

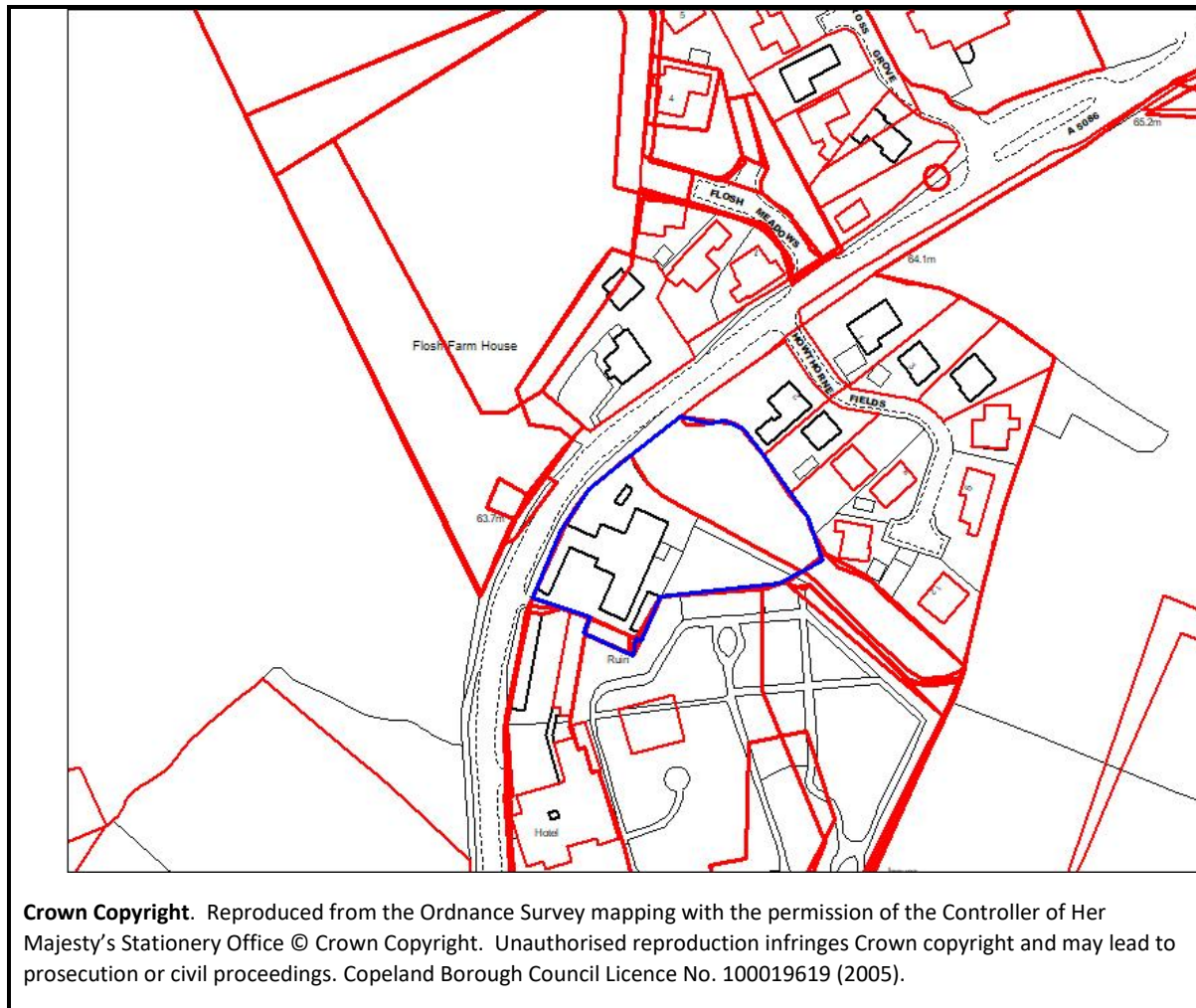


To: PLANNING PANEL

Development Control Section

Date of Meeting: 29/09/2021

Application Number:	4/19/2140/001
Application Type:	Outline : CBC
Applicant:	Mr A Butler
Application Address:	LAND TO NORTH OF ENNERDALE COUNTRY HOUSE HOTEL, CLEATOR
Proposal	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (WITH FULL DETAILS OF ACCESS) & DEMOLITION OF DERELICT BARN
Parish:	Cleator Moor
Recommendation Summary:	Approve in Outline (commence within 3 years)



Reason for Determination by Planning Panel:

This Outline Planning Application is brought for consideration by Members of the Planning Panel due to the receipt of comments of concern from Cleator Moor Town Council.

Site and Location:

The Application Site comprises a parcel of land located to the north of the Ennerdale Country House Hotel, Cleator, Cumbria.

The Application Site comprises a collection of former agricultural buildings which are in varying states of repair/decay.

The Application Site is the subject of extensive tree cover.

