

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2336/0R1
2.	Proposed Development:	RESERVED MATTERS APPLICATION RELATING TO APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOLLOWING OUTLINE APPLICATION 4/21/2001/001 FOR A SINGLE DWELLING INCLUDING DETAILS OF ACCESS
3.	Location:	HARRAS DYKE FARM, HARRAS DYKE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site And Location <p>The application site relates to a small area of agricultural land immediately to the south of Harras Dyke Farm which is located on the northern edge of Whitehaven. The site covers an area of approximately 0.17ha and is relatively flat.</p> <p>Harras Dyke Farm comprises a small collection of buildings that are surrounded by agricultural land. The farm is served by a private road leading from Harras Road to the South.</p> <p>The site is located adjacent to but outside the settlement boundary for Whitehaven, which</p>	

runs along Harras Road approximately 150m to the South.

The land has been subject to an outline approval including details of access in 2021 (application reference 4/21/2001/001 relates).

Proposal

This application seeks approval of the reserved matters relating to layout, scale, appearance and landscaping for the plot, further to the previously approved outline application.

The proposed detached dwelling is designed as a bungalow, including a kitchen/diner, living room, utility room, bathroom and 3 bedrooms, one with an en-suite. There will be a detached garage to the north.

The dwelling will be 14.1 metres in width, 16.6 metres in length, and will have an eaves height of 2.5 metres and an overall ridge height of 4.2 metres.

The detached garage will cover a floor space of 42 square metres.

Access will be taken from the private road joining Harras Dyke with Harras Road, with parking, turning and amenity space provided surrounding the property.

The dwelling will be constructed from the following materials:

Roof – Dark Grey Edgemere P.C Tiles by Messrs. Marley Ltd

External Walls – Smooth grey through coloured render

Windows – White UPVC

Doors – Dark Grey UPVC in White UPVC frames

Garage Doors – Dark Grey Colour Coated Sectional Metal Up and Over

No details of external boundary treatments or landscaping have been included as part of the application.

The application is accompanied by the following documentation:-

- Site Location Plan;
- Proposed Site Plan;
- Elevations;
- Floor Plans;
- Proposed Drainage Plan;
- Radon Report;



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- Ground Gas Monitoring Risk Assessment Letter.

Consultation Responses

Whitehaven Town Council

1st Response

No objections.

2nd Response

No objections.

Highways and Local Lead Flood Authority

1st Response

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

2nd Response

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 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.

Environmental Health

1st Response

Environmental Health has no objection to the above reserved matters application. It is noted that the proposed foul and surface water drainage system is to connect to an existing land drain in an adjacent field to the south of the development, which has, itself, previous planning consent (ref 4/16/2415/001) for the development of up to 100 residential dwellings. The new drainage system should therefore be compatible with any existing consent for drainage on this field.

2nd Response

There are no further comments or objection to this reserved matters application from Environmental Health.

The Coal Authority

1st Response

The application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) methods.

You will be aware that the original application for outline planning permission (4/21/2001/001) was accompanied by a Coal Mining Risk Assessment report, prepared by Geoinvestigate Ltd. We raised no objection to the outline application on the basis that the report author was able to conclude that past opencast extraction did not encroach within the application site and that underground coal mining legacy will not impact surface ground stability. We did not request the imposition of conditions on any planning permission granted.

We note that the applicant has now applied for approval of reserved matters details and is seeking the discharge of a number of conditions attached to the outline consent. As coal mining legacy related land instability matters were satisfactorily addressed at outline stage, the Coal Authority's Planning & Development Team wishes to raise no objection to the current reserved matters application.

2nd Response

We last commented on this reserved matters submission in our consultation response letter of 7 December 2023, in which we raised no the application on the basis that coal mining legacy related land instability matters were satisfactorily addressed and dismissed at outline application stage.

