

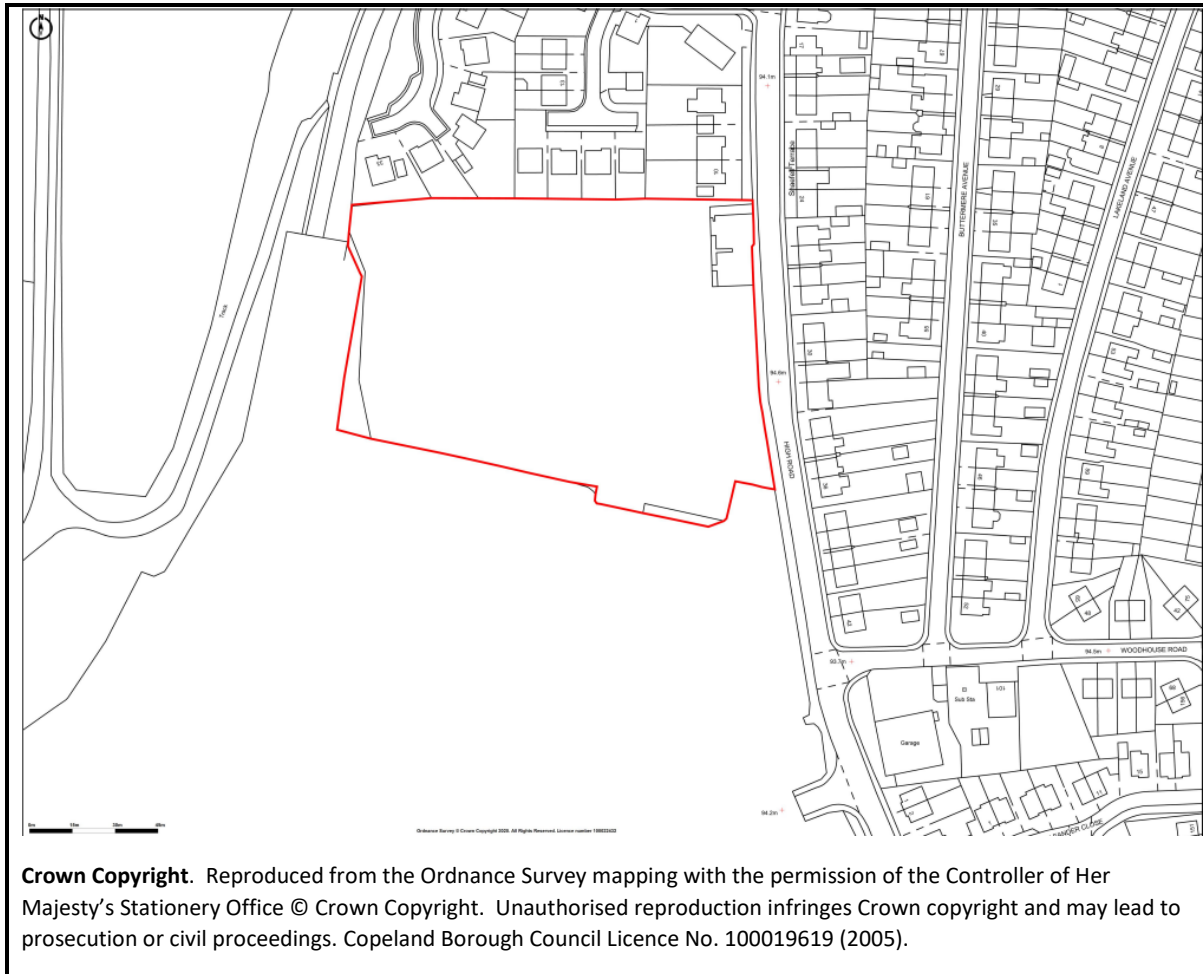


To: PLANNING PANEL

Development Management Section

Date of Meeting: 19/01/2022

Application Number:	4/20/2455/0F1
Application Type:	Full : CBC
Applicant:	Gleeson Homes
Application Address:	LAND SOUTH OF WATERS EDGE CLOSE, KELLS, WHITEHAVEN
Proposal	RESIDENTIAL DEVELOPMENT OF 40 DWELLINGS
Parish:	Whitehaven
Recommendation Summary:	Approve subject to S106



Reason for Determination by Planning Panel

The planning application is brought for consideration by Members of the Planning Panel as the Head of Planning and Place considers it to be of sufficient importance in planning terms to refer to the Planning Panel for determination; due to the level of public interest in the planning application; and, the requirement for a Section 106 Planning Obligation.

Site and Location

The Application Site comprises an area of previously developed and now vacant land extending to 1.37ha located to the south of Waters Edge Close, High Road, Whitehaven.

The Site comprises part of the site of the now demolished clerical buildings and vehicle parking areas serving the former Marchon plant.

The Application Site is bounded by Waters Edge Close to the north; the site of the former and now demolished Marchon plant to the south and west; and, High Road to the east.

The Site is generally level, with some mounds of earth associated with demolition and clearance of the land and some hard surfacing present.

The Site is currently enclosed by herras fencing to prevent unauthorised access.

The Site is located in Flood Zone 1.

The Site is not within a conservation area and no Tree Preservation Orders exist.

Proposal

This application seeks Full Planning Permission for the erection of a combination of 40no. single storey and two storey detached and semi-detached dwellings.

The proposed comprise:

- 5no. two bedroom dwellings;
- 9no. four bed dwellings; and,
- 26no. three bed dwellings.

The proposed development incorporates frontage dwellings to High Road with a clear hierarchy of streets within the development leading to a cul de sac and crescent of dwellings. Small areas of public open space exist to the central highway and a larger recreational public open space exists adjacent to the west boundary.

Access to the development is principally proposed from a newly created priority junction from High Road and frontage accesses also onto High Road.

The proposed dwellings are to be finished with a combination of red and buff brick under tile covered roof structures.

A combination of brick walls and timber fences are proposed to the boundaries.

Off highway parking spaces are proposed to each dwelling.

A detailed scheme of landscaping is proposed for the public open spaces and front garden areas of the proposed dwellings.

The proposed layout, highway design and drainage design have been amended during the course of the application in response to the comments of Officers and consultees.

Relevant Planning Application History

4/05/2888/0 – Outline application for residential development. Refused on grounds of conflict with the then prevailing employment-economic policies; exceedance of the then adopted housing targets, exacerbation of the then existing issues of low demand in this area of Whitehaven; and, the submission of insufficient information in respect of flood risk, drainage and land contamination.

4/11/2543/0F1 – Application for prior approval for demolition – Approved.

Consultation Responses

Town Council

27th November 2021 and 8th December 2021

No comments.

Environment Agency

8th December 2020

We consider that the development design is based on an incomplete understanding of the distribution and status of contaminants and their risk to Controlled Waters.

