

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2334/OR1	
2.	Proposed Development:	RESERVED MATTERS APPLICATION FOR 26 DWELLINGS AND ASSOCIATED INFRASTRUCTURE FOLLOWING OUTLINE APPROVAL 4/17/2143/001	
3.	Location:	FORMER ROMAR FACTORY, IVY MILL, MAIN STREET, HENSINGHAM, WHITEHAVEN	
4.	Parish:	Whitehaven	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letters	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to the Ivy Mill Site which was formally utilised as The Romar Innovate Factory from 2001 – 2016. It is situated within the centre of Hensingham, and is located to the east of Copeland’s Principal Town Whitehaven.		
	The site covers an area of 0.95 hectares and is currently brownfield land. The site was previously occupied by a large redundant factory unit and two associated office buildings, however these buildings have now been demolished. The site has a change in levels across its length, with the highest point within the south western corner.		
	The site fronts Main Street, and is bound to the south by existing residential properties which front onto Muncaster Road and Queens Close. The site was previously bounded to the north east and south west by redundant sites, however these have now been developed to form a sixty bed care		

facility (ref: 4/17/9001/0F2) and a fuel forecourt and associated convenience store and parking (ref: 4/16/2167/0F1).

The site is currently served by two existing accesses from Main Street, one of these will continue to be used in its current form to allow access to the existing electrical substation located to the north of the site.

Relevant Planning History

4/17/2143/001 – Demolition of factory and outline planning for erection of dwellings – Approved in Outline

Proposal

This application seeks the approval of Reserved Matter for 26 dwellings and associated infrastructure on this site, including details of access, appearance, landscaping, layout and scale. This reserved matters application originally sought to deal with details of the proposed drainage and contamination remediation, however these have since been removed from the application. This application follows the approval for the demolition of the existing factory and outline planning permission (4/17/2143/0F1); all matters were reserved as part of this application.

The proposal seeks permission to develop this site for 26 dwellings. The scheme comprises both semi-detached and detached properties, with a mix of 3 x two bedroom properties, 19 x three bed roomed properties, and 4 x four bed roomed properties. The development will be accessed from the existing access to the western corner of the site. The development will be arranged around a spine access road forming two cul-de-sacs. Five properties to the front of the site will also be accessed via a shared access drive. The main cul-de-sacs within the development will be bounded by a footpath to provide connectivity within the estate.

Each dwelling will benefit from a small front garden, a driveway providing off street parking spaces, and private rear gardens. The majority of the proposed dwellings will also benefit from an attached or detached single garage.

Externally, all of the proposed dwellings will be finished with fortterra abbey red multi brick, froterra Ashwell yellow multi as the contrasting brick details, dark grey plain profile concrete roof tiles, and white UPVC doors and windows.

The development will include additional landscaping including trees, beds of shrubs and low level evergreen flowering hedges along the main entrance road for the site. The majority of the existing sandstone wall to the front of the site will be retained as part of this development, however a small section will be removed and replaced with a flowering bed. All rear gardens will be finished with a 1.8m boundary fence. A 1.8m boundary wall will also be erected on key boundaries within the development.

The site will also accommodate five visitor car parking spaces.

Consultation Responses

Whitehaven Town Council

1st October 2020

A Councillor expressed their concern with regards to the infrastructure. They questioned whether the existing infrastructure could support this development. They were concerned with the increase in traffic at an already congested area with another junction feeding into this road. They also raised concerns with regards that the area where the development is being built is prone to flooding.

Reconsultation:

No comments received in relation to amended plans.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

8th October 2020

There are a number of points that require to be addressed.

- There is concern for the access point of the private drive for plots 1 -5 in potential to create vehicle conflict given its proximity to the main access for the site, there is the same concern for the driveway entrance of plot 9.
- Although there is a proposed parking available over what is required in relation to the dwelling sizes there is no provision for visitor parking anywhere on the site, there is a requirement for 1 space per 5 dwellings equating to 5 visitor spaces required, garages are provided within the development but in order for them to be considered as a parking space they should be 21m² internally.
- If the development is to be subject to a S38 agreement then the designated parking area for plot 21 cannot be accepted, we cannot designate private parking within the public highway.
- Trees planted within the development need to be sited as to not interfere with inter-visibility of pedestrians and vehicles and proposed screen planting at 5-7 should be no higher than 600mm so as not to obstruct visibility of the adjacent driveways.
- Further detail are required for surface water drainage and this is in the process of being prepared, this should include proposals to prevent surface water discharge onto the highway from private driveways.

