

Application Reference Number:	4/22/2051/0F1
Application Type:	Full Planning Application
Application Address:	Whitehaven Golf Club, Red Lonning, Whitehaven, Cumbria.
Proposal:	1. Phased alterations to existing 18 hole golf course over a period of 15 years, including alterations to ground levels though importation of inert material and soils, the creation of additional planting areas, the replacement of existing planting areas and alterations to drainage; and, 2. The alteration of the existing site access and adjacent layby.
Applicant:	Western Lakes Ltd
Agent:	MJN Associates
Valid Date:	26 th January 2022
Case Officer:	Chris Harrison

Cumberland Area and Copeland Region

Parish: Moresby

Relevant Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013).

Reason for Determination by the Planning Committee

The Application Site exceeds 2 hectares in area and so falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation.

Recommendation:

Approve Full Planning Permission subject to the planning conditions outlined in Appendix 1 of the report.

1.0 Site and Location

The Application Site comprises Whitehaven Golf Club, Red Lonning, Whitehaven, Cumbria.

The Course is located to the east of Whitehaven and to the south of Moresby Parks.

The Course is bounded by Red Lonning to the west and south; Moresby Parks Road to the east; and, Round Close Park and agricultural land to the north.

The Course extends to an area of approximately 77ha.

The Application Site is located within Flood Zone 1.

The site is not within a landscape designation.

2.0 Site History

The main of the Golf Course comprises the site of a former opencast coal mining operation.

Following completion of the extraction operations, remediation and restoration of the extraction site to a golf course was approved.

The development of the Golf Course was completed in the early 1990's.

Formal handover of the course to Copeland Borough Council was proposed in 1995; however, the course was not accepted as complete or playable and following litigation.

Once Copeland Borough Council took possession of the course, it was operated under tenancy agreements.

The freehold of the Golf Club was subsequently purchased from Copeland Borough Council by Western Lakes Ltd.

In 2003, the Golf Club comprised an 18-hole course along with a clubhouse developed from a temporary portacabin.

Since 2003, Western Lakes Ltd have completed the following developments:

- Constructed a 12 bay golf driving range with Professional Shop and teaching facilities.
- Constructed two greenkeepers' sheds to store and maintain the updated equipment used in the management of the course.
- Completed improvements to the course including: additional planting, additional drainage, the creation of a new 2nd hole, upgrading of the bunkers,

the addition of several features around the course including toilets halfway round.

- Constructed a new clubhouse with a capacity for up to 300 guests.

Planning permission has been approved for the development of visitor accommodation and an additional academy course; however, these developments are yet to be fully implemented.

The course currently benefits from over 350 full members including junior and over 50's branches.

3.0 Background To Development

The Applicant has provided the background to this Full Planning Application, which provides important context.

The Golf Course has had and continues to have issues with playability which continue to impact viability i.e. membership numbers and the number of visiting players.

The underlying fill material used in the remediation and restoration of the extraction site to a golf course, included considerable clay soil due to the geology of the local area, with only limited topsoil cover returned.

As a consequence of the restoration, fill materials and methods used, a large area of the course including the fairways are poorly draining. This means that following periods of heavy rainfall, particularly during October to March, large areas of the course are unplayable due to ponding and the plugging of balls.

In addition, much of the woodland on the course was planted using a "ridge and furrow" method. The characteristics of this planting makes these areas impenetrable for players who stray from the fairways and are difficult to access for maintenance purposes. These areas also suffer from impeded drainage due to the planting methods used and so much of the planting has been the subject of stunted growth with a tangled understory.

Remedial works using imported material works have taken place and are continuing within some areas of the golf course that seek to rectify a number of the constraints with some success. It is on this basis that the current Full Planning Application has been prepared.

The proposed scheme is intended to deliver a comprehensive scheme of remedial works to resolve the known drainage and planting issues and deliver tangible improvements to the interest/complexity/playability of the course to secure its future.

4.0 Proposal

This application seeks Full Planning Permission for the following:

- The importation of c.225,000 cubic metres of clean subsoils and permeable material to the existing fairways/features and the creation of new features within the course to improve the drainage characteristics of the course and improve course interest/complexity/playability. The depth of fill is proposed to vary from between c.0.5m to c.3m.
- The installation/creation of new land drainage infrastructure within the course to improve drainage of the playing surfaces and the installation/creation of new and improved land drainage infrastructure to the course boundaries to improve the existing drainage system and prevent localized flooding etc..
- The planting of a comprehensive scheme of new and replacement specimen trees and woodland.
- The creation of improved formal access to the course via the existing two-way layby located to the east of Red Lonning. This will replace the existing temporary access that is currently in use from Red Lonning. The works include the creation of defined parking bays and a formal 2m footway within the layby.

The importation of material would be c.14,000 cubic metres per annum.

Permeable material will be sourced from the G&AM Lawson recycling facility at the Energy Coast Business Park, Haile which has a licensed throughput of 75,000 cubic metres per annum.

It is proposed to phase the works over a period of approximately 15 years.

A detailed phasing plan has been prepared that details the proposed phases and demonstrates how the scheme can be delivered with minimum disruption to the continued operation of the course. This will be achieved by either taking a single hole out of use for duration of certain works and introduction of an additional par three hole or the splitting of a par five hole into two par three/four holes. The driving range, pro-shop and clubhouse would remain open at all times.

Following the creation of the improved formal access, the existing temporary access is to be closed and the land reinstated to verge and grassland.

The drainage works to the course boundaries are part retrospective as the Applicant has completed part of these works to resolve the known localised flooding issues to Moresby Parks Road.

5.0 Consultation Responses

Whitehaven Town Council

No comments.

Moresby Parish Council

No formal comments received.

National Highways

No objections.

Cumberland Council – Highways

Initially raised objections to the proposed access arrangements raising concerns regarding the visibility splays, access routes and pedestrian crossing; however, following the provision of additional information/evidence and revisions to the design of the proposed access have confirmed no objections to the development subject to agreement the detailed design under a Section 278 Agreement and the imposition of planning conditions in relation to the provision gates; the closure of the existing access; the submission and approval of detailed design specification; and, the submission/approval of a Construction Traffic Management Plan.

