

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2489/0F1	
2.	Proposed Development:	RESIDENTIAL DEVELOPMENT OF 37 DWELLINGS	
3.	Location:	LAND WEST OF CLEATOR MOOR ROAD, WHITEHAVEN	
4.	Parish:	Whitehaven	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	<p>This application relates to a brownfield site located off Cleator Moor Road, located within the centre of Hensingham to the east of Whitehaven. The regular shaped site covers an area of 1.21 hectares and is generally flat. The application site previously sited the Sekers factory demolished in 2010, and currently benefits from two access points onto Cleator Moor Road.</p> <p>The application site is bounded to the north east by Cleator Moor Road, to the north west by The Gables care home, to the south east by existing residential estates, and to the south west by another brownfield site which benefits from planning permission (ref: 4/17/2143/001,</p>	

4/20/2334/0R1 & 4/22/2110/0B1) for 26 dwellings also under the applicants ownership.

Relevant Planning History

4/07/2706/0 – Change of use from industrial (B2) to residential development comprising 118 No. 1, 2, 3 and 4 bedroom dwellings – Withdrawn.

4/10/2359/0O1 – Outline application for proposed 58 bed space care home and residential development with associated highway access – Approve in outline.

4/13/2159/0O1 – Application for a new planning permission to replace extant planning permission (4/10/2359/0O1) – Outline application for proposed 58 bed space care home and residential development with associated highway access – Withdrawn.

4/17/2143/0O1 – Demolition of factory and outline planning permission for erection of dwellings – Approved in outline (adjacent site).

4/20/2334/0R1 – Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved reserved matters (adjacent site).

4/22/2110/0B1 – Variation of condition 2 (revised house types) of planning approval 4/20/2334/0R1 - Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved (adjacent site).

Proposal

This application seeks planning permission for a residential development of 37 dwellings.

The proposed development comprises a mix of semi-detached and detached two storey dwellings comprising the following:

- Four no. 2 bed dwellings;
- Twenty three no. 3 bed dwellings;
- Ten no. 4 bed dwellings.

The main access to the site will be from the northern corner of the application site from Cleator Moor Road and will serve 33 of the proposed dwellings which are to be arranged in a cul-de-sac form. A separate access is also proposed to the eastern corner of the application site which will provide access to plots 1 - 4 which front onto Cleator Moor Road. Each access will benefit from visibility splays of 2.4m x 60m in each direction. The majority of the dwellings will front onto the main estate road, with all properties benefitting from two off street parking spaces. This site will also accommodate 7 visitor parking spaces. A footpath link is also proposed to the brownfield site to the south west of the site which is also to be developed by



Cumberland Council

the applicant, Gleeson Homes.

Each dwelling will benefit from a front and larger rear garden. The majority of the proposed dwellings will also benefit from an attached or detached garage. The rear of the properties will include a 1.8m timber fence boundary, whilst the front of the estates will remain open. Key boundaries within the site will benefit from a 1.8m high screen wall. The development will also include an open space within the centre of the estate.

Externally, the proposed development will be finished with Weinerberger red brick, and smooth grey roof tiles.

Consultation Responses

Whitehaven Town Council

8th December 2021

The Councillors expressed concerns with the infrastructure of the development as it is near to the entrance of a secondary school and a main road which is heavily congested during peak times. Councillors have asked for assurance that services are well planned prior to any development.

1st August 2022

No negative objections or comments were raised.

Cumberland Council – Highway Authority & LLFA

7th December 2021

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Local Highway Authority response:

Within the proposed Car Parking Plan and Transport Statement it states that visitor parking has been accounted for in line with the Cumbria Development Design Guide, this is welcomed by the LHA unfortunately it is not clear which parking spaces are for visitors within the plan submitted.

The 2.4m x 43m visibility splays in either direction submitted within the transport statement are not acceptable, it states within the Cumbria Development Design Guide that a 30mph

speed limit zone has to achieve a visibility of 2.4m x 60m in either direction to the near side kerb, unless a speed survey is carried out to determine the 85%tile average speed.

Lead Local Flood Authority response:

The foul and surface water plan shows an oversized 1500mm surface water pipe outside plots 12 - 18 which outfalls into the attenuation basin, will this pipe collect surface water from the surrounding proposed plots or is this for highway water only? If only for Highway water a commuted sum will need to be agreed as this will become a Highway Asset.

Surface water is proposed to leave Phase 2 of the development from the basin into Phase 1 and connect up with phase 1 surface water drainage system, to which will then outfall into United utilities combined system at a rate of 11l/s has this been agreed with United Utilities?

LLFA propose a new surface water drain from Hensingham Primary school to Ivy Mill phase 1 junction is installed to reduce surface water overloading the combine system. Ivy Mill Phase 1 and 2 would connect directly into the new system. An sum would need to be proposed and secured under a section 106 agreement.

The proposals for the surface water drainage are welcomed by the LLFA but at this stage we are unable to agree to any proposals submitted on phase 2 as no drainage information has been submitted for phase 1 of the Ivy Mill site.

Upon receipt of the information requested I will be able to give a full response.

27th July 2022

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below. Following our response on 08/12/2021 to the above application further information /documents have been submitted to the Local Planning Authority (LPA) to answer our previous points raised to which it is welcomed. Listed below are the points raised in our previous response.

Local Highway Authority response:

Within the proposed Car Parking Plan and Transport Statement it states that visitor parking has been accounted for in line with the Cumbria Development Design Guide, this is welcomed by the LHA unfortunately it is not clear which parking spaces are for visitors within

the plan submitted.

The latest information / documents submitted to the LPA have addressed the issue raised.

The 2.4m x 43m visibility splays in either direction submitted within the transport statement are not acceptable, it states within the Cumbria Development Design Guide that a 30mph speed limit zone has to achieve a visibility of 2.4m x 60m in either direction to the near side kerb, unless a speed survey is carried out to determine the 85%tile average speed.

The latest information / documents submitted to the LPA have addressed the issue raised.

Although the above points have been addressed with the new information / documents submitted in July 2022 it has highlighted further points that need addressed, please find points below.

- ☐ Within the Design and access statement its proposed the footways within the development site will be constructed at a width of 1.8 metres and 1 metre , within the Cumbria Development Design Guide (CDDG) all adoptable footway should be designed at a width of 2 metres, can the Design access statement and all plans be rectified to the CDDG standard.
- ☐ From the junction at Cleator Moor road to plot 29 the proposed carriageway design is straight and may encourage speeding, if the this design is to remain traffic calming will be required on this section of carriageway. please refer to the CDDG for Carriageway design ideas to eliminate the need for traffic calming.
- ☐ At this stage the LHA would like more detail regarding kerb detail for the site this should include crossing points within the site and at the junction with the Cleator Moor Road.
- ☐ Refuse collection points need to identified on a detailed plan for plots 1- 7 and 12-15 as refuse vehicles will not be able to access the shared surfaces as proposed.
- ☐ Visibility splays are also required to be shown on a detailed plan for proposed access to plots 1-4.

Lead Local Flood Authority response:

The foul and surface water plan shows an oversized 1500mm surface water pipe outside plots 12 - 18 which outfalls into the attenuation basin, will this pipe collect surface water from the surrounding proposed plots or is this for highway water only? If only for Highway water a commuted sum will need to be agreed as this will become a Highway Asset.

The surface water design has been changed within the information / Documents submitted in July 2022 so the above point is now not relevant.

Surface water is proposed to leave Phase 2 of the development from the basin into Phase 1 and connect up with phase 1 surface water drainage system, to which will then outfall into United utilities combined system at a rate of 10l/s has this been agreed with United Utilities?

Even though the surface water design has changed the above point still remains unanswered as the discharge rate still remains the same, evidence of United utilities agreement is required.

LLFA propose a new surface water drain from Hensingham Primary school to Ivy Mill phase 1 junction is installed to reduce surface water overloading the combine system. Ivy Mill Phase 1 and 2 would connect directly into the new system. An sum would need to be proposed and secured under a section 106 agreement.

