

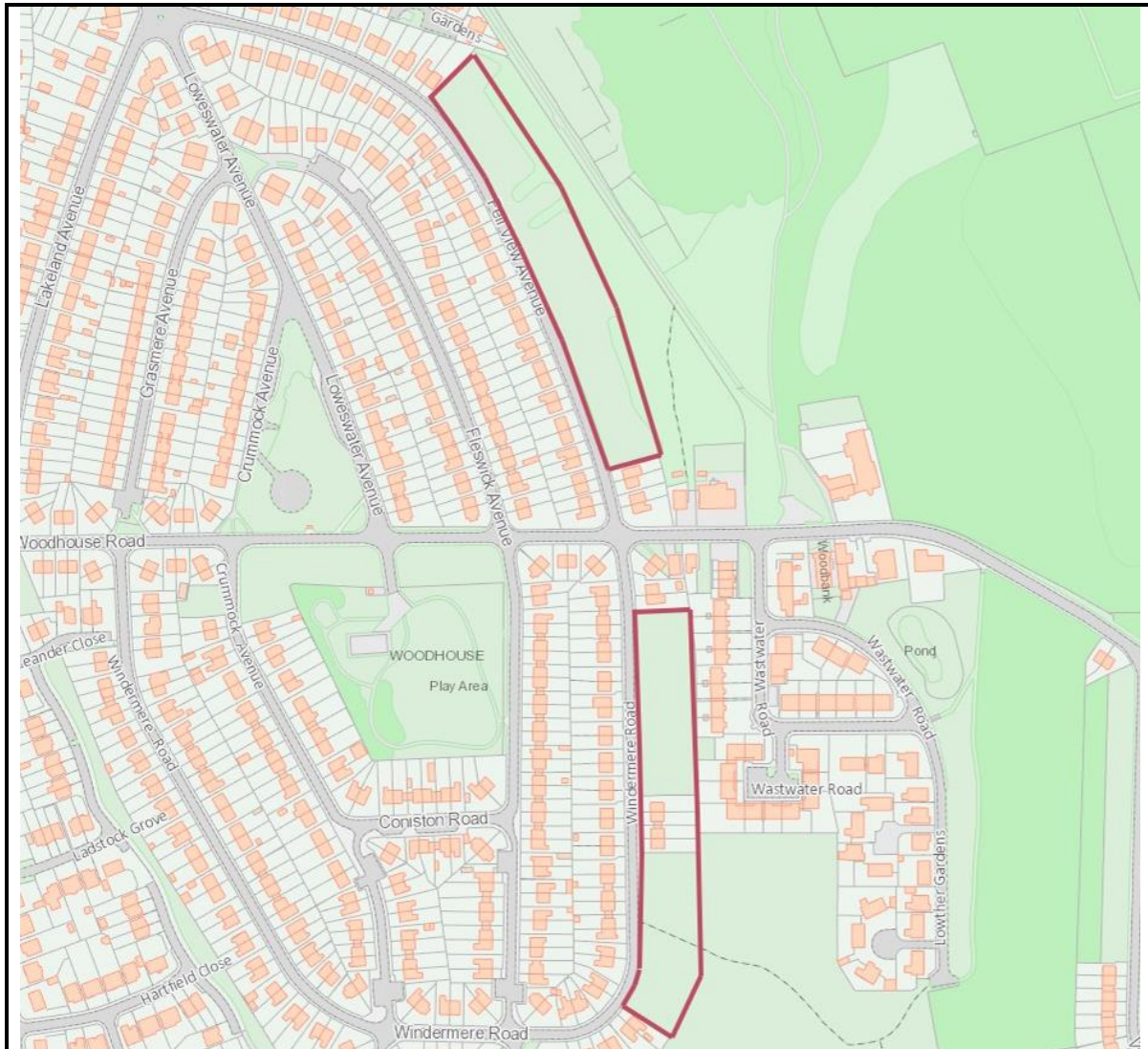


To: PLANNING PANEL

Development Management Section

Date of Meeting: 14/12/2022

Application Numbers:	4/22/2359/0F1
Application Type:	Full
Applicant:	Home Group
Application Address:	LAND AT FELL VIEW AND WINDERMERE AVENUE, WHITEHAVEN
Proposals	ERECTION OF 40 DWELLINGS COMPRISING 24 NO. TWO BED BUNGALOWS, 4 NO. THREE BED BUNGALOWS AND 12 NO. TWO BED HOUSES AND ASSOCIATED EXTERNAL WORKS INCLUDING THE DEMOLITION OF 2 PAIRS OF SEMI-DETACHED HOUSES
Parish:	Whitehaven
Recommendation Summary:	Approve subject to conditions



