

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2083/0F1
2.	Proposed Development:	REPLACEMENT DWELLING TYPES ON PLOTS 9, 10 AND 11
3.	Location:	PLOTS 9, 10 & 11 HIGH STILE GARDENS, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Preferred Route Corridor - Within Preferred Route Corridor
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <p>The Application Site comprises the property previously known as Cumberland Cold Storage Ltd, Hensingham, Whitehaven.</p> <p>The site was formerly occupied by a fish-processing factory constructed in the late 1970s.</p> Direct Planning Application History <p>4/14/2176/0O1 – Outline for 34no. dwellings. Approve subject to planning conditions and S106.</p> <p>4/14/2177/0F1 – Demolition of vacant former fish factory and erection of 1,521 sqm of B1 and B2 commercial development with associated landscaping and access. Approved subject to planning conditions.</p>	

4/16/2433/0R1 – Reserved Matters for 25no. dwellings. Approved subject to planning conditions.

4/19/2238/0B1 – Variation of Condition 2 (site plan) of planning permission 4/16/2433/0R1 (Reserved matters for 25 dwellings). Approved subject to planning conditions.

4/20/2377/0B1 - Variation of condition 1 of 4/19/2238/0B1 (Site lan and amended and new dwelling types).

The development is currently under construction.

Proposal:

This Full Planning Application effectively seeks the replacement of the approved dwelling designs on previously approved Plot 9, Plot 10 and Plot 11.

The approved dwelling design on Plots 9 and Plot 10 (Type F) comprised two storey four-bedroom dwellings with a G.I.A of 145.26m² plus a detached garage at 15.77m². The replacement dwellings (Type C3) comprise two storey four bedroom dwellings with a G.I.A. of 202.52m² plus integral garage at 15.40m².

The approved dwellings design on Plot 11 (Type D) comprises a three-bedroom dwelling with a G.I.A of 104.78m² plus attached garage at 14.96m². The replacement dwelling (Type M) comprises a two storey four-bedroom dwelling with a G.I.A. of 127.88m² plus integral garage at 15.57m².

Minor revisions are proposed to the approved layout and landscaping scheme to accommodate the change of dwelling design.

It is proposed to discharge both foul water and surface water to the mains sewer approved under application ref. 4/20/2377/0B1.

Consultee:	Nature of Response:
Town Council	No comments.
Cumberland - Highways and LLFA	Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed replacement of dwelling type within the development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.
The Coal	I can confirm that the above planning application has been sent to us

<p>Authority</p>	<p>incorrectly for consultation.</p> <p>The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.</p> <p>In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.</p>
<p>Neighbour Responses:</p>	
<p>The application has been advertised by way of a planning application site notice.</p> <p>No written representations have been received in respect of the proposals.</p>	
<p>Development plan policies:</p> <p>Development Plan:</p> <p>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.</p> <p>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.</p> <p>The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p> <p><u>Core Strategy (CS):</u></p> <p>Policy ST1 – Strategic Development Principles</p> <p>Policy ST2 – Spatial Development Strategy</p> <p>Policy ST4 – Providing Infrastructure</p> <p>Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions</p>	

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 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 DM22 – Accessible Developments
Policy DM24 – Development Proposals and Flood
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
Policy DM26 - Landscaping
Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Policy HSG2 – New Housing Allocations
Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains 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 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



Cumberland Council

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 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 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 Borough Council Housing Strategy 2018-2023 (CBCHS)

Assessment:

Principle

Outline Planning Permission was approved and Reserved Matters Approval subsequently approved for the erection of 34 dwellings under planning application ref. 4/14/2176/001 and planning application ref. 4/16/2433/0R1 respectively.

Planning applications submitted under Section 73 have subsequently been approved under planning application ref. 4/16/2433/0R1, application ref. 4/19/2238/0B1 and application ref. 4/20/2377/0B1.

The relevant pre-commencement planning conditions have been approved/discharged and the development has been commenced. As such it remains an extant planning permission.

The principle of residential development on the Application Site has been established and no additional dwellings are proposed.

Design and Landscape Impact

The revised house types proposed are consistent in overall scale, form and design to the dwellings approved on the remainder of the development layout and design and will not result in additional adverse landscape and visual impacts.

