

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2189/OF1	
2.	<b>Proposed Development:</b>	THE DEMOLITION OF AN EXISTING TWO STOREY BUILDING FORMALLY POW BECK CARE HOME. THE ERECTION OF A NEW CARE HOME (USE CLASS C2) WITH ASSOCIATED LANDSCAPING COMPRISING OF 36 ONE AND TWO BEDROOM FLATS OVER THREE STOREYS	
3.	<b>Location:</b>	POW BECK HOUSE, MEADOW ROAD, WHITEHAVEN	
4.	<b>Parish:</b>	Whitehaven	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>This application relates to Pow Beck House, a former care home which is now vacant and in a dilapidated state. The site is located within the Mirehouse Estate within the Pow Beck Valley area approximately 1.75 miles to the south of Whitehaven town centre. The horseshoe shaped building is surrounded by residential properties, and St Andrews Church to the north of the site.</p> <p><b>Relevant Planning History</b></p> <p>No relevant planning history at this site.</p> <p><b>Proposal</b></p> <p>This application seeks planning permission to demolish the existing two storey redundant former Pow</p>	

Beck Care Home and its replacement with a new care home (Use Class C2) with associated landscaping comprising of 36 purpose built apartments for people aged 60 and over. The proposed building will have an “L-shaped” configuration and will largely cover the footprint of the existing building. The building will have a maximum length of 57.8 m and a maximum width of 41.95m. The majority of the building is three stories in height, however the entrance foyer within the centre of the site will be single storey and the front elevation will be stepped down to two storey and single storey in height.

The development will comprise of 36 one and two bedroom flats over the proposed three storey building. The ground floor will house 9 x 1 bed and 2 x 2 bed apartments, the first floor will comprise of 9 x 1 bed and 4 x 2 bed apartments, and the second floor will accommodate 9 x 1 bed and 3 x 2 bed apartments. The proposed one bed apartments comprise a double bedroom, a bathroom, and an open plan living room/kitchen/dining room. The proposed two bed apartment will incorporate two double bedrooms, a bathroom and an open plan living room/kitchen/dining room.

The proposal will also include ancillary and shared facilities which consist of accommodation for support staff assisting residents and managing the day-to-day running of the site, a communal lounge, resident’s bistro, and a hair and beauty salon.

The proposed development will utilise the existing access to the north west of the application site which serves the existing care home. The access will serve 11 parking spaces, an ambulance drop off and delivery area, and designated cycle and motor bike parking located on the site of the existing garage which will be demolished as part of this proposal. There will also be three staff parking areas to the south of the site.

The building has been designed to have a modern in appearance and will be finished with red/brown coloured facing bricks, metal cladding, reconstructed stone parapet capping and lintels, timber cladding, PPC glazing systems, dark grey rainwater goods and UPVC fascias, and slate effect grey roof tiles. Along the front of the site the two stepped flat roofs will be finished with sedum roof systems. The development will also benefit from additional landscaping, which will be agreed as part of a condition once the application is determined, and will include the erection of a 1.8m vertical slatted timber fence adjacent to the properties on Links Road and St Andrews Crescent. The front of the site will benefit from the installation of low level box hedging planting.

The scheme has been amended following concerns raised by the Local Planning Authority and to address comments raised by Statutory Consultees.

The application is accompanied by the following information:

- Site location plan;
- Plans to show existing building;
- Plans of the proposed development;

- Topographical Survey
- Perspective Views
- Demolition Method Statement
- Design and Access Statement
- Bat Survey
- Supporting Statement
- Transport Statement

### **Consultation Responses**

#### Whitehaven Town Council

No negative comments to make on this application.

#### Cumbria County Council – Cumbria Highways & LLFA

*18<sup>th</sup> May 2021:*

Further information and clarification is required for the following from a highways and LLFA perspective:

Highways:

#### *Parking*

- How many staff are proposed to work at the facility at any given time?
- A dedicated ambulance/delivery space is required as part of the development.
- Parking for motorcycles and bicycles is required to promote more sustainable modes of travel.