8th September 2021

LHA:

- With access road to plot 1-5 being private with no turning head outside plot number 1, Has distances for residents to transport their refuse bins been considered ? as stated in the Cumbria Design Guide a maximum distance of 30 metres is allowed for residents to transport their refuse, 15 meters for a 2 wheeled bin. If the distance is greater than required a

designated refuse collection point is to be created.

- On all new plans submitted there appears to be no visitor parking within the site, On a previous response this was also commented on, as the Cumbria Design Guide states that 1 visitor parking space is required per 5 new dwellings, 5 visitors parking spaces should be included within this development.

LLFA:

- It states in the flood risk strategy that permeable driveways will be included on this development and will drain to the surface water system, Can construction detail be provided and show how the driveways will connect into the surface water system including silt traps.
- Clarification is required on the following points within the Flood Risk Assessment and Drainage strategy (FRA) paragraph 7.4 of the FRA states that the existing surface water drain exits the proposed development site through a existing surface water culvert, which then runs through Horsfield close on the opposite side of the carriageway. Then in paragraph 9.4.2 of the FRA its states that the existing surface water exits the site into a combined system with the carriageway maintained by United Utilities.
- Within the proposed 104 agreement will the concrete box culvert/attenuation tanks be adopted by United Utilities ? the details of section 104 agreement need to be confirmed due to size of the 3 number proposed attenuation tanks. As if the Local Highway Authority where to adopt the attenuation tanks these would be classed as structures within the highway and will attract a large commuted sum.

14th October 2021

Although further comments have been received regarding visitor parking spaces within the site, We disagree that extra parking spaces proposed per dwelling reaches the desired total parking spaces for the site, The Local Highway Authority maintain the view that 1 visitor parking space should be provided per 5 new dwellings.

2nd November 2021

We as the LHA are content with the position of the Visitor car parks proposed and have no further objections from a LHA point of view. As the LLFA we still welcome final drainage proposals for this development. I would ask for any conditions that have not been discharged remain, as Gleeson are still to submit a revised drainage plan for this site.

15th November 2021

No further conditions are needed for this application from a LHA and LFA point of view. Conditions 4 – 9 on the outline application however have not been dealt with and should remain.

United Utilities

14th August 2021

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

31st August 2021

Following our significant correspondences with the Lead Local Flood Authority and our review of the submitted Flood Risk Assessment & Drainage Strategy, ref: K36892.FRA/001, revision original Issue, 11 June 2021, we can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design. With this in mind, we request surface water and foul water drainage conditions are attached to any decision notice

12th November 2021

Proceed application based on the original outline conditions.

Environment Agency

30th September 2020

We have no objection to the proposals for the Reserved Matters applied for here, namely Access, Appearance, Landscaping, Layout and Scale.

Our response to the Outline planning application (our ref NO/2017/109972 dated 3 July 2017) raised a requirement for contaminated land Conditions which still stands.

We have reviewed the Phase 2 Ground Investigation Report submitted with this Reserved Matters application (ref 2019-3886 dated October 2019 prepared by Geo Environmental Engineering) but the assessment of risk to Controlled Waters is incomplete and further work is required in order to comply with these conditions.

15th September 2021

We have reviewed the Geo Environmental phase 2 Ground Investigation Report ref 2019-3886 and would like to make the following comments.

