

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2494/0F1
2.	Proposed Development:	DETACHED DWELLING WITH DETACHED GARAGE
3.	Location:	LAND AT INKERMANN TERRACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location <p>This application relates to a parcel of land extending to 0.19 hectares which is situated adjacent to Inkerman Terrace on the main entrance into Whitehaven from the south east.</p> <p>The site slopes from north to south towards Foxhouses Road to the west.</p> <p>A sandstone wall forms the front boundary with Inkerman Terrace. A small gated entrance is contained within the wall which provides access from Inkerman Terrace. There are hedgerows surrounding the east, west and south boundaries, a stone wall to the north and mature trees also surrounding the site. The nearest residential property is "Rockwood" to the east. A number of large scale terraced properties line the northern edge of Inkerman Terrace</p>	

which overlook the site.

The site lies within the Whitehaven Corkickle Conservation Area.

Relevant Planning History

Outline application for one dwelling, refused in January 1995 (application reference 4/95/0489/0 relates);

Erection of dwelling and garage, withdrawn in August 2016 (application reference 4/16/2155/0F1 relates);

Relocation and improvement of existing field access, approved in March 2020 (application reference 4/20/2048/0F1 relates).

Proposal

This application seeks planning permission for the erection of a single detached dwelling.

The dwelling will be sited in the middle of the land with a frontage courtyard area to the front which will provide a parking and turning area. The courtyard will be served by the existing entrance off Inkerman Terrace.

The dwelling will be two storeys in height and of a modern design including a flat sedum roof construction. It has been designed to reflect the slope of the land and will have a stepped arrangement, with an overall height of 6 metres. This will result in a solid sandstone wall on the front elevation facing the courtyard with the dwelling set behind this structure. The rear elevation includes large areas of glazing which are designed to take advantage of the light and views.

The dwelling will include an open plan family/kitchen/dining room, utility room and WC on the lower ground floor level with 4 bedrooms, a dressing room, three bathrooms and a sitting room on the ground floor level.

The materials are proposed to be:

Main roof – proprietary sedum roof system

Upper terrace – warm deck flat roof with flagged finish

Lower terrace – flagged finish

Walls – white or off white K-Rend with scraped texture finish. Local stone walling to match boundary walls

Windows – powder coated aluminium in grey RAL7011

Doors – powder coated aluminium in grey RAL7011 with an oak front door



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Balustrading – proprietary stainless steel and glass system

Boundary treatments – all to be retained

Vehicle hardstanding – mix of tarmac and paviers.

Consultation Responses

Whitehaven Town Council

No objections.

Conservation and Design Officer

1st response

Conclusion: Request design revision and further information

Assessment:

This consultation considers both the likely impact in heritage terms of the proposal, and also the strength of the design in its own terms. This will hopefully be of assistance with respect to the guidance in chapters 12 and 16 of the NPPF.

The visual impact on the surroundings has not yet been fully explored, so I request more detail on this:

- From the listed buildings opposite, what will be visible of the site and its new building? It is likely that from the upper windows, an impact on settings will be apparent. It's unlikely that gaining access to these houses will be viable, but photographing the site using a camera on a pole from the north side of Inkerman Terrace, at the correct height to lie on the sight line, would likely be viable. A massing model of the proposal should be montaged onto such photos to demonstrate how it will appear.
- It would be useful to carry out this activity also with a couple of views from eye- or driver-height too, to give an impression of what impact can be expected in the conservation area.

It should be noted that the Conservation Area Character Appraisal (2017) states, "Inkerman Terrace is a gateway entrance to Whitehaven and the panoramic views coming down the hill towards the sea and Pow Beck Valley create a strong visual impression. This is enhanced by the lack of development on the western side of the road, which is largely the back gardens of houses on Foxhouses Road below and a field [the development site]." (P.21)

o See also Summary of Issues:

- ☐ "Any potential development on the western side of Inkerman Terrace could adversely impact the Conservation Area unless carefully designed" (P.26);