We note that the LPA is now in receipt of amended/additional plans and information. The Coal Authority's Planning & Development Team has no comments to make regarding these documents.

Countryside Access Officer

FP 431011 passes along the existing access road to Harras Dyke Farm and links into the wider Public Rights of Way Network surrounding Whitehaven. See attached plan.

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 20132028 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 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, stop up or to temporarily close it has



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been confirmed.

- The granting of planning permission would not give the applicant the right to block or obstruct the rights of way shown on the attached plan.

United Utilities

1st Response

Further to our review of the submitted Foul and Surface Water Disposal Plans (drawing number SP-202301-01, dated Nov 2023), we can confirm that the proposals are not acceptable to United Utilities as it is not clear where the foul and surface water ultimately discharge to. We request that the ultimate discharge location is clearly shown on the plans, to clarify that the development will not connect to the public sewer network.

Furthermore, a water main is located within the site boundary. The Foul and Surface Water Disposal Plan includes a new wastewater treatment plant however it is unclear where this will be located and whether this will impact upon the water main.

As this is a Reserved Matters application whereby approval is sought for the detail of the proposed development we request that the above matters are addressed prior to the determination of this application. As site layout, levels and drainage details are intrinsically linked it is important that drainage design is afforded full consideration at this detailed design stage.

2nd Response

Further to our review of the submitted plan showing existing off site discharge point (ref SP202301-03, dated Feb 2024) alongside the previously submitted Foul and Surface Water Disposal Plans (drawing number SP-202301-01, dated Nov 2023), we can confirm we have no further comments on the drainage proposals as there is no interaction with the public sewer network.

Public Representations

The application has been advertised by way of a site notice, press notice and neighbour notification letters issued to 8 no. properties.

2 letters of objection have been received in response to these advertisements raising the following concerns:

- The private access is not maintained;
- The ownership of part of the access road is not as stated;
- Flooding onto the surrounding area.

One neutral comment has been received regarding the maintenance of the road and the narrowness with increasing traffic.

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 the 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 SS2 – Sustainable Housing Growth

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified 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



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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 ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this application are:

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy H6PU: New Housing Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy 2023 (NPPF)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Copeland Borough Council – Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

Assessment

Principle of Development

Outline planning permission was granted for a single residential property in 2021 under reference 4/21/2001/001, which established the principle of residential development on the site. Layout, scale, appearance and landscaping were reserved for future approval and this application seeks to address these matters which are considered below.

Layout, Scale, Design and Appearance

The dwelling submitted is of a modest scale, being a bungalow with a low eaves and ridge height. This will allow the dwelling to sit neatly in the landscape with minimal visual impact and it will be seen in context with the surrounding properties. The front elevation includes a projecting gable demonstrating similar features to the other properties in the vicinity. It is considered that the dwelling sits neatly in the plot, allowing space for amenity and maintenance of the property.

The dwelling includes windows on the north elevation which will face towards Harras Dyke Farm and The Barn. Policy DM12 of the Copeland Local Plan outlines the minimum acceptable separation distances as 12m between habitable windows to blank elevations and 21m between two sets of habitable windows. Due to the distance between the proposed property and the dwellings to the north, these windows are considered to be acceptable. The existing boundary wall which surrounds the site will be retained.

Details of the proposed materials have been provided with the application to include render and roof tiles. The materials chosen will reflect the character of the other modern dwellings in the area.

Overall, it is considered that the dwelling is of an appropriate scale, design and appearance and complies with Policy DM10 of the CS and DS6PU of the ELP.

Access and Parking

The plans show a single access point from the plot to the private road which adjoins Harras Dyke with Harras Road. Whilst this road is existing and the addition of a single dwelling is unlikely to materially change the current situation, concerns were raised by local residents with regards to the maintenance of the road and its narrowness. As the road is private, the onus is on the land owner to maintain the road. Highways raised no objections to the width or state of the road and therefore it is considered to be acceptable.

