

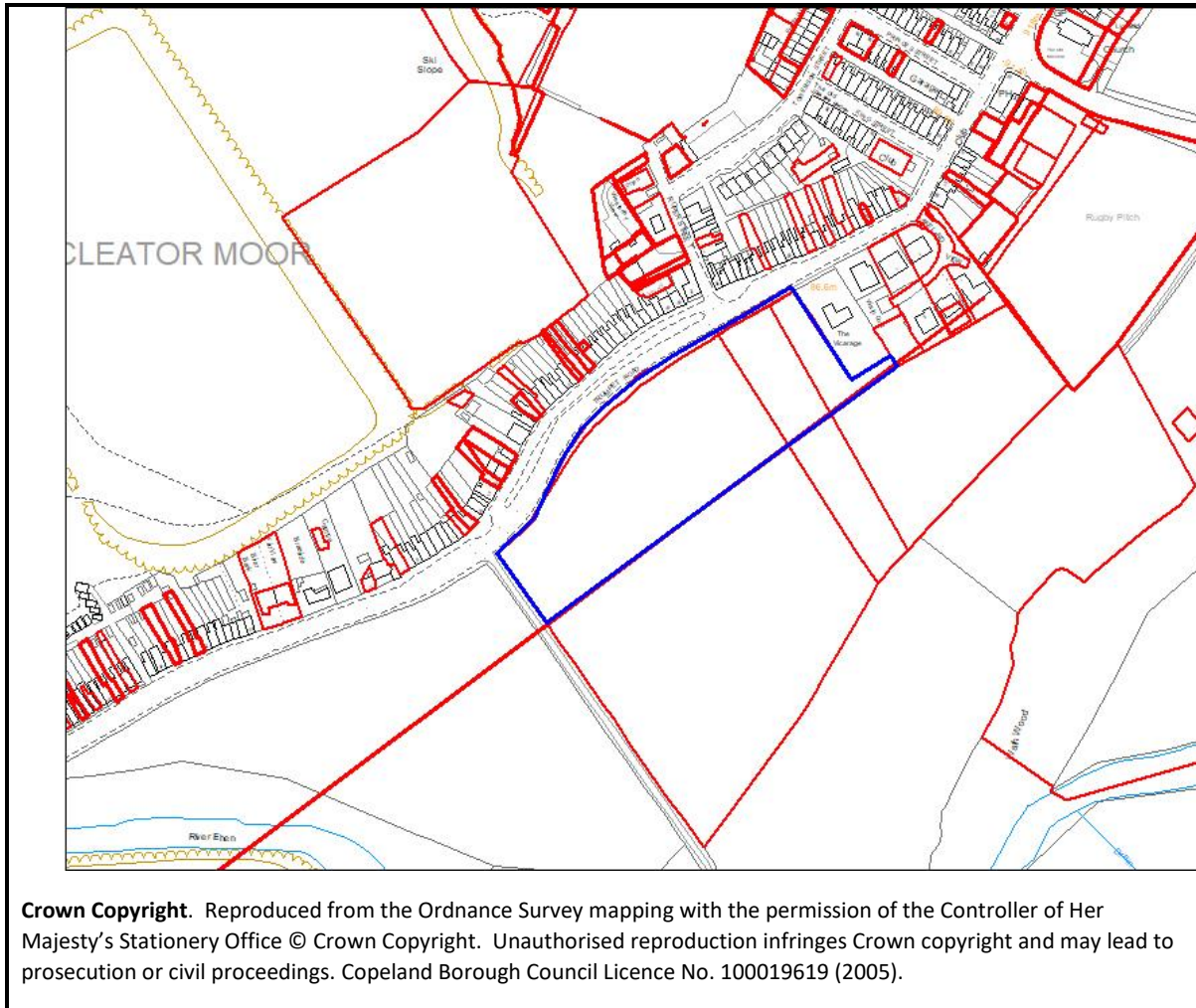


To: PLANNING PANEL

Development Control Section

Date of Meeting: 17/02/2021

Application Number:	4/20/2043/001
Application Type:	Outline : CBC
Applicant:	Mr and Mrs A Casson
Application Address:	LAND AT TRUMPET ROAD, CLEATOR MOOR
Proposal	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR 11 DWELLINGS INCLUDING ACCESS POSITION (RESUBMISSION)
Parish:	Cleator Moor
Recommendation Summary:	Approve in Outline



Reason For Determination By Planning Panel

The planning application is brought for consideration by Members of the Planning Panel due to the level of public interest in the planning application and as the proposals comprise a departure from the provisions of the Development Plan and the recommendation is to approve the application.

Introduction

The Application Site comprises an area of agricultural land extending to 1.19 hectares located to the south east of Trumpet Road, Cleator Moor.

The Site slopes gently from west to east and south to north.

The Site comprises part of a larger agricultural field enclosed by Trumpet Road to the north; an existing cul de sac of dwellings to the east; further agricultural land to the west; and, woodland to the south. The settlement of Cleator exists beyond the agricultural fields to the west.

The wider agricultural field rise to the more distant south at the foot of the fells and is enclosed by a combination of hedgerows.

The Site is located approximately 150m from the River Ehen SAC/SSSI.

Proposal

This application seeks Outline Planning Permission with some matters reserved for the erection of 11no. dwellings on land to the south east of Trumpet Road, Cleator Moor.

The matter of access is included within the application; however, the matters of layout, scale, appearance and landscaping are reserved for subsequent approval.

Access to the development is proposed via a new junction with Trumpet Road located at the midpoint of the site frontage connecting to a hammerhead from which shared surface access roads projecting east and west are proposed running parallel to Trumpet Road. A field gate providing access to the remainder of the field to the south is proposed from the junction with Trumpet Road.

An illustrative site layout drawing has been submitted in support of the application. This illustrative site layout plan does not comprise a part of the formal application, but details how the Site could be developed. The illustrative site layout plan details a linear development of detached dwellings with an active frontage facing onto Trumpet Road.

