

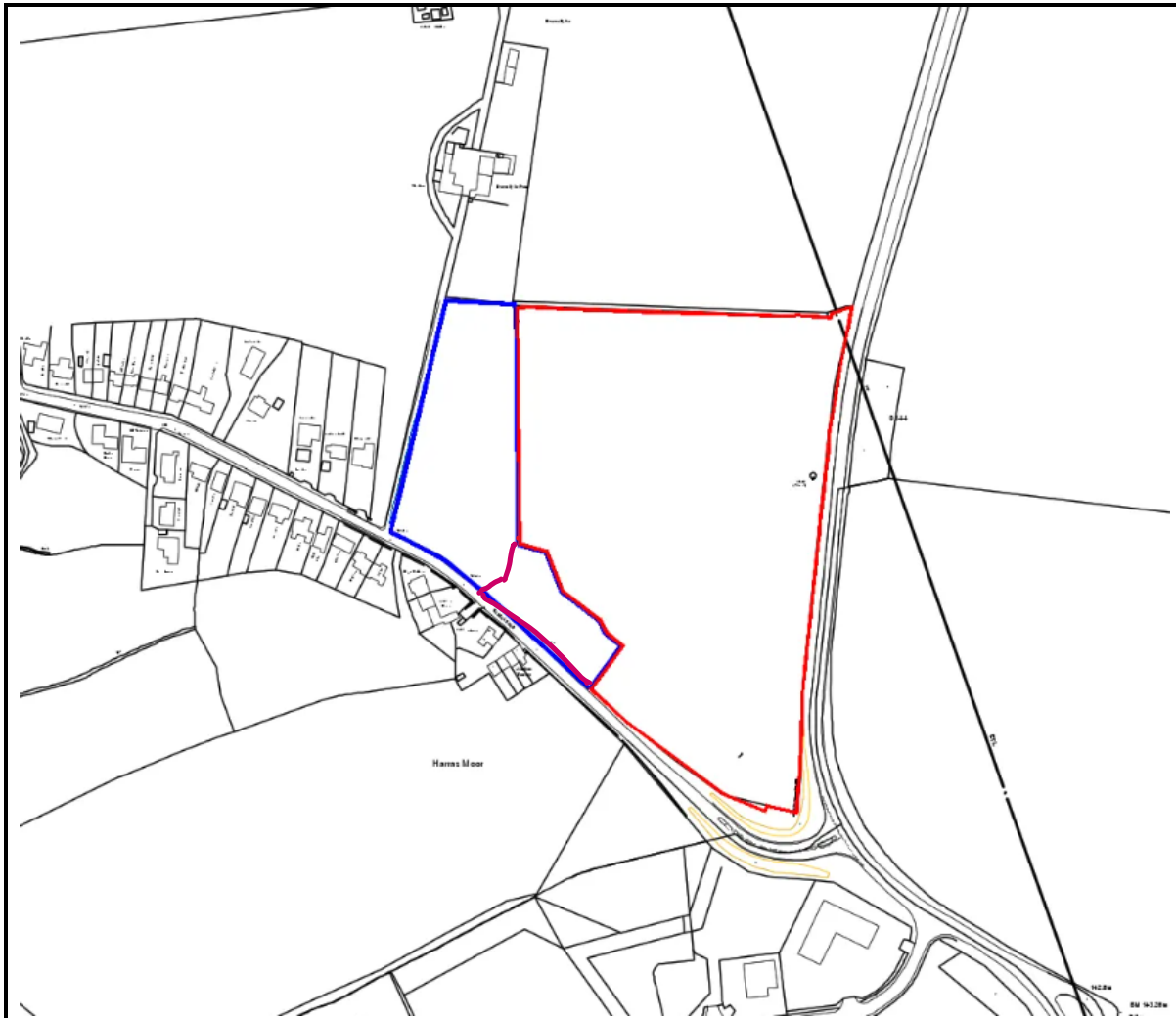


To: PLANNING PANEL

Development Management Section

Date of Meeting: 28/09/2022

Application Numbers:	4/21/2195/OR1 and 4/21/2196/OR1
Application Type:	Approval of Reserved Matters
Applicant:	Site Evolution Limited
Application Address:	LAND AT HARRAS ROAD/HARRAS DYKE, WHITEHAVEN
Proposals	<p><u>4/21/2195/OR1</u> APPLICATION FOR THE APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR 85 DWELLINGS FOLLOWING OUTLINE PLANNING APPROVAL 4/16/2415/001</p> <p><u>4/21/2196/OR1</u> APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR 5 DWELLINGS FOLLOWING OUTLINE PLANNING APPROVAL 4/16/2416/001</p>
Parish:	Whitehaven
Recommendation Summary:	Approve subject to conditions



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Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel as the proposal is for a major development and has been the subject of significant local interest.

Applications 4/21/2195/OR1 and 4/21/2196/OR1 will be considered together as they are mutually dependent.

At the Planning Panel meeting on 31st August 2022 Members resolved to defer these two applications to allow them to visit the site. The site visit is scheduled to take place on the morning of 28th September 2022.

Site And Location

The two applications relate to an area of agricultural land which fronts onto Harras Road and lies on the edge of the main settlement of Whitehaven. The land is bound on its western side by Red Lonning and lies adjacent to the existing dwellings on Harras Road to the west and southwest and open agricultural land to the north. A public footpath crosses the southern section in a diagonal line connecting Harras Road with Red Lonning, A public footpath also flanks the western boundary which connects Harras Road to Harras Dyke to the north.

Outline planning permission was granted for the residential development of both sites for a total of up to 110 dwellings in August 2017 (application references 4/16/2415/001 and 4/16/2416/001 relate).

Proposal

These two applications seek the approval of the Reserved Matters relating to access, appearance, landscaping, layout and scale for 85 dwellings (application reference 4/21/2195/OR1) and 5 dwellings (application reference 4/21/2196/OR1), following the outline approval for up to 110 dwellings in 2017.

