

LATE REPRESENTATIONS FOR PLANNING PANEL

Planning Panel Date: 19th January 2022.

Application Ref.: 4/20/2455/0F1.

Development: Residential Development Of 40 Dwellings.

Address: Land South of Waters Edge Close, Kells, Whitehaven.

ADDITIONAL DETAILS RECEIVED

Education Contribution

Formal Consultation Response of Cumbria County Council:

Pupil Yield Assessment

A dwelling-mix led assessment of pupil yield from the development has been undertaken based on the applicant's proposed housing mix of 5x 2 bedroomed houses, 26x 3 bedroomed houses and 9x 4 bedroomed houses. This assessment estimates that the development would yield 15 children: consisting of: 4 infant school age pupils, 5 junior school age pupils and 6 secondary school age pupils.

Nearest Schools

The proposed development site is in the catchment areas of Kells Infant and Monkway Junior Schools (0.3 and 0.7) and Whitehaven Academy (2.6 miles). There are six other primary-age schools within the 2 mile walking threshold and one secondary school - St. Benedict's Catholic.

Available School Places

The methodology for calculating available spaces in schools takes in account pupil yields from developments with planning approval, before assessing which schools the developments will impact and what spaces remain for a new proposed development.

School Capacity

Primary School Capacity: *With current approved developments in the area taken into account, there are insufficient places in the infant catchment school of Kells School, to accommodate the pupil yield of 4 from this proposed development.*

However, there are sufficient places available in the junior catchment school of Monkway to accommodate the junior pupil yield of 5 from this development.

As there are a number of available infant places in other infant and full primary age schools within the walking threshold, an education contribution is not required for primary places in this instance.

Secondary School Capacity: *There are sufficient places available in the secondary catchment school to accommodate the secondary pupil yield of 6 from this development. Therefore no education contribution would be required in connection with secondary school capacity.*

It should be noted that the above analysis represents a snapshot in time and that all figures can be subject to change as further information becomes available.

Revised Information from Applicant

The following revised plans and documents have been submitted by the Applicant to align with the revised layout drawings recently submitted for completeness and the avoidance of doubt:

- Landscape Plan – Drawing No. G010 001 Rev C
- Landscape Management Plan – Drawing No. G010 LM021 Rev A
- House Type Drawing Type 304 Elevations (Rural 13) - Drawing No. 13/304-10 Rev. H
- House Type Drawing Type 304 Floor Plans - Drawing No. 304/AC
- House Type Drawing Type 360 Elevations (Rural 13) - Drawing No. 13/360-9 Rev. A
- House Type Drawing Type 360 Elevations (Rural 13) - Drawing No. 13/360-9 Rev. B
- House Type Drawing Type 360 Floor Plans - Drawing No. 360/B
- Detached Garage Plans/Elevations – Drawing No. SD700 Rev. E
- Flood Risk Assessment and Drainage Strategy – Report Ref. TC/T19360/2021/06
Version 06 12th January 2022
- Sustainable Urban Drainage System – Management and Maintenance Plan – Report Ref. T19360/2021/01 Issue 01.

The following plans and documents have been withdrawn by the Applicant, with the relevant details to be secured by proposed Planning Condition 5.

- Kerbing Proposals – Drawing No. TC / T19360 / A1 / 203 Rev. F
- Highways Proposals – Drawing No. TC / T19360 / A1 / 201 Rev. F
- Proposed Highway Materials – Drawing No. TC / T19360 / A1 / 204 Rev. G
- Section 38 Adoption Areas – Drawing No. TC / T19360 / A1 / 202 Rev. E
- Highways Layout Plan – Drawing No. TC / T19360 / A1 / 101 Rev. B
- Section 278 Proposals – Drawing No. TC/T19360/A1/205 Rev. D

Drainage Works

The landowner has provided confirmation that the existing drainage infrastructure on the adjacent Waters Edge development is in the process of being adopted by United Utilities and that United Utilities have agreed the inclusion and adoption of the improvements proposed.

The Applicant has confirmed that the proposed drainage works on the Application Site will be offered to United Utilities for adoption and that any elements that are not adopted will be maintained and managed by a separate management company which is appropriate. The Sustainable Urban Drainage System – Management and Maintenance Plan – Report Ref. T19360/2021/01 Issue 01 has been updated to reflect this position.

OFFICER COMMENTS

Education

The formal comments of Cumbria County Council reaffirm the position outlined in the Planning Panel report, confirming 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.

The proposed recommendation is amended to remove the reference to any required education contribution for completeness and the avoidance of doubt.

Revised Information from Applicant

The revised plans and documents submitted by the Applicant now align with the revised layout drawings recently submitted. Planning Condition 2 is amended to refer to these plans for completeness and the avoidance of doubt:

The plans and documents withdrawn by the Applicant are secured by proposed Planning Condition 5; therefore, the proposed withdrawal of these details is acceptable. Planning Condition 2 is amended to remove the reference to these plans for completeness and the avoidance of doubt.

Offsite Drainage Works

Following liaison with the landowner, Applicant and Cumbria County Council, it has been determined that the proposed improvements to the existing drainage infrastructure on the adjacent Waters Edge development can be secured via a Grampian type planning condition. Such a planning condition requires that the improvements be completed before the development on the Application Site is commenced and removes the requirement to secure these works via the proposed Section 106 Agreement.

The recommendation is therefore amended to remove the reference to drainage in relation to the proposed Section 106 Planning Obligation and to introduce a Grampian type planning condition (Planning Condition 7) to secure the proposed improvements to the existing drainage infrastructure on the adjacent Waters Edge development.

The adoption of the drainage by United Utilities with any un-adopted element being maintained and managed by a separate management company is appropriate and is secured via amendments to Planning Condition 2.

REVISED RECOMMENDATION AND DRAINAGE DETAILS

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; and, maintenance and management of the proposed public open space;
- the planning conditions outlined at the end of this report; and,
- any amendments to the proposed development and revisions to the proposed planning conditions as deemed acceptable by the Planning and Place Manager.

Planning 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 C

Landscape Management Plan – Drawing No. G010 LM021 Rev A

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. H

House Type Drawing Type 304 Floor Plans - Drawing No. 304/AC

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 Elevations (Rural 13) - Drawing No. 13/360-9 Rev. A
House Type Drawing Type 360 Elevations (Rural 13) - Drawing No. 13/360-9 Rev. B
House Type Drawing Type 360 Floor Plans - Drawing No. 360/B
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 – Drawing No. SD700 E
Flood Risk Assessment and Drainage Strategy – Report Ref. TC/T19360/2021/06
Version 06 12th January 2022
Sustainable Urban Drainage System – Management and Maintenance Plan – Report
Ref. T19360/2021/01 Issue 01.
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 commence 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 commence 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 Local Plan 2013-2021.

Drainage

7. No development shall commence until a scheme of improvement works to the existing drainage infrastructure serving Waters Edge Close in accordance with the principles detailed in Flood Risk Assessment and Drainage Strategy – Report Ref. TC/T19360/2021/06 Version 06 12th January 2022 have been submitted to the local planning authority, approved writing by the local planning authority and implemented in accordance with the approved details approved by the local planning authority.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2021.

8. 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

9. 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.

10. 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

11. 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

12. 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.

13. 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

14. 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

15. 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.

16. 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.

17. 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

18. 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,

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

19. 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

20. 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.

21. The development here by approved shall not proceed except in accordance with the recommendations described in Landscape Management Plan – Drawing No. G010 LM021 Rev A.

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.