1. The report recognises the need for further investigation of soils and the line of the culvert. The results of these need to be submitted to update the findings and re-assessment from the 2019 investigations. It is important to ascertain the position, line and construction of the culvert, but also the depth to invert level because this may be the closest receptor or act as a rapid transmission conduit pollutant pathway.
2. Elevated levels of TPH and PAH are noted in soils and water samples and therefore remediation is required. It should be noted that only 1 sample from two boreholes were taken on a single occasion. Whilst there is agreement the samples are likely to represent ephemeral and localised perched water, there is insufficient hydrogeological data to establish any meaningful assessment of risk and/or how widespread the perched water table is without seasonal sampling.
The data provided shows an increase in contaminant concentration in soils with depth, and

there is a presumption that low permeability soils will prevent migration through the superficial deposits into the underlying Secondary A aquifer. However due to limitations of ground investigation techniques, the ground investigation has not established with any certainty the depth to bedrock.

There are no boreholes into the aquifer and the 2 water samples represent shallow pockets and therefore the overall risk to the water environment is inconclusive.

3. The proposed remediation strategy presented in 10.3 is based on end use risk and not controlled waters. Therefore, the options need to be revised to take controlled waters into account. If the capping option to leave contaminated soils on site is favoured without remediation of groundwater, further ground investigation is required to risk assess pollutant potential to groundwater and surface waters. Given the information provide to date, this is not an acceptable option and we object to this proposal.

Should the removal of contaminated soils be the favoured option, the remediation proposals are likely to be acceptable based on the principle that the pollution source is removed. Therefore hydrocarbon impacted soils including the black gravel source in western area should be removed off site. Validation of the base and side walls of remaining insitu soils should be acceptable verification of remediation with this option.

4. Depending on the state and orientation of the culvert, remedial works may be required to impede contaminated water entering or running along the outside of the structure.

11th October 2021

Within our response to the original planning application we requested the contaminated land remediation condition. We would generally expect this to be resolved through a condition, rather than submitted with the Reserved Matters. Our Contaminated Land officers are generally used to reviewing information submitted to the LPA and if necessary discharging a condition in stages to reflect the investigation, remediation & verification stages of the condition.

Copeland Borough Council – Flood and Coastal Defence Engineer

20th August 2021

There is a paragraph within the Flood Risk Assessment and Drainage Strategy that is not only factually incorrect, but has made an assumption, which I believe to be incorrect, that actually makes the proposed drainage strategy invalid.

Under Section 7.4 Hydrology, the second paragraph states:

“An adopted 350mm surface water sewer crosses Main Street 0.95km north of the site, flowing in a south westerly direction under Horsfield Close. At present, it appears that the surface water from the existing development is discharged into this watercourse. This is shown on the UU Sewer Records included in Appendix C.”

Specific factual issues with this paragraph are:

- ☐ The culverted watercourse is not adopted, even though it is shown on the UU Sewer Records.
- ☐ The dimension recorded are questionable, as it is a twin 500mm concrete pipe system through Horsfield Close and appears to be an old stone culvert upstream.
- ☐ Rather than being north of the site it actually crosses the north west corner of the site, where there is a short pen section.

However, from the perspective of the proposed development the issue is the assumption that the surface water from the existing development discharges into this watercourse, for the following reasons:

- ☐ As the culverted watercourse passes beneath the development site, it does so at probably the highest point topographically, so it wouldn't be possible to drain the site into the culvert.
- ☐ Surveys of the culvert downstream of the site have not identified any connects which would likely be connects from the development site.
- ☐ The developer, now needs to prove this assumption, with simple dye testing being the easiest method.
- ☐ If, as I suspect the site does not drain into the culvert, then the proposed surface water disposal would be acceptable, subject to further comments (documented below) regarding future works.
- ☐ If it is demonstrated that existing surface water from the development site does discharge to the culvert, then it is highly likely that United Utilities will refuse the connection of the surface water from the development into the combined sewer and insist that it should go into the culvert.
- ☐ Downstream of Horsfield Close, the culvert reverts to a stone culvert through Hensingham Cemetery and then is piped through Winston Drive and is known to be in poor condition.

On the assumption that the site does not currently drain into the culverted watercourse, then the proposal to discharge the surface water into the combined sewer is the right option at this time. However, Cumbria County Council is currently seeking to renew the highway drainage in Hensingham Main Street, which, once completed, would allow the developer to put the surface water from the site into a surface water system. Consequently, as part of any planning approval, once the present surface water disposal is confirmed, it should be conditioned, that the surface water connection into the combined sewer is only temporary, and that on the commissioning of a new surface water system, the surface water discharge from the site should then be taken out of the combined sewer and connected into the new system.

