



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2179/0F1
2.	Proposed Development:	RESIDENTIAL DEVELOPMENT FOR 8 DWELLINGS PLUS ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (PHASE 4)
3.	Location:	THE MOUNT, WHITEHAVEN
4.	Parish:	Whitehaven, Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: Yes.</p> <p>Site Notice: No.</p> <p>Press Notice: No.</p> <p>Consultation Responses: See report.</p> <p>Relevant Planning Policies: See report.</p>
7.	Report:	
	Site and Location:	
		<p>This application relates to an area of open farmland that lies on the northeastern edge of Whitehaven.</p> <p>The Application Site comprises an area of approximately 0.62 hectares.</p> <p>The Application Site is located adjacent to an approved residential development that is currently under construction to the east and the surface water drainage pond serving the approved residential development to the west. Agricultural land exists to the north of the Application Site.</p>
	Proposal:	
		<p>This application seeks Full Planning Permission for the erection of 8no.dwellings and associated</p>

infrastructure.

The proposed comprises a cul de sac that extends from the highway serving the approved development to the east. The cul de sac aligns south to north terminating at a turning area. Dwellings are proposed to the east and west.

The proposed dwellings comprise three four bedroom detached dormer bungalows; two three bedroom detached bungalows and three two bedroom detached bungalows.

It is proposed to finish the dwellings with interlocking slate tiles to the roof and either white K-Rend or brick with buff colour natural stone features and Tudor detailing in Cedar with K-Rend panels to the elevations. Grey coloured uPVC windows and a natural Oak door are proposed. Cedar garage doors are proposed. Tegula pavers are proposed to the driveway.

A comprehensive scheme of landscaping is proposed.

A Construction Management Plan and Construction Traffic Management Plan are submitted in support of the application.

Consultee:	Nature of Response:
Town Council	<p>1st June 2020 A Councillor raised objections to application number CH/4/20/2179/0F1 on the grounds of overcrowding.</p> <p>3rd August 2020 Councillors would like to inform the Planning Office that they have been approached by residents and are working with them on issues raised.</p> <p>6th August 2020 I have received no further correspondence on this application so can offer nothing further other than what was said at the meeting which I put on my letter to you on Monday.</p>
Cumbria County Council – Highways and LLFA	<p>15th June 2020 As with previous applications within this development area there is a requirement to build to an adoptable standard despite the wish for the site to remain private under the maintenance of a management company.</p> <p>Access is provided by extending north from phase 3, phase 4 carriageway is to be a shared surface.</p> <p>I have noted the following issues which require further clarification:</p>

1. A shared surface carriageway has a maximum length in the CDDG of 75m unless the street is looped, as presented the shared surface for Ph4 would appear to end in the in the region of middle of the visitor parking space, there is no footway from this point linking into Ph3 leaving a distance of approx. 75m to walk within the carriageway to reach the nearest footway adjacent to No33

A footway link is required from Ph3 into Ph4.

2. The inclusion of the H1 & H2 hedgerows bordering the highway at No's 45, 47, 64 & 58 will cause issues with vehicle overhang and manoeuvring and will cause visibility issues for vehicles leaving driveways at No 45 & 47. There are no service or clearance strips provided, to meet an adoptable standard these are required and need to be detailed on a plan.

3. A tracking plan is required to demonstrate a refuse wagon can negotiate the turning point, this would be required for a S38 agreement should there ever be a request.

Once the above points have been clarified I will be in a better position to form my response.

LLFA Response:

The applicant cannot currently provide a completed drainage design due to ongoing constraints with Covid19.

In line with drainage hierarchy infiltration has been ruled out as this has been investigated through previous phases therefore the existing water course will be used via the existing attenuation pond which they have indicated will be increased in size to accommodate the extra volume.

The inclusion of cut off drains to capture existing over land flows is welcome by the LLFA, surface water run off during construction has been considered with measures of swales connecting to the attenuation pond, I would suggest some form of silt barrier is used to mitigate silt flowing into the pond.

It has been stipulated that as with previous phases the drainage will remain private and maintained by a management company in perpetuity

Calculations provided shall be in line with what was agreed as per Ph3 and an updated drainage masterplan is required.