The Application Site is bounded by the Ennerdale Country House Hotel to the south/west; the A5086 to the north/east; and, the residential development of Howthorne Fields to the north/east.

The Ennerdale County House Hotel is Grade II Listed.

A group of trees the subject of a Tree Protection Order are located to the east of the Application Site.

Access to the Application Site exists from the A5086 to the west.

Direct Planning Application History

4/06/2827/0 - Outline application for demolition of redundant farm buildings & provision of 7 no detached dwellings – Withdrawn.

4/16/2338/0F1- Prior notification of proposed demolition of derelict farm buildings and reduction in height of boundary wall - Not valid and so did not proceed.

Proposal:

This application is an Outline Planning Application with some matters reserved for residential development.

Access is included within the Outline Planning Application with appearance, landscaping, layout and scale reserved for subsequent approval.

Access is proposed via a newly created access from the A5086. Visibility splays of 2.4m x 60m are demonstrated as achievable to the access.

Indicative Site Layout Plans have been prepared illustrating the removal of the existing buildings, the retention of a number of the existing trees and the development of a scheme for the delivery of 7no. dwellings.

The Outline Planning Application has been revised during the course of the planning application including the submission of additional information and evidence in respect of heritage matters and highway matters.

Consultee:	Nature of Response:
Town Council	<p><i>16th May 2019</i></p> <p>Members expressed concern that this development would increase traffic on the A5086 with the entrance to the new development located on a bend with poor visibility. Members thought it was unlikely that adequate visibility splays could be achieved with this application. There was further concern that the entrance to the development is immediately opposite the previously approved (04/18/2536/0F1 Flish Meadows) temporary access on the opposite side of the road. The area is a known accident black spot.</p> <p>The volume of vehicles on this road has been a concern for many years and now with the addition of the 600-space car park further along the same stretch,</p>

	<p>this additional application adds to that volume. There were concerns expressed as to the amount of vehicle emissions and levels of pollution that any further development creates.</p> <p>Furthermore, members question the need for more housing in this area, when there are already so many with approval in place. Members request that a structure needs to be in place to manage development the impacts these developments have on the highway. There is a need to look at the number of applications cumulatively.</p> <p>It was noted that this is the main route used if the A595 is closed for any reason and is already the second busiest road in Copeland after the A595.</p>
<p>Cumbria County Council – Highways and LLFA</p>	<p><i>20th May 2019</i></p> <p>It is noted that the proposed visibility splays to the access were agreed back in 2017 to be 60m in each direction, which is based on the standard requirements for a junction within a 30mph zone, however, a recent speed survey carried out in this area has highlighted that traffic speeds on this section of road are above this with an 85th percentile speed of 38mph, this would require splays of 120m in each direction, in accordance with DMRB standards.</p> <p>It is unclear if the applicant can achieve these splays with the frontage available however, they should be requested to review their proposal to either secure the 120m splays in each direction or submit a scheme of traffic calming with a view to reducing the speed of traffic on this road.</p> <p>Should this information not be forthcoming and with the access details being an integral part of this application there would be no alternative but to recommend that the application, as submitted, be refused for the following reason:</p> <p>1) Lack of Visibility Splays</p> <p style="padding-left: 40px;">The Local Planning Authority considers that clear visibility of 120 metres cannot be achieved along the public highway in a South Westerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.</p> <p style="padding-left: 40px;">To support Local Transport Plan Policy: LD7, LD8</p> <p><i>4th October 2019</i></p> <p>It is noted that the applicant has had a speed survey undertaken which demonstrates the previously agreed 60m visibility splays are now suitable.</p>

