

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2466/0F1
2.	<b>Proposed Development:</b>	REDEVELOPMENT OF FORMER BUILDERS YARD INTO NEW HOUSING TO PROVIDE 35 DWELLINGS
3.	<b>Location:</b>	LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp; Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The Application Site comprises 0.96 hectares (2.36 acres) of previously developed land located to the north of Coach Road, Whitehaven.</p> <p>The Application Site is bounded by further previously developed land and residential development to the west; a commercial development and residential development to the east; a retail development to the north; and, a combination of recreational fields/facilities and residential development to the south.</p> <p>The Application Site is currently vacant with many of the previous buildings and structures demolished, leaving behind a concrete slab and hardstanding.</p> <p>A footway/cycleway is located adjacent to the east and north boundaries of the Application Site.</p>	

There are no conservation areas or listed buildings on or directly adjacent to the Application Site.

The Application Site is located within a combination of Flood Zone 1, 2 and 3 and a Coal Advice Area

### **Proposal**

This application seeks Full Planning Permission for the erection of 35no. dwellings and associated infrastructure.

The proposed development comprises:

- 2no. 2 bed dwellings; and,
- 33no. 3 bed dwellings.

A total of 10% of the proposed are to be affordable dwellings comprising 2no. 2 bed dwellings for social rent and 1no. 3 bed dwelling for discounted sale.

The dwellings are to be finished with a combination of brick and render with brick heads and cills to the elevations and concrete tiles to the roof structure. White uPVC windows and colored composite doors are proposed.

A range of differing boundary treatments are proposed including timber fencing, brickwork walls and hedgerows.

2no. off highway parking spaces per dwelling are proposed. 7no. dedicated visitor spaces are proposed.

Vehicular access is proposed via Coach Road.

Pedestrian accesses/links are also proposed from Coach Road and to the footway/cycleway located adjacent to the east and north boundaries of the Application Site.

The proposed development incorporates frontage development to Coach Road with a central access leading to a series of terraces and courtyards that face onto or project from the main spinal road.

Two areas of flood water compensation are proposed to the north and west boundaries. These comprise dry ponds that would provide flood water storage in any flooding event.

A limited scheme of landscaping is proposed.

A detailed scheme of foul water and surface water drainage are proposed. It is proposed to discharge surface water into the culverted Pow Beck to the west of the site at the greenfield



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runoff rate (QBar) of 3.1l/s. Attenuation will also be provided on site to accommodate storm events up to and including a 6 hour 1 in 100 year plus 50% to account for climate change storm event.

It is proposed to discharge foul water into the existing combined sewer network on Coach Road via a pumping station within the development site. The water will be pumped via a private rising main up the highway to a stilling chamber before discharging into the existing public sewer approximately 8m south of the site.

The proposed layout, highway design and drainage design have been amended during the course of the application in response to the comments of Officers and consultees.

### **Directly Relevant Planning History**

App. Ref. 4/14/2124/0F1 – Extra care and dementia facility comprising 56 apartments and 4 bungalows – Approved.

### **Consultations and Representations**

#### Whitehaven Town Council

No comments.

#### National Highways

No objection.

#### United Utilities

#### *Drainage*

Further to our review of the submitted Drainage Strategy Report (ref 23-C-16902, dated August 2023) and associated drainage layouts (drawings 23-C-16902-001 1 of 2 and 2 of 2), United Utilities can confirm that the surface water proposals appear acceptable in principle however we request the following in relation to foul and levels:

- The proposed FFL's should be shown on the drainage drawings;
- We request the foul connection point is amended to connect to UUMH3406 (to the west of the site on the 600x800mm combined public sewer) - this would likely not require a pumping station, and;
- If a pumping station is still required, we request the pump rate is confirmed on the drainage drawings.

Should planning permission be granted without the provision of the additional information set out above, the imposition of a planning condition is requested to secure a detailed drainage design/scheme.

### *Management and Maintenance of Sustainable Drainage Systems (SuDS)*

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

#### United Utilities Assets

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

#### Arboricultural Consultant

No trees are growing within the site boundary. On the adjacent land along the eastern boundary, is a group of self-seeded, early-mature to mature age class trees. These trees are to be in the normal to moderate vitality health class.

The application includes a hard landscaping plan, but not a proposed tree & shrub planting scheme.

#### RECOMMENDATION

We recommend attaching the following condition to any planning permission:

- Submit a Landscaping Plan for the proposed development which should be approved in writing by the Local Planning Authority prior to the commencement of any work on-site. The Landscape Plan should show the locations of any proposed planting and provide a detailed specification for the proposed trees and shrubs, along with a planting method statement and a five-year maintenance plan. Any plants dying within five-years should be replaced with a similar species in a similar location unless otherwise agreed in writing with the Local Planning Authority

#### Environment Agency

11<sup>th</sup> October 2023

In our letter referenced NO/2022/114933/01-L01 and dated 5 January 2023, we objected to



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the development as proposed on two grounds, firstly, In the absence of an acceptable Flood Risk Assessment (FRA), and secondly, due to concerns about proximity of the development on Pow Beck Main River Culvert which runs close to the western boundary of the site.

