



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2367/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 29 AND PARTIAL DISCHARGE OF CONDITIONS 14, 16, 18, 20, 31, 34, 35, 36 OF PLANNING APPROVAL 4/13/2235/001 IN RELATION TO DEFINED PHASE 3B OF THE DEVELOPMENT
3.	<b>Location:</b>	LAND BOUND BY WOODHOUSE TO NORTH & HIGH ROAD/WILSON PIT ROAD TO WEST & SOUTH, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change,
6.	<b>Publicity Representations &amp;Policy</b>	N/A
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The Application Site comprises an element of Phase 3 of the residential development known as Edgehill Park, Whitehaven.</p> <p>The element of the Application Site comprising Phase 3B is defined on Location Plan – Drawing No. 20099.90.9.LP.</p> <p>Planning application reference 4/20/2474/0R1 granted approval of the reserved matters of scale, layout, access, appearance and landscaping pursuant to the approval of Outline Planning Permission for residential development on the Application Site under planning application ref. 4/13/2235/001.</p> <b>Proposal</b>  <p>This Application comprises an application for approval of details reserved by Planning Conditions 14, 16, 18, 20, 29, 31, 34, 35 and 36 of Application Ref. 4/13/2279/001 in relation to the area/highways identified as Phase 3B only.</p>	

The respective planning conditions state the following:

*14. The carriageway, footways, footpaths, cycleways etc within each phase of the development shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval prior to works commencing on each phase of the development other than site preparation works. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide, or any other superseding document. Any works so approved shall be constructed before the development of that phase is complete.*

*16. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval prior to works commencing on the relevant phase other than site preparation works. Any details so approved shall be constructed as part of the development.*

*18. Details of proposed crossings of the highway verge and/or footway, as well as the footway fronting the site and traffic calming measure on High Road relevant to that phases, shall be submitted to the Local Planning Authority for approval. No works shall commence other than site preparation until the details have been approved and the crossings have been constructed. No dwelling shall be occupied prior to the footway fronting the site being completed.*

*20. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the relevant phases being commenced other than site preparation works. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.*

*29. No development, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:*

- the means of access for demolition and construction traffic - the loading and unloading of plant and materials;*
- the storage of plant and materials used in constructing the development measures to prevent silt and other contaminants entering surface water drains; and*
- a scheme for recycling/disposing of waste resulting from demolition and construction works.*

*Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.*

*31. Prior to the commencement of development in any phase, a scheme of ON-SITE noise mitigation measures for that phase shall be submitted to, and approved in writing by, the local planning*

authority. The development shall be carried out fully in accordance with the approved details unless otherwise agreed in writing beforehand by the Local planning authority.

34. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority in relation to the particular phase. The scheme shall be implemented as approved.

35. Development shall not begin until a surface water drainage scheme for the site on a phased basis, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion
- Details of the design parameters used and confirmation that climate change has been incorporated into the design.

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

#### **Information Submitted In Support of Application**

Application Form

Covering Letter – 6<sup>th</sup> September 2022.

Location Plan – Drawing No. 20099.90.9.LP

#### Conditions 14, 16 and 18

Proposed Drainage Layout - Drawing Number 7503-3B/01 Rev A

Proposed Highway Setting Out - Drawing Number 7503-3B/02 Rev A

Proposed Highway Layout - Drawing Number 7503-3B/03 Rev A

Highway Construction Details Sheet 1 of 2 - Drawing Number 7503-3B/05-1 Rev A

Highway Construction Details Sheet 2 of 2 - Drawing Number 7503-3B/05-2

Proposed Surface Finishes - Drawing Number 7503-3B/14 Rev A

Proposed S38 Street Lighting Design – Drawing No. SL1104.APT.HLG.XX.DR.Y.913001.REV1

#### Condition 20

Proposed Drainage Layout - Drawing Number 7503-3B/01 Rev A

S38 Agreement Plan - Drawing Number 7503-3B/06 Rev A

#### Condition 29

Construction Method Statement September 2022  
Construction Management Plan - Drawing Number 20099.90.9.CMP  
Surface Water Management Plan - Drawing Number 20099.90.9.SWMP  
Silt Management Reporting Plan – September 2022

Condition 31

Construction Method Statement – September 2022

Condition 34

Flood Risk Assessment Addendum Report – Edgehill Park Ph3 – Report Ref. 7503RFAAdd  
Surface Water Catchment Areas – Drawing Number 7503-3B/12  
Flood Exceedance Plan – Drawing Number 7503-3B/PL01  
Proposed Drainage Layout - Drawing Number 7503-3B/01 Rev A  
Private Drainage Layout – Drawing No. 7503-3B/08 Rev. B  
E-mail from Jennie Taylor dated 6<sup>th</sup> October 2022