		<p>With the above in mind the LLFA has no objections to the proposed development subject to the following conditions being included in any notice of consent your authority may grant:</p> <p><i>Condition: Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.</i></p> <p>Reason:</p> <p>To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.</p> <p><i>Condition: No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.</i></p> <p>Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.</p> <p>21st July 2020</p> <p>I refer to the above consultation received on 9th July 2020 please see my response below.</p> <p>The introduction of the footway from the corner of No 56 towards the visitor parking area of PH4 is welcomed, the transition from normal carriageway to shared surface needs be extended by approx. 5m down to meet the new footway, despite this creating a shared surface of 80m it is a sensible approach and benefit to the development.</p> <p>Crossing points should be detailed on the new footway and a point created in the existing footway opposite between No's 29 & 56.</p> <p>The above details can be secured through the use of a suitably worded condition.</p> <p>The setting back of the hedgerows bordering the highway at No's 45, 46, 64 &</p>
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	<p>58 is welcomed.</p> <p>A vehicle tracking diagram/swept path analysis showing that a refuse wagon can negotiate the turning head is still required, what has been presented is not acceptable.</p> <p>Until the above information is submitted I would recommend refusal for the following:</p> <p>Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:</p> <ul style="list-style-type: none">a) road layoutb) on site turning facilities <p>To support Local Transport Plan Policy: LD7, LD8</p> <p>29th July 2020</p> <p>As presented on Doc M2647.07A Landscape Layout there appears to be a raised feature and given its shape and layout it would be reasonable to conclude that any vehicle approaching the turning head would attempt to manoeuvre around this feature treating it as an roundabout of sorts, this was basis for my comments, given its raised nature it is unlikely that a large hgv will be able to manoeuvre without over running this area, this may not cause much issue for a refuse wagon other than increased wear of the feature but may cause issues for a Pantechnicon or box vans/delivery vehicles causing them sway leading to unsettling of its contents, over running this feature is implied further by the 15x8m turning head outline.</p> <p>In my experience drivers would approach the turning head and if in a small vehicle manoeuvre around the feature, in the case of a hgv they would not approach the feature as the 15x8m turning head is presented, natural instinct would be to drive in a clockwise motion at the feature which although being a in cul-de-sac allows them to in effect keep to the correct side of the road but also giving the driver an uninterrupted view back down the road without resorting to relying on the nearside mirror before reversing, but however the manoeuvre is undertaken I believe as currently presented a hgv would have no option but over run this feature.</p> <p>If the intention is to have large vehicles U-turn over the feature then it needs to be removed entirely, or levelled to carriageway height.</p> <p>30th July 2020</p>
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Highways Response:

As with previous applications within this development area there is a requirement to build to an adoptable standard despite the wish for the site to remain private under the maintenance of a management company.

Access is provided by extending north from phase 3, phase 4 carriageway is to be a shared surface.

Previous points which required clarification have now been addressed, the landscape layout Doc- M2647.07A has been updated to reflect the inclusion of a footway link from phase 3 into 4, hedgerows have been set back 0.5m from the carriageway edge and clarification of the turning head has been resolved.

The shared surface transition point needs to be moved approx. 6m further down the carriageway to meet the footway, in doing this it will extend the shared surface to approx. 80m however this is considered acceptable and a benefit to the development.

Suitable pedestrian crossing points are required in the footways between plot No's 29 & 56, this and the above point can be secured through condition (1) & (2).

It is proposed to utilise existing access, delivery and compound arrangements that are in place for Phase 3 construction and the following documents have been submitted confirming this:

- Design & Access Statement DOC-15/10/863-DAS/4
- Construction Management Plan DOC-REF15/10/863-CMP4
- Construction Traffic Management Plan DOC-REF15/10/863-CTMP4

Further details are required as to how surface water will be prevented from flowing onto the highway from private driveways which can be secured through condition (4).