Cumberland Council – LLFA

Initially raised objections to the development due to the lack of drainage information and concerns that the development would result in additional surface water flows causing increased localised flood risk. Specific concerns were raised in relation to the lack of information regarding additional flows and how these will impact other watercourses off site, what was being proposed to address overland flows and the requirement to investigate existing outfall locations.

Following the provision of additional information/evidence and revisions to the design of the proposed drainage scheme to serve the playing surfaces and the addition/improvement of new and improved land drainage infrastructure to the course boundaries have confirmed no objections subject to the imposition of planning conditions.

Cumberland Council - Countryside Access

FP 431023 crosses through the Application Site and FP 431021 is located along the northern boundary of the Application Site.

The development will affect the visual amenity of people using the public rights of way network; however, the impact of this has been fully assessed in the Landscape

and Visual Assessment and mitigation is proposed to address and soften any significant impacts.

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

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

If the application is approved the applicant should be advised that:

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

Cumberland Council – Environmental Heath

No objections subject to the imposition of planning conditions to control the hours of work and to secure measures to control dust and air borne pollution.

United Utilities

No objections.

Initially raised objections due to the presence of United Utilities assets within the Application Site and the potential for impact; however, following the provision of additional information, confirmed no objections subject to the imposition of a planning condition to secure a detailed scheme for the protection of the United Utilities assets.

There are no proposals to interact with the public sewer network and therefore have no comment to make with regards to drainage.

Cumberland Council – Flood and Coastal Defence Engineer

Initially raised objections to the development due to the lack of drainage information and concerns that the development would result in additional surface water flows causing increased localised flood risk.

Following the provision of additional information/evidence and revisions to the design of the proposed drainage scheme to serve the playing surfaces and the addition/improvement of new and improved land drainage infrastructure to the course boundaries have confirmed no objections subject to the imposition of planning conditions.

The Coal Authority

No objections.

The Application Site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the application site lies in an area of; recorded shallow coal mine workings, thick coal seams infer to outcrop within the site and surrounding area that may have been historically worked at shallow depths, and the site is within the boundary of a site from which coal has been removed by surface mining (opencast) methods. Within or within 20m of the Application Site boundary there are 16 recorded mine entries (shafts and adits).

Only two recorded mine entries are present within the areas where ground improvement works are proposed.

Based on the existing use of the Application Site and nature of the proposed development, together with the information that held for the two mine entries, as it would appear that no changes are being made to the ground levels within the vicinity of ME 299518-003 (concrete marker plinth to remains visible on the Proposed Groundworks plan) and no buildings or excavations (raising of land levels only) are proposed, do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case.

Recommend the imposition of an Informative Note on any planning permission the Council is minded to approve.

Northern Gas Networks

No objections.

Cumberland Council – Minerals and Waste

No objections.

The Application Site falls within a Minerals Safeguarding Area for Brick Clay.

The proposal involves importation of material and alterations to existing landforms on the site. The safeguarding area extends across a significant area of surrounding open land so the proposal will not prevent access to this mineral resource for extraction in the future.

Criterion 4 of Policy DC15 (Minerals Safeguarding) in the adopted Cumbria Minerals and Waste Local Plan is satisfied.

Cumberland Council – Arboriculturist

Many of the trees growing on the site are in the early-mature to mature age class and in the normal to moderate vitality health class.

The landscape proposal is to plant several areas with new trees following the completion of the new earthworks.

The Hesketh Ecology Preliminary Ecological Appraisal states: 'No whole-sale felling of any existing areas of woodland is proposed. It may be necessary to fell and prune back edges of the existing woodland blocks so as to accommodate landscaping and proposed woodland planting, but there will be no clear felling of blocks and no removal of large mature trees.'

The application does not contain a tree protection plan or tree protection barrier specification to prevent the proposed landscaping works damaging the existing woodland areas.

Recommend the imposition of pre-commencement planning conditions to requiring the submission and approval of an Arboricultural Method Statement showing the location and design of the tree protection barriers and controlling planning condition requiring the planting detailed in the application to be implemented in full.

Environment Agency

No objections.

Advice is provided in relation to the Waste Framework Directive and when a waste permit or exemption may be required and the requirements for an abstraction license.

6.0 Public Representations

The application has been advertised by way of site notices, a press notice and neighbour notification letters.

2no. representations have been received in objection and 3no. representations have been received in comment.

Water drains from the golf course into the watercourse that flows through the properties to the east of Moresby Parks Road. 600mm pipes have been installed through properties to take the water. This development could add to these flows and increase flood risk.

The previous use of Round Close Park to import and export material and soils has caused excessive contamination of the road leading to soil washing into surface water drains.

Round Close Park should not be permitted for the import and export of these materials.

Generally supportive of the plans to improve the course as golf is a popular sport and Whitehaven course brings much needed leisure facilities to the area. The club house is a high quality venue for public events and offers one of the few places to eat in the area. The golf course itself is generally an attractive and well-kept part of the landscape. Any improvements to the course will be improvements to the area. There does however seem to be permanent heavy construction on the site and this plan will extend that for 15 years. Cannot see in the plans how this is mitigated or how those inconvenienced will be compensated.

The existing construction vehicle entrance to the course from Round Close Park is poorly maintained and little attention seems to be paid to the aesthetics of that area. When heavy vehicles are using the entrance, they routinely leave mud and rubble on the road for considerable periods of time. The homes in Round Close Park are primarily family homes and the presence of heavy goods vehicles does have an impact on what would otherwise be a residential road.

A particular social benefit that the course could offer would be to create publicly accessible footpaths around the course perimeter. These could be used for leisure activities such as walking and running that would allow more people to enjoy the open space and aesthetics of the golf course. With the benefit of improved walking access from Moresby Park, Scilly Banks and further afield the clubhouse would benefit from greater footfall for public meals and social memberships. Such footpaths could also greatly increase safety for those walking along the Red Lonning sides of the course where there are no pavements. This development clearly provides the opportunity for the creation of such paths to similar safety standards as applied to the public right of way crossing the course.