Condition 35

Flood Risk Assessment Addendum Report – Edgehill Park Ph3 – Report Ref. 7503RFAAdd  
Surface Water Catchment Areas – Drawing Number 7503-3B/12  
Flood Exceedance Plan – Drawing Number 7503-3B/PL01  
Proposed Drainage Layout - Drawing Number 7503-3B/01 Rev A  
Private Drainage Layout – Drawing No. 7503-3B/08 Rev. B  
E-mail from Jennie Taylor dated 6<sup>th</sup> October 2022

Condition 36

Proposed Drainage Layout - Drawing Number 7503-3B/01 Rev A  
Private Drainage Layout – Drawing No. 7503-3B/08 Rev. B

**Consultation Responses**

Cumbria County Council – Highways and LLFA

*12<sup>th</sup> October 2022*

**Condition 14 - Carriageway / Highway Details - suitable for adoption**

I am satisfied that the design submission documents provide the necessary evidence to satisfy the requirements of this condition. I have no objection to this condition being discharged.

**Condition 16 - Ramps on each side of every junction**

I note the design includes the necessary ramps / dropped kerbs. I have no objection to this condition being discharged.

**Condition 18 - Details of proposed Highway Verge and / or Footway crossings and traffic calming proposals on High Road**

The details are satisfactory to meet the requirements of this condition. I have no objection to this condition being discharged.

**Condition 20 - Details to prevent surface water discharging onto or off the highway**

I am satisfied that the design includes suitable measures to control the surface run-off from the properties. I have no objection to this condition being discharged.

**Condition 31 - On-site noise-mitigation survey**

No comment

**Condition 34 & 35 - Details of the Surface Water drainage**

I am satisfied that the design submission documents provide the necessary evidence to satisfy the requirements of this condition. I have no objection to this condition being discharged.

**Condition 36 - Details of the foul drainage strategy**

No comment - United Utilities will comment on the matter,

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

Road lighting has already been approved for this site by Lighting Engineer.

Copeland Borough Council - Flood and Coastal Defence Engineer

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

**CONDITION 29**

Comments on silt management only.

The submitted Construction Management Plan includes measures of how silt and surface water runoff will be managed.

The submitted Construction Management Plan refers to drawing 20099.90.9.SWMP showing routing and measures put in place.

**CONDITION 14**

No comments.

**CONDITION 16**

No comments.

**CONDITION 18**

No comments.

**CONDITION 20**

No comments.

**CONDITION 34**

Submitted drawing 753-3B / 01 rev A shows the proposed layout of the adoptable drainage, both foul and surface water, along with highway gully connections. It does not show the connections from the properties.

Submitted drawing 7503-3B / 12 shows the surface water contributing areas to the system.

The submitted Flood Risk Assessment is an update based on amended legislation and masterplan for the site. The main change being a 40% allowance for climate change being used, rather than 20%.

This condition can be partially discharged.

**CONDITION 35**

The submitted Flood Risk Assessment is an update based on amended legislation and masterplan for the site. This document includes the original FRA and is an addendum for the necessary updates only.

The drainage design within the FRA follows sustainable drainage principles based on hydrological and hydrogeological properties of the site.

Submitted drawing 753-3B / 01 rev A shows the proposed layout of the adoptable drainage, both foul and surface water.

There does not appear to be any information on the on-going maintenance of those part of the drainage, which are not being offered for adoption.

The amended FRA shows the update climate change allowance of 40% to be used in the drainage design.

Submitted drawing 753-3B / PL01 shows the exceedance route, with flood waters being conveyed

within the highways on site.

This condition can be partially discharged.

**CONDITION 36**

Submitted drawing 753-3B / 01 rev A shows the proposed layout of the adoptable drainage, both foul and surface water. It does not show the connections from the properties.

This condition can be partially discharged.

*10<sup>th</sup> October 2022*

**CONDITION 29**

Comments on silt management only.

The submitted Construction Management Plan includes measures for how silt and surface water runoff will be managed.

The submitted Construction Management Plan refers to drawing 20099.90.9.SWMP showing routing and measures put in place.

**CONDITION 14**

No comments.

**CONDITION 16**

No comments.

**CONDITION 18**

No comments.

**CONDITION 20**

No comments.

**CONDITION 34**

Previously submitted drawing 7503-3B / 01 rev A shows the proposed layout of the adoptable

drainage, both foul and surface water, along with highway gully connections. It does not show the connections from the properties.

The updated drawing 7503-3B / 01 rev B shows the private drainage arrangements of properties.

Submitted drawing 7503-3B / 12 shows the surface water contributing areas to the system.