LLFA

#### *Drainage Strategy*

The proposal of the green roofs is welcomed by the LLFA, however further information is required for the following:

- The supplied FRA & Drainage Strategy needs to consider the drainage hierarchy, whilst it is understood there is a desire to utilise existing drainage within the site, infiltration should not be ruled out if it can be utilised to reduce run off into the existing system, furthermore as this is complete re-development of an existing site the applicant needs to work to reduce the run-off towards a green field rate through attenuation.
- Green roofs are proposed, what betterment of run off rate will this achieve into the existing

system through attenuation over existing situation.

- Micro-drainage calculations are required to demonstrate that any proposed system will not flood during 1 in 30 yr +40% climate change and if flooding does occur during 1 in 100yr +40% CC it can be held within the site or channelled along a route that will not affect the site or nearby properties.
- Climate change is calculated at 40% CV levels are 1.
- The supplied plan within the FRA & Drainage Strategy is not legible it requires updating and should included cover and invert levels and exceedance routes if required.
- A maintenance plan for drainage within the site that is to remain private.
- Our records show that a portion of the site in the proposed parking area and building suffers from 1 in 30 and 1 in 100 yr event, this needs to be considered as part of the drainage strategy.

*23<sup>rd</sup> August 2021:*

Further information is required on the following points:

LHA:

*Parking*

- How many staff are proposed to work at the facility at any given time?
- A dedicated ambulance/delivery space is required as part of the development.
- Parking for motorcycles and bicycles is required to promote more sustainable modes of travel.

LLFA:

*Drainage Strategy*

- A maintenance plan for drainage within the site that is to remain private.
- Drainage strategy drawing 300068/001 indicates the re-routing of Pow Beck culvert which currently runs under the existing building. However further investigation into strategy drawing 300068/001 shows the removal of two other existing sewers at manhole 2 and manhole 3 which would then combine all three existing sewers and discharge into existing system at manhole 5. Pow beck culvert is a surface water culvert and we believe the other two existing sewers will be foul, so with the removal of existing system at manhole 2 and 3 its believed you are creating a combined system to which is unacceptable. Allowing raw sewage into a water course then into a main river will have legal and environmental implications. Further investigation needs to be carried out to identify foul and surface water within the site boundary's

and recorded on a plan.

- Has the applicant considered leaving the pow beck culvert on its original line under the building and re-newing the pipework? Given the potential cost of re-routing and the implications this brings hydraulically, providing this work was carried out under building regulations then this should be considered, as proposed plan shows numerous changes in direction which is likely to cause hydraulic surcharges within the the manholes at peak events which can lead to manhole surcharging.
- The 2 attenuation tanks within the car parking areas are welcomed by the LLFA.
- Micro drainage calculations have been provided for 1 in 100yr + 40% storm event but no calculations have been provided for a 1 in 30yr + 40% storm event these would be welcomed at this stage.

*27<sup>th</sup> October 2021*

LHA:

We as the LHA welcome the amended layout plan/drawing number 1610PO3D and are content with the proposal. Conditions relating to the design, construction and drainage of footways and carriageways, and access and parking.

LLFA:

We as the LLFA are content with the new proposed surface water plan submitted subject to the following recommended conditions being included in any Notice of Consent which may be issued, these conditions have been submitted by Copeland Borough Council flood and coastal defence engineer to which we are in agreeance.

#### United Utilities

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

#### Environment Agency

The EA have reconsidered this application, and there are no constraints associated with this site that fall within the remit of the Environment Agency. The site is wholly in Flood Zone 1, and despite its name, it is not adjacent to the watercourse, which appears to start on the land behind St Benedicts Church. The demolition of the previous building does not give us any cause for concern regarding potential land contamination.

Copeland Borough Council – Flood and Coastal Defence Engineer

*18<sup>th</sup> May 2021:*

At this stage, I'm raising an objection to the proposed development.

The proposed development is in Flood Zone 1, so is at a low risk of flooding, so it is appropriate.