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Reason for Determination by Planning Panel:

The application is brought for consideration by Members of the Planning Panel as it relates to a major housing proposal and raises several material planning considerations.

Site and Location

The application site relates to land at Fell View Avenue and Windermere Road, which cover an area of 7.5ha and 6.9ha respectively. The land is located within the residential area of Woodhouse and falls within the settlement boundary of Whitehaven.

The sites originally contained a number of three and four bed houses which were demolished approximately 10 years ago. The land is currently being used as informal green open space.

Both sites at Fell View Avenue and Windermere Road are bound by two-storey residential dwellings to either side. The entire Fell View Avenue site is bound by further green space, the Public Right of Way No 431016 and allotment gardens to the rear. The northern end of the Windermere Road site is bound by residential properties on Wastwater Road to the rear and the southern end of the site is bound by an area of green space to the rear.

Both sites slope gently away from the highway.

Proposal

This application seeks full planning permission for the erection of 40 dwellings, comprising 24 no. two bed bungalows, 4 no. three bed bungalows and 12 no. two bed houses and associated external works including the demolition of 2 pairs of existing semi-detached houses.

The development is proposed to be phased across the two streets.

Phase 1 relates to Windermere Road which comprises 18 no. semi-detached bungalows.

Phase 2 relates to Fell View Avenue which comprises 12 no. two-storey houses and 10 no. semi-detached bungalows.

The proposed development will front Fell View Avenue and Windermere Road and the vehicle access and parking for residents and visitors will be located to the front of the dwellings with landscaping between to break up the parking forecourts.

The proposed dwellings are to be finished with a combination of cream render and multi-red brick under red double roman concrete tile covered roof structures.

A combination of retaining walls with 1.2m high close boarded fences and 1.8m high close boarded timber fences are proposed to the boundaries.

The application is supported by the following information:

- Site Location Plan
- Existing Block Plan
- Proposed Block Plan
- Existing Site Plan for Fell View Avenue and Windermere Road
- Proposed Site Plan
- Proposed Elevations
- Proposed Sections
- Proposed Perspective Views
- Housing Types
- Ecological Appraisal
- Ground Investigations Report;
- Geo environmental Site Assessment
- SuDs Construction Management Plan

- SuDs Operation and Maintenance Plan
- Flood Risk Assessment and Drainage Strategy
- Proposed Drainage Plan
- Proposed Sewer Diversion and Abandonment Plan
- Design and Access Statement.

Relevant Planning Application History

Planning Permission has previously been granted for:

- Demolition of various properties (40 in total) (ref: 4/09/2491/0);
- Demolition of 36 properties (ref: 4/09/2361/0).

Consultation Responses

Whitehaven Town Council

No objections.

Cumbria County Council - Highway Authority and Lead Local Flood Authority

26th October 2022 Original comments

No objections in principal but request for additional details and updated Flood Risk Assessment based on the Environment Agency's new guidelines regarding climate change for any new development.

22nd November 2022 Revised comments

No objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent:

- Vehicular crossing shall be carried out to the specifications of the Local Planning Authority in consultation with the Highway Authority;
- Access Gates hung inwards;
- Highway drains protection;
- Access and parking/turning requirements shall be substantially met before building work commences on site;
- Construction Traffic Management Plan required.

Cumbria County Council – Countryside Access Team

The public right of way No 431016 runs along the boundary of the proposed development at Fell View Avenue. The granting of planning permission would not give the applicant the right to block or obstruct the right of way. It must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

National Highways

18th October 2022 Original comments

Requested additional information directly from the agent.