The following information has been submitted in support of the two applications:-

- Application Form;
- Site Location Plan;
- Proposed Site Plan;
- Materials Schedule;
- Site Constraints Plan;
- Boundary and Enclosures Plan;
- Hard Surfacing and Facades Treatments;
- Dwelling Type Plans and Elevations;
- Garage Plans and Elevations;
- Landscape Plan;
- Planting Plan;
- Plant Schedule;
- Foundation Mining Assessment;
- Character Areas Plan;
- Circulation Routes Plan;
- Managed Areas and Adoption Plan;
- Parking Plan;
- Design and Access Statement;
- Footway Connection Plan;
- Footway Diversion Route Plan;
- Visibility Splays.

Throughout the report, the development will be considered as a whole as the layout and design of the dwellings, roads and infrastructure rely on both applications being constructed simultaneously.

Access to the development is proposed to be a single access from Harras Road, connecting to the road network within the site. Visibility splays of 2.4m x 49m to the west and 2.4m x 42m to the east have been demonstrated. Pedestrian connections are proposed throughout the site and on the existing footpath, which is to be diverted as part of the proposals, has been incorporated into the proposed layout. Off street parking is to be provided in by a combination of driveways, rear parking courtyards and private garages.

Improvements are proposed on Harras Road in order to accommodate the footway connections from the site. To the west of the site, there will be a break in the frontage feature wall to allow pedestrians to cross Harras Road, with a crossing point on the opposite side of the road to include a dropped kerb. On the eastern side of the site, a break in the wall and dropped kerb will lead over the carriageway, with a pedestrian refuge in the centre due to the width of the road. The crossing will connect to the existing pavement on the south side of Harras Road.

The dwellings will comprise a range of 13 different house types, with a mix of detached, semi-detached and terraced units proposed. The dwellings vary in size from 2 to 5 bedroomed properties. The dwellings will be of a modern appearance and the designs have been influenced by the traditional character of Whitehaven. Windows are arranged to provide a vertical emphasis including banding on the front elevations. Some dwellings feature integral garages, whilst others have detached garages or private off street parking. A variety of external facing materials is proposed with a combination of red, multi and purple facing bricks, white and granite render and anthracite grey roofs. Windows and doors will be grey UPVC.

The layout is focused on a tree lined spine road, with minor roads leading to cul-de-sacs and short rows of dwellings. Character areas have been defined, with dwellings centred around “the green” and lower densities of dwellings facing the “edges” of the development.

Full landscaping details have been specified including the main “green” in the centre of the development, children’s play areas and incidental open and seating areas. The site will be bound with native hedgerows and groups of trees in various locations for screening.

Full details of the proposed drainage for the site have not been provided as these details are required by a condition that was attached to the outline permission. Details of the United Utilities infrastructure within the site have been identified and the proposed site plan shows areas for potential SUDS systems within the site boundary.

Consultation Responses

Whitehaven Town Council

1st response

It was assumed that these applications would go to Planning Committee and Councillors have requested that these applications are laid before full Planning Panel as a matter of course.

2nd response

The Councillors requested that these applications are referred to Full Planning Panel on the grounds of access, layout and scale. Concerns with regards to the inconclusive traffic studies reports and the building of 90 homes on this strip of land would result in overcrowding and put additional strains on an already weak infrastructure. Councillors queried if these reserved matters have been appropriately put through and whether these reserved matters are actually a repetition of previous applications.

3rd response

The Council agreed that they would continue to support the residents in their objections of these developments and would ask that the Planning Panel refer to previous objections submitted.

Cumbria Highways

1st response

In regard to the detailed visibility splays of 45m in both directions at the proposed access, which was established through discussions at the outline stage of the applications, a more recent speed survey was undertaken by this authority in August 2020 due to ongoing complaints of speeding at this location, 85th Percentile speeds were recorded as follows.

- Vehicles travelling in a Southwesterly direction recorded 34.2-mph and
- in Northwesterly direction 30.7-mph.

Visibility splays within a 30mph zone require to be 60m unless the 85th percentile speed can be established. The visibility splays will require amending accordingly and this should be detailed on a plan.

The moving of the frontage footway to be internal within the development is acceptable, however it should be a separate standalone footway and not be incorporated into a shared surface, the footway should be 2m wide and where it terminates at the western end of the development should not be at a point opposite of the existing driveway on Harass Rd, an appropriate pedestrian access must be constructed and another immediately opposite on Harass Rd to allow for safe pedestrian movement this can be undertaken with the proposed carriageway widening under S278 agreement. This needs to be detailed within a plan.

The 5.5m access road is acceptable to the highway authority, however it should be of continuous width along its length up to the point of transition to shared surface at plot 43, footways provided along this section need to be 2m wide and should have a margin included where they front a property boundary.

There is too much forward visibility within the proposed carriageway layouts of the development, this can lead to speeding, see Chapter F Speed Management CDDG.

Shared surface carriageways should not be excess of 75m, there are numerous instances within the proposed development where this is exceeded.

Parking spaces should be detailed within a plan, in accordance with the CDDG Appendix 1

Parking, resident parking required is 226 spaces and visitor parking is 20, the applicant needs to demonstrate that this is achievable, as proposed not enough visitor parking is provided within the development.

Parking at plots 2 & 3 the driveway appears to be too short and the driveway access at plots 27 & 28 requires a radius at the entrance.

The footway at the front of plots 89 & 90 should be continuous, the driveway should delineated.

As the development is for ninety dwellings an emergency access should incorporated into the design if possible.

Wherever a footway or carriageway that is to be put forward for adoption under S38 agreement fronts a private boundary there should be a margin or service strip detailed to allow for maintenance and this includes to the rear of visitor parking areas.

There are a number of verges and footways proposed within the development which would not be suitable for adoption by the highway authority under S38 agreement, for example the verges along the main access road. The applicant needs to provide a detailed plan of areas that they propose for adoption which can be submitted and further reviewed.

Trees located near to junctions need to be positioned so as not to interrupt visibility splays and all trees located adjacent to public highway will require root boxes.