NPPF states "In this zone developers and Local Authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems."

Although the Application states the surface water is to be disposed of by means of sustainable drainage systems, the Flood Risk Assessment and Drainage Strategy states that as a brownfield site the development proposes to use existing arrangements to the public sewer.

It also appears the both the existing development and proposed new development are situated over part of the culverted section of Pow Beck, but this doesn't appear to have been picked up on the existing site plan.

At this stage, the main issues to resolve are:

- Where does the surface water from the existing development discharge to? It is highly unlikely that infiltration will be a suitable means of disposing of surface water, so following the hierarchy, discharge of surface water from the new development into Pow Beck culvert is likely to be the preferred option.
- What is proposed with regards to development and Pow Beck culvert? Looking at the site boundary there does not appear room to divert the culvert, so will the design be altered, so it does not sit on top of the culvert, or is it proposed to build over the culvert.

There does appear to be a lack consideration in the submitted proposals with regards to the above, possibly the applicant is unaware of Pow Beck, despite the name of the site.

*3<sup>rd</sup> September 2021:*

Just some comments on the revised Drainage Strategy, which still contains some factual errors:

- The document has been updated to state that Pow Beck is the nearest watercourse and runs through the site.
- However, it still states there are existing public surface water sewers within the development site.
- The proposed climate change uplift used for attenuation system is stated as 30% when 40% is

normally used. However, this could be due to the design lift of the development.

- However later in the document a figure of 40% is stated.
- The document also states that there is only one option available for surface water as infiltration is not viable (due to the site size and potential for contamination) and discharge to a watercourse is deemed not viable. However, the document has been updated to reflect that Pow Beck passes through the site.
- The document has include the outline calculations for discharge rates and attenuation storage, but continues to state that the discharge rate will be subject to approval by United Utilities.
- The proposal for the storage to be beneath the car park to the north of the building.

As such the document cannot be approved, but to avoid delaying the application I would make the following comments / observations and where appropriate these can be conditioned:

- I would agree that infiltration would not be appropriate as a means of surface water disposal. As stated in the Drainage Strategy, given the site size and the proposed development, there would be insufficient room and there are concerns about pollutants reaching groundwater. I would also think that ground conditions would most likely not be favourable for infiltration.
- Following the drainage hierarchy, the next best option would be to discharge into a watercourse and as the culverted section of Pow Beck runs through the site, it is the obvious choice.
- A recent drainage survey has identified existing surface water drainage from Pow Beck House discharges into the culvert, these could be used without consent being required from the LLFA.
- However, if new connections are made into Pow Beck culvert, then consent from the LLFA would be required.
- As the existing section of Pow Beck culvert through the site is suffering from cracking, the culvert needs to be repaired to the satisfaction of the LLFA. It would appear that lining the damaged sections would be sufficient, rather than replacement.
- As the footprint of the new development would appear to be over the existing culvert, this would be subject to Building Control approval.
- As existing adopted foul sewers pass through the site, then the development would also need to be subject to approval from United Utilities for building over / near sewers.
- Discharge rates from the development are to be agree with the LLFA, which would be expected to be in line with greenfield rates with a climate change allowance appropriate for

the design life of the development for a 1 in 100 year event.

- Consideration of exceedance events should be included to steer flood waters away from buildings.
- Most drainage detail can be determined at final design stage and only the principles are needed to be agreed at this stage.
- As the drainage within the site is to remain private a maintenance plan should be devised.

Hopefully, I covered everything, and I would suggest that wording of conditions should be agreed in advance if possible. This is because sometimes the wording of a condition means that the condition is difficult to discharge, even if the intent is correct.

Draft conditions have been discussed with the Officer and agreed.

#### Copeland Borough Council – Environmental Health

Based on the information submitted with the above planning application, Environmental Health support the application, but note the potential for disruption during both the demolition and construction phase and therefore request a number of conditions.