	<p>□ “Need to ensure that long distance vistas into and out of the Conservation Area are maintained.” (P.26)</p> <ul style="list-style-type: none"> • It seems likely that the proposal may entail less-than-substantial harm to the character and appearance of the conservation area on account of removing part of the characterful and attractive roadside wall and eroding the green character of Inkerman Terrace’s last remaining undeveloped plot. However, I acknowledge that this is partially within the purview of the previously consented access scheme, and also that the development, if well executed, has the potential to bring improvement that offsets this disadvantage, so I would not view it as jeopardising the principle of the development. • There is some interest being created by the split volume arrangement, however there are problems with the design at present: • The two main volumes do not relate well to one another. The central mass, which is taking up the role of a negative space between two solid masses either side, undermines them by being virtually as tall as the lower volume and projecting further than the gable ends on each side. This undermines the logic of the massing. • The front façade is peculiarly out of keeping with the remainder of the project. This again introduces some incoherence. If there is a clear idea underpinning the design of the frontage, how can this be applied to the rest of the building in a way that makes it feel all one building? Of course, this is not to say that the whole building needs to have a carefully replicated Victorian Gothic style (which appears to be where inspiration has been drawn in the frontage – see below), but what elements (materials, proportion, fenestration, detailing etc.) might be used to make the scheme feel cohesive and the product of a unified creative vision? • The design of the frontage appears to be intended to evoke the Victorian gothic style, although it would be a mistake to assume that the way to design for conservation areas is to apply some indeterminate traditional elements to an otherwise uninventive façade. This proposal certainly couldn’t be called Gothic Revival, and it would be surprising if it were. It’s not clear what the overarching aim or idea has been from a design perspective. Certain aspects, such as the application of tall, narrow gothic proportions to a low, wide frontage, and the crudeness of the fascia boards, let the proposal down. The use of a round-headed front door arch as opposed to an ogive is anachronistic, but that doesn’t particularly seem to matter in this case. • The detached garage has not been well integrated into the scheme, and it is likely to be exposed in its proposed location. Does the topography provide an opportunity to site the garage lower down, on the north corner of the plot for instance, where it could be concealed below the roadside wall? • From its rear elevation, this garage appears precipitous, and is not well embedded in
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the site. The rear elevation is unrelieved and unarticulated.

- Similarly, from the rear elevation the main house lacks inventiveness or innovation, and appears more than passingly reminiscent of post-war housing without chimneys.
- The east and west elevations are not successful. As mentioned, the higher and lower volumes relate poorly to one another, and to the central volume. They also do not successfully establish the house as a multi-level design sitting comfortably in its landscape. They do not set up hierarchies well in massing or horizontal/vertical emphasis (not helped by the fenestration, particularly on the east side), and come across as confused. This is not helped by the disjointedness of the front façade with the rest of the scheme.
- It is not clear from the drawings how the sun path has influenced the design, or how the site has influenced the design other in the general sense of being sloped.

Summary

- The design is suffering from a number of fundamental problems with its external appearance currently.
 - o It appears incoherent, particularly from the sides and back, without clear hierarchies or strategies for massing, sense of movement, fenestration etc.
 - o The front appears to belong to a different building from the rest.
 - o Although generally more successful, the front elevation is still let down by some poor detailing and what reads as a lack of clear vision.
 - o The garage has not been well integrated into the site and is likely to be visually obtrusive, and particularly unattractive from the sides and back.
 - o It is not clear how the design makes best use of the site and its solar characteristics.
- The application is light on detail of how the proposal will affect the settings of the nearby listed buildings, or how it will appear from the public areas of the conservation area. The view across the site to the harbour is important, but not identified or explored in the application. Further to this, it is not clear how consideration of the surroundings have influenced the design, other than the principle of keeping the frontage low (this seems like a reasonable and achievable principle, but requires specificity.)
- There should be a heritage statement with the application as it impacts on designated heritage assets. The D&A statement already contains a section on the Conservation Area (although this does not examine impact on the CA in a way that could inform revisions to the design), so this should be expanded, and used to comment on what the likely impact will be for the listed buildings too.

- The design section of the D&A statement should be made more robust, and used as a way of guiding the redesign process. The new National Design Guide would be a useful template for structuring this; it contains ten characteristics of good design, and is therefore helpful in demonstrating that the requirement of NPPF 134 (“Development that is not well designed should be refused”) has been met. It is likely that not all of the ten characteristics will be equally applicable to this proposal (e.g. “Movement” and “Public Spaces” are likely to be less relevant).
- This design is starting to express some ideas, but currently appears to be fighting its surroundings rather than working with them. This needs quite a bit more finessing.