Since this time, an updated site specific and development specific FRA has been produced and the proposals have been amended in terms of the number of units and the layout.

The planning application is now accompanied by a revised Flood Risk Assessment (FRA) prepared by A L Daines and Partners LLP (ref: 23-C-16902; dated August 2023). We have reviewed the FRA in so far as it relates to our remit, in particular the design flood event considered in the FRA and any proposed flood risk mitigation measures.

We are now in a position to remove our objection, but would wish to make the following comments:-

### 1. Flood Risk

#### Peak River Flow Climate Change

Although the FRA includes a chapter on Climate Change (section 4) and correctly refers to the South West Lakes Management Catchment peak river flow allowances. It does not apply the 30% Central allowance to the undefended 1% AEP fluvial event to determine the design flood event. <https://www.gov.uk/guidance/flood-risk-and-coastalchange#para2>

Rather, the FRA proposes the 0.1% AEP event of 7.91 m AOD as the worst case scenario. We can have confidence that this is acceptable proxy and that the 0.1% AEP event is conservative.

The FRA confirms that proposed finished floor levels of the dwellings are to be 300mm above the 0.1% AEP flood level of 7.91m at 8.21m AOD. While we would have preferred to see a greater value of freeboard on the design flood event, with 600mm likely to become a national standard.

#### Access and Egress

Section 6.3 on page 20 of the FRA discusses 'Flood Alerts and Warnings'. This section says;-

'It will be important to document the flood risk to the site and residents and, more importantly, the actions to take should a flood alert or flood warning be issued. This will be documented in the form of an Emergency Flood Plan.'

We would confirm that the site is located in a Flood Alert area for Rivers Ehen, Calder, Irt and Esk. It should be understood that a flood alert often covers a very large area including many watercourse with differing hydrology and catchment size.

The alert is issued to give warning flood risk to low laying land and can be issued based on observed rainfall or river levels at our network of gauges. However, not all watercourses are gauged and not all catchments have rain gauges in them. It is therefore possible that smaller catchments will respond to localised rainfall potentially inundating areas of floodplain without an alert being issued. This is particularly true of Coach Road due to the presence of the Pow Beck entering into a culvert adjacent to the bowling green grounds.

The Environment Agency have an asset in the form of a complex self-clearing inlet screen on the culvert and Field Team cleanse this the entrance grid (which is CCTV monitored) on scheduled and reactive basis.

Contrary to information presented in the FRA, the site is not covered by a Flood Warning Area, which in Whitehaven pertains to Tidal Flooding. The site is not affected by Tidal Flooding.

The low spot on Coach Road known to be affected by surface water flooding which could frustrate access and egress to and from the site.

The National Planning Policy Framework (NPPF) states: 'local planning authorities should ... only consider development appropriate ... if ... it can be demonstrated that:... development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning...'. The Planning Practice Guidance (PPG) states: 'Access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood'.

The PPG also states that: 'Wherever possible, safe access routes should be provided that are located above design flood levels and avoiding flow paths (i.e. 'dry')'.

It should also be possible to engineer safe and dry emergency pedestrian access and egress to the site as a minimum.

#### Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we



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recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Notwithstanding the above, we are generally satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

It should also be possible to engineer safe and dry emergency pedestrian access and egress to the site as a minimum.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

### Contaminated Land

The industrial history of the site present a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer.

Recommend that any subsequent approval includes planning conditions securing an investigation, a remediation scheme and implementation verification.

### Use of SuDs

The previous and historical use of the proposed development site and infilled ground with proposed piling methodology presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located over secondary A aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that a planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### Piling

A planning condition should be imposed to secure details of any deep *foundation piling techniques in made ground to ensure the design and operation does not cause or exacerbate existing contamination.*

Advice is provided in relation to environmental permit requirements and biodiversity net gain delivery is encouraged.

The Coal Authority

*12<sup>th</sup> October 2023*

The Coal Authority Response: Material Consideration

Last commented on this application in a letter to the LPA dated 22 December 2022. In this letter, raised no objection to the planning application subject to relevant planning conditions being imposed on any planning permission granted.

It is noted that the LPA is now in receipt of revised proposed plans and a number of additional/amended documents. Confirm that the Coal Authority's Planning & Development Team generally has no specific comments to make on these revised plans, with the exception of the supporting Geo-Environmental Site Investigation report (June 2014, prepared by REC).

The aforementioned report details intrusive investigations carried out at the site in 2014, which included the drilling of three rotary boreholes to investigate possible shallow coal mining activity. It advises that no evidence of mine workings was recorded during drilling, with the boreholes encountering only intact coal seams. It goes on to advise that in order to fully investigate the risk posed by shallow coal mining legacy, further boreholes should be undertaken across the site once existing structures have been demolished.

We wish to point out that the investigations detailed in the Geo-Environmental Site Investigation report were intended to inform a previous proposal for a care home development occupying a smaller overall portion of the site. These investigations were also constrained by the presence of existing structures that existed on the site at that time.