In summary the following information is required:

- A plan detailing achievable visibility based on the 85th percentile speeds.
- A plan detailing areas proposed for adoption and those to remain private, service strips and margins should be included.
- A parking plan detailing parking numbers required and what is achievable within the development.
- Amended site planning incorporating the changes in layout detailed above in relation to shared surfaces, carriageway/footway widths, emergency access etc.

Upon receipt of the required information i will be better placed to form a final response.

2nd response

Although the development within the site is split between two applications as per the approved outline applications 4/16/2416/001 & 4/16/2415/001 the site plan provided details the site as one complete development, therefore my comments will reflect the site as whole rather than two individual sites.

In our previous response dated 25th May 2021 it was requested further detail for this

development, details requested are listed below:

A plan detailing achievable visibility based on the 85th percentile speeds.

1. A plan demonstrating 60m visibility splay in either direction has not been submitted which was requested within the last response.
2. A plan detailing areas proposed for adoption and those to remain private, service strips and margins should be included.

An adoption plan has been submitted although this plan is welcomed by the LHA we have the following concerns that need addressed.

1. Within the Management areas and Adoption plan (1931- PL215D) it shows footways within the shared surfaces, this is not a requirement as a service strip is only required. The footways need to be removed from all plans within the shared surface areas.

2. The Hard surfaces and facades plan (1931-PL213D) shows Block 1 and Block 2 within the site carriageways, transitions are present between each change in material, we as the LHA have concerns regarding the turning heads being in blocks as this will cause future maintenance issues, and is also not clear where the shared surface starts or ends.

All areas designed in Block 2 which are shown on the Hard surface and facades plan seem very narrow and vehicles will struggle to manoeuvre from driveways.

3. A parking plan detailing parking numbers required and what is achievable within the development. A parking plan for this site has been submitted, Although this is welcomed by the LHA we have the following concerns that need addressed.

Within the Cumbria development design guide it states that when car parking is grouped together an extra disabled bay is required for every 10 spaces installed. with this in mind allocated resident parking for plots 82-90 and 54-56 needs to show this requirement.

Resident parking for plot 46 seems impractical and needs redesigned.

Amended site planning incorporating the changes in layout detailed above in relation to shared surfaces, carriageway/footway widths, emergency access etc.

1. The LHA welcomed the updated plans submitted following the response dated 25th May 2021, Although new plans have been submitted the Landscape Plan is a different design to the new plans, can all plans within the application represent the latest development site design.

2. The Existing constraints plan submitted (1931-PL211D) does not show the major surface water pipe that runs the entire length and width of the development site which starts in the back right of the development site which leads to the front left of the site then across to the front right and outfalls across the road into the golf course. The surface water drain needs consideration when the surface water drainage plan is designed.

3. Within all the plans submitted I have not been able to find anything that shows how pedestrians will connect to the new development, footway crossing points need to be shown on a detailed plan.

3rd response

The LHA and LLFA welcome the additional information/documents submitted in June 22. After reviewing the additional/amended documents the LHA and LLFA have no objections in principle to the appearance, landscape, layout and scale of this proposed development site, although we have no objections in principle we would like the following points addressed before we can give our final response.

1. Plans within the Design and Access Statement amended in December 21 don't match the proposed plans submitted in June 22 can this be rectified please.
2. Within the documents submitted in June 22 a new Landscape plan was submitted for approval, the LHA are concerned about the position of the trees/shrubs/plants around the internal junctions of the development site, visibility on all internal junctions within the development site still needs to be maintained at all times.
3. The managed areas and adoption plan amended June 22 shows no detail who is responsible for the footways within the site, as discussed with applicant prior to the recent submission in June 22 footways within the grassed areas would not be adopted by Cumbria Highways as these areas are inaccessible with a vehicle to carry out general maintenance. It is suggested all footways adjoined to the adoptable highway are maintained by Cumbria Highways and the remainder by the maintenance company.

Once the following points have been addressed I will be able to give a full response.

4th response

Looking at the new amended layout plan I have only one concern from a highway adoption point of view,

The highlighted blue footway areas that will be maintained by a management company are welcomed by the Local Highway Authority (LHA), but these areas highlighted in blue need to be extended on to areas of shared surfaces where a footway is present for example the footway outside plots 15-19 should be highlighted in blue.

The only footway within the shared surface that should remain adoptable is between plots 77-81 as this is the main link footway to the highway.

The LHA feel this change will make clear maintenance responsibility for the future.

Local Lead Flood Authority

While it is understood that the applicant wishes to deal with the drainage element of the

application through the approval of conditions attached in the original outline application, they should be aware that the current layout of the development as proposed may require to be changed in order to construct the desired drainage.

The LLFA has no objections to the proposed development subject to previous conditions being included in any notice of consent you may grant.

Flood and Coastal Defence Engineer

No comments.

Historic Environment Officer

No objections, comments or conditions.

Natural England

No comments.

Electricity Northwest

We have considered the above planning application submitted on the 11th May 2021 and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.

Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be

borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity Northwest offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Copeland Strategic Housing

This is an application for 90 dwellings in total, across 2 sites on the north east side of Whitehaven. The proposed dwellings are a mix of terraced (9), semi-detached (20) and detached (71) properties and 2 x 2 bedrooms, 3 x 3 bedrooms, 4 x 4 bedrooms, and 5 x 5 bedrooms. There are no bungalows proposed and we would like to see some included on the site due to their popularity and local demand.

The site is close to the centre of Whitehaven, with good transport links, and would be attractive to families and professionals moving within, and to, the area. The site is mainly 3- and 4-bedroom properties and whilst there is a clear demand for larger 'executive' homes in Copeland the amount of 4 bedrooms appears quite high compared to the need identified in the 2019 SHMA, which was for mostly 2 and 3 bedroomed properties.

Despite being considered one of the most affordable areas in the UK to buy property Copeland has an unmet need for affordable housing, particularly for younger, newly forming households. Our recent Housing Needs Study (2020) indicates that three quarters of these households cannot afford an averagely priced house and almost a third could not afford one in the lower quartile.

