



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2318/OF1
2.	Proposed Development:	REPLACEMENT DWELLING TYPE
3.	Location:	PLOT 8, HIGH STILE GARDENS, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Safeguard Zone - Safeguard Zone,</p> <p>Coal - Development Referral Area - Data Subject to Change,</p> <p>Coal - Standing Advice - Data Subject To Change,</p> <p>Key Species - Bounds of Sensitive Area for Hen Harriers,</p> <p>Preferred Route Corridor - Within Preferred Route Corridor</p>
6.	Publicity Representations &Policy	See report.
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises the property previously known as Cumberland Cold Storage Ltd, Hensingham, Whitehaven.</p> <p>The Site extends to c.2 hectares in area.</p> <p>The Site was formerly occupied by a fish-processing factory constructed in the late 1970s.</p> <p>The trees to the east of the Application Site are the subject of a Tree Preservation Order - Ref. 35.</p> <p>Direct Planning Application History:</p> <p>4/14/2176/001 – Outline for 34no. dwellings. Approve subject to planning conditions and S106.</p>

4/14/2177/OF1 – Demolition of vacant former fish factory and erection of 1,521 sqm of B1 and B2 commercial development with associated landscaping and access. Approved subject to planning conditions.

4/16/2433/OR1 – Reserved Matters for 25no. dwellings. Approved subject to planning conditions.

4/19/2238/OB1 – Variation of Condition 2 (Site Plan) of planning permission 4/16/2433/OR1 (Reserved matters for 25 dwellings). Approved subject to planning conditions.

4/20/2377/OB1 – Variation of Condition 1 of 4/19/2238/OB1 (Site Plan and Amended And New Dwelling Types). Approved subject to planning conditions.

The development is currently under construction.

Proposal:

This application seeks Full Planning Permission for the erection of a two-storey dwelling on Plot 8.

The proposed effectively seeks the replacement of an approved dormer bungalow with a two-storey dwelling.

It is proposed to finish the dwelling externally with white roughcast render with buff sandstone details to the elevations and concrete tiles to the roof structure. uPVC windows and doors are proposed.

The proposed design/specification of the highway and drainage infrastructure to serve the dwelling is consistent with that approved under application ref. 4/20/2377/OB1.

Consultee:	Nature of Response:
Town Council	No comments.
Cumbria County Council – Highways and LLFA	Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have 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.
The Coal Authority	<u>The Coal Authority Response: Material Consideration</u> Currently the northern part of the application site falls within the defined Development High Risk Area (DHRA). This is on the basis that it was considered

that this part of the site fell within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods.

However, colleagues in our Mining Information Team have advised that our records have been reviewed and they have confirmed that the site is no longer considered to be within an area of recorded opencast. The boundary of the DHRA will be revised in our next annual risk data release to the LPA. This will result in the site being shown as being outside the DHRA, i.e. within the Development Low Risk Area.

In light of the above, the Coal Authority's Planning & Development Team wishes to raise **no objection** to this planning application.

Neighbour Responses:

The application has been advertised by way of a planning application site notice and neighbour notification letters issued to 3no. neighbouring dwellings.

No written representations have been received in respect of the proposals.

Development plan policies:

Development Plan:

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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Emerging Copeland Local Plan (ELP).

The emerging Copeland Local Plan 2017-2038 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.

As set out at Paragraph 48 of the 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 Framework.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 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.

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 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
Policy H1PU - Improving the Housing Offer
Policy H2PU - Housing Requirement
Policy H3PU - Housing delivery
Policy H4PU - Distribution of Housing
Policy H5PU - Housing Allocations
Policy H6PU - New Housing Development
Policy H7PU - Housing Density and Mix
Policy H8PU - Affordable Housing

Policy SC1PU - Health and Wellbeing

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 CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

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).

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Assessment:

Principle

Outline Planning Permission was approved and Reserved Matters subsequently approved for the erection of 34 dwellings under planning application ref. 4/14/2176/001 and planning application ref. 4/16/2433/0R1 respectively.