2nd response

Conclusion: Request design revision and further information

Assessment:

This consultation response follows one given last year in December in which I raised concerns about both the design and the documentation used to support it. I would draw attention to the main summary points below, but also view the rest of the advice as still applicable:

- ☐ The design is suffering from a number of fundamental problems with its external appearance currently.
 - It appears incoherent, particularly from the sides and back, without clear hierarchies or strategies for massing, sense of movement, fenestration etc.
 - The front appears to belong to a different building from the rest.
 - Although generally more successful, the front elevation is still let down by some poor detailing and what reads as a lack of clear vision.
 - The garage has not been well integrated into the site and is likely to be visually obtrusive, and particularly unattractive from the sides and back.
 - It is not clear how the design makes best use of the site and its solar characteristics.
- ☐ The application is light on detail of how the proposal will affect the settings of the nearby listed buildings, or how it will appear from the public areas of the conservation area.
- ☐ There should be a heritage statement with the application as it impacts on designated heritage assets.

Since then, new information has been received. This has clarified that the floors are single level rather than split level. It's also stated that the view from within the conservation area experience no detriment, although this isn't supported with a visualisation or drawing. There's



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also no work to address the other concerns relating to the general shape, massing and appearance of the building.

As it stands, my original concerns essentially remain the same. There's insufficient evidence that the settings of nearby listed buildings, non-designated heritage assets, or the character and appearance of the conservation area have been taken into consideration or influenced the proposal. There is also little evidence of a robust, in-depth and responsive design process underpinning it.

Unfortunately, I'm not currently able to support this, and take the view that the site should be developed in a responsive way following thorough analysis.

3rd response

Conclusion: No objection

Assessment:

- ☐ Following a complete redesign, this project has become a flat-roofed, two-storey dwelling sunk down into the hillside.
- ☐ It appears a great deal more successful than the earlier iterations, which attempted an uneasy alliance of reference to surrounding historic terraced and semi-detached buildings on Inkerman Terrace and a more neutral standard modern home. This was not successful, and was not helped by the addition of a detached garage, or the topography of the site, with which the design clashed rather than flowing.
- ☐ The new design by contrast sits low, presenting a stone faced single-storey wall towards the road. This will give a subtle appearance to passing cars and pedestrians, allowing retention of the views across Whitehaven and retaining something of the pastoral appearance of the site, which is highly unusual within the town in being a field.
- ☐ The dwelling is orientated so its volumes follow the gradient, and will take advantage of views and sunlight with the south-east, south-west and north-west aspects.
- ☐ In being sedum-covered, the main volume will avoid appearing as a large expanse of flat roof from the upper windows of the houses on Inkerman Terrace, and so will avoid any more than a low level of less-than-substantial harm to their settings. Similarly, the paved rather than tarmacked drive surface and natural stone finish to the wall will also mitigate harm.
- ☐ The house is accessed initially via a flight of stairs down from the driveway, curled into the wall, which leads in turn to an internal courtyard. This should provide a dramatic and exciting sense of arrival. Internally, bedrooms and bathrooms, along with an enclosed sitting room, are located on the upper floor, with the lower floor, better connected to the garden, featuring open plan family living.
- ☐ Externally, the aluminium framing, rendered walls and glazed balustrading appear

appropriate for a house of this style. I would expect them to have little impact on the settings of any nearby heritage assets, or on the character and appearance of the conservation area, as there will be little visibility due to the enclosed nature of the site and presence of garden areas.

- ☐ In summary, I think this is a big improvement both in terms of heritage impact and design aspiration.

Highways and LLLFA

1st response

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.

The response made to the previous application 4/16/2155 still applies for this application, therefore I can confirm the Highway Authority recommend refusal.

This site will create a driveway onto a major arterial route to the town centre with this road being a heavily trafficked route with congestion occurring in front of this site every day.

Approval of this application will only lead to further requests for accesses along this frontage of the road which have until now been resisted, such a situation will result in further congestion on this very busy road as it will be difficult to resist these requests in the future.

For the above reasons I would recommend that this application is refused.

2nd response

I found the email slightly misleading. It seems to state that the access has permission suitable for allowing intensification of use (from agricultural access to that of a dwelling)

We have however stated in our response to the previous - "The applicant has stipulated in their application that this proposal is solely for improvements to be made to an existing access that will not result in an intensification of use."