The updated SHMA (2019) suggests an annual figure of 83 affordable units need to be delivered each year to meet Copeland's housing needs, predominately in the Whitehaven HMA. This estimate is confirmed by the housing needs study, which came to a quantified figure of 77. We consider these to be minimum figures for the borough based on the wider strategic housing picture.

In terms of the mix of affordable housing, evidence from the SHMA and the HNS suggests that the majority developed in Copeland should be for affordable rent, with some (around 10%) discounted sale housing to support those who may be able to afford a mortgage but not a significant deposit. However, the level of interest for Whitehaven on our discounted sale register suggests that affordable sale would be preferable to affordable rent for this site, taking into account the existing amount of social rented housing in Whitehaven.

We would like to see affordable housing at the higher end of the 15-25% identified in the current local plan.

United Utilities

1st response

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

It should be noted that we have previously commented on the Outline Application (Planning Ref: 4/16/2416/001) to which the above application relates. Our previous response (Our Ref: DC/16/5090) is available from the Local Planning Authority.

United Utilities' Assets and Infrastructure – OBJECTION AND REQUEST FOR FURTHER INFORMATION

Water Mains

Large diameter pressurised water mains cross this site. As we need unrestricted access for operating and maintaining them, we will not permit development over or in close proximity to these mains. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

Following review of the submitted Existing Site Constraints plan ref. 1931-PL221 dated Apr 21, we can see that only one water main is shown, whereas three are present on site, and development, including SuDS features, are shown in close proximity to the water main access strip detailed. PRIOR TO DETERMINATION of the application, please provide a revised site constraints plan showing all United Utilities assets and infrastructure.

The position of any United Utilities apparatus shown on utility maps is approximate only. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. In order to ensure apparatus can be accessed at all times for repairs and maintenance, and is adequately protected against physical damage, United Utilities requires a comprehensive survey to be undertaken in addition to reviewing the mapping, to determine and ensure the precise location of any apparatus. The exact location, positions and depths should be obtained by hand dug trial holes. The applicant must contact Sara Livesey at DeveloperServicesWater@uuplc.co.uk for advice on determining the exact location of these water mains before any further investigation works take place.

Considering the proximity of the proposed development to the water mains, we ask that the above is undertaken PRIOR TO DETERMINATION of the application, as it could affect the proposed development layout. On receipt of the above information United Utilities will provide further comment.

2nd response

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Large diameter trunk mains cross the site. They must not be built over, or our access to the pipelines compromised in any way.

The Water Industry Act 1991 affords United Utilities' specific rights in relation to maintenance, repair, access and protection of our water infrastructure. We require an access strip for each pipeline as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which accompanies this letter. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. It also includes advice regarding landscaping in the vicinity of pipelines.

Following our review of the proposed plan 'Existing Site Constraints Site Layout Plan as Proposed' drawing number 1931-PL211 Revision D, it appears that our required access to the water mains is now provided and therefore we are able to remove our previous objection relating to site layout (letter dated 12th July 2021).

We remove our objection based on the information contained within the submitted plan detailed above. The acceptability of any proposal is dependent upon the applicant knowing the exact location (line and depth) of the assets in question. The precise location of the water mains are critical to how the scheme is designed and delivered; including any proposed crossings, including services. Any deviation from the detail on this plan, specifically in relation to proximity of proposed features to the water mains, should be flagged to United Utilities at the earliest opportunity. United Utilities will not allow building over or in close proximity to a water main.

Given the size and nature of the pipelines concerned, we strongly recommend that if they have not already done so, the applicant contacts our Developer Services team for advice on protection measures they must consider both during and after construction. They should contact Sara Livesey by email at DeveloperServicesWater@uuplc.co.uk

Should the Council deem this application suitable for approval we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for the water pipelines on site:

Condition

No development shall commence (including any earthworks) until details of the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey of the exact location of the water mains (line and depth) and outline the potential impacts on the water mains from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

DRAINAGE: REQUEST FOR FURTHER INFORMATION PRIOR TO DETERMINATION

Our previous response, dated 12th July 2021, requests additional information relating to drainage. At the current time we are not aware of the requested information being supplied to the Council and therefore our comments regarding to drainage are unchanged.

It is our understanding that conditions 11-13 of outline planning consent reference 4/16/2416/001 require the submission and approval of foul and surface water drainage schemes prior to commencement of any development. Whilst an application to discharge these conditions was submitted in 2019 (LPA ref. 4/16/2416/001, our ref. DC/19/5211) you will note that United Utilities objected to the discharge of the drainage scheme at that time on the basis that the precise location of both pressurised water mains had still not been confirmed, and this has the potential to affect the proposed layout and drainage scheme.

Existing and proposed finished floor and site levels do not appear to have been provided. This is a National Requirement detailed in Copeland Borough Council's Validation

Requirements (ref. PP 06 02 08), and is needed to enable an accurate understanding of the relationship between land levels, buildings and surrounding infrastructure in existing and proposed development. We request the applicant provides a plan showing existing and proposed levels for our review PRIOR TO DETERMINATION of the application. On receipt of these details we will provide further comment.

In this location a non-return valve may be required before connecting into the public sewer. The applicant is advised to discuss this further with our Developer Services team by email at wastewaterdeveloperservices@uuplc.co.uk.

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

The Environment Agency

No comments.

Countryside Access Officer

1st response

FP 431022 diagonally crosses the development site and provides a safe off-road link to the wider Public Rights of Way Network surrounding Whitehaven. (see attached plan)

The applicant acknowledges that FP 431022 crosses the site in their Design and Access Statement –sub heading Movement. However, the legal line of the right of way has not been retained in the proposed site layout and is shown as being developed on.

The applicant suggests that should Reserved Matters proposals be approved, a separate application to address the public footpath will be made in due course. We would ask the applicant to clarify what form of application this would be.

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumbria Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We object to the application in order to protect FP 431022 from development.

We would advise that:

- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close them has been confirmed.
- The granting of planning permission would not give the applicant the right to block or obstruct the rights of way shown on the attached plan.