Even though the surface water design has changed the above point still remains unanswered.

The proposals for the surface water drainage are welcomed by the LLFA but at this stage we are unable to agree to any proposals submitted on phase 2 as no drainage information has been submitted for phase 1 of the Ivy Mill site.

The above point remains as the phase 1 drainage plans have been submitted to the LPA but have not been agreed at this point.

Although the above points have been addressed with the new information / documents submitted in July 2022 it has highlighted further points that need addressed, please find points below.

- ☐ Within the new Flood Risk Assessment (FRA) and drainage strategy submitted in July 2022 it states in paragraph 7.3 that the discharge rate for the development site is 5 Litres / second for each phase to which is a total of 10 litres / second but within all detailed drainage plans for phase 1 it states a discharge rate of 11 Litres / second to United Utilities combined sewer, clarification is needed on this point to which is correct.
- ☐ Also the FRA and Drainage Strategy is missing various documents
 - o Appendix A topography survey
 - o Appendix B Drainage Layout
 - o Appendix C Surface water simulations and calculations
 - o Appendix D Greenfield runoff calculations

Can these documents be added.

- ☐ Exceedance routes need to be identified and shown on a detailed plan in case of surface water drainage system failure.

Conclusion:

Although some points raised on our previous response have been answered, there is still outstanding and new concerns that need addresses before an overall response can be submitted.

Upon receipt of the information requested I will be able to give a full response.

20th September 2022

The LHA and LLFA welcome the additional information / documents submitted in August 2022 to address following points below which were part of the last official response dated 27/07/22.

Within the Design and access statement its proposed the footways within the development site will be constructed at a width of 1.8 metres and 1 metre , within the Cumbria Development Design Guide (CDDG) all adoptable footway should be designed at a width of 2 metres, can the Design access statement and all plans be rectified to the CDDG standard.

This point has been addressed as all plans have now been amended to show 2m width footways within the site.

From the junction at Cleator Moor road to plot 29 the proposed carriageway design is straight and may encourage speeding, if the this design is to remain traffic calming will be required on this section of carriageway. please refer to the CDDG for Carriageway design ideas to eliminate the need for traffic calming.

This point has been addressed as all plans show new traffic calming measures proposed.

At this stage the LHA would like more detail regarding kerb detail for the site this should include crossing points within the site and at the junction with the Cleator Moor Road.

Refuse collection points need to be identified on a detailed plan for plots 1- 7 and 12-15 as refuse vehicles will not be able to access the shared surfaces as proposed.

This point has been addressed as bin storage x3 has been added to the plans.

Visibility splays are also required to be shown on a detailed plan for proposed access to plots 1-4

This point has been addressed as visibility splays have been added to both junctions within the proposed development site.

Lead Local Flood Authority response:

Surface water is proposed to leave Phase 2 of the development from the basin into Phase 1 and connect up with phase 1 surface water drainage system, to which will then outfall into United utilities combined system at a rate of 10l/s has this been agreed with United Utilities?

This point has now been addressed as written confirmation from United Utilities has been provided showing they are willing to except 10 L/S into the combined system.

LLFA propose a new surface water drain from Hensingham Primary school to Ivy Mill phase 1 junction is installed to reduce surface water overloading the combine system. Ivy Mill Phase 1 and 2 would connect directly into the new system. An sum would need to be proposed and secured under a section 106 agreement.

An estimated sum of £96,000 is to be secured under a 106 agreement.

Within the new Flood Risk Assessment (FRA) and drainage strategy submitted in July 2022 it states in paragraph 7.3 that the discharge rate for the development site is 5 Litres / second for each phase to which is a total of 10 litres / second but within all detailed drainage plans for phase 1 it states a discharge rate of 11 Litres / second to United Utilities combined sewer, clarification is needed on this point to which is correct.

Also the FRA and Drainage Strategy is missing various documents

- Appendix A topography survey
- Appendix B Drainage Layout
- Appendix C Surface water simulations and calculations

- Appendix D Greenfield runoff calculations
Can these documents be added.

This point has been addressed as the documents have now been added to the FRA.

Exceedance routes need to be identified and shown on a detailed plan in case of surface water drainage system failure

The applicant has stated that no exceedance routes have been provided as the site will not flood in a 1 in 100 year storm event plus 40%. The Environment Agency new guidance states that climate change is to increase from 40% to 50% on all new development sites therefore we as the LLFA would not expect the applicant to renew the surface water calculations but would like to see a plan showing exceedance routes.

I can confirm that we have no objections to the proposal in principle subject to the inclusion of conditions relating to carriageway/footways, the estate road, vehicular crossing over footways, vehicle access/egress, access gates, existing highway fence/boundary wall, highway drain, advertisement, access and parking, and construction traffic management plan.

1st December 2022

I can confirm that we have no objections to the proposal including the amended FRA subject to the inclusion of conditions relating to carriageway/footways, the estate road, vehicular crossing over footways, vehicle access/egress, access gates, existing highway fence/boundary wall, highway drain, advertisement, access and parking, and construction traffic management plan.

Section 106:

LLFA propose a new surface water drain from Hensingham Primary school to Ivy Mill phase 1 junction is installed to reduce surface water overloading the combine system. Ivy Mill Phase 1 and 2 would connect directly into the new system once constructed. A developer contribution of £96,000 is to be secured under a section 106 agreement.

National Highways

30th November 2021

Referring to the consultation on a planning application dated 16/11/2021 referenced above, in the vicinity of the A595 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we offer no objection.

Highways Act 1980 Section 175B is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

9th August 2022

I've taken a look at the amended details and we would make no further comments to our previous response.

United Utilities

6th December 2021

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

Following our review of the submitted Flood Risk Assessment and Drainage Strategy (Ref: K38732.FRA/001, dated 27/10/2021) we can confirm the proposals are unacceptable in principle to United Utilities.

The reason for rejection, the applicant is reliant on an outfall into an adjacent development south of the site, which must be built before this scheme can commence. The hydro brake would have to be replaced to deal with flow from their site and this site.

Also, the applicant intends to install a hydro-brake with a restriction at 0.5 l/s, we believe this may cause a significant risk for blockages and flooding. We preferred installing one hydro

brake for the entire development with a 6 l/s discharge rate.

The applicant is required to submit a new drainage plan for the adjacent site showing connectivity with replacement hydro brake discharging at 11 l/s.

13th December 2021

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

Further to our letter dated 6th December, for which our objection still remains, we wish to highlight to the applicant the existing water main which runs along the perimeter of the proposed development.

The proposed layout shows the water main located in gardens and in close proximity to several dwellings, which is unacceptable. The applicant should contact Sara Livesey in Water Developer Services by email (DeveloperServicesWater@uuplc.co.uk) to discuss and agree a solution to this matter at their earliest convenience as it may involve a redesign of the layout.

The following comments reflect those submitted as part of our previous response and are still relevant.

Drainage:

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.

Following our review of the submitted Flood Risk Assessment and Drainage Strategy (Ref: K38732.FRA/001, dated 27/10/2021) we can confirm the proposals are unacceptable in principle to United Utilities.

The reason for rejection, the applicant is reliant on an outfall into an adjacent development south of the site, which must be built before this scheme can commence. The hydro brake would have to be replaced to deal with flow from their site and this site.

Also, the applicant intends to install a hydro-brake with a restriction at 0.5 l/s, we believe this

may cause a significant risk for blockages and flooding. We preferred installing one hydro brake for the entire development with a 6 l/s discharge rate.

The applicant is required to submit a new drainage plan for the adjacent site showing connectivity with replacement hydro brake discharging at 11 l/s.

We request that conditions relating to surface water and foul water are attached to any planning permission.

