

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/20/2272/OF1
2.	<b>Proposed Development:</b>	PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 18 NO. TWO AND THREE BEDROOM HOMES INCLUDING ALL ASSOCIATED EXTERNAL WORKS AND DRAINAGE WORKS
3.	<b>Location:</b>	LAND TO WEST OF MEADOW ROAD AT JUNCTION WITH ULDALE ROAD, MIREHOUSE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: YES  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>Introduction</b></p> <p>This application relates to a brownfield site comprising an area of 0.45 hectares which fronts onto Meadow Road. The site formerly housed a car repair garage which has now been demolished. The site lies on the edge of the large housing estate at Mirehouse and is adjoined to the north by Whitehaven cemetery. A backdrop of semi mature woodland adjoins the western boundary.</p> <p>Planning permission has previously been granted for the redevelopment of the site for residential purposes in 2011, 2014 and 2018. None of these permissions have been implemented, however the demolition was undertaken after the 2018 application (4/18/2436/OF1 relates).</p> <p><b>Proposal</b></p> <p>This application seeks full planning permission for the redevelopment of the site for residential development. The semi-detached two storey dwellings will front onto Meadow Road and be a mix of 2 and 3 bedrooms.</p>

The development will be faced externally with variations of grey and white render and will have Marley Modern tiled roofs. The dwellings are designed to be built in a modular form and will incorporate enhanced insulation for energy efficiency.

Access is to be achieved off Meadow Road with individual accesses for each dwelling and two off street parking spaces per dwelling.

The development will be available for open market sale made available via Home Group.

### **Consultation Responses**

#### **Consultees**

##### **Town Council**

No objections

##### **Highways Authority**

Raised no objections to the application but requested a condition to ensure that access gates, if provided, are hung to open inwards only away from the highway.

##### **Local Lead Flood Authority**

Initially requested that details of the culvert which runs through the site be provided and a detailed drainage scheme to show how this can be accommodated within the design. Further to the receipt of this information, raised no objections, subject to conditions to provide full details of the surface water drainage scheme and a maintenance and management plan, prior to first occupation of the dwellings.

##### **United Utilities**

Initially objected to a connection of an existing system to their own for adoption. Further to the submission of a full drainage scheme including exceedance routes and flows, raised no objections to the surface water draining to the existing watercourse via a private drain, subject a condition requiring a drainage maintenance and management plan prior to the occupation of the dwellings.

##### **Flood and Coastal Defence Engineer**

Initially objected to the scheme due to the culvert present on site, but further to additional information stated that approval to divert the culvert would be required from the LLFA.

##### **Natural England**

No comments

**Scientific Officer**

Raised no objections to the proposal but initially requested further information in relation to ground gas monitoring or a condition for this to be submitted at a later stage. On receipt of the information, no further concerns were raised.

**Arborist (Capita)**

Initially requested an Arboricultural Impact Assessment to include a Tree Protection Plan and an Arboricultural Method Statement. On receipt of this information, raised no further objections.

**Strategic Housing and Social Inclusion**

Fully supportive of the development and consider that a viability has been ensured through a balanced mix.

**Public Representation**

The application has been advertised by way of a site notice, press notice and neighbour notification letters issued to 5 no. properties.

One response was received raising concerns relating to parking provision for the properties and the properties being for open market sale when the previously approved application was for over 50s housing.

**Planning Policies**

Planning law requires 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)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place  
Policy DM11 – Sustainable Development Standards  
Policy DM12 – Standards for New Residential Development  
Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposals and Flood Risk  
Policy DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy 2019 (NPPF)  
Interim Housing Policy 2017 (IHP)  
Strategic Housing Market Assessment 2019 (SHMA)  
Cumbria Development Design Guide (CDG)  
Emerging Copeland Local Plan

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

### **Assessment**

#### Principle of the development

This proposal would involve the redevelopment of a brownfield site within the settlement boundary of Whitehaven. Whitehaven is identified as the Principal town within the Borough where the majority of major development should be focussed. On this basis the principle of development is considered to be acceptable and meets the requirements of Policies ST1 and ST2 of the adopted Local Plan.

#### Layout, scale and design

The layout and scale of the development is considered to be appropriate given the constraints of the land in terms of its configuration, gradient and the need to provide an easement to the existing sewer and water main that run underneath part of the site. The use of a varied palette of external facing materials will help to break up the frontage of the development and provide an attractive appearance which will enhance this gateway into the existing housing estate, in accordance with Policy DM10 of the Local Plan.

Planting is proposed on the northern and southern boundaries on the roadside in order to help

soften the development. Boundary treatments have been specified in the submitted boundary treatment plan to include the retention of the existing wall to the west of the site and the addition of hit and miss fencing at either 1200mm or 1800mm in height between the properties to define the private gardens. The submitted details are considered to be in accordance with Policy DM26 of the Copeland Local Plan and will be in keeping with the residential area.

The use of modular construction methods for the dwellings will also produce thermally efficient units that will have a low running cost, providing a sustainable development in accordance with Policy DM11.

#### Ecology and trees

The information submitted with the application confirms that the site has little ecological interest and the ground conditions are suitable for the type and scale of construction proposed.