The earthworks embankments will in parts affect the PRow FP431023.

The public right of way on the golf course runs through some of these wooded areas, these may be affected by any operations along the route of the right of way. The visual affect to this route will be greatly seen along the way.

Have attempted to see the latest Modification Order for FP432023 made by Copeland / Cumbria County Council; however, this is not available.

The Modification Order contains a Map with grid reference points at most of the changes in direction and I am sure the path passes through wooded areas and is in a different line than shown on the map in this application it appears to be on the old line before the Driving Range was modified.

Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once

planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. protection.

The public right of way is currently wilfully obstructed by a fence built round the development site; it has also been obstructed by a large mound of earth and plant machinery. This wilful obstruction has been ongoing on since before 2020.

7.0 Planning Policy

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

7.1 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.

7.2 Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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

Policy ER10 – Renaissance Through Tourism

Policy SS4 – Community and Cultural Facilities and Services

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM8 – Tourism Development in Rural Areas

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards
Policy DM21 – Protecting Community Facilities
Policy DM24 – Development Proposals and Flood Risk
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
Policy DM26 - Landscaping
Policy DM28 – Protection of Trees

7.3 Copeland Local Plan 2001-2016 (LP):

7.4 Cumbria Minerals And Waste Local Plan 2015-2030 (MWLP):

Policy SP1 - Presumption in Favour of Sustainable Development
Policy SP2 - Provision for Waste
Policy SP3 - Waste Capacity
Policy SP4 - Transparent Decision Making
Policy SP8 – Minerals Safeguarding
Policy SP13 - Climate Change Mitigation and Adaptation
Policy SP14 - Economic Benefit
Policy SP15 - Environmental Assets
Policy SP16 - Restoration and Aftercare
Policy SP17 - Section 106 Planning Obligations
Policy DC1 - Traffic and Transport
Policy DC2 - General Criteria
Policy DC5 – Dust
Policy DC6 - Cumulative Environmental Impacts
Policy DC10 - Criteria for Landfill and Landraise
Policy DC15 - Minerals Safeguarding
Policy DC16 - Biodiversity and Geodiversity
Policy DC18 – Landscape and Visual Impact
Policy DC19 - Flood Risk
Policy DC20 - The Water Environment

7.5 Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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 stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development
Policy DS2PU - Reducing the impacts of development on Climate Change
Policy DS3PU - Settlement Hierarchy
Policy DS4PU - Settlement Boundaries
Policy DS5PU - Planning Obligations
Policy DS6PU - Design and Development Standards
Policy DS7PU - Hard and Soft Landscaping
Policy DS8PU - Reducing Flood Risk
Policy DS9PU - Sustainable Drainage
Policy DS10PU - Soils, Contamination and Land Stability
Policy DS11PU - Protecting Air Quality
Strategic Policy E1PU: Economic Growth
Strategic Policy T1PU: Tourism Development
Policy SC1PU - Health and Wellbeing
Policy SC2PU: Sporting, Leisure and Cultural Facilities (excluding playing pitches)
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic
Policy N2PU - Local Nature Recovery Networks Strategic
Policy N3PU - Biodiversity Net Gain
Policy N5PU - Protection of Water Resources
Policy N6PU - Landscape Protection
Policy N9PU - Green Infrastructure
Policy N13PU - Woodlands, Trees and Hedgerows
Policy CO4PU - Sustainable Travel
Policy CO5PU - Transport Hierarchy

7.6 Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

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

8.0 Assessment

8.1 Improvement or Waste Disposal Operation?

The development comprises a comprehensive scheme for the improvement of the existing golf course facility.

A collective volume of c.225,000 cubic metres of clean subsoils and permeable material is proposed to be imported.

The main part of Whitehaven Golf Course comprises the site of a former opencast coal mining operation. Following completion of the extraction operations, remediation and restoration of the extraction site to a golf course was approved.

Remedial works using imported material works have taken place and are continuing within some areas of the golf course that seek to rectify a number of the course constraints with some success. These works are largely complete.

On this basis, it is necessary to consider the current development on its individual merit and not as a continuation of any previously approved development.

The Letter to Chief Planning Officers dated 20th January 2009 re. Large-scale Landing Development Using Waste states: *“Both CLG and Defra consider that landscaping developments of the scale of the current examples involving importing over 100,000 tonnes of waste would not have been undertaken if the material used to construct the landscaping were not waste. Therefore, given the quantity of waste being used such developments are unlikely to constitute recovery operations, but are more likely to be waste disposal operations.”*

Assuming a weight of 1.3-1.7 tonnes per 1m³ for inert fill and soil, the proposed development equates to between 292,500 tonnes and 382,500 tonnes and so considerably exceeds the figure referenced in the Letter to Chief Planning Officers.

The proposed scheme is intended to deliver a comprehensive and master-planned scheme of remedial works to resolve the known drainage and planting issues and deliver tangible improvements to the interest/complexity/playability of the course to secure its future.

Completing the proposed development concurrently with the operation of the golf course means that the land is not being used *“wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste”*.

The permeable material to be imported i.e. soils, stone, concrete will be sourced from the G&AM Lawson recycling facility at the Energy Coast Business Park, Haile. The materials will comprise recovered materials that are processed to defined material specifications/standards before importation and would be covered by a

permit from the Environment Agency, which would provide controls over their suitability of use.

On the above basis, it is considered appropriate to progress this development as an enhancement of the existing sports facility and not principally a waste disposal operation.

8.2 Principle of Development

Policy ST1 of the CS seeks to support development that provides or contributes to the Borough's social and community infrastructure.

Policy ST2 of the CS restricts development outside the defined development boundaries to that which has a proven requirement for such a location including land uses characteristically located outside settlements such as a tourism activities requiring a location in the countryside.

Policy ER10 of the CS supports appropriate development which improve and enhance the quality of the tourism product.

