

PLANNING STATEMENT

USE OF LAND FOR ERECTION OF 17 DWELLINGS, LAND ADJACENT TO C4017 WATH BROW,
CLEATOR

Prepared for: Mr G Coan

Prepared by: Eric Telford B.A., B.Sc

17th December 2022

Proposal number: 0678-4453

1.0 INTRODUCTION

- 1.1 This Planning Statement is to be read in conjunction with all forms, plans and Reports which together form an outline planning application for the use of land adjacent to the C4017, Wath Brow, Cleator.
- 1.2 This is an outline application with all matters reserved but illustrative drawings are submitted to indicate how the site can be developed to respect the fall of the site, the adjoining properties and the overall landscape whilst achieving a satisfactory means of access.

2. THE SITE AND ITS SURROUNDINGS

- 2.1 The application site, measuring some 1.15ha (2.8 acres), is located to the north east of the C4017 at Wath Brow, Cleator and lies outside, but immediately adjacent to, the established settlement boundary of Cleator and Cleator Moor.
 - 2.2 The site is currently used for grazing but does not form part of an agricultural holding. The land slopes from its north western boundary to the south east with a difference in levels of approximately 10m and follows the general gradient of the adjoining highway.
 - 2.3 The north western boundary is formed by the rear gardens of the properties fronting onto Trumpet Road/Frizington Road (A5086), the south western boundary is marked by the C4017, the north eastern boundary is marked by a stock proof fence and indigenous hedgerow with occasional larger species. The south eastern boundary is delineated by a stock proof fence and a woodland of mixed indigenous species and trees which are typical of a residential property.
 - 2.4 Beyond the boundaries of the site, to the north west is a row of dwellinghouses of varying designs and their rear gardens. To the north east are open agricultural fields and on the opposite side of the C4017 to the south west is the rugby pitch and car park for Wath Brow Hornets Rugby League club.
 - 2.5 To the south east of the site boundary is the established complex of 4 houses and farm buildings with a further recently approved dwellinghouse soon to be constructed giving the area a strong presence and open residential character. This complex of buildings is also emphasised by the substantial woodland planting normally associated with residential properties.
 - 2.6 Opposite the complex of buildings, to the south west, are further 2 dwellinghouses and farm buildings. Beyond this group of properties straddling
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the C4017, the land becomes distinctly rural in character and devoid of any residential influences.

3. THE PROPOSAL

- 3.1 The proposal is to develop the site by a mix of residential properties in a low density format which will soften the existing harsh settlement boundary and present a gradual change from the high density urban development towards the more open countryside.
- 3.2 The access is proposed at a point where there is an existing entrance into the site and where the maximum visibility splays can be achieved as recommended by the traffic survey which forms part of this application. The splays are contained within the application site.
- 3.3 The existing boundary hedges will be maintained and enhanced to ensure that there is a net bio-diversity gain from those features but also from within the site. Details of the bio-diversity matters will form part of the reserved matters submissions. The hedge forming the boundary with Wath Brow is made up of 3 elements and whilst part of the element nearest the road will be removed to form part of the visibility splays, the remaining 2 rows of planting and the embankment will be retained in the interests of the character of the area and the bio-diversity benefits it provides.
- 3.4 All other matters are reserved for further approval.

4. POLICY CONSIDERATIONS

- 4.1 As advised by the National Planning Policy Framework (NPPF) paragraph 39, the Applicant submitted a pre-application enquiry and the Council duly responded in detail under reference PAA/22/0035 on the 31st May 2022.
 - 4.2 The pre-application response set out in list form, all the relevant policies from the Copeland Local Plan 2013-2028 and the Emerging Copeland Local Plan 2021-2038. As the latter document conforms to the guidance offered in the NPPF, reference was made to the relevant paragraphs of the Framework in the text of the response.
 - 4.3 Planning Statements too frequently set out what are considered to be relevant national and local plan policies in excessive and unnecessary detail. However, for the purposes of this Statement, the Applicant recognises those policies listed by
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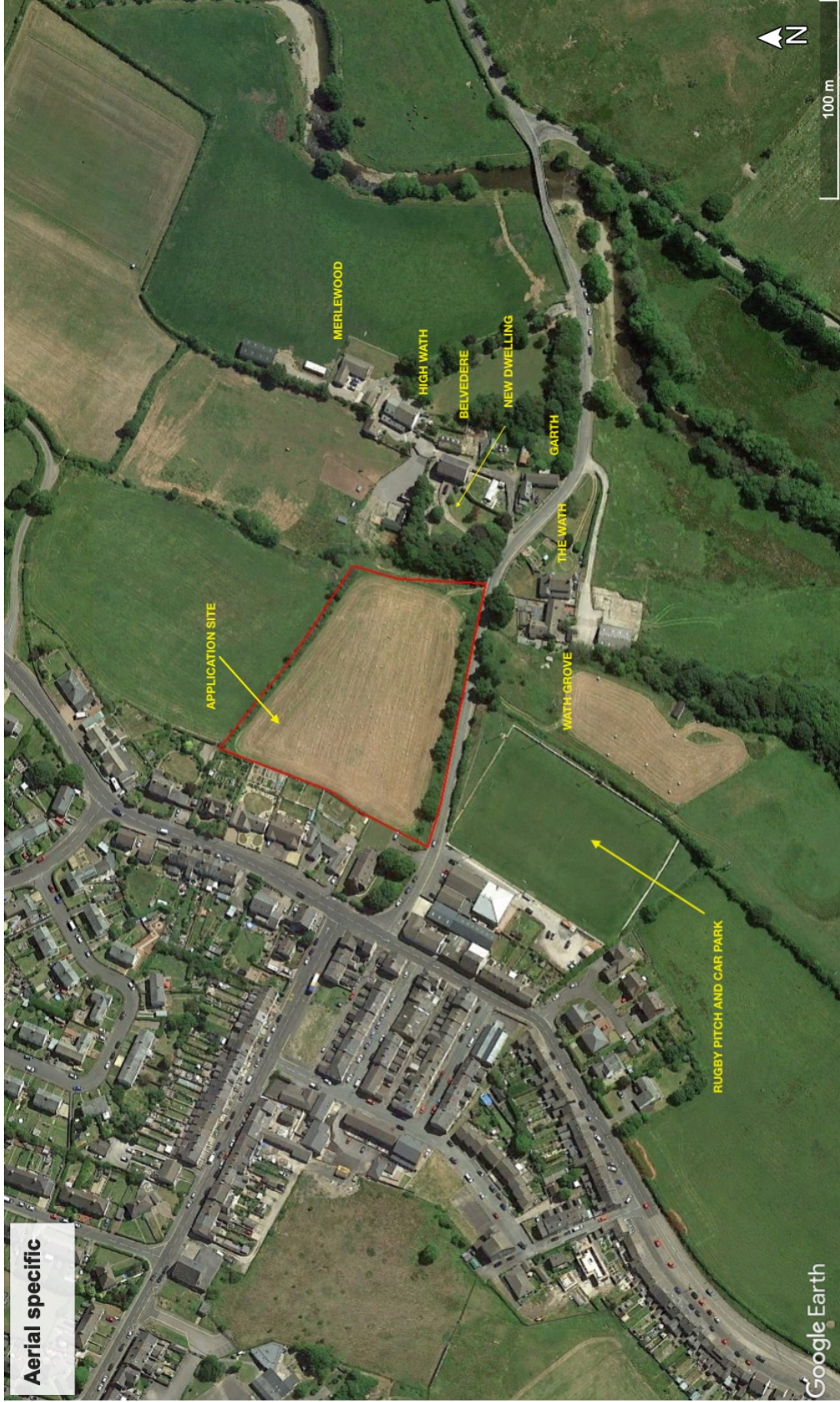
the Council in the pre-application response and confirms that they have been taken into account in the preparation of this application. A copy of the Design and Access Statement and the Pre-application response are attached as Appendix 4 and Appendix 5.

5. PLANNING ASSESSMENT

- 5.1 The pre-application response assessed the proposal, which now forms the basis of this application, against what was considered to be the key issues on which the application should be determined. This Assessment will, therefore, address the issues raised in the pre-application response and whilst the issue of the access was not referred to, it is considered that it should be addressed in this Statement.
- 5.2 The Council recognise that whilst Cleator Moor is a Key Service Centre, the site is sustainable and the adopted Local Plan is out of date, the principle issue which would weigh against the proposal is that a 5 year housing land supply can be demonstrated and the development of the site would have an adverse effect on the character and appearance of the landscape.
- 5.3 The fact that the Council can demonstrate a 5.6 year housing land supply does nothing more than indicate that they can provide the minimum number of houses over the next 5 year period. The 5 year supply is a minimum but does not, in itself, provide the Council the automatic right to refuse applications for additional residential development if those proposals are acceptable in all other respects. Moreover, the 5.6 year supply covers the Borough as a whole and does not demonstrate that Cleator Moor can provide the housing sites required to meet future demand as a town seeking expansion.
- 5.4 Cleator Moor has just been awarded funding for 4 major projects totalling £40.9 million which will be unlocked over the next 4 years. The Chair of the Cleator Moor Town Deal Board states that the *“Health, wellbeing, inward investment, jobs, skills, connectivity and much more will be positively impacted as work begins on these projects”* yet the Council have not reflected this road to prosperity by allocating anything other than the bare minimum of housing land; the housing land supply figures make no provision for this growth in terms of numbers or choice of sites.
- 5.5 The NPPF requires local planning authorities to allocate land for a mix and range of house types and in locations where people want to live and encourages the development of sustainable sites as extensions to existing settlement boundaries. This site offers the opportunity for housing adjacent to the
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settlement boundary but in a location away from the traditional built-form of Cleator Moor.