	<p>It is therefore confirmed that there is no highway or LLFA objection to the proposal subject to the following conditions being included in any notice of consent that may be issued:-</p> <p>1) The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.</p> <p>Reason: In the interests of highway safety.</p> <p>2) The carriageway, footways etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.</p> <p>Reason: To ensure a minimum standard of construction in the interests of highway safety.</p> <p>3) Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:</p> <ul style="list-style-type: none"> • 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, maneuvering, loading and unloading for their specific purpose during the development;
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	<ul style="list-style-type: none"> • 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; • surface water management details during the construction phase. <p>4) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p> <p>5) The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.</p> <p>Reason: In the interests of highway safety.</p> <p>6) Access gates, if provided, shall be hung to open inwards only away from the highway.</p> <p>Reason: In the interests of highway safety.</p> <p>7) Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced.</p>
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	<p>Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter. Reason: In the interests of highway safety and environmental management.</p> <p>8) Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter. Reason: In the interests of highway safety and environmental management.</p> <p>9) There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority. Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.</p> <p>10) Before the dwellings are occupied the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority. Reason: To minimise highway danger and the avoidance of doubt.</p> <p><i>5th February 2021</i></p> <p>It is noted that the applicant has had a speed survey undertaken which demonstrates the previously agreed 60m visibility splays meet the required criteria, however through discussions internally with our Highways and Traffic teams it is the view of this authority that further mitigation is required along this section of highway to further reduce vehicles speeds on the approach to the proposed junction given its location.</p> <p>Sketched plan Ref. A5086Cleator_MH12022021 can be used as the basis for a design that can be further developed with the approval of the Highway Authority and can be implemented as part of this development. This can be secured through a suitably worded condition, works within the highway will require a S278 agreement.</p> <p>There is no highway or LLFA objection to the proposal subject to the following conditions being included in any notice of consent that may be issued:-</p> <p>1. Prior to the commencement of development, a design for a traffic management scheme on the A5086 as shown indicatively on A5086Cleator_MH12022021 shall be provided including full engineering, drainage, and construction details, for approval in writing by the Local Planning</p>
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	<p>Authority in consultation with the Local Highway Authority. Thereafter, prior to occupation of any dwelling, the scheme must be implemented in accordance with the approved plans.</p> <p>Reason: In the interests of highway safety.</p> <p>2. The development shall not commence until visibility splays providing clear visibility of 60 metres in both directions, measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.</p> <p>Reason: In the interests of highway safety.</p> <p>3. The carriageway, footways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved.</p> <p>These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.</p> <p>Reason: To ensure a minimum standard of construction in the interests of highway safety.</p> <p>4. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:</p> <ul style="list-style-type: none"> - 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;
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	<ul style="list-style-type: none"> - 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 <p>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.</p> <p>5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p><i>Reason:</i> To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p> <p>6. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.</p> <p>Reason: In the interests of highway safety.</p>
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	<p>7. Access gates, if provided, shall be hung to open inwards only away from the highway.</p> <p>Reason: In the interests of highway safety.</p> <p>8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.</p> <p>Reason: In the interests of highway safety and environmental management.</p> <p>9. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.</p> <p>Reason: In the interests of highway safety and environmental management.</p> <p>To support Local Transport Plan Policies: LD7, LD8.</p> <p>10. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.</p> <p>Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.</p> <p>11. Before the dwellings are occupied the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.</p> <p>Reason: To minimise highway danger and the avoidance of doubt.</p>
United Utilities	<p><i>15th May 2019</i></p> <p>Request the imposition of planning conditions requiring i. the submission, approval and implementation of a surface water drainage scheme; and, ii. that foul and surface water be drained on separate systems.</p>
Copeland Borough Council -	<p><i>21st May 2019</i></p> <p>A tree report has been carried out by Open Space Ecology and Habitat Solutions in respect of the development proposal, an indicative site plan has been</p>

Arboricultural Consultant	<p>included with the application and the Open Space report has assessed the potential impact upon the existing trees of this indicative layout.</p> <p>The vast majority of the trees within the site have naturally regenerated since the site fell into disuse, estimated to be 25-30 years ago, and are poor quality and unsuitable for retention within a residential housing scheme. The Open Space survey has identified all but three trees as either Retention Category U or C and overall this is an accurate assessment. There are some exceptions, T30 a Yew is likely to be older and has been overtopped by the more vigorous Sycamores and Ash but has the potential to be retained once surrounding trees have been removed. There is also potential to retain some of the trees on the boundary with the adjacent cul-de-sac Howthorne Fields, with a few exceptions these form a group meriting an overall Retention Category B. The trees protected by a TPO covering the Ennerdale Country House Hotel appear to be unaffected by the proposed development.</p> <p><i>Conclusion</i></p> <p>The Open Space report concludes that the visual impact of removing the trees for the indicative layout will be high due to the outward appearance currently resembling a small wood and I concur with this opinion. If the scheme is acceptable in other planning terms then sufficient space will need to be incorporated into any future design to facilitate a suitable mitigation landscaping scheme, including if possible the retention of T30 and other trees referred to above.</p> <p><i>Recommendation</i></p> <p>If the scheme is acceptable in all other planning matters and consent is to be granted, attach conditions requiring any future detailed application to be supported by:</p> <ul style="list-style-type: none"> - full landscaping details - full details of trees to be removed and tree protection measures for those to be retained
Natural England	<p>23rd May 2019</p> <p>No comments.</p>
Copeland Borough Council – Conservation Officer	<p>30th May 2019</p> <p>The location of the site access supplied here does not appear to conflict with any upstanding fabric, which is advantageous.</p> <p>From my inspection I believe there is much within the red line that contributes to local character and distinctiveness, as well as the original planform of the Flosh, which would be totally lost were the outline permission granted.</p>

This proposal does not sustain or enhance the significance of the heritage assets on site, or put them to any use consistent with their conservation. It entails a total loss of the elements that contribute to its character and distinctiveness, and the proposed new additions do not enhance or better reveal the significance of the existing buildings or preserve their settings.