30th August 2022

According to our records there is an existing water main within the site boundary, for which the proposed layout does not sufficiently take consideration of. The dwelling marked as Plot 19 is likely to fall within the easement strip associated with this asset and therefore will not be acceptable and is currently undeliverable. The water main also impacts on Plots 1/15-18. At this time United Utilities must OBJECT to the current proposal.

The applicant should contact Sara Livesey in Water Developer Services (DeveloperServicesWater@uuplc.co.uk) at their earliest convenience to discuss options relating to either (i) a revised layout plan or (ii) an agreed diversion route. It is our recommendation that this matter is resolved prior to the determination of the application to ensure no unnecessary expenses or delays are incurred by the applicant.

Should the Council deem the application acceptable irrespective of our objection, we request the inclusion of a condition relating to the existing water mains.

DRAINAGE:

Following our review of the submitted Flood Risk Assessment and Outline Surface Water Drainage Strategy (ref GHC-IM-W-FRA, dated 13.05.2022), United Utilities note this phase is proposed to downstream into the adjacent phase. Therefore drainage documentation for this phase should not be accepted until the drainage for the downstream phase has been accepted under the separate planning application for that phase.

We also understand the surface water from both phases is to connect to the combined sewer only on a temporary basis, and is to be diverted to a new surface water culvert once constructed. This detail should be made clear on the drainage documentation for both



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phases. Finally, we would comment that detailed layouts should clearly confirm the set discharge rate at each flow control unit.

We request that conditions relating to surface water and foul water are attached to any planning permission.

12th December 2023

As the 8" main is still showing as being a live UU asset we would need to decommission this main. If you complete the application to divert a water main at the following link <https://www.unitedutilities.com/builders-developers/your-development/large-developers/diversions/> then we can provide a quote to carry out this work.

Please ensure the attached Standard Conditions are adhered to until the main has been abandoned.

16th January 2023

It seems that the developer has not provided our water engineer with all the information needed with regards to the water main diversion that is needed in order for the proposed layout to be acceptable to UU. I wanted to confirm this in more detail before contacting you, however it will be tomorrow at the earliest before I can let you know any more.

17th January 2023

Just a quick line to let you know that I've contacted our Water Engineer Helen to discuss now she is back from leave. The issue is that the proposed layout as it stands is not acceptable to UU without the diversion of the existing water main. Helen has advised that there is still outstanding information from the developer on this.

Whilst a diversion of this asset is acceptable in principle to UU, we need more commitment/ information from the developer at this time. I have asked Helen if we could potentially deal with this by a pre-commencement condition as she is unwilling at this moment to remove our current objection. If she is happy with this approach, would you be willing to include the following suggested wording on any Decision Notice granted?

Suggested draft wording to address the conflict between the proposed layout and the need to divert the water main:

Prior to the commencement of development (including any earthworks), the following shall be

submitted to the local planning authority and approved in writing:

- (i) Evidence that a diversion of the water main has been agreed with the relevant statutory undertaker and that the approved works have been undertaken.*
- (ii) Details of the means of ensuring the diverted water main is protected from damage as a result of the development. These details shall include the potential impacts on the water main from construction activities and the impacts post completion of the development, including landscaping, on the water main infrastructure, and identify mitigation measures, to protect and prevent any damage to the water main both during construction and post completion of the development.*

Any mitigation measures identified by (ii) shall be implemented in full prior to commencement of development in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

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

I will let you know as soon as I hear back from Helen, happy to discuss the draft wording if you need to. Alternatively the developer may provide her with the information she has requested and therefore there would be no requirement for a condition.

Please feel free to give me a call/ email. I don't work Wednesday but will be back on Thursday.

24th January 2023

United Utilities wish to make the following comments regarding the proposal detailed above. Further to our previous letter, dated 30th August 2022, the applicant has been in discussion with Developer Services regarding our objection. We can confirm this remains ongoing and a solution has yet to be confirmed, however we are able to remove our objection if a condition relating to the existing water mains is attached to any decision notice for this application.

Cumberland Council – Flood and Coastal Defence Engineer

19th November 2021

The Flood Risk Assessment and Drainage Strategy is comprehensive document and covers the subject in full.

Consequently, I have very little to say on this application.

Due documented circumstance, from the outset the surface water will be discharged (at a controlled rate) into the combined sewer. In the future it is proposed to redirect the surface water system from the development in to a dedicated surface water system, which has been



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proposed by others, but is still in the planning stages.

I would ask, if it is possible to cover this with a condition along the lines "Once practical the surface water discharge from the development shall be taken out of the combined sewer and directed to a dedicated surface water system."

To be honest, I not sure you could condition that.

In summary, I have no objection.

25th July 2022

As I can't see any material change with the lasts submission, I have no comments to add at this time.

25th July 2022

I had noticed that the number of dwellings had been reduced from 38 to 37, but the superseded plan only had 37, but it was only the colour of the site outline that had changed colour.

Again, I have looked through the new Drainage Strategy, but I didn't find any material changes that needed commenting on.

2nd November 2022

Having gone through the new FRA in detail.

I have a couple of queries for clarity of what I believe are typos:

Section 5.2 – States Picow Road Farm – Should this read Hensingham Main Street?

Section 5.4 – States "safely escape away from the watercourse", when there is no watercourse – can this be clarified?

I think effectively all that has been included in the latest version is the section about the temporary connection into the combined sewer.

Subject to clarity of the two points above I have no concerns with the updated FRA and have incorporated the main points into a memo, which I can forward if you need me to.

10th November 2022

There is a material discrepancy between the two plans showing the Section 104 Agreement (pages 31 of 147 and 32 of 147).

The numbering of the surface water manholes differs.

Can you get this looked into.

21st November 2022

As far as I can tell the changes relate to two typos, in sections 5.2 and 5.4 which have now been corrected.

The different numbering highlighted in my e-mail of 10.11.2022 are still outstanding.

23rd November 2022

As I only checked what the version schedule of the FRA stated was changed (sections 5.2 & 5.4) I did not check the drawings.

There is now only the one S104 drawing, so there is no longer an anomaly in the manhole numbering.

Environment Agency

6th December 2021

Environment Agency position:

The previous use of the proposed development site as a silk and fabrics mill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A Aquifer.

It will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

29th July 2022

No relevant additional information has been provided since our previous response NO/2021/114031/01-L01 dated 6 December 2021, which is repeated below:

The previous use of the proposed development site as a silk and fabrics mill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a secondary aquifer A.

It will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Further comment regarding the Geoenvironmental Appraisal:

Comments on the report are provided below:

The ground investigation has highlighted a conceptual model that identifies potential pollution pathways to groundwater resources and part of the site overlies a principle A aquifer.

The assessment assumes there is a low risk to water quality based but this is based on limited qualitative assessment. The low quality sampling in the hot spot where the former above-ground oil storage tanks were sited has been dismissed after the review of sampling from other wells. We accept that the organic contamination in soils is low, but the grab sample has shown contaminants to be present. The Remedial Targets methodology requires the next level of quantitative assessment or remediation based on qualitative exceedance of target water criteria. The elevated soil gas carbon dioxide levels could suggest aerobic

degradation of hydrocarbons or degradation of materials in made ground.

Further investigation in this area is required to confirm contamination is confined to a basement (as presumed in the report) and to assess the 100mm ceramic pipe noted in the TP06 log, which has not been taken into account within the risk assessment. The presence of a sheen on the groundwater sample is a concern and the need to provide supporting evidence for in-situ risk assessment, pumping/disposal options & a piling risk assessment will be required.

2nd November 2022

We have no further comments to add to our previous response on 29 July 2022, referenced NO/2021/114031/02-L01 (copy enclosed).

Cumberland Council – Environmental Health

10th January 2022

Based on the information submitted with the above application and subject to the inclusion of conditions relating to ground conditions, external lighting, HGV deliveries, construction hours, and construction management plans, Environmental Health have no objections.

16th August 2022

No objections but request conditions relating to construction management plans, remediation strategy, and reporting unexpected contamination.