26th October 2022 Revised comments

No objections.

United Utilities

Objection pending request for information. Although notwithstanding the objection, should the LPA deem it appropriate to grant planning consent irrespective of UU comments, they request pre-commencement drainage condition attached to any subsequent approval, for a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted to and approved in writing by the LPA.

Environment Agency

No comments received.

Copeland Flood and Coastal Defence Engineer

The documentation submitted demonstrates how the site can be constructed at a low flood risk, without increasing flood risk elsewhere based on sustainable drainage principles.

The proposed drainage scheme is subject to final detailed design, which will follow on from full Planning Approval.

No specific conditions are suggested for this site, based on the submitted documents, so long as the principles contained are adhered to.

Based on submitted documentation, no objections.

Copeland Environmental Health team

Comprehensive Phase 1 and 2 Ground Investigation Reports have been included in the submission. The Phase 2 report does recommend additional actions, namely some topsoil removal and possible site specific soil testing for contaminants in utility trenches, removal of shallow coal (less than 1.00 m below ground level) deposits where encountered when excavating utility trenches and building foundations, and 4 x no. additional gas monitoring visits required to be undertaken.

As such I would request that the following conditions are imposed regarding the Phase 2 contaminated land investigation, Reporting of Unexpected Contamination and a Construction Environmental Management Plan.

Copeland Housing Team

Supportive of the application.

Copeland Strategic Planning Policy Team

The Strategic Planning team supports this application in principle as it will provide a valuable source of affordable housing in Whitehaven. However, the issues of biodiversity net-gain outlined in N3PU require further consideration and further information regarding electric vehicle charging points and soil resources should be provided.

Natural England

No comments received.

Copeland's Consultant Arboriculturist (Capita)

Recommend a detailed Landscaping Plan is submitted prior to construction with specification and planting details for new tree and hedgerow planting along with an aftercare maintenance program.

Public Representations

The application has been advertised by way of press notice, site notices and neighbour notification letters issued to 83 no. properties –

Two objections have been received as a result of this consultation process which raised the following comments:

- Concerns regarding highway impact and parking and request new tenants park on the driveways provided rather than the road;
- Concerns regarding width of road due to on-street parking;
- Subsidence on application site;
- Loss of views;
- Impact on property value.

Planning Policies

Planning law requires 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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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 Development

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Strategic Housing Market Assessment 2019 (SHMA)

Strategic Housing Market Assessment Update 2021 (SHMAA)

Housing Needs Survey 2020

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Cumbria Development Design Guide (CDG)

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

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 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 H1PU – Improving the Housing Offer

Policy H2PU - Housing Requirement

Policy H3PU - Housing delivery

Policy H4PU – Distribution of Housing

Policy H6PU – New Housing Development

Policy H7PU – Housing Density and Mix

Policy H8PU – Affordable Housing

Policy N3PU – Biodiversity Net-Gain

Policy N6PU – Landscape Protection

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

The key issues raised by the development are the Principle of Development, Housing Need, Housing Mix, Layout, Scale and Design, Residential Amenity, Access and Parking, Drainage and Flood Risk, Ecology and Landscaping and Ground Conditions.

Principle of Development

Policy ST1 of the Copeland Local Plan sets out the key principles directing the Borough towards greater sustainable development. The NPPF promotes sustainable development and the provision of housing.

Policy ST2 identifies Whitehaven as the Principal Service Centre and directs development to the most sustainable locations. Policy ST2 states that the Principal Town will comprise the focus for the largest scale development, regeneration and important development opportunities.

Draft Policy DS3PU of the Emerging Local Plan also identifies Whitehaven as the Principal Town in the Settlement Hierarchy which will continue to be the primary focus for new development in the borough. Draft Policy H4PU directs 40% of housing to Whitehaven.

The Application Site is located within the settlement boundary for Whitehaven as defined in Policy ST2 and Draft Policy DS4PU.

The two sites front the highway and are adjoined by existing two-storey dwellings along Fell View Avenue and Windermere Road. They are both within the residential area of Woodhouse.

In addition, the two sites previously contained three and four bed houses which were demolished approximately 10 years ago.