7th October 2021

No additional comments to make. I think that dealing with the drainage at the discharge of condition

stage is acceptable.

Copeland Borough Council – Environmental Health

11th April 2021

There is the potential for noise from the garage to affect residential amenity, this was considered in the noise assessment included with the garage application but it would have been completed before the proposed housing development. I believe in this case that it would be appropriate for Gleesons to carry out their own noise assessment to ensure that the houses (particularly the plots you mentioned) meet BS 8233 Guidance on sound insulation and noise reduction for buildings.

They may be able to refer to the original noise assessment for the service station. The noise levels calculated in this should be able to be adapted for the new development. As we have previously discussed part of that assessment recommended the fence between the garage site and the Gleeson site, I see that the fence has now gone up but I am unsure if it meets the agreed boundary treatment. It may be that Gleesons will need to add to the fence to improve the noise attenuation if their noise assessment recommends this.

10th November 2021

Based on the information submitted for this application and subject to the inclusion of conditions relating to the noise assessment, a light assessment, and the construction phase of the development, Environmental Health have no objections.

Copeland Borough Council – Strategic Housing

18th November 2021

The housing mix has been altered to 3 x 2 bed, 18 x 3 bed and 5 x 4 bed properties since the pre-application stage, a reduction in 3 units.

As stated in our original response, we consider the need in Hensingham to be 2 and 3 bedroom properties, which this application still reflects, though there are now fewer 2 bedroomed properties proposed.

We are supportive of this application as it will provide entry level housing as well as larger family homes, in a popular area of Whitehaven, which will help retain younger people in the town.

We would still like to see a couple of units of affordable housing on the development and would recommend this be discounted sale rather than rented.

23rd August 2021

I have looked at the additional documents and there doesn't appear to be anything that would change my earlier comments.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification

letters issued to twelve properties. No comments have been received in relation to the statutory notification procedure.

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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST3 – Strategic Development Priorities

Policy ST4 – Providing Infrastructure

Policy ER10 – Land and Premises for Economic Development

Policy ER5 – Improving Quality of Employment Space

Policy ER6 – Location of Employment

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

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 of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

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

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. 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

This major application seeks to redevelop a former employment site. The key issues raised by this application relate to the principle of the development and loss of employment, scale, design and impact on amenity, impact on landscape and settlement character,

Principle of Development & Loss of Employment

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

The application relates to a brownfield site, formally utilised as the Romar Innovate Factory, situated within the centre of Hensingham, which is located within the eastern area of the Whitehaven settlement boundary. Whitehaven is classified under Policy ST2 of the Copeland Local Plan as the Principal Town of Copeland where major development should be concentrated.

The Local Plan states that proposed new housing in Whitehaven should take the form of estate-style development, infill and windfall housing and larger sites which will require a proportion of affordable housing. This site is considered to be brownfield development within the centre of Hensingham, a largely residential area. Policy SS2 of the Copeland Local Plan states the houses building to meet the needs for the community and to accommodate growth will be provided by seeking to achieve 50% of

new housing development on previously develop brownfield land. The proximity of the site to existing local services, offers the opportunity to regenerate this area of Whitehaven.

The principle for developing this site for residential purposes was established by the outline permission approved in 2017, which was determined by elected Members at the Planning Panel. This approval also allowed for the demolition of the former employment facility and the subsequent loss of this employment site.

This application seeks approval of scale, layout, appearance, access, and landscaping.

Housing Need and Mix

The NPPF encourages the provision of affordable housing as part of major development schemes, which include proposals for 10 or more houses. Policy SS3 state that applications for housing developments should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone.

This application seeks permission for a residential development of 26 dwellings at this site. The site will be developed with a mix of semi-detached and detached properties, offering two, three and four bedroom properties. The developer is a specialist house builder who provides low cost housing to those on lowest incomes. The Council's Housing Team have confirmed that the proposed meets the need for two and three bedroom properties within Hensingham, and they are supportive of this application as it provides entry level housing as well as larger family homes in a popular area of Whitehaven, helping to retain younger people within the town. The Housing team however have stated that they would like to see an element of affordable housing on the development, recommending discounted sale rather than rented.