Policy SS4 of the CS states that the range of services and facilities serving the Borough's communities will be protected by:

- A. Encouraging the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. Services and facilities which benefit the less mobile or more deprived members of the community and which maximise opportunities for people to improve their health and well-being, will be given particular support.
- D. Allowing the expansion and / or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

Strategic Policy DS3PU and Policy DS4PU of the ELP outlines support for tourism development where a proven need for open countryside location has been demonstrated.

Strategic Policy E1PU supports helping the economy in rural areas by supporting rural diversification that will encourage, tourism, recreation, rural regeneration.

Strategic Policy T1PU supports the creation, enhancement and expansion of tourist attractions.

Policy SC5PU states the Council will seek to protect and enhance existing sport and leisure facilities.

Whitehaven Golf Course is located within an area of defined open countryside; however, it is located adjacent to the settlement boundaries of the Principal Town of Whitehaven and the Local Service Centre of Moresby Park.

The development comprises the improvement of an existing golf course, which comprises both a community facility and tourism development and is therefore supported by the relevant policies and provisions of the CS and LP.

8.3 Minerals Safeguarding

Policy DC15 of the MWLP requires that mineral resources, existing, planned and potential infrastructure and plant will be safeguarded from being unnecessarily sterilised by other developments.

The Application Site falls within a Minerals Safeguarding Area for Brick Clay.

The proposal involves importation of material and alterations to existing landforms on the Application Site.

The Minerals and Waste Team have assessed the proposals and have confirmed that the safeguarding area extends across a significant area of surrounding open land so the proposal will not prevent access to this mineral resource for extraction in the future.

8.4 Landscape Impact and Visual Impact

Policy ST1 of the CS seeks to protect, enhance and restore the Borough's valued assets including landscapes.

Policy ENV5 of the CS 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 of the CS requires that *development respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through... the appropriate provision, orientation, proportion, scale and massing of buildings...*

Policy DM26 of the CS states that all development proposals will be assessed in terms of their potential impact on the landscape.

Policy N6PU of the ELP states that *the borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of the borough's*

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 located within an area of landscape classified as Sub-type 5d Urban Fringe. The guidelines for development include protecting countryside areas from sporadic and peripheral development through the local plans and the requirement for careful siting of any new development in non-prominent locations.

The Application Site is located in an area identified as Sub Type 5d – Urban Fringe in the CLCG. It is stated that the key characteristics of the area are stated as: long term urban influences on agricultural land; recreation, large scale buildings and industrial estates are common; and, wooded valleys, restored woodland and some semi-urbanised woodland provide interest.

The Guidelines for Development include - establish new woodlands or tree groups on prominent skylines in order to soften their windswept appearance and provide screening where climatic conditions allow and careful siting of any new development in non-prominent locations.

The Landscape Character of the Application Site consists of recreational land amongst a setting of open fields, woodland, residential, educational and commercial land use. The landscape cover is a mix of grassland, woodland, road/path systems, ponds, the main club house buildings, the driving range buildings, a series of fencing and golf fairways. The grassland is mown short and provides large swards of green areas. There is a mix of ponds, some very established and attracting a variety of wildlife and habitats.

There are public rights of way across and adjacent the site. The public right of way through the site is an established route and partially within wooded areas.

The landform is elevated in places and within the wider context is part of a large ridge joining Moresby Park to the north and the urban area of Hensingham to the south. To the west and the east, the ridge slopes away. Due to the elevated location, there are commanding views to the east of the distant western Lakeland Fells, which gives the connection with the wider landscape, although there are intervening large scale buildings, which are dominant.

The boundaries of the Application Site include woodland, fencing and hedgerows.

There is a line of large pylons across the southwest of the Application Site which dominate the skyline.

A Landscape and Visual Assessment (LVIA) has been prepared in support of the planning application. The LVIA has been prepared with reference to current recommended guidelines notably the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA) published by the Landscape Institute and the Institute of Environmental Assessment.

In relation to impacts on landscape character, the LVIA concludes that this would be negligible and ultimately beneficial. It is stated that the local landscape character, established as a golf course would be beneficially changed with the remodelling of landforms, improved drainage, and the establishment of trees and woodlands across the entire site. It is identified that there are existing trees and woodland that would connect to the proposed woodland areas, that the alterations to the landform would be of suitable height, that the boundaries of the site would be enhanced and strengthened by further trees and that the development would result in the enhancement of precious habitats and increase biodiversity.

In relation to the visual amenity, it is identified that the visual receptors comprise residents, recreational users and road users and that the concentration of views would naturally be close to the golf course and contained with the landform to the north, west and south with some slighter wider views to the east. The viewpoints considered key locations and the magnitudes of change varied from none, where the site is screened by trees to high, where the footpath is in the centre of the golf course. It is concluded that there would be temporary changes to views when some mounds are remodelled; however, following the trees, hedgerows, shrubs or grass planting, the resulting view of the golf course would be much improved and attractive with an overall beneficial residual magnitude of change.

8.5 Access and Highways

Policy DM22 of the DMP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and incorporate parking provision to meet defined standards.

The National Planning Policy Framework provides significant guidance in relation to transport and highways impact.

Paragraph 111 states that: *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

A Traffic Statement has been prepared in support of the planning application.

The Traffic Statement confirms that during the busiest years the average number of construction vehicles per day is estimated to be 3 or 4 vehicles arriving at the site with the same number departing, with the remaining years are estimated to generate 1 or 2 construction vehicles per day.

The most likely route for HGVs travelling to the Application Site is via the A595 bypassing Egremont to the roundabout with the B5295 Egremont Road and continuing along the B5295 to Red Lonning via the Monkway Roundabout. For the most part the route consists of A- or B-class roads and avoids unnecessarily passing through built-up areas. The roads along the route within Whitehaven are served by buses and are therefore considered suitable for larger vehicles.

It is concluded that the number of vehicles generated by the proposed works is very low and can be readily accommodated on the local highway network.

The Application Site is accessible for workers on foot, by cycle or by public transport to a range of residential areas and useful facilities.

Once completed the golf club will revert to normal operations.

