

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/22/2326/OB1 | |
| 2. | Proposed Development: | VARIATION OF CONDITION 5 AND 8 (PRE COMMENCEMENT CONDITIONS) OF PLANNING APPROVAL 4/21/2189/0F1 - DEMOLITION OF EXISTING TWO STOREY BUILDING FORMERLY POW BECK CARE HOME; THE ERECTION OF A NEW CARE HOME (USE CLASS C2) WITH ASSOCIATED LANDSCAPING COMPRISING OF 36 ONE & TWO BEDROOM FLATS OVER THREE STOREYS | |
| 3. | Location: | POW BECK HOUSE, MEADOW ROAD, 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 | No |
| | | Press Notice | No |
| | | Consultation Responses | See Report |
| | | Relevant Policies | See Report |
| 7. | Report: | <p>Site and Location</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>Relevant Planning History</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</p> | |

two bedroom flats over three storeys – Approved

4/22/2103/DOC – Discharge of conditions 3, 4, 6 and 7 of planning approval 4/21/2189/OF1 - Approved

Proposal

In November 2021, planning permission (ref: 4/21/2189/OF1) 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 current application seeks permission to vary the following conditions attached to this planning permission:

5. Before development commences, the section of Pow Beck culvert within the development site must be repaired to a satisfactory standard in accordance with details submitted to and approved in writing by the Local Planning Authority, whether by lining, or by other approved methods.

Reason

To ensure the provision of a satisfactory drainage scheme.

8. After demolition, the section of Pow Beck culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during demolition. Should damage be identified, this must be repaired to a satisfactory standard which has been approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

Consultation Responses

Whitehaven Town Council

No negative objections or comments raised.

Cumbria County Council – Cumbria Highways & LLFA

16th August 2022

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 variation in condition 5 and 8 of 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.

14th September 2022

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 variation of condition 5 and 8 of application 4/21/2189/0F1, 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.

United Utilities

20th September 2022

United Utilities has no comment to make on this application as the culverted watercourse that crosses the site is not a United Utilities asset. Contact should be made with the Riparian owner who is responsible for the watercourse and/or the LLFA.

Copeland Borough Council – Flood and Coastal Defence Engineer

17th August 2022

With regards to the proposed changes to the two conditions that form the above application, I can confirm that I am happy with the proposed changes.

13th September 2022

With regards to the additional information, I am happy with this.

I would however, advise that as the supervising authority with respect to ordinary watercourse, which is what Pow Beck is at this point, the LLFA must be consulted before any approvals are given at the various stages.

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

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 (4/21/2189/0F1), development has not yet commenced on site therefore, it is necessary to amend condition 1 to reflect the timescale for commencing development. Conditions 2, 10, 15, 17, 18, 19, 20, and 21 will be repeated to ensure that works are carried out as per the approved details. Conditions 9, 11, 12, 13, 14, and 16 will also be repeated as these conditions still require discharge prior to the first use/occupation of the building approved. Conditions 3, 4, 6, and 7 will be amended to reflect the details approved when the conditions were discharged in September 2022.

The current application seeks to vary conditions 5 and 8 of the original planning approval, ref: 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. The variation of this condition will allow demolition to be carried out on site without needed to carry out works to the existing culvert.

Condition 8 requires that after demolition the Pow Beck Culvert within the development site must be surveyed by CCTV and repaired to a satisfactory standard in line with details approved by the Local Planning Authority. The current CCTV survey of the culvert has found that the culvert cannot be repaired and requires replacement after demolition of the building. The variation of this condition will allow for the culvert to be replaced rather than repaired.

In support of this application the agent has submitted a document of undertaking. This sets out the results of the original CCTV survey, including the requirement for the culvert replacement, and the steps required after demolition of the building, including further CCTV surveying and the submission of a culvert replacement scheme to the LPA. Conditions 5 and 8 will be amended to reflect the works

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| | <p>set out within this supporting document.</p> <p>Cumbria County Council, United Utilities and the Council's Flood and Coastal Defence Engineer have offered no objections to this application, therefore the proposed variation of conditions is considered acceptable for this development.</p> |
| 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 hereby permitted must be commenced before the 12th November 2024. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, Drawing No P01, received by the Local Planning Authority on the 29th April 2021. - Topographical Survey, Scale 1:200, Drawing No J1530.DWG, Rev ORIG, received by the Local Planning Authority on the 29th April 2021. - Ground Floor Plan, Scale 1:200, Drawing No P03, received by the Local Planning Authority on the 29th April 2021. - Ground Floor Plan, Scale 1:100, Drawing No P03, received by the Local Planning Authority on the 29th April 2021. - First Floor Plan, Scale 1:100, Drawing No P04, Rev A, received by the Local Planning Authority on the 29th April 2021. - Second Floor Plan, Scale 1:100, Drawing No P05, Rev A, received by the Local Planning Authority on the 29th April 2021. |