It should also be noted that the obsolete DEFRA guidance CLR11, referenced in the report was replaced on 8 October 2020 by Land Contamination Risk Management, and the Waste Acceptance Criteria testing (Appendix 9) was withdrawn on 30 January 2020.

The Remedial Targets Methodology provides a tiered risk assessment to address risk to Controlled Waters, and should be used for this risk assessment.

There is insufficient information to determine the leachable contaminant status of insitu made ground and soils (as per the tiered assessment) and therefore it is not possible to accept that the ground investigation report is representative of site conditions or should be used for deep foundation design without further lines of evidence.

However, notwithstanding these concerns we consider that there is sufficient information presented here to provide confidence that the site can be developed.

The proposed development site is contaminated land which has been designated as a special site under the Environmental protection Act 1990 part 2A The land formerly owned by Rhodia and operated by Huntsman has been the subject of remediation under a Remediation Statement. The land subject to the application for development has not been remediated.

The previous use of the former Marchon chemical works presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A and in close proximity to the Irish Sea.

The application's Phase 1 & 2 Geoenvironmental Investigation demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We

believe that it would not place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Piling using penetrative methods can result in risk of mobilising contamination, drilling through different lithology and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is located upon secondary aquifer A. The proposed development will only be acceptable if a planning condition endorsing protection of the aquifer is imposed. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

12th July 2021, 18th October 2021 and 18th November 2021

We have no objection to the proposed amendments as submitted.

The amendments do not materially affect the site constraints that are of relevance to the remit of the Environment Agency (contaminated land) and our previous response still applies (ref NO/2020/113115/01 dated 8/12/2020).

Cumbria County Council – Countryside Access

13th July 2021 and 23rd August 2021

Public Footpath 431037 follows an alignment to the west of the proposed development and must not be altered or obstructed before or after the development has been completed.

If the footpath is to be temporarily obstructed then a formal temporary closure will be required there is a 12 week lead in time for this process.

28th October 2021 and 1st December 2021

No comments to submit on the amended details.

Cumbria County Council – LLFA and Highways

2nd December 2020

Highways

- No visibility splays have been detailed on a scaled plan for the new entrance, the site entrance proposed does not appear to use the existing historical entrance, the applicant needs to demonstrate they can achieve 2.4 x 60m visibility to the nearside kerb in both directions, unless a speed survey is provided to establish the 85th percentile.
- The frontage footway on High Rd appears to have been removed and replaced with driveways for plots 3-8 as presented on Site Plan 1839/001, new footways to the site should link in to existing footways and be continuous along the frontage of High Rd to allow for pedestrian movement.
- There are no service strips/margins, kerb radius, road widths, pedestrian crossing points detailed within the site plan, an early indication of street lighting layout would also be welcomed, I would direct the developer to consult Appendix 4 Highways of the CDDG when considering the above points.
- Forward visibility should be considered, as presented, from the site entrance there is approx. 80m of forward visibility due to the straight length of highway, this may encourage speeding.
- Shared surfaces should be detailed on the hard surfaces plan, as presented it is difficult to determine where the shared surfaces begin and end, there should be a raised transition from c/way to shared surface and footways should end at the transition so pedestrians can move seamlessly without walking in the c/way.
- Bin storage needs to be provided for plots 27-29, 31-32, 18-20 & 13-15 given the layout, see Fig T1 & T3 of CDDG for maximum reversing length expected for refuse wagon (T1) and length resident is expected to move a refuse bin (T3)
- Visitor parking is shown to be provided by on-street parking, the applicant needs to consider the chosen road width and how practical on street parking will be, as footways will become the default location, visitor parking can be provided in the form of lay-bys however it cannot be signed as such on the public highway.
- Parking at plots 13, 29, 32 is impractical and needs to be re-thought.

LLFA

- No drainage strategy has been provided, this should detail drainage calculations, contributing areas plan showing surface water within the boundary and also externally if applicable, demonstrate the drainage hierarchy has been considered and should also consider use of SuDs, for the avoidance of doubt, climate change is to be calculated at 40%, CV levels = 1 and 10% included for urban creep.
- No details of ground investigations have been provided to rule out suitability for infiltration of surface water in line with the drainage hierarchy I would suggest a BRE 365 test to confirm suitability, although indications suggest high ground water levels which should be confirmed in the drainage strategy.

- The drainage layout shows the surface water draining to an existing surface water manhole to the north of the site, the applicant needs to confirm where this manhole drains too and that it is in suitable condition a CCTV survey needs to be undertaken and provided to the LPA this recommended at 2.6.1 in the FRA.

- It is likely that surface water leaving the site will drain through the public surface water sewer (3rd party agreement will be required and discharge rate agreed) in close proximity to the site before outfalling to a water course leading to the Irish Sea, treatment of the surface water needs to be considered inline with requirements in NPPF, I would suggest permeable paving to the private driveways be considered.

- C/way drainage/gullies have not been detailed.

- As there are concerns for ground water, the size and depth of the attenuation storage, has buoyancy been considered? Also there is no maintenance access track detailed for the tank.

- No details of exceedance routes for events beyond 1 in 100 yr +40% CC have been provided, these need to be detailed on a plan.

- No maintenance plan has been provided for the surface water system.

Upon receipt of the above information I will be better placed to give my full response.

26th January 2021

LLFA

In light of Drainage Strategy T19360/DS/01/JP being submitted further information and clarification is required for the following points;

- The drainage strategy for this development proposes to connect into the existing manhole within the redline boundary which connects to the Story Homes site just to the north at a rate of 6l/s, to facilitate this there is requirement to construct extra manholes and a shallow basin within Phase 2 POS of the existing Story site all of which will be subject to approval with United Utilities as there is requirement to have the systems adopted under S104 and possibly require planning consent as the proposals are not within the red line boundary of this application, please confirm agreements with UU and clarify if planning consent is required for the shallow basin and drainage alterations in the POS area of Phase 2 Waters Edge Close.

- Climate change needs to be calculated at 40% rather than the 30% used, CV levels should be set to 1.

- C/way drainage/gullies have not been detailed.

- As there are concerns for ground water, the size and depth of the attenuation storage, has buoyancy been considered? Also there is no maintenance access track detailed for the tank.

- No details of exceedance routes for events beyond 1 in 100 yr +40% CC have been provided, these need to be detailed on a plan.
- No maintenance plan has been provided for parts of the surface water system that are to remain private.

Upon receipt of the above information i will better placed to give a full response.