- 5.6 It is worthy of note that this site was considered in the 2020 SHLAA and only discounted due to the impact of the development on the Settlement Character and that will be considered in the following paragraphs of this Statement.
- 5.7 It is agreed that the proposal is contrary to Policy ST2 of the Local Plan in that the site is outside the settlement limits but it is argued that the proposal is not contrary to Policy ST1 which sets out the strategic objectives of the development plan. The proposal also complies with Policies SS1, SS2 and SS3 which seek to generate sustainable housing growth and the delivery of a range and choice of quality homes.
- 5.8 Nevertheless, the Council accept that only limited weight can be afforded to the policies in the Local Plan and as such the guidance in the NPPF should form the basis for the determination of the application; the Framework states that there should be a presumption in favour of sustainable development which should be approved without delay.
- 5.9 The site is accepted as being directly adjacent to the existing settlement boundary and the Council recognise that extensions to the Key Service Centres are necessary to meet their housing targets. The Council further accept that the site is sustainable in that it is within walking distance of the town centre and all the services that it offers including bus routes to the major educational, service and employment centres.
- 5.10 Whilst being located outside the settlement boundary, the development does not represent encroachment into open countryside. Directly opposite the site to the south west is the rugby ground and its car park, beyond the site to the south east is the complex of 7 dwellings and associated buildings straddling the C4017. The aerial photograph and extract from the Council's *My Property* web site (used solely for the purposes of identification in this Statement) on the following pages clearly shows that the existing complex of buildings represents a clearly definable end to the settlement.
- 5.11 Reference is made to an appeal decision, reference 3167373 which related to the use of land adjacent to Westlakes Hotel at Gosforth. There are many similarities between the current proposal and the application subject to that appeal. In that case, the Council had failed to demonstrate a 5 year housing land supply and whilst the Council now claim that is not the case, the Inspector based the decision on the fact that that development was sustainable and did not conflict with the overall policies in the Framework.
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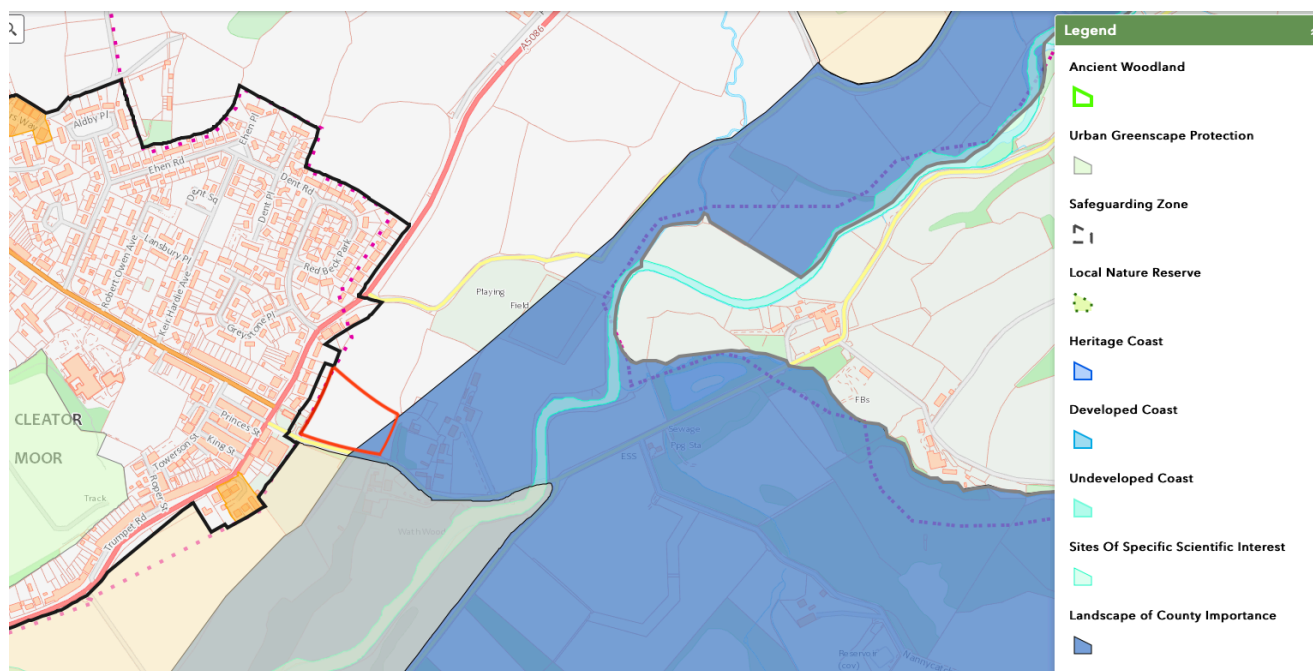
Ordnance Survey data © Crown copyright and database right 2022. OS 100030994.

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5.12 The area is not within a conservation area, it does not affect the nearby SSSI nor does it fall within an AONB or other special landscape designation. The pre-application response, indicates that within the *County Landscape Character Toolkit* the site forms part of subtype 5A: *Lowland - Ridge and Valley* which is echoed in the *Copeland Landscape Capacity Survey* where it is within the *Mid-Ehen Valley (Criteria 5Avi)*.

5.13 Whilst those documents divide the landscape into broad categories, only the southwestern corner of the site is designated as being of County Landscape Importance on the Local Plan Proposals map. The bulk of the site is not designated as being of any landscape character on the Proposal Map where development should be resisted.



5.14 There appears to be further conflict over the landscape designation in that the *Copeland Landscape Settlement Study Pt.3* appears to refer to the site in the *Urban Fringe* category. On p33 of that Study the plan notes that the settlement at this point has a *Harsh Development Edge* and whilst it states that *the Ehen Valley and the setting of the Lakeland foothills is sensitive to development, there*

is scope for sympathetic development to the east of the main road to better integrate Cleator Moor into its landscape setting (see Appendix).

5.15 It is considered therefore, that the proposed development will not adversely affect the landscape character of the area and indeed, subject to an acceptable layout, landscaping and design, all of which are subject to future approval, the development could soften the harsh settlement boundary and integrate the town better into its landscape setting in accordance with the advice offered in the Copeland Landscape Settlement Study.

5.16 The pre-application response refers to Paragraph 11 of the NPPF but perhaps the whole of that paragraph, including the footnotes should be quoted. Paragraph 11 states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, footnote 7 identifies those protected areas or assets of particular importance which Paragraph 11d(i) seeks to protect:

7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

5.17 It is clear that, despite the references made to the Landscape Character Areas in which the site falls, none of the protected areas or assets listed in footnote 7 apply to the site. As such, and as the development plan policies or the policies which are most important for determining the application are out of date,

permission for this sustainable form of development should be granted without delay.

- 5.18 Paragraph 11d(ii) requires the local planning authority to demonstrate that the development will significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The Council have identified the impact on landscape character as being the only issue yet the Copeland Landscape Character Report says that the area within the vicinity of the application site presents a harsh development boundary and there is scope for improving the setting of the town into its landscape setting. It is contended, therefore, rather than significantly and demonstrably harming the character of the landscape, it will make a positive contribution.
- 5.19 The Applicant would contend that the limited impact on the character of the landscape will be clearly outweighed by the benefits of providing housing on this sustainable site and the full weight of Paragraph 11 of the Framework should prevail.

Highways and Access

- 5.20 A new access is proposed in the south western corner of the site where there is an existing field entrance with limited or no visibility splays. Whilst the means of access remains a matter for further approval, it is important to demonstrate that acceptable visibility splays can be provided.
- 5.21 A recent planning application for a new dwelling adjacent to Belvedere in the group of buildings immediately east of the site, reference 4/22/2078/0F1 was required to have a speed survey carried out on the C4017 to establish the visibility splays. That Survey and Assessment was carried out by TetraTech and as the survey and assessment was carried out in 2022 immediately adjacent to the current application site, the figures contained therein are still relevant. A copy of the Assessment and Survey is attached to this Statement.
- 5.22 An Illustrative plan showing the visibility splays that can be achieved is submitted as part of this application.
- 5.23 The speed survey recorded average 24-hour 85th percentile speeds of 32mph westbound (travelling uphill); and, 31mph eastbound (travelling downhill). As the 85th percentile speeds are below 37mph, the Manual for Streets is applicable for determining the recommended visibility splays. Accounting for the 7% gradient on the C4017 a visibility splay of 41.1m x 2.4m is required to the left (looking downhill); and, a visibility splay of 46.2m x 2.4m is required to the right (looking uphill).
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- 5.24 Nevertheless, the illustrative drawing shows that splays capable uphill (west) are 2.4m x 106.5m and downhill (east) are 2.4m x 58.1m; indeed the splays downhill can be much greater and will be detailed at the reserved matters stage.
- 5.25 To provide the splays uphill, part of the hedge along the road frontage will have to be removed. However, the boundary along the road frontage, due to the difference in levels between the road and the site, is made up of the frontage hedge, an inner hedge and wall with a further row of trees behind. It is the frontage hedge only that needs amended and the other rows of planting will enable the character of the road to be maintained.

Other matters

- 5.26 **Flooding:** The site lies within Flood Zone 1 and is not subject to river or surface water flooding. The Flood map is set out in Appendix G of the Environmental Assessment Report which is attached to this application.
- 5.27 **Environmental:** As the site lies within the Coal Mining High Risk Assessment Area, an Environmental Assessment Report has been prepared and demonstrates that there are no adverse conditions that would prevent residential development taking place.
- 5.28 **Residential impact:** Whilst it is recognised that the development will have an effect of the open views from the properties fronting onto Trumpet Road/ Frizington Road, those views are not a material consideration in the determination of this application. Nevertheless, the impact on those properties has been taken into account with respect to the separation distances between habitable rooms being well in excess of the minimum standards
- 5.29 The 6 dwellings shown on the illustrative drawings reflect a similar density to the 8 dwellings overlooking the site and they will be designed as split level with single storey rear elevations. The overall site density is 14.7dph which is relatively low but is appropriate to the edge of town location and reflects the density of the dwellings to the east of the site.
- 5.30 **Surface water drainage:** On site drainage will be provided solely by SUDS consisting of rainwater harvesting, rain gardens, swales, channels and detention ponds with the main elements being the swales and detention ponds. The surface water concept will enhance the biodiversity within the site and will provide the 10% increase which will be a statutory requirement by the time the development takes place.
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- 5.31 **Foul drainage:** The mains sewer is within 200m of the site and is shown on the illustrative drainage plan submitted as part of this application.
- 5.32 **Open Space:** The low density of the site will provide for 180m² of open space within the site and will enable substantial levels of planting to compliment the setting of the site in the landscape.

6. SUMMARY

- 6.1 The site lies directly adjacent to the boundary of the Key Service settlement and is recognised by the Council as being a sustainable location for residential development.
- 6.2 The Council recognise that the relevant Local Plan policies are out of date and as the proposal represents a sustainable form of development, the NPPF in Paragraph 11 states that sustainable development should be approved without delay unless the development affects protected areas or assets of particular importance. However, the site does not represent a protected site or contain any assets listed in footnote 7 to Paragraph 11d(i) of the Framework so the full effect of paragraph 11 should be applied.
- 6.3 Whilst the Council consider there is a 5 year housing land supply, that in itself does not lessen the weight to be attached to Paragraph 11 of the NPPF and the fact that the relevant policies are out of date.
- 6.4 The response to a pre-application enquiry shows that the Council will object to the proposal as it would adversely affect a sensitive landscape. That designation is questioned and it is contended that the site is not in a landscape of recognised importance.
- 6.5 The site is well related to the settlement and does not extend the urbanisation beyond the existing well established group of dwellings to the east of the site. The development does not extend into the Ehen valley or affect the SSSI.
- 6.6 The proposal will soften the harsh development edge as identified in the Copeland Landscape Settlement Study and will result in the settlement being better integrated with the adjoining landscape to the east of the A5086.
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6.7 Whilst the application seeks approval of the principle of the development, the illustrative drawings clearly show that the details have considered the location of the site, its setting in the landscape and the need for the highest standards of design. Those details in advance of a reserved matters application have demonstrated that the Applicant is aware of all criteria necessary for a high quality development.

6.8 The development will add to the range of locations and mix of housing which will support the forthcoming prosperity of the town where it is considered that every aspect of daily life will be affected by the substantial investment; housing will be required to keep pace with that scale of investment and the application proposal will play its part.

END

APPENDIX 1

West Lakes Appeal Decision

Appeal Decision

Site visit made on 25 April 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 May 2017

Appeal Ref: APP/Z0923/W/17/3167373

Westlakes Hotel, Gosforth, CA20 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs G Armstrong against the decision of Copeland Borough Council.
 - The application Ref 4/16/2163/001, dated 20 April 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the use of land for the erection of five dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the use of land for the erection of five dwellings at Westlakes Hotel, Gosforth, CA20 1HP in accordance with the terms of the application dated 20 April 2016, subject to the conditions set out below.

Application for costs

2. An application for costs was made by Mr & Mrs G Armstrong against Copeland Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The planning application is made in outline with all details reserved for later consideration.
4. In coming to my decision I have had regard to the recent judgment from the Supreme Court concerning the interpretation of paragraph 49 of the National Planning Policy Framework (the Framework) and its relationship with paragraph 14 of the Framework¹.

Main Issues

5. The main issues are i) the effect of the development on the character and appearance of the countryside and ii) whether the development would have acceptable access to services.

