

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2273/0F1
2.	Proposed Development:	FULL PLANNING APPLICATION FOR THE FORMATION OF A PUBLIC OPEN SPACE LANDSCAPED MOUND IN ASSOCIATION WITH EDGEHILL PARK RESIDENTIAL DEVELOPMENT APPROVED UNDER PLANNING REFERENCES 4/13/2235/0O1 AND 4/20/2474/0R1
3.	Location:	LAND ADJACENT TO HIGH ROAD, 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	See report.
7.	Report: Site and Location <p>The Application Site comprises an element of Phase 3 of the residential development known as Edgehill Park, Whitehaven.</p> <p>The Site is a near rectangular parcel of land measuring 1.0105 hectares located adjacent to High Road.</p> <p>The Site comprises part of the existing construction compound and approximately 20,000m³ of anhydrite gravel and cobbles with traces of slag, brick, ash and clinker. The mound is covered by grass and self-seeded scrub and has been in-situ for approximately 10 years.</p> <p>The Site is circa 3.5m in height above the prevailing ground level.</p>	

A Northern Gas Networks high pressure pipeline runs under the Site in a general north to south direction.

Public Right of Way, footpath no. 431031 is located to the south of the Site and connects High Road with Greenbank.

The Application Site is enclosed by fencing.

There are no conservation areas or listed buildings on or directly adjacent to the Application Site.

The Application Site is located in Flood Zone 1.

Proposal

The development comprises the creation of a landscaped public open space.

The scheme is intended to provide an additional area of open space, to complement the open spaces already provided and proposed as part of the wider Edgehill Park development.

The development comprises a non-uniform and accessible raised mound area.

It is proposed to incorporate a range of planting including new shrub, meadow and species rich grassland. An informal mown path network is proposed to delineate pedestrian access points from the wider highway network and natural play equipment on the top section plateaus.

The development includes the reprofiling of the existing anhydrite (anhydrous calcium sulphate) material associated with the previous industrial use at the former and wider Marchon site.

The levels are proposed to vary across the mound and shall be up to c.3m in height from the adjacent existing road level. The slopes and crowns of the landscaped mounds will be retained by the placement of terram (or similar) geo-membrane to retain the aggregate. The surface of the mounds shall be capped with a 300mm thick layer of impermeable clay to minimise surface water infiltration and potential for weathering and leaching to the made ground.

The development is proposed to replace an extant permission for 31 dwellings.

The proposed landscaping and play features are to be appropriately managed by Story Homes and the eventual Management Company for the development.

Directly Relevant Planning History



Cumberland Council

4/10/9009 – Temporary storage of excess material from nearby residential development compromising anhydrite and slag. Approved 26th May 2010.

4/13/2235/001 – Hybrid Planning Permission consisting of outline for the erection of 431 dwellings, land reserved for primary school and ancillary open space and infrastructure, and approval in full for matters in association with 139 dwellings to the south of the site with access, pedestrian bridge, SUDS features and associated opens spaces and infrastructure. Approved 13th March 2014 subject to s106 Unilateral Undertaking.

4/20/2474/0R1 – Reserved Matters Application (Access, Appearance, Landscaping, Layout and Scale) for Erection of 335 Dwellings Including Associated Infrastructure Pursuant to Outline Planning Approval 4/13/2235/0R1. Approved 27th April 2021.

Consultations and Representations

Whitehaven Town Council

No comments/objections.

Arboricultural Consultant

The applicant has submitted a Landscape Plan (Dwg. No. UG_1415_LAN_SL_DRW_11 Rev.No.P03) produced by Urban Design. This includes a detailed plant specification.

Recommend attaching the following condition to any planning permission:

- The applicant should implement the Landscaping Plan (Dwg. No. UG_1415_LAN_SL_DRW_11 Rev. No.P03) in full during the first growing season following the reprofiling of the site. Any trees or shrubs dying within five years of planting must be replanted with similar species in a similar location, unless otherwise agreed in writing with the LPA.

Environment Agency

The former stockpiles of waste comprising anhydrite and inert materials derived from earlier phases of the housing development on the Marchon former car parks have weathered to the degree that they do not pose an unacceptable risk to water quality.

