

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2173/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3 (IN PART), 6 (IN PART), 7 AND 9 OF PLANNING APPLICATION 4/23/2088/0F1
3.	Location:	LAND AT HARRAS ROAD, HARRAS PARK, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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>This application relates to an area of land extending to 1.60 hectares which lies immediately to the north of Harras Road and is adjoined on its western boundary by the dwelling known as “Casa Mia”. It is located on the eastern edge of Whitehaven.</p> <p>This greenfield site is currently used as agricultural land and is located contiguous to the settlement boundary for Whitehaven. The land is bound by an existing stone wall to the south which fronts onto Harras Road. There are no other physical boundaries which define its northern, eastern or western edges.</p>	

A number of modern dwellings lie on the opposite side of Harras Road to the south.
The site varies in levels across its length with a fall of approximately 15m from east to west.

Relevant Planning History

Planning permission was approved in May 2023 for the erection of 23 dwellings including the associated infrastructure (application reference 4/23/2088/0F1 relates).

Proposal:

This application seeks to discharge conditions 3, 6, 7 and 9 of planning permission reference 4/23/2088/0F1.

The wording of these conditions is set out below:

3. Prior to the commencement of any development, the carriageway, footways, footpaths and cycleways must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval. No work must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Cumbria Design Guide.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. Prior to the commencement of any development, a detailed surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, inclusive of a maintenance schedule of how the scheme shall be managed after completion and an exceedance route diagram must be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water will discharge to the public sewerage system either directly or indirectly. The drainage scheme submitted for approval must also be in accordance with the principles set

out in the Flood Risk Assessment & Drainage Strategy dated February 2022 proposing surface water discharging to the watercourse. The development must be completed, maintained and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding

7. No development must commence until a construction surface water management plan has been submitted to and agreed in writing with the local planning authority. Any approved details must be implemented prior to the commencement of the development and must be retained as such at all times thereafter.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

9. Prior to the first use of the construction access authorised by this permission full design details of a scheme of traffic calming, site frontage footway and pedestrian crossing facilities on Harras Road must be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details must form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

This application seeks to discharge the details of these conditions and is supported by the following information:

- Application form;

- Full drainage details including hyrdobrake and downstream defender details;
- Full Highways details including roads, sewers, surfaces and kerbs;
- Engineering layout;
- Full details of the S278 agreement;
- SUDs Maintenance and Management information.

Consultation responses:

Consultee:	Nature of Response:
Whitehaven Town Council	No response received.
Highways and Local Lead Flood Authority	<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 3 - Carriageway Construction I note that the details have previous approval as part of the S278 process. I have no objection to this Condition being discharged.</p> <p>Condition 6 - Surface Water Drainage Scheme The proposed SW drainage scheme includes suitable design flow controls and storage measures to comply with the NSTS. I also note that the design includes perimeter cut-of drains to manage off-site flows and also treatment devices to provide the necessary treatment. I have no objection to this condition being discharged.</p> <p>Condition 7 - Construction Surface water Management Plan The proposals contain suitable measures to satisfy the requirements of this condition. I have no objection to this condition being discharged.</p> <p>Condition 9 - Traffic Calming Scheme on Harras Road I note that the details have previous approval as part of the S278 process. I have no objection to this Condition being discharged.</p>

United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

Condition 6

Further to our review of the submitted Drainage Layout (Phase 1 Engineering Layout, drawing number 23-026-201, Rev P2, dated 09/04/2024), United Utilities has no objection to condition 6 being discharged.

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 ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP):

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

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 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 policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

Assessment:

Condition 3 – carriageways, footways, footpaths and cycleways

Full details of the proposed highways were submitted including technical specifications for construction. This information has been assessed under the S278 procedure which is separate to the planning legislation.

This information was fully assessed again by the Highways Team during this application and was considered to match the information that has been approved. On this basis, there are no objections to the discharge of condition 3.

Condition 3 states that the highways require construction for full compliance. The condition can therefore only be discharged in part and will only be complete once the highways are constructed. No further information is required to be submitted.

Condition 6 – surface water drainage scheme

Drainage details including manholes, water storage, the use of a hydrobrake for controlled water flow and the management of these facilities have been submitted.

These details were assessed by the Local Lead Flood Authority and United Utilities and were considered to be acceptable.

Condition 6 states that the drainage requires construction for full compliance. The condition can therefore only be discharged in part and will be complete once the drainage is constructed. No further information is required to be submitted.

	<p><u>Condition 7 – construction traffic surface water management plan</u></p> <p>This information was included as part of the drainage requirements for condition 6 and assessed by Highways and the Local Lead Flood Authority. It is considered that condition 7 can be discharged.</p> <p><u>Condition 9 – traffic calming information</u></p> <p>Full details of the proposed highways including the traffic calming measures were submitted, including technical specifications for construction. This information has been assessed under the S278 procedure which is separate to the planning legislation.</p> <p>This information was fully assessed again by the Highways Team during this application and was considered to match the information that has been approved. On this basis, there are no objections to the discharge of condition 9.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 3, 6, 7 and 9 of planning permission 4/23/2088/0F1 and therefore these conditions should be considered to be discharged (3 and 6 in part and 7 and 9 in full).</p>
8.	<p>Recommendation:</p> <p>Approve discharge of conditions</p>
<p>Case Officer: Sarah Papaleo</p>	
<p>Date : 03/07/2024</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	
<p>Date : 03/07/2024</p>	
<p>Dedicated responses to:- N/A</p>	