**We therefore consider that further intrusive investigations are required to fully establish the shallow coal mining situation at the site, which should be designed in cognisance of the specific layout of development currently proposed. As such, our previous comments and recommendation, set out in our initial response letter of 22 December 2022, remain valid and relevant to the decision making process.**

*22<sup>nd</sup> December 2022*

The Coal Authority Response: **Material Consideration**

Have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.





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The Coal Authority records indicate that the site lies within an area of recorded shallow coal mining (northern part of the site) and thick coal seams of workable thickness outcrop at or close to the surface of the site and surrounding area that may have been historically worked at shallow depths beneath the site. These recorded mining features could affect public safety and surface instability for the redevelopment of this site.

The planning application is accompanied by a Phase 1 Desk Study Report (559-01, 27 February 2014) prepared by Civic Engineers. Whilst it does not appear that the Report has been prepared for this current application, we note that the assessment was carried out for residential units at this application site.

Note that the report author informs that there is a risk to the redevelopment of this site due to shallow mining and recommendations have been made that in order to confirm the exact ground conditions beneath the site, to inform the extent of any remedial and / or mitigation measures required, intrusive ground investigations are required. The applicant is aware that if shallow coal workings are encountered, ground stabilisation works may be required.

The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

### Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

### Sustainable Drainage (SuDS)

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal

mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The imposition of planning conditions securing a scheme of intrusive site investigation works to establish the risk posed by previous coal mining activity and the requirement for the submission and approval of a declaration by a competent person confirming that the site is or has been made safe and stable for the approved development.

Cumbria Police

*16<sup>th</sup> October 2023*

The revised layout provides improved supervision of the central area of POS – being directly addressed by Units 21, 22, 26 and 27.

Unfortunately, a new area of POS (with SuDS pond) positioned at the North-west end of the site is effectively ignored – being located to the rear of Units 32 – 35. There is more likelihood of unwelcome activity occurring in POS if it is not properly addressed, hence the requirement for community supervision under Local Plan guidance.

I support the amendment of reducing formal connections to Cycle Route 72 from three to two. This measure limits access opportunities to potential intruders and are thus more likely to be noticed by residents.

The comments in the Amended Design and Access Statement are noted and appreciated, particularly:

- Supervision of car parking
- Well defined defensible spaces
- Incorporation of 1.8m fencing with lockable gates
- Presence of intruder alarm systems – although I still make recommendations for dwelling exterior lighting to be controlled by photocell and for the incorporation of exterior door and window products to be certified to PAS 24:2022 (including laminated glazing for enhanced resistance to impact).

Cumberland Council - Highways and LLFA

No objections to the proposal, subject to the imposition of planning condition securing the following:

- Submission, approval and implementation of highway specifications.
- No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting.
- Delivery and maintenance of visibility splays.



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- Submission, approval and implementation of Construction Traffic Management Plan (CTMP).

### Cumberland Council – Historic Environment Officer

No objection.

### Cumberland Council - Environmental Health

The submission of a prior Ground Investigation Report (dated June 2014) is helpful in laying a basis for the testing of possible contaminants associated with the site's industrial history.

As the Ground Investigation Report concludes and recommends, further works are required as detailed below:

- (i) Supplementary Ground Investigation to the vegetated area along the eastern section of the site;
- (ii) A Tier II Detailed Quantitative Risk Assessment (DQRA) is undertaken of possible contaminants to groundwater and soils;
- (iii) A detailed Remediation Strategy and Materials Management Plan is developed for the site;
- (iv) Post-site remediation Ground Gas Monitoring may be necessary to reduce the need for gas protection measurements on the development.

### Cumberland Council – Strategic Housing

This is an application for 35 units of three and four bedrooms, a mix of linked, semi detached and detached, including bungalows. The site is close to Whitehaven Town Centre and a train station and is currently unused following the demolition of buildings from its previous use as a builder's yard.

The site plan suggests that three units of affordable housing are planned, one for discounted sale and two affordable rents, which is acceptable given the size of the development. There is no information as to whether any registered housing providers have been approached at this early stage.

We welcome the provision of new housing in this location, which will develop a plot of unused land and potentially attract a wide range of people to the town centre due to the close access to amenities and employment sites. We are aware from the 2020 Housing Needs Survey that many newly forming households cannot afford to buy on the open market and so discounted sale properties provide an opportunity for this group to enter the market in the main town, which has some of the highest house prices in the former Copeland borough.

Overall, we are supportive of this application.

## Representations

The application has been advertised by way of site notices, a press notice and notification letters issued to neighbouring dwellings.

Representations have been received from three parties.

### *Party 1*

There are inaccuracies and inconsistencies in this application and the supporting documents which demonstrate the poor attention to detail.

This area has now been recognised as a flood risk area although this was previously denied and coupled with plans by the council and others for development in that area at a higher elevation will surely increase the risk further as more hard surfaces are created.

I understand the councils desire to build more houses as it increases their council tax coffers but hoping that installing non return valves onto a culvert that probably will not get maintained and which is already surcharged on Spring tides is not in the interests of prospective property owners.