On this basis, the principle of redeveloping the sites to provide 40 new dwellings within this location is acceptable. The residential use on the land has been previously established and the housing will help to meet the housing provision in the area. As a result, the principle of development is supported by Policies ST1 and ST2 of the Copeland Local Plan, along with the Policies from the Emerging Local Plan.

Housing Need and Housing Mix

Policy SS1 states the Council will work to make Copeland a more attractive place to build homes and to live in them, by allocating housing sites to meet local needs in locations attractive to house builders and requiring new development to be designed and built to a high standard.

Policy SS2 states that house building to meet the needs of the community and to accommodate growth will be provided for by: allocating sufficient land for new housing development to meet identified requirements within the Borough; allocating land in accordance with the following housing targets: i) A baseline requirement, derived from projected household growth, of 230 dwellings per year ii) Provision for growth 30% above that, to 300 dwellings per year; seeking densities over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding areas as well as design considerations; and, seeking to achieve 50% of new housing development on previously developed sites.

Policy SS3 and Draft Policy H7PU state that applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone. It is confirmed that development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites

suitable for executive and high quality family housing, focusing on Whitehaven and its fringes as a priority.

Draft Policy H1PU seeks to improve the housing offer and Draft Policy H7PU and Policy H8PU seek to ensure housing meets the local housing needs and aspirations set out in the latest Strategic Housing Market Assessment and Housing Needs Assessment.

The current Strategic Housing Market Assessment Update 2021 (SHMAA) indicates a need for more 2-bedroomed dwellings and for additional affordable housing Borough wide. The Housing Strategy (2013 – 2028) prioritises the provision of sufficient affordable housing and seeks to reconfigure the social housing mix, addressing the oversupply of 3 bedroomed properties.

The SHMAA also confirms that Copeland has an ageing population and identifies a need for additional wheelchair accessible or adaptable homes. There is significant unmet demand for bungalows, both from older people and families as well as those with disabilities. It recommends that the Council should also consider the potential role of bungalows as part of the future mix of housing.

The proposed development includes the provision of 28 no. bungalows (24 no. two bed and 4 no. three bed), along with 12 no. two bed houses and all units will be available as affordable rent. The scheme will be supplied by the registered social landlord, Home Group.

The applicant, Home Group has confirmed that they have an ongoing long-term strategy to improve the existing housing stock and external environment; and provide a greater mix of dwelling types to ensure a sustainable community for the future.

Both Copeland's Strategic Housing Team and Strategic Planning team support this application in principle as it will provide a valuable source of affordable housing in Whitehaven.

On this basis, the proposal for 2- and 3-bedroom affordable rental properties is welcomed and is in accordance with Policy SS1, SS2, SS3 of the Copeland Local Plan and Draft Policies of the Emerging Local Plan.

Layout, Scale and Design

Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties which include responding positively to the character of the site and immediate and wider setting. These policies seek to create and maintain a reasonable standard of amenity and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

Draft Policy H6PU and Policy DS6PU also set out Design and Development Standards.

The layout and scale of the development is considered to be appropriate given the constraints of the land in terms of its gradient and the relationship to the existing dwellings and access road. Each dwelling includes a satisfactory rear amenity space which can be used for bin storage.

Policy DM11 also requires housing to be of an appropriate density, generally at least 30 units per hectare. The proposal has a density of 29 and this marginal distinction is acceptable, based on the housing need and proposed housing mix which is weighted towards bungalows. Bungalows traditionally cover more floor space than traditional housing.

Following a review of the local character of the area, amended house type designs were sought. This ensured that the proposals include hipped roofs, window design to reflect the form of the adjacent dwellings and separate smaller front door canopy covers to reflect the character of the area. The proposed materials are also considered to be acceptable and would reflect the character and appearance of the surrounding area. These materials can be secured by the use of an appropriately worded planning condition.

Policy DM11 and Draft Policy DS2PU also seek to ensure proposals achieve high energy efficiency. The Design and Access Statement states that the new housing will contribute directly towards the progressive modernisation of Home Group's housing stock, helping reduce both energy use and carbon emissions.