Therefore the Highway Authority has no objections to the proposed development subject to the following conditions being included in a notice of consent you may grant:

1) The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced

		<p>until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.</p> <p>Reason:</p> <p>To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8.</p> <p>2) Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.</p> <p>Reason:</p> <p>To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety. To support Local Transport Plan Policies: LD5, LD7, LD8.</p> <p>3) No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has 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 into full operational use.</p> <p>Reason:</p> <p>In the interests of highway safety To support Local Transport Plan Policies: LD5, LD7, LD8.</p> <p>4) Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.</p> <p>Reason:</p> <p>In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8.</p>
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	The Coal Authority	<p>The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.</p> <p>In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.</p>
	Cumbria County Council – Countryside Access Officer	<p>Public Footpath 431002 runs across the development area and must not be altered or obstructed before or after the development has been completed.</p> <p>If the footpath is to be temporarily obstructed then a formal temporary closure will be required, there is a 14 week lead in time for this process, please contact sandra.smith@cumbria.gov.uk for further information.</p>
	Flood and Coastal Defence Engineer Environmental Health Copeland Borough Council	<p>1st June 2020</p> <p>At this stage, I have a couple of questions regarding this application:</p> <p>The drainage strategy has stated that infiltration, as per earlier phases, is considered to be unsuitable. Have any investigations been undertaken to the land in this phase to confirm this? There is the need to demonstrate that the hierarchy has been followed.</p> <p>Realistically, infiltration is expected to be unsuitable, as stated above, so discharge to watercourse as proposed is the next most suitable option. It is proposed to increase the size of the existing attenuation pond used for the first 3 phases. Is the current proposal an extension to the original development plans, hence it wasn't previously considered in the design of the surface water system? Is there likely to be further phase, which may use the same attenuation pond? There is therefore an opportunity to future proof the attenuation pond to accommodate further phases.</p> <p>21st July 2020</p> <p>No objection.</p>
	United Utilities	In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a

		<p>separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.</p> <p>We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:</p> <p>Condition 1 – Surface water</p> <p>Following our review of the submitted Drainage Strategy, DOC. REF: 15/10/863 - D.S dated May 2020 proposing surface water discharging into watercourse, 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: The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy, DOC. REF: 15/10/863 - D.S dated May 2020 proposing surface water discharging into watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul 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.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</p> <p>Condition 2 – Foul water</p> <p>Foul and surface water shall be drained on separate systems.</p> <p>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</p>
	Environmental Health Officer	<p>18th August 2020</p> <p>The noise from wind turbines is assessed using ETSU R-97 The Assessment and rating of noise from wind farms. Very simplified the noise from wind turbines in a garden area can be up to 35dB or 10dB above the background level up to a wind speed of 10 m/s. The stronger the wind the louder the turbines but the louder the background noise (wind in vegetation, etc).</p> <p>When wind turbines have gone through the planning process we have used a flat rate noise condition of 35dB where the noise from the turbines have been predicted to be below 35dB in the nearest garden areas in wind speeds of 10</p>

	<p>m/s. Where turbines are over this a more detailed noise assessment is required where the background level is measured and calculated for wind speeds up to 10 m/s, this leads to a noise condition where the allowed noise level varies with wind speed.</p> <p>In this case the noise levels of the turbine by distance and wind speed are shown in Figure 3 of the report. This shows that at 100m the noise from the turbine will be 35dB at wind speeds of 7 m/s. I'm not sure exactly the location of the new houses but I think it is approximately 120m away from the turbine. If we roughly extend the Figure it looks like the noise from the turbine would be about 35dB at winds of 8 m/s and 42dB at winds of 10 m/s. This means that it would not meet the flat rate condition.</p> <p>I would recommend that the developer needs to show that the noise from the existing turbine will not breach the ETSU R-97 guidelines by building these residential properties. Personally, I think it is unlikely that it would be in breach as a windspeed of 8 m/s is likely to lead to a background level of +40dB which allows for turbine noise of +50dB, but given the objection there needs to be evidence to show this. However, it is possible that there is a noise condition attached to the turbine and the new properties could lead to a breach of this planning condition.</p> <p>I can't comment on the claim that the properties will make the turbine less productive. I assume that this would be due to the buildings affecting the wind flow so that the turbine produces less electricity. The new homes look to be at a similar elevation to the turbine but I don't know how close or how high the building would need to be to affect the productivity.</p> <p>I hope this helps but if you have any queries please let me know.</p> <p>19th August 2020</p> <p>I just realised that I made a typo on my previous email, the noise from turbines should be limited to 5dB above background and not 10dB as I said, in addition the night time flat rate is 43dB (as people are expected to be indoors). Apologies it's been a few years since I've looked at turbine noise.</p> <p>Any future noise complaints about the turbine would have to be considered under statutory nuisance but we would look towards the ETSU R-97 guidance on this.</p> <p>I thought that the objection is actually that the new properties could lead to</p>
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complaints about the turbine and thus could impact an existing development. Is it not the responsibility of the housing developer to show that this is unlikely to happen?

