



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2020/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 4, 6, 8, 9, 10, 14 AND 15 OF PLANNING APPLICATION 4/22/2332/0F1
3.	Location:	LAND TO THE WEST OF VALLEY VIEW ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	N/A
7.	Report:	<p>Site and Location:</p> <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 Conditions 3, 4, 6, 8, 9, 10, 14 and 15 of application ref. 4/22/2332/0F1.

3. No development shall commence until detailed specifications of the carriageways, footways, footpaths and cycleways have been submitted to and approved in writing by the local planning authority. The carriageways, footways, footpaths, cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and shall be in accordance with the standards laid down in the Cumbria Development Design Guide or any superseding document.

4. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby approved, has been submitted to and approved in writing by the local planning authority. This strategy will include the following components:

- 1. A preliminary risk assessment which has identified: - all previous uses; - potential contaminants associated with those uses; - a conceptual model of the site indicating sources, pathways and receptors; and, - potentially unacceptable risks arising from contamination at the site.*
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.*
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy shall be implemented as approved.*

6. No development shall commence until full details of the tree protection measures for all trees and hedges to be retained have been submitted to and approved in writing by the local planning authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012, and the monitoring of tree protection measures during construction. The Arboricultural Method Statement shall be implemented as approved

8. Prior to the occupation of the first dwelling hereby approved, detailed specifications of a scheme to improve the existing access road or create a separate dedicated shared use 3m wide bituminous surfaced path from High House to Gameriggs Road shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be



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implemented as approved prior to the occupation of the 50th dwelling hereby approved.

9. Prior to the occupation of the first dwelling hereby approved, detailed specifications of a scheme of traffic calming measures to be delivered on High Road, Whitehaven shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as approved prior to the occupation of the 50th dwelling hereby approved.

10. Notwithstanding the submitted details, within 6 months of the occupation of the first dwelling hereby approved, a Travel Plan identifying the measures that will be undertaken to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes shall be submitted to and approved in writing by the local planning authority. The measures identified in the approved Travel Plan shall be implemented within 12 months of the occupation of the first dwelling hereby approved.

14. Prior to the occupation of the first dwelling hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum: a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and, b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved details.

15. Prior to the occupation of the first dwelling hereby approved a scheme detailing the layout and design including play equipment specifications of the approved children's play space shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented as approved prior to the occupation of the 50th dwelling hereby approved. The area shall be maintained for use as a children's play space for the lifetime of the development.

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

- Application Form
- Cover letter (Story Homes)
- *Planning Condition 3*
- Highway Construction Details Sheet 1 of 2 - Drawing Number 7843 /05-1 Rev A (Coopers)
- Highway Construction Details Sheet 2 of 2 - Drawing Number 7843 / 05-2 (Coopers)

Planning Condition 4

- Remediation Strategy - Report Number 4046-G-R030 dated November 2022 (ID Geoenvironmental)

Planning Condition 6

- Arboricultural Impact Assessment (August 2023) (Urban Green) – Document Reference UG1415 Rev. 03

Planning Condition 8

- Southern Link Plan - Drawing Number 7843/SK14 (Story Homes)
- Proposed Hard Surfaces Plan - Drawing Number 105 Rev H (Story Homes)

Planning Condition 9

- S278 Plan - Drawing Number 20095.90.9.S278P Rev T2 (Story Homes)

Planning Condition 10

- TPS Travel Plan dated August 2023 (TPS) – Document Reference: P0646H_20230807_Edgehill Park Phase 4 Travel Plan Revision 3
- EV Charging Plan - Drawing Number 20095.90.9.EVCP Rev T1 (Story Homes)

Planning Condition 14

- Construction Method Statement - March 2023 (Story Homes)
- Silt Management Reporting Plan (Story Homes)
- Ultra De-watering Bags (Hy-Tex)
- SuDS Management Plan dated November 2023 (Coopers) – Document Reference: 7843SMP

Planning Condition 15

- Trim Trail Details - Drawing Number SL000105.90.9.TT (Story Homes)
- General Arrangement Plan Drawing Number UG_1415_LAN_GA_DRW_01 Revision P13 (Urban Green)

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

Consultee:	Nature of Response:
Highways and LLFA	<p>Response One</p> <p>Condition 3 - Highway Details (suitable for adoption) The submitted details satisfy the requirements of this condition. I have no objection to this condition being discharged.</p> <p>Condition 4 - Ground Contamination Remedial Strategy No comment</p>



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Condition 6 - Arboricultural Method Statement

No comment

Condition 8 - High House to Gameriggs Rd Path Details

The submitted details are largely satisfactory but I do have some reservations with the 'retaining wall' feature and the lack of detail to ensure that it is properly designed to retain the ground above. This wall effectively supports the road above, but since this is a private shared driveway it does not directly or indirectly affect the highway. The LHA therefore has no objection to this condition being discharged.