On this basis, the proposed development is acceptable in terms of layout, scale and design to satisfy DM10, DM11 and DM12 of the Local Plan.

Residential Amenity

Policy ST1 and DM12 includes provisions requiring that development provides or safeguards good levels of residential amenity and security. Policy DM12 requires a separation distance between directly facing habitable room windows of 21 metres to maintain privacy and overlooking standards.

The minimum separation distance of 21 metres between the existing dwellings on Fell View Avenue and Windermere Road and the proposed dwellings as part of this development is achieved or exceeded in accordance with the requirements of Policy DM12.

In addition, as the sites were previously occupied by two-storey dwellings and the proposal relates to mainly bungalows, the potential impact on existing occupiers is reduced. This is considered to address some of the neighbour concerns which have been raised as part of the consultation process.

Given the scale, form and design of the proposed dwellings, unacceptable adverse impacts upon the occupiers of the existing dwellings will not result through dominance, loss of light, overlooking or overshadowing.

A planning condition is proposed to control hours of construction and to secure to a Construction Environmental Management Plan detailing the proposed construction working practices to minimise impacts upon existing occupiers through noise and dust generation and parking/loading.

Access and Parking

Policy DM12 and DM22 requires car parking provision in accordance with the adopted residential parking standards set out in the Cumbria Development Design Guide.

Concerns were raised by local residents that the existing roads are not wide enough to serve the existing dwellings and that the situation will be worsened by this development. It is noted that the existing street is very congested due to a lack of off-street parking.

Off-highway parking spaces are proposed to serve each new dwelling with additional visitor spaces also provided. The proposed level of parking accords with the requirements of the Cumbria Development Design Guide and the installation of the spaces can be secured through the use of a planning condition for each phase of development.

Following the receipt of additional details requested by Cumbria County Council Highway Authority, they have raised no objections but have requested the inclusion of pre-commencement conditions requiring a Construction Traffic Management Plan, existing drain protection and access/turning areas for construction phases. These details can be secured through suitably worded planning conditions.

National Highways also raised no objections to the development as it was not considered to have any impact on the wider highways network.

Public Right of Way number 431016 runs to the north of the site on Fell View Avenue but it will be unaffected by the proposals. An informative is proposed as part of any approval to advise that it is not obstructed during or after the development.

Whilst draft Policy CO7PU of the ELP sets out parking standards and the requirement for Electric Vehicle Charging Infrastructure only limited weight can be attached to these policies at this stage and therefore electric charging points cannot be insisted upon.

On balance, it is considered that the details comply with Policies DM12 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

Drainage and Flood Risk

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

Policy ENV1 and DM24 and Policy DS8PU 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 and accompanying reports and plans have been submitted in support of the planning application.

The Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. The documentation submitted in support of the application demonstrates how the site can be constructed at a low flood risk, without increasing flood risk elsewhere based on sustainable drainage principles. Copeland's Flood and Drainage Engineer and the LLFA have raised no objections to the development on the ground of flood risk.

The proposed drainage scheme is subject to final detailed design and therefore United Utilities have requested a pre-commencement condition be attached to ensure suitable surface water and foul water drainage details are provided.

On this basis, subject to the inclusion of conditions, the proposal is acceptable in terms of drainage and flood risk in accordance with Policy DM11 and DM24 of the Copeland Local Plan.

Ecology and Landscaping

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species. Draft Policy N3PU requires all developments to provide Biodiversity Net-Gain, preferably on site.

Policy DM26 requires developments and associated landscaping to relate well in terms of visual impact, scale, character, amenity value and local distinctiveness and requires landscaping schemes to be maintained for a minimum of five years. Draft Policy DS7PU also requires a high-quality landscaping scheme.

The application is supported by a Preliminary Ecological Appraisal. The plant species assemblages recorded at the site are all common in the local area and are considered to be of low ecological value. Grassland and scrub adjacent the site is of higher ecological value but will be retained.

Low numbers of common bat species are likely to forage over the site, although no bats were recorded roosting on or near site at the time of the report. It is proposed that some roosting provision for bats will however be incorporated into the new houses on site.