I would urge the Planning committee to think carefully about this application.

How does this proposal sit with the approved plan for a Car Park which was passed a couple of years ago?

I do not believe sufficient Car Parking provision has been made for each property, e.g 2.5 spaces per 3/4 bed house.

This area currently floods when there is heavy rain and High Tides, covering the area with houses and hard surfaces will only exacerbate the problem.

### *Party 2*

Flooding, this development will create more hard areas where water will lie and flood.

Increased traffic along already saturated (by traffic) road.

Pollution levels near the school and estate will increase.

Inadequate services and infrastructure.

The environment, something we should all take into account, especially nowadays, what are we leaving future generations.



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### *Party 3*

Improvement on original proposals.

If the proposed application for an improved Aldi store (adjacent to this application) is approved, could this affect the interface between the two applications, and how will it affect the existing culverted water course? - Pow Beck.

I have also observed that along the east line of the existing cycle track, and the boundary of the application, there are a series of drains and I assume, a connecting drain culvert. These have not been identified on the Manning Elliott drawings and which to my knowledge have not been cleaned or properly maintained by the previous managers of the cycle path. Who will be responsible for this drain?

### **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**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

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

#### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

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 ENV4 – Heritage Assets  
Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place  
Policy DM11 – Sustainable Development Standards  
Policy DM12 – Standards for New Residential Development  
Policy DM21 – Protecting Community Facilities  
Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposals and Flood  
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species  
Policy DM26 - Landscaping  
Policy DM27 – Built Heritage and Archaeology  
Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP) Saved Policies:

POLICY EMP 3: Employment Opportunity Sites  
Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024. The Planning Inspectors Report is awaited.

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



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have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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 DS5PU - Planning Obligations  
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 E6PU - Opportunity Sites  
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 N9PU - Green Infrastructure  
Policy N10PU - Green Wedges  
Policy N11PU - Protected Green Spaces  
Policy N12PU - Local Green Spaces  
Policy N13PU - Woodlands, Trees and Hedgerows  
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 of Development**

Policy ST2 of the CS identifies Whitehaven as the *Principal Service Centre*.

Policy ST2 of the CS states that the Principal Service Centre will comprise the focus for the largest scale development, regeneration and important development opportunities. This includes *allocations in the form of estate-scale development where appropriate and could involve extensions to the town's settlement boundary*.

Policy ST2 seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

Policy SS1 of the CS 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 of the CS 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 EMP3 of the LP states that *Employment Opportunity Sites Areas of land at Whitehaven, Cleator Moor and Egremont have been delineated on the Proposals Map as Employment Opportunity Sites*. It is stated that these areas are being investigated as to their future development potential and contribution they can make to the regeneration strategies in the Borough and that *additional, smaller sites have been identified close to the town centre*





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*boundaries of Whitehaven and Egremont. It is stated that these were originally included in the Town Centre Opportunity Development Sites (ref Policy TCN 1224) in previous versions of the Plan but are now treated as additional Employment Opportunity Sites for redevelopment which would follow the requirements of other Plan policies – in particular the sequential requirements of Policy TCN 2 25– and accord with the proposals brought forward from the Local Development Framework.*

Policy DS3PU of the ELP continues to identify Whitehaven as the *Principal Town*.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that *development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.*

Policy H1PU of the ELP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: *allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.*

Policy H2PU of the ELP outlines the *housing requirement is for a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2038 and that In order to plan positively and support employment growth over the Plan period, the Plan identifies a range of attractive allocated housing sites, which when combined with future windfall development, previous completions and extant permissions, will provide a minimum of 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.*

Policy H4PU of the ELP outlines that 40% of new housing development will be located within Whitehaven.

Policy E6PU of the ELP outlines that *the Council will support the development and/or redevelopment of Opportunity Sites in and on the edge of the towns of Whitehaven, Cleator Moor, Egremont and Millom as the focus to help regenerate these towns. The list of Opportunity Sites and their preferred uses is shown in Appendix C of the ELP. It is stated that development on Opportunity Sites within town centre boundaries must take the opportunities available to enhance the street-scene and improve the vitality and viability of the centre.*

The Application Site is located within the defined settlement boundary of Whitehaven as identified in the CS and the ELP.

The Application Site comprises - OWH06 - Land at Coach Road (former Jewsons) Whitehaven. Annex C identifies the following uses as acceptable - all town centre uses C, E,

F and Sui Generis (town centre appropriate) use.

The principle of residential use is clearly supported subject to site specific matters.

### **Housing Need and Housing Mix**

Policy SS3 of the CS states 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, focussing on Whitehaven and its fringes as a priority.*

Policy H7PU of the ELP states that: *developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date.*

Policy H8PO of the ELP states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF 2019 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. Affordable housing should be provided in the tenure split - 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The density of the proposed development is comparable to that of the surrounding development, The provision of infrastructure and designated parking provision limits the development density slightly; however, it is appropriate to its context. The layout seeks to make effective use of the areas of the Application Site that are developable.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the SHMA. The SHMA suggests a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is stated that

the Council should also consider the role of bungalows.

