

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2165/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 13 OF PLANNING APPLICATION 4/20/2455/0F1
3.	Location:	LAND SOUTH OF WATERS EDGE CLOSE, KELLS, 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	N/A.
7.	Report: Site and Location: <p>The Application Site comprises an area of previously developed and now vacant land extending to 1.37ha located to the south of Waters Edge Close, High Road, Whitehaven.</p> <p>The Site comprises part of the site of the clerical buildings and vehicle parking areas serving the former Marchon plant.</p> <p>The Application Site is bounded by Waters Edge Close to the north; the previously developed and now vacant former Marchon plant to the south and west; and, High Road to the east.</p> <p>The Site is generally level, with some mounds of earth associated with the clearance of the land and likely the adjacent development and hard surfacing present.</p> <p>The Site is located in Flood Zone 1.</p> <p>The Site is not within a conservation area and no Tree Preservation Orders exist.</p>	

Proposal:

This Application seeks approval of details reserved by Planning Condition 13 of Application Ref. 4/20/2455/0F1.

Planning Condition 13 of Application Ref. 4/20/2455/0F1 states the following:

No dwelling hereby approved shall be occupied unless or until a scheme detailing the layout and design of the childrens play space measuring 100 sqm has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the completion of the development and shall be retained for the lifetime of the development.

The information submitted in support of the application comprises:

- Application Form
- Waters Edge Proposal Drawing No. Q9228_A Issue A

The proposals have been amended during the course of the planning application.

Consultee:	Nature of Response:
Open Spaces	<p>18/08/2023</p> <p>It partially meets the criteria. The proposed play equipment is not really very exciting and in order to fulfil the requirements we would expect the following to be included:</p> <p>Designed to stimulate one of the following activities: Balancing Rocking Climbing/Agility Sliding Social play</p> <p>Additional items may focus upon rotating, swinging, jumping, crawling, viewing, counting or touching</p> <p>The playground equipment must conform to EN1176 and surfacing to EN1177 standards.</p> <p>I would give it a very low scoring for play value. This can be much better.</p> <p>From a quick check up the company details (never heard of them) using</p>

false logo they are not members of the API according to the check I have just done.

Neighbour Responses:

N/A.

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 SS5 - Provision and Access to Open Space and Green Infrastructure

Development Management Policies (DMP):

Policy DM12 – Standards for New Residential Development

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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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 DS6PU - Design and Development Standards

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (as amended) (CHSR).

Assessment:

The Open Spaces Team were consulted in relation to the layout and design of the children's play space.

It was concluded that the proposals partially meet the relevant design criteria. It was confirmed that the proposed play equipment was not really very exciting and in order to fulfil the requirements it would be expected that additional equipment with a focus upon rotating, swinging, jumping, crawling, viewing, counting or touching be incorporated.

The Applicant subsequently reviewed the layout and design of the children's play space in response to the comments from Open Spaces and introduced walk and stretch posts, a tarzan traverse and ground mounding/contouring to add interest.

The additional equipment introduces swinging, jumping and viewing elements.

The Open Spaces Team were consulted in relation to the revised scheme; however, no response has been received.

The equipped space including run off areas etc. extends to c.100sqm in area.

Given the location of the play equipment within a larger area of public open space, which is in part bordered by private driveways and a turning head, a means of enclosure is not considered necessary.



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	<p>In overall terms, given the scale of the development and the availability of additional more equipped play spaces within the wider locality, the proposed scheme is considered to provide sufficient equipment and interest to meet the local level needs of the occupants of the development who comprise the primary user group.</p> <p>Conclusion</p> <p><u>Planning Condition 13</u></p> <p>Approve requirements of planning condition.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
9.	<p>Condition(s):</p> <p>N/A</p>	
Case Officer: Chris Harrison		Date : 04.01.2024
Authorising Officer: N.J. Hayhurst		Date : 05.01.2024
Dedicated responses to:- N/A		