

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2036/0B1
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 2 TO ALTER HOUSE TYPES, REMOVE PARKING COURTS & CHANGE THE HOUSING MIX OF PLANNING APPLICATION 4/21/2196/0R1 APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR 5 DWELLINGS FOLLOWING OUTLINE APPROVAL 4/16/2416/001
3.	<b>Location:</b>	HARRAS DYKE FARM, HARRAS DYKE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	<b>Report:</b> <b>Site and Location:</b>	<p>Planning applications 4/24/2035/0B1 and 4/24/2036/0B1 will be considered together as they are mutually dependent.</p> <p>The two applications relate to an area of agricultural land which fronts onto Harras Road and lies on the edge of the main settlement of Whitehaven. The land is bound on its western side by Red Lonning and lies adjacent to the existing dwellings on Harras Road to the west and southwest and open agricultural land to the north. A public footpath crosses the southern section in a diagonal line connecting Harras Road with Red Lonning, A public footpath also flanks the western boundary which connects Harras Road to Harras Dyke to the north.</p>

Outline planning permission was granted for the residential development of both sites for a total of up to 110 dwellings in August 2017 (application references 4/16/2415/001 and 4/16/2416/001 relate). Subsequently, applications for the Approval of Reserved Matters relating to access, appearance, landscaping, layout and scale for 85 dwellings (application reference 4/21/2195/0R1) and 5 dwellings (application reference 4/21/2196/0R1) were approved in September 2022.

**Proposal:**

Throughout the report, the development will be considered as a whole as the layout and design of the dwellings, roads and infrastructure rely on both applications being constructed simultaneously.

A planning condition imposed on both application references 4/21/2195/0R1 and 4/21/2196/0R1 requires that the development must be undertaken in accordance with the approved plans.

These two applications seek to vary this condition for the development to include the following minor changes:

- Substitution of house types;
- Some tertiary vehicle access roads have been amended;
- Parking courts have been removed;
- The mix of dwellings has been changed. The 2-Bed properties (2no.) have been removed in favour of additional 3-Bed semi-detached properties. 3-Bed semi-detached properties amount to 44% (previously 2-Bed and 3-Bed semi-detached properties amounted to 51%) 3-Bed detached properties amount to 6% (previously 3%) 4-Bed detached properties amount to 44% (previously 40%) 5-Bed detached properties amount to 6% (previously 6%).

Consultee:	Nature of Response:
Whitehaven Town Council	The Council have objected to this development in the past and wish to continue to express their concerns that this is an overcrowded development which have an adverse impact which would significantly and demonstrably outweigh the benefits.
Cumbria Highways	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.
The Coal Authority	We have previously commented on this site in several letters to the LPA. I note that the current submission relates to variation of condition to alter house types, remove parking courts and change housing mix. I have reviewed the layout plan 'Drawing 2258-



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		<p>PL250' and can see that the relationship between the layout of development and the mine entry and its zone of influence remains unchanged. On this basis I can confirm that the Planning team at the Coal Authority have no objections to the variation of Condition 2 as proposed.</p>
	<p>Strategic Housing</p>	<p>Nothing has changed in terms of affordable provision and I am comfortable with the changes to the house type mix.</p>
	<p>Electricity North West</p>	<p>The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights &amp; Consents, Frederick Road, Salford, Manchester M6 6QH.</p> <p>The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.</p> <p>The documents are as follows:-</p> <p>HS(G)47 – Avoiding danger from underground services.</p> <p>GS6 – Avoidance of danger from overhead electric lines.</p> <p>The applicant should also adhere to the minimum safety clearances contained within the Energy Network Associations Guidance, a copy of which is also attached to this email.</p> <p>Furthermore, should there be a requirement to divert the apparatus because of the proposed works, the applicant should be advised that the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.</p>

	<p>Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website Know before you dig (enwl.co.uk)</p> <p>It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets and rights that may cross the site and any proposed development.</p>
Countryside Access Officer	No response received
Natural England	No response received
Environment Agency	No response received
Lake District Ramblers Association	No response received
Environmental Health	No response received
United Utilities	No response received
<b>Neighbour Responses:</b>	
<p>A total of 5 comments have been received over the two applications stating the following:</p> <ul style="list-style-type: none"> <li>• Concerned about increased flood risk;</li> <li>• Increased traffic flow along Harras Road;</li> <li>• Minimal pedestrian pavements;</li> <li>• The major pipelines on the site have not been considered;</li> <li>• Questions regarding the widening of Harras Road to 6m.</li> </ul>	
<b>Development Plan Policies:</b>	
<p>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.</p>	



## 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 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 (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

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

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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 ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

#### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

**Copeland Local Plan 2001-2016 (LP):**

Policy HSG2 – New Housing Allocations

Policy TSP8 – Parking Requirements

**Emerging Copeland Local Plan 2021-2038 (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 28<sup>th</sup> 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.

