

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2161/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 6, 8, 10, 13, 15, 16, 17 AND 18 OF PLANNING APPLICATION 4/16/2415/001
3.	Location:	LAND AT HARRAS MOOR, 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: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	
	Site and Location:	
	<p>The Application Site relates 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</p>	

flanks the western boundary which connects Harras Road to Harras Dyke to the north. Outline planning permission was granted for the residential development of two adjoining 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, reserved matters approval was granted in September 2022 for a total of 90 dwellings - 85 dwellings (application reference 4/21/2195/0R1) and 5 dwellings (application reference 4/21/2196/0R1. Variation of condition applications to alter the house types, remove the parking courts and change the housing mix were approved in March 2024 (applications 4/24/2035/0B1 and 4/24/2036/0B1 relate).

Proposal:

This Application seeks discharge of the requirements of Planning Condition 6, 8, 10, 13, 15, 16, 17 and 18 of Outline Planning Permission ref. 4/16/2415/001.

The original submission also included condition which relates to affordable housing provision on the site. This was subsequently removed from the application by the applicant's agent and is the subject of a separate planning application for a variation of condition 14 under reference 4/24/ 4/24/2195/0B1.

6. The carriageway, footways, footpaths and cycleways associated with the development shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal cross sections, shall be submitted to the Local Planning Authority for approval prior to the commencement of development. No work shall be commenced until a full specification has been approved in writing by the Local Planning Authority. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety, in accordance with the National Planning Policy Framework and to support Local Transport Plan policies LD5, LD7, LD8 and policies ST1, T1 and DM22 of the Copland Local Plan.

8. Ramps shall be provided on each side of every junction to enable wheelchairs and pushchairs to be safely manoeuvred at kerb lines. Details of all such ramps shall be



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submitted to, and approved in writing, by the local planning authority prior to works commencing and implemented as approved.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions safely in accordance with policy DM22 of the Copeland Local Plan.

10. No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement will include:

- the means of access for demolition and construction traffic
- the loading and unloading of plant and materials
- the storage of plant and materials used in construction, including measures to prevent silt and other containments entering surface water drains and a scheme for recycling/disposing of waste resulting from construction works.

Reason

To protect the amenity of the surrounding area and to protect the environment from pollution in accordance with policy ST1 of the Copeland Local Plan.

13. No development shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

This written scheme will include the following components:

1. An archaeological evaluation:
2. An archaeological recording programme, the scope of which will be dependent upon the results of the evaluation:
3. Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site achieve ready for deposition at a store approved by the local planning authority, completion of an archive report, and a submission of the results for publication in a suitable journal

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for examination and for the preservation, examination or recording of such remains.

15. The development hereby permitted shall not be commenced until such times as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the local planning authority in relation to the development. The scheme shall be implemented as approved.

Reason

To protect the water environment and in accordance with policy DM11 the Copeland Local Plan.

16. The development hereby permitted shall not begin until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion;
- details of the design parameters used and confirmation that climate change has been incorporated into the design.

Reason

To prevent increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with policies DM10 and DM24 of the Copeland Local Plan.



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17. Before development commences full details of the foul drainage scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with policy DM24 of the Copeland Local Plan.

18. Prior to the commencement of any development on site a condition survey of the existing connection into the ordinary watercourse shall be carried out. The results of this survey shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with policy DM24 of the Copeland Local Plan.

This application seeks to discharge the details of these conditions with the submission of the following information:

- Application Form;
- Construction Management Plan;
- Discharge of Condition Statement;
- Drainage Report;
- Off Site Drainage Information;
- Drainage Strategy and Design;
- Operation and Maintenance Plan for SuDS;
- Levels;
- Highways Sections;
- External Works Plans;
- External Works Construction Details;
- Vehicle Swept Path Analysis;

- Highways Adoption Plans;
- Foul and Surface Water Drainage Plans;
- Surface Water Drainage Catchment Plan;
- SuDS Detention Basin Construction Details;
- Surface Water Drainage Exceedance Plan;
- Surface Water Drainage Manhole Schedules;
- Foul Water Drainage Manhole Schedules;
- Drainage Crossovers with UU Water Mains.