¹ [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

Reasons

Background

6. Policy ST2 of the Copeland Local Plan 2013 (LP) is concerned with the Council's Spatial Development Strategy. It seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location. The appeal site is close to but outside the settlement boundary of Gosforth, albeit that this settlement lies outside the District Council area and within the Lake District National Park. I have not been provided with any evidence to suggest that the proposed development must be sited in this rural location. Accordingly it would be in conflict with Policy ST2.
7. However, whilst the Council has stated in its representations that it is taking various steps to ensure that it is able to provide a five year supply of deliverable housing land, it does not specifically dispute the appellants' point that at this time it cannot demonstrate this level of supply.
8. In such circumstances, paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up to date. Therefore notwithstanding the objectives of Policy ST2 of the LP, in accordance with the Framework, it is necessary for the proposal to be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
9. In terms of promoting sustainable development in rural areas, the Framework is clear that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. It is therefore necessary to consider whether the development would represent an isolated group of homes that would be harmful to the character and appearance of the countryside and would not benefit from acceptable access to services and facilities.

Character and Appearance

10. The Westlakes Hotel is a grand and imposing building, located in a prominent corner position at the junction of the A595 and B5344 roads. Despite its separation from the Gosforth village core by the A595, the scale of the building gives it a strong sense of presence. Combined with its proximity to other buildings around the edge of the village and the recreation ground opposite, the hotel does not give the impression of being physically or visually isolated from the settlement.
11. The appeal site comprises an extensive area of lawn immediately adjacent to the south-west of the hotel and its associated rear wing. The topography of the site undulates, sloping away from the existing buildings to form a central dip, before rising again towards the south-western boundary.
12. The appellant has provided an indicative site layout plan and elevation drawings to demonstrate that the proposed dwellings could be restricted to two storeys in height and sited at a lower ground level compared with the hotel and rear wing. Taking this supporting information into account and from my visit,

where the surrounding landform and extensive boundary planting in place was evident, I am satisfied that the development could be substantially screened in relation to both short and long range views from the south-west along B5344 road. Whilst from longer range the upper parts of some of the buildings would be evident, this would be in the context of the taller more imposing hotel towards which the eye would tend to be drawn in any event.

13. The site would also be well screened from the village recreation ground on the opposite side of the A595 road, due to the presence of the hotel itself and substantial mature planting within its grounds. To the north of the village and west of the A595 there is an east-west bridleway. It would be possible, from this elevated route to gain views of the site. However any views would tend to be limited to fleeting glimpses through field hedges, and even then would be at distance. The visibility of the site would therefore be limited and would be seen as a relatively minor incursion that would not encroach within the skyline or interrupt the quality of long distance views towards the prominent fell landscape to the south-east. I am also mindful that the Lake District National Park Authority consider that the development would not result in harm to the setting of the Park.
14. Drawing the above considerations together, the proposed relatively minor development of the appeal site would have limited visual impact, being contained by the form of the wider landscape and strong boundary planting. It would be in close proximity to the hotel, which as a group of buildings would appear physically well related to the village rather than isolated development in the open countryside.
15. I therefore conclude that the proposal would not result in harm to the character and appearance of the countryside. Accordingly I find that the development would not conflict with Policy ENV5 of the LP or with the Cumbrian Landscape Character Guidance and Toolkit which seek to protect landscapes from inappropriate change.

Access to Services

16. There is no dispute between the parties that Gosforth benefits from a range of day to day services including a village shop, a school and recreational facilities. From my visit it was evident that the appeal site would be within reasonable walking distance of the village, albeit that the route would be substantially unlit and not linked by a completed and formalised footway. It would also necessitate crossing the busy A595 road where there is currently no pedestrian crossing point in place. As such it would not be universally regarded as safe and convenient at all times and third parties have raised highway safety concerns. Notwithstanding this, I note that the Highway Authority has not suggested that a pedestrian crossing should be required or provided evidence that the location is an accident blackspot. The Council has raised no objection to the proposal in principle on highway safety grounds subject to the imposition of conditions.
17. I accept that the convenience of private car use will always be an attraction, especially in more remote rural areas such as this. However I consider that the appeal site is in a location where the nearby village could be accessed on foot with reasonable ease. Accordingly a realistic sustainable transport choice is available which would allow for access to a range of essential services without needing to be totally dependent on a private car therefore helping to reduce

the need for travel. I conclude that the development would have acceptable access to services.

Other considerations

18. The development would also result in some job related benefits and support to businesses associated with the construction of the dwellings; would increase, to a limited degree, the range and choice of housing on offer in the area and future occupiers of the houses would, in all likelihood, increase expenditure in the local economy, albeit that these benefits would be limited due to the small scale of development involved.
19. Irrespective of whether the appeal site should be regarded as falling within the classification of previously used land, I have found that the proposal would be consistent with wider sustainability objectives. Whilst recognising that the Council seeks to prioritise development in the main towns where there is previously developed land and infrastructure capacity, for the above reasons I do not find conflict with Policy ST1 of the LP which seeks to set out the Council's strategic development principles. The development would also conform with Policies SS1, SS2 and SS3 of the LP which seek to generate sustainable housing growth and the delivery of a range and choice of quality homes. As previously acknowledged, the development would conflict with policy ST2 of the LP. However in the absence of a demonstrable five year land supply and given the aforementioned considerations, the location of the site outside a defined settlement boundary would not significantly and demonstrably outweigh the benefits I have identified above.

Other Matters

20. Some concerns have been raised by third parties. I have not been provided with any information to suggest that the development would interfere with the route of a proposed cycleway. The site is not in agricultural use and would not therefore result in the loss of valuable agricultural land.
21. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.

Conditions

22. I have considered the conditions suggested by the Council. Conditions requiring submission of all reserved matters, time limits for commencement of the scheme, compliance with approved plans and details of finished levels are required to protect the character and appearance of the area and to secure a satisfactory form of development. A condition requiring drainage details is required to ensure the satisfactory drainage of the site.
23. Conditions controlling the details and completion of visibility splays; turning and parking arrangements and the carriageway and footways are required in the interests of highway safety.
24. I have made alterations to and amalgamated the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in Planning Practice Guidance.

Conclusion

25. For the above reasons I conclude that the proposal would amount to the sustainable development for which there is a presumption in favour as set out in the Framework.
26. Therefore, having had regard to all other matters raised, I conclude that the appeal should succeed and planning permission be granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 16020-00; 16020-01.
- 5) No building hereby permitted shall be occupied until foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other

arrangements to secure the operation of the scheme throughout its lifetime.

- 6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) The carriageway and footways shall be designed and lit to a standard suitable for adoption in accordance with details to be previously agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development.
- 8) No development shall commence until visibility splays have been constructed in accordance with details to be previously agreed in writing by the local planning authority. The visibility splays shall be retained thereafter.
- 9) No dwelling shall be occupied until space has been laid out within the site for cars to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear, in accordance with details to be previously agreed in writing with the local planning authority. That space shall thereafter be kept available at all times for those purposes.

APPENDIX 2

Copeland Landscape Settlement Study Pt.3

Character Type:5D Urban Fringe

Area of Local Character 5Dvii Keekle Valley.

Settlement Study:

Cleator Moor

Key Characteristics and Qualities

The town sits above the Keekle Valley, within the setting of rising farmland to the north -the edge of open moorland character type. The landscape of the town and its environs is dominated by strong green infrastructure that runs through Cleator Moor and links the Keekle Valley to open countryside to the north.

Recent development has brought the town closer to Keekle village and the setting of Whitehaven, but a broad swathe of open countryside helps Cleator Moor to keep its separate identity and for landscape flow between moorland and valley to be retained. The town sits on the skyline above the Keekle valley. Although the boundary is harsh in some places and not well integrated into the surrounding landscape, it does not encroach into the bottom of the valley itself.

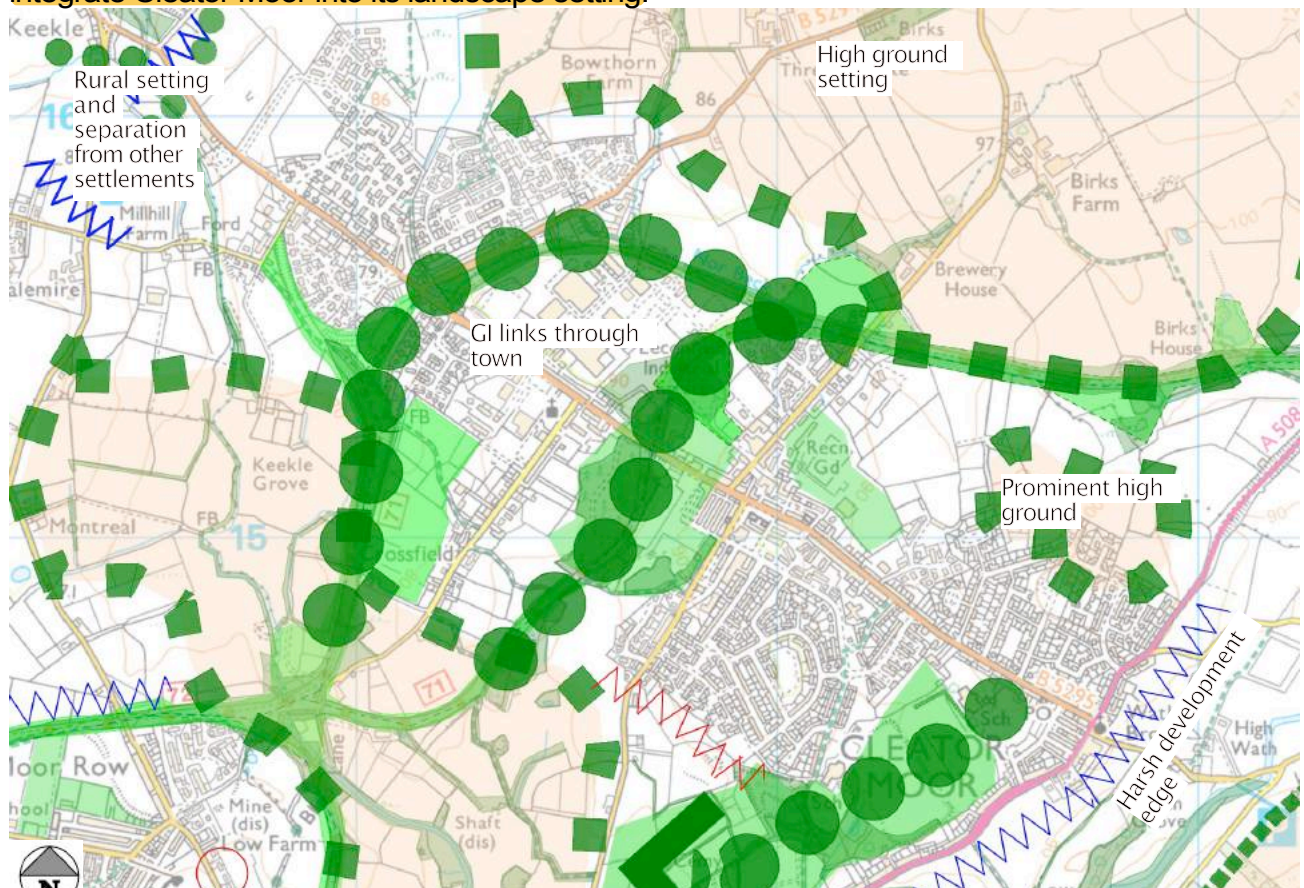
To the north, the Nor Beck valley and existing woodland along the old railway mark the edge of the village. Beyond this, land starts to rise steeply and becomes more rural in character, providing a pastoral backdrop for the settlement. The setting contains a number of isolated, individual farmsteads which contribute to its rural character.

Sensitivity

The rural setting of the town is sensitive to development encroaching northwards beyond the Nor Beck valley bottom or the existing woodland that defines the edge of the settlement. The links between the Keekle Valley and surrounding countryside are sensitive to development that reduces the prominence of existing green interconnections or that closes the gap between Cleator Moor and Keekle.

The rural character of the Keekle valley is sensitive to development that encroaches on it, although there is scope for development that helps to define the edge of the town and provides GI links between the village and surrounding countryside.