The policies relevant to this application are as follows:

Strategic Policy DS1PU - Presumption in favour of Sustainable Development

Strategic Policy DS2PU - Reducing the impacts of development on Climate Change

Strategic Policy DS3PU - Settlement Hierarchy

Strategic Policy DS4PU - Settlement Boundaries

Strategic Policy DS5PU - Planning Obligations

Policy DS6PU - Design and Development Standards

Policy DS7PU - Hard and Soft Landscaping

Strategic Policy DS8PU - Reducing Flood Risk Policy



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Strategic Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU - Improving the Housing Offer

Strategic Policy H2PU - Housing Requirement

Strategic Policy H3PU - Housing delivery

Strategic Policy H4PU - Distribution of Housing

Strategic Policy H5PU - Housing Allocations

Policy H6PU - New Housing Development

Policy H7PU - Housing Density and Mix Strategic

Policy H8PU - Affordable Housing

Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU - Local Nature Recovery Networks

Strategic Policy N3PU - Biodiversity Net Gain

Strategic Policy N6PU - Landscape Protection

### **Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide (CDDG)

The Planning Practice Guidance (NPPG):

This web based resource was launched in March 2014 by the Department for Communities and Local Government (DCLG).

This outlines that an application can be made under Section 73 of the Town and Country Act 1990 to vary a condition associated with a permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission which remains intact and unamended. To assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

### **Assessment:**

These two applications seek to vary condition 2 of application references 4/21/2195/0R1 and 4/21/2196/0R1 to allow minor amendments to the overall scheme to change the mix and details of the house types and also to remove the parking courts. These changes are due to an alternative

developer taking over the site.

### Changes to House Types

Policy ST1 of the LP intends to ensure that residential amenity is protected and design standards are rigorous.

Policy SS1 seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy H6PU of the ELP requires that the design, layout, scale and appearance of development is appropriate to the locality and that development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character.

The proposed changes are modest and will only result in a variation to the design of the dwellings to suit the house types utilized by the new developer for the site.

As per the original approvals, there is a wide range of dwellings types including detached, semi-detached and terraced properties. The previous application included 13 different house types – this has been reduced to 12, however the overall character of the properties remains the same. This includes a juxtaposition of modern and traditional materials – featuring red brick and K rend and more traditional design features including window banding and vertical window fenestration. Dwelling types with double frontages and bay windows have been used on the corner plots to avoid blank elevations on public vantage points and enhance natural surveillance.

The mix helps to break up the development creating interest and a variation of scale and bulk. Given the variety of dwellings designs and forms that currently existing within this part of Whitehaven the proposed dwelling designs and materials are considered to be appropriate in this context.

### Housing Mix

Policy SS3 of the LP and Policy H7PU of the ELP states that applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone. It is confirmed that development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland





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### Strategic Housing Market Assessment 2023 Update (SHMA).

In terms of housing mix, the SHMA concludes that the analysis broadly suggests a need for 35% of market homes to have 2 bedrooms, 40% to have 3 bedrooms and 20% to have 4 or more bedrooms.

The proposed development originally comprised of:

- 2 x 2 bed dwellings
- 47 x 3 bed dwellings
- 36 x 4 bed dwellings
- 5 x 5 bed dwellings

The proposed mix has been altered to:

- 45 x 3 bed dwellings
- 40 x 4 bed dwellings
- 5 x 5 bed dwellings

Whilst the proposed mix does not deliver any 2 bedroom dwellings, there is an over delivery on family homes of 3 or 4 bedrooms which is an identified need within Whitehaven as set out in the SHMA. The mix is therefore considered to accord with Policy SS3 of the LP and is supported by the Councils Housing Officer.

Whilst an indicative plan has been submitted to show 9 no. affordable dwellings, affordable dwelling provision has not been altered as part of these two applications and will still be secured and controlled via condition 14 agreed as part of the original outline planning approvals references 4/16/2415/001 and 4/16/2416/001.

### Alterations to Tertiary Roads And Removal of Parking Courts

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be permeable and accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough.

In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The proposed parking courts have been removed with the provision of parking to the front of each property as an alternative. During the reserved matters planning applications, an emphasis was placed on having tree lined streets and avoiding an over dominance of parked cars when entering and moving around the site. Whilst the loss of the courts will put more emphasis on cars at the front of each property, the proposal for comprehensive landscaping including mature trees remains, therefore breaking up the views and softening the impact of the parking areas. The minor changes to the tertiary roads within the sites complement the new parking arrangement and allow for a better flow within the site with more shared surfaces and less dead ends.