Additionally, it is not in the spirit of the following Local Plan policies:

- To conform with ST1C(ii) and ENV4A the proposal would have to protect and enhance this heritage feature of the Borough, and its setting.
- To conform with ENV4C and DM10B it would need to respect the distinctive character of Cleator as expressed in this location by the buildings associated with the Flish.
- DM10A states that development proposals will be supported where they “protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough’s historic sites and their settings.” This applies particularly to a number of cases including:
 - “iv. Non-listed buildings and structures” of local heritage value.

It is felt that this proposal is a missed opportunity. The central part of the site should be carefully cleared of vegetation so the remaining buildings can be seen and accessed, with the boundaries left so the vegetation offers shelter. Some of the remains within the old yard area are extremely fragile and the clearing these or removing materials such as masonry or cast iron is not recommended until a survey has been done and an approach agreed. This would produce a record of the layout in plan form, with photographs documenting materials, construction, colours, proportions, surviving features etc. This would be used to appraise the proposal and inform alternatives.

It would be delightful to see the sensitive redevelopment of this site as it is currently declining, but there has not been enough exploration done prior to formulating this proposal to ensure its conservation has been taken into account. Bearing in mind the entailed total loss of these heritage assets, applicants are urged to reformulate their proposals, taking full advantage of the potential offered by this irreplaceable 160+ year old site to deliver a new chapter in the location’s ongoing history.

4th November 2019

It is unfortunate that the circumstances do not permit a redevelopment of the site that retains the buildings. It is interesting to wonder what the case would be if these building could be considered curtilage structures – perhaps they would simply continue to sit vacant and derelict.

	<p>The circumstances outlined by the Applicant are accepted and it is recommended that a level 1 Historic England recording be made and deposited prior to demolition works taking place, consisting of:</p> <ul style="list-style-type: none"> • Sketched site plan, and section and elevation drawings of upstanding remains • General photographic views of each building/former building within the complex • Written account consisting of a precise location in the form of an address and grid reference, a note of relevant statutory designations, the date of the record and name of the recorder and the location of any archive material used, a summary statement describing the building's type, purpose over its life, materials and dates as far as can reasonably be determined
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Neighbour Responses:

The application has been advertised by way of an application site notice and neighbour notification letters sent to 9no. neighbouring properties.

Representations in objections have been received from three parties and representations in support have been received from one party.

The material planning matters raised comprise the following:

- The Application Site is presently woodland and habitat for a variety of wildlife including red squirrels and woodpeckers.
- It is unclear if all procedures and requirements have been followed for the treatment of the invasive plant on the Application Site.
- The proposed development is located on a flood plain.
- The development will result in adverse impacts upon the residential amenity of the existing residents of Howthorne Fields.
- Any dwellings should include more than 2no. parking spaces per dwelling and additional spaces for visitors reflecting the needs and wants of modern families.
- The access to the proposed development is in close proximity to a poor bend in the A5086, a road which is heavily congested increasingly so following the development of the vehicle car park at Cleator Mills.
- There are four junctions in very close proximity to the access to the proposed development. This creates an increased potential for road traffic accidents. A temporary

construction access (Planning Application Reference 4/18/2536/OF1) is located approximately 35m from the proposed development on the opposite side of the road and the access to Flosch Farm and the fields beyond is located opposite the proposed access.

- As part of Planning Application Reference 4/18/2536/OF1a speed survey was undertaken on the A5086 in the vicinity of the proposed access to determine the traffic volumes and speeds. The survey was conducted by Traffic Sense from 29th September 2018 to 5th October 2018. The survey recorded average weekday 85th percentile speeds as follows:
Northbound = 38.1mph
Southbound = 37.9mph

As the recorded 85th percentile speeds are in excess of 37mph, it is normal practice for the highway authority to require standards as set out in the Design Manual for Roads and Bridges rather than Manual for Streets. The appropriate visibility splays using DMRB are 2.4m x 120m in each direction. Therefore, the proposed access visibility splays in this case are half the length of those required by the Cumbria Guide which are designed to ensure the safety of the future highway users.

As the proposed access would be located on the inside of a bend with a double white-line system in place, forward visibility should be assessed. The appropriate forward visibility, using DMRB's stopping sight distance for 85th percentile speeds of around 38mph, is 120m. This should be measured for traffic approaching right-turners into and out of the site and for traffic approaching left-turners out of the site.

- The application should fully take into account recently consented local development and the cumulative impact of these on the local highways network both in terms of safety and usage. As such the assessment needs to consider the 600 space car park at Cleator Mills (Planning Application Reference 4/18/2312/OF1) approved in April 2019.
- Additional traffic calming measures should be secured as part of the proposed development to reduce vehicle speeds on approach to the access to the proposed development and the access to the approved residential development at Flosch Meadows.
- The first submitted traffic survey is not valid due to the presence of unofficial 'slow down-tree cutting' being placed by persons unknown either side of the road and survey point immediately prior to the survey and removed following its completion. It is possible the events may be linked and may have produced incorrect and lower road speed safety results.
- The second submitted traffic survey is not valid due to the presence of a parked vehicle during the completion of the surveys. It is possible the events may be linked and may have produced incorrect and lower road speed safety results.