The submitted Flood Risk Assessment is an update based on amended legislation and masterplan for the site. The main change being a 40% allowance for climate change being used, rather than 20%.

This condition can be discharged.

### **CONDITION 35**

The submitted Flood Risk Assessment is an update based on amended legislation and masterplan for the site. This document includes the original FRA and is an addendum for the necessary updates only.

The drainage design within the FRA follows sustainable drainage principles based on hydrological and hydrogeological properties of the site.

Submitted drawing 753-3B / 01 rev A shows the proposed layout of the adoptable drainage, both foul and surface water.

Subsequently submitted information confirms that all drainage on site will be adopted by United Utilities, with the private sections being the responsibility of property owners as part of their deeds.

The amended FRA shows the updated climate change allowance of 40% to be used in the drainage design.

Submitted drawing 753-3B / PL01 shows the exceedance route, with flood waters being conveyed within the highways on site.

Submitted drawing 7503-3B / 12 shows the surface water contributing areas to the system.

The submitted Flood Risk Assessment is an update based on amended legislation and masterplan for the site. The main change being a 40% allowance for climate change being used, rather than 20%.

This condition can be discharged.

### **CONDITION 36**



The updated drawing 7503-3B / 01 rev B shows the proposed layout of the adoptable drainage, both foul and surface water, in addition it includes the connections from the properties.

This condition can be discharged.

Environment Agency

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

We have reviewed the following documents:

- Surface Water Management Plan drawing number 20099.90.9.SWMP dated 29/07/2021
- Construction Management Plan (drawing number 20090.90.9.CMP) dated 29/07/2022
- Construction Method Statement dated September 2022
- Silt Management Reporting Plan dated September 2022

**Environment Agency position**

We are satisfied that condition 29 can be discharged.

Copeland Borough Council – Environmental Health Officer

No consultation response received.

**Assessment**

Condition 14

Cumbria County Council – Highways have been consulted and have confirmed that the proposed details are acceptable in respect of Phase 3B.

A planning condition securing the same details was imposed under application ref. 4/20/2474/OR1.

Condition 16

Cumbria County Council – Highways have been consulted and have confirmed that the proposed details are acceptable in respect of Phase 3B.

A planning condition securing the same details was imposed under application ref. 4/20/2474/OR1.

Condition 18

Cumbria County Council – Highways have been consulted and have confirmed that the proposed

details are acceptable in respect of Phase 3B.

A planning condition securing the same details was imposed under application ref. 4/20/2474/OR1.

Condition 20

Cumbria County Council – Highways and LLFA have been consulted and have confirmed that the proposed details are acceptable in respect of Phase 3B.

The Flood and Coastal Defence Engineer raised no comments.

Condition 29

Cumbria County Council – Highways and LLFA, the Flood and Coastal Defence Engineer and the Environment Agency have been consulted in respect of these details.

Cumbria County Council – Highways and LLFA offered no comments.

The Flood and Coastal Defence Engineer described the proposals only.

The Environment Agency who are the regulatory authority in relation to such matters confirmed that they are satisfied that condition 29 can be discharged.

Condition 31

The proposed measures of noise mitigation are appropriate to the nature of the development proposed.

Condition 34

This planning condition appears to relate to the Full Planning Permission element and not the Outline Planning Permission, which appears to be controlled via Planning condition 35. Given the potential uncertainty, details have been submitted in relation to both this planning condition and Planning Condition 35 for completeness.

Cumbria County Council – Highways and LLFA and the Flood and Coastal Defence Engineer have been consulted and have confirmed that the proposed surface water drainage scheme and associated maintenance scheme are acceptable in respect in relation to for Phase 3B.

The proposed means of foul water disposal accords with the national drainage hierarchy.

Condition 35

Cumbria County Council – Highways and LLFA and the Flood and Coastal Defence Engineer have been consulted and have confirmed that the proposed surface water drainage scheme and associated maintenance scheme are acceptable in respect in relation to for Phase 3B.

The proposed means of foul water disposal accords with the national drainage hierarchy.

#### Condition 36

The proposed means of foul water disposal accords with the national drainage hierarchy.

#### **Conclusion**

Condition 14 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 16 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 18 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 20 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 29 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 31 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 34 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 35 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

Condition 36 – Approve requirements of planning condition in relation to the area of the development identified as Phase 3B within the approved documentation only.

8.	<b>Recommendation:</b>	
	Approve	
9.	<b>Condition(s):</b>	
	N/A.	
<b>Case Officer:</b> Chris Harrison		<b>Date :</b> 09.11.2022
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 09.11.2022
<b>Dedicated responses to:-</b> N/A		