No development should take place on or near the footpath unless the appropriate statutory legal process has been successfully completed.

2nd response

FP 431022 diagonally crosses the development site and provides a safe off-road link to the wider Public Rights of Way Network surrounding Whitehaven. (see attached plan)

The applicant acknowledges that FP 431022 crosses the site in their Design and Access Statement – subheading Movement.

Drawing 1931 PL219 – G shows:

- the current line of FP 431022,
- the line of the proposed diversion through the greenspace along the perimeter of the site,
- the construction detail for provision of a new 2m tarmac path to accommodate proposed diversion of the right of way.

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumbria Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

In light of the amendments and additional information submitted we withdraw our previous objection to the application dated 01/03/2022.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.

- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed
- No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.

The Coal Authority

1st response

Thank you for your further notification and for providing a copy of the relevant decision notice following my email request to the LPA. I have previously commented on this submission in letters to the LPA dated 30 April 2021, 17 May 2021 and 26 May 2021.

It is noted that Condition 12 of the outline consent issued requires the following:

As part of the reserved matters application, additional information in relation to the following should be submitted to the local authority for approval:-

- i) A report to confirm the status (wholly or partly removed) of the recorded mine entry on the site following surface mining operations including any remedial /mitigation measures which may be required.
- ii) A layout plan which identified appropriate zones of influence for the recorded mine entry on the site as well as identification of defined 'no build' zones for the mine entry and high wall.

The remediation works, as required, must be implemented, as approved, prior to commencement of development.

I have reviewed the information available to view on the LPA website and can find no information to address the requirements of Condition 12 of the outline permission, and on this basis we object to this reserved matters application.

We would be pleased to comment on any additional information the applicant submits to address the above requirements.

2nd response

Thank you for your notification of 29 June 2021 seeking the further views of The Coal Authority on the above planning application.

We last commented on this application in a letter to the LPA dated 29 June 2021. You have now provided us with a copy of a Geotechnical Assessment, dated April 2021 and prepared by Sword Geotechnical. This report recommends that no foundations straddle the 'highwall edge' without carrying out significant ground treatments and reinforcements in the backcast to appropriate depth to mitigate potential differential settlements. The report authors comment that where highways, car parking, and footways cross or straddle the highwall edge it is recommended to employ additional soil reinforcement such as biaxial geogrids

within compacted sub-base to mitigate differential settlements. We are pleased to see that the layout has been designed to avoid buildings straddling the highwall.

In respect of the existing capped mine entry (ref. 298518-003) the report authors state that this should be fenced off to prevent public entry. We note that the layout has been designed to avoid buildings being located close to, or in the no build zone for the mine entry. We do however note that a SUDs scheme is proposed within the eastern and southern areas of the site. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

We would expect the remedial works/mitigation measures recommended in the report to be implemented on set, as required by Condition 12 of the outline consent issued.

I can confirm that we have no objection to the reserved matters currently under consideration in respect of access, appearance, landscaping, layout and scale.

3rd response

We last commented on this submission in a letter to the LPA dated 31st January 2022. I have now had an opportunity to review plan 1931-PL211 Rev D, dated April 21 with revisions dated 5/12/21. It is noted that the location of the surface mining highwall is identified on this plan and that the layout avoids buildings straddling this feature.

In respect of the recorded mine entry we note that this is indicated as being located within open space adjacent to a SUDs area. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

In the Geotechnical Assessment, dated April 2021 and prepared by Sword Geotechnical the report authors stated that the recorded mine entry would be fenced to prevent public access into this area. We assume that this is still proposed and that the mine entry and its calculated zone of influence will be fenced in order to prevent unauthorised access to this area and potential risk to public safety.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such

a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

I can confirm that based on the layout indicated on plan 1931-PL211 Rev D the Planning team at the Coal Authority have no objection to this reserved matters application. We would expect the remedial works/mitigation measures previously recommended to be implemented on site, as required by Condition 12 of the outline consent issued.

Copeland Environmental Health

I have no objections to the proposed development based on the information provided, subject to the following comments:

- Contaminated Land – a Foundation Mining Assessment report is included, however I have not seen any information relating to possible contaminants as a result of the site's history with shallow mine workings and surface coal extraction. As such, I would request that -

No development shall take place until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) A survey of the scale, extent and nature of any contamination
- (ii) An assessment of the potential risks to human health, property, pets and livestock, the surrounding adjoining environment, groundwater and surface waters, and ecological systems
- (iii) An appraisal of remedial options (if required) and proposal of the preferred option/s for remediation.

The written report is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination are understood prior to works on site, both during the construction phase and to the future users of the land and neighbouring land, and any such risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- Construction Management Plan – No development shall take place until a construction method statement or construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan / statement shall provide for:

- 24 hour emergency contact number
- Hours of operation shall be carried out during the following times: 08.00 – 18.00 hours Monday to Friday and 08.00 – 13.00 hours Saturday and at no time on Sunday or Bank Holidays.
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement to existing occupiers of neighbouring properties during construction)
- Routes for construction traffic
- Locations for loading / unloading of materials, plant and waste
- Method of preventing mud being carried to the highway
- Any necessary temporary traffic measures and measures to protect vulnerable road users (pedestrians, cyclists and horse riders)
- Arrangements for turning vehicles
- Arrangements to receive abnormal loads or unusually large vehicles
- Control measures for dust and other airborne pollutants
- Mitigation measures as defined in BS5228 Parts 1 and 2: 2009 / 2014 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise and vibration during works
- Measures for controlling the use of site lighting when required for safe working or for security purposes

Reason: In the interests of the amenities of surrounding and nearby occupiers during the construction of the development.
- Artificial Lighting – artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01 dated 2005. Reason: In order to safeguard the amenities of adjoining and local residential occupiers.

Public Representations

The applications have been advertised by way of site notices, press notices and neighbour notification letters issued to all properties within the immediate locality of the site.