We have no objections to the development proposal but we wish to make the following comments:-

Use of waste on-site - authorisation or permit required – advice to applicant

The applicant may need to apply to the Environment Agency for an environmental permit if their use, recycle, treatment, storage or disposal of waste. Waste: environmental permits - GOV.UK (www.gov.uk)

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, '*uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...*' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed at Waste recovery plans and deposit for recovery permits - GOV.UK (www.gov.uk)

The applicant can find more information on the Waste Framework Directive here:
Environmental permitting guidance: The waste framework directive - GOV.UK (www.gov.uk)

More information on the definition of waste can be found here:
<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:
<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:AIRE Code of Practice), however the applicant will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The applicant can check if your material is waste or get an opinion from the Environment Agency's definition of waste service on if a material is a by-product or meets 'end of waste' status. The service costs £125 an hour including VAT.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: Waste duty of care code of practice - GOV.UK (www.gov.uk).

Cumbria Constabulary – Architectural Liaison Officer

Response 1

I wish to offer the following comments, which I have considered from a crime prevention / community safety perspective. I have perused the drawings and documents to ascertain if this proposal complies with the Local Plan and Development Management Policies:

Policy DM10 – Achieving Quality of Place

The Council will expect a high standard of design and the fostering of ‘quality places’. Development proposals will be required to:

D Address vulnerability to and fear of crime and anti-social behaviour by ensuring that the design, location and layout of all new development creates:

- i) Clear distinctions between public and private spaces
- ii) Overlooked routes and spaces within and on the edges of development

Item 5.11 of the published Planning Statement advises that the intention of this proposal is to provide an area of Public Open Space “with the adjacent approved housing balance fronting from the north and east, providing good surveillance and meeting ‘Secured by Design’ objectives.

I concur that the positioning of the POS is preferable, where it shall be addressed by the closest dwellings.

However, from my interpretation of the published illustrations, casual supervision of this space will be compromised by:

- Lack of proximity of these dwellings to exert their influence across the entire space – The layout suggests 8 dwellings are directly orientated towards the space, 3 others present ‘inactive’ gable walls towards it
- The arrangement of mounds within the space shall obstruct views (the illustration depicts overlooking from upper floor windows only). Only activity occurring on top of the mounds shall be easily visible 2
- An extensive landscaping scheme will further restrict surveillance opportunities of the space, as it matures
- Natural surveillance from passing motor vehicles shall be negligible Secured by Design Guidance Homes 2023

7.8 The National Design Guide states on page 31, Paragraph 105 that ‘careful planning and design create the right conditions for people to feel safe and secure, without the need for additional security measures. These include:

- buildings around the edges of a space
- active frontages along its edges, provided by entrances onto the space and windows overlooking it, so that people come and go at different times
- natural surveillance from inside buildings provided by windows and balconies, so that users of the space feel they might be overlooked by people from inside
- reasons for people to enter into the space, for an activity or destination or because it is on a natural line of direction of travel

9.2 Facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private

space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

18.3 Planting should not impede the opportunity for natural surveillance and wayfinding, and must avoid the creation of potential hiding places. As a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1m, and trees should have no foliage, epicormic growth or lower branches below 2m, thereby allowing a 1 metre clear field of vision.....”

I therefore suggest that the extent and arrangement of the mounds should be reconsidered to optimise views as intended. The choice and location of plant species should be reappraised to ensure they do not inadvertently obstruct casual supervision.

Response 2

I am indebted to Rachel Lightfoot for providing this additional information and addressing my concerns regarding the formation of the POS.

The surveillance opportunities from the adjacent dwellings are more concisely depicted in section drawing 54D.90.9.STB Rev P1 and Rachel has described how casual supervision of the space will be achieved.

However, I believe it is essential that a strict landscape maintenance programme is implemented to ensure that views shall be preserved. It is expected that the space will be used and enjoyed by residents throughout the year. I trust the applicant will keep options to intervene if it becomes apparent that the space is being misused or abused.

Northern Gas Networks

Formal Response 1

We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out.

Interim Informal Response

I have had e mail exchanges with both Chris (@ Cumberland Planning) and Adam (@ Story Homes), and the upshot is that you can withdraw 1400020176 based on the below text being inserted in the permission if the plans are passed.

“A Regional High Pressure Gas Pipe is located within the boundaries of the Application Site. The Regional High Pressure Gas Pipe is the subject of statutory protections under the Pipelines Safety Regulations 1996.

Any development in an exclusion area measured 14m each side of Regional High Pressure



Cumberland Council

Gas Pipe poses risk of damage to the asset and the safety of the any construction workers and equipment.

Prior to the commencement of any development in an exclusion area measured 14m each side of the Regional High Pressure Gas Pipe, a scheme of safety and integrity precautions to be agreed with Northern Gas Networks (www.northerngasnetworks.co.uk) and then implemented during the ensuing development works”.

Formal Response 2

Following our objection on to the proposed planning application in the area of HIGH ROAD, Whitehaven, N/A. we are now willing to rely on our statutory powers and so withdraw our objection.

