

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2127/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 10 OF PLANNING APPROVAL 4/22/2359/0F1
3.	Location:	LAND AT FELL VIEW AND WINDERMERE AVENUE, 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 relates to two areas of land at Fell View Avenue and Windermere Road, covering 7.5ha and 6.9ha respectively. They are located within the residential Woodhouse area of Whitehaven.</p> <p>The sites originally contained three and four bed houses which were demolished approximately 10 years ago and are currently being used as informal green open space.</p> <p>Both sites at Fell View Avenue and Windermere Road are bound by two-storey residential dwellings to the sides. The entire Fell View Avenue site is bound by further green space, the Public Right of Way 431016 and allotment gardens to the rear. The northern end of the Windermere Road site is bound by residential properties from Wastwater Road to the rear and the southern end of the site is bound by an area of green space to the rear.</p> PROPOSAL	

In 2022, planning permission (ref: 4/22/2359/0F1) was granted for the erection of 40 dwellings at Fell View Avenue and Windermere Road.

The current application seeks approval of the details reserved by planning condition 10 attached to the planning approval. The condition states the following:

10. Prior to occupation, a detailed Landscaping Plan should be submitted to and approved in writing by the Local Planning Authority. This should include a specification and planting details for new tree and hedgerow planting along with an aftercare maintenance program. Development must be carried out in accordance with the approved details thereafter.

Reason To ensure adequate landscaping is provided in accordance with Policy DM26 of the Copeland Local Plan.

The following details have been submitted with the application:-

- Application Form
- Landscaping Plan and Landscaping Specification

Consultation Responses

Capita (Councils Arboricultural Advisor)

DISCUSSION We have the following comment/observation to make on the submitted documents.

The applicant has submitted a Landscape Plan for Fell View Avenue (Ref. No. WW/L02A) and Windermere Road (Ref. No. WW/L01A), produced by Westwood Landscape and dated 20/11/23. The submitted plans include a detailed plant specification and implementation programme for the new trees and plants.

RECOMMENDATIONS Inform the applicant in writing the Landscape Plans (Ref. No. WW/L01A and WW/L02A) fulfil the requirements of Condition 10. These plans must be implemented in full to discharge the Condition

Planning Policies

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.



Cumberland Council

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013):

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions.

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

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 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 following policies are relevant to this proposal:

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 DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy R4PU: The Key Service Centres

Policy SC1PU: Health and Wellbeing

Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy N14PU: Community Growing Space

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)



Cumberland Council

Cumbria Development Design Guide

ASSESSMENT

Landscaping

Local Policy DM26 requires development proposals to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse impact. Landscaping schemes should also be maintained in an appropriate manner.

Capita who advise the Council on landscaping matters have been consulted. They have confirmed that the proposed landscaping as submitted includes a detailed plant specification and implementation programme for the new trees and plants. These are considered to be acceptable.

Conclusion

Approve requirements of planning condition 10 of planning permission 4/22/2359/0F1.

8. **Recommendation:**
Approve discharge of condition10

Authorising Officer: N.J. Hayhurst

Date : 10/06/2024

Dedicated responses to:- N/A