27th July 2021

Highways

- Visibility splays have been detailed on a incomplete scaled plan (Doc T19360/A1/202/RevD) the plan needs to detail the existing carriageway and development frontage, furthermore the splay looking south is noted at 40.4m unless a speed survey has been provided to establish the 85th a splay of 60m is required as presented on above plan the visibility splays are not acceptable.
- There are no service strips/margins, kerb radius, road widths, detailed within the site plan, I would direct the developer to consult Appendix 4 Highways of the CDDG when considering the above points.
- Shared surfaces should be detailed on the hard surfaces plan, as presented it is difficult to determine where the shared surfaces begin and end, within Doc T19360/A1/202/RevD Section 38 there appears to be a raised table in place to slow vehicles down given the forward visibility in this area, Road B on the plan has a footway that ends at plot 10 if this is to be a shared surface then the table should be extended down to Road C hammerhead, the footway at plot 9 needs to remain in place.
- A footway needs to be included at plot 26 to allow pedestrian movement from plots 26-29
- When individual plans are amended after comments received from consul tees all associated plans ie hard surfaces, proposed site layout etc must be updated to align to avoid confusion.

LLFA

- The drainage strategy for this development proposes to connect into the existing manhole within the redline boundary which connects to the Story Homes site just to the north at a rate of 6l/s, to facilitate this there is requirement to construct extra manholes and a shallow basin within Phase 1 POS of the existing Story site all of which will be subject to approval with United Utilities as there is requirement to have the systems adopted under S104 and possibly require planning consent as the proposals are not within the red line boundary of this application, please confirm agreements with UU and clarify if planning consent is required for the shallow basin and drainage alterations in the POS area of Phase 1 Waters Edge Close.
- The proposed holding basin plan shows a depth of 300m this needs to be clarified.

- No detailed plan has been provided showing the connection from the proposed development into the existing Story Homes site a detailed plan is required to demonstrate how manhole 9A will feed into the basin, currently manhole 9A does not appear detailed on any plans
- New Manhole 9A is showing a flood at 29.0755m3 for 100yr+30% can this be confirmed as correct? if calculations are correct how will this be managed. Climate change needs to be calculated at 40% rather than the 30% used, CV levels should be set to 1.
- Exceedance routes are shown and in the unlikely case of extreme events it states that the flows will be directed down the existing soft landscaped areas towards further greenfield land to the south. However, the plan shows an exit point at the north west corner and at the south west corner. The latter of which appears to direct flows towards High Road. Can this be clarified, with the plan indicating where the offsite exceedance will go?
- No maintenance plan has been provided for parts of the surface water system that are to remain private.

Upon receipt of the above information I will be better placed to give my full response.

1st September 2021

Highways

- Visibility splays have been detailed on a incomplete scaled plan (Doc T19360/A1/202/RevD) the plan needs to detail the existing carriageway and existing development frontage to show no obstructions as presented on above plan the visibility splays are not acceptable.
- Service strips/margins have been updated on the plan, but show grass verge in front of plots 10,11,12,15,16,17,21,22,23,24 and 25 with no detail on how vehicles will access the driveways to the property's listed above.
- Shared surfaces has now been detailed on the hard surfaces plan showing the shared surface continuing down to the hammer head on road C, looking at the the new plan the dropped access outside plot 9 highlighted in red can now be removed but the footway around the radius needs to stay in its proposed location shown on the plan.

Upon receipt of the above information I will be better placed to give my full response.

LLFA

- The drainage strategy for this development proposes to connect into the existing manhole within the redline boundary which connects to the Story Homes site just to the north at a rate of 6l/s, to facilitate this there is requirement to construct extra manholes and a shallow basin within Phase 1 POS of the existing Story site all of which will be subject to approval with United Utilities as there is requirement to have the systems adopted under S104 and

possibly require planning consent as the proposals requires the movement of existing drainage system to allow the installation of the new Basin.as not within the red line boundary of this application, please confirm agreements with UU and clarify if planning consent is required for the shallow basin and the removal and redirection of the existing drainage system which is within the POS area of Phase 1 Waters Edge Close.

- Proposed attenuation basin plan within the drainage strategy is still showing the depth of the Basin at 300m.
- No detailed plan has been provided showing the connection from the proposed development into the existing Story Homes site a detailed plan is required to demonstrate how manhole 9A and any alterations to existing drainage systems will connect into the basin, currently there is no detail on how the new proposed drainage system will connect to the existing United utilities adopted systems these details need to be provided.
- The calculations for new Manhole 9A which were requested by Storys Homes is showing a flood at 29.0755m3 for 100yr+30% can this be confirmed as correct? if calculations are correct how will this be managed.

Climate change needs to be calculated at 40% rather than the 30% used, CV levels should be set to 1.

- Exceedance routes are shown and in the unlikely case of extreme events it states that the flows will be directed down the existing soft landscaped areas towards further greenfield land to the south. However, the plan shows an exit point at the north west corner and at the south west corner. The latter of which appears to direct flows towards High Road. Can this be clarified, with the plan indicating where the offsite exceedance will go?
- Until United Utilities take control of the surface water system through a section 104 agreement a maintenance schedule will need to be provided.

Until the applicant can provide a plan of all proposed drainage from the new development site to the existing surface water system within the Storys Home site including the proposed attenuation basin and alterations to existing adopted surface water system we as LLFA can not make further comment on the proposed application.

19th October 2021

Highways

- Visibility splays have now been demonstrated on the scaled plan (Doc T19360/A1/201/RevF) submitted October 2021.
- Service strips/margins have now been updated on the plan (DOC T19360/A1/204/ RevG) submitted October 2021.

- Shared surfaces has now been detailed on the hard surfaces plan showing the shared surface continuing down to the hammer head on road C, (DOC T19360/A1/204/ RevG) submitted October 2021

With all the above points now been demonstrated we as the LHA are content with the points raised on the previous response Dated 01/09/21

- With reviewing the new documents submitted in October 2021 and cross referencing with previous documents it has come to light that visitor parking within site has been identified but has not been demonstrated on the parking layout (Drawing number 003 rev d). A designated parking area within the site needs to be shown within this plan. The 8 Visitor parking spaces identified can not be included within the proposed units parking area or garage as these are not accessible to all visitors parking to the site. It is requested a new parking layout drawing is submitted including visitor parking.

LLFA

The redesign of the surface water sewer from the proposed site to the existing Story site is welcomed by the LLFA.

A new drainage plan submitted in October 2021 shows connection to the existing system within the Story and it is now clear how the two systems will combine,

With the redesign of the surface water sewer all bar one point raised on the previous response dated 01/09/21 need not be considered as the new design eliminates these problems.

Consideration still needs to be taken with the below point which was included with the LLFA response dated 01/09/21 as this has not been answered within the latest documents submitted in October 2021.

- Exceedance routes are shown in the unlikely case of extreme events it states that the flows will be directed down the existing soft landscaped areas towards further greenfield land to the south. However, the plan shows an exit point at the north west corner and at the south west corner. The latter of which appears to direct flows towards High Road. Can this be clarified, with the plan indicating where the offsite exceedance will go?