- The speed surveys were carried out during 'covid quiet times' when a reduced volume of traffic was on the roads. A speed survey completed on the road a year earlier resulted in identifying higher road speeds than those recorded by the completed speed surveys.
- The development will require the loss of a large quantity of vegetation to achieve the visibility splays required causing harm to local habitats.
- The Applicant should be required to provide any improvements to the A5086 before any access is created.
- Provision is required for construction vehicles to park clear of the A5086 during the development.
- It is stated that 2.4m x 60m visibility splays are achievable to the access; however, this is dependent on how the gates in separate ownership are controlled. If the gates are open, a visibility splay of 2.4m x 55m only is achievable.
- It is unclear if improvements to highway lighting will be made as part of the proposed development.
- It is unclear if all construction vehicles will be permitted to leave the Application Site in both directions.
- An independent road safety professional adviser should determine if the proposed access is safe.

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:

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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

HSG2 – New Housing Allocations

Proposals Map including settlement boundaries.

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).

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment:

Principle:

Policy ST2 of the Copeland Core Strategy (CS) identifies Cleator as a Local Centre

Policy ST2 seeks to support appropriately scaled development in defined Local Centres, which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as acceptable: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlements; housing to meet general and local needs; and, affordable housing and windfall sites.

The Application Site is located within the settlement boundary for Cleator as defined in Policy ST2 of the CS.

The Application Site is also allocated for housing development in Policy HSG2 of the LP:

HA33 Main Street, Cleator - A new allocation which will require a development brief to specify requirements as regards access, landscaping and floodrisk. Phasing: All 20 units scheduled for release in the early part of the plan period, 2006 – 2011, to satisfy the apparent needs expressed as objections to the 1D and 2D versions of the Plan.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In November 2020, the Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS and LP must be considered out of date.

Consultation on the Local Plan 2017-2035 Preferred Options Draft (ECLP) ended in December 2020. The ECLP will, once adopted, replace the Core Strategy.

The ECLP has been drafted based upon an evidence base of documents which includes a Strategic Housing Market Assessment (SHMA). The SHMA calculates the housing need in Copeland over the plan period of 2017-2035 of 140 dwellings per annum.

The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS. Policy ST2 also does not accord with the NPPF which requires local planning authorities to significantly boost housing delivery.

In the context of the above, Paragraph 11 of the NPPF is engaged and the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In applying the provisions of Paragraph 11:

- the Application Site comprises a parcel of land that is allocated for residential development in LP in a location that is considered a sustainable location for new residential development;
- the proposed development would assist in significantly boosting housing supply to meet the identified need for housing within Cleator and the wider Borough as detailed in Policy ST2 of the CS;
- the proposed development comprising the erection of c.7no. dwellings is appropriate in size and character to the Local Centre of Cleator in accordance with the spatial objectives of Policy ST2 and ST2 of the CS;
- the Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Cleator and Cleator Moor. Many of the identified services are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspiration for Cleator and that of Cleator Moor to become a thriving place; and,
- Sustainable travel options exist within the vicinity, with an existing bus stop located within 250m of the Application Site and local cycle routes provide linkages to the National Cycle Network Route 72 as required by Policy DM22 of the CS.

Highways:

Access is proposed via a newly created access from the A5086. Visibility splays of 2.4m x 60m are demonstrated as achievable to the access.

Cumbria County Council – Highways initially objected to the proposed development. It was confirmed that whilst the visibility splays achievable to the proposed access meet the requirements for the 30mph speed limit of the A5086, they did not meet the requirements for the known 85th percentile speed on the A5086 confirmed via a third party speed survey. It was confirmed that visibility splays of 2.4m x 120m would be required based on the known 85th percentile speed.

Further to the above, the Applicant commissioned a speed survey to establish the 85th percentile speed of the A5086 at the location of the proposed access. The completed speed survey demonstrated an 85th percentile speed of 36mph. Cumbria County Council – Highways confirmed that on the basis of this information, visibility splays of 2.4m x 60m were acceptable subject to the imposition of planning conditions.

The conclusions of the commissioned speed survey were subsequently challenged by an objector to the development, with it confirmed that the conclusions could not be relied upon due to the presence unofficial 'slow down-tree cutting' signs being placed by persons unknown either side of the road and survey point immediately prior to the survey and removed following its completion. Following legal advice and advice from Cumbria County Council – Highways, it was confirmed that the conclusions of the completed speed survey could not reasonably be relied upon.