The proposed development comprises solely two and three bedroom dwellings. When considered in the context of other developments in Whitehaven that have delivered a higher level of 4+ bedroom properties, the development will help deliver on the overall housing mix identified as required within the SHMA 2021.

A total of 10% of the proposed are to be affordable dwellings.

Action Point 21 raised by the Planning Inspector during the hearing sessions for the ELP outlines that an affordable housing contributions exceeding the 10% requirement outlined in Policy H7PU of the ELP are to be sought from schemes with proven viability, this being aligned with the requirements of the NPPF and the conclusions of the SHMA.

The Application Site not a site that has been assessed in the evidence base as being a site that would deliver a cash surplus when delivering 10% affordable housing; therefore, 10% only is to be sought.

The number of affordable dwellings and tenure split aligns with the provisions of Policy H8PO of the ELP.

The Strategic Housing Manager has confirmed support for the housing mix proposed and affordable housing provision.

A Section 106 Agreement is required to secure the delivery of the affordable housing provisions proposed.

## **Design**

Policy SS1 of the CS seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the DMP expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DM12 of the DMP outlines the requirements of the provision of open space and play provision.

Policy DS6PU of the ELP requires all new development to meet high-quality standards of design. These standards include: create and enhance locally distinctive places, use good quality materials that reflect the local character, include high quality and useful open spaces, adopt active travel principles, create opportunities for social interaction, comprise effective

use of land whilst maintaining amenity and maximising solar gain.

The proposed development incorporates frontage development to Coach Road with a central access leading to a series of terraces and courtyards that face onto or project from the main spinal road.

The dwelling designs are simple and include a limited pallet of materials.

The proposed development comprises two storey dwellings. The development includes a hierarchy of streets and spaces. The layout seeks to frame key views through the development and end stops.

Pedestrian linkages are proposed to Coach Road and the adjacent footway/cycleway creating appropriate levels of permeability and generally follow the desire lines of users. Active travel linkages connect at the peripheries of the Application Site.

The primary access/highway includes footways. The lower hierarchy streets include a combination of footways and differing carriageway surfaces which create a sense of pedestrian priority and act to reduce traffic speeds.

The proposed development includes two areas identified by the Applicant as public open spaces. The spaces double as flood water attenuation. The form of the spaces limits their useability for recreation. Notwithstanding, their limited useability, given the location of the Application Site in close proximity to the town centre and other open spaces, the lack of useable open space within the development is considered acceptable.

Policy DM12 requires that in groups of family housing a minimum of 100m<sup>2</sup> of children's play space should be provided at the rate of one play space per 30/40 dwellings. The development comprises the erection of 35no. dwellings. No children's play space is proposed.

The dwellings towards Coach Road are raised above the level of the prevailing ground level to mitigate the associated flood risk. A similar arrangement exists to the residential developments to the east and west of Coach Road, with dwellings raised above the level of Coach Road or dwellings including under build due to the gradient of ground levels. The existing commercial development to the east is also raised slightly above the level of the adjacent footway/cycleway. The proposed levels will appear more obvious/apparent than the existing development due to the frontage development and limited space available for contouring/grading; however, it is not considered to be wholly inappropriate in the context. A planning condition is proposed to secure details of the proposed earthworks and site contouring to seek to control and limit the impacts etc..

Limited details are provided in relation to the boundary treatments and retaining structures required and planning conditions are proposed to secure these details.



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### **Flood Risk and Drainage**

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

Policy DM24 of the CS and Policy DS8PU of the ELP 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.

The Site is located predominantly within Flood Zone 2. A small area at the frontage of the Site is located within Flood Zone 3 and a small area to the rear of the Site is located within Flood Zone 1.

Planning Practice Guidance defines the proposed development as a 'More Vulnerable' use, which is identified as an acceptable use within Flood Zone 2. Part of the access, but no dwellings are proposed within Flood Zone 3.

Whilst the Site is allocated as an Opportunity Site in the LP and ELP and that the ELP outlines in principle support for all town centre uses C, E, F and Sui Generis (town centre appropriate) uses, a sequential assessment of the suitability of the site for such development has not been completed at the plan making stage.

A development specific sequential test has been prepared in support of the planning application. The sequential test considers the availability of alternative sites located within or adjacent to the town centre of Whitehaven. The sequential test considers sites adjacent to or within the settlement boundary of Whitehaven that could provide housing development and are generally comparable in terms of size to the Application Site. It is concluded that it is not possible for the proposed development to be located on a reasonably available site with a lower probability of flooding.

The appropriate geographic area for sequential test is considered to comprise the developed extent of Whitehaven given that the development will contribute towards housing need within the settlement and wider regeneration objectives. Relevant comparator sites are considered to comprise sites with a capacity of 32-38 dwellings.

For a site to be considered reasonably available, the site should lie within the defined geographic area, is with the defined comparator threshold, can accommodate the general requirements of the development proposals and is in principle in conformity with the development plan and material planning considerations. Sites are considered not reasonably available if accommodating an existing use unless a planning permission exists to extinguish that use or it has a planning permission for a similar development that is likely to be implemented.