The improvement of the formal access to the golf course via the existing two-way layby located to the east of Red Lonning will replace the existing temporary access that is currently in use from Red Lonning. The works include the creation of defined parking bays and a formal 2m footway within the layby. The access will improve accessibility and visibility to the access, whilst maintaining the existing off highway parking spaces that are used in the collection and drop off of pupils of St. Benedicts School.

Following the creation of the improved formal access, the existing temporary access is to be closed and the land reinstated to verge and grassland.

Cumberland Highways and Highways England have been consulted and raised no objections to the development from a highway safety perspective subject to the imposition of planning conditions.

A pre-commencement planning condition is proposed to secure a Construction Traffic Management Plan to provide definitive control over the timings and movements of vehicles to minimise/prevent impacts/conflicts on the highway and minimise impacts upon residential amenity.

FP 431023 crosses through the Application Site and FP 431021 is located along the northern boundary of the Application Site. The development will affect the visual amenity of people using the public rights of way network; however, the development will not directly impede the use of the routes themselves.

8.6 Flood Risk and Drainage

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

Policy DM24 of the CS and Policy DS8PU of the ELP seek 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.

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the planning application.

The Site is located within Flood Zone 1. The proposed comprises a Water Compatible Development and is therefore a compatible use in Flood Zone 1.

The Flood Risk Assessment and Outline Drainage Strategy demonstrates that the new land drainage infrastructure within the course to improve drainage of the playing surfaces will be upstream of the existing storage/attenuation features and should not increase any flows either into these features or off site beyond the existing situation; therefore, no increased flood risk will result. Given the nature of the attenuated flows entering the drainage system and the layout of the system itself, with ponds etc in low lying positions, there is substantial provision for accommodating any exceedance situations. There is no historical evidence that the system has not been able to easily accommodate the resulting flows either on the site or at the off-site outfall(s).

The installation/creation of new and improved land drainage infrastructure to the course boundaries will improve the existing drainage system and prevent localized flooding that is a known issue on Moresby Parks Road. The design of these drainage works will reduce flows towards the properties to the east of Moresby Parks Road delivering betterment of the existing situation.

The LLFA and Flood and Coastal Defence Engineer both initially raised objections to the development due to the lack of information and concerns that the development would result in additional surface water flows causing increased localised flood risk. Following extensive discussion, meetings, provision of additional information/evidence and revisions to the design, both now raise no objections subject to the imposition of planning conditions.

The Environment Agency has raised no objections.

United Utilities assets exist within the Application Site. United Utilities have raised no objections to the development subject to the imposition of a planning condition securing a detailed scheme for the protection of the assets from damage. The requested planning condition is proposed.

8.7 Ground Conditions

Policy ST1 seeks to ensure new development addresses land contamination with appropriate remediation measures.

Given the form of the proposed development, the inert nature of the import material and that the golf course is operational, no new pathways for existing contamination to result in impact will reasonably exist beyond the existing situation.

A planning condition is proposed to manage any unexpected land contamination identified during the course of the development.

The Coal Authority records indicate that the Application Site lies in an area of coal mine workings and identifies two recorded mine entries are present within the areas where ground improvement works are proposed. Based upon the specifics of the development, The Coal Authority has confirmed that a Coal Mining Risk Assessment is not required and have requested the imposition of an informative on any planning permission highlighting the presence of the mine workings and providing advice on working within their proximity.

8.8 Ecology

Policy ENV3 of the CS and Policy N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1PU of the ELP defines a mitigation hierarchy.

Policy N3PU of the ELP 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.

An Ecological Survey has been prepared in support of the planning application.

The main section of the Application Site is amenity grassland. Away from the fairways, where the management regime is seemingly less intensive, the species present suggest semi-improved neutral grassland, but the vast majority of grassland areas on site are routinely mown.

It is mown amenity grassland habitats which will be primarily affected by the proposed work with only minor (temporary) net loss of woodland, tall ruderal and scrub habitats, all of which will ultimately be compensated for via the programme of planting which will follow the importation of materials.

The Ecological Survey has identified that, in the absence of mitigation, there are potential ecological impacts to: the River Ehen SAC; the River Ehen (Ennerdale Water to Keekle Confluence) SSSI; Hope Mission Pond County Wildlife Site; Priestgill Woods Site of Invertebrate Significance; breeding birds; and, invasive non-native species. These are arising from potential pollution events, the spread of invasive non-native species and disturbance/destruction of active nest sites and harm to nesting birds.

A scheme of mitigation measures have been presented in the Ecological Survey to address identified risks to all ecological receptors.

Following mitigation, it is concluded there will be no negative impacts to the River Ehen SAC or the River Ehen (Ennerdale Water to Keekle Confluence) SSSI, with the works likely to have a legacy beneficial impact to these receptors.

Given the nature and character of the Application Site and the scale and nature of the development and planting proposed, it is considered that the requirement to provide a minimum of 10% biodiversity net gain over and above existing site levels is achievable/achieved. A planning condition is proposed to secure a formal assessment confirming achievement on site or off site and to control implementation and management etc...

8.9 Residential Amenity

Policy ST1 of the CS includes provisions requiring that development provides or safeguards good levels of residential amenity and security.

The development is located within proximity to existing dwellings.

The development will result in changes to the ground levels and the introduction of planting. Whilst this will change the view from these dwellings, given the distances between the works and the dwellings, adverse impacts upon residential amenity will not occur.

Given the nature of the development including the importation of materials using heavy goods vehicles and the use of heavy excavation machinery there is potential for harm to occur through noise/disturbance and dust generation etc...

Earthworks & Planting Methodology has been prepared in support of the planning application; however, a Construction Environmental Management Plan detailing how the impacts of the works will be managed to prevent impacts upon residential amenity has not been prepared.

A pre-commencement planning condition is proposed to secure a Construction Environmental Management Plan and secure measures to control impacts to an acceptable level.

Limitations are proposed in relation to working hours.

8.10 The Planning Balance

The development comprises the improvement of an existing golf course, which comprises both a community facility and tourism development and is therefore supported by the relevant provisions of the CS and LP. This is given significant weight.