The Ehen Valley and setting of the Lakeland foothills is sensitive to development east of the A5086. There is scope for sympathetic development to the east of the main road to better integrate Cleator Moor into its landscape setting.



APPENDIX 3

Tetra Tech Traffic Survey

Our Ref: 784-B030858

Date: 29 July 2021

Mr S Blacker
SRE Associates

By email

Dear Simon

BELVEDERE, CLEATOR MOOR – ACCESS APPRAISAL

As requested, we have undertaken the necessary work to provide advice on access to your client's property at Belvedere, Wath Brow, Cleator Moor. The proposal is to construct one additional dwelling house in the grounds of the existing farm, utilising an existing access close to a bend on the C4017. An application was submitted (ref number 4/21/2202/001) to the LPA which received a no objection response from Cumbria Highways. The consultation response noted that the existing access would need to be widened to at least 4.1m for the first 10m so that two cars can pass without either having to wait on the public highway. It is noted that no visibility splays were provided with the application, therefore 215m has been requested as the C4017 is a national speed limit road. There is a condition included in the permission which states:

“The development shall not commence until visibility splays providing clear visibility of 215 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.”

Due to the width and alignment of the road, the presence of a footway, and the location of the access close to a bend drivers proceed at speeds considerably lower than the national speed limit, therefore 215m visibility splays are not appropriate. A speed survey has been undertaken and this letter summarises the results and calculates the visibility splays, thereby providing information to amend the condition.

The site is located to the east of Cleator Moor village, as shown in Extract 1 below.



Extract 1: Google Maps – Site Location

The site has an existing access from the C4017, as shown in Extract 2 below. The C4017 runs east from a priority junction with the A5086 Trumpet Road in Cleator Moor. It serves some residential properties, a number of farms and a few rural lanes, it also provides a connection to the nearby village of Ennerdale Bridge. In the vicinity of the site it is approx. 5.5m wide with a 1.8m footway on the southern side.



Extract 2: Google Streetview – Existing Access

A traffic survey was undertaken at the access by Traffic Sense Ltd. An Automatic Traffic Counter (ATC) was installed and recorded a full week of data between 20th and 26th July 2021, inclusive of both. The full ATC report is attached. The ATC recorded average 24-hour 85th percentile speeds of:

- 32mph westbound (travelling uphill)
- 31mph eastbound (travelling downhill)

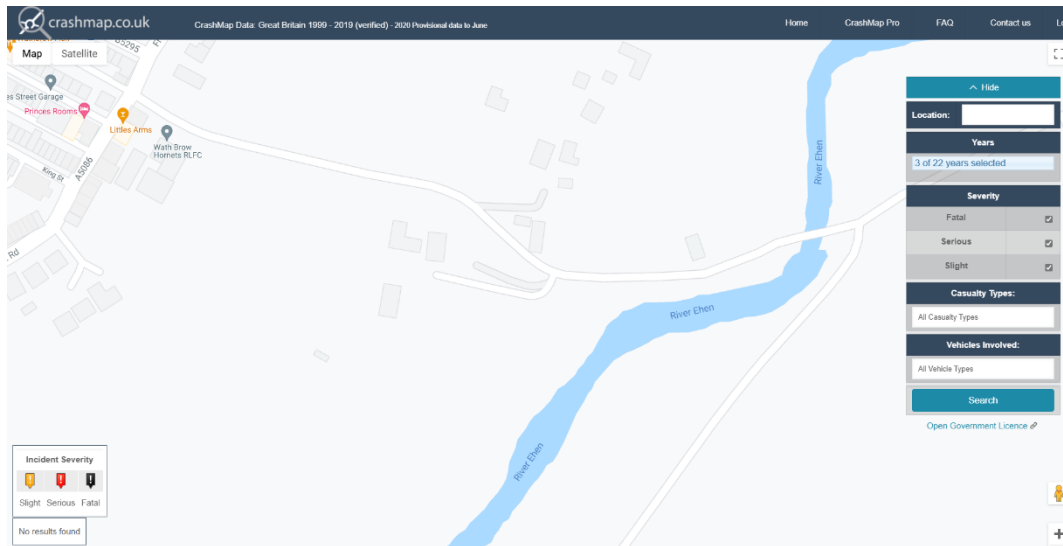
As the 85th percentile speeds are below 37mph, Manual for Streets has been used for determining the recommended visibility splays. There is an approx. 7% gradient on the road, this has been taken into account in the calculations. From a 2.4m set-back distance, the recommended visibility splays are:

- 41.1m to the left (looking downhill)
- 46.2m to the right (looking uphill)

Traffic volumes were recorded, with an average daily of 1531 vehicles, and an average of 60 vehicles in the AM peak hours. Using TRICS, 1 dwelling house would be expected at most to generate 1 trip in each network peak hour. This increase is immaterial and can be easily accommodated on the local road network.

The MfS recommended visibility splays are deliverable at the existing access, from a 2.4m set-back distance, as shown on the attached Tetra Tech Drawing 784-B030858/C001. The splays can be delivered wholly within first party land with the removal/relocation of the current boundary treatments.

From a review of Crashmap, it can be seen that the area local to the site access has a very good safety record. There have been no personal injury accidents reported in the area in the most recent 3-year period available, 2018-2020 inclusive, as shown in Extract 3 below.



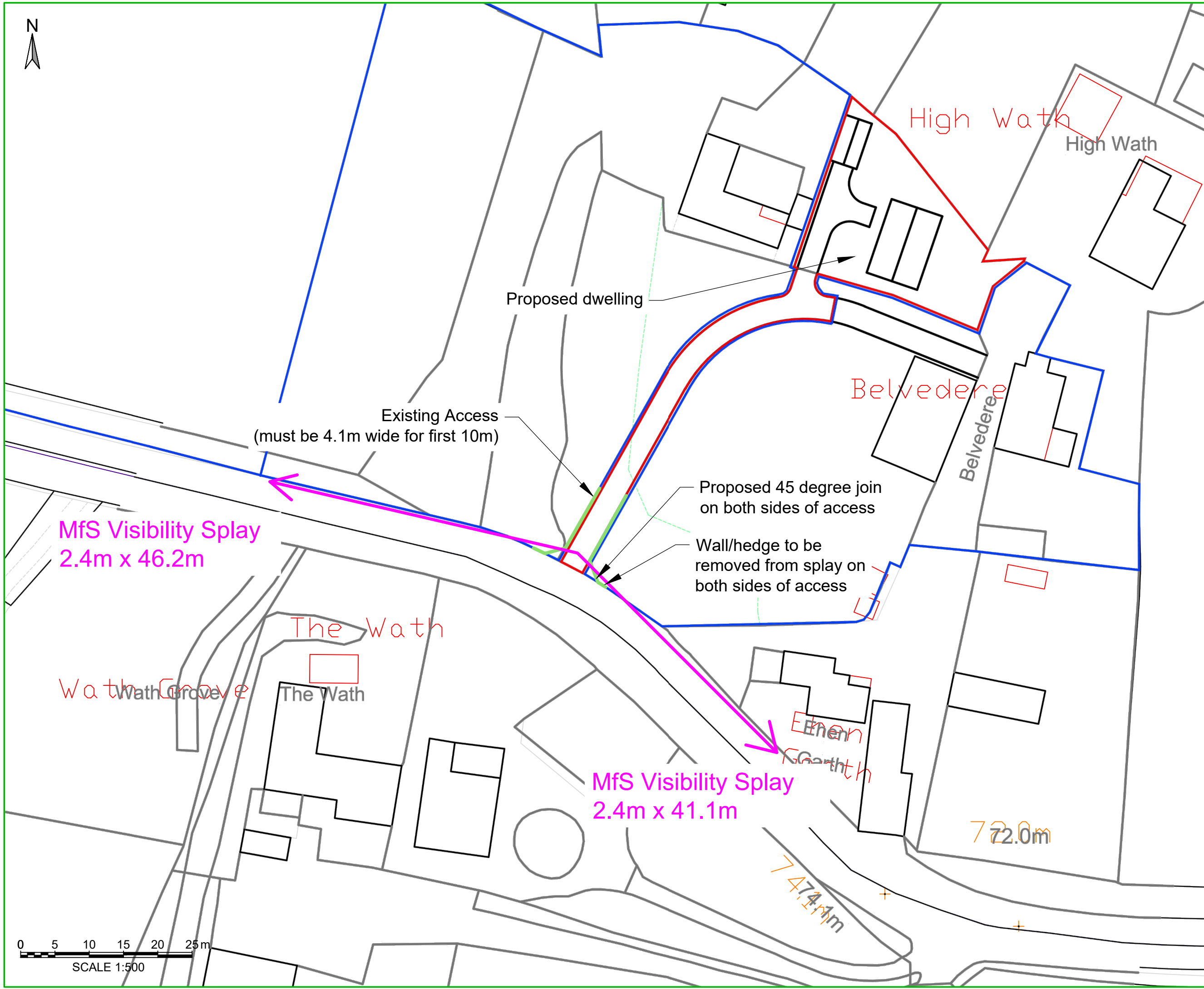
Extract 3: Crashmap – Reported Accidents

In conclusion, the appropriate MfS visibility splays for the recorded 85th percentile traffic speeds of 32mph and 31mph are calculated at 41.1m and 46.2m, taking account of the gradient. These can be provided from a 2.4m set-back distance within the first party land at the existing access; the planning condition should be amended accordingly. The existing access will be widened as per the consultation response.

Yours sincerely

Eleanor Bunn
Transport Planner
 For and on behalf of TetraTech Europe

Enc ATC results
 Tetra Tech Drawing 784-B030858/C001



- KEY**
- First Party Land
 - Red Line Boundary
 - Proposed Access Amendments
 - MfS Visibility Splays

Rev	Description	Date	By	App
01	FIRST ISSUE	29.07.2021	EB	AA, NB

Issuing Office
Tetra Tech Cockerthorpe
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 www.tetrateteurope.com



Client
SRE ASSOCIATES
 MR G COAN

Project Name
PROPOSED RESIDENTIAL DWELLING
BELVEDERE
CLEATOR MOOR

Sheet Title
PROPOSED ACCESS ARRANGEMENTS
& VISIBILITY SPLAYS

TTE Project Number	Drawn By	Date	Checked By	Date	Approved By	Date	Scale @	Stability
784-B030858	EB	Jul '21	AA	Jul '21	NB	Jul '21	A3 1:500	S0

Client Project Number: 784-B030858
 Originator: TTE - 00 - XX - DR - O - C001

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Tuesday 20/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for time (Tuesday 20/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Wednesday 21/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for time (Wednesday 21/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Thursday 22/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for time (Thursday 22/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Friday 23/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for time (Friday 23/07/2021, Hr Ending), vehicle classification (1-13), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Tuesday 20/07/2021, Hr Ending), vehicle speed (0-10, 11-20, 21-30, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, 61-70, 71-80, 81-120), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for time (Tuesday 20/07/2021, Hr Ending), vehicle speed (0-10, 11-20, 21-30, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, 61-70, 71-80, 81-120), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Wednesday 21/07/2021, Hr Ending), vehicle speed (0-10, 11-20, 21-30, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, 61-70, 71-80, 81-120), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for time (Wednesday 21/07/2021, Hr Ending), vehicle speed (0-10, 11-20, 21-30, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, 61-70, 71-80, 81-120), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Thursday 22/07/2021, Hr Ending), vehicle speed (0-10, 11-20, 21-30, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, 61-70, 71-80, 81-120), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

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Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for time (Friday 23/07/2021, Hr Ending), vehicle speed (0-10, 11-20, 21-30, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, 61-70, 71-80, 81-120), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for time (Friday 23/07/2021, Hr Ending), vehicle speed (0-10, 11-20, 21-30, 31-35, 36-40, 41-45, 46-50, 51-55, 56-60, 61-70, 71-80, 81-120), and total counts. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for Saturday 24/07/2021, VEHICLE CLASSIFICATION (1-13), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for Saturday 24/07/2021, VEHICLE CLASSIFICATION (1-13), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for Sunday 25/07/2021, VEHICLE CLASSIFICATION (1-13), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for Sunday 25/07/2021, VEHICLE CLASSIFICATION (1-13), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for Monday 26/07/2021, VEHICLE CLASSIFICATION (1-13), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

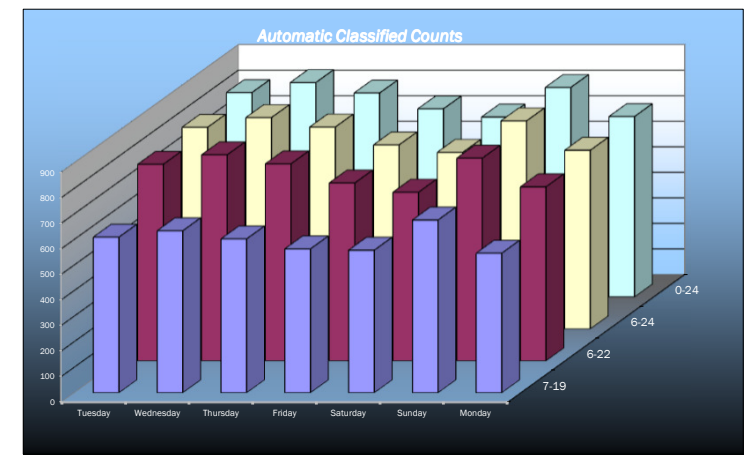
Table with columns for Monday 26/07/2021, VEHICLE CLASSIFICATION (1-13), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for VEHICLE FLOWS (Tuesday to Monday) and WEEK AVERAGE. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.



Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for Saturday 24/07/2021, VEHICLE SPEED (MPH) (0-10 to 81-120), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for Saturday 24/07/2021, VEHICLE SPEED (MPH) (0-10 to 81-120), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for Sunday 25/07/2021, VEHICLE SPEED (MPH) (0-10 to 81-120), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

Table with columns for Sunday 25/07/2021, VEHICLE SPEED (MPH) (0-10 to 81-120), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Table with columns for Monday 26/07/2021, VEHICLE SPEED (MPH) (0-10 to 81-120), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Direction : EASTBOUND

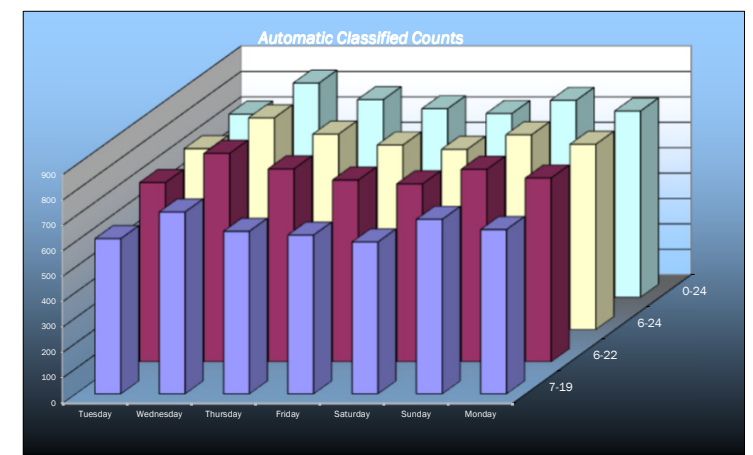
Table with columns for Monday 26/07/2021, VEHICLE SPEED (MPH) (0-10 to 81-120), and TOTAL. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.

Automatic Classified Counts

LOCATION: CLEATOR

Direction : EASTBOUND

Table with columns for EASTBOUND (Tuesday to Monday) and WEEK AVERAGE. Includes summary rows for 7-19, 6-22, 6-24, and 0-24.



Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

Hr Ending	AVERAGE SPEEDS						
	Tuesday 20-Jul-21	Wednesday 21-Jul-21	Thursday 22-Jul-21	Friday 23-Jul-21	Saturday 24-Jul-21	Sunday 25-Jul-21	Monday 26-Jul-21
1	28.0	33.0	29.3	31.5	27.2	30.5	33.0
2	33.0	33.0	-	24.3	33.0	-	-
3	-	15.5	-	31.8	-	-	-
4	25.5	29.3	25.5	33.0	33.0	-	25.5
5	33.0	29.3	33.0	33.0	33.0	-	-
6	27.4	29.0	27.4	27.0	33.8	34.7	22.4
7	22.4	27.0	23.9	28.4	26.8	27.6	33.0
8	24.4	30.7	24.6	25.5	29.3	24.3	28.2
9	27.0	26.4	27.3	25.8	27.2	24.8	26.8
10	25.0	27.6	26.4	25.4	24.9	25.3	27.4
11	26.4	27.0	26.1	25.5	24.9	23.9	25.0
12	24.4	27.3	22.6	27.9	25.0	20.8	28.5
13	24.2	26.9	24.3	24.7	24.0	25.3	24.2
14	23.6	25.1	24.2	26.6	23.6	26.9	25.5
15	26.4	26.1	25.5	26.3	26.2	26.2	26.3
16	26.7	26.1	25.5	26.8	25.5	27.2	24.8
17	26.8	26.2	25.0	25.3	25.2	25.8	25.8
18	26.8	26.1	25.1	26.4	25.8	21.8	26.8
19	24.0	24.8	25.7	26.1	26.5	27.5	24.2
20	24.8	25.9	26.2	25.0	25.5	26.9	24.7
21	26.3	27.1	26.1	26.4	27.1	28.2	26.4
22	26.3	26.9	26.3	26.8	25.3	27.2	26.4
23	27.6	24.2	24.8	26.1	28.1	29.8	26.2
24	30.5	24.3	33.0	28.0	29.0	33.8	29.1
10-12	25.4	27.2	24.4	26.7	25.0	23.3	25.8
14-16	25.5	26.1	25.5	26.5	25.8	26.7	25.8
0-24	26.5	26.8	26.3	27.2	27.3	27.2	26.5

Hr Ending	85TH PERCENTILE						
	Tuesday 20-Jul-21	Wednesday 21-Jul-21	Thursday 22-Jul-21	Friday 23-Jul-21	Saturday 24-Jul-21	Sunday 25-Jul-21	Monday 26-Jul-21
1	32.3	-	-	40.6	34.9	34.8	33.0
2	-	-	-	36.6	33.0	-	-
3	-	-	-	40.6	-	-	-
4	25.5	34.6	-	33.0	-	-	-
5	-	34.6	-	-	-	-	-
6	31.1	37.8	31.1	30.4	41.1	37.6	34.2
7	30.1	30.4	31.3	36.4	29.8	31.3	33.0
8	30.6	35.3	31.4	32.7	30.4	27.7	29.9
9	31.3	31.5	31.7	30.1	32.4	28.6	29.8
10	33.7	32.3	34.9	31.4	29.7	30.8	32.9
11	31.3	31.5	30.5	32.2	27.9	28.6	31.5
12	30.0	32.1	30.7	31.0	27.9	32.0	32.0
13	30.0	32.4	31.4	29.0	29.2	30.4	29.8
14	30.0	33.0	30.1	32.1	28.8	32.3	32.0
15	30.9	31.3	31.0	31.9	30.2	30.3	30.3
16	31.0	30.4	30.8	31.1	31.1	31.5	31.9
17	32.4	30.0	30.6	31.9	30.0	32.8	32.3
18	31.9	30.6	32.0	31.0	30.8	33.5	31.8
19	29.5	30.0	29.5	30.4	31.8	31.7	29.4
20	30.8	30.1	31.7	30.8	30.8	32.5	30.3
21	31.6	31.3	30.6	32.7	31.0	32.8	32.4
22	30.4	30.1	31.4	30.3	30.3	30.8	30.8
23	33.4	29.3	31.2	31.9	32.3	34.5	32.1
24	43.4	36.6	33.0	32.3	33.6	42.6	40.2
10-12	31.1	31.8	30.6	31.8	28.9	28.2	31.6
14-16	31.0	30.8	30.9	31.8	30.7	30.9	30.1
0-24	31.5	32.1	31.5	32.6	31.4	32.1	31.9

7 DAY AVERAGE SPEED	26.8
7 DAY AVERAGE 85th PERCENTILE	31.9
5 DAY OFF PEAK AVERAGE SPEED	25.9
5 DAY OFF PEAK AVERAGE 85th PERCENTILE	31.1

survey and presentation by [trafficsense Ltd.](#)

Automatic Classified Counts

LOCATION: CLEATOR

Direction : EASTBOUND

Hr Ending	AVERAGE SPEEDS						
	Tuesday 20-Jul-21	Wednesday 21-Jul-21	Thursday 22-Jul-21	Friday 23-Jul-21	Saturday 24-Jul-21	Sunday 25-Jul-21	Monday 26-Jul-21
1	-	48.0	-	33.0	27.4	25.5	28.0
2	-	-	-	-	26.1	31.8	-
3	33.0	43.0	-	25.5	-	-	-
4	-	-	-	15.5	-	-	-
5	25.5	25.5	25.5	23.0	25.5	19.3	-
6	25.5	26.8	26.9	27.0	30.0	27.4	25.5
7	22.8	29.0	24.0	23.0	25.9	23.3	24.4
8	24.8	25.3	25.3	24.3	24.1	24.7	25.8
9	26.9	28.5	26.8	22.8	24.1	24.3	26.3
10	27.0	27.8	26.7	24.7	23.5	22.3	25.5
11	23.6	27.4	24.8	21.5	24.5	22.1	24.7
12	24.3	27.7	23.8	22.1	24.3	22.3	25.1
13	24.4	28.6	24.2	23.9	22.7	25.3	25.4
14	23.6	29.4	23.8	23.4	23.6	28.4	26.3
15	24.1	23.1	23.7	23.8	23.5	28.5	24.5
16	27.8	22.4	23.2	23.3	21.0	27.5	28.0
17	27.4	23.8	23.4	23.7	22.6	27.2	27.8
18	26.6	24.4	23.6	22.9	22.9	29.2	28.5
19	26.2	23.5	25.5	23.1	23.7	29.0	25.3
20	26.1	23.4	23.9	24.1	24.8	29.0	25.1
21	26.7	26.8	25.6	24.6	24.0	26.9	28.7
22	27.5	29.3	23.4	27.3	25.2	28.5	26.1
23	30.5	27.5	27.4	26.4	30.1	22.6	29.3
24	33.0	29.3	38.0	25.5	29.7	25.5	33.0
10-12	23.9	27.5	24.3	21.8	24.4	22.2	24.9
14-16	25.9	22.7	23.4	23.6	22.3	28.0	28.3
0-24	26.7	27.9	25.4	24.5	25.0	25.9	26.6