Condition 9 - High Road Traffic Calming Details

The design of the build-outs with drainage channel is not acceptable to the LHA due to potential issues with the drainage channel becoming blocked with debris. It will be difficult to maintain for the LHA and could result in localised flooding of the carriageway and footway. • We suggest that designs similar to those existing on High Road, Kells are adopted, which allows surface water to drain freely past the build-outs. We cannot support the current designs and consider this Condition should not be discharged.

Condition 10 - Travel Plan

The submitted details (EV charging point plan and Travel Plan) satisfy the requirements of this condition. I have no objection to this condition being discharged.

Condition 14 - Surface Water Drainage Management and Maintenance Plan

The SUDS management Plan (1/11/2023) satisfies the requirements of this condition. I have no objection to this condition being discharged.

Condition 15 - Play Equipment Layout Plan and Specification

No comment

Response 2

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the revised details in relation to Condition 9 and our findings are detailed below.

Note - the LHA and LLFA have no objection (or 'no comment' as appropriate) to discharging the other Conditions applied for as part of this Application as indicated in my previous response.

Condition 9 - High Road Traffic Calming Details

		<p>The design of the build-outs is now acceptable to the LHA. I have no objection to this condition being discharged.</p>
	<p>Arb. Consultant</p>	<p>Discussion</p> <p>We have the following comment/observation to make on the submitted documents. The applicant has submitted a tree and hedgerow Protection Plan contained within Appendix 4 of the Arboricultural Impact Assessment (Ref. No.UG1415), produced by Urban Green in 01/08/2023. This protection plan fulfils the requirements of Condition 6 of planning permission 4/22/2332/0F1 and should be implemented in full to ensure the longevity of the retained trees and hedgerows.</p> <p>Recommendation</p> <p>Inform the applicant in writing the Tree and Hedgerow Protection Plan (Dwg. No. UG_1415_ARB_TPP_01) should be implemented in full to fulfil the requirements of Condition 6.</p>
	<p>Environment Agency</p>	<p>Response 1</p> <p>Environment Agency Position</p> <p>We are unable to recommend the discharge of Condition 4 for the following reason:-</p> <p>We have reviewed the REMEDIATION STRATEGY REPORT for land at PHASE 4, EDGEHILL PARK, WHITEHAVEN (Report No. 4046-G-R030, dated November 2022). We have no objections to the proposals outlined in the report. We acknowledge this report as a proposal for remediation , but it does not constitute validation of remediation as required by the condition.</p> <p>Section 1.1.4 and 7.3.2 of the report references a requirement for a method statement to be issued by the contractor to assess and confirm how remediation objectives will be achieved. This is missing and is required to verify removal of the hot spots was undertaken in accordance with the scheme.</p> <p>Discharge of this condition is therefore pending confirmation that remedial works were undertaken as outlined in the remediation strategy.</p> <p>Response 2</p>

Yes, the remediation strategy is a planned action of works and this was agreed with EA. I've double-checked with our contaminated land officer. He acknowledges the method statement developed by the contractor and approved by the client falls outside the remit of regulatory intervention. However, if this method statement documents detail of how the Remediation Strategy was implemented, it should be forwarded to the Planning Authority to verify the works, as planned, were implemented to the satisfaction of client and Planning Authority.

Verification of works undertaken by the contractor to the satisfaction of the Planning Authority are required to discharge this condition.

As a result, some form of documentation should be presented as a line of evidence to confirm material was removed off site as per p 6.2.5 *"Based on the anticipated earthworks to be undertaken at the site, subject to screening and removal of geotechnically unsuitable material (metal pipe, rods & wire, rubber hoses) "*

Response 3

By putting the 4th bullet of this condition on, we are seeking the submission of a verification plan confirming the details and data to be secured. We understand your concerns and are working on improving our future response for similar situations in avoidance of any subsequent confusion.

For the current application 4/24/2020/DOC, if the Story Homes is preparing a verification report (which will include the details of the works and data collected), we would have no objection to partially discharge the 1,2&3 part of the condition 4 and recommend retaining the 4th part pending the submission of the verification report.