Cumberland Council - Highways and LLFA

No objection to the proposed landscaped mound as it is considered that it will not have an effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere.

Furthermore, we actively welcome the inclusion of more green / leisure space and leisure walking routes and informal play areas within a development. These facilities provide opportunities for local, easy accessible exercise and promote well-being.

Cumberland Council – Countryside Access Team (PROW)

We are supportive of this application to create a Public Open Space which will link to the wider Public Rights of Way Network.

Public Right of Way FP 431031 is located adjacent to the proposed development. (See attached plan).

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 2013- 2028 recognises that existing Public Rights of Way are protected in law.

Section 130(1) of the Highways Act 1980 places a statutory duty on Cumberland Council as the Highway Authority to: -

- Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and
- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Way shown on the attached plan.
- The Public Right of Way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, extinguish or to temporarily close it

has been confirmed.

Cumberland Council - Environmental Health

No objections

A detailed Remediation Strategy has been prepared and submitted, and this is approved and should be implemented as outlined.

The Remediation Strategy outlined that the existing concrete surface of the former TDG Depot may be crushed prior to the material's re-use.

If a mobile crusher is brought to the site, it should be used in compliance with its environmental permit and good practice as regards possible noise and dust mitigation.

Standard hours of construction should also apply for noisy works on the site.

Planning conditions are proposed to require the implementation of the approved remediation scheme and to control the hours of the construction activities.

Representations

The application has been advertised by way of site notices and notification letters issued to neighbouring dwellings.

Two representations have been received:

1. Neutral - Adjacent to the proposed site ,next to our homes on Watson lane ,a large plot of grass scrubland with an old tarmac path running down the side of boundary should be landscaped and developed at the same time as the new proposal it is an eye sore ,can you also provide dig waste bins near new proposal I am sick of discarded bags of dog waste because there is no bin available anywhere.
2. Support - As this will likely be a destination for dog walkers on the estate, will there be any provision of bins in the vicinity of this area for the responsible disposal of dog poo?

Planning Policy

Planning law requires that 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

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 ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

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 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

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.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and

has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is 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 advanced stage of preparation of the emerging Copeland Local Plan 2017-2038 weight can be attached to policies where no objections have been received or objections have been resolved. Consultation on the main modifications to the ELP is pending and will permit significant or full weight to be afforded to the policies of the ELP.

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 SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N3PU - Biodiversity Net Gain

Policy N5PU - Protection of Water Resources

Policy N6PU - Landscape Protection

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 Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).

Assessment



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Principle of Development

The Site benefits from Full Planning Permission for residential development under the provisions of planning application ref. 4/13/2235/001 and planning application ref. 4/20/2474/0R1.

The development will replace 31 dwellings approved under planning application ref. 4/13/2235/001 and planning application ref. 4/20/2474/0R1.

The development is in conflict with the masterplan approved under planning application ref. 4/13/2235/001.

The development will deliver a considerable additional public open space to serve the approved housing development and wider locality and will deliver additional active travel linkages.

The development will deliver visual screening and a buffer between the proposed mine on land to the west of High Road.

The development will result in reuse of a large quantity of material, which would otherwise require disposal to a more distant location, which would require a considerable number of heavy vehicle movements with their associated carbon emissions, impacts upon the public highway network and impacts upon the amenity of local residents.

Landscape and Design

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Application Site as being located within Landscape Character Type (LCT) - LCT 5: Lowland and within Landscape Character Area (LCA) 5d: Urban Fringe. The key characteristics pertinent to the area comprise: long term urban influences on agricultural land; recreation, large scale buildings and industrial estates are common; mining and opencast coal workings are found around Keekle and Moor Row; and, wooded valleys, restored woodland and some semi-urbanised woodland provide interest.

Copeland Landscape Settlement Study November 2021 identifies the Application Site as being in Character Type 5D Urban Fringe and Area of Local Character 5Dviii Marchon. The key characteristics of the area are identified as: gently rolling sandstone plateau, overlain by mining landforms; predominantly derelict/reclaimed land with new residential development and some agricultural pasture; and, having an air of decay and neglect from un-reclaimed and derelict land. It is identified as an area with capacity for development that helps to define the urban edge of Whitehaven and provide green infrastructure links between town, coast and countryside.

The proposed development will result in localised changes to the local landform, which would result in some minor impacts upon the local landscape character.

The proposed would be visible and discernible in localised views from the immediate public right of way, highways and surrounding properties (existing and approved) etc.. The development will be viewed in the context of existing residential estates and ongoing development, the built form of which comprise a visual context and so the impacts will not be unacceptable.