Cumberland Council – Strategic Housing

17th November 2021

Can you clarify the affordable housing position on this one – the application form declares all market housing but the planning statement makes reference to affordable housing being dispersed across the site? Are they putting forward that all the units are affordable under their model?

22nd July 2022

This is an application from Gleeson Homes to build 37 properties on a brownfield site on Cleator Moor Road in Whitehaven. The location is close to local amenities and would be



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popular with families due to the proximity of both primary and secondary schools.

The application is for a mix of 2,3- and 4-bedroom properties, semi-detached and detached. The proposed mix is in line with housing need as stated in the SHMA, with a larger number of 3 bedroomed and fewer 2 and 4 bed roomed.

The Housing Needs report from 2020 identified that 2 bed roomed properties were most in demand of those surveyed in the Cleator Moor parish, followed by 3 bed, with less demand for 1 and 4 bed roomed properties, however we recognise that larger family homes attract families from other areas and would appeal on this site. Demand for bungalows was high from those who responded to the survey and are generally desirable throughout the borough and we would support provision of these on this site if viable.

It is assumed that there will be 3 or 4 affordable properties based on the NPPF guidance of 10% and this is welcomed. Under the new First Homes requirements 25% of affordable provision on larger sites must be via First Homes, meaning that a minimum 30% discount will apply to the sale price.

We recognise the initiatives Gleeson's offer to help first time buyers, as often it is deposits that are the issue for first time buyers rather than ongoing mortgage costs.

Overall, we are supportive of this application.

Natural England

1st December 2021

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a

downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

11th August 2022

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Arboricultural Consultant – Capita

6th December 2021

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development scheme. The application tree survey shows 5x individual Lombardy Poplar trees (T1-T5) and 2x groups of trees (G1 contains 23 x lombardy popular and G2 contains Hawthorn, Norway Maple, and Leyland Cypress).

The trees are all classified as low-quality Retention Category C trees and located around the

perimeter of the site.

The proposal is to remove trees T1-T5 and group G1 as part of the development with the justification that Lombardy Poplar species are inherently brittle, short lived and many are of an age where their long-term retention would not be in keeping with the proposed residential development.

Group G2, along the south-eastern boundary, are proposed to be retained and protected with fencing as part of the scheme.

RECOMMENDATION

We recommend attaching a condition to any planning permission requesting the submission of a tree protection plan for the retained trees in group G2 and a landscaping scheme to mitigate for the loss of 28x trees. This scheme should include a detailed specification for the planting and aftercare requirements of the trees and hedges to ensure they survive.

28th July 2022

DISCUSSION:

Following our site visit, we have the following comment/observation to make on the proposed development scheme.

The application tree survey shows 5x individual Lombardy Poplar trees (T1-T5) and 2x groups of trees (G1 contains 23 x lombardy poplar and G2 contains Hawthorn, Norway Maple, and Leyland Cypress).

The trees are all classified as low-quality Retention Category C trees and located around the perimeter of the site.

The proposal is to remove trees T1-T5 and group G1 as part of the development with the justification that Lombardy Poplar species are inherently brittle, short lived and many are of an age where their long-term retention would not be in keeping with the proposed residential development.

Group G2, along the south-eastern boundary, are proposed to be retained and protected with fencing as part of the scheme.

RECOMMENDATION:

We recommend attaching a condition to planning permission requiring the full implementation

of the Tree Mitigation Plan.

We recommend attaching a condition to planning permission requiring the submission of a tree maintenance scheme, to include details of the planting and aftercare maintenance of the new trees.

Cumbria Fire Service

25th November 2021

Following examination of plans in connection with the above application with regard to access of the site and water supplies, I have to inform you that the Fire Authority has no objections to this application.

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.

There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general.

This is because sprinklers can significantly help to:

- ☐ Improve the time available to escape from a fire
- ☐ Reduce death and injury from fire
- ☐ Reduce the risks to fire fighters who we ask to fight the fires
- ☐ Protect property
- ☐ Reduce the effects of arson
- ☐ Reduce the environmental impact of fire

These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk

If you would like to discuss this or any other matter of fire safety, please contact me at the above details.

25th July 2022

Following examination of plans in connection with the above application with regard to access



Cumberland Council

of the site and water supplies, I have to inform you that the Fire Authority has no objections to this application.

Crime Prevention Officer

No comments received.

The Coal Authority

24th November 2021

The Coal Authority Response: Material Consideration:

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

The Coal Authority Recommendation to the LPA:

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

20th July 2022

The Coal Authority Response: Material Consideration:

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal

Authority to be consulted.

The Coal Authority Recommendation to the LPA:

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to eight properties. No comments have been received in relation to the original statutory notification procedure.

Following the submission of amended information for this application one letter of objections was received to the reconsultation notification procedure. The objection raises concerns that the development will displace more seagulls onto neighbouring sites, which are already experiencing pest control issues that originated from the development of the old Sekers site on the adjacent site to this development.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)



Cumberland Council

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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 ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors report is now awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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 DS9PU: Sustainable Drainage

Policy DS11PU - Protecting Air Quality

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

Policy SC1PU - Health and Wellbeing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity



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Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Policy N9PU - Green Infrastructure

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

Assessment

The key issues raised by this application relate to the principle of the development; housing need; settlement character and landscape and visual impact; scale, design and impact on residential amenity; flood risk and drainage; access and highway safety; ecology; archaeology; and ground conditions.

Principle of Development

This application relates to an area of brownfield site, which formally housed the Sekers factory which was demolished in 2010. The site lies within the centre of Hensingham, which is located within the eastern section of the Whitehaven settlement boundary. Whitehaven is classified under 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.

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.

Within the Emerging Local Plan, under Policy DS3PU Whitehaven continues to be defined as the Principal Town with the town continuing to be the primary focus for new development with in the Borough with large scale housing extensions, windfall and infill developments.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. The application site is located within the existing and proposed settlement boundary for Whitehaven.

Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. This site is considered to be brownfield land which is located within the centre of Hensingham, a largely residential area. Policy SS2 of the Copeland Local Plan states that building to meet the needs for the community and to accommodate growth will be provided by seeking to achieve 50% of new housing development on previously developed brownfield land. Policy DS2PU of the Emerging Local Plan states that developers are encouraged to make the most efficient use of land by building at appropriate densities and encouraging the sympathetic reuse and refurbishment of the existing building stock and previously developed land.

The principle of developing the site for residential purposes is therefore considered to be acceptable.

Housing Need and Housing Mix

Policy SS3 of the Copeland Local Plan requires housing development to demonstrate how proposals will deliver a good range of affordable homes for everyone. Developments will be assessed on 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.

Within the Emerging Local Plan, Policy H7PU states that development should make the most of effective use of land and when determining appropriate densities development proposals should demonstrate that consideration has been given to the shape and size of the site, requirements for public open space and landscaping, the character of the surrounding area



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and setting of the site, and whether the density would help achieve appropriate housing mix and help regeneration aims. It must also be demonstrated that proposals meeting local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date.

Policy H8PO of the Emerging Local Plan stated that on sites of 10 units or more, or on sites of 5 units or more within the Whitehaven Rural sub-area, at least 10% of the homes should be affordable as defined in the NPPF unless this would exceed the level of affordable houses required in the area as identified in the Housing Needs Study, or the development falls into an exemption category listed in the NPPF. This Policy further states that affordable housing should be provided in the tenure split of 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The application site falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is also stated the Council should also consider the role of bungalow and there is a high need for new affordable housing.

The application seeks full planning permission for 37 dwellings, with a mix of two, three and four bedroom properties. The Council's Strategic Housing Officer has confirmed that the proposed mix is in line with the housing need identified within the SHMA, with a majority of three bedroom dwellings proposed.