As stated on the application for the aforementioned application the D&A statement clearly stated - "The sole purpose of the application is to improve an existing field access".

As you might be aware the average daily flow in Inkerman terrace is approximately 14000 vehicles per day and the 86thile speeds is circa 30mph (2020 surveys).

Matters in traffic terms has therefore not changed since our previous refusal and as no additional information has been provided showing that the intensification at this access will not lead to development contrary to the NPPF safety and Capacity stipulations, we have no alternative but retain our previous views.

3rd response

I don't dispute that the necessary visibility splay can be achieved at the proposed / existing field access – that is not the principle reason for our objection. I maintain the LHA view stated in previous responses from James Moultrie and Pieter that granting permission for new residential accesses onto Inkerman Terrace will set a precedence and lead to many similar driveway applications which in our view will ultimately cause a severe cumulative impact on the road network

As Pieter has pointed out, I do not consider that anything has changed since our previous refusals so we have no alternative but retain our previous views.

4th response

Highway Response:

We have reassessed this application and taken into account the following mitigation criteria that was not properly reflected in the previous response:

- the access is an existing access with planning permission for an upgraded agricultural access;
- the existing access will have extant permission / permitted use and although this is a change of use / new dwelling,, the intensification of use of the access from a single dwelling will not be significant in terms of traffic impact;
- the proposal has been assessed on its own merits, in isolation as required by the NPPF and thus the impact on highway operation and road safety cannot be described as severe.

The LHA has to ensure that the appropriate standards have been met and I note that:

The applicant has included in their application, visibility splays that show clear site lines are achievable over the required distance of a minimum of 2m x 43m. They have noted that they will be looking to relocate the telegraph pole to the west of the access in order to widen it. BT should therefore be consulted on this and their attention should also be brought to the BT box that is also adjacent to the access, we would recommend that this is strengthened. It should be noted that these changes will be at the expense of the applicant.

With the above in mind I can confirm that the Highway Authority have no objections to the upgrading of this existing access subject to the following conditions being included with any permission you might grant:

The existing highway wall boundary shall be removed or reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway to secure the required visibility splay of 2m x 43m in accordance with details submitted to the

Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter.

Reason:

In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason:

In the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management.

To support Local Transport Plan Policies: LD7, LD8

Access gates, if provided, shall be hung to open inwards only away from the highway and set back 5m from the carriageway edge to prevent waiting cars blocking the highway.



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Reason:

In the interests of highway safety.

Advisory Statement

The access currently does not have a dropped kerb in place with is required for this to be considered an official access. The applicant will need to obtain a Street Works License from streetworks.central@cumbria.gov.uk before they can carry out any works.

5th response

I note a revised site layout and redesign of the dwelling, but crucially the access, parking and turning arrangements are not materially different. It is still possible to park 3 or 4 cars with suitable turning area so that cars can enter and exit in a forward gear. I can therefore confirm that the response made 14 June 2022 should still apply.

Flood and Coastal Defence Engineer

The Application state that surface water is to be disposed of by means of a soakaway. It isn't clear from the Preliminary Environmental Assessment as to whether infiltration would be feasible, but given the sloped nature of the land disposal of surface water by means of a soakaway could lead to downslope re-emergence of groundwater. There are no charted watercourse in the immediate vicinity of the site, although there are a number of culverts not too far away. These have not been fully mapped or investigated and realistically are unlikely to be suitable. It possible, however, that one of these may pass through or close to the site.

As long as there is a suitable means to dispose of surface water and the development does not increase off site flood risk, there is no reason from a flood risk perspective, why it can't proceed.

United Utilities

Drainage – OBJECTION AND REQUEST FOR FURTHER INFORMATION PRIOR TO DETERMINATION

Site levels would suggest that the dwelling will be built below the existing road level and may introduce a low spot on the network if a direct gravity connection is made to the public sewer which will result in flooding.

We must therefore object to the proposal until a drainage strategy has been developed and finished floor levels set. We ask that the drainage strategy is submitted to the Local Planning Authority for our review and comment.