Further points identified within the new documents submitted in October 2021.

- Has 10% for urban creep been considered within the new drainage calculations.

- The drainage calculations for a 1 in 100 year storm event shows flooding at manhole S1 and S14 within the existing Story site, Manhole S14 is to be mitigated with the installation of a new attenuation tank. Within the original drainage calculations for the existing story site did manhole S1 show flooding ? Or is the flooding due to the increased surface water from the proposed site. how is the flood at manhole S1 to be mitigated.

14th December 2021

With additional information being submitted on the 26/11/21 regarding concerns raised with proposed exceedance routes within the development site can now confirm that no objections to the proposal, subject to the imposition of planning conditions.

Copeland Borough Council – Flood and Coastal Defence Engineer

8th December 2020

There is at present a lack of a drainage strategy, therefore I am objecting to the proposed development.

There is a drainage layout plan, which shows both the foul sewage and surface water going to existing manholes at the north west corner of the site.

There is no indication as to where these manholes go.

There is no indication as to the design used for the surface water system – does it have a 10% allowance for urban creep and 40% for climate change?

It is unlikely that disposal by means of infiltration will be suitable, as the FRA states that shallow groundwater was encountered.

Given the former use of the site, mobilisation of contaminants is not desirable.

Ideally, given the site's location, disposal of surface water to the sea would be the preferred solution.

13th January 2021

I've looked through the attached Drainage Strategy and generally I've no major concerns about the proposed development.

However, I do have a couple of queries/comments:

- Why is a climate change figure of 30% being used, when the normal figure is 40%?
- Will this actually make any difference given the restricted rate of 6l/sec leaving site (to Phase 1)?
- There will be some surcharging in a 1 in 1 year event in Phase 1 (Story site), at a new manhole to be constructed. This doesn't comply with the aims of drainage design, i.e. no surcharging in a 1 in 100 year event. This really is up to United Utilities, as the Phase 1 sewers are going through the adoption process.
- Is there any indication of exceedance routes? I note that some Finished Floor Levels are below the adjacent road levels, so in the event of exceedance water needs to be kept away from such properties.

Ultimately, as both the surface water and foul sewage systems are proposed for adoption, it should be for United Utilities to determine whether the proposed systems are suitable.

Should United Utilities accept the proposed designs as suitable, I would have no objection to the proposed development.

23rd July 2021

With regards to the revisions to this application, these answer some of my previous queries, but not all and raise another question:

- There is still some surcharging in the 1 in 1 year event, which I understand does not conform to guidance. The surcharging is actually all in the Phase 1 (Story Homes) part of the site in the, which is currently going through the adoption process. Is this something that United Utilities have agreed to accept?
- Exceedance routes are shown and in the unlikely case of extreme events it states that the flows will be directed down the existing soft landscaped areas towards further greenfield land to the south. However, the plan shows an exit point at the north west corner and at the south west corner. The latter of which appears to direct flows towards High Road. Can this be clarified, with the plan indicating where the offsite exceedance will go?

24th August 2021

I still remain confused over this application, with regards to proposed drainage in how it will affect Phase 1 (and its adoption, as it appears Phase 2 wasn't considered in the Phase 1 design) and exceedance.

United Utilities have advised that the present system (Phase 1) should not be altered as it may render any legal agreements null and void. However, there is a problem here in that the proposed new basin in Phase 1 would require the diversion of two pipes as they cannot be under / near the storage basin. Therefore, either the storage basin can't be where it is proposed, or a new adoption agreement will be needed. The storage basin is also outside the redline boundary, so how will that work? With regards to my first point, the latest info does show one instance of surcharging in a 1 in 2 year event (no 1 in 1 year event figures supplied).

Confusingly there are two drawings within the Drainage Strategy showing a different layout, which has confused me when reading to the text and then referring to the wrong drawing (Story Homes S/W Drainage Appraisal) as the manholes and plots are numbered differently). The original point, I've raised still remains, as it shows exceedance flows from the north west corner heading west. The spills to the south west (from manhole MHS9) is shown heading through plots 7, 8 & 13 and text states that this heads into High Road, where water will be taken by the gullies. Has this been approved by Cumbria Highways? If there is an exceedance event on site and water flows onto High Road has capacity in the gullies been confirmed?

12th October 2021

The further modifications to the existing drainage system for the Story Homes site are design to prevent flooding during a 1 in 100 year event with a 40% climate change allowance, when the Gleeson development is joined to the existing system.

The modification is the inclusion of a new manhole with an off line cellular storage system, which at the time of writing of the submission, would not be adopted by United Utilities.

The existing system serving the Story Home site is going through the process of adoption by United Utilities.

I have asked the question a number of times, but it still isn't clear, as to whether changes occurring due to the Gleeson development will affected the adoption of the Story Home system?

With regards to the actual proposed alterations, I have no concerns.

29th November 2021

This application continues to have amendments sent in, to which I have no major concerns.

Any I did have about exceedance routs have now been addressed.

However, I still do not appear to get any clarification on the point I continuously raise about the adoption of the surface water sewers on Phase 1 (Storey Homes) site.

I have been asking if the changes to the system to accommodate Phase 2 will affect it's adoption.

Cumbria County Council – Education

Formal comments awaited at the time of writing.

Arboricultural Consultant

10th December 2020, 16th July 2021, 25th August 2021 and 20th October 2021

The site is a derelict area of land which is part of a former coal mine site. There are no trees of importance on the site. A few trees are adjacent the site that could be adversely affected by the proposal. However, details of how these can if necessary, be protected are contained within the landscape and Maintenance Management Plan dated 28/11/2020. These proposals are sufficient to protect the trees.

A landscaping scheme and management plan have been submitted as part of the proposal. These are acceptable.

The landscaping plans and maintenance and management plan should be included in the approved documents that the development must be built to.

Copeland Borough Council – Environmental Health

29th January 2021

The development site was part of the wider Marchon chemical works that was determined as contaminated land under Part 2A due to contamination of controlled waters.

Going over the site investigation I can confirm that I have no objection to the development going ahead and support the Environment Agency's position from their letter of 8 December 2020.

The site investigation found a number of contaminants that could impact human health and building materials. The made ground contained elevated sulphate, the former tank area had elevated PAHs, there were elevated petroleum hydrocarbons around TP6 and some asbestos was detected. There was also elevated levels of CO₂ detected during the ground gas monitoring.

The mitigation methods recommended are all reasonable approaches to protecting human health and should be carried out as detailed in the site investigation. The mitigation measures are: using a clean cover system, including an anti-dig layer; using sulphate resistant concrete for sub-surface structures; using hydrocarbon resistant water supply pipes; removing the stockpiles from site; and incorporating gas protection measures into the build.