We have several turbines and wind farms in the area and background noise levels have been measured for previous turbine applications, providing that the measured background levels are considered representative of the area we could reuse them to predict if the turbine is likely to meet ETSU. I've managed to find a condition that was used for Fairfield or one of the nearby turbines that included the background levels for various wind speeds, this was measured about 2.5km from the housing site but is likely to be fairly representative of the elevated ground to the north west of Whitehaven.

For some reason formatting isn't available on this email so I've marked the start and end of the condition with *****

The rating noise emissions expressed as LA90, 10 min from the combined effect of the five turbines hereby permitted, as measured or calculated, and corrected for the presence of any tonal components, in accordance with ETSU-R-97, at any dwelling lawfully existing at the date of this permission, shall not exceed:

8. Between 0700 and 2300 hours the greater of 35 dB (A) or 5 dB (A) above the day-time background noise levels for each of the wind speeds set out below.

(b) Between 2300 and 0700 hours the greater of 43 dB (A) or 5 dB (A) above the night-time background noise levels for each of the wind speeds set out below.

Wind speed (m/s)	3	4	5	6	7	8	9	10
11								
12								

Day-time

Background noise level

(dB(A))	24	28	32	36	39	42	45	47
48	50							

Night-time

Background noise level

(dB(A))	26	29	31	34	37	40	42	45
48	51							

From Figure 3 of the noise assessment we could see that at 120m the turbine would be about 35dB at 8 m/s wind and 42dB at 10 m/s wind. Assuming that the background noise levels above are representative the noise from the turbine should be at least 3dB below background levels and 8dB below the ETSU guidelines. From this it's fair to say that noise from the turbine is unlikely to breach the ETSU guidance at the new properties.

I hope this all makes sense, so let me know if you have any queries.

Kind regards
Thom

Neighbour Responses:

The application has been advertised by way of a planning application site notice and neighbour notification letters.

Representations have been received from five parties. Two representations reference objection to the planning application.

The material planning issues raised comprise the following:

- There is an excessive amount of new build properties within Whitehaven. The infrastructure of Whitehaven has not kept up with the housing growth. Additional places for people to work, additional school places and other infrastructure improvements are required for any additional dwellings are delivered.
- This phase of the development commenced in April 2019; therefore, the development is retrospective.
- The attenuation pond is therefore currently largely completed at this time and obviously is significantly larger than the previous phase of works and not exactly as presented on the current application.
- It is necessary to ensure that the 8-inch outlet of the attenuation pond is more than adequate to safely disperse the entire catchment and inward flows from the development and the pond is designed to contain the loadings.
- It is expected that if approved and constructed these dwellings will have an impact on the safety and productivity of the wind turbine to the north and could also result in the wind turbine producing more noise than normal.

Development plan policies:

Development Plan:

Copeland Local Plan 2013-2028 (Adopted December 2013):Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST3 – Strategic Development Priorities

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other services areas: Roles and Functions

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

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

Policy ENV6 – Access to the Countryside

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

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Copeland Site Allocations and Policies Plan (SAPP).

Interim Housing Policy (IHP).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Assessment:

Principle

Policy SS1 states the Council will work to make Copeland a more attractive place to build homes and to live in them, by allocating housing sites to meet local needs in locations attractive to house builders and requiring new development to be designed and built to a high standard.

Policy ST2 identifies Whitehaven as the Principal Service Centre.

Policy ST2 states that the Principal Service Centre will comprise the focus for the largest scale development, regeneration and important development opportunities. This includes allocation in the form of estate-scale development where appropriate, potentially including extensions to the town's settlement boundary.