Ample off street parking is available on site, with the added provision of a detached garage to the north of the property. Due to the scale of the dwelling and the parking provision proposed there is unlikely to be an issue with anti-social parking.

FP 431011 passes along the existing access road to Harras Dyke Farm and links into the wider Public Rights of Way Network surrounding Whitehaven. The Countryside Access Officer provided comments to ensure that the right of way is not affected by the proposed

dwelling or at the construction stage.

Provided the access is constructed in accordance with the submitted plans, the proposal complies with Policy DM22 of the CS and CO7PU of the ELP.

Landscaping

Policy DM26 of the CS and DS7PU of the ELP requires that proposals are assessed according to whether the landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

Full landscaping details for the site have not been provided, with limited information submitted to show permeable surfacing for parking and a garden surrounding the property. It is proposed to retain the existing boundary wall surrounding the site, creating a 7.5m wide gap for the entrance. The proposed landscaping is likely to be acceptable for a single residential property in this location and complies with Policy DM26 of the Copeland Local Plan and DS7PU of the emerging Local Plan.

Drainage

A drainage plan and additional information was submitted to show that surface water will drain to an off site discharge point in an existing system and a water treatment plant for foul water located 17 metres to the south of the new dwelling.

Further information was initially requested from United Utilities, but once it was confirmed that there would be no interaction with the public sewer, this was considered to be acceptable.

It is considered that the drainage complies with policies ENV1 and DM24 of the CS and DS8 and DS9PU of the ELP.

Concerns regarding land ownership

An objector submitted a concern with regards to the ownership boundary of the red line submitted for the application. On discussion with the Applicant, this parcel of land was removed from the application for transparency. As this is not a material planning consideration, it has not formed any part of the decision making process.

Planning Balance and Conclusion

The principle of the development was established by the granting of outline planning permission in 2021.

The submitted details show a satisfactorily scaled, modern bungalow which has been appropriately sited within the plot to reduce its impact on the character and appearance of this part of Whitehaven. This is considered to carry significant weight within the planning balance.

Although modern materials are proposed these are appropriately detailed and are likely to produce a suitable finish that reflects the contemporary nature of the design and will be compatible with the other surrounding modern properties.

	<p>The proposed access point is appropriately sited to achieve a safe and convenient entrance to the plot and adequate provision for parking and turning can be achieved within the plot to serve a single dwelling.</p> <p>All objections received have been assessed, considered and where possible, mitigated.</p> <p>Overall, the proposal is deemed to be acceptable and, based on the information submitted, will result in an acceptable form of development which will be consistent with the policy requirements set out in the Local Plan and the guidance contained with the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve Reserved Matters</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <ul style="list-style-type: none"> Site Location Plan, received 16th November 2023; Location, Site, Site Entrance and Foul and Surface Water Disposal Plans, scales 1:2500, 1:1000, 1:250 and 1:200, drawing number SP-202301-01A, received 23rd March 2024; Floor Plans and Elevations, scales 1:100 and 1:50, drawing number SP-202301-02, received 16th November 2023; Radon Report, received 16th November 2023; Ground Gas Monitoring Risk Assessment Letter, written by Sirius Geotechnical, received 16th November 2023; Surface water drainage and discharge point, scale 1:2500, drawing number SP-202301-03A, received 24th April 2024.

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.

Informative Notes:

Public Right of Way

FP 431011 passes along the existing access road to Harras Dyke Farm and links into the wider Public Rights of Way Network surrounding Whitehaven.

We would advise that:

- The 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, stop up or to temporarily close it has been confirmed.
- The granting of planning permission would not give the applicant the right to block or obstruct the rights of way shown on the attached plan.

Coal Mining Legacy

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance->

[of-mine-entries>](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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: Sarah Papaleo

Date : 30/05/2024

Authorising Officer: N.J. Hayhurst

Date : 31/05/2024

Dedicated responses to:- N/A