The planning application is accompanied by the following documentation:

- Application Form
- Location Plan – Drawing No. 17/07/914-01
- Existing Site Plan – Drawing No. 17/07/914-02
- Illustrative Site Plan – Drawing No. 17/07/914-03a)
- Design and Access and Planning Statement
- BRE365 Permeability Assessment – GEO2018-3181
- Flood Risk Assessment and Drainage Strategy - D/I/D/123136/01 Issue 4
- Flood Risk Assessment - REF: 17/07/914 – FRA
- Landscape and Visual Appraisal – Ref. M2901.LVA.12.17.01_C
- [Phase 1: Desk Top Study Report](#) – Ref. 2017-2787
- Preliminary Ecological Appraisal and Hedge Survey – Ref. OP-Trumpet Road– SCS17/09v1
- REVISED follow-up information provided on Great Crested Newt & eDNA results Letter – 16th July 2019
- Transport Advice Letter – Ref. A106115
- Landscape Architect Letter – Ref. M2901-Let-19.05-nf-V5

Relevant Planning Application History

Application Ref. 4/94/0950/0 – Residential Development – Withdrawn.

Application Ref. 4/18/2326/001 – Outline Application For Residential Development For 11 Dwellings Including Access Position – Refused.

The reasons for refusal of Application Ref. 4/18/2326/001 comprised:

- 1. The Application Site comprises an area of undeveloped land located on the periphery of the settlement of Cleator Moor. The open and undeveloped form of the land contributes positively to the character of the local landscape and the settlement character of Cleator Moor, with particular regard to the approach to the settlement from the east. The proposed development would result in the urbanisation of the Application Site, the loss of the open character of the Application Site and increase the sense of visual coalescence between Cleator and Cleator Moor to the detriment of the character of the local landscape contrary to the provisions of Policy ENV5 and DM26 of the Copeland Local Plan 2013-2028, Criteria J, K and L of the Copeland Borough Council Interim Housing Policy 2017 and Paragraph 170 of the National Planning Policy Framework.*
- 2. The Application Site is located within close proximity to and is visible from the nationally designated and highly sensitive landscape of the Lake District National Park. The proposed development would be directly visible from and would adversely affect views from the westernmost fells of the Lake District National Park. The proposed development would also partially obscure locally important views of the westernmost fells of the Lake District National Park from Trumpet Road. The proposed development is therefore contrary to the provisions of Policy ENV5 and Policy DM26 of the Copeland Local Plan 2013-2028, Criterion G of the Copeland Borough Council Interim Housing Policy 2017 and Paragraph 170 of the National Planning Policy Framework.*
- 3. Insufficient information has been submitted to demonstrate that the traffic generation from the development would not result in detrimental impacts on the capacity and safe functioning of the public highway contrary to the provisions of Policy DM22 of the Copeland Local Plan 2013-2028 and Paragraphs 108-109 of the National Planning Policy Framework.*
- 4. Insufficient information has been provided to demonstrate that the development will not result in detrimental impact upon Great Crested Newts which comprise a European Protected Species contrary to the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and Paragraph 175 of the National Planning Policy Framework.*

Consultation Responses

Town Council

No consultation response received.

Natural England

Our comments in response to Application Ref. 4/18/2326/001 requested a surface water drainage plan. This has been submitted and ensures surface water matches greenfield run-off rates and drains to a surface water drain. SuDS measures should be submitted at the Reserved Matters stage to show how contaminants will be removed from the surface water prior to discharge to the watercourse via the surface water drain.

We also advised that a CEMP, dust management plan and biosecurity plan be provided.

We note that the Design and Access Statement refers to the removal of invasive species on site (Himalayan balsam and Japanese knotweed) and that treatment will continue.

A CEMP including dust suppression measures should be submitted for approval prior to any construction work commencing.

We note that the site is not suitable for great crested newts.

The ecological mitigation and enhancements proposed in Section 5 of the submitted Preliminary Ecological Appraisal and Hedge Survey should be implemented. The proposal provides opportunities for a variety of biodiversity enhancements.

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here. How the proposal can deliver a biodiversity net gain should also be explored as this will soon become a mandatory requirement for development proposals via the Environment Bill.

Cumbria County Council - Highways

The subsequent changes to shared surface roads will require suitable transition arrangements for both the roads and footways, however these can be secured through condition and dealt with at a detailed design stage.

There are no objections to the proposed development from a highways point of view subject to the following conditions being imposed:

1. Condition – Details of the carriageway, footways, footpaths etc. to be submitted and approved. Details shall be designed, constructed, drained and lit to a standard suitable for adoption.
2. Condition - The development shall not commence until visibility splays providing clear visibility of 120m x 2.4m x 120m metres measured 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. To be retained clear for the lifetime of the development.

3. Condition – Details of ramps to be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines to be submitted, approved and implemented.

4. Condition - The access drive 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.

5. Condition - Access gates, if provided, shall be hung to open inwards only away from the highway.

6. Condition - There shall be no vehicular access to or egress from the site other than via the approved access.

7. Condition - Details of all measures to prevent surface water discharging onto or off the highway shall to be submitted, approved, implemented and retained for the lifetime of the development.

8. Condition - All matters relating to the layout of the site, parking and turning within the site shall reserved for approval at the detail planning stage.

10. Condition – Details of a Construction Traffic Management Plan to be submitted, approved and implemented for the period of construction.

11. Condition - Details of the relocated street lighting column and pedestrian crossing point across the public highway to be submitted, approved and completed prior to commencement of development.

Cumbria County Council - Local Lead Flood Authority

In accordance with the drainage hierarchy infiltration and discharge to water body have been investigated and ruled out, it is proposed to discharge surface water to the public surface water sewer located away from the site which has been agreed in principle with United Utilities at a forward pass rate of no more than 5L/s for all events.

It is noted that part of the site is shown to be liable to flooding on a 1 in 100 year storm event, the applicant is therefore requested to include this in an updated flood risk report identifying what mitigation measures they propose to adopt, also the climate change allowance should be 40% and not the 20% shown, this can be secured through condition.

