

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | <b>Reference No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 4/24/2183/DOC                                                                                                                                            |
| 2. | <b>Proposed Development:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DISCHARGE OF CONDITIONS 5, 8 AND 11 OF PLANNING APPLICATION 4/23/2088/0F1                                                                                |
| 3. | <b>Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | LAND AT HARRAS ROAD, HARRAS PARK, WHITEHAVEN                                                                                                             |
| 4. | <b>Parish:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Whitehaven                                                                                                                                               |
| 5. | <b>Constraints:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ASC;Adverts - ASC;Adverts,<br>Coal - Standing Advice - Data Subject To Change                                                                            |
| 6. | <b>Publicity Representations &amp;Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Neighbour Notification Letter: NO<br>Site Notice: NO<br>Press Notice: NO<br>Consultation Responses: See report<br>Relevant Planning Policies: See report |
| 7. | <b>Report:</b><br><br><b>Site and Location:</b><br><br><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> <p>A number of modern dwellings lie on the opposite side of Harras Road to the south.</p> <p>The site varies in levels across its length with a fall of approximately 15m from east to west.</p> |                                                                                                                                                          |

### **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 5, 8, and 11 of planning permission reference 4/23/2088/0F1.

The wording of these conditions is set out below

5. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:

- details of proposed crossings of the highway verge;
- details of retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing (site must be accessed from the east)
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- specific measures to manage and limit the impact on St James school on Wellington Row, [Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety]

### **Reason**

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. In accordance with Policy DM22 of the Copeland Local Plan.

8. No development must take place until a site specific Construction Environmental



## Cumberland Council

Management Plan has been submitted to and approved by in writing by the Local Planning Authority. The Plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to:

- (a) Procedures for maintaining good public relations
- (b) Arrangements for liaison with the Councils Environmental Health Team
- (c) All works which are audible at the site boundary shall be carried out only between the following hours – 08.00 and 18.00 hours Monday to Friday / 08.00 and 13.00 hours Saturday / at no time on Sunday or Bank / Public Holidays
- (d) Deliveries to, and removal of plant. Equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise at the request by Police and / or Highways Authority.
- (e) Mitigation measures as defined in BS 5228 – 1: 2009 + A1: 2014 Code of Practice for noise and vibration control on construction and open sites shall be used to minimise noise and vibration disturbance from construction works.
- (f) Procedures for emergency deviation of the permitted working hours.
- (g) Practicable control measures for dust and other airborne pollutants.
- (h) Measures for controlling the use of site lighting whether required for site safety or security purposes.

### Reason

In the interests of the amenities of surrounding occupiers during the construction

11. 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 and must be retained for the lifetime 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.

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

following information::

- Application form;
- Construction compound plan;
- Construction environmental management plan;
- Construction traffic management plan;
- External material schedule.

**Consultation responses:**

| <b>Consultee:</b>                       | <b>Nature of Response:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 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 5 - Construction Traffic Management Plan</p> <p>The CTMP contains suitable measures to satisfy the requirements of this condition including: routing HGVs from the east, banning site deliveries during St James School muster times and cleansing the public highway as required. I have no objection to this condition being discharged.</p> <p>Condition 8 - Construction Environmental Management Plan</p> <p>This condition does not relate to a LHA nor LLFA matter. No comment.</p> <p>Condition 11 - Appearance - Material Samples</p> <p>This is not a LHA nor LLFA matter. No comment.</p> |
| Environmental Health                    | In terms of the remit of Environmental Health, the submission of the Construction Environmental Management Plan satisfactorily                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

discharges condition 8 above.

**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

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

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 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:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS6PU: Design and Development Standards

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

### **Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)

### **Assessment:**

#### **Condition 5 – Construction Traffic Management Plan**

The Construction Traffic Management Plan includes details of the following:

- Site traffic;
- Scheduling and timing of large HGV movements;
- Measures for management of traffic within and accessing the site;
- Details of any proposed highway verge crossings;
- Proposed compound works;
- Provision for temporary access gates;
- Retained areas for parking/turning;
- Management of junctions and public rights of way;



## Cumberland Council

- Details of temporary signage;
- Details of cleaning of public highway.

This information was fully assessed by the Highways Team and was considered to be acceptable. On this basis, there are no objections to the discharge of condition 5.

### Condition 8 – Construction Environmental Management Plan

The Construction Environmental Management Plan includes details of the following:

- Site security/public protection;
- Traffic management;
- Noise/vibration/dust and dirt;
- The construction compound;
- Protected species;
- Trees;
- Community liaison and complaints;
- Phasing of construction works;
- Site working hours.

The construction environmental management plan has been assessed by Environmental Health and considered to be acceptable.

### Condition 11 - Materials

A material schedule has been submitted with the application to detail the following:

Roof: All dwellings:

- Marley 'Edgemere Duo' dark grey concrete interlocking tiles.
- Black uPVC rainwater goods.
- Anthracite wood grain effect uPVC fascia, soffit, and barge boards.
- PV panel array.

External walls: All dwellings.

- Wienerberger 'Kassandra Multi' facing brickwork with feature string course, zipper courses

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|    | <p>and solid courses to heads where shown.</p> <ul style="list-style-type: none"> <li>• St. Bees red sandstone cills, heads and mullions where shown.</li> </ul> <p>Front porch: All dwellings</p> <ul style="list-style-type: none"> <li>• Oak front porch detailing where shown.</li> </ul> <p>Front door: All dwellings</p> <ul style="list-style-type: none"> <li>• Anthracite grey composite door.</li> </ul> <p>Garage door: All dwellings</p> <ul style="list-style-type: none"> <li>• Anthracite grey polyester coated uPVC.</li> </ul> <p>Windows &amp; other doors: All dwellings</p> <ul style="list-style-type: none"> <li>• Anthracite grey wood grain effect uPVC.</li> </ul> <p>Private drives:</p> <ul style="list-style-type: none"> <li>• Tegula paviers / tarmac.</li> </ul> <p>The materials stated are consistent with the specifications put forward during the planning application stage. They are modern and will provide well designed dwellings consistent with the modern estate to the south.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 5, 8 and 11 of planning permission 4/23/2088/0F1 and therefore these conditions should be considered to be discharged.</p> |
| 8. | <p><b>Recommendation:</b></p> <p>Approve discharge of conditions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



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|-------------------------------------------|--------------------------|
| <b>Case Officer: Sarah Papaleo</b>        | <b>Date : 03/07/2024</b> |
| <b>Authorising Officer: N.J. Hayhurst</b> | <b>Date : 03/07/2024</b> |
| <b>Dedicated responses to:-</b>           |                          |