The proposed development would be significantly less visible and discernible in longer range views, where development would comprise a smaller element of the overall view.

The development will be at slight odds with the developed character of the estate, being an elevated form/mound; however, its peripheral location lessens its impact.

This open space and green infrastructure shall be maintained by Story Homes or the estate management company.

The proposed development has been designed as a legible form with clear routes to and through the space and will serve as a focal feature that will assist with way finding.

The proposed includes active travel linkages that connect to the existing links to and through the wider development.

A comprehensive scheme of landscaping is proposed. New planting is proposed to both the site peripheries/boundaries, open spaces and along the highway frontages. The planting provides interest and breaks up the massing of the mound.

Cumbria Police Liaison have confirmed no objections to the developments from a crime prevention perspective.

A planning condition is proposed to the details of the proposed informal play equipment.

Flood Risk and Drainage

The Site is located within Flood Zone 1. The proposed comprises a water compatible development and is therefore a compatible use in Flood Zone 1.

A Flood Risk Assessment has been prepared.

A positive scheme of drainage is not proposed to serve the development, with the scheme to drain passively to ground as per the existing situation.

Cumberland Council LLFA and the Environment Agency have been consulted and raise no objections.

Construction Surface Water Management and Silt Management



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Silt management on the Edgehill and Wilson Howe developments completed to date has been subject to significant scrutiny including as part of a planning enforcement investigation.

Haig Angling Club have reported excessive silt build up in Mirehouse Ponds, which it has been claimed is caused by the construction of the Edgehill and Wilson Howe developments completed to date.

Silt monitoring and management measures were secured as part of the approved planning permissions for the Edgehill and Wilson Howe developments.

The Applicant has recently sought to improve on the approved management measures on Phase 3 of the Edgehill development which is currently under construction. The improvements include the introduction of additional measures including settlement ponds and additional traps following review and engagement with Cumberland Council LLFA and The Environment Agency, which was progressed and facilitated through the planning enforcement investigation.

Whilst silt management is a material planning consideration, notwithstanding any provisions within any planning permission, controls remain the responsibility of the Applicant/Developer who is ultimately responsible for preventing such contamination, with the Environment Agency being the regulating authority.

A planning condition is proposed to secure a construction management plan including details of construction surface water management.

Ecology and Arboriculture

The Application Site comprises part of the existing construction compound and approximately 20,000m³ of anhydrite gravel and cobbles with traces of slag, brick, ash and clinker. The mound is covered by grass and self-seeded scrub and has been in-situ for approximately 10 years. The Application Site is considered to be of limited ecological value.

The Site benefits from Full Planning Permission for residential development under the provisions of planning application ref. 4/13/2235/001 and planning application ref. 4/20/2474/0R1, which does not require the delivery of a measurable biodiversity net gain. In this context, such a gain is not sought in relation to the proposed development, which will deliver a considerable ecological betterment beyond the development approved under planning application ref. 4/13/2235/001 and planning application ref. 4/20/2474/0R1.

A comprehensive scheme of landscaping is proposed. New planting is proposed to both the site peripheries/boundaries, open spaces and along the highway frontages. The planting provides interest and breaks up the massing of the mound.

A planning condition is proposed to secure completion of the planting scheme in the first

planting season post reprofiling and replacement planting in the first five years.

The proposed landscaping and play features are to be appropriately managed by Story Homes and the eventual Management Company for the development.

Ground Conditions

The Environment Agency have confirmed that the former stockpiles of waste comprising anhydrite and inert materials derived from earlier phases of the housing development on the Marchon former car parks have weathered to the degree that they do not pose an unacceptable risk to water quality and so raise no objections.

Environmental Health have confirmed that a detailed Remediation Strategy has been prepared and submitted, and this is approved and should be implemented as outlined.

A planning condition is proposed to require the implementation of the approved remediation scheme.

A Northern Gas Networks high pressure pipeline runs under the Site in a general north to south direction. Northern Gas Networks have confirmed objections to the development on the basis of the statutory powers/protections held by them; however, they have requested the imposition of an informative confirming their duties and obligations of the Applicant in relation to works in proximity of the Northern Gas Networks high pressure pipeline.

Highways and PRoW

Cumberland Council Highways and Countryside Access Team have confirmed no objections to the proposed development from a highway or PRoW perspective.

Given the scale, form and location of the development, unacceptable impacts will not result in safe operation or setting of the highway and PRoW.

The development will improve active travel connections to the PRoW and other footways.

Residential Amenity

Given the form and layout of the proposed development, adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing and overbearing effects will not result.