72 letters of objection have been received between the two applications stating the following concerns:

- Traffic increases onto Harras Road and this posing a danger to local residents;
- The access will be close to the access for a proposed development on the opposite side of the road, which will be dangerous;
- Harras Road has not been built to accommodate this level of traffic;
- There is no street lighting on this stretch of Harras Road;

- Surface water will be increased on Harras Road;
- Local services such as schools, hospitals and doctors surgeries will struggle with the increase in use;
- The greenfield site should not be developed until all brownfield sites are built upon;
- The pavement is too narrow on both sides;
- Large gangs of children walk to school along this road;
- Cars park on both sides of the road;
- Speed reduction measures should be included within the application;
- Reports state a chance of subsidence, have previous coal workings been considered?;
- The road is already used as a rat run and this will increase the problem;
- Previous traffic surveys undertaken gave false information as they were done during school hours;
- Current footpaths are dangerous;
- The quality of the existing road surface is not suitable for further traffic;
- The public right of way has not been considered;
- The change in number of dwellings from outline should warrant a brand new application;
- The lack of an up to date local plan makes decision making difficult;
- The scale of the development is too large for the site.

1 letter of support has been received.

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 (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Policy HSG2 – New Housing Allocations

Policy TSP8 – Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2021

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Copeland Strategic Housing Market Assessment 2021 Update (SHMA)

Cumbria Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017.

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of

the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk Policy
- Strategic Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Policy H8PU - Affordable Housing
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks
- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection

ASSESSMENT

Principle of the Development

Outline Planning Permission for residential development of up to 110 dwellings with all matters reserved was approved on the Application Site on 2nd August 2017 under Planning Application references 4/16/2415/001 and 4/16/2416/001.

Planning Condition 3 attached to Planning Applications references 4/16/2415/001 and 4/16/2416/001 requires the submission of an Application for Approval of Reserved Matters following Outline Approval for the reserved matters of access, scale, layout, landscaping and appearance before 2nd August 2020. However special provisions were introduced by the Government to reflect the difficulties developers may have in meeting timescales as a result of Covid 19 in 2020. This allowed an additional timescale of 6 months in which to submit

Reserved Matters applications. These two applications were lodged with the Council within this extended timescale and so are valid applications.

The approval of the outline planning applications has established the principle of residential development across the two sites for a total of 110 dwelling. The Reserved Matters applications propose 90 dwellings within the same red line areas.

The principle of the development is therefore acceptable.

This application seeks the approval of the matters that were reserved. These relate to the following:-

- Layout
- Scale
- Appearance
- Access
- Landscaping

These matters are considered below.

Reserved Matters

Housing Mix

Policy SS3 of the LP and Policy H7PU of the ELP 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.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 Update (SHMA).

In terms of housing mix, the SHMA concludes that the analysis broadly suggests a need for 35% of market homes to have 2 bedrooms, 40% to have 3 bedrooms and 20% to have 4 or more bedrooms.

The proposed development comprises:

- 2 x 2 bed dwellings
- 47 x 3 bed dwellings
- 36 x 4 bed dwellings
- 5 x 5 bed dwellings

Whilst the proposed mix does not deliver the preferred number of 2 bedroom dwellings, there is an over delivery on family homes of 3 or 4 bedrooms which is an identified need within Whitehaven. The mix is therefore considered to accord with Policy SS3 of the LP and is supported by the Copeland Borough Council Housing Officer.

The Copeland Borough Council Housing Officer outlines comments in respect of affordable housing and the aspiration for the provision to be at the higher end of 15-20%. The provision of affordable housing is secured and controlled via condition 14 agreed as part of Planning Application refs 4/16/2415/001 and 4/16/2416/001. As such, affordable housing is not a matter for consideration as part of the current Application for Approval of Reserved Matters Following Outline Approval.

Layout and Design

Policy ST1 of the LP intends to ensure that residential amenity is protected.

Policy SS1 seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DM12 outlines the requirements of the provision of open space and play provision.

Policy H6PU of the ELP requires that the design, layout, scale and appearance of development is appropriate to the locality and that development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character.

Extensive discussions were undertaken with the Applicant to ensure that the layout of the development will be cohesive and legible. The site is largely flat with some constraints including United Utilities infrastructure and previous opencast mining works. These constraints have largely influenced the layout, with the existing water main and easement on the south boundary of the site being left clear and the eastern boundary where further pipes are located potentially utilised for SUDS. The Applicants have an aspiration for a “modern, informal and open plan” development with an emphasis on public open green spaces and comprehensive landscaping.

In order to achieve a varied development, it is proposed to form several different character areas to provide an attractive and high-quality development. A character area plan was produced which highlights the key focal points within the developments when entering the site. The main spine road is to be tree lined creating an “avenue” and green on approach into the development. A different approach has been taken on the periphery to create a more contemporary area and edge. This allows the development to have a village like feeling, giving each area its own distinctiveness whilst allowing cohesion across the whole development.

The proposal includes 13 different house types, utilising a mixture of detached, semi-detached and terraced properties. The mix helps to break up the development creating interest and variation of scale and bulk, whilst the house types create a juxtaposition of modern and traditional – featuring red brick and K rend and more traditional design features including window banding and vertical window fenestration. Dwelling types with double frontages and bay windows have been used on the corner plots to avoid blank elevations on public vantage points and enhance natural surveillance. Given the variety of dwellings designs and forms within this part of Whitehaven the proposed dwelling designs and materials are considered to be appropriate in this context.

Extensive open spaces have been provided within the site with the central green providing a play park and green space. The eastern boundary of the site is to be highly planted and will include a trim trail and boardwalk. Clusters of incidental open space and seating area are spread around the site, helping to break up the built form.

Given the scale, form and layout of the proposed development adverse impacts will not result through loss of light, overbearing, overshadowing and overbearing effects for existing residents or future occupiers of the dwellings as required by Policy ST1 of the LP. The separation distances between properties meet those set out in Policy DM12.

Overall the development is considered to be of an appropriate layout and design which accords with Policies SS1, DM10 and DM12.

Access and Parking

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 permeable and accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough.

In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The application has been accompanied by a plan to show the achievable visibility splays and a parking plan for whole the site. Furthermore, a plan to show the areas that are to be managed and those for adoption has been submitted.