While the recommended works help mitigate the risk to human health there is still a need to show that controlled waters will not be impacted, this is particularly important due to the previous Part 2A designation and a key reason for the EA's requested conditions. These conditions are for additional site investigation work focussed on the risk to onsite and offsite controlled waters, a remediation strategy and verification works, and a risk assessment on the potential for piling operations to affect controlled waters. These conditions are detailed in full in the EA's letter of 8 December 2020. I would note that the remediation strategy would incorporate the existing recommendations.

1st November 2021

No objections and no comments

United Utilities

7th December 2020, 16th July 2021 and 31st 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.

Request that three planning conditions are imposed on any planning permission requiring that: no development commence until a detailed drainage scheme has been submitted to and approved in writing by the local planning authority that is evidenced as being in accordance with the hierarchy of drainage options; that foul and surface water be drained on separate systems; and, prior to occupation a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing.

18th October 2021

Following our review of the submission, we have no objection to the proposal providing that the site drainage is in line with the agreed drainage proposal of the whole development.

We recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal

22nd November 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.

Request that three planning conditions are imposed on any planning permission requiring that: no development commence until a detailed drainage scheme has been submitted to and approved in writing by the local planning authority that is evidenced as being in accordance with the hierarchy of drainage options; that foul and surface water be drained on separate systems; and, prior to occupation a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing.

Cumbria Fire and Rescue Service

29th December 2021, 14th July 2021, 24th August 2021, 8th October 2021 and 26th November 2021

No objections.

Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

Copeland Strategic Housing

19th November 2021

This is an application from Gleeson Homes for a 40 dwelling development, comprising:

- 5 x 2 bedroom homes (4 affordable, 1 Market)
- 26 x 3 bedroom homes (all market sale)
- 9 x 4 bedroom homes (all market sale)

We welcome the inclusion of bungalows on the development as these are always in demand across all demographics and contribute to a more diverse housing offer, aligning with our Housing Strategy 2018/2023.

The location of the development is in a popular area of Whitehaven, where there has been significant new housing investment in the last few years. Based on the evidence within the SHMA and Housing Needs Survey report we would challenge the mix of 2 and 3 bedroomed dwellings, on the basis that the need for 2 bedroom properties is greater than reflected.

We welcome that 4 of the 2 bedroom properties are designated for affordable sale as our evidence base shows that whilst Copeland as a borough has residents who earn high salaries, many young people and newly forming households on lower incomes are leaving as they cannot afford what the market is currently offering in both sale and rental markets. We would welcome a conversation with the developer to ensure that they are genuinely affordable to this market.

19th July 2021, 23rd August 2021, 12th October 2021 and 17th November 2021

No further comments from Strategic Housing

Public Representations

The application has been advertised by way of a site notice, press notice and neighbour notification letters sent to 31no. properties.

Representations have been received from 12no. parties in objection, 1no. party in support and 1no. party in neutrality.

The material planning issues raised comprise the following:

Principle

It is understood that additional housing is needed.

There is no need for additional housing in Whitehaven.

There are already enough new build dwellings on Kells.

Marchon and the surrounding paths/cliffs are an important open space, which is important to the mental health of local people.

What has happened to the proposal to change Marchon to a nature reserve?

The proposed development is in conflict with the Copeland Local Plan 2013-2028, which promotes the need to protect the intrinsic qualities of the heritage coast from development proposals.

Drainage and Flood Risk

The land all around Kells is prone to flooding.

Efforts have been made to drain areas including more recently on land adjacent to the Application Site, which continues to flood. The surface water from the proposed development will exacerbate this existing situation.

The disposal of surface water from the proposed development to land that already floods will cause additional ecological damage.

The drainage infrastructure serving Waters Edge is not fit for purpose and has been repaired multiple times.

Highways

Traffic on Snaefell terrace has not been taken into consideration in the assessment of the proposed development.

The proposed development will exacerbate the existing parking and traffic issues on High Road, which already accommodates a significant number of parked vehicles and is extremely busy at commuting and school collection times.

The proposed development in conjunction with the proposed mine and approved Edgehill Park development will result in no space being available for parking on High Road.

The additional traffic from the proposed development will result in increased risk of accidents.

Speeding is an issue on Kells.

There is at least two accidents a week at the junction with Ennerdale Terrace.

Education

The existing schools will not be able to cope with the additional demand for school places created by the proposed development. At present, there are families on the Woodhouse/Kells estate having to take students to schools either on Mirehouse or beyond due to Kells Infants, St Mary's and Monkwear being oversubscribed.

In 2010, it was promised that the Application Site would be the site of a new primary school and a park to walk in for residents.

Ecology

We are running out of natural habitats. On a global level the natural habitats of wildlife and plants are constantly being destroyed for development.

The fields and cliffs in the area provide a refuge for birds, small mammals, residents and visitors.

The wildlife needs to be taken into account.

The area in question may appear poor for wildlife and plant life but it has a wealth of both these on closer inspection including butterflies, caterpillars, lizard, barn owls and common plants. The land should be preserved and allowed to re-wild and be enjoyed by all.

Amenity

The proposed development will result in overlooking of existing dwellings.

Air and noise pollution would be damaging throughout the construction period.

Once the dwellings are constructed, additional air pollution in the form of dangerous gases from additional vehicles will occur.

The Application Site is presently enclosed by an eyesore of a green metal fence and is an overgrown waste land. It is considered that the drawings do not clearly show how this development is going to affect views from existing dwellings.

Tourism

The Application Site is adjacent to the coastal footpath which is to encourage tourism to grow in the Whitehaven area. Building houses will impact the views and the sense of peace despite being so close to an urban area.

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)(CS):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS4 – Community and Cultural Facilities and Services

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

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 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).

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

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan 2017-2035 (ELP).

The ELP was the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. A focused pre-publication draft consultation is currently ongoing before a full consultation on the publication draft is completed later in 2022. Given the stage of preparation, the ELP 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;

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 Town.

Policy ST2 states that the Principal Town 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 SS2 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.

The Application Site is located within the settlement boundary for Whitehaven as defined in Policy ST2 of the CS.

The Application Site is allocated as an Employment Opportunity Site in in the LP and CS. The LP defines Employment Opportunity Sites as areas that are being investigated as to their future development potential and contribution they can make to the regeneration strategies in the Borough. Crucially, whilst identified as Employment Opportunity Sites, the provisions of the LP and CS do not limit use to or specifically allocate these sites for employment uses.

The Application Site is proposed for allocation for residential development in the ELP.

Policy ST2 of the CS directs 45% of housing development to the Principal Town of Whitehaven, equating to 105 homes per annum in Whitehaven for the first five years of the CS plan period and 135 homes per annum for the remainder.

