor. The estate comprises a combination of single storey and two storey dwellings arranged in cul-de-sacs around areas of public open space. The Application Site comprises part of the side/rear of 49 Threaplands, which comprises a single storey end terrace dwelling located to the northeast of the Threaplands estate. Further single storey dwellings exist to the south of the Application Site. These single storey dwellings incorporate active frontages facing onto highways/accesses and characterise this area of the residential estate. Any dwelling erected on the Application Site particularly if two storeys in height by virtue of its location and form would comprise overdevelopment of a limited plot and would be at significant odds with the prevailing developed form and character in this area of Threaplands to its detriment. This is in conflict with the requirements of Policy DS4 of the LP. The development is in clear conflict with the provisions of Policy DS4 of the LP. <i>Reason 2</i> Given the scale, form and location of the Application Site in relation to the existing dwellings, any dwelling, particularly if two storeys in height, is likely to result in harmful impacts through loss of light, overshadowing or overbearing, particularly to the host dwelling - 49 Threaplands. The development is in clear conflict with the provisions of Policy DS4 of the LP. <i>Reason 3</i> The Applicant claims that there has been no loss/degradation of habitat on the Application Site on or after 30 January 2020 which were not in accordance with a planning permission;

	or, on or after 25 August 2023 which were in accordance with a planning permission. Publicly available information appears to show the extensive removal of vegetation between September 2020 and the present time. Insufficient evidence has been submitted to establish the pre-development biodiversity value of the Application Site. Planning permission cannot be granted for a scheme which would be in conflict with the statutory framework provided by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Statement The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.
Case Officer: C. Harrison	Date : 03.10.2025
Authorising Officer: N.J. Hayhurst	Date : 09/10/2025
Dedicated responses to:- N/A	