There are no objections to the proposed development from a surface water point of view subject to the following conditions being imposed:

1. Condition – Prior to the commencement of any development the submission and approval of 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 and inclusive of how the scheme shall be managed after completion.

2. Condition - Details of a construction surface water management plan to be submitted, approved and implemented for the period of construction.

United Utilities

24th February 2020

Following our review of the email from Mr Glen Beattie of Alpha Design dated Mon 02/03/2020 at 08:33 proposing surface water discharging into River Keekle via public surface water drain, it is confirmed that the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

Planning Condition - No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul water shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

20th October 2020

Regarding the above development, our record shows that there is a 450mm diameter public surface water sewer near to the site.

United Utilities will consider a connection to the 450mm diameter public surface water sewer at a pass forward flow to be agreed by the Lead Local Flood Authority. United Utilities request that any agreed rate does not exceed 5l/s for any storm event.

Therefore, the suggested drainage condition mentioned in our response dated 24 February 2020 has been modified and shown below:

Planning Condition - Following our review of the email from Mr Glen Beattie of Alpha Design dated Mon 02/03/2020 at 08:33 proposing surface water discharging into the River Keekle via public surface water drain, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice: In the event of surface water draining to the public surface water sewer, the maximum pass forward flow rate to the public surface water sewer should not exceed 5l/s for any storm event. No surface water will be permitted to drain directly or indirectly into the public combined/foul sewer. Any variation to the discharge of foul water shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Flood and Coastal Defence Officer

6th February 2020

I have received the above application for consultation to the proposed development off Trumpet Road.

The application states that the surface water is to be discharged to a watercourse.

The drainage strategy states that infiltration is not suitable, that due to third party land ownership, depth and densely wooded areas, discharge to the River Ehen (some 300m) is not practical.

The drainage strategy that it is proposed to discharge the surface water to a UU surface water sewer some 400m to the south west of the site using a 150mm pipe laid in the public highway.

This route will actually come very close to the River Ehen.

United Utilities have submitted an email to the agent stating that under no circumstances should surface water discharge into the public sewer either directly or indirectly.

Given the lack of clarity over the disposal of the surface water, I am raising an objection to the proposed development.

14th February 2020

I just have a couple of queries about the Trumpet Road application.

Firstly, it is suggested that, if needed, cut off drains will be installed, which I agree would be a good idea. I'm just wondering where it is proposed that these would be drained to?

Secondly, and I may have missed this, is it proposed for the surface water and foul drainage systems to be adopted by UU?

2nd December 2020

I understand that although the surface water drainage system is to remain private it will discharge into a UU system before ultimate discharge into the River Ehen.

If this is the case then there could be an issue around the cut off drains going into the surface water system as UU won't accept land drainage into their systems.

It should be conditioned that a maintenance company be set up for the drainage systems and another condition for dealing with the creation of surface water during the construction phase. This could be incorporated into a construction management plan.

Copeland Borough Council – Housing Officer

This is an application for 11 dwellings for sale at market levels. At this stage of application the configuration of the dwellings is undefined but we would expect the majority of the dwellings to be at least three bedroomed based on the housing need of the area.

Cleator Moor has a large proportion of terraced and flat accommodation and so development of new family homes is welcome to attract new people into the area and offer choice to existing residents – provision of some 4 bedroomed properties would therefore be supported, as would consideration of bungalows.

Cleator Moor has historically had lower house prices, lower income levels and higher than average levels of social rented accommodation – and the current spatial framework plan proposed for Cleator Moor supports and encourages regeneration of the town which will contribute to the housing offer.

We recognise the high number of social housing properties in Cleator Moor and the oversupply of three bedroom dwellings generally in the social rented market. The affordability of property for sale in Cleator Moor is also evident from the estate agency websites.

SHMA's, along with our own research, have indicated low or negative need for affordable housing in Cleator Moor, however we would like to see at least one unit of affordable housing for sale considered as part of this development to ensure that we fulfil our commitment in the housing strategy to deliver housing for all residents, including those who are able to afford to rent property of this standard but not buy due to the need for large deposits and access to finance. This is a development which we would like to see made accessible to young families aspiring to live in such a quality home.

Consideration of lifetime standards would be welcome as part of the development to 'future-proof' the dwellings.

Copeland Borough Council – Environmental Health Officer

No consultation response received.

Lake District National Park Authority

No consultation response received.

Copeland Planning Policy Team

The application is a resubmission of 4/18/2326/001 which was refused against officer recommendation. The application is for 11 dwellings (outline).

Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies Document

The application site is outside, but adjoining, the Cleator Moor settlement boundary identified within the Core Strategy's Settlement Hierarchy, Figure 3.2. The site is therefore classed as being in an open countryside location. Cleator Moor is identified as a Key Service Centre.

The main policy relating to the application is Policy ST2 (Spatial Development Strategy). The parts of the policy that refer to the settlement boundaries are however out of date and can therefore be given limited weight. This is because the development of the emerging Local Plan has highlighted that extensions to the boundaries will be required to meet identified housing needs.

Draft Local Plan 2017-2035

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

The emerging Local Plan continues to identify Cleator Moor as a Key Service Centre and identifies a settlement boundary around the town. The site is outside but directly adjoining the proposed settlement boundary and would therefore continue to be classed as being in an open countryside location. The town's classification as a Key Service Centre is reflective of the number and type of services it contains.

In November 2020, the 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. In the longer term, the emerging Plan, Policy H4PO, anticipates a need for at least 1080 dwellings across all three key service centres between 2017 and 2035. The emerging Plan identifies a number of draft housing allocations which between them would provide 1065 dwellings based upon an indicative yield. When combined with sites which already benefit from planning permission, this will meet the identified need, however it should be noted that the 1080 figure is not a ceiling and additional housing will be supported where appropriate.

The applicant has made reference to how the proposal will help meet housing needs taking the Strategic Housing Market Assessment into consideration.