#### Copeland Borough Council – Housing Manager

*13<sup>th</sup> May 2021:*

This is an application for 36 flats, comprising 27 x 1 bed and 9 x 2 beds, as retirement accommodation for the over 60's. The site is in the Mirehouse East area of South Whitehaven and requires the demolition of the current structure, a former care home. There are plans for a communal lounge, bistro and hair and beauty salon on site.

There are no details of this stage regarding whether the flats will be for market sale or if there will be an affordable provision. We would welcome a conversation on this should planning permission be granted, given the location of the site in one of Copeland's key social housing estates.

We welcome the development of high-quality retirement accommodation in Whitehaven, as there is a lack of 1 and 2-bedroom properties for this market in the area. It is recognised in our current Housing Strategy that there is a need for specialist housing for older people who may have current or future need for care but who want to retain a level of independence and that we need to develop more of this within the borough to meet that need. Cumbria County Council's figures show that there is a shortfall in Copeland of 289 units of extra care accommodation up to 2025 and our 2019 SHMA reports similar need. As a two-tier authority area the County Council are responsible for care commissioning and therefore we would advise the developer contact their commissioning team regarding the application.



*23<sup>rd</sup> August 2021:*

The details don't alter the response originally provided.

*4<sup>th</sup> October 2021:*

We would welcome delivery of the Extra Care Housing through a Registered Social Housing provider, making the dwellings more accessible and affordable to local residents. We have significant need for this type of housing in Copeland and are supportive of this being located in Whitehaven.

Natural England

*7<sup>th</sup> May 2021:*

No comments to make on this application.

*18<sup>th</sup> August 2021:*

No comments to make on this application.

Fire Services

The Fire Authority has no objections to this application. However, it should be noted that access for firefighting and water supplies must comply with ADB Volume 1, Dwellings, Section B5. 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.

Crime Prevention Design Advisor

No comments received.

Copeland Disability Forum

1. We note that 9 of the proposed 36 apartments are designed to be fully accessible for wheelchair users.
2. We also note that the whole building communal areas are suitable for all disabilities and that they have been designed for extra care support.
3. We also note there have been 2 wheelchair accessible disabled parking bays provided of the 11 possible bays.

CDF would welcome and fully support this application and feels it will provide much needed accommodation with extra support whilst retaining independence with separate apartments for elderly vulnerable and disabled persons in the Whitehaven area.

Public Representation

This application has been advertised by way of a site notice, press notice and neighbour notification letters issued to 30 properties. One letter of support was received which stated that the proposal looks great and will complement the area while hopefully serving some residents.

Two letters of objection was also received raising the following concerns:

- The building is too high at three storeys, its actually four storeys high if the roof is included.
- The building could swamp adjoining properties light.
- If the flats are self-contained where will be occupants/visitors park cars?
- The current development in the area is one of bungalows. If this was continued, single occupied family properties on the estate could be 'freed' up, by those that need bungalows.
- The County Council saw fit to close the existing care home, so how can there be need for another to replace it?
- The building will look stupid and an eyesore, and will be out of place.
- Why can't the building just be the same as now?

Reconsultations were undertaken based on amended details received to the previously consulted neighbouring properties and those who submitted comments on the original application. One letter of support has been received which states the scheme looks great and gets their support.

### **Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST3 – Strategic Development Priorities

Policy SS1 – Improving the Housing Offer

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

**Other Material Planning Considerations**

National Planning Policy Framework (2021)

Cumbria Design Guide (CDG)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

**Assessment**

This major application seeks to redevelop a former care home site. The key issues raised by this

application relate to the principle of development and the suitability of the proposed use, the scale, design and impact on residential amenity, flood risk and drainage, ecology, and access and highway safety.