Whilst comments from the Council's Housing Team are noted in terms of their request for affordable units, this was not agreed as part of the outline approval for this site. Based on the Vacant Building Credit scheme it was deemed that as the floor space of the new development on this site would be below the floor space of the buildings to be demolished, the need for affordable housing was negated. The Vacant Building Credit Scheme is designed to incentivise brownfield development schemes and the Local Planning Authority were satisfied in this instance that the development met the requirements of this Government Guidance and affordable units cannot be required as part of this reserved matters application.

Based on the previous outline planning approval at this site and based upon National Planning Policy Guidance in relation to the Vacant Building Credit scheme this application is not required to provide affordable housing within this site. This is considered to be in accordance with the guidance on viability set out within paragraph 64 of the NPPF. The housing mix proposed will offer a range of housing consistent with the SHMA and accords with Policy SS3 of the Local Plan.

Scale, Design & Impact of Development on Residential Amenity

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create

and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

This application seeks approval of Reserved Matters for the erection of 26 dwellings on this site. Extensive discussions have been undertaken with the agent in relation to the proposed layout of the development. Whilst the scale and overall layout of the proposed development meets the required separation distances with adjacent residential properties as set out in Policy DM12 and is consistent with the general built form of the area, concerns were raised with the agent regarding the design of the development along the frontage into Main Street. The development is set back from main road through Hensingham to allow a shared access drive which serves the five properties which create the site frontage. Originally, this row of properties comprised a mix of dwelling types and style the use of both gables and roofs fronting the main road. Concerns were raised that this element of the proposal did not reflect the character of the overall area, which has a very prominent character of strong property frontages with roof slopes running parallel with the highway. Based on these concerns the proposed house types were amended to ensure that the roof slopes of the frontage development front onto the adjacent highway to reflect the overall character of the area. As requested within discussions at the outline stage of this development, the existing sandstone wall fronting the application site is to be retained to ensure that the existing traditional boundary which contributes to the character of the area is maintained as part of this development. This retention will also be secured by an appropriately worded planning condition.

As part of these discussions concerns were also raised with the agent in relation to the proximity of a number of plots (6-9) the adjacent petrol station and forecourt. These concerns related to the potential impact of the existing use on the residential amenity of the proposed dwellings. These concerns was also shared by the Council's Environmental Health Department. Based on these concerns the applicant has submitted a Noise Assessment to support this development. This Noise Assessment concludes that the development site is of low risk and the standard thermal double glazing and traditional building envelope construction will provide sufficient sound insulation for habitable rooms. The study states that it is not necessary to provide additional noise mitigation to habitable rooms but an alternative means of ventilation should be provided on plots 1 to 9 and the rear of plot 5. It is also recommended that attenuating ventilator units are installed on habitable rooms on rear elevations of plots 6 to 14.

Environmental Health have reviewed this submitted information and have confirmed that they now have no objections to the development, providing that the remedial action identified within the Noise Assessment is implemented. The proposed remedial action will therefore be secured and retained by an appropriately worded planning condition in order to protect residential amenity.

The Council's Environmental Health team have also stated that due to the close proximity to the adjacent commercial garage, there is a potential for nuisance arising from light, therefore they have requested that, as a minimum, the applicant carries out a Light Assessment based around the night-time operation of the nearby commercial garage and undertake remedial action where required to address any potential light nuisance. The requirement for a Light Assessment will be secured though

an appropriately worded planning condition.

On the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

Landscape and Settlement Character

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that 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.

This application site comprises of brownfield land which previously housed the former Romar Innovate Factory, within the centre of Hensingham. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type OO: 'Urban'. The site is located within a prominently residential area, however it is now also bounded by two new developments. The former redundant site to the north east of the application site now houses a modern sixty bed care facility and to the south west of the site is a new fuel forecourt and convenience store. As the development is surrounded by existing development the proposal is not considered to have an impact on the overall landscape and is complementary to the existing built form and character of this part of the settlement. The development of this final redundant brownfield site also offers the opportunity to regenerate this area of Whitehaven.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

Access & Highways Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The application for 26 dwellings on this site will be accessed from the existing access point to the western corner of the site. The proposed development will be constructed around a spine access road forming two cul-de-sacs. Five of the proposed to the front of the site will also be accessed via a shared access drive. The main cul-de-sacs within the development will be bounded by a footpath to provide connectivity within the estate.