A further speed survey was then commissioned by the Applicant. The completed speed survey demonstrated an 85th percentile speed of 37mph. Cumbria County Council – Highways confirmed that on the basis of this information, visibility splays of 2.4m x 60m were acceptable subject to the imposition of planning conditions. The proposed planning conditions include a requirement to implement a scheme of traffic calming on the A5086 at the expense of the Applicant. A base specification for the scheme has been drafted by Cumbria County Council – Highways, the detail of which will be secured at a later stage. The resulting reduction in road speeds would deliver betterment of the safety of the proposed access and A5086 generally in this location.

The conclusions of the commissioned speed survey were again challenged by an objector to the development, with it confirmed that the conclusions could not be relied upon due to the presence of a parked vehicle during the completion of the survey which may have influenced the results and that the survey was completed during Covid 19 times when traffic volumes were lower. The vehicle when known to have been present, did not result in materially different road speeds to other days surveyed. Following legal advice and advice from Cumbria County Council – Highways, it was confirmed that the conclusions of the completed speed survey could reasonably be relied upon and the timing of the survey was acceptable.

Planning conditions are proposed requiring the creation of the access and required visibility splays before development excluding demolition and site clearance are completed to secure the safety of construction vehicles; to secure details of the proposed access; requiring the closure of the existing access; and, to secure Construction Traffic Management Plan.

Settlement Character and Heritage;

Policy DM10 expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness. It is required that developments incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings, conservation areas and their settings

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.*

Paragraph 197 of the NPPF requires that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new develop

Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 204 of the NPPF requires that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 205 of the NPPF requires that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Appearance, landscaping, layout and scale are reserved for subsequent approval; therefore, such details are not to be considered as part of this planning application. It is however necessary to consider if a scheme is deliverable on the Application Site that will not result in unacceptable impacts.

Ennerdale County House Hotel (formerly The Flosh) dates to 1832 and is a Grade II Listed Building.

The barns on the Application Site are shown on the 1861 OS map as part of a coherent cluster around yards appended to the north side of The Flosh. Flosh Farm is not shown until the 1899 OS map. The Flosh dates to 1832.

The barns on the Application Site are separated from The Flosh by approximately 40m and although the plots adjoin and the complex of barns was historically spatially connected via a loose courtyard arrangement, physical connection did not exist between the buildings at the time of the listing. The Flosh itself was vacant at the time of the listing.

It is therefore concluded that the barns on the Application Site comprise non-designated heritage assets and part of the setting of The Flosh

The barns on the Application Site date mostly from a relatively narrow window of time, likely being around the date of construction of The Flosh. By the 1861 OS map, the complex as it currently exists seems largely in place. There is no evidence that the barns were associated with a particular engineer or architect, although their association with a high status country house and the relative simultaneity of the buildings' construction suggests it may have been planned at a single point in time as a functional unit.

Neglect has allowed several of the barns to deteriorate substantially; however, the two main barns at right angles to one another survive in good condition. The north orientated stone barn may well contain an infilled mill wheel pit.

The barns on the Application Site retain a discernible plan form and have been partitioned from the Flosh. Notwithstanding, the barns comprise an important part of the readability of the structures that were associated with The Flosh and so contribute to its historic value and an element of its significance.

The proposed removal of the existing barns and the erection of dwellings will result in the loss of these non-designated heritage assets with that harm to the setting of The Flosh as

the relationship between the buildings etc. would no longer exist or be discernible. The visual effect on the setting of The Flosh is debateable, having some visibility from the rooms and garden, although the Application Site is mostly hidden behind a large wall. The impression given within the hotel grounds is one of being surrounded by trees and this is a character that could be expected to be lost or impacts to some extent in the short to medium term, depending on the level of site clearance. It must however be noted that the majority of the trees appear to be fairly young self-seeded specimens that would not have existed only a few years ago.

The potential to retain the existing barns has been investigated with the Applicant. In doing so, the Applicant highlights the requirement that would exist for the demolition and effective replication of c.80% of the barns on the Application Site due to their form and structural condition; the inability to deliver an acceptable means of access whilst retaining the existing barns; the limitations arising from the existing drainage infrastructure that cross under the existing barns; and, the financial costs of converting the existing buildings resulting in a development that would not be economically viable.

The Copeland Conservation Officer whilst initially objecting to the development owed to the loss of the existing barns, following the receipt of the additional information and evidence from the Applicant has confirmed that development without retaining the existing barns would be preferable to the site remaining vacant subject to the completion of the recording of the existing barns.

It is considered that a detailed scheme is deliverable on the Application Site that relates well to the existing development within the locality, albeit, less than substantial harm would result to the setting of The Flosh.

Ecology;

A Bat, Barn Owl and Breeding Bird Survey has been submitted.

An Ecological Survey and Impact Assessment including a Bat and Bird Building Survey was completed in 2007 and this completed Bat, Barn Owl and Breeding Bird Survey updates this initial survey.

The Survey concludes that there is potential for bats to roost on the Application Site.