As the application seeks permission for more than 10 dwellings, an affordable housing provision would normally be required for this scale of development. The applicant has however submitted a viability assessment which confirms that the development would not be viable if an affordable housing provision was required for this site, particularly as a significant contribution has also been requested by the LLFA in terms of drainage. The Council have had the submitted viability assessment independently reviewed by Keppie Massie Ltd. Their assessment confirms that due to uplift in construction cost and interest rates, and the applicant's confirmed S106 contribution of £96,000 for drainage improvements, the scheme is no longer viable to provide discount to market housing. The Council have therefore been advised that this is considered a reasonable approach, and the recommendation would be that the Council proceed on this basis.

Within the Council's Strategic Housing Officer's comments, they assume that the site will offer 3 or 4 affordable houses however they also note the other incentives that the applicant offers to first time buyers. These incentives are outlined within the submitted Planning Statement and include: properties not sold to investors, 15 of the properties on site projected

to be affordable to a couple on the National Living Wage, 5% deposit match and free incentives (i.e. flooring) to first time buyers, and £1500 incentives to key workers and those working in the armed forces.

Whilst the development does not provide the specific affordable housing provision required for major applications, the viability assessment has confirmed that it would not be viable for this to be required within this development. Other incentives within the applicant's company policies will ensure a significant portion of the proposed homes are affordable and will provide options for first time buyers to get onto the housing ladder. On this basis, it is considered that the development will assist in boosting housing supply which will help to meet the identified housing need identified in the SHMA and the requirements of Policy SS3 of the Copeland Local Plan, Policies H7PU and H8PU of the Emerging Local Plan and provisions of the NPPF.

Settlement Character and Landscape and Visual Impact

Policy ENV5 of the Copeland Local Plan 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 DM26 of the Copeland Local Plan stated that where necessary development proposals 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.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type OO: 'Urban'.

The application site lies within the centre of Hensingham, within a predominantly built up

residential area. The brownfield site was formally occupied by the Sekers factory which was demolished in 2010, and is bounded to the north west by a modern 60 bed care home facility. This area of Hensingham is characterised by residential properties located in a traditional estate form, with a mix of detached and semi-detached properties. The proposed development would therefore be considered to reflect the existing character of the area. As the development is surrounded by existing development the proposal is not considered to have an impact on the overall landscape and is complementary to the existing built form. The development of this redundant brownfield site also offers the opportunity to regenerate this area of Whitehaven.

The application includes details of a landscaping scheme which will also help the development to reflect the character of the surrounding area and will retain the prominent boundary wall along the site frontage. The implementation and retention of the landscaping scheme will be secured by appropriately worded planning conditions.

Based on the inclusion of these conditions the proposal is considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design, and Impact on Residential Amenity

Policy SS1 of the Copeland Local Plan 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 of the Copeland Local Plan 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 of the Copeland Local Plan outlines the requirements of the provision of open space and play provision.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

As part of this application process extensive discussions have been undertaken with the agent with regard to the overall design and layout of the proposed development. As part of these discussions a number of alterations have been secured to the proposal to ensure the overall design of the development fits with the local area. These alterations include reducing

the overall number of dwellings from 38 to 37, amending the orientation of dwellings and creating double frontages to provide natural surveillance, amended layouts to reflect the existing and proposed building line within the development and surrounding area, and altering the key boundaries within the site to walls rather than fencing. Based on these amendments, it is considered that the proposed development is of a suitable scale and design which is considered to reflect the character of the surrounding area. The existing wall to the front of the application site is also to be retained, ensuring that the existing traditional boundary which contributes to the character of the area is maintained as part of this development. This retention will be secured by an appropriately worded planning condition. A condition will also be placed on any decision notice to secure full details of the proposed materials for this development as although the application makes reference to materials specific details have not been provided.

The submitted Planning Layout plan submitted to support this application shows that the site can comply with the separation distances set out within Policy DM12 of the Copeland Local Plan. The proposed boundary treatment within the site, and the existing boundary treatments, tree lines, and landforms will further prevent the potential for overlooking or loss of privacy for the existing and proposed properties. The proposed boundary treatment can be secured by an appropriately worded planning condition. The proposed development also includes provision for open space within the centre of the application site. The submitted landscaping plan indicates that the public open space will include an informal trail play equipment and seating, and will be enclosed by trees and ornamental shrubs. An appropriately worded planning condition is proposed to secure the submission of a scheme for the play area, its implementation and retention for the lifetime of the development.

No objections have been received from any neighbouring properties. The Council's Environmental Health team have also offered no objections to the application subject to conditions to secure that the development is carried out in accordance with the submitted Construction Traffic Management Plan to further safeguard the amenity of neighbouring dwellings. Additional conditions will also be placed upon any decision notice to restrict construction hours and HGV delivery times.

On the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with Policies DM10 and DM12 of the Copeland Local Plan, Policies DS6PU and H6PU of the Emerging Local Plan, and the NPPF.

Flood Risk and Drainage

Policy ST1 of the Copeland Local Plan and paragraph 159 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 for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging



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Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

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

The Flood Risk and Drainage Assessment submitted to support this application concludes that the site is at low risk of fluvial, tidal, sewer flooding, very low risk of surface water flooding, and limited potential for groundwater flooding with a small area in the west of the site in an area with potential for groundwater flooding of property situated below ground level. However, the report confirms that as no below ground habitable spaces are proposed the risk from ground water flooding is predicted to be low. The Assessment sets out flood mitigation measure to be accommodated within the development, including finished floor levels and safe access/egress. These mitigation measures can be secured by an appropriately worded planning condition. No objections have been received from any statutory consultees regarding the submitted Flood Risk Assessment.

The application is supported by a drainage strategy. This strategy outlines that it is considered that infiltration techniques will not be suitable on-site due to the ground condition, therefore soakaways or other infiltration based SUDS will not be incorporated into the drainage design. It is proposed that that surface water from the development will discharge via the neighbouring site to the south west, which is under the applicant's ownership and benefits from planning permission for 26 dwellings, into the combined sewer. The surface water discharge is proposed to discharge to the combined water sewer within Main Street at a rate agreed with United Utilities. This temporary connection will be until a point in time when a surface water sewer is available following work by the LLFA to install a new sewer on Main Street. It is also proposed that surface water storage will be provided by separate attenuation components comprising oversized pipes and offline geo cellular tank systems to attenuate the surface water runoff from both the highways and plot drainage. In terms of foul water drainage, it is proposed that this will be drained via gravity within the site before connecting to the proposed foul drainage also within the applicants neighbouring site. The drainage system shall be designed to adoptable standards to allow adoption by UU.

The submitted drainage strategy for this application was originally considered unacceptable to UU as it was stated that the applicant was reliant on an outfall into an adjacent development which is yet to be constructed. The proposed hydro brake was also considered a significant risk for blockages and flooding. Following the submission of an amended drainage strategy UU have confirmed that they have no objections to the proposal but request a condition to secure the drainage for the development is carried out in accordance

with the approved strategy.

UU also submitted an objection to this application as an existing water main runs along the perimeter of the proposed development. UU stated that the proposed layout does not sufficiently take consideration of the water main with plots shown within the easement zone, A diversion of the water main would therefore be required. Following discussions with the agent for this application UU have confirmed that they can remove their objection to the application if a condition is attached to any decision notice relating to the diversion and protection of the existing water main. The agent for this application has confirmed their agreement to this condition.

The LLFA have also reviewed the drainage strategy for this application, which was also amended based on their initial concerns/comments. Based on the amended scheme the LLFA have offered no objections to the application subject to a developer contribution of £96,000 being secured by a S106 agreement. This contribution is required as the LLFA are proposing a new surface water drain to reduce surface water overloading the combined sewer system which this and the applicants adjacent development site would connect directly into once constructed.

It is therefore considered that, based on the inclusion of the requested conditions and the securing of the developer contribution, the proposal will not have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions 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.

Policies CO4PU, CO5PU and CO7PU of the ELP promote active travel.