Birds are likely to utilise scrub on site for nesting between March and September. Any vegetation clearance should therefore be undertaken outside of this period. Provision for birds such as House Sparrow (*Passer domesticus*) can be made in the new scheme and no other notable or protected species were recorded on the site. The mitigation measures can be secured by the use of a condition.

Both the Council's Consultant Arboriculturalist and the submitted Preliminary Ecological Appraisal recommend a Landscaping Plan are submitted. This can also be secured by the use of a condition.

The Strategic Planning Policy team advised biodiversity net-gain outlined in Draft Policy N3PU requires further consideration. However, only limited weight can be attached to this issue at present as the provision of the Environment Bill have not come into force yet and also due to the stage of the ELP process.

On balance, subject to the inclusion of a Landscaping Scheme, the proposal is acceptable in terms of ecology and Policy ENV3 and DM25.

Ground Conditions

The NPPF under paragraph 183 requires sites to be suitable for their proposed use taking into account ground conditions and any risks arising from land instability and contamination, including any proposals for mitigation and remediation.

One objection has been received as a result of the public consultation regarding subsidence on the application site.

The application is supported by Comprehensive Phase 1 and 2 Ground Investigation Reports.

Environmental Health have raised no objections, although they have noted that the Phase 2 Report recommends additional actions regarding topsoil removal and possible site-specific soil testing for contaminants in utility trenches, removal of shallow coal (less than 1.00 m below ground level) deposits where encountered when excavating utility trenches and building foundations, and 4 additional gas monitoring visits required to be undertaken. On this basis, conditions regarding the Phase 2 contaminated land investigation, Reporting of Unexpected Contamination and a Construction Environmental Management Plan are proposed.

Subject to planning conditions the proposal will comply with Policy ST1 of the Copeland Local Plan and paragraphs 183 and 184 of the NPPF.

Planning Balance and Conclusion

This major application relates to two sites which are located within the settlement boundary of Whitehaven and were previously occupied by residential dwellings. Residential development is supported by the policies within the Copeland Local Plan. The site will deliver homes in a sustainable location to meet an identified need within Copeland.

The sites form part of Home Group's long-term strategy to improve their housing stock and provide a greater mix of housing types within the area. This development also brings a vacant site back into use, helping with the long-term sustainability of the community.

There is significant unmet demand for bungalows, both from older people and families as well as those with disabilities. The proposal is for social/affordable rent and the scheme will be provided by a registered social landlord, Home Group.

Significant weight in the planning balance is given to the affordable housing provision and housing mix which will provide 28 no. bungalows (24 no. two bed and 4 no. three bed), along with 12 no. two bed houses. This provision of a large number of bungalows is significant in terms of meeting housing need and it directly relates to the requirements set out in the SHMAA and Housing Needs Assessment.

The proposed designs of the dwellings were amended to include a simple form which respects the character and appearance of the surrounding locality. This includes the use of a hipped roof design, window alterations and the front door canopy covers.

The development does not raise issues in respect of residential amenity, access, parking, drainage, flood risk, ecology, landscaping and ground condition, subject to the inclusion of appropriate planning conditions.

The application received a limited response from the public and the only material planning considerations raised related to parking, highways and ground conditions. These issues have been addressed by Statutory Consultees in the application process and through planning conditions.

On balance, the proposal represents an acceptable form of sustainable development which accords with the policies set out within the adopted Local Plan, the Emerging Local Plan and the guidance in the NPPF.