The development specific sequential test has been reviewed in the context of the LP and ELP

and the evidence base for the ELP. It is considered that it has been demonstrated that there are no reasonably available comparator sites that with lower probability of flooding that could accommodate the development.

A Flood Risk Assessment (FRA) has been submitted in support of the Full Planning Application.

The FRA identifies that the risk of flooding primarily relates to fluvial and sewer flooding in the vicinity of Coach Road. A comprehensive scheme of mitigation measures are proposed to ensure that the development does not increase the risk of flooding at the site or to off-site areas and to ensure that all personnel remain safe during operation of the development. These measures include: the proposed finished floor levels of the dwellings are to be 300mm above the 0.1% AEP flood level of 7.91m at 8.21m AOD; drainage strategy to manage surface water runoff from roof and hardstanding across the development, prepared in line with LLFA guidance; the attenuation to be provided through underground pipes is to be resistant to floatation during flood events with the outfalls into Pow Beck fitted with non-return valves; and, compensatory Floodplain Storage to be provided (1,269.11m<sup>3</sup>) to mitigate against the loss of storage due to the construction of the 35 dwellings.

A Drainage Strategy Report and detailed scheme of drainage has been prepared in support of the Full Planning Application.

It is proposed to discharge surface water into the culverted Pow Beck to the west of the development site at the greenfield runoff rate (QBar) of 3.1l/s. Attenuation will also be provided on site to accommodate storm events up to and including a 6 hour 1 in 100 year plus 50% to account for climate change storm event.

It is proposed to discharge foul water into the existing combined sewer network on Coach Road via a pumping station.

The Environment Agency and LLFA have been consulted and have confirmed no objections.

United Utilities have also confirmed no objections; however, request the imposition of a planning condition securing a detailed drainage design including additional information and that the drainage scheme submitted is not referenced within the approved list of plans and documents.

### **Ecology and Arboriculture**

Policy ENV3 of the CS and Policy N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1PU of the ELP defines a mitigation hierarchy.

Policy N3PU of the ELP requires that *all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above*



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*existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.*

A Preliminary Ecological Appraisal (PEA) has been prepared in support of the Full Planning Application.

The PEA has identified the site has having a low ecological value with limited suitable habitat for nesting birds and hedgehog present on site, as well as limited opportunities for basking for reptiles. A range of ecological mitigation and enhancement measures are proposed. It is concluded that providing the recommendations outlined are implemented in full, there will not be a significant impact to protected species or habitats as a result of the proposed works.

A Biodiversity Net Gain Assessment of the Application Site has not been prepared.

Given the scale and nature of the proposed development it is considered that achievement of a biodiversity net gain of 10% as required by Policy N3PU of the ELP is achievable and a planning condition to secure the required Biodiversity Net Gain Assessment and its implementation is proposed.

### **Ground Conditions**

Policy ST1 of the CS includes provisions requiring that new development addresses land contamination with appropriate remediation measures.

Policy DS6PU and Policy DS10PU of the ELP includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

A Non-Residential Coal Authority Mining Report and a none development specific Geo-environmental Site Investigation has been submitted in support of the planning application.

The Environment Agency have confirmed that the industrial history of the site presents a risk of contamination that could be mobilised during construction to pollute controlled waters and that controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer. It is recommended that any approval includes planning conditions securing an investigation, a remediation scheme and implementation verification.

The Coal Authority has confirmed a risk to the redevelopment of this site due to shallow mining and recommendations have been made that in order to confirm the exact ground conditions beneath the site, to inform the extent of any remedial and / or mitigation measures required, intrusive ground investigations are required that are designed in cognisance of the

layout of development currently proposed and verification is secured by a competent person.

Environmental Health have confirmed that the submitted information is helpful in defining a basis for the testing of possible contaminants associated with the site's industrial history. A planning condition is proposed to secure additional ground investigation works based upon the provisions and recommendations of the submitted information.

### **Archaeology**

Policy ENV4 and Policy DM27 of the CS and Policy BE1PU and BE3PU of the ELP seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

The Historic Environment Officer of Cumbria County Council has been consulted and has confirmed no objections.

### **Highways**

Policy DM22 of the LP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.

In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promote active travel.

A Transport Statement has been prepared in support of the Full Planning Application.

The Transport Statement demonstrates that the development site is in a sustainable location and would not have a detrimental impact upon either the operation or safety of the local highway network and that the design provides an appropriate level of car parking and can be safely serviced.

Cumbria County Council – Highways have confirmed no objections the proposed development subject to the imposition of planning conditions.

### **Residential Amenity**

Policy ST1 of the LP includes provisions requiring that development provides or safeguards good levels of residential amenity and security.

Policy DM12 of the LP outlines minimum distance standards for new residential development.

Policy H6PU of the ELP requires that in respect of new housing development, an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlight and daylight.



Policy DS6PU of the ELP includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.

Given the form and layout of the development, adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not result.