Highways Impacts

The proposed development will not result in material impacts upon the safety/operation of the approved or wider highway network.

No revisions are proposed to the previously approved highway layout/design serving the wider development, which is partially complete.

Drainage

It remains proposed to dispose of foul water and surface water to the mains drainage system as per the approved drainage scheme.

A detailed drainage scheme is not submitted in support of the planning application.

The drainage scheme including surface water attenuation approved under application ref. 4/20/2377/0B1 has been installed and is operational.

A planning condition is proposed requiring that the surface water drain to the drainage scheme including surface water attenuation approved under application ref. 4/20/2377/0B1.

A material increase in surface water flows beyond that generated by the approved position will not reasonably occur.

Landscaping

A revised scheme of landscaping is proposed which aligns with the previously approved landscaping scheme/layout.



Cumberland Council

	<p>The retention/maintenance of the proposed trees will be secured via planning condition for the period of five years and a Tree Preservation Order can then be imposed on the trees once established to ensure their retention long term and that they continue to fulfil their intention i.e. screening/softening of the development.</p> <p><u>Ground Conditions/Contamination</u></p> <p>Application Ref. 4/14/2176/001 was approved subject to a planning condition requiring the submission of a ground investigation relating to the contamination risks on the Application Site.</p> <p>A ground investigation report and remediation strategy were submitted in approved in 2018 – Report Ref. 2016-2053 prepared by Geo Environmental Engineering.</p> <p>The Applicant has previously submitted a revised ground investigation report and remediation strategy - Report Ref. 2018-3413 prepared by Geo Environmental Engineering which was completed in late 2018/early 2019. This report confirms there are now no mitigation measures required and therefore no remediation strategy or validation report is needed.</p> <p>Thom Greer – Environmental Protection has previously confirmed that the conclusions and provisions of Report Ref. 2018-3413 prepared by Geo Environmental Engineering are acceptable.</p> <p>A planning condition is proposed to require completion in accordance with the provisions of Report Ref. 2018-3413 prepared by Geo Environmental Engineering.</p> <p><u>Conclusion</u></p> <p>The principle of the development has previously been established.</p> <p>The proposed revisions to the dwelling designs, layout and scheme of landscaping are appropriate to the development.</p> <p>No issues are arising in respect of residential amenity, highway safety and drainage.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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. Permission shall relate the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:

Planning Application Form - Material specifications as superseded by email received from Glen Beattie 11th May 2023

Site Location Plan – Drawing No. 13/07/805-01.

Revised Site Plan (Residential) – Drawing No. 13/07/805-69d)

Masterplan – Drawing No. M3252-PA-02-V4

Landscape Layout – Drawing No. M3252-PA-01-V4

Residential Development – Dwelling Type C/3 (Plots 8, 9 & 10) – Floor Plans – Drawing No. 13/07/805-87a)

Residential Development – Dwelling Type C/3 (Plots 8, 9 & 10) – Working Elevations – Drawing No. 13/07/805-89a)

Residential Development – Dwelling Type M (Plots 11) – Proposed Plans & Elevations – Drawing No. 13/07/805-90

Reason

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

3. The surface water from the dwellings hereby approved shall discharge to the mains sewer via the surface water attenuation tank infrastructure system approved under planning application ref. 4/20/2377/0B1 and by no other means.

Reason

For the avoidance of doubt and to secure an appropriate form of drainage in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

4. No dwelling hereby approved shall be occupied until the highway required to serve that dwelling has been constructed to a minimum of base course level.

Reason

To ensure a minimum standard of access provision when the development is brought into

use in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

5. No dwelling hereby approved shall be occupied until the access and parking facilities to serve that dwelling have been constructed in accordance with the approved details. The access and parking facilities shall be retained and capable of use at all times thereafter.

Reason

To ensure a minimum standard of access provision for the lifetime of the development in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following completion of the development. 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.

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.

7. The development hereby approved shall be completed in accordance with the provisions of Report Ref. 2018-3413 prepared by Geo Environmental Engineering received 10th May 2021.

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.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

	<p>Statement:</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p>Case Officer: Chris Harrison</p>	<p>Date : 15/05/2023</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 15/05/2023</p>
<p>Dedicated responses to:- N/A</p>	