

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2103/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3, 4, 6 AND 7 OF PLANNING APPROVAL 4/21/2189/0F1	
3.	<b>Location:</b>	POW BECK HOUSE, MEADOW ROAD, WHITEHAVEN	
4.	<b>Parish:</b>	Whitehaven	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>This application relates to Pow Beck House, a former care home which is now vacant and in a dilapidated state. The site is located within the Mirehouse Estate within the Pow Beck Valley area approximately 1.75 miles to the south of Whitehaven. The horseshoe shaped building is located within the Town Centre, surrounded by residential properties, and St Andrews Church to the north of the site.</p> <p><b>Relevant Planning History</b></p> <p>4/21/2189/0F1 – The demolition of an existing two storey building formally Pow Beck Care Home. The erection of a new care home (use class C2) with associated landscaping comprising of 36 one and two bedroom flats over three storeys – Approved</p>	

4/22/2326/0B1 – Variation of condition 5 and 8 (pre commencement conditions) of planning approval 4/21/2189/0F1 – The demolition of an existing two storey building formally Pow Beck Care Home. The erection of a new care home (use class C2) with associated landscaping comprising of 36 one and two bedroom flats over three storeys – Ongoing

### **Proposal**

In November 2021, planning permission (ref: 4/21/2189/0F1) was granted for the demolition of an existing two storey building, formally Pow Beck Care Home, and the erection of a new care home (use class C2) with associated landscaping comprising of 36 one- and two-bedroom flats over three storeys.

This currently application seeks to discharge conditions 3, 4, 6 and 7 of planning approval 4/21/2189/0F1. These conditions state the following:

3. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - (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;
  - (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); and
  - (iii) A timetable for its implementation.

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

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

### **Reason**

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

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

Reason

To ensure the provision of a satisfactory drainage scheme.

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

Reason

In order to protect residential amenity.

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

Reason

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

The information submitted in support of the application comprises the following:

- Application Form, received by the Local Planning Authority on the 2nd March 2022.
- Drainage Strategy (Amended), Prepared by R G Parkins May 2022, Ref: K38890.DS/001C, received by the Local Planning Authority on the 12<sup>th</sup> May 2022.
- Operation & Maintenance Plan for Sustainable Drainage Systems, Prepared by R G Parkins January 2022, received by the Local Planning Authority on the 12<sup>th</sup> May 2022.
- Outline Drainage Layout (Amended), received by the Local Planning Authority on the 12<sup>th</sup> May 2022.
- Demolition Risk Assessment, received by the Local Planning Authority on the 7<sup>th</sup> June 2022.
- Construction Phase Plan (Amended), Prepared by TVH Limited, received by the Local Planning Authority on the 8<sup>th</sup> September 2022.
- Demolition Method Statement (Amended), received by the Local Planning Authority on the 5<sup>th</sup> September 2022.

## **Consultation Responses**

### Cumbria County Council – Cumbria Highways & LLFA

*28<sup>th</sup> March 2022*

Condition 3 - We as the LHA and LLFA welcomed the information submitted for application 4/21/2189/0F1 and are content with the discharge of condition 3.

Condition 4 - We as the LHA and LLFA welcomed the information submitted for application 4/21/2189/0F1 and are content with the discharge of condition 4.

Condition 5 - We as the LHA and LLFA are unable to discharge this condition due to the following points.

- Lack of information regarding details of what repairs are going to be carried out on the two sections of damage culvert.
- Within condition 5 it states that the repair has to be completed to a satisfactory standard before the development can commence, repairs can only be inspected once the works are complete.

Condition 6 - We as the LHA and LLFA welcomed the information submitted for application 4/21/2189/0F1 and are content with the discharge of condition 6.

Information: Wheel wash facility's are not included within the demolition and construction management plan, We feel this should be reconsidered.

Condition 7- We as the LHA and LLFA welcomed the information submitted for application 4/21/2189/0F1 and are content with the discharge of condition 7.

*31<sup>st</sup> May 2022*

I can confirm that the response made to the previous application on the 28/03/22 should still apply.

*30<sup>th</sup> June 2022*

I can confirm that the response made to the previous application 4/22/2103/DOC should still apply as no further information has been submitted regarding condition 5, All other conditions were discharged from a LHA and LLFA point of view in my previous response dated 31/05/22.

*1<sup>st</sup> July 2022*

This is an additional response to my previous response dated 30/06/22

Following recent consultation with applicant representatives it has become apparent that condition 5 is holding back development and becoming a stumbling block due to the wording of the condition.

We as the LHA and LLFA are content with the discharge of condition 5 as condition 8 and 9 also request the same outcome as condition 5.