Consultation responses:

Consultee:	Nature of Response:
Whitehaven Town Council	<p>One Councillor did raise the query as to why there were so many Planning Applications listed regarding Discharge of Conditions (Land to frontage at Harras Road, Land at Harras Moor and Harras Dyke Farm). In the whole time that Whitehaven Town Council had been in existence there had never been this many.</p> <p>Another Councillor expressed concerns once again about overcrowding and said that he had received complaints from residents regarding school places and the lack of them and that there needs to be s106 variation in the applications.</p>
Highways and LLFA	<p><u>1ST Response</u></p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>Condition 6 - Highway Details</p> <p><input type="checkbox"/> Parking - there is a sufficient number of visitor parking spaces for 90 dwellings.</p> <p>However it is not clear that there is sufficient in-curtilage spaces for each house. Please provide details of the number of bedrooms per dwelling and confirmation that each has the requisite number of</p>

		<p>spaces at the ratio of 1 bedroom=1 space, 2 or 3 beds=2 spaces, 3+ beds = 3 spaces</p> <ul style="list-style-type: none"> <input type="checkbox"/> Clearance and service strips on public roads. These are suitable for the proposed layout <input type="checkbox"/> Footways and footpaths - these are as previously approved and match with the realigned public footpath <input type="checkbox"/> The carriageway and footway construction details are suitable and to a compliant or acceptable standard for adoption and private use respectively. <p>However, we do not agree with the extents /scope of the proposed adopted highway network. We consider that the footway cutting across from Plot 7 to Plot 8 does not have an important or relevant highway benefit and should remain private.</p> <p>If this could be shown as removed from the S38 Highways Adoption Plan the LHA would find it acceptable.</p> <p>This condition should not be discharged.</p> <p>Condition 8 - Ramps (dropped kerbs)</p> <p>The proposal satisfies this requirement. I have no objection to this condition being discharged.</p> <p>Condition 10 - Construction Method Statement</p> <p>The CMS is comprehensive and includes all the necessary measures to satisfy the requirements of this condition, including suitable: Construction Surface Water measures to manage run-off to prevent pollution and flood risk to neighbouring sites and measures to minimise mud, dust, noise and inconvenience on the highway and to its users.</p> <p>I have no objection to this condition being discharged.</p> <p>Condition 13 - Archaeology</p> <p>This is not a LHA nor LLFA condition. No comment.</p> <p>Condition 14 - Affordable Housing</p>
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	<p>This is not a LHA nor LLFA condition. No comment.</p> <p>Condition 15 - Foul and Surface Water Drainage</p> <p>The proposed designs are considered to be compliant with the NSTS and have the necessary attenuation volumes and suitable flow control to greenfield equivalent values to ensure that there is no increased flood risk to the site nor downstream. It also provides the necessary treatment.</p> <p>However, the surface water design does not show how the extent or details of the replacement SW drain across Red Lonning and the Golf Course as described in the Design & Strategy:</p> <p><i>'As part of the proposals the main carrier land drain will be replaced and diverted. In addition to this, there is a section of the 375 mm dia. culvert near the junction of Harass Road and Red Lonning that will need to be replaced as part of the works'.</i></p> <p>In addition to the details we will need to see evidence of permission from the landowner(s) that an agreement is in place to replace this drain.</p> <p>This condition should not be discharged.</p> <p>Condition 16 - Surface Water Drainage</p> <p>The proposed designs are considered to be compliant with the NSTS and have the necessary attenuation volumes and suitable flow control to greenfield equivalent values to ensure that there is no increased flood risk to the site nor downstream. The design incorporates the appropriate Climate Change and Urban Creep factors and also provides the necessary water treatment to comply with the CiRIA SUDS Manual..</p> <p>However, the surface water design does not show how the extent or details of the replacement SW drain across Red Lonning and the Golf Course as described in the Design & Strategy:</p> <p><i>'As part of the proposals the main carrier land drain will be replaced and diverted. In addition to this, there is a section of the 375 mm dia. culvert near the junction of Harass Road and Red Lonning that will need to be replaced as part of the works'.</i></p> <p>In addition to the details we will need to see evidence of</p>
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		<p>permission from the landowner(s) that an agreement is in place to replace this drain.</p> <p>This condition should not be discharged.</p> <p>Condition 17 - Foul Drainage</p> <p>This suitability of evidence to satisfy this condition should be assessed by United Utilities.</p> <p>No comment.</p> <p>Condition 18 - Ordinary Watercourse Connection</p> <p>A CCTV survey has been submitted as required. I have no objection to this condition being discharged.</p> <p><u>2nd response</u></p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the Supporting Statement dated 10/5/24 Issue 2 and has the following comments:</p> <p>CONDITION: 6 - Carriageway, footpaths standard suitable for adoption</p> <p>The additional evidence and explanation provided to support this application satisfies the requirements of this condition. The LHA now has no objection to the Condition being discharged.</p> <p>CONDITION: 8 - Ramps on each side of every junction</p> <p>The LHA has no objection to the Condition being discharged.</p> <p>CONDITION: 10 - Construction Method Statement</p> <p>The LHA has no objection to the variation. It should also be noted that the LHA is satisfied with the measures contained in the Plan (dated: 29.07.24). These measures address the requirements of the condition and are suitable to control the construction activity of the enabling surcharging phase and the permanent construction</p>
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		<p>activity of the site.</p> <p>CONDITION 13 - Programme of Archaeological Work The LHA and LLFA have no comment</p> <p>CONDITION: 14 - Affordable Housing The LHA and LLFA have no comment</p> <p>CONDITION: 15 - Foul and Surface Water Drainage Scheme The additional evidence and explanation provided to support this application satisfies the requirements of this condition. The LLFA now has no objection to the Condition being discharged.</p> <p>CONDITION: 16 - Surface Water SUDS Drainage Scheme The additional evidence and explanation provided to support this application satisfies the requirements of this condition. The LLFA now has no objection to the Condition being discharged.</p> <p>CONDITION: 17 - Foul Drainage Scheme The LHA and LLFA have no comment The views of United Utilities should be sought on this matter.</p> <p>CONDITION: 18 - Survey of Existing Watercourse Connection The LLFA has no objection to the Condition being discharged.</p>
	United Utilities	<p><u>1st response</u></p> <p>United Utilities recommends that none of the drainage conditions associated to the above applications are discharged.</p> <p>On review of the submitted information in all of the above applications, proposed drainage networks crosses and proposes manholes within the easement of the water main to the east of the site. The crossing points and associated manholes for proposed drainage need to be agreed with United Utilities. The submission</p>