The development will result in users being in an elevated position relative to the surrounding constructed/approved dwellings; however, given the nature of the space/use and positions of the mounds etc. the resulting impacts will not be unacceptable.

The proposed development will result in some adverse impacts upon residential amenity of



Cumberland Council

	<p>the surrounding areas during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management.</p> <p>The Planning Balance</p> <p>Notwithstanding the fact that the development will result in the loss of 31no. dwellings, the development will deliver a considerable additional public open space to serve the approved housing development and wider locality and will deliver additional active travel linkages.</p> <p>The development will also result in reuse of a large quantity of material, which would otherwise require disposal to a more distant location, which would require a considerable number of heavy vehicle movements with their associated carbon emissions, impacts upon the public highway network and impacts upon the amenity of local residents.</p> <p>The development will result in some localised impacts upon landscape and settlement character.</p> <p>The development would not result in unacceptable impacts in respect of residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions proposed.</p> <p>In overall terms, the local landscape and settlement character impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the benefits of the development.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than five years from the date of this decision.</p> <p>Reason</p> <p>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.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans:</p>

Planning Application Form
Site Location Plan - Drawing No. 54D-STO
Planning Statement & Flood Risk Assessment – September 23
Existing Anhydrite Bund - Levels Plan - Drawing No. 7503-ABM-01
Proposed Anhydrite Bund - Levels Plan - Drawing No. 7503-ABM-02
Detailed Site Layout – Drawing No. 54D-STO Rev J
Soft Landscape Plan - Drawing No. UG_1415_LAN_SL_DRW_11 P03
General Arrangement Plan - Drawing No. UG_1415_LAN_GA_DRW_10 P04
Soft Landscaping Details - Drawing No. UG_1415_LAN_DET_DRW_12 Rev P03
iD GeoEnvironmental Limited Anhydrite Remediation Letter - 31st July 2023
iD GeoEnvironmental Limited Remediation Strategy - Ref. 4046-G-R022 July 2022
Section Through Bund – Drawing No. 54D.90.9.STB P1

Reason

For the avoidance of doubt and in the interests of proper planning.

Pre-Earthworks Planning Conditions

Construction Management

3. Prior to the commencement of earthworks a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling / disposing of waste resulting from demolition and construction works;
- viii. measures to control noise and vibration; and,
- ix. A scheme of construction surface water management.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason

These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy

ST1 of the Copeland Local Plan 2013-2028

Play Equipment

4. Prior to the commencement of earthworks-a scheme detailing the layout and design including equipment specifications of the approved children's play space/provision shall be submitted to and approved by the local planning authority.

The approved scheme shall be implemented as approved prior to the development being brought into use.

The area shall be maintained for use as a children's play space for the lifetime of the development.

Reason

To ensure the provision of children's play space/equipment within the development for use by residents in accordance with the provisions of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028

Landscaping

5. All hard and soft landscape works are to be carried out in accordance with the approved details 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 requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

Ground Conditions

6. The development here by approved shall not proceed except in accordance with the provisions of iD GeoEnvironmental Limited Anhydrite Remediation Letter - 31st July 2023 and iD GeoEnvironmental Limited Remediation Strategy - Ref. 4046-G-R022 July 2022.

Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

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.

Hours of Construction

8. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

07:30 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays.

No work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informative Notes

High Pressure Gas Pipeline



Cumberland Council

Regional High Pressure Gas Pipe is located within the boundaries of the Application Site. The Regional High Pressure Gas Pipe is the subject of statutory protections under the *Pipelines Safety Regulations* 1996.

Any development in an exclusion area measured 14m each side of Regional High Pressure Gas Pipe poses risk of damage to the asset and the safety of the any construction workers and equipment.

Prior to the commencement of any development in an exclusion area measured 14m each side of the Regional High Pressure Gas Pipe, a scheme of safety and integrity precautions to be agreed with Northern Gas Networks (www.northerngasnetworks.co.uk) and then implemented during the ensuing development works.

Use of Waste On-site

The applicant may need to apply to the Environment Agency for an environmental permit if their use, recycle, treatment, storage or disposal of waste. Waste: environmental permits - GOV.UK (www.gov.uk)

Coal Mining

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 <

Public Rights of Way

The granting of planning permission would not give the applicant the right to block or obstruct any Public Right of Way. The Public Right of Way as shown on the definitive map and statement must be kept open and unaltered for public use until an order is made to divert, extinguish or to temporarily close it has been confirmed.

Statement

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.

Case Officer: Chris Harrison	Date : 18.7.2024
Authorising Officer: N.J. Hayhurst	Date : 24.07.2024
Dedicated responses to:- N/A	