Extensive discussions have been undertaken with Cumbria Highways as part of the application process. Numerous issues were raised with the development, including detail on visitor parking and the private access drive to the front of the site. In response to these concerns the agent for this application has submitted amended plans for this proposal, to which Cumbria Highways have offered no objections and have confirmed that no further conditions are required. Cumbria Highways have however stated that conditions 4 – 9 on the original outline application have yet to be dealt with and should therefore remain to be discharged by the applicant.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan.

Flood Risk and Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site lies within Flood Zone 1, however as this application is for a major proposal a Flood Risk Assessment and Drainage details were produced to support this scheme. Following concerns raised by a number of statutory consultees including the Council's Flood and Coastal Defence Engineer and the LLFA, the drainage details have now been withdrawn from consideration under this application. As part of the outline application a number of pre commencement conditions were attached to this decision notice to ensure a satisfactory drainage scheme for this development. The agent for this application has determined that the best way to deal with drainage for this development would be to discharge these conditions following the approval of the Reserved Matters application. No objections have been raised from statutory consultees in progressing drainage in this manner.

Based on the conditions attached to the original outline application for this site to secure adequate drainage within the development, the proposal is considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan and provision of the NPPF.

Contaminated Land

Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

As part of the outline application a condition was attached to this decision notice to secure a scheme for dealing with risks of contamination at this site. The agent originally submitted information with this Reserved Matters application to deal with this condition. However following concerns raised by the Environment Agency, the agent has withdrawn this information from this application and has confirmed that this matter will be dealt with through the discharge of the condition attached to the outline planning approval. This has been supported by the Environmental Agency as a way to progress the application. On this basis the development is considered to comply with the provision of

	<p>the NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>This application seeks to redevelopment a brownfield site located within the residential area of Hensingham. This area falls within the settlement boundary for the Boroughs Principal Town, Whitehaven, where new development should be concentrated.</p> <p>The site was previously an employment site, incorporating the former Romar Factory. The principle of developing the site for residential purposes, the loss of this employment site, and the demolition of the former factory has already been established by the previous outline planning permission, determined by Planning Panel Members in 2017.</p> <p>The proposed seeks to develop a mix of 26 dwellings on this site. The Council's Housing Team have confirmed that the proposal reflects the required housing need for this area, however have requested that affordable units are provided. The outline permission did not require a need for affordable units at this site due to the Vacant Building Credit scheme, therefore it is not considered to appropriate to request this as part of the Reserved Matters application. The proposed housing mix is consistent with the SHMA and satisfies the requirement of Policy SS3 of the Local Plan</p> <p>Significant discussions have been undertaken to secure amendments to the overall proposal to ensure the development reflects the character and form of the area. A Noise Assessment has also been undertaken to ensure the amenity of the proposed properties are protected from the adjacent petrol station. Concerns have been raised with regard to the proposed drainage, land contamination and potential light nuisance at this site, however it has been agreed by statutory consultees and the applicant that these details can be secured through conditions.</p> <p>On balance, this proposal offers an opportunity to develop a brownfield site within a key location within the Borough's Principal town. Whilst there is potential for harm to the amenity of the occupiers of the properties due to the proximity of the site to the neighbouring petrol station mitigation measures and additional assessment which can be secured by condition will ensure the these impacts are mitigated. The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve Reserved Matters</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development must be carried out in accordance with the plans submitted and in

accordance with the conditions attached to the outline planning permission.