*14<sup>th</sup> September 2022*

Condition 3 – The LHA and LLFA are content with the supporting documents/information submitted in support of this application, therefore condition 3 can be discharged.

Condition 4 – The LHA and LLFA are content with the supporting documents/information submitted in support of this application, therefore condition 4 can be discharged.

Condition 5 – The LHA and LLFA have been reviewing application 4/22/2326/0B1 variation of condition 5 and 8 of application 4/21/2189/0F1 to which we have no objection, therefore condition 5 can be discharged from a LHA and LLFA point of view.

Condition 6 – The LHA and LLFA have reviewed the amended documents/information submitted in support of this application to which we have no objections. Therefore condition 6 can be discharged.

Condition 7 – The LHA and LLFA are content with the supporting documents/information submitted in support of this application, therefore condition 7 can be discharged.

#### United Utilities

*4<sup>th</sup> April 2022*

Further to our review of the submitted Drainage Strategy document (ref K38890.DS/001A, Dated 2nd March 2022) United Utilities recommends that conditions relating to drainage are not discharged for the following reasons:

- 1) The proposed foul drainage lacks detail, we request full foul drainage details are shown on the drainage plan (including cover and invert levels for all proposed manholes, as well as proposed Finished Floor Levels)
- 2) We also request non-return valves are installed and shown on the drainage layout for the connections to public sewers (this was stated in our response letter to the original full planning application)
- 3) The drainage strategy proposes to build over existing foul sewers. As per comments in our response letter to the original planning application, we will require an access strip of 6 metres and a modification of the site layout or a diversion of the sewers may be necessary in order to achieve this.

We recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal.

*6<sup>th</sup> June 2022*

Further to our review of the submitted Drainage Strategy (ref K38890.DS/001C, Version C, dated 12/05/2022) and noting a building over application has been separately submitted to us, United Utilities has no objection to conditions relating to drainage being discharged.

*4<sup>th</sup> July 2022*

No additional comments to make.

Copeland Borough Council – Flood and Coastal Defence Engineer

*9<sup>th</sup> March 2022*

### CONDITION 3

A Drainage Strategy has been submitted covering both surface water and foul drainage disposal.

Options for surface water disposal have been considered following the hierarchy of drainage options set out in NPPG.

In line with the hierarchy, surface water disposal by means of infiltration has been considered but discounted for a number of reasons. These include space limitation on site, and that due to the land being low lying compared to surrounding land, it is likely that there is shallow groundwater that would impede drainage.

Following the drainage hierarchy, the next option is discharge to watercourse, which in this case is to be implemented by direct discharge to the culverted section of Pow Beck, which runs through the site. Discharge rates will be restricted to a 1 in 100-year event with a 40% climate change allowance, with two attenuation tanks.

No timetable for implementation has been included in the Drainage Strategy.

### CONDITION 4

The Drainage Strategy contains an Outline Drainage Plan, showing the proposed drainage layout. This has separate surface water and foul drainage systems. Calculations to support the designs have been provided, based on impermeable areas for the surface water and expected occupancy for foul.

The surface water system shows the system from the silt traps upstream of the attenuation tanks down to the proposed new connections into Pow Beck, including the section of the culvert to be renewed and the new manholes.

Full details of the gully connections, both foul and surface water from the building are not shown and some the new foul connects are shown as if required.

### CONDITION 5

The Drainage Strategy states that the damaged section of Pow Beck culvert within the development site will be replaced, rather than repaired, with existing manholes relocated upstream and downstream of their present location, as these would be beneath the new building.

The proposal is acceptable to allow the condition to be discharged.

However, this condition cannot be actually discharged until the work has been completed to the satisfaction of the LLFA.

#### CONDITION 6

No comments.

#### CONDITION 7

No comments.

*17<sup>th</sup> May 2022*

It appears that the additional and amended information submitted is limited to the Drainage Strategy. Three sheets have been removed from the Appendix, which are UU sewer plans, close to the site, but including the site and the Outline Drainage Plan has been amended. Based on this my comments have only been updated for Condition 4.

#### CONDITION 3

A Drainage Strategy has been submitted covering both surface water and foul drainage disposal.

Options for surface water disposal have been considered following the hierarchy of drainage options set out in NPPG.

In line with the hierarchy, surface water disposal by means of infiltration has been considered, but discounted for a number of reasons. These include space limitation on site, and that due to the land being low lying compared to surrounding land, it is likely that there is shallow groundwater that would impede drainage.

Following the drainage hierarchy, the next option is discharge to watercourse, which in this case is to be implemented by direct discharge to the culverted section of Pow Beck, which runs through the site. Discharge rates will be restricted to a 1 in 100 year event with a 40% climate change allowance, with two attenuation tanks.