Visibility splays of 2.4m x 42m to the east and 2.4m x 49m to the west are achievable on the junction to be created with Harras Road. Cumbria Highways have raised no objections to these splays and, as they are maintainable within the site boundary, they are considered to be acceptable. A number of objections have been received with regards to the increase in traffic on Harras Moor that will be created by the proposal. Cumbria Highways have fully considered the proposals and are of the opinion that the infrastructure is suitable for this scale of development, in addition to other committed schemes within the local area. The scale of development and associated traffic movements has already been secured by the previous outline permissions.

Roads within the development branch off from the main spine road which includes traffic calming measures due to the long straight on the entrance to the site. Areas to be managed

and adopted are to be agreed with Cumbria Highways – this can be secured through a suitably worded planning condition for discharge at a later date.

The parking plan details a minimum of two off street parking spaces for each dwelling, with locations varying from the front, rear and side of properties and within specific parking courts. The variation in parking provision will help to break up the development and avoid a car dominated scheme.

Overall, the proposed site access off Harras Road and the highway layout and parking provision proposed is considered to comply with the requirements of Local Plan policies and the standards set out in the Cumbria Design Guide.

Landscaping

Policy DM26 of the LP requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species. The Council will require landscaping schemes to be maintained for a minimum of five years.

Policy DS7PU of the ECLP requires that where appropriate a high-quality landscaping scheme should be submitted with all proposals for development.

A comprehensive scheme of landscaping is proposed throughout the proposed development. The landscaping includes planting to both the site edges and boundaries, the creation of open spaces and the use of green verges and tree planting along the highway frontages. Significant planting is proposed to the sensitive eastern boundary with features made of the SUDS areas and footpath connections.

A planting plan and planting schedule have been included which detail the proposed species of trees, shrubs, scrub mix, hedgerows, bulbs, wildflower grass and wetland species.

The landscaping scheme is considered to be comprehensive and will provide sufficient screening to minimise its impact within the locality. The scheme, once completed, will accord with Policy DM26 of the Copeland Local Plan.

Other Issues

Public Right of Way

Public right of way (PROW) number 431022 runs east to west directly through the site, joining Harras Road with Red Lonning to the east. Initially, the Rights of Way Officer at Cumbria County Council lodged an objection to the proposal as a footpath diversion had not been agreed as part of the planning application and this was likely to influence the layout of the development.

Comprehensive discussions were subsequently undertaken between the Applicant and the Highway Authority and a diversion was agreed for the footpath which will run along the southern and eastern boundaries of the site. A plan was submitted to detail this diversion

route and no further objections were raised by the Rights of Way Officer. The footpath will require a formal diversion through an application submitted to Cumbria County Council should planning permission be granted. This is a statutory legal process.

Drainage

Policies ENV1 and DM24 of the CS and Policies DS8PU and DS9PU of the ELP require that development proposals consider flood risk both on site and within the surrounding area.

The application site is situated within Flood Zone 1, the lowest level of flood risk as defined by the Environment Agency. There have, however, been several reports locally of surface water flooding and concerns have been raised that this development will increase this risk.

United Utilities requested that the Applicant survey and highlight the existing United Utilities infrastructure within the site, as this cannot be built over for maintenance reasons. Further to this information being provided, United Utilities raised no objections to the proposal but have requested that a condition is attached to any approval to ensure that adequate provision is made to their infrastructure as part of any development works on site.

The Applicant does not seek to approve details of drainage under these two Reserved Matters applications. The approval of a detailed drainage scheme is required by conditions 15-18 of the outline consents and a full scheme for both foul and surface water must be submitted and approved prior to the commencement of development.

On this basis, drainage has not been considered in the assessment of these two applications and will be dealt with at a later stage through a discharge of conditions application in consultation with the statutory bodies.

Ecology

Policies ENV3 and DM25 of the CS and Policy N1PU of the ELP protect international, national and locally designated sites and ensure that any development incorporates measures to protect and enhance any biodiversity interest.

The site is currently vacant agricultural land with little ecological interest and minimal habitats for species.

The development will include the addition of new trees, hedgerows, wild gardens and potential SUDS areas, all of which are likely to increase habitats for local wildlife. On this basis, it is likely that the proposal will provide betterment for the site in terms of habitat enhancement and ecology.

The proposals are considered to meet the requirements of Policies ENV3 and DM25 of the Copeland Local Plan.

Archaeology

The outline planning permissions include a condition relating to a scheme of archaeology to be submitted prior to any commencement on site. On the basis this detail will be dealt with

by way of a discharge of conditions application. The Historic Environment Officer raised no objections in response to the consultation on these two applications.

Ground Conditions

A large proportion of the site is located within the development referral area for coal mining works. As a result, the Coal Authority requested further information as to how the risk of historic mine workings would be considered and remediated. A Geotechnical Assessment was submitted which concluded that no foundation should straddle the highwall edge at the north of the site without significant ground treatments and reinforcements. As a result, the layout of the development was amended to avoid this feature and the constraint was defined on a plan for clarity.

Condition 12 on the outline planning permission requires that the status, remediation and mitigation requirements and zones of influence are submitted to and approved by the LPA, prior to the commencement of works. On this basis, the coal workings will be considered in the future as a discharge of conditions. The Coal Authority were consulted and have raised no objections to the proposed layout.

Potential ground contaminants on the site have not been identified, therefore the Council's Environmental Health department has requested that a condition be added to any approval to ensure that suitable surveys are undertaken and any risks found be mitigated.

Planning Balance and Conclusion

The principle of the development was established with the approval of outline planning permission in 2017. This established the scale of development that was appropriate on the site (110 units). The current applications seek permission for a reduced number of dwellings (90 units).

The only matters that can be assessed under this application relate to the matters reserved by the outline permissions, namely:

- Layout
- Scale
- Appearance
- Access
- Landscaping

The proposed mix of housing accords with and exceeds the needs mix detailed in Policy SS3 of the CS, Policy H7PU of the ELP, and the SHMA.