The development will not prevent access to this mineral resource of Brick Clay for extraction in the future as required Policy DC15 of the MWLP. This is given significant weight.

In relation to landscape character, the development will result in negligible impacts and will ultimately result in beneficial effects. In relation to visual amenity, there would be temporary changes to views when some mounds are remodelled; however, following the trees, hedgerows, shrubs or grass planting, the resulting view of the golf course would be much improved and attractive with an overall beneficial residual magnitude of change. This is given significant weight.

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. The routes and timing of vehicle movements etc. are controlled by a planning condition securing the submission and approval of the Construction Traffic Management Plan. This is given significant weight.

The development would not result in unacceptable impacts in respect of residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions proposed. This is given significant weight.

In overall terms, the benefits of the development are considered to significantly and demonstrably outweigh the harms of the development.

Recommendation

Approve Full Planning Permission subject to the planning conditions outlined in Appendix 1 of the report.

Appendix 1

List of Conditions and Reasons

Defining The Permission

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form

Location Plan (Redline and Landownership)

Flood Risk Assessment and Drainage Strategy – Issue 3 Ref. D1639/CJW
Preliminary Ecological Appraisal - Whitehaven Golf Course, Red Lonning, Whitehaven, Cumbria CA28 8UH – Document Ref. MJN20PEA028.001.
Whitehaven Golf Course Earthworks & Planting Methodology

Landscape and Visual Assessment For Whitehaven Golf Course, Whitehaven, Cumbria - GLA Whitehaven Golf Course LVA Report_FINAL_251021

Plan 1 Landscape Designations and PRoWs Plan 1 Rev 0

Plan 2 Landscape Character Plan 2 Rev 0

Plan 3 ZTV and Viewpoints Locations Plan 3 Rev 0

Viewpoint 1 Existing Photo & Proposed Wireline Figure 1 Rev 0

Viewpoint 2 Existing Photo & Proposed Wireline Figure 2 Rev 0

Viewpoint 3 Existing Photo & Proposed Wireline Figure 3 Rev 0

Viewpoint 4 Existing Photo & Proposed Wireline Figure 4 Rev 0

Viewpoint 5 Existing Photo & Proposed Wireline Figure 5 Rev 0

Viewpoint 6 Existing Photo & Proposed Wireline Figure 6 Rev 0

Viewpoint 7 Existing Photo & Proposed Wireline Figure 7 Rev 0

Viewpoint 8 Existing Photo & Proposed Wireline Figure 8 Rev 0

Viewpoint 9 Existing Photo & Proposed Wireline Figure 9 Rev 0

Viewpoint 10 Existing Photo & Proposed Wireline Figure 10 Rev 0

Viewpoint 11 Existing Photo & Proposed Wireline Figure 11 Rev 0

Viewpoint 12 Existing Photo & Proposed Wireline Figure 12 Rev 0

Viewpoint 13 Existing Photo & Proposed Wireline Figure 13 Rev 0

Viewpoint 14 Existing Photo & Proposed Wireline Figure 14 Rev 0
Viewpoint 15 Existing Photo & Proposed Wireline Figure 15 Rev 0

Existing Contour Plan – Drawing No. WGC 1070_6_331 Rev 0
Existing Planting – Drawing No. WGC 1070_6_333 Rev 0
Existing Contours & Drainage – Drawing No. WGC 1070-06_336 Rev 4

Earthworks Areas Phases 1 to 5 Only (Sheet 1 of 2) – Drawing No. WGC 1070-06_324 Rev 0
Proposed Earthworks Masterplan – Drawing No. WGC 1070_6_332 Rev 2

Earthworks Areas All Phases – Drawing No. WGC 1070-06_335 Rev 2
Earthworks Areas Phases 1 to 5 Only – Drawing No. WGC 1070-06_326 Rev 2
Earthworks Areas Phases 1 to 5 Only (Sheet 2 of 2) – Drawing No. WGC 1070-06_325 Rev 2

Existing Contour Plan (250mm) Phase 1 - Mound 1 – Drawing No. WGC 1070_6011 Rev 0
Existing Proposed Plan (250mm) Phase 1 - Mound 1 – Drawing No. WGC 1070_6012 Rev 0
Proposed Sections Sheet 1 Phase 1 - Mound 1 – Drawing No. WGC 1070_6013 Rev 0
Proposed Sections Sheet 2 Phase 1 - Mound 1 – Drawing No. WGC 1070_6014 Rev 0
Phase 1 Mound 1 - Volume & Proposed View From 17th Fairway – Drawing No. WGC 1070_6016 Rev. 0
Phase 1 Mound 1 Proposed View From 17th Green – Drawing No. WGC 1070_6017 Rev 0
Existing Contour Plan (500mm) Phase 1 - Mound 2 – Drawing No. WGC 1070_6021 Rev 0
Proposed Contour Plan (500mm) Phase 1 - Mound 2 – Drawing No. WGC 1070_6022 Rev 0
Proposed Sections Sheet 1 Phase 1 - Mound 2 – Drawing No. WGC 1070_6023 Rev 0
Proposed Sections Sheet 2 Phase 1 - Mound 2 – Drawing No. WGC 1070_6024 Rev 0
Phase 1 Mound 2 - Volume & Proposed View From 17th Tee – Drawing No. WGC 1070_6025 Rev 0
Phase 1 Mound 2 Proposed View From 17th Fairway – Drawing No. WGC 1070_6026 Rev 0
Phase 1 Mound 2 - Volume & Proposed View From 17th Green – Drawing No. WGC 1070_6027 Rev 0

Existing Contour Plan (250mm) Phase 2 - Mound 3 – Drawing No. WGC 1070_6031 Rev 0
Proposed Contour Plan (250mm) Phase 2 - Mound 3 – Drawing No. WGC 1070_6032 Rev 0