No timetable for implementation has been included in the Drainage Strategy.

#### CONDITION 4

The Drainage Strategy contains an Outline Drainage Plan, showing the proposed drainage layout. This has separate surface water and foul drainage systems. Calculations to support the designs have

been provided, based on impermeable areas for the surface water and expected occupancy for foul.

The surface water system shows the system from the silt traps upstream of the attenuation tanks down to the proposed new connections into Pow Beck, including the section of the culvert to be renewed and the new manholes.

The Outline Drainage Plan (Rev B) now shows the foul system for the developments with a single point of connection into the adopted foul sewer to the south west of the site on Link Road. There is still no detail on the surface water gullies, with only the surface water system being shown, from the silt traps upstream of the attenuation tanks, downstream to Pow Beck.

#### CONDITION 5

The Drainage Strategy states that the damaged section of Pow Beck culvert within the development site will be replaced, rather than repaired, with existing manholes relocated upstream and downstream of their present location, as these would be beneath the new building.

The proposal is acceptable to allow the condition to be discharged.

However, this condition cannot be actually discharged until the work has been completed to the satisfaction of the LLFA.

#### CONDITION 6

No comments.

#### CONDITION 7

No comments.

*26<sup>th</sup> May 2022*

Additional information has now been provided that satisfies the conditions, although Condition 5 cannot actually be discharged until the work has been completed.

#### CONDITION 3

A Drainage Strategy has been submitted covering both surface water and foul drainage disposal.

Options for surface water disposal have been considered following the hierarchy of drainage options set out in NPPG.

In line with the hierarchy, surface water disposal by means of infiltration has been considered, but discounted for a number of reasons. These include space limitation on site, and that due to the land being low lying compared to surrounding land, it is likely that there is shallow groundwater that would impede drainage.

Following the drainage hierarchy, the next option is discharge to watercourse, which in

this case is to be implemented by direct discharge to the culverted section of Pow Beck, which runs through the site. Discharge rates will be restricted to a 1 in 100 year event with a 40% climate change allowance, with two attenuation tanks.

The e-mail from Andrew Watson to David Bechelli dated 18<sup>th</sup> May 2022 confirms that the Drainage Strategy will be implemented within 12 months of commencement on site.

#### CONDITION 4

The Drainage Strategy contains an Outline Drainage Plan, showing the proposed drainage layout. This has separate surface water and foul drainage systems. Calculations to support the designs have been provided, based on impermeable areas for the surface water and expected occupancy for foul.

The surface water system shows the system from the silt traps upstream of the attenuation tanks down to the proposed new connections into Pow Beck, including the section of the culvert to be renewed and the new manholes.

The Outline Drainage Plan (Rev C) now shows the foul system for the developments with a single point of connection into the adopted foul sewer to the south west of the site on Link Road and details of the gully connections into the surface water system. Due to constraints of levels on site some of the gullies are connected into the system downstream of the attenuation tanks.

#### CONDITION 5

The Drainage Strategy states that the damaged section of Pow Beck culvert within the development site will be replaced, rather than repaired, with existing manholes relocated upstream and downstream of their present location, as these would be beneath the new building.

The proposal is acceptable to allow the condition to be discharged and replacement is preferred to repair.

However, this condition cannot be actually discharged until the work has been completed to the satisfaction of the LLFA.

#### CONDITION 6

No comments.

#### CONDITION 7

No comments.

*20<sup>th</sup> June 2022*

No additional comments to make on this application.

Copeland Borough Council – Environmental Health

20<sup>th</sup> July 2022

The response for condition 6. *(Before development commences, a demolition and construction management plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include provide details of dust emissions and identify remedial action to prevent nuisance from dust. The development must be carried out in accordance with the approved details at all times thereafter. Reason In order to protect residential amenity).*

- a) The Demolition Plan submitted by G&AM Lawson AH 012 Issue 1 listed as Pow Beck Demolition Method Statement (Amended) and dated 01.06.22 does not include hours of operation or hours of operation for HGV deliveries and these would need to be added before approval of plan. Conditions 20 for the development covers construction operating hours and should be considered as the guide for the demolition management plan. Condition 21 covers hours of delivery for HGV and this would be expected to be part of the demolition management plan. The demolition plan submitted contains details for the management of dust in section 13 Environmental Arrangements must be included in the demolition management plan. The demolition plan submitted does not contain sufficient detail to demonstrate that residential amenity is protected, the condition is not discharged.

The applicant can be advised that section 11 and 13 of demolition plan contains the expected information and with an amendment to explain how condition 20 and 21 will be met would meet the requirements to discharge the demolition plan part of condition 6.