Overall, the proposed changes are considered to be acceptable and consistent with policies relating to highways and parking.

Comments Received From Local Residents

The concerns raised by both Local Residents and the Whitehaven Town Council relate to issues that were considered during the reserved matters stage of these developments. As this application relates only to some minor amendments, these concerns have already been considered. The applicants agent did submit a revised plan to confirm that the width of Harras Road along the site frontage will be a distance of 6 metres.

Public Right of Way

A formal application has been made to divert the existing public footpath. This was submitted after the previous Reserved Matters applications were approved. As the proposed Diversion Order is subject to opposition this matter has been referred to the Planning Inspectorate to make a decision,

This application to vary condition 2 does not impact on the proposed route of the diversion which has been factored into the overall site layout. The Diversion Order will be determined separately.

Other Planning Conditions

In accordance with the guidance set out in the NPPG it is relevant to consider the other conditions that were imposed on the original planning permissions. It may be necessary to amend the wording of some of the conditions to reflect the details that have already been agreed but which require ongoing compliance. These are summarised below:-

Condition 1 – time limit – requires the commencement of the development within 3 years of the date of the decision.

Condition 2 – plans – to be amended under this application.

Condition 3 – highways adoption details – outstanding and to remain unaltered.

Condition 4 – contamination – previous discharged under application reference 4/23/2002/DOC.

Condition 5 – water mains – outstanding and to remain unaltered.

Condition 6 – landscaping – remains unaltered and for compliance.

Condition 7 – artificial lighting - remains unaltered and for compliance.

Condition 8 – materials – outstanding and to remain unaltered.

Condition 9 – boundary wall on Harras Road – remains unaltered and for compliance.

8. **Recommendation:**  
Approve amendment of condition



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9.

**Condition(s):**

1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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: -
- Site Location Plan, scale 1:2500, drawing number 1931-PL101 A, received 27th April 2021;
  - Site Layout Plan as Proposed, scale 1:500, drawing number 2258-PL250(A), received 11<sup>th</sup> March 2024;
  - Landscaping Plan as Proposed, scale 1:500, drawing number 2258-PL260, received 24<sup>th</sup> January 2024;
  - Boundaries and Enclosures, scale 1:500, drawing number 2258-PL252, received 24<sup>th</sup> January 2024;
  - Hard Surfacing and Facades, scale 1:500, drawing number 2258-PL253, received 24<sup>th</sup> January 2024;
  - Geotechnical Assessment, written by Sword Geotechnical, dated April 2021, received 29th June 2021;
  - Existing Site Constraints, scale 1:500, drawing number 2258-PL251, received 24<sup>th</sup> January 2024;
  - External finishes schedule, received 24<sup>th</sup> January 2024;
  - Phase 2 Landscape Plan, scale 1:500, drawing number 1931-PL219 F 06, received 15th June 2022;
  - Phase 2 Planting Plan, scale 1:500, drawing number 1931-PL219 F 07, received 15th June 2022;
  - Plant Specification and Schedule, written by Eden Environmental, drawing number 03, received 15th June 2022;
  - Geotechnical Assessment, written by Sword Geotechnical, document reference SG-Harras-001b, received 15th June 2022;
  - Boundary Treatments, scales 1:50 and 1:100, drawing number 1931-BT 01, received 6th January 2022;
  - Character Areas Site Layout Plan as Proposed, scale 1:500, drawing number 1931-PL218 G, received 15th June 2022;
  - Circulation Routes as Proposed, scale 1:500, drawing number 2258-PL257, received 24<sup>th</sup> January 2024;
  - Parking Layout as Proposed, scale 1:500, drawing number 2258-PL254, received 24<sup>th</sup> January 2024;
  - Footway Connection Drawing, drawing number B031397-TTE-00-XX-PL-D-002