The proposal is contrary to draft Policy DS3PO as the site is outside an identified settlement boundary and the Council can demonstrate a 5 year supply. However as the Plan is at an early stage and there are outstanding objections to the relevant policies it can be given little weight at present.

NPPF

The NPPF requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is one such consideration.

The NPPF includes a presumption in favour of sustainable development with paragraph 11 stating that:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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 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.”

Criteria d is relevant as the parts of Policy ST2 relating to settlement boundaries are out of date and therefore the tilted balance is engaged. Given this, consideration should be given to whether criteria di or dii above are triggered.

Paragraph 78 of the NPPF states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality and viability of rural communities.”*

Paragraph 79 continues by stating that *“Planning Policies and decisions should avoid the development of isolated homes in the countryside”* unless certain circumstances apply.

Access to services

In terms of NPPF paragraph 79, the term “isolated” has been considered in two recent, local appeals.

In June 2019, an appeal was dismissed for planning application 4/18/2477/001 in the settlement of Lamplugh on the grounds that: *“The delivery of three additional dwellings within the Borough would not significantly and demonstrably outweigh the isolated nature of the proposed site with respect to services and facilities and its reliance on private car.”*

A further appeal in Lamplugh, application 4/19/2262/PIP was also dismissed in September 2020, again, on the basis of reduced accessibility to key services and facilities. This also refers to the lack of footpaths and adequate street lighting, further restricting accessibility.

Whilst the application site is currently classed as being within the open countryside, it directly adjoins a main road through the town and has good, safe pedestrian links to

services in both Cleator Moor and Cleator. The site is therefore not considered to be in an isolated location and development would therefore not be contrary to paragraph 79 of the NPPF.

In terms of paragraph 78, the development, given its links to both Cleator Moor and Cleator, would help support services in both settlements.

Landscape

The draft Settlement Landscape Character Assessment identifies this part of the town as having a strong landscape character which should be protected, and the proposed dwelling's gardens lie within landscape character area 5Avi (Mid-Ehen Valley) which is of a medium-high sensitivity. Development if approved should take the opportunity to soften and enhance the settlement edge.

Summary

The application is contrary to the parts of Core Strategy Policy ST2 relating to settlement boundaries, although these parts of the policy are now out of date. The proposal is also contrary to emerging Local Plan Policy DS3PO although this can be given little weight as the Local Plan is in its early stages and there are outstanding objections.

The tilted balance is engaged under Paragraph 11 of the NPPF therefore consideration needs to be given to whether the adverse impacts of the proposal *significantly and demonstrably* outweigh the benefits. If the landscape, highways and amenity impacts are found to be acceptable and the only impact is the conflict with the saved and emerging policy listed above, then this is likely to be outweighed by the benefits of the proposal, namely the provision of housing and the fact that the new development would help support rural services in Cleator Moor and Cleator.

Public Representations

At total of 103no. representations have been received in objection to the development. 81no. of the representations received comprise a standard letter signed by individuals/households.

The material planning issues raised comprise the following:

Principle of Development;

- The development is contrary to the provisions of the Development Plan.
- The proposed development lies outside of the settlement boundaries for Cleator Moor and Cleator as defined in the Copeland Local Plan 2013-2028.
- The Site comprises greenfield land and there are sufficiently available brownfield sites which should be utilised before greenfield sites are developed
- The proposed comprises urban sprawl.
- There is no need or demand for the proposed development. There are a large number of self-build plots and other market dwellings, which have not been sold.
- There is a need for affordable housing rather than executive homes.

- The development is in conflict with the provisions of Policy SS3 which requires affordable homes for everyone.
- Planning permission for the development of this site has previously been refused. The reasons for the refusal continue to be applicable to this application and have not been adequately addressed.
- The development would deliver little to no economic benefits locally.
- The development is not sustainable.
- The development is in conflict with the Tourism Action Zone Status initiative led by Local MP Trudy Harrison.
- The site was assessed as part of the preparation of the Copeland Local Plan 2013-2028, with it concluded that – ‘Development of this land for other purposes than promotion of or catering for tourism is contrary to Policy ER10’.

Settlement Character;

- The development will erode the green space between and result in the coalescence of Cleator and Cleator Moor.

Landscape and Visual Impacts;

- The development will result in harm to the character of the local landscape.
- The development is situated on pastureland and will be visually overbearing on the surrounding landscape of the areas.
- The development would encroach on the boundaries of the Lake District National Park World Heritage Site.
- The development would result in the loss of locally important view of Dent Fell and the Ennerdale Valley from Trumpet Road.

Residential Amenity;

- The development will result in overlooking of the residents of neighbouring residential properties.
- The development will result in increased noise, light and air pollution.
- The development will result in adverse impacts on the residents of the existing dwellings during construction through noise and air pollution.

Transport;

- The development will result in adverse impacts upon the safe operation of the highway.
- There are no existing measures controlling or limiting the number and speed of vehicles on the A5086 despite enquiries from local residents. The proposed development will add to this existing issue.
- Uncontrolled and uncoordinated construction traffic will exacerbate the existing parking issues on Trumpet Terrace.

- The construction will impact on the existing bus stops which provide important links to Egremont.
- The submitted Transport Statement is inadequate. The Transport Statement submitted in support of Planning Application Ref. 4/18/2326/001 confirmed the existence of road speeds of 39mph on the A5086. This information is not included in the Transport Statement submitted in support of this application. Given the identified excess speeds and the increased use of the B5086, the impacts of the development on the highway network would be severe in conflict with the provisions of the National Planning Policy Framework 2019.
- The A5086 is unsuited to further development. The highway already carries an excessive volume of traffic to the A595 and it has seen an increase in use and congestion issues following the approval of the 600 space park and ride scheme at Cleator Mills.

Biodiversity;

- Japanese Knotweed is present on site.
- The development will have a detrimental impact upon local wildlife.
- The loss of hedgerows will result in the loss of existing habitat.
- Protected species including Great Crested Newts and Red Squirrels are present on the site.
- The Ecology Report is incorrect. The identified ponds are not part of a fishing complex as this was dismantled 8-9 years ago.