Draft Policy H4PO of the ELP directs a minimum of 1,440 dwellings to Whitehaven over the ELP plan period.

Housing Need and Housing Mix;

Policy SS3 of the CS states that applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone. It is confirmed that development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing

Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority.

Policy H8PO of the ELP states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF 2019 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. This aligns with the provisions of Paragraph 65 of the NPPF.

The provisions of the SS3 of the CS were adopted in 2013 prior to the adoption of the NPPF, which is a material planning consideration to be given significant weight in decision taking.

The Copeland Housing Needs Assessment 2020 (CHNS) outlines that of an assessment of 248 movers in Whitehaven, 37% require a two bedroom property and 35% require a three bedroom property. A 41% demand for detached properties and 34% for semi-detached was identified. The Applicant does not appear to have directly taken the CHNS into consideration in the development of the housing mix proposed; however, the proposed will in broad terms contribute to meeting the identified needs.

A total of four affordable ownership homes are proposed comprising two 2no. bedroom houses and 2no. two bedroom bungalows. This equates to the delivery of 10% of the development as is required by Policy H8PO of the ELP and the NPPF.

The details of the relevant discount etc. to be applied to the affordable ownership will be in accordance with the definitions in the NPPF, with the relevant details determined and secured through the required Section 106 Agreement.

Settlement Character, Landscape Character and Visual Impact

Policy ENV2 of the CS seek to reinforce the Coastal Zone's assets and opportunities including: promoting the developed coast as a destination for leisure, culture and tourism, with strong links to Whitehaven Harbour / town centre in the north; maximise opportunities along the undeveloped coast for tourism and outdoor recreation through support for the North West Coastal Trail and Colourful Coast projects; and, support the management of more of the undeveloped coast for biodiversity. It is confirmed that negative impacts must be mitigated against and compensated.

Policy ENV5 of the CS 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 of the CS requires a high standard of design and the fostering of quality places including: responding positively to the character of the site and the immediate and wider setting and enhance local distinctiveness.

Policy DM12 requires a minimum of 0.4ha of public space for every 200 dwellings pro-rata on developments of 10 or more dwellings and in groups of family housing a minimum of 100m² of children's play space should be provided at the rate of one play space per 30/40 dwellings.

Heritage coasts were established to conserve the best stretches of undeveloped coast in England. Paragraph 178 of the NPPF requires that planning policies and decisions should be consistent with the special character of heritage coasts and the importance of its conservation.

The Application Site comprises previously developed land, being part of the site of the now demolished clerical buildings and vehicle parking areas serving the former Marchon plant.

The Application Site is bounded by Waters Edge Close to the north; the site of the former and now demolished Marchon plant to the south and west; and, High Road to the east.

The Application Site is not located within the defined St Bees Head Heritage Coast or proposed St Bees and Whitehaven Heritage Coast; however, does comprise part of their wider setting.

The Application Site is well related to the existing residential development of Waters Edge Close to the north and is viewed in the context of the exiting residential development to the east.

The Application Site projects into an area that is currently clear of development following demolition; however, it does represent a significant intrusion, being a reasonably logical extension of the existing developed form.

Whilst the proposed development would result in changes in views from the immediate surroundings and from certain areas within the defined St Bees Head Heritage Coast or proposed St Bees and Whitehaven Heritage Coast, the impacts of these changes would not be significant or unacceptably harmful given the form of the development and existing developed context.

The proposed layout has been designed to respond to the characteristics and constraints of the Application Site and the surrounding development.

The proposed development incorporates frontage dwellings to High Road including single storey dwellings and corner turning feature dwellings consistent with the existing development on Waters Edge Close to the north.

A clear hierarchy of streets is proposed within the development leading to a cul de sac and crescent of dwellings with view facing towards to the coast, again consistent with the existing development on Waters Edge Close to the north.

Small areas of public open space exist to the central highway and a larger recreational public open space exists adjacent to the west boundary from which view exists towards to the coast. The proposed level of open space provision accords with the requirements of Policy DM12. A planning condition is proposed to secure details of the required children's play space as also required by Policy DM12.

The proposed dwellings are simple in design; however, incorporate some vernacular features. It is proposed to finished the dwellings with a combination of red and buff brick under tile covered roof structures. Given the significant variety of dwellings designs and forms within the wider locality, the proposed dwelling designs and materials are not considered inappropriate in this context.

A combination of brick walls and timber fences are proposed to the plot boundaries. Brick walls are proposed on key boundaries along the central highway, with timber fences proposed elsewhere which is not inappropriate in context. Open boundaries are proposed to Highway Road and to the open space to the west of the Application Site.

Ecology

Policy ENV3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

A Preliminary Phase 1 Ecological Survey and associated species-specific surveys have been submitted in support of the planning application and provide an assessment of the ecological impacts of the development.

The Preliminary Phase 1 Ecological Survey concludes that there are no significant ecological constraints on the Application Site, that the St Bees Head SSSI and Cumbria Wildlife Sites are too distant for adverse impacts upon the seabird colonies or vegetation. It is confirmed that there is no red squirrel habitat on the site and no evidence of badger activity; however, there is a small possibility that reptiles such as slow-worm and common lizard may have colonised the grassland from their established sites to the south-west.

A Reptile Survey of the Application Site has been completed. The Survey identified 'low population' size classes of both slow worm and common lizards on the Application Site. It is concluded that the Application Site itself is not considered to be within the core range of the population which occurs within natural and semi-natural grasslands to the west, but rather is used by animals dispersing from the core habitat and colonising the site following the creation of suitable habitat between 2009 and 2016. Low numbers of individuals were found to occur on the soil storage mounds in the south west section of the Application Site. It is concluded that in the absence of mitigation, the predicted impacts of the development would be the killing and / or injuring of slow worms and common lizards during the development phase, which would be an offence under the Wildlife & Countryside Act 1981.

A detailed mitigation strategy is proposed that seeks to ensure that all reptiles are removed from the development footprint prior to any works commencing and are excluded from the works area during the development phase. It is concluded that provided that the mitigation strategy is strictly adhered to, the risk of killing / injuring common reptiles will be minimised and the loss of a small area of 'good' quality reptile habitat on site will not have a significant, negative impact on the meta-population occupying suitable habitat in the wider area. A planning condition is proposed to secure completion of the development in accordance with the mitigation strategy details.

Access and Highways

The Site is located within the 1km and 2km walking catchments and the 5km cycling catchment of a wider range of local services and amenities including recreation, retail, education and employment opportunities. The Site is located within the proximity of a regular bus service.

Access to the development is principally proposed from a newly created priority junction from High Road and frontage accesses also onto High Road.

Off highway parking spaces are proposed to each dwelling with additional visitor spaces proposed.