The interface distances achieved between the windows in Plot 17 and Plots 18-21 fall below the requirements of Policy DM12. Such distances are not included within the ELP. Given the distances achieved between the windows, the existence of a road between the windows and offset angles between the windows the arrangement is on balance considered acceptable.

The proposed development will result in some adverse impacts upon residential amenity of the surrounding areas during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management.

### **The Planning Balance**

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In February 2023, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

The ELP will, once adopted, replace the policies of the adopted CS. The ELP has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment 2021 (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 146 dwellings per annum. The ELP identifies that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries and allocations identified in the CS and includes development boundaries and allocations sites for residential development that will permit delivery of the identified housing need in accordance with the sustainable development strategy proposed.

On this basis, the policies in the CS in relation to housing delivery must be considered out of

date and only limited weight be given their content as far as they are consistent with the provisions of the NPPF.

Given the advanced stage of preparation of the emerging Copeland Local Plan 2017-2038 weight is be attached to policies where no objections have been received or objections have been resolved. Consultation on the main modifications to the ELP has concluded and this permits significant or full weight to be afforded to the policies of the ELP.

In applying the provisions of Paragraph 11, the Site would assist in significantly boosting housing supply and delivery to meet the identified need for housing within the Borough as sought in both the CS and ELP. The proposals are supported in terms of supply and housing mix by the Copeland Housing Officer.

The proposed development is appropriate in size and character to Whitehaven and would enable future housing needs to be met are supported in the ELP. This is given significant weight.

The Application Site is located in close and convenient proximity to a wide range of services, employment opportunities and transport links, a number of which are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspirations for growth in the Borough. This is given significant weight.

The development will improve the appearance of a previously developed site and will deliver on the regeneration objections outlined within the CS and ELP. This is given significant weight.

The Applicant has demonstrated that the Sequential Test has been passed. This is given significant weight.

The development includes public open spaces that double as flood water attenuation, which limits their useability for recreation. No children's play space is proposed. These factors are given moderate weight.

The development does result in some localised harm in design terms owed to the flood mitigation measures required. This is given moderate weight.

Based upon the advice of the relevant consultees, the proposed development will not result in an unacceptable impact on highway safety, the residual cumulative impacts on the road network would not be severe and delivers active travel linkages. This is given significant weight.

The development would not result in unacceptable impacts in respect of residential amenity, ecology, land contamination and drainage subject to the planning conditions proposed. This is given significant weight.



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	In overall terms, the impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the benefits of the development.
8.	<b>Recommendation:</b> Approve (commence within 3 years)
9.	<b>Conditions:</b>  <u>Standard Planning Conditions</u>  1. The development hereby permitted shall begin not later than three years from the date of this decision.  Reason  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.  2. The development hereby permitted shall be carried out in accordance with the following approved plans:  Application Form  Site Boundary Plan – Drawing No. 2245-EX-001 Aerial / Satellite View – Drawing No. 2245-EX-010 Topographical Survey Inc. Surrounding Area – Drawing No. 2245-EX007 Topographical Survey – Drawing No. D2R - HAL – 01 Rev. 0 Existing Site Services Plan – Drawing No. 559/01 (SI)002 P01  Type A Plans – Drawing No. 2240-A-101 Rev. A Type D2 Plans - Drawing No. 2240-D2-101 Type E1 Plans – Drawing No. 2240-E1-101 Rev. A Type E2 Plans – Drawing No. 2240-E2-101 Type F Plans – Drawing No. 2240-F-101 Rev. A Type H2 Plans – Drawing No. 2240-H2-101  Type A Elevations - Drawing No. 2240-A-102 Rev. A Type D2 Elevations - Drawing No. 2240-D2-102 Type E1 Elevations - Drawing No. 2240-E1-160 Rev. B Type E2 Elevation – Drawing No. 2240-E2-102 Type F Elevation – Drawing No. 2240-F-102 Type H2 Elevations – Drawing No. 2240-H2-102

Streetscenes as Proposed – Drawing No. 2245-PL-200 Rev. B

Site Plan As Proposed – Drawing No. 2245-PL-100 Rev. B

Affordable Housing Provision As Proposed – Drawing No. 2245-PL-130 Rev. B

Parking Provision As Proposed – Drawing No. 2245-PL-160 Rev. A

S38 Adopted Highway as Proposed – Drawing No. 2245-PL-170 Rev. A

Ground Remodelling Plan – Drawing No. 23-C-16902-004 Rev. B

Design and Access Statement 2245-D001 2245 Proposed Residential Development, Land off Coach Road, Whitehaven, Cumbria.

Planning Statement - 2245-D004 2245 Proposed Residential Development, Land at Coach Road, Whitehaven.

Development Sustainability Assessment - 2245-D002 2245 - Proposed Residential Development, Land at Coach Road, Whitehaven, Cumbria.