Amenities;

- There is a lack of local amenities to accommodate additional population including education provision.

Flood Risk;

- *Surface water flood is a problem on the Site and adjacent highway.*
- *The proposed development will exacerbate the existing issues of flood risk.*
- The sewerage system is at maximum capacity. Further houses will create a strain on the system.

Miscellaneous;

- The development will not deliver community benefits.
- The proposal will have a damaging impact upon tourism.
- Trumpet Terrace and part of the development site was painted by local artist Percy Kelly

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 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

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

Interim Housing Policy (IHP).

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

The primary issues relevant to the determination of this application are:

- Principle of residential development on the Application Site;
- Impact on the character of the settlement;
- Landscape and visual impacts;
- Impact upon the residential amenity of existing dwellings;
- Impact of the development on highway safety;
- Flood risk and the achievement of satisfactory drainage; and,
- The impact upon ecology.

Principle of Development

Policy ST2 of the CS identifies Cleator Moor as a Key Service Centre.

Policy ST2 of the CS states that Key Service Centres are to support moderate levels of the development reflecting the respective scale and function of these smaller towns and contribute to the regeneration of their town centres. Figure 3.3 of the supporting text to Policy ST2 identifies that Cleator Moor will deliver at least 23 dwellings per annum throughout the plan period 2013-2028 based upon an annual housing requirement of 230 dwellings per annum.

The Application Site is located out with the settlement boundary for Cleator Moor as defined in Policy ST2 of the CS and is located within the Ehen/Keekle Valleys Tourism Opportunity Site as defined in Policy ER10 of the CS.

Policy ST2 of the CS 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.*

Policy ER10 of the CS supports tourism development, but does not support the development of general housing.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development 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 73); 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, 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 calculated in the updated Strategic Housing Market Assessment (SHMA) 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 must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.

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

The ECLP has been drafted based upon an evidence base. The 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 CS.

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 outside but directly adjoining the revised development boundary for Cleator Moor.

Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, as the document is at an early stage of preparation and there are outstanding

objections to the relevant policies applicable to this development, the identified conflict can be given little weight at present.

In the context of the above, 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.

In applying the provisions of Paragraph 11:

- the Application Site would assist in significantly boosting housing supply to meet the identified need for housing within Cleator Moor and the wider Borough as detailed in Policy ST2 of the CS and the ECLP as required by the NPPF;
- the proposed development comprising the erection of 11no. dwellings is appropriate in size and character to the Key Service Centre of Cleator Moor in accordance with the spatial objectives of Policy ST2 of the CS and ECLP;
- the Application Site is located directly adjacent to the defined development boundary in Policy ST2 of the CS and is enclosed by existing development to the north and east;
- the Application Site is located in close and convenient proximity to the wide range of services and employment opportunities located within the Cleator Moor for which the settlement has been designated as a Key Service Centre in Policy ST2 of the CS and is proposed for designation in the ECLP. 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 of Cleator Moor to become a thriving place; and,
- Sustainable travel options exist within the vicinity, with an existing bus stop located within 400m of the Site and local cycle routes providing linkages to the National Cycle Network Route 72 as required by Policy DM22 of the DMP.

Housing Need

Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the SHMA.

Cleator Moor falls within Whitehaven Housing Market Area (HMA) in the SHMA.

The SHMA suggests a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a low need for new affordable housing.

The illustrative site layout plan and supporting documentation outlines that the proposed dwellings are likely to comprise market family homes.

The proposed development will reasonably assist in providing a greater balance of housing stock within the Cleator Moor area in accordance with the provisions of Policy SS3 of CS.

Affordable Housing

Policy SS3 of the LP seeks the inclusion of a proportion of affordable housing which makes the maximum contribution (consistent with maintaining the viability of the development) to meeting identified needs in that market area.

The Copeland Housing Officer has confirmed a wish to see at least one unit of affordable housing for sale considered as part of the proposed development; however, given that the updated Copeland SHMA along with the research of the Copeland Housing Officers, have indicated low or negative need for affordable housing in Cleator Moor, such provision is not reasonably justified given the needs based assessment/requirements of Policy SS3 of the LP.

Settlement Character, Landscape Impact, Visual Impact and Heritage

Policy ENV5 seeks that the Borough's landscapes be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area; where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The Site is located within close proximity to the Lake District National Park, which is a nationally designated landscape and World Heritage Site. The development should be considered in the context of the provisions of Paragraphs 170 and 172 and Paragraphs 184-202 of the NPPF and the provisions of the National Parks and Access to the Countryside Act 1949 (as amended).

The Application Site comprises an area of undeveloped land that contributes positively to the character of Cleator Moor with particular regard to the approach to the settlement from the east. The development would result in the further urbanisation of this area of the settlement with particular regard to views of the settlement on approach from the east.

The proposed comprises an extension of the existing developed extent/form of the settlement to the west. The development will contribute towards the physical and visual

coalescence of Cleator Moor and Cleator; however, in the context of the existence of the continuous linear development that connect both settlements to the north and the existence of further undeveloped land to the west, the impacts are lessened.

The lane that leads to Low Wath provides a clear boundary for the development and a natural end point for housing in this area at Wath Brow.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that the Site could be developed in a form that respects the form, density and character of the modern developments within the locality.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located on the boundary between the landscape character types: Sub Type 5a – Ridge and Valley; Sub Type 5d - Urban Fringe; and, Sub Type 11a Upland Fringes.

A Landscape and Visual Appraisal (LVA) has been prepared in support of the application by a Chartered Member of the Landscape Institute as per the provisions of the Guidelines for Landscape and Visual Impact Assessment (Third Edition 2013).