Policy ST2 states that house building to meet the needs of the community and to accommodate growth will be provided for by: allocating sufficient land for new housing development to meet identified requirements within the Borough; seeking densities over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding areas as well as design considerations; and, seeking to achieve 50% of new housing development on previously developed sites.

Policy ST2 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.*

The Application Site is located outside of the defined settlement boundary for Whitehaven; however, is well related to the existing developed extent of the settlement as it adjoins existing approved dwellings and is in part contained by existing surface water drainage infrastructure.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing, where 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.

Copeland Borough Council is currently unable to demonstrate a five year supply of housing land; therefore, the provisions of the presumption in favour of sustainable development outlined in

Paragraph 11 of the NPPF must be applied in the determination of this application.

In applying the presumption in favour of sustainable development detailed in Paragraph 11, 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 the context of the provisions of Paragraph 11, the defined development boundary for Whitehaven must be considered out of date.

An Interim Housing Policy (IHP) has been produced by Copeland Borough Council. The policy does not comprise part of the statutory development plan and was prepared under the provisions of the NPPF 2012; however, the policy provides guidance regarding the acceptability of development proposals when applying the presumption in favour of sustainable development and comprises a material planning consideration to be given some weight in decision taking.

In applying the provisions of Paragraph 11:

- the Site would assist in a small way in boosting housing supply to meet the identified need for housing in Whitehaven and the wider Borough;
- the proposed development comprising 8no. dwellings is appropriate in size to the designation of Whitehaven, the spatial objectives of Policy ST2 of the CS and requirements of Criterion A of the IHC;
- the Site is located in proximity to the services and employment opportunities located within Whitehaven. The development will in a minor way support existing services and thus the aspiration of retaining these services and achieves the requirements of Criteria B and D of the IHP; and,
- Sustainable travel options exist within Whitehaven.

Design and Landscape Impact

A Landscape and Visual Appraisal has been submitted in support of the Full Planning Application.

In respect of landscape impacts, it is concluded that that the development of the site as proposed is not expected to generate any higher levels of adverse landscape effect. The anticipated lower levels of adverse effect identified will be very much localised, affecting the character of the site and its

immediate surroundings rather than affecting the wider agricultural landscape or the townscape of Whitehaven to any great extent.

In respect of visual impacts, it is concluded that the site has a visual prominence that is reflected by a relatively high number of visual receptor groups; however, despite the high levels of visual prominence associated with the site and the development proposals, only one receptor group who experience public views will be affected to a moderate level of adverse effect.

In overall terms, it is concluded that as a result the landscape and visual effects associated with the development of the application site are considered to be acceptable in the context of this site on the edge of Whitehaven.

The proposed dwellings are well related to the existing developed extent of the settlement as it adjoins existing approved dwellings and is in part contained by existing surface water drainage infrastructure.

The layout comprises an organic extension of the existing development, which as developed is informal in layout comprising a combination of curving roads and cul de sacs etc. The density of the proposed is consistent with the existing approved development.

The proposed dwellings are a combination of bungalows and dormer bungalows as per the approved development.

The proposed incorporates dwelling designs and materials that are utilised within the wider approved development and are therefore appropriate to the Application Site.

Structured planting is proposed to the site and plot boundaries and to the surface water drainage pond. The scheme of landscaping comprises a continuation of the approach adopted across the wider approved development.

A planning condition is proposed to remove the permitted development rights for alterations to the development to maintain a high standard of development.

Ecology

The Application Site comprises short grazed fields, which have been impacted by the construction of the approved development and is therefore generally species poor.

The proposed development will not have any significant adverse impacts on existing ecology.

The proposed planting will deliver betterment of biodiversity on the Application Site.

Highways Impacts

Access to the dwellings is proposed via the junction with the U4010 and internal distributor roads serving the approved development.

The addition of 8no. dwellings will not result in a significant increase in the use of distributor roads, junction with the U4010 and Victoria Road.

The proposed level of vehicle parking accords with the requirements of the Cumbria Development Design Guide.

Cumbria County Council – Highways have been consulted in respect of the proposals and raise no objections subject to the imposition of planning conditions. Two of the proposed planning conditions do not meet the tests for planning conditions and hence are not imposed.

A Construction Traffic Management Plan is submitted in support of this Full Planning Application detailing measures to prevent unacceptable impacts on highway safety etc. during construction. A planning condition is proposed to secure compliance with the details.