Proposed Sections Sheet 1 Phase 2 - Mound 3 – Drawing No. WGC 1070_6033 Rev 0

Proposed Sections Sheet 2 Phase 2 - Mound 3 – Drawing No. WGC 1070_6034 Rev 0

Phase 2 Mound 3 Proposed View From 1st Tee – Drawing No. WGC 1070_6035 Rev 0

Phase 2 Mound 3 Proposed View From 1st Fairway – Drawing No. WGC 1070_6036 Rev 0

Phase 2 Mound 3 Proposed View From 1st Green - Drawing No. WGC 1070_6037 Rev 0

Existing Contour Plan (250mm) Phase 3 - Mound 5- Drawing No. WGC 1070_6051 Rev 0

Proposed Contour Plan (250mm) Phase 3 - Mound 5 – Drawing No. WGC 1070_6052 Rev 0

Proposed Sections Sheet 1 Phase 3 - Mound 5 – Drawing No. WGC 1070_6053 Rev 0

Phase 3 Mound 5 - Volume & Proposed View From 3rd Tee – Drawing No. WGC 1070_6054 Rev 0

Phase 3 Mound 5 Proposed View From 3rd Fairway – Drawing No. WGC 1070_6055 Rev 0

Phase 3 Mound 5 Proposed View From 3rd Green – Drawing No. WGC 1070_6056 Rev 0

Detailed Planting Plans Phase 3 - Mound 4 – Drawing No. WGC 1070_7041 Rev 1

Phase 3 Mound 4 Proposed View From 2nd Green – Drawing No. WGC 1070_6047 Rev 2

Phase 3 Mound 4c - Proposed View From 2nd Tee North – Drawing No. WGC 1070_6049D Rev 0

Phase 3 Mound 4 - Proposed View From 2nd Tee – Drawing No. WGC 1070_6049C Rev 1

Phase 3 Mound 4 Proposed View From 3rd Green – Drawing No. WGC 1070_6049B Rev 2

Phase 3 Mound 4 Proposed View From 3rd Tee – Drawing No. WGC 1070_6048 Rev 2

Phase 3 Mound 4 - Volume & Proposed View From 2nd Tee – Drawing No. WGC 1070_6046 Rev 2

Existing Contour Plan (500mm) Phase 3 - Mound 4 – Drawing No. WGC 1070_6041 Rev 2

Proposed Contour Plan (500mm) Phase 3 - Mound 4 – Drawing No. WGC 1070_6042 Rev 3

Proposed Sections Sheet 2 of 2 Phase 3 - Mound 4 – Drawing No. WGC 1070_6044 Rev 1

Proposed Sections Sheet 1 Phase 3 - Mound 4 – Drawing No. WGC 1070_6043 Rev 1

Phase 3 Mound 4 Proposed View From 3rd Fairway – Drawing No. WGC 1070_6049A Rev 2

Existing Contour Plan (250mm) Phase 4 - Mound 6 – Drawing No. WGC 1070_6061 Rev 0
Proposed Contour Plan (250mm) Phase 4 - Mound 6 – Drawing No. WGC 1070_6062 Rev 0
Proposed Sections Sheet 1 Phase 4 - Mound 6 – Drawing No. WGC 1070_6063 Rev 0
Proposed Sections Sheet 2 Phase 4 - Mound 6 – Drawing No. WGC 1070_6064 Rev 0
Phase 4 Mound 6 - Volume & Proposed View From 6th Tee – Drawing No. WGC 1070_6065 Rev 0
Phase 4 Mound 6 Proposed View From 6th Fairway – Drawing No. WGC 1070_6066 Rev 0
Existing Contour Plan (250mm) Phase 4 - Mound 7 – Drawing No. WGC 1070_6071 Rev 0
Proposed Contour Plan (250mm) Phase 4 - Mound 7 – Drawing No. WGC 1070_6072 Rev 0
Proposed Sections Sheet 1 Phase 4 - Mound 7 – Drawing No. WGC 1070_6073 Rev 0
Proposed Sections Sheet 2 Phase 4 - Mound 7 – Drawing No. WGC 1070_6074 Rev 0
Phase 4 Mound 7 - Volume & Proposed View From 6th Fairway – Drawing No. WGC 1070_6075 Rev 0
Phase 4 Mound 7 Proposed View From 6th Green – Drawing No. WGC 1070_6076 Rev 0
Existing Contour Plan (250mm) Phase 4 - Mound 8 – Drawing No. WGC 1070_6081 Rev 0
Proposed Contour Plan (250mm) Phase 4 - Mound 8 – Drawing No. WGC 1070_6082 Rev 0
Proposed Sections Sheet 1 Phase 4 - Mound 8 – Drawing No. WGC 1070_6083 Rev 0
Proposed Sections Sheet 2 Phase 4 - Mound 8 – Drawing No. WGC 1070_6084 Rev 0
Phase 4 Mound 8 Proposed View From 6th Green – Drawing No. WGC 1070_6086 Rev 0
Phase 4 Mound 8 Proposed View From Junction – Drawing No. WGC 1070_6087 Rev 0

Existing Contour Plan (250mm) Phase 5 - Mound 9 – Drawing No. WGC 1070_6091 Rev 0
Proposed Contour Plan (250mm) Phase 5 - Mound 9 – Drawing No. WGC 1070_6092 Rev 0
Proposed Sections Sheet 1 Phase 5 - Mound 9 – Drawing No. WGC 1070_6093 Rev 0
Proposed Sections Sheet 2 Phase 5 - Mound 9 – Drawing No. WGC 1070_6094 Rev 0
Phase 5 Mound 9 - Volume & Proposed View From 8th Tee – Drawing No. WGC 1070_6095 Rev 0