It is confirmed that the buildings have a medium status site assessment for bat roost use. No roosting signs of bats were found; however, there is potential for bats to be present in area inaccessible to the surveyors i.e. roof and wall joints.

It is confirmed that the adjoining garden with this trees are being used by feeding bats.

The Survey concludes that the demolition of the buildings within the winter months will have on a minor detrimental impact on the bats as many of the trees with roost potential are being retained.

A detailed scheme of mitigation is proposed including the timing of works, working practices, on site roost replacement including six bat boxes and that external lighting on the new development should be maintained at low level.

The removal of the existing buildings and existing trees will reasonably result in licensable activities.

In accordance with the CHSR, it is necessary to consider the likelihood of a license being granted by Natural England and in doing so engage with the three derogation tests. The three tests comprise:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- the favourable conservation status of the species must be maintained.

The rigour and stringency with which the tests are applied increase with the importance and significance of the roost.

Is the proposed development necessary for imperative reasons of overriding public interest?

In assessment of its planning merits, the proposal accords with the relevant provisions of the Development Plan and the NPPF. For these reasons it is considered that the test is passed.

Is there a satisfactory alternative?

Given the level of impact on bats, the level of consideration of alternatives should be correspondingly low. It is unlikely that the development could proceed in such a way as to avoid the licensable activities. Notwithstanding, short to medium terms works to maintain the barns on the Application Site and management of the trees on the Application will reasonably result in comparable impacts. In conclusion there is no satisfactory alternative.

Will the favourable conservation status of the species be maintained within its natural range?

Taking into account the use of the site by bats, together with the mitigation and compensation proposed the favourable conservation status of the species will be maintained within its natural range. It is therefore considered that the three tests are met and an licence would be likely to be granted by Natural England.

Arboriculture:

A Tree Survey has been submitted.

The majority of trees within the Application Site have naturally regenerated since the site fell into disuse, are poor quality and are unsuitable for retention within a residential development.

The Tree Survey demonstrates that a residential development could be accommodated on the Application Site without harm to the trees protected by a Tree Preservation Order covering the Ennerdale Country House Hotel and the loss of the higher quality trees within the Application Site including the group to the boundary with Howthorne Fields.

It must be accepted that any residential development would result in visual impacts owed to the removal of trees, which at present resemble a small wood; however, historically was unlikely to have been the case.

A scheme of landscape mitigation would be required and could be accommodated within any residential development including the retention of the higher quality trees within the Application Site.

Planning conditions are proposed requiring the submission, approval and implementation of a full scheme of landscaping and an Arboricultural Method Statement to prevent harm to retained and neighbouring trees.

Invasive plants are known to exist on the Application Site and a planning condition is proposed to secure a means of removal and treatment.

Residential Amenity;

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the Indicative Site Layout Plan demonstrates that a development layout is deliverable with interface separation distances that would not result in unacceptable harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking.

The requirements of Policy DM12 are considered achievable.

Flood Risk and Drainage;

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not shown to be liable to surface water flooding.

It is proposed to dispose of surface water to a watercourse and foul water to the existing public main system.

The Applicant has not provided evidence to discount the use of infiltration drainage; however, it is clear that a means of surface water drainage is deliverable. A planning condition is therefore proposed requiring the submission, approval and implementation of a

detailed scheme for the disposal of surface water in accordance with the national drainage hierarchy and a planning condition is proposed requiring the that foul and surface water be drained on separate systems.

The Planning Balance;

For the reasons outlined above, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The Application Site comprises a parcel of land that is allocated for residential development in the LP in a location that is considered a sustainable location for new residential development.

The proposed development would assist in significantly boosting housing supply to meet the identified need for housing within Cleator and the wider Borough.

The proposed development comprising the erection of c.7no. dwellings is appropriate in size and character to the Local Centre of Cleator.

The Application Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Cleator and Cleator Moor. Many of the identified services are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspiration for Cleator and that of Cleator Moor to become a thriving place.

Sustainable travel options exist within the vicinity, with an existing bus stop located within 250m of the Application Site and local cycle routes provide linkages to the National Cycle Network Route 72.

The proposed development would result in the loss of the existing barns on the Application Site which comprise non-designated heritage assets. Less than substantial harm would result to the setting of The Flish. The development will deliver public and social benefits through the delivery of residential development. When weighed against the public benefits, the resulting harm is not sufficient to warrant refusal of the planning application.

Minor harms will result in respect of ecology and subject to planning conditions, unacceptable impacts will not result in respect of highway safety, amenity and drainage.

In overall terms, whilst conflicts are identified it is considered that these conflicts are collectively not sufficiently harmful to significantly and demonstrably outweigh the

identified benefits of the development when assessed against the policies in the NPPF taken as a whole.

Recommendation: -

Approve subject to the planning conditions outlined at the end of this Planning Panel report.