#### Principle of Development

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

This application relates to the former Pow Beck House which is located within the residential area of Mirehouse, within the designated settlement boundary of Whitehaven. Whitehaven is classified within Policy ST2 of the Copeland Local Plan as the Principal Town of Copeland where development should be concentrated. The Local Plan states that proposed new housing in Whitehaven should take the form of estate-style development, infill and windfall housing and larger sites which will require a proportion of affordable housing. The former Pow Beck House was previously operated as a care facility but is now unused and has fallen into a dilapidated state. The site is therefore considered to be brownfield development within the Mirehouse, a largely residential area. Policy SS2 of the Copeland Local Plan states the house building to meet the needs of the community and to accommodate growth will be provided by seeking to achieve 50% of new housing development on previously develop brownfield land. The dilapidated state of the site and proximity of the site to existing local services, offers the opportunity to regenerate this area of Whitehaven.

On the basis of the above, the principle for redeveloping this site is considered to be acceptable and in accordance with the aims and objectives of the NPPF as well as the relevant policies of the adopted Copeland Local Plan.

#### Housing Need and Community Use

Policy SS4 of the Copeland Plan states that in order for communities to be successful it is vital that they are well served by a full range of public, private, community and voluntary facilities. This policy states that the provision and retention of good quality facilities which meet the need of local communities will be encouraged. Furthermore, services and facilities which benefit the less mobile or deprived members of the community and which maximise opportunities for people to improve their health and well-being will be given particular support.

The former Pow Beck House was previously operated as a care facility but is now unused and has fallen into a dilapidated state. This application seeks a direct replacement of this facility, which will ensure that 36 flats for the elderly are reintroduced within this community. The care facility will also develop new facilities for residents including, a communal lounge, bistro and hair/beauty salon, which will increase access to facilities and improve the well-being for residents in accordance with

Policy SS4.

The Council's Housing team have confirmed that they welcome the development of high-quality retirement accommodation in Whitehaven, as there is a lack of 1 and 2-bedroom properties for this market in the area. It is recognised in the Council's current Housing Strategy that there is a need for specialist housing for older people who may have current or future need for care but who want to retain a level of independence and that there is a need to develop more of this within the Borough to meet that need.

On the basis of the above, the proposed redevelopment and reuse of the site as a care facility is considered to be acceptable and in accordance with the aims and objectives of the Copeland Local Plan.

Scale, Design & Impact of Development on Residential Amenity

Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

The application site is located within a predominantly residential area, and currently includes the former two storey care home facility which is now in a dilapidated state. The proposed L-shaped building has been designed largely within the footprint of the existing building however the need to accommodate a number of units within the site and the requirement to meet modern standards has resulted in an increase in the footprint of the development.

Initially concerns were raised with the agent with regard to the overall scale of the development, particularly the height of the proposal and the relationship with the adjacent properties which are predominantly of a single storey scale. Based on these concerns extensive discussions were undertaken and an amendment to the overall height of the development was secured. Although the building remains three stories in parts the development has been significantly reduced to ensure that the development reflects the scale and massing of the previous structure, and to ensure that the scale of the development fits within the surrounding site context. This reduction in height and the proposed design which attempts to break up the scale and massing of the building also ensures that the development is not over dominant within the streetscene or for the surrounding properties. The agent also submitted a site plan indicating that the separation distances set out within policy DM12 of the Local Plan can be met to ensure the development does not adversely impact on the amenity of adjacent properties. It is also proposed that a 1.8m vertical slatted timber fence is installed as part of the development in order to further protect the amenities of the neighbouring properties. This can be secured via an appropriately worded planning condition.

Despite these amendments there was still concerns regarding the impact of the development upon

the existing bungalow property to the east of the application site, 10 St Andrews Crescent. The agent has therefore submitted a plan to indicate that the application site is at a lower level than those on St Andrews Crescent. A site visit carried out by the Planning Officer has also confirmed that whilst there is a side window within the gable of 10 St Andrews Crescent this relates to a secondary bedroom window which is already partly obstructed by the existing garage on site which will be demolished as part of this proposal. Whilst the development will be brought closer to this residential property the development is not considered to be overbearing due to existing ground levels and will not have a significantly demonstrable impact on the amenity of the property.