Natural England raised no objections to the proposal whilst the Council's Arborist requested further information including an Arboricultural Impact Assessment to include a Tree Protection Plan and an Arboricultural Method Statement. On receipt of this information which detailed that the development would only require the removal of a single tree and the protection of another during the construction stage, the Arborist raised no further queries and was satisfied with the proposal.

#### Access and parking

The development proposes a ratio of 2 off road car parking spaces per unit which includes visitor parking. Each dwelling will have its own access point from Meadow Road, which is considered to be acceptable by the Highway Authority, provided that any gates that are hung are designed to open inwards and not onto the highway. One letter of objection was received to the application raising concerns with regards to cars parking on the highway. The development provides a satisfactory level of off road parking and complies with the minimum standards for dwellings of this size set out in the CDG, therefore this is considered to be satisfactory.

The Highway Authority initially requested a Construction Management Plan to ensure that all construction traffic is able to access, park within and egress the site safely. This was provided by the Agent and the details were considered to be acceptable.

Overall, it is considered that the details comply with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

#### Drainage

A surface water drainage assessment was submitted with the application which stated that infiltration would not be suitable for the site due to the soil conditions. A connection to the existing

watercourse – Pow Beck, was discounted as the predicted outfall is too great, therefore surface water is proposed to connect to the existing unadopted sewer on site. Attenuation measures will be included through the porous parking areas in order to achieve the restricted flow of 2.7l/s.

The Council's Flood and Coastal Defence Engineer initially raised concerns regarding an existing culvert on site and the likelihood that United Utilities would not adopt an existing system that doesn't connect to their system already. This was confirmed by United Utilities who objected to the connection. The Agent submitted a full surface water drainage plan to show the surface water discharging into the watercourse via an existing private drain along with exceedance routes and flows. The water from the higher land to the west of the site will be drained to a new manhole to attach to the existing watercourse.

The culvert was investigated in order to determine the condition of the outfall pipe and its suitability for use and a CCTV survey was submitted to show that it is suitable for diversion and use. The diversion of the culvert requires separate consent from the LLFA and this is currently being sought by the Applicant. The existing manhole depths require confirmation as part of the water course alterations which could affect the final design of the drainage scheme. This can be agreed prior to occupation of the dwellings and secured by an appropriately worded planning condition. A maintenance plan is also required for the surface water drainage within the development that is to remain private, which can again be secured through a planning condition. The LLFA has advised that the applicant should make contact prior to works commencing on the watercourse to confirm if an ordinary watercourse defence consent is required.

Overall, it is considered that provided the conditions are added to the consent for the provision of the outstanding information, the proposal complies with Policies ENV1 and DM24 of the Copeland Local Plan with regards to drainage.

#### Ground conditions

The application was submitted with a Phase 2 Ground Investigation which was considered by the Scientific Officer to be acceptable overall. No objections were raised, however conditions were considered to be necessary to ensure that the proposed remediation strategy be carried out and that a verification plan be provided for longer term monitoring. The Agent responded that the submitted report concluded that no specific remediation strategy is required due to the low volume of unsuitable material across the site and that verification testing would be undertaken in line with standard protocols. This was considered to be acceptable to the Scientific Officer, but he requested that gas protection measures be submitted in order to avoid a planning condition. A foundation plan was submitted to show a gas membrane on the southern plots, as requested and this was considered to be acceptable for the Officer.

#### Planning Balance and Conclusion

	<p>The proposed site is brownfield and situated within the settlement boundary for Whitehaven therefore residential development is supported by the policies within the Copeland Local Plan. The site will deliver homes in a sustainable location to meet an identified need within Copeland. It is considered that the minor harm created, predominantly within the construction phase, will be significantly outweighed by the benefits of the scheme.</p> <p>Overall this is considered to be an acceptable form of sustainable development which complies with the policies set out in the adopted Local Plan and the guidance contained within the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>2. 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: -</li> </ol> <p>Location Plan, scale 1:1250, drawing number H51-1027-006, received  Site Block Plan, scale 1:500, drawing number H51-1027-003 A, received 6<sup>th</sup> October 2020;  Planning Layout, scale 1:500, drawing number H51-1027-001 A, received 6<sup>th</sup> October 2020;  Exceedance Routes, scale 1:250, drawing number 1100-P1, received 14<sup>th</sup> September 2020;  Exceedance Flows, written by 3e Consulting Engineers, received 14<sup>th</sup> September 2020;  Section 278 Works, scale 1:250, drawing number 5000-P1, received 21<sup>st</sup> September 2020;  Materials Layout, scale 1:500, drawing number H51-1027-005A, received 29<sup>th</sup> September 2020;  Holt Grey/White Render Pack Floor Plans and Elevations, scale 1:100, drawing number HOL001-KKA-A-ZZ-DR-AR-0001 5, sheet numbers 201 and 202, received 29<sup>th</sup> September 2020;  White Render Drawing Pack Floor Plans and Elevations, scale 1:100, drawing number HOL001-KKA-A-ZZ-DR-AR-0001 5, sheet numbers 201 and 202, received 29<sup>th</sup> September 2020;  Dalby Grey/White Render Pack Floor Plans and Elevations, scale 1:100, drawing number HOL001-KKA-A-ZZ-DR-AR-0001 5, sheet numbers 201 and 202, received 29<sup>th</sup> September 2020;  Dalby White Render Drawing Pack Floor Plans and Elevations, scale 1:100, drawing number HOL001-KKA-A-ZZ-DR-AR-0001 5, sheet numbers 201 and 202, received 29<sup>th</sup> September 2020;  Storey Heights Plan, scale 1:500, drawing number H51-1027-004 A, received 6<sup>th</sup> October 2020;</p>