- P03, received 16th May 2022;
- Site Access Visibility Drawing, drawing number B031397-TTE-00-XX-PL-D-001 P03, received 16th May 2022;
  - Footpath Diversion Route, 1:500, drawing number 2258-PL259, received 24<sup>th</sup> January 2024;
  - Managed Areas and Adoption Plan, scale 1:500, drawing number 2258-PL255, received 24<sup>th</sup> January 2024;
  - Design and Access Statement Addendum, written by Manning Elliott, received 24<sup>th</sup> January 2024;
  - JJA House Type floor plans, scale 1:100, drawing number 2258-PL300, received 24<sup>th</sup> January 2024;
  - JJA House Type elevations, scale 1:100, drawing number 2258-PL500, received 24<sup>th</sup> January 2024;
  - Alder House Type floor plans, scale 1:100, drawing number 2258-PL305, received 24<sup>th</sup> January 2024;
  - Alder House Type elevations, scale 1:100, drawing number 2258-PL505, received 24<sup>th</sup> January 2024;
  - Champion House Type floor plans, scale 1:100, drawing number 2258-PL310, received 24<sup>th</sup> January 2024;
  - Champion House Type elevations, scale 1:100, drawing number 2258-PL510, received 24<sup>th</sup> January 2024;
  - Harebell House Type floor plans, scale 1:100, drawing number 2258-PL315, received 24<sup>th</sup> January 2024;
  - Harebell House Type elevations, scale 1:100, drawing number 2258-PL515, received 24<sup>th</sup> January 2024;
  - Kingcup House Type floor plans, scale 1:100, drawing number 2258-PL320, received 24<sup>th</sup> January 2024;
  - Kingcup House Type elevations, scale 1:100, drawing number 2258-PL520, received 24<sup>th</sup> January 2024;
  - Oxlip House Type floor plans, scale 1:100, drawing number 2258-PL325, received 24<sup>th</sup> January 2024;
  - Oxlip House Type elevations, scale 1:100, drawing number 2258-PL525, received 24<sup>th</sup> January 2024;
  - Camphor House Type floor plans, scale 1:100, drawing number 2258-PL330, received 24<sup>th</sup> January 2024;
  - Camphor House Type elevations, scale 1:100, drawing number 2258-PL530, received 24<sup>th</sup> January 2024;
  - FFA House Type floor plans, scale 1:100, drawing number 2258-PL335, received 24<sup>th</sup> January 2024;
  - FFA House Type elevations, scale 1:100, drawing number 2258-PL535, received 24<sup>th</sup> January 2024;
  - Clover House Type floor plans, scale 1:100, drawing number 2258-PL340, received 24<sup>th</sup> January 2024;
  - Clover House Type elevations, scale 1:100, drawing number 2258-PL540, received 24<sup>th</sup> January 2024;



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- Bluebell House Type floor plans, scale 1:100, drawing number 2258-PL345C, received 19<sup>th</sup> February 2024;
- Bluebell House Type elevations, scale 1:100, drawing number 2258-PL545B, received 19<sup>th</sup> February 2024;
- Sorrell House Type floor plans, scale 1:100, drawing number 2258-PL360B, received 19<sup>th</sup> February 2024;
- Sorrell House Type elevations, scale 1:100, drawing number 2258-PL550A, received 19<sup>th</sup> February 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.

### Pre-commencement Conditions

3. Prior to the commencement of the development hereby approved, full details of the areas for highways adoption and those that will be maintained and managed by a management company must be submitted to and approved in writing by the local planning authority. Development must be undertaken in accordance with the approved plans and maintained as such at all times thereafter.

### Reason

In order to ensure a well maintained and accessible development in accordance with Policy DM22 of the Copeland Local Plan.

4. Development must be undertaken in accordance with the conclusions and mitigation measures set out within the Phase II: Ground Investigation Report, written by GEO Environmental Engineering, received 3rd January 2023 at all times.

### Reason

To ensure that risks from land contamination are understood prior to works on site, both during the construction phase and to the future users of the land and neighbouring land, and any such risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors and in accordance with Policy ST1 of the Copeland Local Plan.

5. No development must commence (including any earthworks) until details of the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details must include a survey of the exact

location of the water mains (line and depth) and outline the potential impacts on the water mains from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures must be implemented in full in accordance with the approved details.

Reason

In the interest of public health and to ensure protection of the public water supply in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Other Conditions

6. All hard and soft landscape works must be carried out in accordance with the approved details. The works must be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting must be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

7. Artificial lighting used within the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01 dated 2005.

Reason

In order to safeguard the amenities of adjoining and local residential occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

8. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials.

Reason



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To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

9. The existing stone wall which fronts onto Harras Road shall be retained as part of the development.

### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

### Informatives

1. 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) <<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](http://www.gov.uk/government/organisations/the-coal-authority)

2. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that





## Cumberland Council

may cross the site and any proposed development.

3. 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 right of way shown on the attached plan.
  - 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 or to temporarily close it has been confirmed
  - No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.
4. United Utilities have requested, if possible, that the site be drained on a separate system with foul drainage only connected into the foul sewer in order to ensure a satisfactory drainage scheme.
5. The conditions on the outline planning permission are still required to be discharged prior to commencement of development, including drainage details. It should therefore be noted that the SUDS pond detailed on the site layout is indicative only.

### 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 a variation of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: Sarah Papaleo**

**Date : 27/03/2024**

**Authorising Officer: N.J. Hayhurst**

**Date : 28/03/2024**

**Dedicated responses to:-**