Phase 5 Mound 9 Proposed View From 8th Green – Drawing No. WGC 1070_6096 Rev 0

Proposed Planting Plan – Drawing No. WGC 1070_6_334 Rev 2

Typical Section: Earthworks & Planting – Drawing No. 1070-06_500 Rev 0

Detailed Planting Plans Phase 1 - Mound 1 – Drawing No. WGC 1070_7011 Rev 0

Detailed Planting Plans Phase 1 - Mound 2 – Drawing No. WGC 1070_7021 Rev 0

Detailed Planting Plans Phase 2 - Mound 3 – Drawing No. WGC 1070_7031 Rev 0

Detailed Planting Plans Phase 3 - Mound 5 – Drawing No. WGC 1070_7051 Rev 0

Detailed Planting Plans Phase 4 - Mound 6 – Drawing No. WGC 1070_7061 Rev 0

Detailed Planting Plans Phase 4 - Mound 7 – Drawing No. WGC 1070_7071 Rev 0

Detailed Planting Plans Phase 4 - Mound 8 – Drawing No. WGC 1070_7081 Rev 0

Detailed Planting Plans Phase 5 - Mound 9 – Drawing No. WGC 1070_7091 Rev 0

Whitehaven Golf Course - Planting Schedules 27.10.21 - Planting Element:

Hedgerow Mix 2 - Internal Native Hedge

Whitehaven Golf Course - Planting Schedules 27.10.21 - Planting Element:

Woodland Mix 2 - Understorey Planting

Whitehaven Golf Course - Planting Schedules 22.11.2022 - Planting Element:

Hedgerow Mix 1 - Main Entrance

Whitehaven Golf Course - Planting Schedules 22.11.2022 - Planting Element: Shrub

Mix 1 (High)

Whitehaven Golf Course - Planting Schedules 22.11.2022 - Planting Element: Shrub

Mix 2 (Low)

Whitehaven Golf Course - Planting Schedules 22.11.2022 - Woodland Mix 1

Proposed Strategic Drainage Plan – All Phases (1 to 16) – Drawing No. WGC 1070-06_337 Rev 9

Additional Land Drain Adj Moresby Park Road – Drawing No D1639 SK01 Rev A

Option 2 - Two-way Layby General Arrangement Drawing Rev. 2

Reason

For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Planning Conditions

3. Prior to the commencement of development, including any works of demolition, site clearance or excavation, a detailed scheme for the protection from damage of United Utilities water mains that are laid within the site boundary shall be submitted to and approved in writing by the local planning authority.

The scheme shall include:

- (i) A survey that identifies the exact location of all water mains in the red line boundary;
- (ii) The potential impacts on the water mains from construction activities (including the construction compound);
- (iii) The impacts post completion of the development on the infrastructure that crosses the site;
- (iv) Identification of mitigation measures, including a timetable for implementation, to protect and prevent any damage to the infrastructure both during construction and post completion of the development; and
- (v) A pre-construction condition survey of water main infrastructure within the site boundary.

The duly approved scheme of mitigation measures shall be implemented in full prior to and throughout the construction period, with approved post-completion measures retained thereafter for the lifetime of the development.

Reason

In the interest of public health and to ensure protection of public water supply in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

4. No development shall commence until detailed specifications of the access, carriageways and footways have been submitted to and approved in writing by the local planning authority.

The access, carriageways and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and shall be in accordance with the standards laid down in the Cumbria Development Design Guide or any superseding document.

Any works so approved shall be constructed before the development is complete.

Reason

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

Arboriculture

5. Prior to the commencement of each phase of development a full Arboricultural Impact Assessment (AIA) prepared in accordance with the recommendations of BS 5837:2012 shall be submitted to and approved in writing by the local planning authority unless an AIA has previously been submitted to and approved in writing by the local planning authority for the whole site.

The AIA shall consider the exact relationship between the development and any existing trees on and adjacent to the Application Site and include a detailed tree protection plan/scheme.

The development shall be implemented in accordance with the approved details.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy ENV3, Policy ENV5 and Policy DM26 of the Copeland Local Plan 2013-2028.

Biodiversity Net Gain

6. Prior to the commencement of each phase of development a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the local planning authority unless a BNGS and a PIP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain. The BNGS shall use the Biodiversity Metric 3.0 Calculation Tool unless an amended statutory Biodiversity Metric Calculator associated with the Environment Act 2021 becomes mandatory.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3PU of the emerging Copeland Local Plan 2017-2038.

Construction Management

7. Prior to the commencement of each phase of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority unless a CEMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles
- procedures for the loading and unloading of plant and materials
- details of the areas to be used in the storage of plant and materials used in the development
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to existing watercourses
- details of measures to control noise and vibration impacts
- a scheme for recycling/disposing of waste resulting from construction works.

The approved CEMP shall be adhered to throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan.

8. Prior to the commencement of each phase of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority unless a CTMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

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; and,
- details of any proposed temporary access points (vehicular / pedestrian).

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.

Other Planning Conditions

Ecology

9. The development shall not proceed except in accordance with the mitigation strategy described in Preliminary Ecological Appraisal - Whitehaven Golf Course, Red Lonning, Whitehaven, Cumbria CA28 8UH – Document Ref. MJN20PEA028.001.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

Unexpected Contamination

10. If during development, contamination not previously identified is found to be present at the site then no further development on that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or 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.

Hours of Construction

11. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07:30 to 18.00 Monday to Friday and 08.00 to 13.00 hours on Saturday and at no time on Sunday or Bank Holidays.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Highways

12. There shall be no vehicular access to or egress from the site other than via the approved access(s).

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.

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

Reason

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

14. Once the new access hereby approved has been constructed and brought into use, the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with the details which have been submitted to and approved by the local planning authority.

Reason

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

Landscaping

15. All hard and soft landscape works hereby approved are to be carried out in accordance with the approved details in the first planting season following completion of the phase of the development to which the planting relates.

Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

Informative Notes

Coal Mining Risk

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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

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

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

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

Public Right of Way

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

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

The granting of planning permission does not give the applicant the right to block or obstruct rights of way.

The rights of way as shown on the definitive map and statement must be kept open and unaltered for public use, unless or until an order is made to divert, stop up or to temporarily close them has been confirmed.

The applicant should contact Cumberland Council's Countryside Access Team to discuss any application for an order to temporarily close a right of way shown on the definitive map and statement for the duration of any works which would directly affect the public use of the right of way.

Highways Permitting

Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works.

Appendix 2 - Copy of the plans/drawings

Site Location Plan