The development is of a modern design, however the site lies adjacent to a small modern estate of bungalow properties. The proposed materials were questioned with the agent and have been amended to reflect the red brick within the area, however specific details of the proposed modern materials have not been provided. The agent has therefore agreed to a condition to secure a schedule of materials before they are used within the development. This condition will ensure the modern development will reflect the overall character of the area.

The scheme is considered to be of an appropriate design and the amendments secured to the scheme and the inclusion of conditions has ensured that the development complies with Policies of the Local Plan and the provisions of the NPPF.

#### Landscape and Settlement Character

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The application site comprises of brownfield land which is located within the residential area of Mirehouse. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type OO: 'Urban'. The site is within a prominent location surrounded by a number of residential properties and St Andrews Church to the north. Although the development has been reduced in height, the scale of the proposal is still greater than the existing two storey building currently on site. The proposed replacement facility has been designed with varying heights to break up the bulk and massing including the inclusion of a single storey link although there are elements of the building which are three storey in height. Whilst the majority of the surrounding residential

properties are bungalows the three storey elements of the proposal are located to the north of the application site to ensure that the proposal is viewed in the context of the adjacent church. This along with the variation in heights across the length of the building will ensure that the development is compatible to the built form of the area and is not over dominant within the streetscene.

The proposal is therefore considered to comply with policies ST1, ENV5, and DM10 of the Copeland Local Plan and provision of the NPPF.

#### Flood Risk & Drainage

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

The application site lies within Flood Zone 1, however as this application is for a major proposal a Flood Risk Assessment and Drainage Strategy has been produced to support the scheme.

Despite the Council's Flood and Coastal Defence Engineer stating that the development is appropriate for the site which is at low risk of flooding, he initially raised concerns with the proposed drainage strategy for the development. These concerns were also echoed by the Local Lead Flood Authority. In order to address these concerns the agent submitted an amended Drainage Strategy, however this document was still deemed to contain factually incorrect information and failed to provide an accurate and suitable drainage scheme for the development. In order to avoid delays to the approval of this application the Council's Flood and Coastal Defence Engineer and the Local Lead Flood Authority have agreed that appropriately worded planning conditions can be used to secure a suitable scheme for this site. The agent has also agreed to the suggested conditions.

The Environment Agency have also considered this application and have confirmed that they have no comment to make on this proposal as there are no constraints within the site that fall within the remit of the EA, as the site is wholly in Flood Zone 1, and despite its name, it is not adjacent to the watercourse.

Based on the inclusion of these agreed conditions to secure adequate drainage within the development, the proposal is considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan and provision of the NPPF.

#### Access and Highway Safety

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

This application will utilise the existing access to the north west of the application which serves the existing care home. The access will serve 11 parking spaces, an ambulance drop off and delivery area, and designated cycle and motor bike parking located on the site of the existing garage which will be demolished. There will also be three parking areas to the south of the site for use by staff.

Initially Cumbria Highways requested additional details regarding the number of staff required to operate from the facility, and stated that a dedicated ambulance/delivery space was required as part of the development alongside motorcycle/bike parking to promote more sustainable modes of travel. Following the submission of amended details Cumbria Highways confirmed that they have no objections to the redevelopment of this site, subject to the inclusion of condition relating to the design, construction and drainage of footways and carriageways, and access and parking.

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

#### Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

As this application involves the demolition of the existing dilapidated care home facility, the proposal is supported by a bat survey. The submitted bat survey states that given the good condition of the brick works and roof, the care home building and garage did not provide suitable roosting for bats. The survey therefore concludes that the buildings will have negligible potential and the proposed works will have no impact on roosting bats. The survey also concludes that the buildings have limited suitability for nesting birds, therefore if the works are carried out to the building outline of nesting season there would be no impact on nesting birds.

