

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2089/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 6, 7 AND 8 OF PLANNING APPLICATION 4/22/2359/0F1
3.	Location:	LAND AT FELL VIEW AND WINDERMERE AVENUE, WHITEHAVEN
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 two areas of land at Fell View Avenue and Windermere Road, covering 7.5ha and 6.9ha respectively. They 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</p>	

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.

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 3, 6, 7 and 8 attached to the planning approval. The condition states the following:

3. Prior to commencement, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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 scheme 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 scheme 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.

6. Development shall not commence until a Construction Traffic Management Plan 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 constructed 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 area for vehicle parking, manoeuvring, loading and unloading for the 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 despite 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.

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 interest of highway and pedestrian safety.

7. Prior to commencement, details of the highway drains protection at the access shall be submitted to and approved in writing by the Local Planning Authority. The works to protect the drain shall be carried out in accordance with a specification approved by the Local Planning Authority.

Reason

In the interest of highway safety and environmental protection.

8. Prior to commencement, the construction access and parking/turning requirements for each phases of development shall be submitted to and approved in writing by the Local Planning Authority. The provision should be substantially met before any building work commences on site so that construction traffic can park and turn clear of the highway.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

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

- Construction Traffic Management Plan;
- Proposed Drainage Plans;
- S185 Agreement Plans;
- S116 Abandonment Plans;
- Response to Drainage Condition;
- Parking Turning and Vehicle Access Plan;
- Protection of Highway Drainage Details.

CONSULTATION RESPONSES

Highway and LLFA

Condition 3 - The LLFA are content with the supporting information supplied for condition 3, therefore condition 3 can be discharged.

Condition 6 - The LHA are content with the supporting information supplied for condition 6, therefore condition 6 can be discharged.

Condition 7 - The LHA are content with the supporting information supplied for condition 7, therefore condition 7 can be discharged.

Condition 8 - The LHA are content with the supporting information supplied for condition 8, therefore condition 8 can be discharged.

United Utilities

First Response –

Further to our review of the submitted drawings (K39225-105, K39225-106, K39225-107,

K39225-108 - all Rev B dated 28/02/23), United Utilities recommends that condition 3 is not discharged for the following reasons:

- The proposed diversions need to formally be accepted via the S185 applications as these are pivotal to the overall site layout/drainage design.
- There are elements of the proposals drainage that require further consideration to mitigation against sewer surcharge due to being lower than the receiving sewer network, e.g. the foul connection of the 4 southern-most plots of the northern parcel (Fell View Avenue), and also the surface water connections for the southern parcel (Windermere Avenue).

Second Response –

Further to our review of the submitted drainage documents, United Utilities recommends that condition 3 is not discharged as the drawings do not match up. The drainage layout drawings have not been updated in line with the S185 updated drawings (for example some cover levels and FFL's are different). We request the drainage plans are updated to remove any confusion about the current design. Please consult United Utilities once these are provided.

Final Response –

Further to our review of the submitted drainage plans (K39225-105 Rev E dated 14/09/2023, K39225-106 Rev E dated 14/09/2023, K39225-107 Rev F dated 14/09/2023, and K39225-108 Rev F dated 13/09/2023), United Utilities has no objection to condition 3 being discharged.

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

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

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 2021-2038 (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.

The following policies are relevant to this proposal:

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

Drainage

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

United Utilities have been consulted and initially raised an objection as the proposed diversions needed to be formally accepted via the S185 application and further consideration was needed to mitigation against sewer surcharge due to being lower than the receiving sewer network, e.g. the foul connection of the 4 southern-most plots of the northern parcel (Fell View Avenue), and also the surface water connections for the southern parcel (Windermere Avenue).

Following this, the applicant has been in discussions with United Utilities and the final drainage details have now been submitted. This includes drainage plans and S185 Agreement plans.

Based on the up-to-date details submitted, United Utilities raised no objections and the Local Planning Authority are satisfied with the information provided.

On this basis, the drainage details are acceptable and condition 3 can be discharged.

Highways

Policies ST1, DM12 and DM22 includes provisions requiring that development provides or safeguards good levels of residential amenity and highway safety. On this basis, planning conditions requiring the submission of a Construction Traffic Management Plan, highway drainage protection measures and parking/turning details were attached.

A Construction Traffic Management Plan has now been submitted which includes the construction traffic practices. Additional plans have also been submitted to outline the parking, turning and vehicle access and the protections of highway drainage details, as



Cumberland Council

	<p>requested by the Highway Authority in the original application consultation.</p> <p>Based on the details submitted, the Highway Authority raised no objections and the Local Planning Authority are satisfied with the information provided.</p> <p>On this basis, the highway details are acceptable and conditions 6, 7 and 8 can be discharged.</p> <p>Conclusion</p> <p>Approve requirements of planning condition 3, 6, 7 and 8 of planning application 4/22/2359/0F1.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of condition 3, 6, 7 and 8.</p>	
Case Officer: C. Wootton		Date : 26/09/2023
Authorising Officer:		Date : 27/09/2023
Dedicated responses to:- N/A		