2nd response

OBJECTION AND REQUEST FOR FURTHER INFORMATION PRIOR TO DETERMINATION

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

The site levels plan suggests the dwelling will be built below the existing road level and may introduce a low spot on the network if a direct gravity connection is made to the public sewer which will result in flooding. We must therefore object to the proposal until a drainage strategy has been developed and finished floor levels set. We request the drainage strategy is submitted to the Local Planning Authority for our review and comment.

Should planning permission be granted without the provision of this information, which we do not recommend, we request the following condition is attached to any subsequent Decision Notice:

REQUESTED CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- i An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- ii A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- iii Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- iv Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- v Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:

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



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flooding and pollution.

Environmental Health

1st response

No objections.

2nd response

Further to the above planning application.

In principle, there are no objections from Environmental Health to this development though several matters are to be considered.

The land in question, although not marked on Council records as being potentially contaminated, has been the subject of a preliminary environmental risk assessment due to its proximity to known coal seams and to confirm that made ground has not been deposited on the land after historical nearby developments.

This has concluded that further phase 2 groundworks investigation is necessary to “fully characterise the ground / groundwater conditions and ground gas regime below the site”.

If the development were to be approved, Environmental Health are mindful of potential artificial light pollution, and potential noise / dust issues during the construction phase.

As an informative, the site is located within the Whitehaven Smoke Control Area and any heating appliances and fuel should comply to DEFRA's controls - <https://uk-air.defra.gov.uk/sca/>

As such, the following conditions are requested:

- Land affected by contamination – site characterisation

No development shall take place until a phase 2 investigation and risk assessment has been completed in accordance with the recommendations of the Preliminary Environmental Risk Assessment submitted with the application. This must be carried out by a competent person and a written report of the findings should be produced and submitted to the Local Planning Authority for approval in writing.

The report of the findings must also include an appraisal of remedial options and proposal of the preferred option/s.

Reason: To ensure that risks from land contamination, ground gas and unstable ground conditions are understood prior to works on site, both to the future users of the land and neighbouring land, 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.

- Artificial Lighting (External)

Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason: To safeguard the amenities of nearby residential occupiers.

- Noise / Dust from Construction Works

Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Measures for the mitigation of dust and other airborne pollutants should also be taken at all times during the construction phase.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Arboriculturist

1st response

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development scheme. A row of mature, multi stemmed Sycamore trees, possibly an old grown-out hedgerow, runs along the south-western boundary at the bottom of the site. A further three trees (ash and Sycamore) are growing along the north-western site boundary, close to Inkerman Terrace. These trees are shown on the proposed site layout plans. A tree report has not been submitted with the planning application.

RECOMMENDATION

We recommend requesting the applicant submits a tree report in accordance with British Standard BS 5837 (2012) to identify the impacts of the proposed development on the surrounding trees. The report should also address how the retained trees will be protected during the construction phase of the development.

2nd response

DISCUSSION

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Public Representation

This application has been advertised by way of neighbour notification letters issued to 14 properties.

Two letters of objection were received during the first consultation raising the following concerns:

- It would be too close to the neighbouring property;
- Noise will cause issues for disabilities and health problems;
- Overlooking concerns;

Three letters of objection were received during the second consultation raising the following concerns:

- The topography of the site may have an affect on the gardens on Foxhouses Road;
- The view from the gardens would be blocked by the dwelling;
- Overlooking concerns;
- Water run off to properties below the site;
- Potential damage to surrounding properties from construction works;
- Concerns that the parking and access is safe;

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 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)

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 T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

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 Proposal and Flood Risk

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees



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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 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.

The policies relevant to this proposal are:

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

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery
Strategic Policy H4PU: Distribution of Housing
Strategic Policy H5PU: Housing Allocations
Policy H6PU: New Housing Development
Policy H7PU: Housing Density and Mix Strategic
Policy H8PU: Affordable Housing
Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N2PU: Local Nature Recovery Networks
Strategic Policy N3PU: Biodiversity Net Gain
Strategic Policy N6PU: Landscape Protection
Strategic Policy BE1PU: Heritage Assets
Policy BE2PU: Designated Heritage Assets
Policy BE3PU: Archaeology
Policy BE4PU: Non- Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (2023)
National Design Guide (NDG).
Cumbria Development Design Guide (CDG)
Strategic Housing Market Assessment 2023 (SHMA)
Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)
Copeland Borough-Wide Housing Needs Survey (2020)
Planning (Listed Building and Conservation Areas) Act 1990
Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

Principle of Development

Policy ST2 of the CS identifies Whitehaven as the Principal Service Centre.
Policy ST2 of the CS states that the majority of development should be focussed to Whitehaven as it has the widest range of services and employment opportunities within the



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Policy DS3PU of the ELP continues to identify Whitehaven as the Principal Town.