The LVA states that the development is likely to generate some higher levels of adverse landscape effect, however that these impact will be localised, affecting the Site and its surroundings rather than the wider agricultural landscape, the Lake District National Park or the townscape of Cleator Moor to any great extent. It is stated that the Site has relatively low visual prominence, which is reflected by the small number of visual receptor groups, with the visual receptors impacted located in close proximity to the Site reflecting the localised nature of the visual effects associated with the development proposals. It is concluded that the landscape and visual effects associated with the development of the Site would not be harmful.

The development would partially obscure views of the landscape of the Lake District National Park beyond the Site to the south; however, given the low density of the development and linear arrangement, views of the primary interest features would remain.

Potential exists to soften the landscape and visual impacts of the development utilising landscaping.

Since the refusal of Application Ref. 4/18/2326, Copeland Borough Council has commissioned the preparation of the Settlement Landscape Character Assessment which forms part of the evidence base to the ECLP. This report is currently in draft. The report identifies an element of the Application Site to the west and the land to the rear of the Application Site as having a strong landscape character that should be protected. The Application Site is located in landscape character area 5Avi - Mid-Ehen Valley which is identified as being of a medium-high sensitivity. The management strategy for the landscape includes: harsh development edges will be softened, and existing and new, peripheral development will be integrated within a stronger landscape framework; discourage the further nucleation of the settlement pattern; and, ensure new development makes a contribution to the character of the area by respecting the form of villages e.g.

linear along ridge lines, creates new focal spaces and takes advantage of attractive long views.

Reason 1 and Reason 2 for the refusal of Application Ref. 4/18/2326/001 relate to landscape and visual impacts. The Applicant has commissioned a Landscape Architect to prepare further information and evidence in response to Reason 1 and Reason 2. The conclusions of the Landscape Architect are outlined below.

Reason 1;

Accepts that the Application Site has an open character and that it contributes to the character of the local landscape and the settlement character of Cleator Moor, however, considering the nature of the wider landscape setting, concludes the level of contribution is relatively low.

It is evident that development has previously and more recently occurred on the south-eastern side of the A5086 without detriment to the settlement character of Cleator Moor or the character of the wider landscape.

Cleator and Cleator Moor have grown since the mid to latter years of the 19th Century. By the beginning of the 20th Century, the two settlements were characterised by ribbon development and has since been supplemented with pockets of additional development. The ribbon development extending along the A5086 is for the most part, located on the north-western side of the road, however it is unrelenting in that there is little in the way of any perceived gap between the two settlements and no perception of leaving/arriving at Cleator Moor or Cleator when passing the Application Site. It is not agreed that the proposed development would increase the sense of visual coalescence.

Where separation between existing settlements is a characteristic which is of particular value, there is often planning policy in place to conserve such scenarios. No such policies are in place.

The LVA ascertained that the Application Site and the landscape/townscape within its immediate surroundings were of community and or local value and consequently were not considered to be 'valued landscapes'.

It is accepted that the proposed development would result in the urbanisation of the Application Site and the loss of its open character, however these effects will be very much localised and limited. The site is narrow and linear and the open characteristics of land to the south in the vicinity of the River Ehen and the rising ground beyond, will prevail. Furthermore, the urban edge location of the Application Site, its compact nature and if developed, its consistencies and connection with the existing settlement area, will minimise any inevitable effects associated with urbanisation and moderate any effects upon the character of the surrounding landscape.

Reason 2;

At its closest point, the Lake District National Park is located circa 720m to the north-east of the Application Site. The closest part of the National Park forms a low lying (below 80m AOD) loop of land which encompasses part of the valley associated with the River Ehen. There are no Public Footpaths or CROW Access Land in this location and the only publicly accessible land comprises a B Road which links Cleator Moor with Ennerdale Bridge to the east. Due to the low elevation of this part of the National Park, views of the Application Site are not available from this location.

There are limited levels of intervisibility between the Application Site and the Lake District National Park as there are views from a Public Footpath (FP2)/CROW Access Land on the western edge of Flat Fell (see LVA - Viewpoint 2) and a second view is experienced from the minor road located on the south side of Kinniside Cop (see LVA - Viewpoint 8).

In both cases, expansive views which include the Application Site and the wider landscape, are experienced by virtue of their elevated positions (circa 210m+ and 140m+ AOD respectively) and in addition, both locations are somewhat distant from the Application Site (circa 2km and 1.3km respectively).

The significance of the impact on views from Public Footpath/CROW Access Land are considered and assessed within the submitted LVA and concluded as negligible and minor adverse.

It is noted that views of Cleator Moor are experienced from elevated locations within the Lake District National Park to the north-east (such as Knock Murton and Blake Fell), however views from these locations are extremely expansive and distant (between circa 8 and 10km) so changes associated with the development proposals are not expected to affect these views.

Overall the views of the Application Site from the National Park are very limited and distant. Very subtle changes to the limited views available may be discernible from the two locations identified within the LVA, however it is not agreed that views from the National Park would be affected to such an extent as to be of any concern.

Reason for Refusal 2 also raises concerns regarding the issue of the proposed development partially obscuring locally important views of the westernmost fells of the Lake District National Park from Trumpet Road.

Views of the Lake District fells are evidently attractive, valued and ever present from lower lying locations between their western edge and the coast. When approaching the Application Site from the south-west on the A5086 Trumpet Terrace/Trumpet Road, road users experience views of the existing built form in the foreground, which also incorporate views of the higher westernmost fells of the Lake District beyond.

The LVA ascertains that views of the higher fells may be partially affected, however views of the fells will prevail. The ascertained Year 1 'moderate adverse' visual effect is ascertained through a combination of effects which include the proximity of the new houses, a reduction in openness associated with the site and a partial screening of views of the higher fells. Consideration of Viewpoint Photograph 6 clearly demonstrates that the views of the

higher fells directly ahead of the viewer may be affected and that views of the fells to the right side of the view will remain. This affect is limited as receptors are transient, and the effect is only likely to be experienced for a very limited period of time.

With regards to Paragraph 170 of the NPPF, the LVA ascertained that the Lake District National Park is a landscape of the highest national/international value. As a result, it is considered that the Lake District National Park represents a 'valued landscape' when considering Paragraph 170 of the NPPF.