- Proposed Elevations (Amended), Scale 1:100, Drawing No P06, Rev C, received by the Local Planning Authority on the 19th July 2021.
- Proposed Elevations (Amended), Scale 1:100, Drawing No P07, Rev B, received by the Local Planning Authority on the 19th July 2021.
- Perspective Views (Amended), Scale 1:500, Drawing No P08, Rev C, received by the Local Planning Authority on the 19th July 2021.
- Proposed Site Plan (Amended), Scale 1:200, Drawing No P03, Rev D, received by the Local Planning Authority on the 19th October 2021.
- Proposed Site Plan, Scale 1:200, Drawing No SK03, received by the Local Planning Authority on the 12th July 2021.
- Site Plan – Existing Footprint Extents (Amended), Scale 1:200, Drawing No P12, received by the Local Planning Authority on the 22nd June 2021.
- Existing Elevation Comparison (Amended), Scale 1:100, Drawing No P10, Rev B, received by the Local Planning Authority on the 22nd July 2021.
- Existing Elevation Comparison (Amended), Scale 1:100, Drawing No P11, Rev B, received by the Local Planning Authority on the 22nd July 2021.
- Demolition Method Statement, received by the Local Planning Authority on the 29th April 2021.
- Design and Access Statement (Amended), Rev A, received by the Local Planning Authority on the 29th July 2021.
- Bat Survey, Prepared by Whitcher Wildlife Ltd January 2021, received by the Local Planning Authority on the 29th April 2021.
- Supporting Statement – Prepared by Staniforth Architects, received by the Local Planning Authority on the 9th July 2021.
- Transport Statement, Prepared by Sanderson Consulting Engineers Ltd, received by the Local Planning Authority on the 11th August 2021.

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. The development hereby approved must be carried out in accordance with the Surface Water Drainage Scheme approved as part of condition 3 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26th September 2022 (ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

4. The development hereby approved must be carried out in accordance with the Foul and Surface Water Drainage Scheme approved as part of condition 4 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26th September 2022 (ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

5. The development hereby approved must be carried out in accordance with the schedule of works set out in the approved document:
- Undertaking Details (Amended), received by the Local Planning Authority on the 30th August 2022.

The development must be retained in line with these approved details at all times thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

6. The development hereby approved must be carried out in accordance with the demolition and construction management plan approved as part of condition 6 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26th September 2022

(ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

In order to protect residential amenity.

7. The development hereby approved must be carried out in accordance with the Highway Construction and Drainage details approved as part of condition 7 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26th September 2022 (ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

After Demolition Conditions:

8. After demolition of the existing building, the section of Pow Beck culvert within the development site must be surveyed and repaired/replaced in line with the schedule of works set out within the approved document:

- Undertaking Details (Amended), received by the Local Planning Authority on the 30th August 2022.

Details of any repairs/replacement of the Pow Beck Culvert must be carried out to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority. The development must be retained in line with these approved details at all times thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

Prior to Use/Occupation Conditions:

9. Before the development becomes operational, the section of Pow Beck culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

10. The development hereby approved must not be brought into use until the access and parking requirements have been constructed in accordance with the approved plans. Any such access and or parking provision must be retained and be capable of use when the development is completed and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

11. Prior to their first use on the development hereby permitted representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

12. Prior to their first installation within the development hereby approved, full details of the proposed external lighting must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To safeguard the amenity of nearby residential properties.

13. Prior to their first installation within the development hereby approved, full detail of proposed biodiversity enhancements must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reasons

To protect the ecological interests evident on the site.

14. Prior to the first use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc, and details of maintenance of the proposed landscaping once implemented. Landscaping must be carried out and managed in accordance with these approved details 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.

15. Prior to the first occupation of the development the proposed boundary treatment must be installed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:200, Drawing No P03, Rev D, received by the Local Planning Authority on the 19th October 2021'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential amenity.

16. Prior to occupation of the development 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:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- 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.

Other Conditions:

17. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

18. A non-return valve must be installed before connecting into the public sewer

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

19. The development must implement all of the mitigation measures set out in the approved document 'Bat Survey, Prepared by Whitcher Wildlife Ltd January 2021, received by the Local Planning Authority on the 29th April 2021'. These measures must be retained at all times thereafter.

Reasons

To protect the ecological interests evident on the site.

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

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| | <p>Holidays.</p> <p>Reason</p> <p>In the interest of residential amenity.</p> <p>Informatives:</p> <ol style="list-style-type: none"> 1. 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). 2. If bats are discovered after development has started, all works must stop and expert help should sought from a qualified and licensed ecologist. A survey should be undertaken and mitigation plans developed on the basis of this study. Bats and their roosts are protected by law and it is an offence to wilfully injure or kill a bat or damage or destroy a bat roost. 3. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team. Streetworks West streetworks.west@cumbria.gov.uk <p>Statement:</p> <p>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.</p> |
| Case Officer: C. Burns | Date : 27.09.2022 |
| Authorising Officer: N.J. Hayhurst | Date : 29/09/2022 |
| Dedicated responses to:- N/A | |