

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2005/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 4 OF PLANNING APPROVAL 4/22/2359/0F1
3.	Location:	LAND AT FELL VIEW AND WINDERMERE AVENUE, WHITHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: No Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>The application site relates to land at Fell View Avenue and Windermere Road, 7.5ha and 6.9ha respectively and are located within the residential Woodhouse area of Whitehaven.</p> <p>The sites originally contained three and four bed houses which were demolished approximately 10 years ago and are currently being used as informal green open space.</p> <p>Both sites at Fell View Avenue and Windermere Road are bound by two-storey residential dwellings to the sides. The entire Fell View Avenue site is bound by further green space, the Public Right of Way 431016 and allotment gardens to the rear. The northern end of the Windermere Road site is bound by residential properties from Wastwater Road to the rear and the southern end of the site is bound by an area of green space to the rear.</p>	

PROPOSAL

In 2022, planning permission (ref: 4/22/2359/0F1) was granted for the erection of 40 dwellings at Fell View Avenue and Windermere Road.

The current application seeks approval of the details reserved by planning condition 4 attached to the planning approval. The condition states the following:

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

Reason

In the interest of the amenity of surrounding occupiers during the operation of the development.

The information submitted in support of this current application comprises the following:

- Construction/Environmental Management Plan

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25– Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Strategic Housing Market Assessment 2019 (SHMA)

Strategic Housing Market Assessment Update 2021 (SHMAA)

Housing Needs Survey 2020

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Cumbria Development Design Guide (CDG)

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

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

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS3PU – Settlement Hierarchy

Policy DS4PU - Settlement Boundaries

	<p>Policy DS6PU - Design and Development Standards</p> <p>Policy DS7PU - Hard and Soft Landscaping</p> <p>Policy DS8PU – Reducing Flood Risk</p> <p>Policy DS9PU – Sustainable Drainage</p> <p>Policy DS10PU – Soils, Contamination and Land Stability</p> <p>Policy H1PU – Improving the Housing Offer</p> <p>Policy H2PU - Housing Requirement</p> <p>Policy H3PU - Housing delivery</p> <p>Policy H4PU – Distribution of Housing</p> <p>Policy H6PU – New Housing Development</p> <p>Policy H7PU – Housing Density and Mix</p> <p>Policy H8PU – Affordable Housing</p> <p>Policy N3PU – Biodiversity Net-Gain</p> <p>Policy N6PU – Landscape Protection</p> <p>Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure</p> <p>ASSESSMENT</p> <p>Policy ST1 and DM12 includes provisions requiring that development provides or safeguards good levels of residential amenity and security. On this basis, a planning condition requiring the submission of a Construction Environmental Management Plan was attached.</p> <p>A Construction Environmental Management Plan has now been submitted which includes the construction working practices to minimise impacts upon existing dwellings through noise and dust generation.</p> <p>Based on the details submitted, Environmental Health raised no objections.</p> <p>On this basis, the proposal is considered to comply with Policies ST1 and DM12 of the Copeland Local Plan.</p> <p>Conclusion</p> <p>Approve requirements of planning condition 4.</p>
8.	<p>Recommendation:</p> <p>Approve discharge of condition 4</p>

Case Officer: C. Unsworth	Date : 30/01/2023
Authorising Officer: N.J. Hayhurst	Date : 31/01/2023
Dedicated responses to:- N/A	