	<p>outlines that the exact location of the main has not been confirmed by trial holes. The applicant must demonstrate an understanding for the exact depth and line of the water main so any the proposed drainage features are proposed in an acceptable location. Some of the indicated crossing points do not achieve the required minimum as indicated in the standard conditions.</p> <p><u>2nd response</u></p> <p>United Utilities can now recommend that all of the drainage conditions associated to the above applications are discharged. The revised crossing points and protection details to the existing water main in the site are now acceptable. We recommend that the applicant maintains discussions with United Utilities through the development process.</p> <p>If the drainage for this site is offered to United Utilities for adoption, we may have comments that could alter the design. It is important to highlight that any updates to the drainage design from any Section 104 application may need to be resubmitted through the planning process.</p>
Environmental Health	There are no comments or objections from Environmental Health on this planning application.
Historic Environment Officer	With reference to condition 13, I do not consider that archaeological work is necessary on the site as it has been subject to extensive open cast mining. I therefore consider the requirements of condition 13 have been fulfilled.
Neighbour Responses:	
No responses have been received.	
<p>Development plan policies:</p> <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 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



Cumberland Council

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 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.

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
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 (NPPF)
Planning Practice Guidance (PPG).
National Design Guide (NDG).
Cumbria Development Design Guide (CDDG).

Assessment:

Condition 6 – Adoptable highway standards

Initial information submitted did not include the details relating to in curtilage parking or the scope of the adoptable area. This information was provided by the Applicant and subsequently considered to be acceptable.

The Local Highways Authority raised no objections to the discharge of the condition and the detail will be provided through the S38 process directly with the Highways department.



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Condition 8 – Ramps

Full details of ramps to be provided for accessibility have been received and are considered acceptable by the Highways department. They will be constructed to an adoptable standard and maintained through the S38 legislation.

The condition is suitable for discharge.

Condition 10 – Construction Method Statement

A Construction and Traffic Management Plan was submitted to include the following information:

- Working hours and good neighbour practices;
- Traffic and transport routes to and from site;
- Access and parking for contractors and visitors;
- Surface water management measures;
- Loading, unloading and storage of plant and materials;
- Site security;
- Measures to control the emissions of dust and dirt;
- Waste management.

The document was considered to be comprehensive and the details suitable to allow for the discharge of the condition.

Condition 13 – Archaeological Works

The Applicant provided a letter from the Historic Environment Officer detailing that the initial request for a condition for archaeological work could have been avoided should the desk top assessment have been more comprehensive. The Applicant had provided evidence that the risk of archaeological interest was low and the Officer stated that he no longer had concerns that an archaeological works are necessary.

The Officer was satisfied that the condition could be discharged.

Condition 15 – Foul and Surface Water disposal, Condition 16 – Surface Water Drainage Scheme, Condition 17 – Foul Water Drainage Scheme and Condition 18 – Condition Survey of Connection to Ordinary Watercourse

	<p>Extensive and comprehensive information was provided by the Applicant in order to ensure that full details of the foul and surface water drainage was provided.</p> <p>The initial consultation responses requested further information with regards to the connection points offsite and the onsite United Utilities drainage network.</p> <p>Subsequently, plans were provided to show the existing combined, foul and surface water sewers, the UU water mains and easements and the proposed private and adoptable drainage.</p> <p>The details were full considered by the Local Lead Flood Authority and United Utilities and considered to be suitable for the site and acceptable for the discharge of the conditions.</p> <p>Conclusion</p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 6, 8, 10, 13, 15, 16, 17 and 18 of planning permission 4/24/2161/DOC and therefore these conditions should be considered to be discharged.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: Sarah Papaleo		Date : 21/08/2024
Authorising Officer: N.J. Hayhurst		Date : 23/08/2024
Dedicated responses to:-		