It is not believed that the development proposals will impose themselves to any great extent upon the existing views experienced from the Lake District National Park and existing views of its westernmost higher fells. As a result, it is considered that in refusing the planning application, the Council were incorrect in citing Policy ENV5 and Policy DM26 of the Copeland Local Plan 2013-2028, Criterion G of the Copeland Borough Council Interim Housing Policy 2017 and Paragraph 170 of the

National Planning Policy Framework.

Residential Amenity

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that a development layout is deliverable with interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking. The requirements of Policy DM12 of the DMP are considered achievable.

Highway Safety and Parking

Access to the development is proposed via a new junction with Trumpet Road located within the centre of the site frontage. A hammerhead is proposed from the main access from which shared surface roads running parallel to Trumpet Road are proposed to the east and west. A field gate providing access to the remainder of the field to the south is proposed from the hammerhead.

Reason 3 for the refusal of Application Ref. 4/18/2326/001 related to the provision of insufficient information having been submitted to demonstrate that the traffic generation from the development would not result in detrimental impacts on the capacity and safe functioning of the public highway. The Applicant has commissioned their Transport Consultant to prepare further information and evidence in response to Reason 3.

The Applicant has submitted an access plan demonstrating the ability to achieve visibility splays of 2.4m x 120m as specified by the Highway Authority.

The Transport Consultant reviews the traffic survey information prepared in November 2017 and traffic survey information prepared in support of the Transport Assessment for the

nearby former Kangol factory site in November 2018. It is concluded that the conclusions of the two surveys are similar and therefore remain valid.

It is confirmed that the Transport Assessment for the park and ride development on the nearby former Kangol factory site concludes the following traffic movements on the A5096 Trumpet Road post development:

- AM Peak Hour: 448 vehicles
- PM Peak Hour: 530 vehicles

It is confirmed that the proposed development of 11 homes at Trumpet Road is likely to generate 6 additional vehicle movements in both the AM and PM peak hours, that is, on average 1 car every 10 minutes.

It is stated that the Transport Assessment for the nearby former Kangol factory site considered the traffic impact at the site access junction and at four other junctions, including the A5086 Trumpet Road/ B5292 Ennerdale Road junction to the north of the Trumpet Road site and was approved indicating that the additional flows from that development were acceptable.

It is concluded that: acceptable visibility splays are demonstrated; the level of increase in vehicle movements arising from the development is less than the typical day-to-day variation in traffic flows on the A5096 and could reasonably be described as negligible; and, given the proposed access junction has very little traffic on the minor arm and the A5086 flows are not so high that queuing would be expected.

Cumbria County Council – Highways have been consulted on the proposed development and have confirmed that there are no objections to the proposed development from a highways point of view subject to the imposition of planning conditions.

Pedestrian linkages are proposed to the existing pedestrian footways located within the vicinity of the Site.

Whilst the matter of layout is reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that an acceptable level of vehicle parking spaces and turning provision can be accommodated to serve the development.

Planning conditions are proposed in respect of the achievement/retention of the visibility splays and details of carriageway construction to ensure that the development is acceptable in planning terms. The planning conditions suggested by the Highway Authority in respect of use of the approved access only; provision of ramps to the footways; surfacing of access drives; provision of access gates; highway drainage; and, reserved matters requirements are not justified or necessary given the status of Trumpet Road as a classified road; the outline nature of this application; and, the inclusion of other planning conditions that secure the necessary details.

Flood Risk and Drainage

A Flood Risk Assessment and Drainage Strategy (FRDA) has been submitted in support of the Application.

The FRDA has submitted evidence demonstrating that the permeability of the soil will not permit surface water disposal via percolation within the Application Site. In accordance with the National Drainage Hierarchy, it is proposed to dispose of surface water to the River Ehen to the west of the Site via an existing United Utilities surface water drain within Trumpet Road.

United Utilities have raised no objection to the proposed development subject to the imposition of planning conditions requiring the submission of a detailed scheme for the disposal of surface water excluding discharge to the public main.

The FRDA confirms that to restrict the impact of surface water flows on the Site, cut-off drains should be considered to intercept water entering and exiting the Site.

A planning condition is proposed requiring the submission of a detailed scheme for the management of surface water. Any scheme will be required to demonstrate that the development will not be at unacceptable risk from surface water flood flows and demonstrate that the development will not result in additional surface water discharge onto Trumpet Road in accordance with the relevant technical standards. If acceptable details cannot be demonstrated, it will not be possible for the development to proceed.

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 shown to be liable to surface water flooding in a 1 in 100 year storm event. A planning condition is proposed to secure details of measures to mitigate such impacts.

Ecology

A Preliminary Ecological Appraisal and Hedge Survey of the Application Site has been undertaken by a qualified Ecologist.

The Preliminary Ecological Appraisal concludes:

- the site principally comprises species-poor semi-improved grassland and ruderal vegetation, which is of limited conservation interest;
- the site contains some suitability for use by local populations of bats' birds and other species;
- the hedgerow to the north-west boundary is of moderate conservation value;
- the hedgerow to the west boundary is an important hedgerow under the hedgerow regulations and is of high conservation value; and,
- the site contains invasive Japanese Knotweed and Himalayan Balsam.

A suite of measures to both manage and mitigate the impacts of the development upon the species and habitats of interest are detailed within the Appraisal and Survey. A planning

condition is proposed to ensure completion of the development in accordance with these measures to prevent impacts.

Reason 4 for the refusal of Application Ref. 4/18/2326/001 related to the provision of insufficient information having been submitted *to demonstrate that the development will not result in detrimental impact upon Great Crested Newts which comprise a European Protected Species*. The Applicant has commissioned their Consulting Ecologist to prepare further information and evidence in response to Reason 4.