Hr Ending	85TH PERCENTILE						
	Tuesday 20-Jul-21	Wednesday 21-Jul-21	Thursday 22-Jul-21	Friday 23-Jul-21	Saturday 24-Jul-21	Sunday 25-Jul-21	Monday 26-Jul-21
1	-	-	-	43.6	31.1	-	32.3
2	-	-	-	35.3	40.6	-	-
3	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-
5	25.5	-	25.5	28.0	-	38.7	-
6	33.1	29.8	32.4	30.4	34.1	31.1	-
7	27.4	33.6	28.8	27.6	30.3	27.7	27.7
8	29.1	29.2	29.0	28.3	28.4	29.4	31.1
9	32.0	32.6	31.5	28.0	29.3	29.2	29.2
10	31.6	31.8	30.8	29.6	27.9	28.0	29.1
11	28.7	31.2	29.5	27.8	28.7	27.7	29.9
12	29.4	32.2	29.1	28.2	29.2	28.2	29.1
13	29.1	33.3	29.1	28.2	28.2	29.7	27.9
14	29.2	33.9	30.0	29.7	29.0	32.8	29.0
15	28.0	29.4	27.9	28.5	28.2	32.7	29.5
16	32.8	27.9	29.0	28.7	26.4	31.9	32.6
17	32.4	28.9	29.0	28.4	28.2	30.8	32.5
18	34.0	28.4	28.3	29.7	28.9	34.5	33.4
19	29.4	29.2	30.3	29.0	28.7	33.6	29.8
20	29.7	28.3	28.6	31.1	29.3	34.5	29.8
21	33.2	32.0	28.1	33.3	28.1	33.2	33.3
22	33.5	30.9	28.3	34.2	29.9	35.9	30.6
23	34.8	36.1	33.9	29.1	35.4	27.5	34.6
24	49.2	33.3	-	25.5	36.9	25.5	49.2
10-12	29.0	31.7	29.3	28.0	29.0	28.0	29.5
14-16	30.4	28.6	28.5	28.6	27.3	32.3	31.0
0-24	31.6	31.1	29.4	29.6	30.1	31.6	31.6

7 DAY AVERAGE SPEED	25.0
7 DAY AVERAGE 85th PERCENTILE	30.7
5 DAY OFF PEAK AVERAGE SPEED	24.4
5 DAY OFF PEAK AVERAGE 85th PERCENTILE	29.5

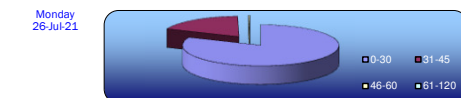
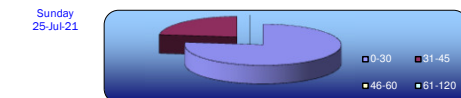
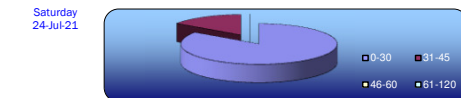
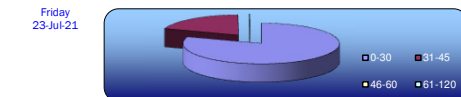
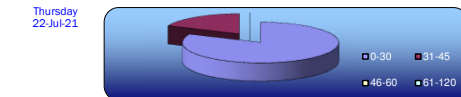
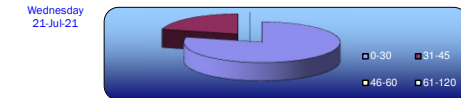
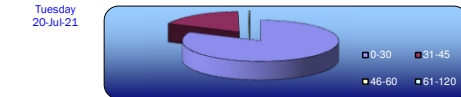
survey and presentation by [trafficsense Ltd.](#)

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

SPEED (MPH)	SPEED SUMMARY						
	Tuesday 20-Jul-21	Wednesday 21-Jul-21	Thursday 22-Jul-21	Friday 23-Jul-21	Saturday 24-Jul-21	Sunday 25-Jul-21	Monday 26-Jul-21
0-30	555	662	652	591	596	630	574
31-45	143	177	146	144	108	190	130
46-60	2	0	0	1	0	0	2
61-120	0	0	0	0	0	0	0
TOTAL	800	839	798	736	704	820	706



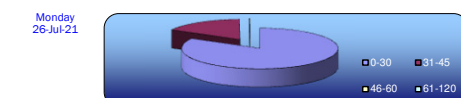
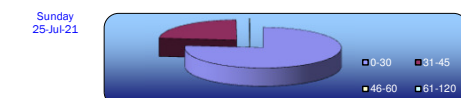
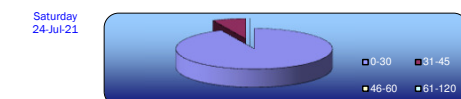
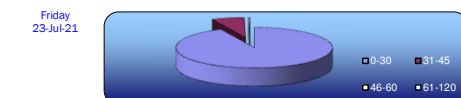
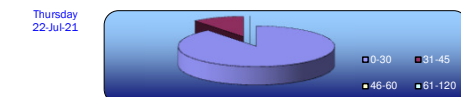
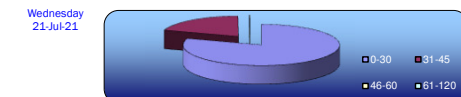
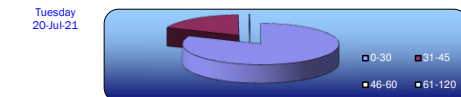
survey and presentation by [trafficsense Ltd.](#)

Automatic Classified Counts

LOCATION: CLEATOR

Direction : EASTBOUND

SPEED (MPH)	SPEED SUMMARY						
	Tuesday 20-Jul-21	Wednesday 21-Jul-21	Thursday 22-Jul-21	Friday 23-Jul-21	Saturday 24-Jul-21	Sunday 25-Jul-21	Monday 26-Jul-21
0-30	586	675	695	690	673	593	609
31-45	134	167	83	50	50	181	123
46-60	1	1	0	2	0	1	1
61-120	0	0	0	0	0	0	0
TOTAL	721	843	778	742	723	775	733



survey and presentation by [trafficsense Ltd.](#)

Automatic Classified Counts

LOCATION: CLEATOR

Direction : WESTBOUND

VEHICLE CLASSIFICATION	VEHICLE CLASSIFICATION				TOTAL
	CAR / LGV / CARAVAN	OGV1 / BUS	OGV2	OGV3	
20-Jul-21	522	0	0	0	522
7-19	530	78	1	0	609
6-22	671	96	2	0	769
6-24	688	99	2	0	789
0-24	695	103	2	0	800
21-Jul-21	530	102	2	0	634
7-19	530	119	2	0	651
6-22	685	119	2	0	806

APPENDIX 4

Design and Access Statement (Pre-application enquiry)

Design and Access Statement for Outline Planning

Application of Proposed Residential Development Cleator

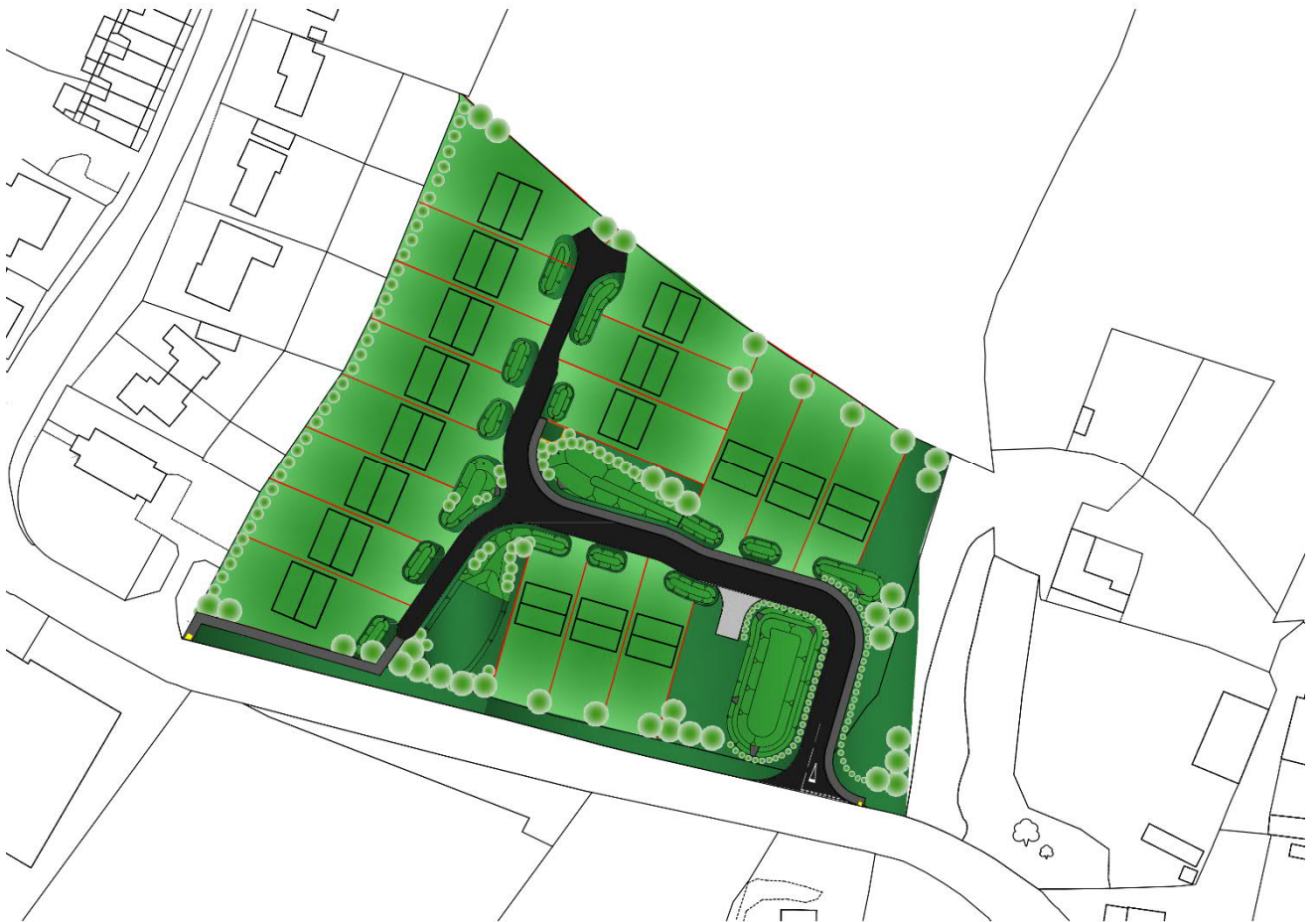


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1 Introduction

This design and access statement has been prepared to support the outline planning application for a residential housing development in Cleator.

The dwelling layout shown on the various drawings is a concept design for discussion with the local authority and to inform the surrounding residents of the intention of the development.

The current layout has been driven by the proposed SuDS scheme, it was necessary to provide a fairly well-developed SuDS scheme at this stage, to ensure the development fitted around the SuDS and not the opposite, see Section 4.4 for more details on the SuDS.

It is our client's intention to provide serviced plots which will then be sold as individual self-build dwellings. The design and appearance of the dwellings will be managed using a design code, which is a legally binding document stipulating various key parameters that must be adhered to. This ensures a reasonably consistent architecture throughout the development. Key parameters, e.g., maximum storeys, colour of roof, wall finish will be determined as part of reserved matters.

2 Use

The development will be residential only.

3 Amount

The current layout shows 17No. dwellings, final number and layout will be determined through discussion with the local authority as part of reserved matters.

4 Layout

4.1 Topography

The development slopes down west to east, with an approximate change of level of 10m across the site, a 1 in 12 approximate fall, the development area is 1.15ha.

4.2 Access Road

Access to the development is located close to the existing access at the southeast corner, (the lowest part of site), the road then turns west round the edge of the main detention pond, before ascending east to west through the development and then branching off north and south to provide access to the dwellings located along the western boundary, (the highest part of site), see drawings 1005-PL-001 and 1005-PL-002.

The road will be designed in accordance with Cumbria Development Design Guide, with ease of movement of the various residents through the development a priority. A refuse collection area has been provided to avoid the need for the refuse vehicle to travel to the northern edge of the boundary. Where the access road branches north and south provide a suitable turning area for the refuse vehicle. A turning head has been provided for emergency vehicle access at the end of the access road on northern edge of the boundary, see drawing 1005-PL-004 for site layout.

Surface will be drained using swales that link 4No. detention ponds situated around the development, see drawing 1005-PL-004 for drainage layout.

4.3 Dwellings

The layout starts at southeast corner consisting of 3No. detached dwellings along the south boundary, 8No. detached dwellings along the high western edge of the development, which is a similar density of the existing 6 dwellings that overlook the development. 3No. detached dwellings perpendicular to the north edge of the boundary and finally 3 detached dwellings along the northern edge of the boundary, see drawings 1005-PL-001 and 1005-PL-002.