The application site will be accessed via Cleator Moor Road which runs along the north east of the application site. The site currently benefits from two access points onto this highway. It is proposed that the main access to the site will be from the northern corner of the application site, which will serve 33 of the proposed dwellings. This will relocate the existing access point further into the application site with the existing access to be made redundant and the footpath reinstated. The second access point to the east of the site will be retained and will provide access to plots 1-4. Each access will benefit from visibility splays of 2.4m x 60m in each direction.

As part of initial consultation comments the Highway Authority raised concerns with regard to the proposed visitor parking spaces and the visibility splays as the originally proposed 43m was not deemed acceptable for a 30mph road. The plans for this application were amended



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to address these concerns, however further concerns were raised from the Highway Authority regarding the width of the footpaths, the design of the access road encouraging speeding, kerb details, refuse collection points and visibility splays for plots 1-4 needed to be identified. The agent for this application therefore submitted amended details to address these concerns, which included the provision of traffic calming measure within the main road of the development. Based on the submission of this amended detail the Highway Authority have confirmed that they have no objections to the application subject to the inclusion of conditions relating to carriageway/footways, the estate road, vehicular crossing over footways, vehicle access/egress, access gates, existing highway fence/boundary wall, highway drain, advertisement, access and parking, and the submission of a construction traffic management plan.

No objections have been received from National Highways.

It is therefore considered that based on the inclusion of conditions outlined above, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

This application is supported by a Preliminary Ecology Survey, which concludes that the site has low ecological value as the main habitat type was previously developed land that is currently used for the storage or road surface material and rubble. The report concludes:

- The proposed development will not impact on statutory designated sites.
- The proposed development will not impact on nearby non-statutory sites as they are considered outside the developments zone of influence.
- The removal of habitat and replacement with dwellings and associated gardens will not reduce the ecological value of the site. Built structures and landscaping will likely increase the value of the site for some wildlife.

- The removal of these trees will reduce the ecological value of the site. Given the obvious stress it would be suitable to remove all trees and consider replacing with more suitable boundary feature trees or shrubs.
- The removal of this scrub habitat will reduce the sites overall biodiversity value although given the poor condition of this scrub habitat this is not consider significant.
- The grassland was not assessed as high distinctiveness and was in poor condition. The proposed gardens and landscaping would be adequate as mitigation for the loss of this grassland habitat.
- The site provides negligible potential for badgers.
- The preliminary roost assessment of trees was suitable to provide evidence that trees on the site provide negligible potential for roosting bats. No other suitable roosting potential was present (i.e. no buildings).
- The site provides negligible potential for red squirrels.
- The site is not suitable for reptiles and the record search provides some evidence that reptiles are likely absent from the immediate site boundary.

The Ecological Survey provides a summary of the recommendations and mitigation/enhancement measure for the development. It is recommended that additional surveys are undertaken, including a pre-construction badger and foraging bat survey. It is also stated that works are undertaken outside of the nesting bird season or a nesting bird survey is undertaken prior to any clearance works. It is also recommended that the proposed landscaping scheme is implemented in full to enhance the habitat and ecological value of the site. Appropriately worded planning conditions will be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures and additional surveys.

As this application was submitted originally in 2021, the development is not supported by a Biodiversity Net Gain Plan or Assessment. Given the current brownfield nature of the application site and the low ecological value of the land, the development is considered to enhance the value of the site through the implementation of the landscaping scheme. Whilst a number of trees are to be removed, the landscaping scheme includes their replacement with native species, and the introduction of hedgerows, grassed areas, shrubs, and wild flower grass. On this basis the development is considered to enhance the ecological value of the land.

The application is also supported by a tree survey which shows five individual Lombardy Poplar trees to the front of site, and two groups of trees sited along the rear boundary and within the eastern corner of the application site. The application proposes to remove the individual trees and the larger group of trees to the rear due to their condition. The second group of trees is to be retained. Capita as the Council's Arboricultural Consultant have reviewed the application and have offered no objections to the application, however they requested a condition to secure a tree protection plan for the retained trees within the site. Following these comments, the agent for the application submitted the required protection plan which Capita have confirmed should be secured by condition. Capita have also



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recommended including a condition to require the submission of a tree maintenance scheme.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policies N1PU and N3PU of the Emerging Local Plan and the provisions of the NPPF.

Ground Conditions

Policy ST1 of the Copeland Local Plan includes provisions requiring that new development addresses land contamination with appropriate remediation measures.

Policy DS6PU and Policy DS10PU of the Emerging Local Plan includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

A Geoenvironmental Appraisal has been submitted to support this planning application. This report investigates the shallow soil and ground water conditions, establishes the risk associated with hazardous ground gas, evaluates whether past mining or other extractive industries could have an influence on the site, provides outline advice relating to geotechnical issues, provides outline foundation recommendations, and determines the potential risk posed by any ground condition and provides outline recommendation on remedial measures to manage the risks. Appropriately worded planning conditions can be attached to any decision notice to ensure the development is carried out as per the recommendations within this report.

The Environment Agency have offered no objections to this application. They have confirmed that the previous use of this site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. The EA have, however, confirmed that it will be possible to manage the risk of posed by the development, therefore they have requested a planning condition to secure a remediation strategy for the site.

The Council's Environmental Health Team have also offered no objections to this application but have requested conditions relating to securing works that are carried out in accordance with the construction management plan, securing a remediation strategy, and reporting unexpected contamination.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policy ST1 of the Copeland Local Plan, Policies DS6PU and Policy DS10PU of the Emerging Local Plan and the provisions of the NPPF.

Planning Balance & Conclusion

The application seeks to develop an existing brownfield site located within the existing settlement boundary of the Boroughs Principal Town where development should be concentrated. The principle of developing the site for residential purposes is therefore

	<p>considered to be acceptable. This is afforded significant weight.</p> <p>The application seeks full planning permission for 37 dwellings, with a mix of two, three and four bedroom properties. The Council's Strategic Housing Officer has confirmed that the proposed mix is in line with the housing need identified within the SHMA. The application does not provide any affordable housing provision due to viability issues. The application is supported by a viability assessment which has been independently assessed for the Local Planning Authority. This review confirms that, due to uplift in construction cost and interest rates, and the applicant's confirmed other S106 contributions, the scheme is no longer viable to provide discount to market housing. Notwithstanding this the applicant's strategy to provide other incentives to ensure a significant portion of the proposed homes affordable and accessible to first time buyers. This is offered moderate weight</p> <p>Extensive discussions have been undertaken with the applicant to secure a layout and design for the development which reflects the surrounding area. Details of proposed materials, landscaping, and boundary treatment will be secured by condition to ensure the development reflects the character of the area and limits the impacts on neighbouring dwellings.</p> <p>The application site is located in close and convenient proximity to a wide range of services, employment opportunities and transport links. The proposed development will support existing services and the aspirations for growth in the Borough. This is afforded significant weight.</p> <p>Based upon the advice of the relevant consultees, the proposed development will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe subject to the planning conditions proposed.</p> <p>The development, as amended, would not result in unacceptable impacts in respect of residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions and developer contributions proposed.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan, the Emerging Local Plan and the provisions of the NPPF. The benefits of the scheme significantly and demonstrably outweigh any adverse impacts of the development.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within three years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <p>1. The development hereby permitted must be commenced before the expiration of three</p>

years from the date of this permission.