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.

Policy H4PU of the ELP outlines that 40% of new housing development will be located within Whitehaven.

The Application Site is located within the defined settlement boundary of Whitehaven as identified in the CS and the ELP.

The principle for developing this site for residential purposes is therefore acceptable.

Housing Need

Whitehaven falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SHMA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The proposed development will reasonably deliver a detached four bedroom detached dwelling so will assist in providing a greater balance of market housing stock within Whitehaven accordance with the provisions of Policy SS3 of CS and Paragraph 61 of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

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

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

The application site lies in central Whitehaven in an elevated position. The site is likely to be viewed from both Inkerman Terrace and Foxhouses Road due to it's varying topography.

There are a mixture of detached and semi-detached properties surrounding the site and the

additional dwelling is likely to be seen in context with the surrounding area. The proposed development of a single detached dwelling would reflect the existing character of the area.

The proposed dwelling is to be located within the existing settlement boundary providing an infill plot. The development would therefore not be considered to result in an intrusion into the open countryside and would be viewed against the backdrop of the existing surrounding properties. The site also significantly slopes away from the highway, which results in the proposed dwelling being sited at a lower level than the highway lessening its impact. The retention of the boundary treatments on the site will also help to mitigate its visual impact.

The Council's consultant arboriculturist has reviewed this proposal and has requested that an impact assessment of the mature trees on site be undertaken. The dwelling will be sited at least 9m from the closest tree trunk, therefore unlikely to have an effect, however, it is considered prudent to include a suitably worded planning condition to ensure the submission of a tree report to detail how the trees will be protected during the construction phase of the development.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan and provision of the NPPF.

Scale, Design and Impact of Development

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space. This sentiment is echoed within Policies DS6PU and HS6PU of the emerging Local Plan.

As part of this application process extensive discussions have been undertaken with the agent with regard to the overall design of the proposed dwelling. Several iterations of plans have been received and reviewed by the Council's Conservation and Design Officer, resulting in a modern split level dwelling which is considered to flow with the gradient, taking advantage of the natural sunlight and available views.

Based on these amendments, it is considered that the proposed development is of a suitable scale and design which is considered to contrast but compliment the character of the surrounding area. The existing hedgerow and stone 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 also be secured by an appropriately worded planning condition. A condition is also proposed to secure full details of the proposed materials for this development. Although the application makes reference to the use of modern materials, specific details have not been provided.

Whilst concerns have been raised from residents on Foxhouses Road with regards to overlooking concerns, it is considered that the separation distances are acceptable and the



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revised design shows a dwelling that is single storey to the front and does not contain any window openings. Furthermore, the established boundary treatments will ensure privacy for all occupants and the proposal is unlikely to have a negative effect on any residents.

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.

Impact on Conservation Area & surrounding Heritage Assets

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the CS and DS6PU of the ELP requires good design.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need “in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest” (Section 16.2). This requirement also applies to the granting of planning permission affecting a listing building or its setting (Section 66.1).

Section 72 of the 1990 Act states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

Paragraph 192 of the National Planning Policy Framework (NPPF) states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 193 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 196).

Paragraph 197 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Initially, the Conservation Officer raised concerns with the application in relation to the overall design of the proposed dwelling. These concerns centred around the connection between the proposed building and the surrounding traditional dwellings, some of which are listed. The Officer stated that there was an uneasy alliance of reference to surrounding historic terraced and semi-detached building on Inkerman Terrace and a more neutral standard modern home which was not successful. He also considered that there was a clash of design. Following these concerns, extensive discussions have been undertaken with the agent and the

resubmitted plans allowed for a low sitting subtle dwelling that retains some of the pastoral appearance of the site.

The amended scheme for this site is now considered to be acceptable when viewed within the surrounding area, therefore the impact of the proposed on the setting of the Conservation Area and surrounding listed buildings would be neutral.

On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan, Policies BE1PU and BE2PU of the Emerging Local Plan and the NPPF.

Access, Parking 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 CS and CO7PU of the ELP 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.