Drainage

Detailed drainage designs are not submitted; however, a Drainage Strategy is submitted in support of this Full Planning Application.

It is proposed to dispose of foul water to the existing mains drainage system and surface water to an existing watercourse. Infiltration is discounted on the basis of the known ground conditions.

The proposed drainage strategy accords with the national drainage hierarchy.

Cumbria County Council – LLFA and Flood and Coastal Defence Engineer Environmental Health have been consulted in respect of the proposals and raise no objections subject to the imposition of pre-commencement planning conditions securing the submission and approval of a detailed drainage design prior to the commencement of the development.

Residential Amenity

The interface separation distances between the proposed dwellings and the existing/approved dwellings accord with the minimum distances that would normally be anticipated in a new residential development, with the exception of Plots 52 and 58; however, given the angles between the respective dwellings, unacceptable impacts will not result.

A planning condition is proposed to remove the permitted development rights for extensions and

curtilage buildings etc. to prevent unacceptable impacts arising from the erection of extensions.

A Construction Management Plan is submitted in support of this Full Planning Application detailing measures to prevent unacceptable impacts on amenity etc. during construction. A planning condition is proposed to secure compliance with the details.

Wind Turbine

Representations in objection to the development confirm that it is expected that if approved and constructed these dwellings will have an impact on the safety and productivity of the wind turbine to the north and could also result in the wind turbine producing more noise than normal.

The impact of the development on the efficiency of the turbine, this is considered to have limited weight in planning terms. Potential exists for numerous activities or works on the application site which would result in comparable impacts on efficiency to the proposed including tree planting etc. which is not controlled by the LPA.

No information or evidence is provided in respect of any impacts on safety.

The Environmental Health Officer has been consulted in respect of the noise impact of the turbines. The Environmental Health Officer confirms that based upon the Noise Assessment provided in support of the planning application for the turbine, potential exists for the turbine to breach the flat level noise requirements of ETSU R-97 at the proposed dwellings. It is however confirmed that based on representative background noise data for elevated grounds surrounding Whitehaven and the noise data for the turbine, the potential for adverse impacts and breach of ETSU-R97 is unlikely.

In the context of the above, the Planning Development Manager considers that it would be appropriate to impose a planning condition requiring the completion of a Noise Assessment and securing appropriate noise mitigation in this case. This will protect the amenity of residents and remove the potential for noise complaints re. the turbine.

Conclusion

Whilst located beyond the adopted settlement boundary of Whitehaven, the Application Site is well related to the developed extent of Whitehaven.

The scale, form and design of the proposed dwellings are appropriate to the Application Site and will not result in unacceptable landscape and visual impacts.

The development is acceptable in respect of the residential amenity, highway safety, drainage and ecology.

	In overall terms, whilst in slight conflict with the development boundary defined in Policy ST2 and impact on the operation of the wind turbine, the proposed it considered to accord with the provisions of the development plan as a whole and the provisions of the Interim Housing Policy.
8.	Recommendation: Approve (commence within 3 years)
9.	Condition(s): <ol style="list-style-type: none"> The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 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: Location Plan – Drawing No. 15/10/863-50 received 12th May 2020 Phase Four – Landscape Layout – Drawing No. M2647.07A received 7th July 2020 Type A (Plots 43, 45 and 47) – Working Elevations (Render) – Drawing No. 15/10/863-82 received 12th May 2020 Type A (Plots 43, 45 and 47) – Working Elevations (Brick) – Drawing No. 15/10/863-83 received 12th May 2020 Type A (Plots 43, 45 and 47) – Floor Plans – Drawing No. 15/10/863-81 received 12th May 2020 Dwelling Type B – Elevations – Brick – Drawing No. 15/10/863-11c) received 12th May 2020 Dwelling Type B – Floor Plan - Drawing No. 15/10/863-10d) received 12th May 2020 Type F1 – Foundation and Floor Plans – Drawing No. 15/10/863 – 72 received 12th May 2020 Dwelling Type F1 – Elevations – Drawing No. 15/10/863-49 received 12th May 2020 Phase 4 – Site Section – Drawing No. 15/10/863-88 received 12th May 2020 Construction Traffic Management Plan – Doc. Ref. 15/10/863 – CTMP/4 received 12th May 2020 Design and Access Statement – Doc. Ref. 15/10/863-DAS/4 received 12th May 2020 Drainage Strategy – Doc. Ref. 15/10/863 –D.S received 12th May 2020 External Material Schedule – Doc. Ref. 15/10/863-EM/4 received 12th May 2020 Construction Management Plan – Doc. Ref. 15/10/863 – CMP/4 received 12th May 2020 Reason