Reason

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

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

- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 8th November 2021.
- Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-112, Revision: G, received by the Local Planning Authority on the 18th August 2022.
- Planning Layout (Colour Coded) (Amended), Scale 1:500, Drawing No: MJG/PL-112-2, Revision: B, received by the Local Planning Authority on the 18th August 2022.
- Boundary Treatment Plan (Amended), Scale 1:500, Drawing No: MJG/PL-112-1, Revision: C, received by the Local Planning Authority on the 18th August 2022.
- Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing No: SD-100, Revision: B, received by the Local Planning Authority on the 8th December 2021.
- 1800mm High Close Boarded Timber Fence, Scale 1:20, Drawing No: SD-100, Revision: F, received by the Local Planning Authority on the 8th December 2021.
- Car Parking Plan (Amended), Scale 1:500, Drawing No: MJG/PL-112-3, Revision: B, received by the Local Planning Authority on the 18th August 2022.
- 201 & 301 House Types Contemporary – Elevations (Amended), Scale 1:100, Drawing No: 21-201_301-C, Revision: -, received by the Local Planning Authority on the 15th December 2021.
- 201 & 301 House Types Contemporary – Elevations (handed) (Amended), Scale 1:100, Drawing No: 21-201_301-C(h), Revision: -, received by the Local Planning Authority on the 15th December 2021.
- 201/301 Floor Plans (Amended), Scale 1:100, Drawing No: MJG/PL-107-7, Rev: -, received by the Local Planning Authority on the 17th December 2021.
- 301/201 Floor Plans (Amended), Scale 1:100, Drawing No: MJG/PL-107-8, Rev: -, received by the Local Planning Authority on the 17th December 2021.
- 303 House Type Contemporary – Elevations (Amended), Scale 1:100, Drawing No: 21-303-C-0301, Revision: C01, received by the Local Planning Authority on the 15th December 2021.
- 303 Dwelling Type – Floor Plans (Amended), Scale 1:100, Drawing No: 303/1E, received by the Local Planning Authority on the 8th December 2021.
- 337 House Type Contemporary – Elevations (Amended), Scale 1:100, Drawing No: 21-337-C-0001, Revision: C02, received by the Local Planning Authority on the

14th December 2021.

- 337 Dwelling Type – Floor Plans (Amended), Scale 1:100, Drawing No: 337/1, received by the Local Planning Authority on the 8th December 2021.
- 340 & 301 House Types Contemporary – Elevations (Amended), Scale 1:100, Drawing No: 21-340_301-C, Revision: -, received by the Local Planning Authority on the 15th December 2021.
- 340 & 301 House Types Contemporary – Elevations (handed) (Amended), Scale 1:100, Drawing No: 21-340_301-C-(h), Revision: -, received by the Local Planning Authority on the 15th December 2021.
- 340/301 House Types Contemporary – Planning Drawing Floor Plans (handed) (Amended), Scale 1:100, Drawing No: 21-340/301-C-0001-(h), Revision: C01, received by the Local Planning Authority on the 17th January 2022.
- 340/301 House Types Contemporary – Planning Drawing Floor Plans (Amended), Scale 1:100, Drawing No: 21-340/301-C-0001, Revision: C01, received by the Local Planning Authority on the 17th January 2022.
- 353 House Type Contemporary – Elevations, Scale 1:100, Drawing No: 21-353-C-0301, Revision: C01, received by the Local Planning Authority on the 8th November 2021.
- 353 House Type Contemporary – Elevations (handed), Scale 1:100, Drawing No: 21-353-C-0301-(h), Revision: C01, received by the Local Planning Authority on the 15th December 2021.
- 353 House Type Contemporary – Planning Drawings Floor Plans (handed), Scale 1:100, Drawing No: 21-353-C-0001-(h), Revision: C01, received by the Local Planning Authority on the 25th January 2022.
- 353 Dwelling Type – Floor Plans, Scale 1:100, Drawing No: 353/1A, received by the Local Planning Authority on the 8th December 2021.
- 359 House Type Contemporary – Elevations (handed) (Amended), Scale 1:100, Drawing No: 21-358/9-C-0301(h), Revision: C01, received by the Local Planning Authority on the 25th January 2022.
- 359 House Type Contemporary – Floor Plans (handed) (Amended), Scale 1:100, Drawing No: 21-358/9-C-0001(h), Revision: C01, received by the Local Planning Authority on the 17th January 2022.
- 435 House Type Contemporary – Elevations, Scale 1:100, Drawing No: 21-435-C-0301, Revision: C02, received by the Local Planning Authority on the 8th November 2021.
- 435 House Type Contemporary – Elevations (handed), Scale 1:100, Drawing No: 21-435-C-0301-(h), Revision: C02, received by the Local Planning Authority on the 15th December 2021.
- 435 Dwelling Type – Floor Plans (Amended), Scale 1:100, Drawing No: 435/1A, received by the Local Planning Authority on the 8th December 2021.
- 435 House Type Contemporary – Planning Drawing Floor Plans (handed) (Amended), Scale 1:100, Drawing No: 21-435-C-0001-(h), Revision: C02, received by the Local Planning Authority on the 17th January 2022.
- 450 House Type Contemporary – Elevations, Scale 1:100, Drawing No: 21-450-C-0301, Revision: C01, received by the Local Planning Authority on the 8th November



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2021.

- 450 House Type Contemporary – Elevations (handed), Scale 1:100, Drawing No: 21-450-C-0001, Revision: C01, received by the Local Planning Authority on the 17th January 2022.
- 450 Dwelling Type – Floor Plans, Scale 1:100, Drawing No: 450/1A, received by the Local Planning Authority on the 8th December 2021.
- 450 House Type Contemporary – Planning Drawing Floor Plans (handed), Scale 1:100, Drawing No: 21-450-C-0001-(h), Revision: C01, received by the Local Planning Authority on 17th January 2022.
- Detached Single Garage Details, Scale 1:20, 1:50, & 1:100, Drawing No: SD700, Revision E, received by the Local Planning Authority on the 8th December 2021.
- Street Scenes (Amended), Scale 1:125, Drawing No: MJG/PL-112-2, Revision: A, received by the Local Planning Authority on the 29th April 2022.
- Tree Survey, Scale 1:680, Drawing No: Ivy Mill Phase2_Rev1.0, received by the Local Planning Authority on the 8th November 2021.
- Tree Mitigation Plan (Amended), Scale 1:500, Drawing No: TMP03, Revision: A, received by the Local Planning Authority on the 6th June 2022.
- Tree Constraints Plan, Scale 1:600, Drawing No: Ivy Mill Phase 2 TCP, Revision: 1, received by the Local Planning Authority on the 8th November 2021.
- Tree Survey Report, Prepared by Westwood Landscape July 2021, received by the Local Planning Authority on the 8th November 2021.
- Landscape Plan, Scale 1:500, Drawing No: WW01, Revision: A, received by the Local Planning Authority on the 6th April 2022.
- Topographical Survey, Scale 1:200, Drawing No: GH/CMR/TA01, Revision: -, received by the Local Planning Authority on the 8th November 2021.
- Outline Drainage Layout (Amended), Scale 1:200, Drawing No: 100, Revision: C, received by the Local Planning Authority on the 18th August 2022.
- Drainage Area Plan (Amended), Scale 1:500, Drawing No: GHC-IM-C-P2-14-01, Revision: A, received by the Local Planning Authority on the 23rd June 2022.
- A3 Land Registry Plan Phase 2 (Amended), Scale 1:1250, Ref: GHC-IV-C-P2-10-02, Revision: A, received by the Local Planning Authority on the 23rd June 2022.
- Phase 2 Section 38 Agreement Plan (Amended), Scale 1:500, Drawing No: GHC-IM-C-P2-19-01, Revision: A, received by the Local Planning Authority on the 23rd June 2022.
- Phase 2 S104 Agreement Plan (Amended), Scale 1:250, Drawing No: GHC-IM-C-P2-10-01, Revision: B, received by the Local Planning Authority on the 23rd June 2022.
- Phase 2 Road Setting Out (Amended), Scale 1:500, Drawing No: GHC-IM-C-P218-01, Revision: A, received by the Local Planning Authority on the 23rd June 2022.
- Phase 2 Manhole Schedules, Drawing No: GHC-IM-C-P2-15-01, Revision: -, received by the Local Planning Authority on the 6th June 2022.
- Phase 2 Highway Construction Details, Scale 1:20 & 1:25, Drawing No: GHC-IM-C-P2-SD-01, Revision: -, received by the Local Planning Authority on the 6th June 2022.
- White Lining and Signage Details, Scale 1:500, Drawing No: GHC-IM-C-P2-20-01,