The site topography descends west to east, which helps minimise the impact on the current view of the existing 6 dwellings. To further protect the view of the existing 6 dwellings, the proposed 8 dwellings, sited along the western boundary, will be split level, with single storey rear elevations, which is in keeping with the existing bungalows that overlook the site.

With above ground SuDS being utilised for the access road surface water drainage, there will be no surface water pipe conveyance system available to the dwellings, encouraging the use of above ground sustainable drainage solutions e.g., rain gardens, rain harvesting, helping to set the theme of sustainability as the preferred approach throughout all aspects of the development.

4.4 Surface Water Drainage

There will be no piped conveyance surface water infrastructure upstream of the flow control manhole, which is located close to the access road entrance, see drawing 1005-PL-004 for layout. On site surface water drainage will be provided purely by SuDS elements, consisting of rainwater harvesting, rain gardens, swales, channels and detention ponds. The suitability of soakaways will be determined once ground investigations have been undertaken.

The main SuDS elements to be provided as part of the services infrastructure installation, will be the swales and the detention ponds. The swales are adjacent to the dwelling driveways and access road and are the link between the detention ponds. The 4No. detention ponds consist of the main pond situated directly upstream from the flow control manhole, and 3No. secondary detention ponds installed further upstream, which help to slowdown the movement of the surface water flowing across the development. Detailed design of the SuDS components as well the maintenance plan will be undertaken as part of reserved matter.

The development location has been checked for flooding and is within flood zone 1 with a low probability of flooding, see Appendix 1.

4.5 Recreational Area

A recreational area approximately 180m² will be provided, see drawing 1005-PL-002 for layout, this space is another great opportunity to improve the green infrastructure and bring the residents closer to nature.

From a health and safety standpoint, the close proximity of the main road that runs adjacent to the south boundary, is a concern with children making use of the recreational area. Possible solution would be a gate at the development boundary, closing off the footpath and providing controlled access and egress, details of which will be covered as part of reserved matters.

4.6 Foul Water Drainage

With the mains sewer 200m away from the entrance of the development, see Appendix 2 for the layout of the foul water mains; a sewage treatment plant is the preferred solution for the foul water drainage. A discharge permit will be sought from the Environmental Agency as part of reserved matters.

5 Scale

The development area is 1.15ha, 17No. dwellings are proposed, therefore the number of dwellings per hectare is 14.7, which is low density and in keeping with the existing dwellings located east, west and south of the development.

To minimise the impact on the existing 6 dwellings along the west boundary, the 8 proposed dwellings located on western boundary will be split level, a 2-storey front elevation and single storey to the rear. All other proposed dwellings will be 2-Storey front and back, the dwelling footprints shown on drawing 1005-PL-002 consist of 9.5m front and rear elevations and 8.5m side elevations.

6 Landscaping

The abundance of green and blue infrastructure is an excellent opportunity to provide a rich and biodiverse environment for the residents, an essential part of creating a high quality and enjoyable urban space.

The ponds and the recreational area are key components in providing a meaningful greenspace, allowing the landscape design to have maximum impact, by creating a space that wildlife can flourish in, and residents can enjoy a healthy and relaxing environment.

A detailed landscape design will be undertaken as part of reserved matters.

7 Appearance

The architecture of the dwellings will be in keeping with the local vernacular and will be detailed within the design code as part of reserved matters.

8 Access

8.1 Pedestrian

There will be pedestrian only access at the southwest of the development, this reduces the distance to local amenities considerably for some residents. There is a slight health and safety concern with the footpath being so close to the recreational area, increasing the risk of a child wandering out of the development. There is also the security aspect to consider, with the potential for non-residents accessing the development from the footpath. Initial thoughts are to install a gate which will help control access and egress, final details will be provided as part of reserved matters.

The main access located to the southeast of the development also provides pedestrian access and egress, and with the footpath terminating on the low side of the access road junction, the sight lines for crossing the road are much improved.

All footpaths will be constructed in accordance with Cumbria Development Design Guide.

8.2 Vehicle

The junction of the access road is located to the southeast of the development providing good sightlines along the existing C4017 in both directions. The existing highway has a 60mph speed limit which would require 215m sight lines which are not available with layout of the road. However, an access appraisal speed survey has been undertaken for a separate application, Ref No 4/21/2202/001, which found the 24-hour 85th percentile speeds to be 32mph westbound (travelling uphill) and 31mph eastbound (travelling downhill). The recommended visibility splays using the Manual for Streets and considering the approx. 7% gradient of the road, where 41.1m to the left (looking downhill) and 46.2m to the right (looking uphill). It can be seen from drawing 1005-PL-003 that those splays are achievable. See Appendix 3 for the Access Appraisal Report

The new junction will be constructed in accordance with Cumbria Development Design Guide.

Appendix 1



Flood map for planning

Your reference	Location (easting/northing)	Created
Call for Land	302873/514554	14 Jan 2020 6:55

Your selected location is in flood zone 1, an area with a low probability of flooding.

This means:

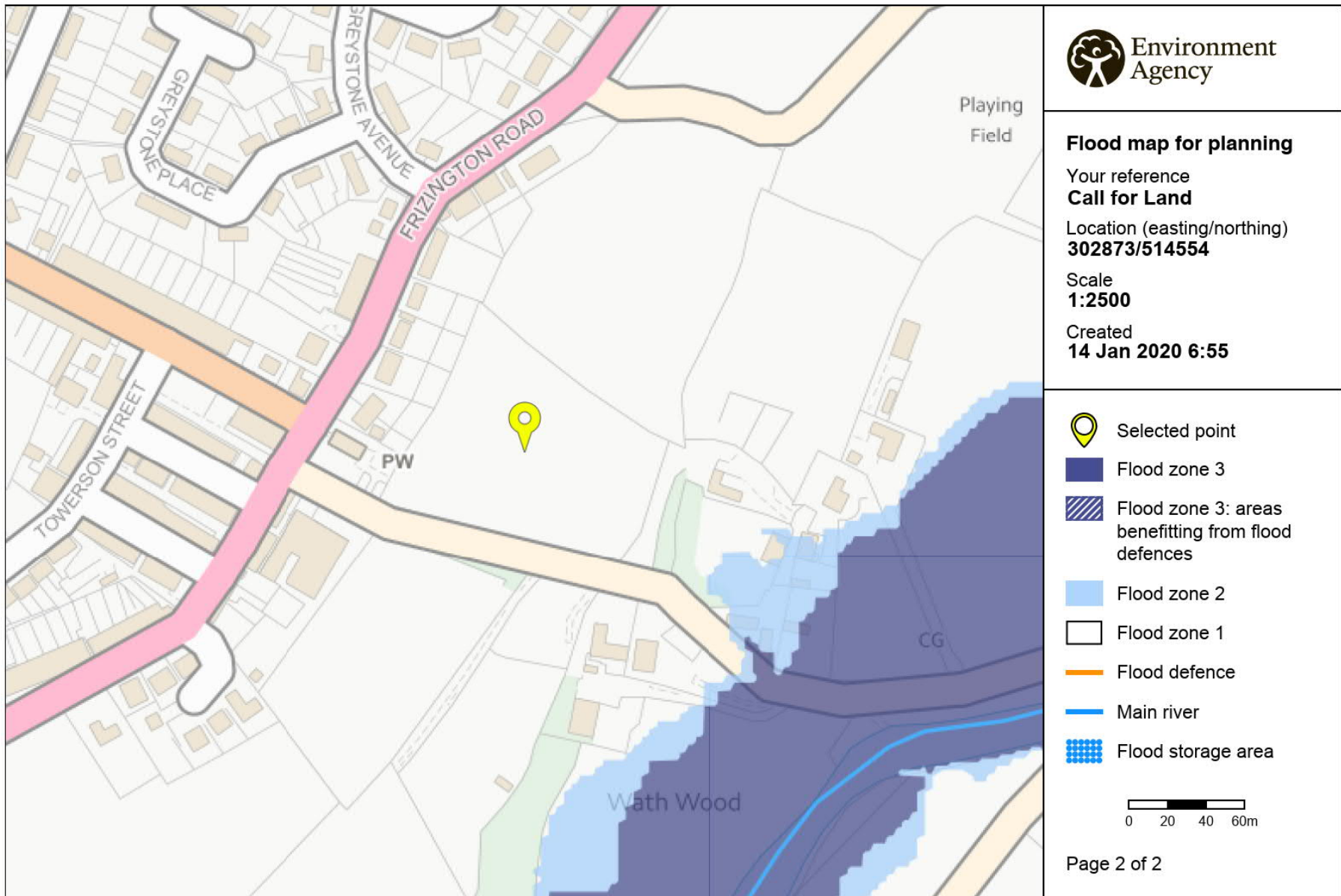
- you don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding
- you may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems

Notes

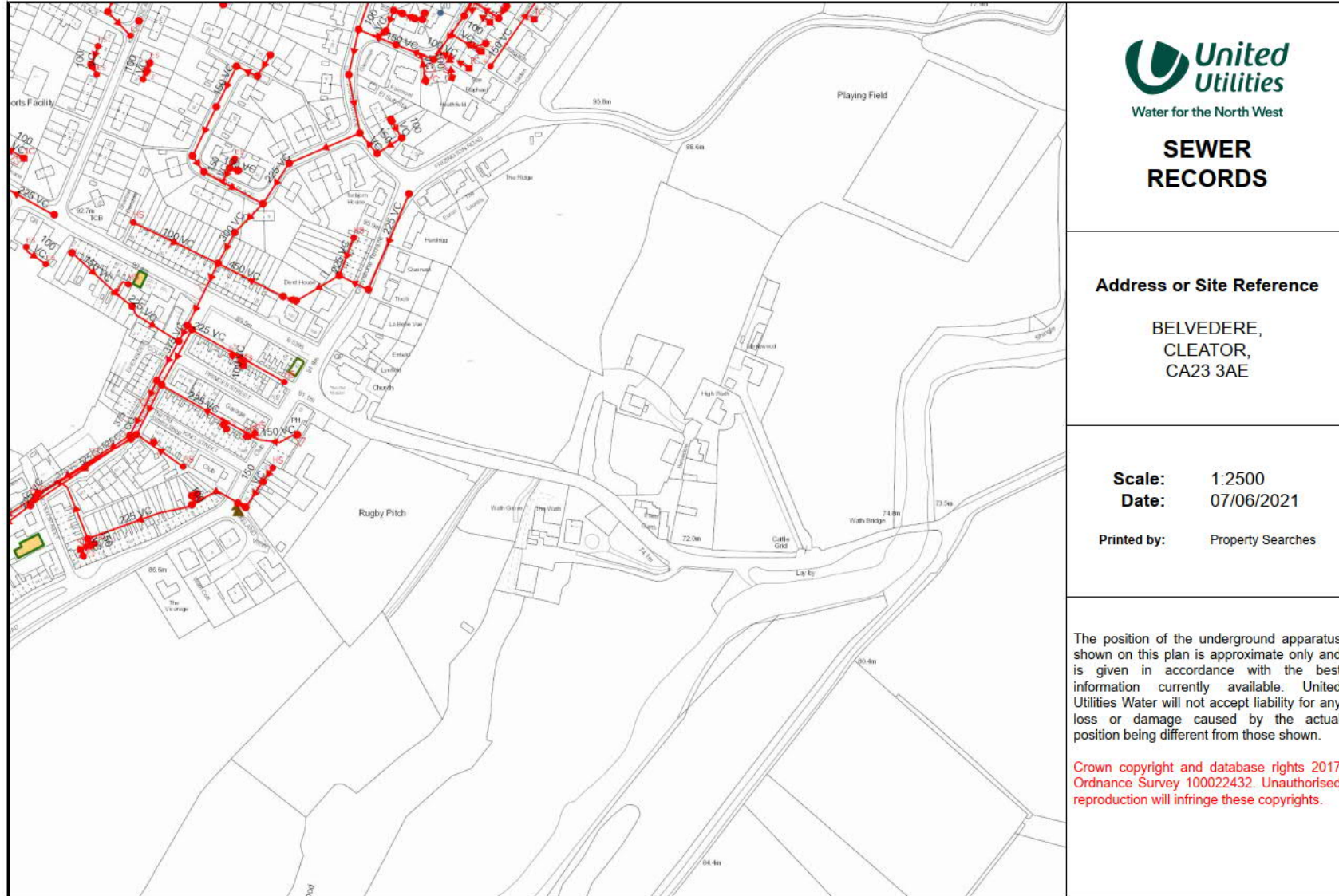
The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data. <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>