The development will be accessed from a single point onto Inkerman Terrace. The access is existing and has historically been utilised for agricultural purposes.

The Highways Authority initially resisted the use of the access stating that the development would lead to a more intensive use of the existing access point and add to the high volumes of traffic that use Inkerman Terrace. The access was subject to a previous approval for its upgrade and the Highways Authority conceded that a single dwelling was unlikely to significantly change the existing situation. A number of conditions were suggested and should be imposed for highway safety reasons.

On this basis the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Policy CO7PU of the Emerging Local Plan and the NPPF.

Landscaping

No details landscaping have been provided to support the application. It is therefore considered to be reasonable to impose a condition to any approval to ensure the information is received prior to the occupation of the dwelling. This condition can be worded to include details of the protection measures for the existing trees on the site that are to be retained as part of the development to reflect the Arboricultural Officers recommendations.

Drainage and Flood Risk

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

The application site is located within Flood Zone 1, however the Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon



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this application.

The application includes very limited details on drainage, only indicating that surface water will be drained to a soakaway. United Utilities raised an objection due to a lack of information. This objection can be overcome with the imposition of a planning condition to approve the details prior to the commencement of the development. This has been agreed with the Applicant's Agent.

On this basis, the imposition of these conditions will secure proper drainage within the site, will manage the risk of flooding, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan, Policy DS8PU of the Emerging Local Plan and the provisions of the NPPF.

Ground Conditions

The site is located within the Coal development standing advice area and does not include any areas that are flagged as potentially contaminated. The application was, however, submitted with a Phase 1 desk top preliminary environmental risk assessment.

The report concluded the following:

The development site is currently considered to represent a low to moderate geotechnical risk. The site is currently considered to pose a negligible to very low risk to the proposed end users from ground contamination. The site is currently considered to pose a negligible risk to adjacent sites (the surrounding environment) and controlled waters with respect to potential ground/groundwater contamination. The site is currently considered to pose a negligible risk to the proposed end users from ground gas.

However, monitoring will be required if evidence of mine workings is identified. It would be prudent to complete a programme of Ground Investigation works to fully characterise the ground/groundwater conditions and ground gas regime below the site. The resulting information should be suitable for submission to the Local Authority for planning purposes and for the appointed design team.

In summary, the site works should include, but not limited to: Mini percussion boreholes and/or trial pits to determine the nature and in-situ strength of the underlying ground conditions across the development site. Rotary drilling to investigate the potential for shallow coal seams within 30m of the surface. Given the proximity to nearby housing, the drilling should be completed using water flush. Soil logging by a suitably qualified and experienced Geo-Environmental Engineer. In-situ testing to aid foundation design. Laboratory based geotechnical testing. Laboratory chemical screening of soil samples. It is recommended that a coal mining investigation is completed on the site to determine the risk to the proposed development from possible shallow unrecorded coal mine workings. The investigation should comprise at least one rotary borehole to prove the depth and thickness of the HFF seam or to c.30m bgl whichever is encountered first. If the borehole indicates insufficient rock cover overlying the seam, additional boreholes are recommended to check for evidence of

	<p>workings. Laboratory screening of soil samples will be required to determine the risk to potential receptors, namely proposed residents (human health). GEO recommends that a “watching brief” and “observational technique” be applied to this site to ensure that if ground conditions appear to vary from those inferred within this investigation report then advice should be sought from a suitably qualified and experienced Geo-Environmental Engineer. In the event that made ground is identified during works on site then sampling of those materials should be completed by an appropriate Geo-Environmental Engineer to facilitate contamination screening in-conjunction with a Human Health Risk Assessment.</p> <p>Environmental Health recommended that a Phase 2 investigation and risk assessment be undertaken prior to the commencement of the development. This can be secured by a planning condition.</p> <p><u>Planning Balance and Conclusions</u></p> <p>The application site is located within the defined settlement boundary for Whitehaven which is identified as the Borough’s Principal Town where new housing is supported, on this basis, the principle of development is supported. This is considered to carry significant weight within the planning balance.</p> <p>Extensive discussions have been undertaken with the agent for this application in order to secure a design for this proposal which is specific to the site and appropriate for its setting within the Conservation Area.</p> <p>Details relating to trees, materials, drainage and highway safety can be secured through suitably worded planning conditions to ensure that there is no impact on the surrounding residents and road users.</p> <p>On balance, the benefits of the proposal are considered to outweigh any adverse impacts. The proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>

by the Planning and Compulsory Purchase Act 2004.