Sequential Test Report – Land at Coach Road, Whitehaven, Cumbria - November 2022

Transport Statement - Proposed Residential Development, Coach Road, Whitehaven August 2023 - Ref. VN232716

Coach Road, Whitehaven Coach Road, Whitehaven Phase 1 Desk Study Report – Ref. 559-01

Preliminary Ecological Appraisal - Land off Coach Road Whitehaven – Ref. MEP-22-03 R1

Non-Residential Coal Authority Mining Report LAND ON THE EAST SIDE OF PRESTON STREET, WHITEHAVEN, CUMBRIA – Ref. 51000432176001

Flood Risk Assessment COACH ROAD, WHITEHAVEN Ref. 23-C-16902 August 2023

GEO-ENVIRONMENTAL SITE INVESTIGATION - REC REFERENCE: 45418P1R1

Reason

For the avoidance of doubt and in the interests of proper planning.

#### Pre-Commencement Planning Conditions

##### *Site Levels*

3. No development shall commence until finished floor levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved details.

**Reason**

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

*Drainage*

4. Notwithstanding the submitted details, no development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes 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 systems 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 schemes 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 in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

*Ground Conditions*

5. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has

been submitted to and approved in writing by the Local Planning Authority.

This strategy will include the following components:

1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or is adversely affected by pollution in accordance with the provisions of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.Framework.

6. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

#### Reason

To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site accordance the provisions of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

7. No development shall commence until a detailed site specific risk assessment in relation to any deep foundation piling techniques in made ground to be used in the construction of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.

The assessment should include details that demonstrate any techniques do not cause or exacerbate existing contamination. Some techniques may not be suitable.

The development shall be completed in accordance with the approved details.

#### Reason

To ensure that the proposed foundation design and installation does not harm groundwater resources in accordance with the provisions of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013- 2028.

#### *Highways*

8. No development shall commence until details, including longitudinal/cross sections of the carriageway, footways, footpaths etc. have been submitted to and approved in writing by the Local Planning Authority.

The carriageway, footways, footpaths etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and accord with the standards laid down in the Cumbria Development Design Guide or any such replacement documentation.

The development shall be completed in accordance with the approved details before the development is complete.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

9. No development shall commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

The visibility splays shall be constructed before general development of the site commences

so that construction traffic is safeguarded.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been 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 conducted 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 areas for vehicle parking, manoeuvring, loading and unloading for their 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 deposit 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
- specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

The approved CTMP shall be adhered to throughout the construction period.

#### 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 interests of highway and pedestrian safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

#### *Landscaping*





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11. Notwithstanding any submitted details, no development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:-

- ☐ proposed finished levels or contours;
- ☐ means of enclosure including details of any retaining walls/structures;
- ☐ other vehicle and pedestrian access and circulation areas; and,
- ☐ hard surfacing materials.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. 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.

### *Ecology - Biodiversity Net Gain*

12. No development shall commence until a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) have been submitted to and approved in writing by the Local Planning Authority.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

#### Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3PU of the emerging Copeland Local Plan 2017-2038.

13. No development shall commence until a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles
- procedures for the loading and unloading of plant and materials
- details of the storage of plant and materials used in construction
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the existing watercourses
- a scheme for recycling/disposing of waste resulting from construction works
- measures to control noise and vibration.

The approved CEMP shall be adhered to throughout the construction period.

#### Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

14. No development shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority.

The approved CSWMP shall be adhered to throughout the construction period.

#### Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

#### Pre-Superstructure Planning Conditions

#### *Materials*



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15. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

### Reason

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

### Pre-Occupation Planning Condition

#### *Drainage*

16. Prior to occupation of the first dwelling hereby approved a Sustainable Drainage Management and Maintenance Plan (SDMMP) for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority.

The SDMMP shall include as a minimum:

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

The development shall subsequently be completed, maintained and managed in accordance with the approved SDMMP.

### Reason

To ensure that management arrangements are in place for the sustainable drainage system and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

#### *Ground Conditions*

17. Prior to occupation of the first dwelling hereby approved a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or

mitigation necessary to address the risks posed by past coal mining activity.

#### Reason

In order to ensure the safety and stability of the development in accordance with the provisions of National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

#### *Highways*

18. No dwelling hereby approved shall be occupied until the estate road including footways and cycleways to serve that dwelling have been constructed in all respects to base course level and street lighting where it is to form part of the estate road have been provided and brought into full operational use.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

19. No dwelling hereby approved shall be occupied until the approved parking layout and turning space to serve that dwelling has been constructed, marked out and made available for use.

The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose and shall be retained for the lifetime of the development.

#### Reason

To ensure a minimum standard of parking provision and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

#### Other Planning Conditions

##### *Ground Conditions*

20. 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 within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part



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of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

### 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.

### *Construction Management*

21. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

### *Highways*

22. There shall be no vehicular access to or egress from the site other than via the approved access.

### Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

### *Ecology*

	<p>23. The development shall not proceed except in accordance with the mitigation strategy described in Preliminary Ecological Appraisal - Land off Coach Road Whitehaven – Ref. MEP-22-03 R1.</p> <p><b>Reason</b></p> <p>For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.</p> <p><b>Informative Note</b></p> <p>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.</p> <p>Further information is also available on the Coal Authority website at:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p> <p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p><b>Case Officer: Chris Harrison</b></p>	<p><b>Date : 05.04.2024</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 13.05.2024</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	