- b) The Construction Plan for TVH Limited Building Contractor – Construction Phase Plan in accordance with Construction (Design Management) Regulations 2015 dated 25<sup>th</sup> February 2022 covers the health and safety arrangements for the site and is not a construction management plan. No information is provided on hours of operation, HGV delivery arrangements, dust management, condition 6 is not discharged.

*(Conditions of development that the demolition and construction management plans would be expected to reference - 20. Construction site operating hours during both the demolition and construction phase will be Monday-Friday 08:00 to 18:00 and Saturdays 08:00 to 13:00. No construction on Sundays or Bank Holidays. Reason In the interest of residential amenity. 21. All HGV deliveries to the site must be carried out solely between the hours of 09:00 and 17:00 Monday to Friday. There must be no HGV deliveries on Saturdays, Sundays and/or Bank Holidays. Reason In the interest of residential amenity.)*

10<sup>th</sup> August 2022

With regards to discharge of condition 6: the provision of a Demolition Plan and Construction Management Plan.

Having looked at the site and noted the proximity of residential dwellings, many of which are bungalows for the elderly, I am not in favour of on-site crushing of demolition material as it will

inevitably cause dust and noise nuisance to residents nearby.

There is no proposed use of solid hoarding to the site boundary, particularly that which faces the entrance to St Andrews Crescent.

As I was not involved in the initial application, is residents' car access to St Andrew's Crescent to be closed off during the works?

I would also like to see the use of debris mesh netting on the Harras fencing to prevent wind-blown waste debris going off site.

I do not see a Construction Management Plan in amongst the new documents?

I am not happy with the Demolition Method Statement and it does not give a proposed location for the crusher.

The site is bounded on 3 x sides by bungalows for the elderly that are in close proximity and I cannot see how a crusher will fail to cause the older residents problems with dust.

In addition to my comments yesterday, please ask the Agent to provide a definite proposed location for a crusher on site.

I would, however, prefer to see the crushing activity carried out off site if at all possible.

*13<sup>th</sup> September 2022*

Those updated documents are fine, and I consider that they discharge those conditions.

I would request one addition to the construction phase, if you could feed back to the contractor please –

- Any site generators / site cabins are located as far away from surrounding residential dwellings as possible. If required / possible, mobile acoustic barriers should be placed around any particularly noisy generator. Generators should be turned off at the end of each working day.

*20<sup>th</sup> September 2022*

Information is acceptable.

### **Planning Policy**

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

### **Development Plan**

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

### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST3 – Strategic Development Priorities

Policy SS1 – Improving the Housing Offer

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

Cumbria Design Guide (CDG)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

**Assessment**

Condition 3:

As part of this application the agent has submitted a drainage strategy and outline drainage strategy. Following concerns from UU and the Council's Coastal Defence Engineer this detail was amended. Based on the amended detail the LLFA, UU and Coastal Defence Engineer have confirmed that this condition can be discharged.

Conclusion – Discharge condition 3.

Condition 4:

As part of this application the agent has submitted a drainage strategy and outline drainage strategy. Following concerns from UU and the Council's Coastal Defence Engineer this detail was amended. Based on the amended detail the LLFA, UU and Coastal Defence Engineer have confirmed that this condition can be discharged.

Conclusion – Discharge condition 4.

Condition 5:

As part of the original application, consent was sought to discharge condition 5 attached to planning permission 4/21/2891/0F1. Condition 5 requires that the Pow Beck Culvert within the development site be repaired to a satisfactory standard in line with details approved by the Local Planning Authority. The agent for this application has carried out CCTV survey of the culvert which has confirmed that at present the majority of the culvert within the development site is of a satisfactory standard and does not require repair. The section of culvert running under the existing building however requires full replacement. The proposed culvert replacement cannot be carried out until after the buildings is demolished, therefore this condition cannot be complied with. This has therefore been removed from this application and a separate application has been submitted to vary this condition.

Condition 6:

	<p>As part of this application the agent has submitted a demolition and construction management plan to support the discharge of condition application. Based on comments from the Council's Environmental Health department these documents have been updated to take into account proximity of existing residential dwellings. On the basis of the amended information the Environmental Health team and Cumbria Highways have confirmed that they have no objections to this condition being discharged.</p> <p>Conclusion – Discharge condition 6.</p> <p><u>Condition 7:</u></p> <p>The Local Highway Authority and LLFA have confirmed that they are happy with the documents/information submitted to support this application, therefore this condition can be discharged.</p> <p>Conclusion – Discharge condition 7.</p> <p><u>Conclusion</u></p> <p>Discharge conditions 3, 4, 6 and 7.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions.</p>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 26.09.2022
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 26.09.2022
<b>Dedicated responses to:-</b>		