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

Application form, received 10th November 2021;

Site Location Plan, scale 1:2500, drawing number 20/01/962-01, received 10th November 2021;

Proposed Site Plan, scale 1:200, drawing number 20/01/962-03b), received 6th May 2024;

Proposed Elevations Sheet 1, scale 1:100, drawing number 20/01/962-05b), received 6th May 2024;

Proposed Elevations Sheet 2, scale 1:100, drawing number 20/01/962-06b), received 6th May 2024;

Proposed Floor Plans and Cross Section, scale 1:100, drawing number 20/01/962-04b), received 6th May 2024;

External Material Schedule, received 6th May 2024;

Preliminary Environmental Risk Assessment, written by GEO Environmental Engineering, received 10th November 2024;

Design, Access and Heritage Statement, received 6th May 2024;

Access Arrangements, scale 1:1000, drawing number C001, received 21st April 2022;

Site Section, scale 1:200, drawing number 20/01/962-07b), received 6th May 2024.

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, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- I. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- II. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- III. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- IV. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- V. Foul and surface water shall drain on separate systems.

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

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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

4. The development hereby approved must not commence until an Arboricultural Method Statement, in accordance with the British Standard – BS5837 (2012) *Trees in relation to design, demolition and construction – Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include details of suitable tree protection barriers, a scaled and dimensioned tree protection plan showing the locations of the protective barriers, and a detailed schedule of the tree work.

The development must be carried out in accordance with the approved method statement at all times thereafter, and any approved tree protection measures/barriers

must be erected prior to any construction works on the site and must be maintained for the duration of the construction operations.

Reason

To adequately protect the existing trees on site in accordance with Policy DM28 of the Copeland Local Plan.

5. Prior to the commencement of the development, the existing highway wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway to secure the required visibility splay of 2m x 43m in accordance with details submitted to the Local Planning Authority and which have subsequently been approved and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

7. The development hereby approved must not commence until a full landscape plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan must include the locations, a detailed planting specification, and a

planting method statement for the proposed landscaping at this site. The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

Reason

To enhance the appearance of the development in the interests of visual amenities and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

8. No development shall take place until a phase 2 investigation and risk assessment has been completed in accordance with the recommendations of the Preliminary Environmental Risk Assessment submitted with the application. This must be carried out by a competent person and a written report of the findings should be produced and submitted to the Local Planning Authority for approval in writing.

The report of the findings must also include an appraisal of remedial options and proposal of the preferred option/s.

Reason

To ensure that risks from land contamination, ground gas and unstable ground conditions are understood prior to works on site, both to the future users of the land and neighbouring land, 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 Policy ST1 of the Copeland Local Plan.

Prior to Erection of External Walling Condition

9. 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 and in accordance with Policy DM10 of the Copeland Local Plan.

Prior use Condition

10. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

Other Conditions

11. Access gates, if provided, shall be hung to open inwards only away from the highway and set back 5m from the carriageway edge to prevent waiting cars blocking the highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

12. With the exception of the stretch of frontage wall to be lowered to provide the visibility splays, all boundaries including hedges, mature trees and stone walls must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance and amenity for neighbouring properties in accordance with Policy DM10 of the Copeland Local Plan.

13. Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To safeguard the amenities of nearby residential occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

14. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

Monday to Friday 08.00 – 18.00 and,
Saturday 08.00 – 13.00 and,
at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Measures for the mitigation of dust and other airborne pollutants should also be taken at all times during the construction phase.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy ST1 of the Copeland Local Plan.



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Informative Notes

1. 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

<http://www.gov.uk/government/organisations/the-coal-authority>

2. The access currently does not have a dropped kerb in place with is required for this to be considered an official access. The applicant will need to obtain a Street Works License from streetworks.central@cumbria.gov.uk before they can carry out any works.
3. The site is located within the Whitehaven Smoke Control Area and any heating appliances and fuel should comply to DEFRA's controls - <https://uk-air.defra.gov.uk/sca/>

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: Sarah Papaleo

Date : 21/06/2024

Authorising Officer: N.J. Hayhurst

Date : 26/06/2024

Dedicated responses to:-