The submitted bat survey provides recommendations in order to mitigate any harm on both roosting bats and nesting birds. Firstly it is recommended that although there is negligible potential for roosting bats the works should be carried out with due care and in the unlikely event a bat is found works should cease and further advice be sought. It is also recommended that works to the building should be carried out outside of the nesting bird season, however if this is not possible the works should be preceded by a thorough nesting bird survey. Finally, this report states that as a habitat will be lost biodiversity enhancements should be included within the proposed development, including bat bricks and nesting boxes. Details of the proposed location for these enhancement are included within this document. The enhancement of biodiversity is a key aim of the NPPF and therefore is strongly supported within this development. Suitably worded planning conditions are proposed to ensure the proposal is carried out in accordance with the proposed mitigation measures and the development include the proposed enhancement measures.



	<p>Natural England have been consulted on this application and have offered no comments on this proposal.</p> <p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.</p> <p><u>Planning Balance &amp; Conclusion</u></p> <p>This application seeks to redevelop the former Pow Beck House located within the residential area of Mirehouse. This area falls within the south of the Boroughs Principal Town, Whitehaven, where development should be concentrated.</p> <p>The former Pow Beck House was previously operated as a care facility but is now unused and has fallen into a dilapidated state. This application seeks a direct replacement of this facility, which will ensure 36 flats for the elderly are reintroduced within this community and will also introduce new facilities to improve the health and well-being of residents. The Council's current Housing Strategy identifies that there is a need for this type of accommodation for those who currently or will need future care whilst retaining independence.</p> <p>Significant discussions have been undertaken to secure amendments to the scheme in order to ensure the development limits its impacts on the amenity of neighbouring dwellings, and the overall scale and design is compatible with the surrounding areas. The proposal is not considered to create highway issues as the site utilises the existing access and incorporates acceptable parking and sustainable transport methods. Concerns have been raised with regard to the drainage strategy for this site however it has been agreed by statutory consultees and the applicant that these details can be secured through conditions.</p> <p>On balance, whilst the proposal is of a larger scale than the existing building, the removal of the existing dilapidated building and replacement with a modern facility that meets housing needs is considered to be a significant benefit. Although there will be some impact on the existing residential properties, the secured amendments have ensured that the impacts are lessened. Any impacts on ecology can also be addressed by mitigation and enhancements which will be secured by condition.</p> <p>On this basis the proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>

9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Location Plan, Scale 1:1250, Drawing No P01, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.</li> <li>- Topographical Survey, Scale 1:200, Drawing No J1530.DWG, Rev ORIG, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.</li> <li>- Ground Floor Plan, Scale 1:200, Drawing No P03, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.</li> <li>- Ground Floor Plan, Scale 1:100, Drawing No P03, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.</li> <li>- First Floor Plan, Scale 1:100, Drawing No P04, Rev A, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.</li> <li>- Second Floor Plan, Scale 1:100, Drawing No P05, Rev A, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.</li> <li>- Proposed Elevations (Amended), Scale 1:100, Drawing No P06, Rev C, received by the Local Planning Authority on the 19<sup>th</sup> July 2021.</li> <li>- Proposed Elevations (Amended), Scale 1:100, Drawing No P07, Rev B, received by the Local Planning Authority on the 19<sup>th</sup> July 2021.</li> <li>- Perspective Views (Amended), Scale 1:500, Drawing No P08, Rev C, received by the Local Planning Authority on the 19<sup>th</sup> July 2021.</li> <li>- Proposed Site Plan (Amended), Scale 1:200, Drawing No P03, Rev D, received by the Local</li> </ul> </li> </ol>
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Planning Authority on the 19<sup>th</sup> October 2021.