Two separate planning applications under Section 73 have been approved under application ref. 4/19/2238/0B1 and application ref. 4/20/2377/0B1.

The relevant pre-commencement planning conditions have been approved/discharged and the development has been commenced.

An extant planning permission exists on the application site.

The proposed development effectively seeks the replacement of an approved dormer bungalow with a two-storey dwelling approved under application ref. 4/20/2377/0B1; therefore, the principle of residential development is established.

Design and Landscape Impact

The proposed dwelling is large in overall scale, being that it is developed from the footprint of the approved single storey dwelling.

Notwithstanding the above, the proposed is of scale, form and design that is not inappropriate to and does not detract from the character and form of the dwellings approved on the remainder of the development and wider locality.

Residential Amenity

Given the scale, form and location of the proposed dwelling in relation to the existing dwellings and approved, no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result.

Highways Impacts

No revisions are proposed to the previously approved highway or access.

The number of parking spaces continues to accord with the provisions of the CDDG.

Drainage

It remains proposed to dispose of foul water and surface water to the existing mains drainage system as per the previously approved drainage scheme.

Ground Conditions/Contamination

The Coal Authority raise no objection.

Application Ref. 4/14/2176/001 was approved subject to a planning condition requiring the submission of a ground investigation relating the contamination risks on the Application Site.

A ground investigation report and remediation strategy were submitted in approved in 2018 – Report Ref. 2016-2053 prepared by Geo Environmental Engineering.

The Applicant has submitted a revised ground investigation report and remediation strategy - Report Ref. 2018-3413 prepared by Geo Environmental Engineering which was completed in late 2018/early 2019. This report confirms there are no mitigation measures required and therefore no remediation strategy or validation report is needed.

The groundworks required in the construction of the proposed dwelling are principally complete;

	<p>however, minor additional works are required.</p> <p>A planning condition is proposed to require completion of the development in accordance with the provisions of Report Ref. 2018-3413 prepared by Geo Environmental Engineering.</p> <p><u>The Planning Balance</u></p> <p>The principle of the development has previously been established.</p> <p>The proposed dwelling is of a scale, form and design that is appropriate to the development.</p> <p>No issues are arising in respect of residential amenity, highway safety and drainage.</p> <p>The development accords with the development plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall begin not later than three years from the date of this decision. <p>Reason</p> <p>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.</p> <ol style="list-style-type: none"> 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <p>Planning Application Form received 27th July 2022 Site Location Plan – Drawing No. 13/07/805-01 received 27th July 2022 Revised Site Plan (Residential) – Drawing No. 13/07/805-69c) received 27th July 2022 Residential Development – Dwelling Type C/3 (Plot 8) – Floor Plans – Drawing No. 13/07/805-87 received 27th July 2022 Residential Development – Dwelling Type C/3 (Plot 8) – Working Elevations – Drawing No. 13/07/805-89 received 27th July 2022 Design and Access Statement – DOC. REF: 13/07/805-DAS received 27th July 2022</p>

Supplementary Phase 2 Ground Investigation Report Ref. 2018-3413 prepared by Geo Environmental Engineering received 26th September 2022
Landscape Layout – Drawing No. M3252-PA-01-V3 received 26th September 2022
Masterplan – Drawing No. M3252-PA-02-V3 received 26th September 2022

Reason

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

3. The dwelling hereby approved not shall be occupied until the access and parking facilities to serve the dwelling have been constructed in accordance with the approved details. The access and parking facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard or access provision for the lifetime of the development in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following completion of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. 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 unless the Local Planning Authority gives written consent to any variation.

Reason

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

5. The development hereby approved shall be completed in accordance with the provisions of Supplementary Phase 2 Ground Investigation Report Ref. 2018-3413 prepared by Geo Environmental Engineering received 26th September 2022.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

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: Chris Harrison

Date : 27.09.2022

Authorising Officer: N.J. Hayhurst

Date : 28.09.2022

Dedicated responses to:- N/A