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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-

- Location Plan, Scale 1:1250, Drawing Number: 16061-00, received by the Local Planning Authority on the 2nd September 2020.
- Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: F, received by the Local Planning Authority on the 1st November 2021.
- Planning Layout (Colour Coded) (Amended), Scale 1:500, Drawing Number: MJG/PL-110-2, Rev C, received by the Local Planning Authority on the 1st November 2021.
- Site Sections (Amended), Scale 1:500, Drawing Number: MJG/PL-110-7, Rev A, received by the Local Planning Authority on the 26th August 2021.
- Street Scene Plots 1-5 (Amended), Scale 1:100, received by the Local Planning Authority on the 22nd July 2021.
- Car Parking Plan (Amended), Scale 1:500, Drawing Number: MJG/PL-110-3, Rev: C, received by the Local Planning Authority on the 1st November 2021.
- Boundary Treatment Plan (Amended), Scale 1:500, Drawing Number: MJG/PL-101-1, Rev C, received by the Local Planning Authority on the 1st November 2021.
- Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing Number: SD-110, Rev: B, received by the Local Planning Authority on the 2nd September 2020.
- Boundary Treatments 1800mm High Timber Fence, Scale 1:20, Drawing Number: SD-100, Rev: D, received by the Local Planning Authority on the 2nd September 2020.
- Detached Garage Details Single, Scale 1:50 & 1:100, Drawing Number: SD700, Rev: A, received by the Local Planning Authority on the 2nd September 2020.
- Detached Garage Details Double, Scale 1:50 & 1:100, Drawing Number: SD701, Rev: B, received by the Local Planning Authority on the 2nd September 2021.
- Landscape Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW01-C, received by the Local Planning Authority on the 22nd July 2021.
- Landscape Management Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW02-C, received by the Local Planning Authority on the 22nd July 2021.
- Site Surroundings, received by the Local Planning Authority on the 26th February 2021.
- External and Finished Floor Levels (Amended), Scale 1:200, Drawing Number: K36892/A1/102, Rev: D, received by the Local Planning Authority on the 22nd July 2021.
- Proposed Highway Longitudinal Sections (Amended), Scale 1:100 & 1:500, Drawing

Number: K36892/A1/102, Rev: B, received by the Local Planning Authority on the 22nd July 2021.

- Noise Assessment Report, Prepared by RS Acoustic Engineering 22nd July 2021, received by the Local Planning Authority on the 22nd July 2021.
- Economic Benefits Report, Prepared by Homes by Gleeson August 2020, received by the Local Planning Authority on the 2nd September 2020.
- Proposed Highway Levels (Amended), Scale 1:200, Drawing Number: K36892/A1/100, Rev: B, received by the Local Planning Authority on the 22nd July 2021.
- External Works Layout (Amended), Scale 1:200, Drawing Number: K36892/A1/110, Rev: A, received by the Local Planning Authority on the 2nd July 2021.
- Plot 13 and 14 (211/301), Scale 1:100, Drawing Number: MJG/PL-107-7, received by the Local Planning Authority on the 2nd September 2020.
- Plots 11, 12, 15, and 16 – 301 and 221 House Type, Scale 1:100, Drawing Number: MJG/PL-107-8, received by the Local Planning Authority on the 2nd September 2020.
- House Type 301 Elevations (Rural 13) (Amended), Scale 1:100, Drawing Number: 13/301-8, Rev: E, received by the Local Planning Authority on the 26th August 2021.
- House Type 301 Floor Plans, Scale 1:100, Drawing Number: 301/1H, received by the Local Planning Authority on the 2nd September 2021.
- House Type 303 Elevations (Rural 13) (Amended), Scale 1:100, Drawing No 13/303-9, Rev: F, received by the Local Planning Authority on the 26th August 2021.
- House Type 303 Floor Plans, Scale 1:100, Drawing No: 303/1E, received by the Local Planning Authority on the 2nd September 2020.
- House Type 353 – Elevations and Floor Plans (Opposite Hand), Scale 1:100, Drawing No: 353/1A, received by Local Planning Authority on the 7th September 2021.
- House Type 358 (Rural 13) (Amended), Scale 1:100, Drawing Number: 13/358/359-9, Rev A, received by the Local Planning Authority on the 26th August 2021.
- House Type 358 Floor Plans, Scale 1:100, Drawing Number: 358/9/1A, received by the Local Planning Authority on the 2nd September 2020.
- House Type 450 Elevations (Amended), Scale 1:100, Drawing Number 13/450-9, received by the Local Planning Authority on the 26th August 2021.
- House Type 450 Floor Plans, Scale 1:100, Drawing Number: 450/1A, received by the Local Planning Authority on the 27th September 2021.
- House Type 450 Elevations and Floor Plans – Opposite Hand (Amended), Scale 1:100, Drawing Number: 1:100, received by the Local Planning Authority on the 7th September 2021.