Recommendation

Approve subject to the following conditions:-

Standard Conditions

1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

Reason

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

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: -
 - Application Form, received 30th August 2022;
 - Location Plan, scale 1:2500, ref 22016-PL-001, received 30th August 2022;
 - Fell View Avenue Existing Block Plan, scale 1:200, ref 22016-PL-025, received 30th August 2022;
 - Fell View Avenue Existing Site Plan 1, scale 1:200, ref 22016-PL-002, received 30th August 2022;
 - Fell View Avenue Existing Site Plan 2, scale 1:200, ref 22016-PL-003, received 30th August 2022;
 - Fell View Avenue Existing Site Plan 3, scale 1:200, ref 22016-PL-004, received 30th August 2022;
 - Fell View Avenue Proposed Block Plan, scale 1:500, ref 22016-PL-026, received 30th August 2022;
 - Fell View Avenue Proposed Site/Block Plan 1, scale 1:200, ref 22016-PL-005, received 30th August 2022;
 - Fell View Avenue Proposed Site/Block Plan 2, scale 1:200, ref 22016-PL-006, received 30th August 2022;
 - Fell View Avenue Proposed Site/Block Plan 3, scale 1:200, ref 22016-PL-007, received 30th August 2022;
 - Fell View Avenue Proposed Overall Elevations 1 Amended, scale 1:200, ref 22016-PL-008A, received 26th October 2022;

- Fell View Avenue Proposed Overall Elevations 2 Amended, scale 1:200, ref 22016-PL-009A, received 26th October 2022;
- Fell View Avenue Proposed Sections, scale 1:200, ref 22016-PL-010A, received 28th November 2022;
- Windermere Road Existing Site Plan 1, scale 1:200, ref 22016-PL-011, received 30th August 2022;
- Windermere Road Existing Site Plan 2, scale 1:200, ref 22016-PL-012, received 30th August 2022;
- Windermere Road Existing Site Plan 3, scale 1:200, ref 22016-PL-013, received 30th August 2022;
- Windermere Road Proposed Site/Block Plan 1, scale 1:200, ref 22016-PL-014, received 30th August 2022;
- Windermere Road Proposed Site/Block Plan 2, scale 1:200, ref 22016-PL-015, received 30th August 2022;
- Windermere Road Proposed Site/Block Plan 3, scale 1:200, ref 22016-PL-016, received 30th August 2022;
- Windermere Road Proposed Overall Elevations 1 Amended, scale 1:200, ref 22016-PL-017A, received 26th October 2022;
- Windermere Road Proposed Overall Elevations 2 Amended, scale 1:200, ref 22016-PL-018A, received 26th October 2022;
- Windermere Road Proposed Sections, scale 1:200, ref 22016-PL-019A, received 28th November 2022;
- Windermere Road Existing Block Plan, scale 1:500, ref 22016-PL-027, received 30th August 2022;
- Windermere Road Proposed Block Plan, scale 1:500, ref 22016-PL-024, received 30th August 2022;
- Proposed Perspective Views, ref 22016-PL-020A, received 28th November 2022;
- House Type A (HT-A), scale 1:100, ref 22016-PL-021A, received 21st October 2022;
- House Type B (HT-B), scale 1:100, ref 22016-PL-022A, received 21st October 2022;
- House Type C (HT-C), scale 1:100, ref 22016-PL-023A, received 21st October 2022;
- Ecological Appraisal, ref 8088, received 30th August 2022;
- Phase 1 Geoenvironmental Site Assessment, ref 15-861-R1-1 dated April 2022, received 30th August 2022;
- Phase 2 Ground Investigations Report, ref 2022-5335 date 29.07.2022, received 30th August 2022;
- SuDs Construction Management Plan, ref K39225.CMP-003, received 30th August 2022;
- SuDs Operation and Maintenance Plan, ref K39225.OM-002A, received 9th November 2022;
- Flood Risk Assessment and Drainage Strategy, ref K39225.DS-001A, received 9th November 2022;
- Proposed Drainage Plan 1/4, ref K39225-105A, received 9th November 2022;
- Proposed Drainage Plan 2/4, ref K39225-106A, received 9th November 2022;
- Proposed Drainage Plan 3/4, ref K39225-107A, received 9th November 2022;
- Proposed Drainage Plan 4/4, ref K39225-108A, received 9th November 2022;

- Proposed Sewer Diversion and Abandonment Plan 1/4, scale 1:200, ref 109, received 30th August 2022;
- Proposed Sewer Diversion and Abandonment Plan 2/4, scale 1:200, ref 110, received 30th August 2022;
- Proposed Sewer Diversion and Abandonment Plan 3/4, scale 1:200, ref 111, received 30th August 2022;
- Proposed Sewer Diversion and Abandonment Plan 4/4, scale 1:200, ref 112, received 30th August 2022;
- Design and Access Statement, ref SF4.12 dated August 2022, received 30th August 2022;
- Proposed Phasing Plan, ref 22016-PL-028A, received 16th November 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

Drainage

3. Prior to commencement, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage scheme including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

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

Ground Conditions

4. Prior to commencement, a site specific Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting the details and scope of which shall be agreed. Development shall be carried out in accordance with the approved details thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the operation of the development.