To conform to 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

3. The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No development shall commence until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason:

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy DM22 of the Copeland Local Plan 2013-2028.

4. No development shall commence until full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) has been submitted and approved in writing by the Local Planning Authority. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason:

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

5. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason:

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

6.
a) No development shall commence until an assessment of the noise likely to affect the application site and measures to mitigate such effects has been submitted to and approved in writing by the Local Planning Authority.

- b) The approved mitigation measures shall be installed prior to first occupation of the development and retained thereafter.
- c) A site completion report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The site completion report shall validate that all works undertaken on site have been completed in accordance with those agreed in writing with the Local Planning Authority.

Reason:

These details are required to be approved before the commencement of development to safeguard the amenity of future occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Pre-Occupation

- 7. No dwellings shall be occupied until the estate road including footways to serve such dwellings has 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 into full operational use.

Reason:

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy DM22 of the Copeland Local Plan 2013-2028.

- 8. No dwelling hereby approved shall be occupied until the surface water and foul water disposal works required to serve the dwelling has been completed on site in accordance with the approved plans/details. The approved works shall be retained as such thereafter.

Reason

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

- 9. Prior to the first occupation of any dwelling hereby approved any individual plot boundary walls or fencing enclosing that plot shall be erected in accordance with the details set out on Phase Four – Landscape Layout – Drawing No. M2647.07A received 7th July 2020. The approved boundary treatments shall be retained at all times thereafter.

Reason

For the avoidance of doubt and to ensure a satisfactory form of boundary treatment in the interests of visual amenity in accordance with the provisions of Policy DM26 of the Copeland

	Local Plan 2013-2028.
10.	<p>Foul and surface water shall be drained on separate systems.</p> <p>Reason:</p> <p>To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.</p>
11.	<p>The development hereby permitted shall be constructed entirely of materials detailed in the External Material Schedule – Doc. Ref. 15/10/863-EM/4 received 12th May 2020 and maintained as such thereafter.</p> <p>Reason</p> <p>To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with the provisions of Policy DM10 of the Copeland Local Plan 2013-2028.</p>
12.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Classes A, B, C, D, E, F, G of Part 1 and Class A of Part 2 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.</p> <p>Reason</p> <p>To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with the provisions of Policy DM10 of the Copeland Local Plan 2013-2028.</p>
13.	<p>All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be completed in the first available planting season following the completion of the development.</p> <p>Reason</p> <p>To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.</p>
14.	<p>Once implemented the approved landscaping works shall be maintained in accordance with the maintenance schedule outlined on Phase Four – Landscape Layout – Drawing No.</p>

M2647.07A received 7th July 2020. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To ensure the planting scheme becomes appropriately established in the interests of visual amenity in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

15. The approved Construction Traffic Management Plan – Doc. Ref. 15/10/863 – CTMP/4 received 12th May 2020 and Construction Management Plan – Doc. Ref. 15/10/863 – CMP/4 received 12th May 2020 shall be adhered to throughout the construction period.

Reason

To ensure the construction phase is carried out in accordance with the approved scheme and does not adversely impact local residential amenity in accordance with the provisions of Policy DM22 of the Copeland Local Plan 2013-2028.

Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com>>

2. No development shall commence until Land Drainage / Ordinary Watercourse consent has been granted for the proposed changes to the watercourse flowing through the site. The developer will need to contact our Local Flood Risk Team for Ordinary Watercourse Consent via email (LFRM.consent@cumbria.gov.uk).

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.	
Case Officer: Chris Harrison		Date : 20.08.2020
Authorising Officer: N.J. Hayhurst		Date : 21/08/2020
Dedicated responses to:- Letters to objectors		