The Consulting Ecologist has prepared a eDNA test of the nearby pond with the potential for the presence of Great Crested Newts and completed a general walkover of the site including an assessment of the surrounding habitat and pond condition. The eDNA testing is an analysis technique approved by Natural England and was completed by a competent testing company listed as a quality provider of this service by Natural England.

The EDNA testing came back negative for Great Crested Newts across all samples and site walkover did not identify features suitable for breeding Great Crested Newts.

It is concluded by the Consulting Ecologist that the results indicate that the proposed development will not impact on local Great Crested Newts and no mitigation for the species is required.

Ground Conditions

A Phase 1 Geo-Environmental Assessment of the Site has been prepared in support of the application.

The Assessment concludes the following:

- the Site is currently considered to represent a very low geotechnical risk;
- the Site is considered to pose a negligible to very low risk to the proposed end users from ground contamination;
- the Site is currently considered to pose a negligible to very low risk to adjacent sites (the surrounding environment) and controlled waters with respect to potential ground/groundwater contamination;
- the Site is currently considered to pose a very low risk to the proposed end users from ground gas; and,
- a Phase 2 Ground Investigation works will be required to fully characterise the ground/groundwater conditions and ground gas regime below the Site.

A planning condition is proposed requiring the completion, submission and approval of a Phase 2 Ground Investigation Report including details of any required scheme of remediation prior to the commencement of the development and a validation report post completion to ensure that no issues are arising in respect of ground/groundwater conditions and ground gas.

The Planning Balance

For the reasons outlined, 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:

- iii. 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
- iv. 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 proposed development is in clear conflict with the provisions of Policy ST2 of the CS with regard to the location out with the settlement boundary for Cleator Moor; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

The Site is also located within the Ehen/Keekle Valleys Tourism Opportunity Site in conflict with the provisions of Policy ER10 of the CS.

As the ECLP is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, this can be given little weight at present.

Additional information and evidence has been submitted in response to the reasons for refusal of Application Ref. 4/18/2326/001.

The additional information comprises evidence from a Landscape Architect, Transport Consultant and Consulting Ecologist evidences that unacceptable impacts will not result in respect of landscape effects, highway safety/operation and Great Crested Newts.

Notwithstanding the additional evidence etc. it remains considered that some adverse impacts upon the character of the landscape and settlement character will result in conflict with the provisions of Policies ENV5, DM26 and DM22 and Paragraphs 108, 109 and 170 of the NPPF.

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, which include: the provision of housing to meet the needs of the settlement/borough; boosting the economy of the settlement/borough including the provision of jobs during construction; and, supporting local services when assessed against the policies in the NPPF taken as a whole.

Recommendation: -

Approve subject to the following planning conditions:

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: -

- Site Location Plan – Drawing No. 17/07/914-01.
- Proposed Site Access Arrangement – Drawing No. A106115 C001 Rev. A.

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. The development hereby approved shall not commence until visibility splays of 120m x 2.4m measured down the centreline of the approved access and the nearside channel lines of the major road have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 kept clear from structures or planting for the lifetime of the development.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan 2013-2028.

5. 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 and in accordance with Policy DM22 of the Copeland Local Plan 2013-2028.

6. 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.

Drainage

7. No development shall commence until a sustainable surface water drainage scheme including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. No surface water shall drain directly or indirectly into the public sewer. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework and National Planning Practice Guidance and in accordance with Policies ST1 and ENV1 of the Copeland Local Plan 2013-2028.

8. 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:

1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a development management company; and
2. 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 Policy ST1 and Policy ENV1 of the Copeland Local Plan 2013-2028.

9. No development shall commence until a Construction Surface Water Management Plans including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework and

National Planning Practice Guidance and in accordance with Policies ST1 and ENV1 of the Copeland Local Plan 2013-2028

10. The development hereby approved shall to completed in accordance with the provisions of Flood Risk Assessment Ref. 17/07/914-FRA. The application for approval of reserved matters following outline approval shall include details of the mitigation of the surface water flood risk on the Application Site. The development shall be completed 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 National Planning Policy Framework and National Planning Practice Guidance and in accordance with Policies ST1 and ENV1 of the Copeland Local Plan 2013-2028.

Construction

11. 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.

12. No site clearance, preparatory work or development shall take place until a scheme for the protection and future management of the retained hedgerows (the hedgerow protection plan) has been submitted to and agreed in writing with the Local Planning Authority. The hedgerow protection measures shall be carried out as described and approved and the hedgerow shall be permanently retained.

Reason

To adequately protect the existing hedgerows on site which are considered worthy of retention in accordance with the provisions of Policy DM28 of the Copeland Local Plan 2013-2028.

Contamination

13. Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- a. A preliminary risk assessment which has identified:
 - All previous uses,
 - Potential contaminants associated with those uses,
 - A conceptual model of the site indicating sources, pathways and receptors,
 - Potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and detailed risk assessment referred to in 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority and the scheme shall be implemented as approved.

Reason

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

Refuse

14. No dwelling shall be occupied until full details of proposed refuse collection arrangements have been submitted to and approved in writing by the Local Planning

Authority. Following occupation of the first dwelling on the site, refuse collection shall be commenced and maintained in accordance with the approved management and maintenance details to the satisfaction of the local planning authority.

Reason:

To ensure that adequate provision is made with the development for refuse collection arrangements in the interests of residential amenity and highway safety and in accordance with the National Planning Policy Framework and Policy DM22 of the Copeland Local Plan.

Other Conditions

Drainage

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

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework and National Planning Practice Guidance and in accordance with Policies ST1 and ENV1 of the Copeland Local Plan 2013-2028.

Hours of Construction

16. 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.

Ecology

17. The development shall implement all of the mitigation and compensation measures set out in the Preliminary Ecological Appraisal and Hedge Survey, prepared by Openspace Ecology and Habitat Solutions Ref. OP-Trumpet Terrace-SCS17/09v1.

Reason

To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with Policy DM10 of the Copeland Local Plan 2013-2028.

Contamination

18. 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 Policy ST1 of the Copeland Local Plan 2013-2028.

Informatives

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/>>

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.