Response 4

LPA Question:

For certainty and to ensure that I am clear, is it the Environment Agency's position that:

- the information required by 1 – 3 of Planning Condition 4 has been provided by Story Homes and is acceptable;
- the verification plan including details of the relevant data to be collected and reported to demonstrate completion of the remediation scheme as required by 4 of Planning Condition 4 is acceptable; and,
- there remains a requirement for the completed verification report and relevant data to be prepared and submitted by Story Homes to

	<p>the local planning authority for approval before the development of the approved homes is commenced.</p> <p>EA Response: Yes correctly. Please let me know if you have any further questions.</p>
Environmental Health	<p>In so far as the above conditions apply to this Environmental Health team, the following comments would apply:</p> <p>Condition 4 – submission of a remediation strategy.</p> <p>This was requested by the Environment Agency and their comments are noted separately.</p> <p>Environmental Health are satisfied with the remediation strategy that has been submitted however.</p> <p>Condition 15 – a children’s play area and scheme.</p> <p>This was a requirement by the Local Planning Authority. It should be noted that any equipment provided shall conform to prevalent legal standards and be inspected on a regular basis and maintained to a good condition. Serious accidents on the children’s play area may be required to be reported via RIDDOR 2013 and can be the subject of subsequent investigation and enforcement by the Local Authority and HSE. Guidance on this matter is provided on the HSE website at https://www.hse.gov.uk/entertainment/childs-play-statement.htm</p>
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.



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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

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

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

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 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 will close on the 28th March 2024.

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.

Policy DS2PU - Reducing the impacts of development on Climate Change

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 N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N5PU - Protection of Water Resources

Policy N13PU - Woodlands, Trees and Hedgerows

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

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

National Design Guide (NDG).

Cumbria Development Design Guide (CDDG).

Assessment:

Planning Condition 3

Cumberland Council – Highways have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

Planning Condition 4

Cumberland Council Environmental Health are satisfied with the remediation strategy that has been submitted.

The Environment Agency have confirmed that:

- the information required by 1 – 3 of Planning Condition 4 has been provided by Story Homes and is acceptable;
- the verification plan including details of the relevant data to be collected and reported to demonstrate completion of the remediation scheme as required by 4 of Planning Condition 4 is acceptable; and,
- there remains a requirement for the completed verification report and relevant data to be prepared and submitted by Story Homes to the local planning authority for approval



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before the development of the approved homes is commenced.

Whilst it may have been the intention that the provisions of Planning Condition 4 secure the submission to and approval of the completed verification report by the local planning authority, the planning condition as written does not secure the requirement.

Notwithstanding the above, the Applicant has confirmed that verification report will be submitted in seeking the future discharge of the requirements of Planning Condition 21.

In addition to the above, the provisions of the condition require implementation of the approved remediation strategy and this can be enforced by the local planning authority.

The provisions of Planning Condition 21 also provide controls and remediation in relation to any unexpected land contamination.

Planning Condition 6

The Arboricultural Consultant has confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

Planning Condition 8

Cumberland Council – Highways have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

Planning Condition 9

Cumberland Council – Highways have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

Planning Condition 10

Cumberland Council – Highways have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

Planning Condition 14

Cumberland Council – LLFA have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

Planning Condition 15

The submitted details are consistent with the layout approved under app. Ref. 4/22/2332/0F1 and are of scale, design and form suitable to the site and location/context.

	<p>The equipment is considered to complement wider provision on this development and in the surrounding context.</p> <p>Conclusion</p> <p><i>Planning Condition 3</i> Approve requirements of planning condition.</p> <p><i>Planning Condition 4</i> Approve requirements of planning condition.</p> <p><i>Planning Condition 6</i> Approve requirements of planning condition.</p> <p><i>Planning Condition 8</i> Approve requirements of planning condition.</p> <p><i>Planning Condition 9</i> Approve requirements of planning condition.</p> <p><i>Planning Condition 10</i> Approve requirements of planning condition.</p> <p><i>Planning Condition 14</i> Approve requirements of planning condition.</p> <p><i>Planning Condition 15</i> Approve requirements of planning condition.</p>
8.	<p>Recommendation: Approve</p>
<p>Case Officer: Chris Harrison</p>	<p>Date : 15.03.2023</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 18.03.2024</p>
<p>Dedicated responses to:- N/A</p>	