5. Prior to commencement, the Phase 2 contaminated land investigation (ground gas testing) should be completed. The report should be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details thereafter.

Reason

To ensure that risks from land contamination are understood prior to works on site, both during the construction phase and to the future users of the land and neighbouring land, and any such risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Highways

6. Prior to commencement, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary constructed 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 area for vehicle parking, manoeuvring, loading and unloading for the 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 despite 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;
- Details of any proposed temporary access points (vehicular/pedestrian);
- Surface water management details during the construction phase.

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 interest of highway and pedestrian safety.

7. Prior to commencement, details of the highway drains protection at the access shall be submitted to and approved in writing by the Local Planning Authority. The works to protect the drain shall be carried out in accordance with a specification approved by the Local Planning Authority.

Reason

In the interest of highway safety and environmental protection.

8. Prior to commencement, the construction access and parking/turning requirements for each phase of development shall be submitted to and be approved in writing by the Local Planning Authority. The provision should be substantially met before any building work commences on site so that construction traffic can park and turn clear of the highway.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

Prior to Occupation Conditions

Highways

9. Prior to the first occupation of any of the dwellings on each phase of the development hereby approved, the parking provision for each property as demonstrated on Windermere

Road – Proposed Block Plan (Phase 1) and Fell View Avenue – Proposed Block Plan (Phase 2) received by the Local Planning Authority on 30th August 2022 must be constructed and brought into use and maintained as such at all times thereafter.

Reason

To ensure a minimum standard of construction in terms of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

Landscaping

10. Prior to occupation, a detailed Landscaping Plan should be submitted to and approved in writing by the Local Planning Authority. This should include a specification and planting details for new tree and hedgerow planting along with an aftercare maintenance program. Development must be carried out in accordance with the approved details thereafter.

Reason

To ensure adequate landscaping is provided in accordance with Policy DM26 of the Copeland Local Plan.

Other Conditions

Materials

11. The external finishes of the development hereby permitted shall be completed in accordance with the details set out in the Design and Access Statement, ref SF4.12 dated August 2022, received by the Local Planning Authority on 30th August 2022.

Reason

To ensure the development is of a high-quality design in accordance with Policy DM10 of the Copeland Local Plan 2013 - 2028.

Ecology

12. Development shall be carried out in accordance with the mitigation measures and recommendations set out in Preliminary Ecological Appraisal. Ref. 8088 received by the Local Planning Authority on 30th August 2022. .

Reason

To ensure that adequate protection is given to protected species, in the interest of the environmental protection and in accordance with Policy DM25 of the Copeland Local Plan.

Ground Conditions

13. Development shall be carried out in accordance with the recommendations set out in Phase 1 Geoenvironmental Site Assessment, ref 15-861-R1-1 and Phase 2 Ground Investigations Report, ref 2022-5335 received by the Local Planning Authority on 30th August 2022.

Reason

To ensure that adequate protection is given to protected species, in the interest of the environmental protection and in accordance with Policy DM25 of the Copeland Local Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Highways

15. The vehicular crossing over the footway, including the lowered kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason

To ensure a suitable standard of crossing for pedestrian safety and in accordance with Policy DM22 of the Copeland Local Plan.

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

Reason

In the interest of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

Working Hours

17. No work for the construction of these developments, including demolition, shall take place on site, except between the hours:

- 08.00 – 18.00 Monday to Friday; and
- 08.00 – 13.00 on Saturdays.

No work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of the neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan.

Informative Notes:

Public Right of Way

1. A PROW (public footpath) number 431016 lies adjacent to the site at Fell View Avenue. The granting of planning permission would not give the applicant the right to block or obstruct the right of way. It must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

Coal Authority Standing Advice

2. 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 Coal Standing Advice

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.