- Proposed Site Plan, Scale 1:200, Drawing No SK03, received by the Local Planning Authority on the 12<sup>th</sup> July 2021.
- Site Plan – Existing Footprint Extents (Amended), Scale 1:200, Drawing No P12, received by the Local Planning Authority on the 22<sup>nd</sup> June 2021.
- Existing Elevation Comparison (Amended), Scale 1:100, Drawing No P10, Rev B, received by the Local Planning Authority on the 22<sup>nd</sup> July 2021.
- Existing Elevation Comparison (Amended), Scale 1:100, Drawing No P11, Rev B, received by the Local Planning Authority on the 22<sup>nd</sup> July 2021.
- Demolition Method Statement, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Design and Access Statement (Amended), Rev A, received by the Local Planning Authority on the 29<sup>th</sup> July 2021.
- Bat Survey, Prepared by Whitcher Wildlife Ltd January 2021, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Supporting Statement – Prepared by Staniforth Architects, received by the Local Planning Authority on the 9<sup>th</sup> July 2021.
- Transport Statement, Prepared by Sanderson Consulting Engineers Ltd, received by the Local Planning Authority on the 11<sup>th</sup> August 2021.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre Commencement Conditions:

3. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

- b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- c) A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4. Before development commences full details of the foul and surface water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

5. Before development commences, the section of Pow Beck culvert within the development site must be repaired to a satisfactory standard in accordance with details submitted to and approved in writing by the Local Planning Authority, whether by lining, or by other approved methods.

Reason

To ensure the provision of a satisfactory drainage scheme.

6. Before development commences, a demolition and construction management plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include provide details of dust emissions and identify remedial action to prevent nuisance from dust. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In order to protect residential amenity.

7. Before development commences, full details of the design, construction and drainage of the proposed carriageways, footways, and footpaths must be submitted to and approved in writing by the Local Planning Authority. The works must be constructed in accordance with the approved details before the development is completed and retained at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

After Demolition Conditions:

8. After demolition, the section of Pow Beck culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during demolition. Should damage be identified, this must be repaired to a satisfactory standard which has been approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

Prior to Use/Occupation Conditions:

9. Before the development becomes operational, the section of Pow Beck culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

10. The development hereby approved must not be brought into use until the access and parking requirements have been constructed in accordance with the approved plans. Any such access and or parking provision must be retained and be capable of use when the development is completed and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

11. Prior to their first use on the development hereby permitted representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

12. Prior to their first installation within the development hereby approved, full details of the proposed external lighting must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To safeguard the amenity of nearby residential properties.

13. Prior to their first installation within the development hereby approved, full detail of proposed biodiversity enhancements must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reasons

To protect the ecological interests evident on the site.

14. Prior to the first use of the development hereby approved full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc, and details of maintenance of the proposed landscaping once implemented. Landscaping must be carried out and managed in accordance with these approved details at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area

and to ensure a satisfactory landscaping scheme.

15. Prior to the first occupation of the development the proposed boundary treatment must be installed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:200, Drawing No P03, Rev D, received by the Local Planning Authority on the 19th October 2021'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential amenity.

16. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason

To ensure that management arrangements are in place for the sustainable drainage system.

Other conditions:

17. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

18. A non-return valve must be installed before connecting into the public sewer

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

19. The development must implement all of the mitigation measures set out in the approved document 'Bat Survey, Prepared by Whitcher Wildlife Ltd January 2021, received by the Local Planning Authority on the 29<sup>th</sup> April 2021'. These measures must be retained at all times thereafter.

Reasons

To protect the ecological interests evident on the site.

20. Construction site operating hours during both the demolition and construction phase will be Monday-Friday 08:00 to 18:00 and Saturdays 08:00 to 13:00. No construction on Sundays or Bank Holidays.

Reason

In the interest of residential amenity.

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

Reason

In the interest of residential amenity.

**Informatives:**

1. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011).
2. If bats are discovered after development has started, all works must stop and expert help should sought from a qualified and licensed ecologist. A survey should be undertaken and mitigation plans developed on the basis of this study. Bats and their roosts are protected by law and it is an offence to wilfully injure or kill a bat or damage or destroy a bat roost.
3. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team. Streetworks West  
streetworks.west@cumbria.gov.uk



	<p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p><b>Case Officer:</b> C. Burns</p>	<p><b>Date :</b> 11.11.2021</p>
<p><b>Authorising Officer:</b> N.J Hayhurst</p>	<p><b>Date :</b> 12/11/2021</p>
<p><b>Dedicated responses to:-</b></p>	