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 Conditions:

3. Before development commences at this site a Light Assessment based around the night-time operations of the adjacent commercial garage must be submitted to and approved in writing by the Local Planning Authority. Any approved remedial action identified within this assessment must be implemented before the development is first occupied and must be retained at all times thereafter.

Reason

To protect residential amenity.

4. Before development commences, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include provide details of dust emissions, noise and vibration, and must identify remedial action to prevent nuisance. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In order to protect residential amenity.

Prior to Occupation Conditions:

5. Prior to the first occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b) 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 must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the following approved plans:

- Boundary Treatment Plan (Amended), Scale 1:500, Drawing Number: MJG/PL-101-1, Rev C, received by the Local Planning Authority on the 1st November 2021.
- Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing Number: SD-110, Rev: B, received by the Local Planning Authority on the 2nd September 2020.
- Boundary Treatments 1800mm High Timber Fence, Scale 1:20, Drawing Number: SD-100, Rev: D, received by the Local Planning Authority on the 2nd September 2020.

Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity.

7. Prior to the first occupation of any dwelling hereby approved, the mitigation measures identified within the approved document 'Noise Assessment Report, Prepared by RS Acoustic Engineering 22nd July 2021, received by the Local Planning Authority on the 22nd July 2021', must be installed. Once installed the mitigation measures must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity.

8. Prior to the first occupation of any dwelling hereby approved, the proposed landscaping at this site must be planted in accordance with the following approved document 'Landscape Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW01-C, received by the Local Planning Authority on the 22nd July 2021'. Once installed the landscaping must be retained in accordance with these approved details and managed in accordance with the following approved document 'Landscape Management Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW02-C, received by the Local Planning Authority on the 22nd July 2021', at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

9. Prior to the first occupation of any dwelling hereby approved, the proposed access to the site must be installed in accordance with the following approved plan 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: F, received by the Local Planning Authority on the 1st November 2021'. The approved access must be retained at all times thereafter in accordance with these approved details.

Reason

In the interests of highway safety

Other conditions:

10. The development hereby approved must be carried out in accordance with the schedule of materials set out in the approved plan 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: F, received by the Local Planning Authority on the 1st November 2021', and retained as such at all times thereafter.

Reason

In the interest of visual amenity.

11. The existing stone wall along the north east frontage of the site must be retained at all times in accordance with the details shown on the approved plan 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: F, received by the Local Planning Authority on the 1st November 2021'. This wall should not be altered without the prior written consent of the Local Planning Authority.

Reason

In the interest of visual amenity.

12. Construction site operating hours will be Monday-Friday 08:00 to 18:00 and Saturdays 08:00 to 13:00. No construction on Sundays or Bank Holidays.

Reason

In the interest of residential amenity.

13. All HGV deliveries to the site must be carried out solely between the hours of 09:00 and 17:00 Monday to Friday. There must be no HGV deliveries on Saturdays, Sundays and/or Bank Holidays.

	<p>Reason</p> <p>In the interest of residential amenity.</p> <p>Informatives:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of this development, the requirements of Planning Conditions 4, 5, 6, 7, 8, and 10 of Outline Planning Approval Ref: 4/17/2143/001 are required to be submitted and approved in writing by the Local Planning Authority. 2. The development hereby approved must be carried out in accordance with conditions 2, 9, and 11 of Outline Planning Approval Ref: 4/17/2143/001. 3. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011). 4. 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. <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement:</p> <p>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.</p>
Case Officer: C. Burns	Date : 17.11.2021
Authorising Officer: N.J. Hayhurst	Date : 17.11.2021
Dedicated responses to:- N/A	