

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2110/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 2 (REVISED HOUSE TYPES) OF PLANNING APPROVAL 4/20/2334/OR1 - RESERVED MATTERS APPLICATION FOR 26 DWELLINGS AND ASSOCIATED INFRASTRUCTURE FOLLOWING OUTLINE APPROVAL 4/17/2143/001	
3.	Location:	FORMER ROMAR FACTORY, IVY MILL, MAIN STREET, HENSINGHAM, WHITEHAVEN	
4.	Parish:	Whitehaven	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to the Ivy Mill Site, formally utilised as The Romar Innovate Factory from 2001 – 2016. It is situated within the centre of Hensingham and is located to the east of Copeland’s Principal Town Whitehaven. The site covers an area of 0.95 hectares and is currently brownfield land. The site was previously occupied by a large redundant factory unit and two associated office buildings, however these buildings have now been demolished. The site has a change in levels across its length, with the highest point within the south-western corner.	
		The site fronts onto Main Street and is bound to the south by existing residential properties which front onto Muncaster Road and Queens Close. The site was previously bounded to the north east and south west by redundant sites, however these have now been developed to form a sixty bed care	

facility (ref: 4/17/9001/0F2) and a fuel forecourt and associated convenience store and parking (ref: 4/16/2167/0F1).

The site is currently served by two existing accesses from Main Street, one of these will continue to be used to allow access to the existing electrical substation located to the north of the site.

Relevant Planning History

4/17/2143/0O1 – Demolition of factory and outline planning for erection of dwellings – Approved in Outline

4/20/2334/0R1 – Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Reserved Matters Approved

Proposal

In November 2021 an application for the approval of Reserved Matters was granted (ref: 4/20/2334/0R1) for 26 dwelling and associated infrastructure following the previous outline approval ref:4/17/2143/0O1.

This current application seeks to vary condition 2 relating to the submitted plans for this application, in order to change the external appearance of all the housetypes previously approved at this site.

Consultation Responses

Whitehaven Parish Council

1st April 2022

The Council wished to express their concerns with regards to the traffic situation at Hensingham and the surrounding area and that there does not appear to be a cohesive or coherent plan when it comes to the traffic structure in this area of town.

Cumbria County Council – Cumbria Highways & LLFA

24th March 2022

No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

8th June 2022

No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to twelve properties. Two letters have been received stating a neutral response to this application and offering the following comments:

- Is there a site plan to show exit and entrance points?
- There is an open access to culvert next to sandstone wall at front left. This culvert crosses the road comes down Horsfield close and goes through my garden, my only concern is that building waste or anything else gets into the culvert and then blocks the pipes in my garden that goes from 2 pipes to one towards Winston Drive. I want assurance that the builders will make sure this doesn't happen as I am responsible for maintaining a clear waterway and do not want to be paying for excess to be cleared. I have had it inspected and recorded what there is presently in the pipes but unwilling to pay to clear it as yet in case debris is washed down from the site.

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 ST4 – Providing Infrastructure

Policy ER10 – Land and Premises for Economic Development

Policy ER5 – Improving Quality of Employment Space

Policy ER6 – Location of Employment

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

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

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

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

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (4/20/2334/OR1) as works have not commenced on the site it is considered necessary to repeat all conditions to ensure the development is carried out as per the approved details. However, conditions 9, 10 and 11 will be amended to reflect the revision to the planning layout plan which is specified within these conditions.

The current application seeks to vary condition 2 of the original reserved matters planning approval.

The proposed amendments will allow for the alteration to the external appearance of the house types previously approved. These are the developers 'contemporary' style house types which are currently proposed within the adjacent site currently being considered under planning application reference 4/21/2489/0F1.

Previous alterations to the design for the original reserved matters approval, i.e. roof slope fronting highway and the retention of the front boundary wall, are retained under this proposed alterations to the scheme. The layout of the development will not be altered therefore the development is not considered to have an adverse impact on any neighbouring properties. Although concerns have been raised with regard to an existing culvert and the impact on the highway network by the occupiers of one neighbouring property, these matters were considered as part of the original outline and reserved matters applications for this site, and therefore cannot form part of the decision making process for this current application.

On the basis of the above, the proposed alterations are considered to be acceptable and will not have an impact on the overall streetscene or character of the area.

