

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2163/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3, 5 AND 8 OF PLANNING APPLICATION 4/24/2035/0B1
3.	<b>Location:</b>	HARRAS DYKE FARM, HARRAS DYKE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location:</b> <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 flanks the western boundary which connects Harras Road to Harras Dyke to the north.</p> <p>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 4/16/2415/0O1 and 4/16/2416/0O1 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).</p>	

**Proposal:**

This Application seeks discharge of the requirements of Planning Condition 3, 5 and 8 of Planning Permission ref. 4/24/2035/0B1.:

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.

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.

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**

To ensure a satisfactory appearance of the development in the interests of visual amenity



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and in accordance with Policy DM10 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 and Traffic Management Plan;
- Discharge of Condition Statement;
- External Finishes Schedule;
- Highways Adoption Plans;
- 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>1<sup>ST</sup> 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. Please note that the two applications are identical as far as we are concerned so the response below applies to both.</p> <p><b>Condition 3 - Highway Adoption Details</b></p> <p>The extent of the proposed adopted highway is acceptable to the LHA EXCEPT for the inclusion of the footway cutting across from</p>

		<p>Plot 7 to Plot 8. The LHA consider that this footway does not have an important or relevant highway benefit or function and should remain private. 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><b>Condition 5 - Protection of the Water Mains</b></p> <p>This was not a condition requested by the LHA not the LLFA. No comment.</p> <p><b>Condition 8 - Materials</b></p> <p>This was not a condition requested by the LHA not the LLFA. No comment.</p> <p><u>2<sup>nd</sup> response</u></p> <p>I have reviewed the various applications for variation of conditions and discharge of conditions and found that with the new information (CTMP), revised temporary access point, the revised S38 plan and other explanations, all our concerns and observations have been addressed.</p>
	United Utilities	<p><u>1<sup>st</sup> 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 outlines that the exact location of the main has not been confirmed by trial holes. The applicant must demonstrate an understanding for the <b>exact</b> 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>

2<sup>nd</sup> response

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.

**Neighbour Responses:**

No responses have been received.

**Development plan policies:**

**Copeland Local Plan 2013-2028 (Adopted December 2013):**

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

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

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

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

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.



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A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024. The Planning Inspectors Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

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

The policies relevant to this application are 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 3 – 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.

#### Condition 5 – Water mains

The initial information submitted did not include the level of detail required by United Utilities to be confident that their infrastructure would not be affected by the development.

Further to the submission of a plan to show the location and depths of that infrastructure, United Utilities raised no further objections and considered that condition 5 could be discharged.

#### Condition 8 – Materials

A schedule of materials was submitted for the application and was consistent with the previously specified finishes.

The walls will be a mixture of facing brick and render with UPVC windows and doors with artstone and brick detailing, tarmac driveways and tiled grey roofs.

The materials are considered to be acceptable for this part of Whitehaven and will reflect the modern surroundings. It is considered that the condition can be discharged.

### **Conclusion**

Overall, the information submitted is considered to be acceptable to satisfy conditions 3, 5 and 8 of planning permission 4/24/2035/0B1 and therefore these conditions should be





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	considered to be discharged.	
8.	<b>Recommendation:</b> Approve	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 21/08/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 23/08/2024</b>
<b>Dedicated responses to:- N/A</b>		