The layout and design of the scheme accords with Policies SS1, DM10 and DM12 of the Copeland Local Plan and Policy H6PU of the ELP, creating a well-designed scheme that protects neighbouring amenity and will provide an attractive environment.

No issues are arising in respect of highway safety with regards to the new access, ecology, archaeology and ground conditions, subject to the planning conditions proposed and also detailed within the outline planning applications that are yet to be discharge.

On balance, it is considered that the proposed development is acceptable and accords with the relevant provisions of the Development Plan.

Recommendation

Approve subject to the following conditions:-

Standard Conditions

1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. 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: -

Site Location Plan, scale 1:2500, drawing number 1931-PL100, received 27th April 2021;

Site Layout Plan as Proposed, scale 1:500, drawing number 1931-PL210 F, received 15th June 2022;

Site Constraints Plan, scale 1:500, drawing number 1931-PL211 F, received 15th June 2022;

Boundaries and Enclosures Plan, scale 1:500, drawing number 1931-PL212 F, received 15th June 2022;

Phase 1 Landscape Plan, scale 1:500, drawing number 1931-PL219 F 04, received 15th June 2022;

Phase 1 Planting Plan, scale 1:500, drawing number 1931-PL219 F 05, received 15th June 2022;

Plant Specification and Schedule, written by Eden Environmental, drawing number 03, received 15th June 2022;

Hard Surfacing and Facades Site Layout Plan as Proposed, scale 1:500, drawing number 1931-PL213 F, received 15th June 2022;

Geotechnical Assessment, written by Sword Geotechnical, dated April 2021, received 29th June 2021;

Materials schedule, document number PLD/002 B, received 6th January 2022;

Garsdale Floor Plans, scales 1:50 and 1:100, drawing number GARSDALE S101 - 110, received 6th January 2022;

Garsdale Elevations, scales 1:50 and 1:100, drawing number GARSDALE S101 - 160, received 6th January 2022;

Hadlow Floor Plans, scales 1:50 and 1:100, drawing number HADLOW S101 - 110, received 6th January 2022;

Hadlow Elevations, scales 1:50 and 1:100, drawing number HADLOW S101 - 160, received 6th January 2022;

Kemble Floor Plans, scales 1:50 and 1:100, drawing number KEMBLE S101 - 110, received 6th January 2022;

Kemble Elevations, scales 1:50 and 1:100, drawing number KEMBLE S101 - 160, received 6th January 2022;

Ladbroke Floor Plans, scales 1:50 and 1:100, drawing number LADBROKE S101 - 110, received 6th January 2022;

Ladbroke Elevations, scales 1:50 and 1:100, drawing number LADBROKE S101 - 160, received 6th January 2022;

Didcot/Bainbridge 2 Floor Plans, scales 1:50 and 1:100, drawing number TER A S101 - 110, received 6th January 2022;

Didcot/Bainbridge 2 Elevations, scales 1:50 and 1:100, drawing number TER A S101 - 160, received 6th January 2022;

Fairfield Floor Plans, scales 1:50 and 1:100, drawing number FAIRFIELD D S101 - 110, received 6th January 2022;

Fairfield Elevations, scales 1:50 and 1:100, drawing number FAIRFIELD D S101 - 160, received 6th January 2022;

Ingham Floor Plans, scales 1:50 and 1:100, drawing number INGHAM S101 - 110, received 6th January 2022;

Ingham Elevations, scales 1:50 and 1:100, drawing number INGHAM S101 - 160, received 6th January 2022;

Single and Double Garage Plans and Elevations, scales 1:50 and 1:100, drawing number GARAGE S101 - 110, received 6th January 2022;

Boundary Treatments, scales 1:50 and 1:100, drawing number 1931-BT 01, received 6th January 2022;

Character Areas Site Layout Plan as Proposed, scale 1:500, drawing number 1931-PL218 G, received 15th June 2022;

Circulation Routes Site Layout Plan as Proposed, scale 1:500, drawing number 1931-PL217 G, received 15th June 2022;

Parking Site Layout Plan as Proposed scale 1:500, drawing number 1931-PL214 G, received 15th June 2022;

Footway Connection Drawing, drawing number B031397-TTE-00-XX-PL-D-002 P03, received 16th May 2022;

Site Access Visibility Drawing, drawing number B031397-TTE-00-XX-PL-D-001 P03, received 16th May 2022;

Footpath Diversion Route Site Layout Plan as Proposed, scale 1:500, drawing number 1931-PL219 G, received 15th June 2022.

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. Prior to the commencement of the development hereby approved, full details of the areas for highways adoption and those that will be maintained and managed by a management company must be submitted to and approved in writing by the local planning authority. Development must be undertaken in accordance with the approved plans and maintained as such at all times thereafter.

Reason

In order to ensure a well maintained and accessible development in accordance with Policy DM22 of the Copeland Local Plan.

4. No development must take place until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site and whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
 - (i) A survey of the scale, extent and nature of any contamination
 - (ii) An assessment of the potential risks to human health, property, pets and livestock, the surrounding adjoining environment, groundwater and surface waters, and ecological systems
 - (iii) An appraisal of remedial options (if required) and proposal of the preferred option/s for remediation.

The written report is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination are understood prior to works on site, both during the construction phase and to the future users of the land and neighbouring land, and any such risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors and in accordance with Policy ST1 of the Copeland Local Plan.

5. No development must commence (including any earthworks) until details of the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details must include a survey of the exact location of the water mains (line and depth) and outline the potential impacts on the water mains from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures must be implemented in full in accordance with the approved details.

Reason

In the interest of public health and to ensure protection of the public water supply in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Other Conditions

6. All hard and soft landscape works must be carried out in accordance with the approved details. The works must be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting must be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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.

7. Artificial lighting used within the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting

GN01 dated 2005.

Reason

In order to safeguard the amenities of adjoining and local residential occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

8. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

Informatives

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or

coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

3. Section 130(1) of the Highways Act 1980 places a statutory duty on Cumbria Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed
- No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.