Conditions

Standard Conditions

1. The layout, scale, appearance and landscaping shall be as may be approved by the Local Planning Authority.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission
- Or
- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Planning Application Form received 15th April 2019;
Site Location Plan – Flish Farm, Cleator, Cumbria at scale 1:1250 received 15th April 2019;
As Existing Site Plan – Drawing No. 1072 01 Rev. - received 15th April 2019;
Indicative Site Plan – Drawing No. 1072 02 Rev. C received 15th April 2019 in approving details of position of access only;

Design and Access Statement – December 2018 received 15th April 2019;
Survey for Bats, Barn Owls & Breeding Birds – Flosh Farm, Cleator, Cumbria prepared by Steve Wake received 15th April 2019; and,
Tree Survey in relation to TIC for a Proposed Residential Development on Land at Flosh Farm, Cleator – April 2018 received 15th April 2019.

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/Occupation

Highways

4. Prior to the commencement of development, a design for a traffic management scheme for the A5086 in accordance with the principles of A5086Cleator_MH12022021 including full engineering, drainage, and construction details shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall be implemented in accordance with the approved details prior to occupation of any dwelling.

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copland Local Plan 2013-2028.

5. No development shall commence until visibility splays providing clear visibility of 60 metres in both directions, measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the A5086. 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 shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copland Local Plan 2013-2028.

6. No development shall commence until a full specification of the carriageways and footpaths associated with the development have been submitted to and approved in writing by the Local Planning Authority. The carriageways and footways associated with the

development shall be designed, constructed, drained and lit to a standard suitable for adoption and as such shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copland Local Plan 2013-2028.

7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall 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

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copland Local Plan 2013-2028.

Drainage

8. No development shall commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

Construction

9. No development hereby approved shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The statement shall include:

- details of the means of access and parking for construction traffic and vehicles
- procedures for the loading and unloading of plant and materials
- details of the storage of plant and materials used in construction
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the River Ehen
- a scheme for recycling/disposing of waste resulting from construction works.

The approved Construction Method Statement and Management Plan shall be adhered to throughout the construction period.

Reason:

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

Arboriculture

10.

- a) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the Local Planning Authority.
- b) The tree protection measures shall be carried out as described and approved, and shall be maintained until the development is completed.

Reason:

These details are required to be approved before the commencement of development to ensure the protection and retention of important landscape features in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

Heritage

11. Prior to any demolition work the existing buildings affected by the proposed development shall be recorded in accordance with a Level 3 survey as described in the English Heritage document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2006" and moreover within two months of that recording work being done three copies of the resultant Level 3 Survey Report shall be submitted to the Local Planning Authority.

Reason:

These details are required to be approved before the commencement of development to ensure that a permanent record is made prior to the alteration of a building previously identified as being of architectural and historic interest, and to thus accord with the provisions of Policy ENV4 of the Copeland Local Plan 2013-2028.

Ecology

- 12.
- a) No development shall begin unless and until a scheme detailing the method and timescales for the removal and disposal of Japanese Knotweed within the site has been submitted to and approved in writing by the Local Planning Authority.
 - b) The removal and disposal of Japanese Knotweed shall be undertaken in accordance with the approved scheme in (a) above.

Reason:

These details are required to be approved before the commencement of development to prevent the spread of invasive species and protect local biodiversity in accordance with Policy ENV3 of the Copeland Local Plan 2013-2028.

Pre-Occupation

Highways

13. No dwelling hereby approved shall be occupied until the approved carriageways and footways to serve such dwellings have been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought in to full operational use.

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copland Local Plan 2013-2028.

14. Before the dwellings are occupied the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copland Local Plan 2013-2028.

Drainage

15. Prior to the first occupation of the dwellings hereby approved A Sustainable Drainage Management and Maintenance Plan shall be submitted to and approved in writing to the Local Planning Authority.

The Management and Maintenance Plan shall include:

- c) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a development management company; and
- d) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be managed and maintained in accordance with the approved Plan for the lifetime of the development.

Reason:

To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with the National Planning Policy Framework and policies ST1 and ENV1 of the Copeland Local Plan 2013-2028.

Other Conditions

Highways

16. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason:

In the interests of highway safety, in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copland Local Plan 2013-2028..

Drainage

17. Foul and surface water shall be drained on separate systems.

Reason:

To secure proper drainage and to manage the risk of flooding and pollution.

Hours of Construction

18. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

Contamination

19. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To ensure the protection of controlled waters from potential land contamination in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028..

Ecology

20. The development shall not proceed except in accordance with the mitigation strategy described in Survey for Bats, Barn Owls & Breeding Birds – Flosch Farm, Cleator, Cumbria prepared by Steve Wake.

Reason:

For the avoidance of doubt and to prevent harm to protected species in accordance with Policy CS8.4 of the South Lakeland Core Strategy.

Informative

COAL FIELD STANDING ADVICE AREAS - ALL DEVELOPMENT

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com [<http://www.groundstability.com/>](http://www.groundstability.com/)

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