8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> 2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, Drawing Number: 16061-00, received by the Local Planning Authority on the 2nd September 2020. - Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: K, received by the Local Planning Authority on the 23rd May 2022. - Planning Layout (Colour Coded) (Amended), Scale 1:500, Drawing Number: MJG/PL-110-2, Rev C, received by the Local Planning Authority on the 1st November 2021. - Site Sections, Scale 1:500, Drawing Number: MJG/PL-110-7, Rev B, received by the Local Planning Authority on the 26th April 2022. - Street Scene Plots 1-5, Scale 1:100, received by the Local Planning Authority on the 26th April 2022. - Car Parking Plan (Amended), Scale 1:500, Drawing Number: MJG/PL-110-3, Rev: C, received by the Local Planning Authority on the 1st November 2021. - Boundary Treatment Plan (Amended), Scale 1:500, Drawing Number: MJG/PL-101-1, Rev C, received by the Local Planning Authority on the 1st November 2021. - Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing Number: SD-110, Rev: B, received by the Local Planning Authority on the 2nd September 2020. - Boundary Treatments 1800mm High Timber Fence, Scale 1:20, Drawing Number: SD-100, Rev: D, received by the Local Planning Authority on the 2nd September 2020.

- Detached Garage Details Single, Scale 1:50 & 1:100, Drawing Number: SD700, Rev: A, received by the Local Planning Authority on the 2nd September 2020.
- Detached Garage Details Double, Scale 1:50 & 1:100, Drawing Number: SD701, Rev: B, received by the Local Planning Authority on the 2nd September 2021.
- Landscape Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW01-C, received by the Local Planning Authority on the 22nd July 2021.
- Landscape Management Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW02-C, received by the Local Planning Authority on the 22nd July 2021.
- Site Surroundings, received by the Local Planning Authority on the 2^{6th} February 2021.
- External and Finished Floor Levels (Amended), Scale 1:200, Drawing Number: K36892/A1/102, Rev: D, received by the Local Planning Authority on the 22nd July 2021.
- Proposed Highway Longitudinal Sections (Amended), Scale 1:100 & 1:500, Drawing Number: K36892/A1/102, Rev: B, received by the Local Planning Authority on the 22nd July 2021.
- Noise Assessment Report, Prepared by RS Acoustic Engineering 22nd July 2021, received by the Local Planning Authority on the 22nd July 2021.
- Economic Benefits Report, Prepared by Homes by Gleeson August 2020, received by the Local Planning Authority on the 2nd September 2020.
- Proposed Highway Levels (Amended), Scale 1:200, Drawing Number: K36892/A1/100, Rev: B, received by the Local Planning Authority on the 22nd July 2021.
- External Works Layout (Amended), Scale 1:200, Drawing Number: K36892/A1/110, Rev: A, received by the Local Planning Authority on the 2^{2nd} July 2021.
- 211 & 301 House Type Contemporary – Elevations (Amended), Scale 1:100, Drawing No: 21-211_301-C, received by the Local Planning Authority on the 23rd May 2022.
- 211 & 301 House Type Contemporary – Elevations (Handed) (Amended), Scale 1:100, Drawing No: 21-211_301-C-(h), received by the Local Planning Authority on the 23rd May 2022.
- 211 & 301 Floor Plans, Scale 1:100, Drawing No: MJG/PL-107-7, received by the Local Planning Authority on the 31st May 2022.
- 301 & 211 Floor Plans, Scale 1:100, Drawing No: MJG/PL-107-7, received by the Local Planning Authority on the 31st May 2022.
- 301 House Type Contemporary – Planning Drawing (Amended), Scale 1:100, Drawing No: 21-301- C-0001, Rev: C03, received by the Local Planning Authority on the 27th May 2022.
- 303 House Type Contemporary – Elevations (Amended), Scale 1:100, Drawing No: 21-303- C-0301, Rev: C01, received by the Local Planning Authority on the 23rd May 2022.

