

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2008/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 5 OF PLANNING APPLICATION 4/22/2359/0F1
3.	<b>Location:</b>	LAND AT FELL VIEW AND WINDERMERE AVENUE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: No  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <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 5 attached to the planning approval. The condition states the following:

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

### **Reason**

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

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

- Phase 2: Ground Investigation Report, including completion of gas monitoring.

## **PLANNING POLICIES**

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

### **Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25– Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

**Other Material Planning Considerations**

National Planning Policy (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Strategic Housing Market Assessment 2019 (SHMA)

Strategic Housing Market Assessment Update 2021 (SHMAA)

Housing Needs Survey 2020

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Cumbria Development Design Guide (CDG)

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

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

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

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

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS3PU – Settlement Hierarchy

Policy DS4PU - Settlement Boundaries  
Policy DS6PU - Design and Development Standards  
Policy DS7PU - Hard and Soft Landscaping  
Policy DS8PU – Reducing Flood Risk  
Policy DS9PU – Sustainable Drainage  
Policy DS10PU – Soils, Contamination and Land Stability  
Policy H1PU – Improving the Housing Offer  
Policy H2PU - Housing Requirement  
Policy H3PU - Housing delivery  
Policy H4PU – Distribution of Housing  
Policy H6PU – New Housing Development  
Policy H7PU – Housing Density and Mix  
Policy H8PU – Affordable Housing  
Policy N3PU – Biodiversity Net-Gain  
Policy N6PU – Landscape Protection  
Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

### **ASSESSMENT**

Policy ST1 and the NPPF under paragraph 183 requires sites to be suitable for their proposed use taking into account ground conditions and any risks arising from land instability and contamination, including any proposals for mitigation and remediation.

Phase 1 and 2 Ground Investigation Reports were submitted as part of the original planning application, although the Phase 2 Report included recommendations regarding 4 additional gas monitoring visits to be undertaken. On this basis, a planning condition was attached regarding the land investigation.

The Phase 2 Ground Investigation Report, including ground gas testing has now been completed and submitted as requested.

Based on this report, Environmental Health raised no objections and the Local Planning Authority are satisfied with the information.

On this basis, the proposal is considered to comply with Policy ST1 of the Copeland Local Plan and paragraphs 183 and 184 of the NPPF.

### **Conclusion**

Approve requirements of planning condition 5 of planning application reference 4/22/2359/0F1.

8.	<b>Recommendation:</b> Approve discharge of condition 5.	
Case Officer: C. Unsworth		Date : 23/02/2023
Authorising Officer: N.J. Hayhurst		Date : 24/02/2023
Dedicated responses to:- N/A		