Appendix 2



Appendix 3



Our Ref: 784-B030858

Date: 29 July 2021

Mr S Blacker
SRE Associates

By email

Dear Simon

BELVEDERE, CLEATOR MOOR – ACCESS APPRAISAL

As requested, we have undertaken the necessary work to provide advice on access to your client's property at Belvedere, Wath Brow, Cleator Moor. The proposal is to construct one additional dwelling house in the grounds of the existing farm, utilising an existing access close to a bend on the C4017. An application was submitted (ref number 4/21/2202/001) to the LPA which received a no objection response from Cumbria Highways. The consultation response noted that the existing access would need to be widened to at least 4.1m for the first 10m so that two cars can pass without either having to wait on the public highway. It is noted that no visibility splays were provided with the application, therefore 215m has been requested as the C4017 is a national speed limit road. There is a condition included in the permission which states:

"The development shall not commence until visibility splays providing clear visibility of 215 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."

Due to the width and alignment of the road, the presence of a footway, and the location of the access close to a bend drivers proceed at speeds considerably lower than the national speed limit, therefore 215m visibility splays are not appropriate. A speed survey has been undertaken and this letter summarises the results and calculates the visibility splays, thereby providing information to amend the condition.

The site is located to the east of Cleator Moor village, as shown in Extract 1 below.



Extract 1: Google Maps – Site Location

The site has an existing access from the C4017, as shown in Extract 2 below. The C4017 runs east from a priority junction with the A5086 Trumpet Road in Cleator Moor. It serves some residential properties, a number of farms and a few rural lanes, it also provides a connection to the nearby village of Ennerdale Bridge. In the vicinity of the site it is approx. 5.5m wide with a 1.8m footway on the southern side.



Extract 2: Google Streetview – Existing Access

A traffic survey was undertaken at the access by Traffic Sense Ltd. An Automatic Traffic Counter (ATC) was installed and recorded a full week of data between 20th and 26th July 2021, inclusive of both. The full ATC report is attached. The ATC recorded average 24-hour 85th percentile speeds of:

- 32mph westbound (travelling uphill)
- 31mph eastbound (travelling downhill)

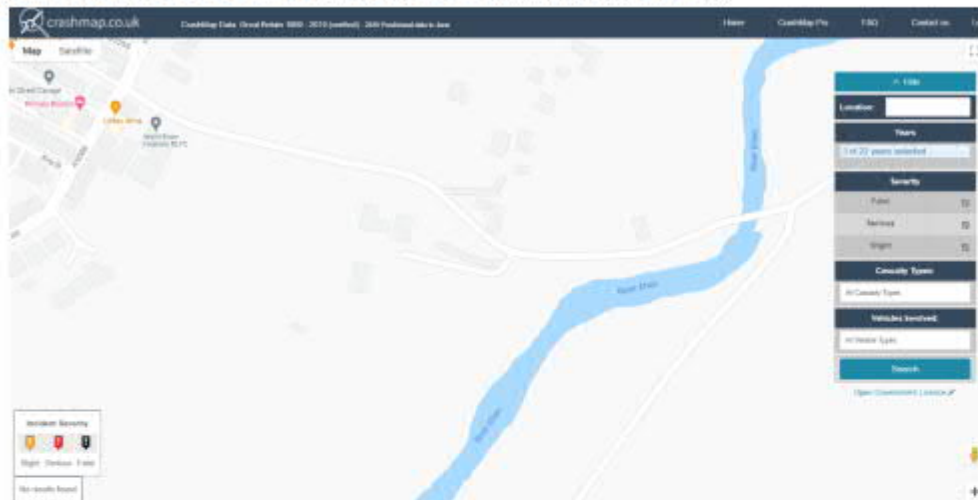
As the 85th percentile speeds are below 37mph, Manual for Streets has been used for determining the recommended visibility splays. There is an approx. 7% gradient on the road, this has been taken into account in the calculations. From a 2.4m set-back distance, the recommended visibility splays are:

- 41.1m to the left (looking downhill)
- 46.2m to the right (looking uphill)

Traffic volumes were recorded, with an average daily of 1531 vehicles, and an average of 60 vehicles in the AM peak hours. Using TRICS, 1 dwelling house would be expected at most to generate 1 trip in each network peak hour. This increase is immaterial and can be easily accommodated on the local road network.

The MfS recommended visibility splays are deliverable at the existing access, from a 2.4m set-back distance, as shown on the attached Tetra Tech Drawing 784-B030858/C001. The splays can be delivered wholly within first party land with the removal/relocation of the current boundary treatments.

From a review of Crashmap, it can be seen that the area local to the site access has a very good safety record. There have been no personal injury accidents reported in the area in the most recent 3-year period available, 2018-2020 inclusive, as shown in Extract 3 below.



Extract 3: Crashmap – Reported Accidents

In conclusion, the appropriate MfS visibility splays for the recorded 85th percentile traffic speeds of 32mph and 31mph are calculated at 41.1m and 46.2m, taking account of the gradient. These can be provided from a 2.4m set-back distance within the first party land at the existing access; the planning condition should be amended accordingly. The existing access will be widened as per the consultation response.

Yours sincerely



Eleanor Bunn
Transport Planner
 For and on behalf of TetraTech Europe

Enc ATC results
 Tetra Tech Drawing 784-B030858/C001

APPENDIX 5

Pre-application response



Mr Simon Blacker
10 Parklands Drive
Cockermouth
CA13 0WX

Please Contact: Sarah Papaleo
Officer Tel No: 07799131864
My Ref: PAA/22/0035
Date: 31 May 2022

Dear Mr Blacker

**LAND ADJACENT TO C4017, WATH BROW, CLEATOR MOOR
PROPOSED RESIDENTIAL DEVELOPMENT**

I refer to your request for pre-application advice which was received on 29th March 2022. I apologies for the delay in issuing a response.

I have now had an opportunity to review the site on the Councils GIS mapping system and the information submitted as part of the enquiry. I would advise that planning permission would be required for your proposal for the erection of 17 no. dwellings on a parcel of land adjacent to the C4017 in Cleator Moor.

Copeland Local Plan 2013-2028

I would advise that the following policies within the Copeland Local Plan 2013 – 2028 relevant to this proposal are as follows:

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy SS1 – Improving the Housing Offer
- Policy SS2 – Housing Needs, Mix and Affordability
- Policy DM10 – Achieving Quality of Place
- Policy DM11 – Sustainable Development Standards
- Policy DM12 – Standards for New Residential Developments

You can access the Copeland Local Plan 2013 – 2028 using the link below. This contains details of the relevant policies listed above.

http://www.copeland.gov.uk/sites/default/files/attachments/copeland_local_plan_2013_2028.pdf

Emerging Copeland Local Plan 2021-2038 (ECLP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Policy H8PU - Affordable Housing
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks
- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection

The site identified within your query lies outside of any designated settlement boundary, and as such, the proposal is in conflict with Policy ST2. Policy ST2 of the Copeland Local Plan 2013-2028 states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local

needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use. None of these exceptions have been identified in this case, therefore any planning application would be assessed as open market housing.

Notwithstanding the above, the policies in the adopted Local Plan must still be considered out of date and only some weight can be given to their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Publication Draft (ECLP) ended in March 2022. The ECLP will, once adopted, replace the policies of the adopted Local Plan. The ECLP has been drafted based upon an evidence base. The Strategic Housing Market Assessment (SHMA) calculates a housing need in Copeland over the plan period 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 Core Strategy.

The ECLP continues to identify Cleator Moor as a Key Service Centre reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP continues to identify the Application Site as very close to, but just outside of the revised settlement boundary for Cleator Moor. On this basis the proposed development is in conflict with the emerging policies and provisions of the ECLP.

Whilst the Local Plan has not yet been adopted, it can be given a reasonable amount of weight, based on the guidance provided by paragraph 48 of the NPPF.

SHLAA

The site has been assessed through the Copeland Strategic Housing Land Availability Assessment (SHLAA) process. The site is included in the SHLAA (2022) and is considered to be non-developable. This is due to its position in both the adopted and emerging Local Plans as being outside of the settlement boundary. Other reasons for the exclusion of this site include potential landscape impacts. The site is identified in the Copeland Landscape Settlement Study 2021 as having a strong landscape character. The settlement has a harsh edge at this point and this land has a strong landscape character which the study identifies should be protected and enhanced.

Housing Provision

The Five Year Housing Land Supply Statement (2021) demonstrates a 5.6 year supply of deliverable housing sites against the emerging housing requirement and an 86 year supply against the Government's standard methodology figure. Also, more than 150 homes have been built in Copeland annually over the past three years. communities.

Cleator Moor is identified in both the Local Plan and the ECLP as a "Key Service Centre". On this basis the ECLP identifies several sites within Cleator Moor that are to be taken forward as housing allocations. These sites would provide the required number of houses over the Plan period within Cleator Moor and are considered to provide more suitable extensions to the settlement than the site outlined in your pre application query.

Location and Landscape Impacts

The site is designated as subtype 5a: Lowland – Ridge and Valley within the Cumbria Landscape Character Toolkit. The general ethos of this advice for development is echoed within the Copeland Landscape Capacity survey, where the site is within the Mid Ehen Valley, criteria 5Avi. The site acts as a buffer between the settlement and the Lakeland fells and foothills. This document seeks to discourage further nucleation of the settlement pattern and ensure that any new development makes a contribution to the character of the area.

Although the site is considered to be sustainable and within a walkable distance along well lit pavements into the town centre of Cleator Moor, the site is sensitive to urbanisation as it currently creates a green gap between the built up town, the SSSI – the River Ehen and beyond towards the Lake District. The undeveloped site contributes positively to the character of Cleator Moor and the development would result in further urbanisation of this area with particular regard to views of the settlement on the approach from the east. The character of Cleator Moor in this particular area is of continuous linear development flanking the highway which lessens its impact within the landscape, leaving large areas of open green space and the development being seen in context with the existing highway infrastructure.

Summary

The Council can now demonstrate a five year supply of deliverable housing sites as identified in the Housing Land Supply Position Paper 2021. However, as stated above, one of the most important policies relating to the application is partly out-of-date, albeit for a different reason. The tilted balance is therefore engaged.

Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- I. “the application of policies in this Framework 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 this Framework taken as a whole”

The adverse impacts to the character and appearance of the landscape that would result from the development of this site would significantly and demonstrably outweigh any benefits that would result from the development in terms of housing provision.

On balance, with regards to the scheme submitted, it is unlikely that any application received would be supported at Officer level.

Should you require any further information, please do not hesitate to contact me at sarah.papaleo@copeland.gov.uk.

Response prepared by:	Date:
S. Papaleo Development Management – Planning Officer	12 th May 2022
Response checked by:	Date:
N.J. Hayhurst Head of Planning & Place	31 st May 2022

Please note that the advice in this letter is given in good faith on the basis of the information available at the present time. The advice may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.

END

E Telford B.A., B.Sc Principal