- House Type 303 Floor Plans, Scale 1:100, Drawing No: 303/1E, received by the Local Planning Authority on the 2nd September 2020.
- 353 House Type Contemporary – Planning Drawings (Handed) (Amended), Scale 1:100, Drawing No: 21-353- C-0001-(h), Rev: C01, received by the Local Planning Authority on the 23rd May 2022.
- 358/9 House Type Contemporary – Planning Drawings (Amended), Scale 1:100, Drawing No: 21-358/9- C-0001, Rev: C01, received by the Local Planning Authority on the 27th May 2022.
- 358/9 House Type Contemporary – Planning Drawings (Handed) (Amended), Scale 1:100, Drawing No: 21-358/9- C-0001-(h), Rev: C01, received by the Local Planning Authority on the 27th May 2022.
- 450 House Type Contemporary – Elevations (Amended), Scale 1:100, Drawing No: 21-450- C-0301, Rev: C01, received by the Local Planning Authority on the 26th April 2022.
- House Type 450 Floor Plans, Scale 1:100, Drawing Number: 450/1A, received by the Local Planning Authority on the 27th September 2021.
- 450 House Type Contemporary – Planning Drawing (Handed) (Amended), Scale 1:100, Drawing No: 21-450- C-0001-(h), Rev: C01, received by the Local Planning Authority on the 23rd May April 2022.

Reason

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

Pre Commencement Conditions:

3. Before development commences at this site a Light Assessment based around the night-time operations of the adjacent commercial garage must be submitted to and approved in writing by the Local Planning Authority. Any approved remedial action identified within this assessment must be implemented before the development is first occupied and must be retained at all times thereafter.

Reason

To protect residential amenity.

4. Before development commences, a 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, noise and vibration, and must identify remedial action to prevent nuisance.

The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In order to protect residential amenity.

Prior to Occupation Conditions:

5. Prior to the first occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the following approved plans:
- Boundary Treatment Plan (Amended), Scale 1:500, Drawing Number: MJG/PL-101-1, Rev C, received by the Local Planning Authority on the 1st November 2021.
 - Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing Number: SD-110, Rev: B, received by the Local Planning Authority on the 2nd September 2020.
 - Boundary Treatments 1800mm High Timber Fence, Scale 1:20, Drawing Number: SD-100, Rev: D, received by the Local Planning Authority on the 2nd September 2020.

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

Reason

To protect residential amenity

7. Prior to the first occupation of any dwelling hereby approved, the mitigation measures identified within the approved document 'Noise Assessment Report, Prepared by RS Acoustic Engineering 22nd July 2021, received by the Local Planning Authority on the 22nd July 2021', must be installed. Once installed the mitigation measures must be retained in accordance with these approved details at all times thereafter.

Reasons

To protect residential amenity.

8. Prior to the first occupation of any dwelling hereby approved, the proposed landscaping at this site must be planted in accordance with the following approved document 'Landscape Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW01-C, received by the Local Planning Authority on the 22nd July 2021'. Once installed the landscaping must be retained in accordance with these approved details and managed in accordance with the following approved document 'Landscape Management Plan (Amended), Scale 1:250, Drawing Number: GHIM-WW02-C, received by the Local Planning Authority on the 22nd July 2021', at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

9. Prior to the first occupation of any dwelling hereby approved, the proposed access to the site must be installed in accordance with the following approved plan 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: K, received by the Local Planning Authority on the 23rd May 2022'. The approved access must be retained at all times thereafter in accordance with these approved details.

Reason

In the interests of highway safety

Other conditions:

10. The development hereby approved must be carried out in accordance with the schedule of materials set out in the approved plan 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: K, received by the Local Planning Authority on the 23rd May 2022', and retained as such at all times thereafter.

Reason

In the interest of visual amenity.

11. The existing stone wall along the north east frontage of the site must be retained at all times in accordance with the details shown on the approved 'Planning Layout (Amended), Scale 1:500, Drawing No: MJG/PL-110, Rev: K, received by the Local Planning Authority on the 23rd May 2022'. This wall should not be altered without the prior written consent of the Local Planning Authority.

Reason

In the interest of visual amenity.

12. Construction site operating hours 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.

13. 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.

Informatives:

1. Prior to the commencement of this development, the requirements of Planning Conditions 4, 5, 6, 7, 8, and 10 of Outline Planning Approval Ref: 4/17/2143/001 are required to be submitted and approved in writing by the Local Planning Authority.
2. The development hereby approved must be carried out in accordance with conditions 2, 9, and 11 of Outline Planning Approval Ref: 4/17/2143/001.
3. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011).
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

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

Statement:

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

Case Officer: C. Burns

Date : 21.06.2022

Authorising Officer: N.J. Hayhurst

Date : 21.06.2022

Dedicated responses to:- N/A