Boundary Treatment Plan, scale 1:500, drawing number H51-1027-002 A, received 6<sup>th</sup> October 2020;  
CCTV Inspection Report, written by SK Drainage Solutions Ltd, received 13<sup>th</sup> October 2020;  
Permeable Paving Detail, scale 1:20, drawing number 1001 P1, received 13<sup>th</sup> October 2020;  
Proposed Drainage Layout, scale 1:250, drawing number 1000 P4, received 14<sup>th</sup> October 2020;  
Arboricultural Method Statement, reference 14736b/PaH/TT, written by JCA Limited, received 13<sup>th</sup> October 2020;  
Marley Modern Tile Specifications, received 16<sup>th</sup> October 2020;  
Vista Door Specification, received 16<sup>th</sup> October 2020;  
Piling and Ground Beam Layouts and Details, scales 1:50 and 1:20, drawing number 0001 P9, received 6<sup>th</sup> November 2020;  
Method Statement for SW Drainage Diversion, reference MS-01, received 11<sup>th</sup> November 2020;  
Risk Assessment, reference RA-01, received 11<sup>th</sup> November 2020;  
Construction Traffic Management Plan Rev A, reference DE3227, written by Ashcroft, received 12<sup>th</sup> November 2020;  
Crane Set Up Revision A, drawing number ABTC073, received 12<sup>th</sup> November 2020;  
Ecological Appraisal, written by WYG, dated June 2018, received 9<sup>th</sup> July 2020;  
Phase 2 Ground Investigation Report, written by Curtins, received 9<sup>th</sup> July 2020;  
Drainage Strategy, written by 3E Consulting Engineers, received 9<sup>th</sup> July 2020;  
Street Scene, received 9<sup>th</sup> July 2020;  
Design and Access Statement, written by Hive, dated July 2020, received 24<sup>th</sup> July 2020.

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.

3. Prior to the first occupation of the development hereby approved, a detailed surface water drainage scheme that is in accordance with Drawing No. P19-177-3E-ZZ-XX-DR-C-1000-P4 – Drainage Strategy, principles set out in the drainage Statement P19-177-C9000 dated July 2020 and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) must be submitted to and approved in writing by the local planning authority.

The development must be constructed, maintained and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.



4. Prior to the first occupation of the dwellings hereby approved, a management and maintenance plan for the surface water drainage scheme for the lifetime of the development must be submitted to and approved in writing by the Local Planning Authority. As a minimum, the plan must include:

- a. Arrangements for adoption by an appropriate public body, statutory undertaker or private management company.
- b. Arrangements for inspection and ongoing maintenance of all elements of the surface water drainage scheme to secure its effective operation for the lifetime of the development.

The development must be subsequently completed, maintained and managed in accordance with the approved plan.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

5. Access gates, if provided, must be hung to open inwards only away from the highway and maintained as such at all times thereafter.

Reason

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

6. Works on site must be completed in accordance with the approved Phase 2 Ground Investigation Report, written by Curtins, received on 9<sup>th</sup> July 2020 and the Piling and Ground Beam Layouts and Details, scales 1:50 and 1:20, drawing number 0001 P9, received 6<sup>th</sup> November 2020 and maintained as such at all times thereafter.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy ST1 of the Copeland Local Plan.

7. All works on site must be undertaken in accordance with the Arboricultural Method Statement, reference 14736b/PaH/TT, written by JCA Limited, received 13<sup>th</sup> October 2020 and

so maintained as such at all times thereafter.

Reason

To adequately protect the existing trees on site which are considered worthy of retention and in accordance with Policy DM26 of the Copeland Local Plan.

8. All works must be carried out must be in accordance with the Construction Traffic Management Plan Rev A, reference DE3227, written by Ashcroft, received 12<sup>th</sup> November 2020.

Reason

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

9. Prior to the first occupation of the dwellings hereby approved, the parking provision for each property as demonstrated in the approved document Planning Layout, scale 1:500, drawing number H51-1027-001 A, received 6<sup>th</sup> October 2020, must be constructed and brought into use and maintained as such at all times thereafter.

Reason

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

### **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 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

2) Prior to any work commencing on the watercourse, the applicant should contact the Local Lead Flood Authority on tel: 01228 221331 or email: LRFM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to

determine.

3) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

**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: Sarah Papaleo**

**Date : 12/11/2020**

**Authorising Officer: N.J. Hayhurst**

**Date : 12/11/2020**

**Dedicated responses to:-**