In respect of the proposed highway design and the impacts of the development on the local highway network, Cumbria County Council – Highways have been consulted. Objections were initially raised to technical elements of the proposed layout; however, these have been resolved through revision and it has now been confirmed that there are no objections to the development subject to the imposition of defined planning conditions, which include detailed specification of the highway design, provision of ramps to junctions, provision of access pre-occupation; limitations on additional accesses; and, the submission, approval and adherence to a Construction Traffic Management Plan.

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

Flood Risk and Drainage

Policy DM11 requires that surface water is managed appropriately, with the inclusion of Sustainable Drainage Systems where possible.

Policy DM24 states that development will not be permitted where: there is an unacceptable risk of flooding; or, the development would increase the risk of flooding elsewhere; or, the development would cause interference with or loss of access to a watercourse.

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the planning application.

The Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

It is proposed to dispose of foul water to the public main in accordance with the drainage hierarchy.

In respect of the disposal of surface water, the Application Site is unsuitable for infiltration drainage due to shallow groundwater ingress. It is proposed that surface water be disposed to the existing surface water drainage system serving the adjacent Waters Edge development. The surface water is to be discharged at a restricted rate of 6l/s via a scheme of onsite attenuation comprising oversized pipework and a geocellular attenuation tank.

In order to accommodate the additional flows from this development, the existing surface water drainage system serving the adjacent Waters Edge development will require the addition of a geocellular attenuation tank. These works fall outside of the Application Site and require a separate application for Full Planning Permission in their own right, which will need to be considered on its individual merits. Provisions are proposed in the required Section 106 Planning Obligation to secure completion of the the required improvements to the drainage system serving the adjacent Waters Edge development prior to the proposed development being commenced or brought in to use as necessary to ensure that the proposed development as completed is acceptable from a technical drainage perspective and does not increase flood risk etc...

The surface water drainage scheme as proposed accords with the drainage hierarchy.

In respect of the proposed drainage design, Cumbria County Council – LLFA have been consulted. Objections were initial raised to technical elements of the proposed scheme; however, these have been resolved through revision and it has now been confirmed that there are no objections to the development subject to the imposition of defined planning conditions, which include provisions to secure completion, maintenance and management in accordance with the proposed details; and, the submission, approval and adherence to a Construction Surface Water Management Plan.

Residential Amenity

The interface separation distances achieved between the existing dwellings and proposed dwelling accord with the provisions of Policy DM12.

Given the scale, form and design of the proposed dwelling, unacceptable adverse impacts upon the existing dwellings will not result through overbearing, loss of light, overlooking or overshadowing.

A planning condition is proposed to control hours of construction and to secure to Construction Environmental Management Plan securing details of construction working practices to minimise impacts upon existing dwellings through noise and dust generation and parking/loading etc..

Ground Conditions

The Application Site is contaminated land which has been designated as a special site under the Environmental protection Act 1990 part 2A. The land formerly owned by Rhodia and operated by Huntsman has been the subject of remediation under a Remediation Statement. The Application Site has not been remediated.

The previous use of the former Marchon chemical works presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer A and in close proximity to the Irish Sea.

The Environment Agency and Copeland Environmental Health have been consulted.

It has been confirmed that the Phase 1 and 2 Geoenvironmental Investigation submitted demonstrates that it will be possible to manage the risks posed to controlled waters by this development; however, further detailed information will however be required before built development is undertaken.

A planning condition is proposed to secure submission, approval, implementation and validation of a remediation strategy and piling risk assessment for the Application Site to ensure that the land is safe and suitable for development before development is commenced.

Education

Cumbria County Council has informally confirmed that there is sufficient capacity within existing schools within walking distance of the Application Site to accommodate the estimated primary and secondary yield from the proposed development; therefore, no financial contribution is required.

At the time of writing formal confirmation of this position remains awaited.

The Planning Balance

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to proposals relating to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the

emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS must be considered out of date.

The ECLP will, once adopted, replace the CS and saved policies of the LP. The ECLP has been drafted based upon an evidence base of documents which includes the Strategic Housing Market Assessment 2019 (SHMA). The SHMA calculates the housing need in Copeland over the plan period of 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2.

In the context of the above, Paragraph 11 of the NPPF is engaged and the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In applying the provisions of Paragraph 11, the Application Site would assist in significantly boosting housing supply to meet the identified need for housing within Whitehaven and the wider Borough as detailed in Policy ST2 and the ECLP as required by the NPPF.

The proposed development comprising the erection of 40no. dwellings is appropriate in size and character to the Principal Town of Whitehaven in accordance with the spatial objectives of Policy ST2 and ECLP;

The Application Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Whitehaven for which the settlement has been designated the Principal Town in Policy ST2 . Many services are located within walking distance of the Application Site; and,

Sustainable travel options exist within the vicinity as required by Policy DM22.

A total of four affordable ownership homes are proposed comprising two 2no. bedroom houses and 2no. two bedroom bungalows. This equates to the delivery of 10% of the development as is required by Policy H8PO of the ELP and the NPPF.

The development does not raise issues in respect of highway safety, residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions and Section 106 Planning Obligation proposed.

The development will result in some minor adverse local landscape and visual impacts.

In overall terms, the adverse local landscape and visual impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the significant benefits of the development; therefore, the application is recommended for the approval.

Recommendation:-

Members authorise delegated authority to the Head of Planning and Place to approve planning permission for the development subject to:

- the Applicant entering into a Section 106 Planning Obligation securing: the delivery of the required 4no. affordable dwellings; maintenance and management of the proposed public open space; the required improvements to the drainage system serving the adjacent Waters Edge development prior to the proposed development being commenced or brought in to use as necessary; and, any required education contribution.
- the planning conditions outlined at the end of this report;
- the receipt of revised technical documentation and drawings relating to the proposed house types, highway design, drainage and landscape reflecting the proposed minor revisions to the layout; and,
- any amendments to the proposed development and revisions to the proposed planning conditions as deemed acceptable by the Head of Planning and Place.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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: -

Planning Application Form

Location Plan – Drawing No. 1839 007 Rev. A

Site Layout – Drawing No. 1839 001 Rev. C

Plot Type Layout – Drawing No. 1839 006 Rev. C

Parking Layout – Drawing No. 1839 003 Rev. C

Hard Surfaces Layout – Drawing No. 1839 004 Rev. C

Boundary Treatments Layout – Drawing No. 1839 002 Rev. C

Affordable Housing Plan – Drawing No. 1839 008 Rev. C

Bin Location Layout – Drawing No. 1839 009 Rev. B

Landscape Plan – Drawing No. G010 001 Rev B **requires update**

Proposed Housing Waters Edge, Whitehaven Landscape Maintenance & Management Plan Gleeson Homes Ltd 28.11.20 **requires update**