- Revision: -, received by the Local Planning Authority on the 6th June 2022.
- Developer Services Construction Details, received by the Local Planning Authority on the 6th June 2022.
 - Phase 2 Longitudinal Sections 1 of 2 (Amended), Scale 1:100 & 1:500, Drawing No: GHC-IM-C-P2-13-01, Revision: -, received by the Local Planning Authority on the 6th June 2022.
 - Phase 2 Longitudinal Sections 2 of 2 (Amended), Scale 1:100 & 1:500, Drawing No: GHC-IM-C-P2-13-02, Revision: -, received by the Local Planning Authority on the 6th June 2022.
 - Flood Risk Assessment & Outline Surface Water Drainage Strategy (Amended), Prepared by Site Infrastructure Services Limited May 2019, Ref: GHC-IM-W-FRA-REV B, received by the Local Planning Authority on the 16th November 2022.
 - Preliminary Ecological Appraisal, Prepared by Carr Ecology March 2021, received by the Local Planning Authority on the 8th November 2021.
 - GEOEnvironmental Appraisal, Prepared by Sirius March 2021, received by the Local Planning Authority on the 8th November 2021.
 - Planning Statement (Amended), Prepared by Gleeson, received by the Local Planning Authority on the 18th August 2023.
 - Design & Access Statement
 - Transport Statement (Amended), Prepared by Vectos June 2022, received by the Local Planning Authority on the 1st July 2022.
 - Economic Benefits Report, Prepared by Gleeson November 2021, Version 001, received by the Local Planning Authority on the 8th November 2021.
 - Construction Management Plan, Prepared By Gleeson November 2021, received by the Local Planning Authority on the 8th November 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. Prior to the commencement of development (including any earthworks), the following must be submitted to the local planning authority and approved in writing:
 - Evidence that diversion/abandonment works for the existing water main have been agreed with the relevant statutory undertaker and that the approved works have been undertaken.
 - Details of the means of ensuring the water main is protected from damage as a result of the development. These details must include the potential impacts on the water main from construction activities and the impacts post completion of the development, including landscaping, on the water main infrastructure, and identify mitigation measures, to protect and prevent any damage to the water

main both during construction and post completion of the development.

Any mitigation measures identified by (ii) must be implemented in full prior to commencement of development in accordance with the approved details and must shall be retained thereafter for the lifetime of the development.

Reason

In the interest of public health and to ensure protection of the public water supply in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. Prior to the commencement of the development hereby approved detailed specifications of carriageways, footways, footpaths, cycleways must be submitted to and approved in writing by the Local Planning Authority. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

5. The development shall not commence until visibility splays shown on approved plan 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-112, Revision: G, received by the Local Planning Authority on the 18th August 2022' have been provided at the junction of the access road with the county highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

6. Prior to the commencement of the development hereby approved, details of the proposed vehicle crossing over the footway, including lowering of kerbs, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any works so approved must be constructed before the development is complete and maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

7. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

8. The highway drain must be protected at the access prior to the development commencing in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The works to protect the drain must be carried out in accordance with the approved specifications at all times thereafter.

Reason

In the interest of highway safety and environmental protection in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

9. The access and parking/turning requirements must be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason

The carrying out of this development without the provision of these facilities during the



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construction work is likely to lead to inconvenience and danger to road users.

10. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

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

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

11. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

12. The development hereby approved must not commence until a tree maintenance scheme, to include detail of the planting and aftercare maintenance of the new trees, has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To adequately protect the proposed trees within the site.

Prior to Erection of External Walling Conditions

13. 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 and must be retained for the lifetime of the development.

Reason

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

Prior to Occupation Conditions:

14. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the approved document 'Flood Risk Assessment & Outline Surface Water Drainage Strategy (Amended), Prepared by Site Infrastructure Services Limited May 2019, Ref: GHC-IM-W-FRA-REV B, received by the Local Planning Authority on the 16th November 2022'. For the avoidance of doubt surface water for both phases 1 and 2 collectively) must drain at the restricted rate of 10 l/s. Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

15. 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 in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

16. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

17. No dwelling hereby permitted must be occupied until the means of vehicular access and parking provisions to serve that dwelling has been constructed in accordance with the approved plan 'Car Parking Plan (Amended), Scale 1:500, Drawing No: MJG/PL-112-3, Revision: B, received by the Local Planning Authority on the 18th August 2022'. These access and parking arrangements must be retained as such at all times thereafter.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

18. All hard and soft landscape works must be carried out in accordance with the details illustrated on the approved document 'Landscape Plan, Scale 1:500, Drawing No: WW01, Revision: A, received by the Local Planning Authority on the 6th April 2022'. 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 enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

19. Prior to the first occupation of each dwelling hereby approved, the boundary treatment and landscaping on that occupied plot must be installed in accordance with the following approved plans:



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- Boundary Treatment Plan (Amended), Scale 1:500, Drawing No: MJG/PL-112-1, Revision: C, received by the Local Planning Authority on the 18th August 2022.
- Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing No: SD-100, Revision: B, received by the Local Planning Authority on the 8th December 2021.
- 1800mm High Close Boarded Timber Fence, Scale 1:20, Drawing No: SD-100, Revision: F, received by the Local Planning Authority on the 8th December 2021.

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

Reason

To protect residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

20. Prior to the occupation of the first dwelling hereby approved a scheme detailing the layout and design, including play equipment specifications, of the approved public open space must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented as per the approved details prior to the completion of the development hereby approved. The area must be maintained for use as a public open space in accordance with the approved details for the lifetime of the development.

Reason

To ensure the provision of sufficient provision of children's play space within the development for use by residents in accordance with the provisions of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

21. Prior to the completion of the development hereby approved, a footpath must be provided that links to the adjacent site also to be developed by the applicant as shown on the approved plan 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-112, Revision: G, received by the Local Planning Authority on the 18th August 2022'. Once completed the footway must be retained and accessible for its intended use in accordance with the approved details for the lifetime of the development.

Reason

To ensure that adequate provision is made for the provision and safeguarding of active travel connections in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Other Conditions:

22. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk Assessment & Outline Surface Water Drainage Strategy (Amended), Prepared by Site Infrastructure Services Limited May 2019, Ref: GHC-IM-W-FRA-REV B, received by the Local Planning Authority on the 16th November 2022', and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

23. The development must implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by Carr Ecology March 2021, received by the Local Planning Authority on the 8th November 2021'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

24. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'GEOEnvironmental Appraisal, prepared by Sirius March 2021, received by the Local Planning Authority on the 8th November 2021, received by the Local Planning Authority on the 16th March 2023'. All mitigation measures identified must be maintained as such at all times thereafter.

Reason

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

25. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document Tree

Mitigation Plan (Amended), Scale 1:500, Drawing No: TMP03, Revision: A, received by the Local Planning Authority on the 6th June 2022 The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To adequately protect the existing trees on site.

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

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

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

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

28. The existing boundary wall along the north east boundary of the site must be retained at all times in accordance with the details submitted in the approved document 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-112, Revision: G, received by the Local Planning Authority on the 18th August 2022'.

Reason

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

29. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.

Reason

To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

30. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Construction Management Plan, Prepared By Gleeson November 2021, received by the Local Planning Authority on the 8th November 2021'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

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

31. Construction site operating hours must only take place between the following hours:

- 08:00am to 18:00pm Monday to Friday; and
- 08:00am to 13:00 Saturdays

No construction works shall take place at any time on Sundays or Bank Holidays.

Reason

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

32. All HGV deliveries to the site must only take place between the following hours:

- 09:00am to 17:00pm Monday to Friday

There must be no HGV deliveries on Saturdays, Sundays or Bank Holidays.



Cumberland Council

Reason

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

Informative Notes:

1. 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.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

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

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns

Date : 13/05/2024

Authorising Officer: N.J. Hayhurst

Date : 13/05/2024

Dedicated responses to:- N/A