Boundary Treatments – Drawing No. 1839 006

House Type Drawing Type 201 Elevations (Rural 13) - Drawing No. 13/201-8 Rev. A

House Type Drawing Type 201 Floor Plans - Drawing No. 201-1F
House Type Drawing Type 254 Elevations (Rural 13) - Drawing No. 13/254-9
House Type Drawing Type 254 Floor Plans - Drawing No. 254-1
House Type Drawing Type 301 Elevations (Rural 13) - Drawing No. 13/301-8 Rev. E
House Type Drawing Type 301 Floor Plans - Drawing No. 301/1G
House Type Drawing Type 304 Elevations (Rural 13) - Drawing No. 13/304-10 Rev. G
requires update
House Type Drawing Type 304 Floor Plans - Drawing No. 304/1E **requires update**
House Type Drawing Type 309 Plot 24 Elevations (Rural 13) - Drawing No. 13/309-10 Rev. D
House Type Drawing Type 309 Floor Plans - Drawing No. Issue 309X
House Type Drawing Type 341 Plot 9 Elevations (Rural 13) - Drawing No. 13/341-10 Rev. A
House Type Drawing Type 341 Floor Plans - Drawing No. Issue 341
House Type Drawing Type 360 **requires update**
House Type Drawing Type 360 Floor Plans - Drawing No. 360/1B**requires update**
House Type Drawing Type 435 Elevations (Rural 13) - Drawing No. 13/345-9 Rev. A
House Type Drawing Type 435 Floor Plans - Drawing No. Issue 435/1A
House Type Drawing Type 436 Elevations (Rural 13) - Drawing No. 13/436-10 Rev. A
House Type Drawing Type 436 Floor Plans - Drawing No. Issue 436/1
Detached Garage Plans/Elevations **requires update**
Private Drive Levels and Drainage – Drawing No. TC/T19360/A1/210 Rev. E
requires update
Kerbing Proposals – Drawing No. TC / T19360 / A1 / 203 Rev. F **requires update**
Highways Proposals – Drawing No. TC / T19360 / A1 / 201 Rev. F **requires update**
Proposed Highway Materials – Drawing No. TC / T19360 / A1 / 204 Rev. G **requires update**
Section 38 Adoption Areas – Drawing No. TC / T19360 / A1 / 202 Rev. E **requires update**
Highways Layout Plan – Drawing No. TC / T19360 / A1 / 101 Rev. B **requires update**
Section 278 Proposals – Drawing No. TC/T19360/A1/205 Rev. D
Drainage Layout Plan – Drawing No. TC / T19360 / A1 / 100 Rev. F **requires update**
Flood Risk Assessment and Drainage Strategy – Report Ref. TC/T19360/2021/05
Version 05 23rd November 2021 **requires update**
Preliminary Ecological Appraisal - Land at Water's Edge, High Road, Whitehaven - Proposed Housing Development
Reptile Survey Land at Water's Edge, High Road, Kells, Whitehaven, Cumbria, CA28 9PE 2021 – Job No. SRE20REP006 Doc No. 1
Phase 1 and 2 Geoenvironmental Investigation for Residential Development on Land at Water's Edge, Whitehaven - Report Ref. 8190OR03 Rev01

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

Ground Conditions

3. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by, the local planning authority.

This strategy will include the following components:

1. A supplementary site investigation to provide information for a detailed assessment of the risk to all Controlled Water receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be completed in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with the provisions of Paragraph 170 of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

4. No development shall commence until a risk assessment for piling and foundation designs using penetrative methods has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason

To ensure that the proposed foundation design and installation does not harm groundwater resources in accordance with the provisions of Paragraph 170 of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

Highways

5. No development shall commencement until further details, including longitudinal/cross sections of the carriageway, footways, footpaths etc. have been submitted to and approved in writing by, the local planning authority.

The carriageway, footways, footpaths etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and accord with the standards laid down in the Cumbria Development Design Guide or any such replacement documentation.

The development shall be completed in accordance with the approved details 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 T1 of the Copeland Local Plan 2013-2021.

6. No development shall commencement until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian);
- surface water management details during the construction phase; and,
- specific measures to manage and limit the impact on the school, including working hours including any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

The approved CTMP shall be adhered to throughout the construction period.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 of the Copeland

Drainage

7. No development shall commencement until details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway have been submitted to and approved in writing by the local planning authority.

Any approved works shall be implemented prior to the development being brought into use and shall be retained for the lifetime of the development.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.
To support Local Transport Plan Policies: LD7, LD8

8. No development shall commence until a Construction Surface Water Management plan has been submitted to and approved in writing by the local planning authority.

The development shall be completed in accordance with the approved details.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2021.

9. No development shall commence until a Construction Environmental Management (CEMP) Plan has been submitted to, and approved in writing by the Local Planning Authority. The CEMP shall provide for:-
- The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling / disposing of waste resulting from demolition and construction works;
 - Measures to control noise, dust and vibration; and,
 - Measures or diversions to permit access during the construction.

The approved CEMP shall be adhered to throughout the construction period.

Reason

These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers, prevent highway impacts and ecological impacts in accordance with the provisions of Policy ST1, ENV3 and T1 of the Copeland Local Plan 2013-2028.

Pre-superstructure/Pre-occupation

Highways

10. No dwellings shall be occupied until the estate road including footways and cycleways to serve that dwelling 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 T1 of the Copeland Local Plan 2013-2021.

Materials

11. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved including details of the proposed driveway finishes have been submitted to and approved in writing by the Local Planning Authority.
The development shall be completed in accordance with the approved details.

Reason:

To ensure the development is of a high quality design in accordance with Policy DM10 of the Copeland Local Plan 2013 - 2028.

12. No dwelling hereby approved shall be occupied unless or until a scheme detailing the layout and design of the childrens play space measuring 100 sqm has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the completion of the development and shall be retained for the lifetime of the development.

Reason

To ensure sufficient open space and children's play space is proposed within the site for use by future residents in accordance with the requirements of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

Other

Ground Conditions

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Highways

14. 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.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

15. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

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

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

Ecology

17. The development here by approved shall not proceed except in accordance with the recommendations described in Reptile Survey Land at Water's Edge, High Road, Kells, Whitehaven, Cumbria, CA28 9PE 2021 – Job No. SRE20REP006 Doc No. 1.

Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

Working Hours

18. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:
08.00 - 18.00 Monday to Friday; and
08.00 - 13.00 on Saturdays.
No work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Landscaping

19. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the completion of the development or in accordance with a programme first submitted to and agreed in writing by the local planning authority. 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.

Reason:

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

20. The development hereby approved shall not proceed except in accordance with the recommendations described in Proposed Housing Waters Edge, Whitehaven Landscape Maintenance & Management Plan Gleeson Homes Ltd 28.11.20
requires update

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

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