

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2249/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 4, 6, 8, 10 AND 12 OF PLANNING APPLICATION 4/21/2489/0F1	
3.	<b>Location:</b>	LAND WEST OF CLEATOR MOOR ROAD, WHITEHAVEN	
4.	<b>Parish:</b>	Whitehaven	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Relevant Policies	See Report
		Consultation Responses	See Report
7.	<b>Report:</b> <b>Site and Location</b>	<p>This application relates to a brownfield site located off Cleator Moor Road, located within the centre of Hensingham to the east of Whitehaven. The regular shaped site covers an area of 1.21 hectares and is generally flat. The application site previously sited the Sekers factory demolished in 2010, and currently benefits from two access points onto Cleator Moor Road.</p> <p>The application site is bounded to the north east by Cleator Moor Road, to the north west by The Gables care home, to the south east by existing residential estates, and to the south west by another brownfield site which benefits from planning permission (ref: 4/17/2143/001,</p>	

4/20/2334/0R1 & 4/22/2110/0B1) for 26 dwellings also under the applicants ownership.

### **Relevant Planning History**

4/07/2706/0 – Change of use from industrial (B2) to residential development comprising 118 No. 1, 2, 3 and 4 bedroom dwellings – Withdrawn.

4/10/2359/0O1 – Outline application for proposed 58 bed space care home and residential development with associated highway access – Approve in outline.

4/13/2159/0O1 – Application for a new planning permission to replace extant planning permission (4/10/2359/0O1) – Outline application for proposed 58 bed space care home and residential development with associated highway access – Withdrawn.

4/17/2143/0O1 – Demolition of factory and outline planning permission for erection of dwellings – Approved in outline (adjacent site).

4/20/2334/0R1 – Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved reserved matters (adjacent site).

4/22/2110/0B1 – Variation of condition 2 (revised house types) of planning approval 4/20/2334/0R1 - Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved (adjacent site).

4/21/2489/0F1 – Residential development of 37 dwellings – Approved.

4/24/2249/DOC – Discharge of conditions 4, 6, 8, 10 and 12 of planning application 4/21/2489/0F1 – Ongoing.

4/24/2215/DOC – Discharge of condition 11 of planning application 4/21/2489/0F1 – Approved.

### **Proposed**

In May 2013, planning permission (ref: 4/21/2489/0F1) was granted subject to a S106 agreement, for a residential development of 37 dwellings. This current application seeks to discharge condition 4, 6, 8, 10 and 12 attached to planning permission 4/21/2489/0F1).

These conditions state the following:

4. Prior to the commencement of the development hereby approved detailed specifications of carriageways, footways, footpaths, cycleways must be submitted to and approved in writing by the Local Planning Authority. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

6. Prior to the commencement of the development hereby approved, details of the proposed vehicle crossing over the footway, including lowering of kerbs, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any works so approved must be constructed before the development is complete and maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

8. The highway drain must be protected at the access prior to the development commencing in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The works to protect the drain must be carried out in accordance with the approved specifications at all times thereafter.

Reason

In the interest of highway safety and environmental protection in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

10. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- 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;
- 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);
- Surface water management details during the construction phase
- Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians, 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 the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

12. The development hereby approved must not commence until a tree maintenance scheme, to include detail of the planting and aftercare maintenance of the new trees, has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

#### Reason

To adequately protect the proposed trees within the site.

The information submitted in support of the application comprises the following:

- Application form, received by the Local Planning Authority on the 22<sup>nd</sup> July 2024.
- S184 Plan, Scale 1:20 & 1:250, Dwg No: D800, Rev: 1, received by the Local Planning Authority on the 22<sup>nd</sup> July 2024.
- Existing Highway Drain: Protection Detail, Scale 1:20, received by the Local Planning Authority on the 22<sup>nd</sup> July 2024.
- Phase 2 Section 38 Agreement Plan, Scale 1:500, Ref: GHC-IM-C-P2-19-01, Rev: A, received by the Local Planning Authority on the 22<sup>nd</sup> July 2024.

- Phase 2 Highway Construction Details, Scale 1:20 & 1:25, Ref: GHC-IM-C-P2-SD-01, Rev: -, received by the Local Planning Authority on the 22<sup>nd</sup> July 2024.
- Landscape Maintenance & Management Plan, Prepared by Westwood Landscape June 2024, Revision: B, received by the Local Planning Authority on the 22<sup>nd</sup> July 2024.
- Landscape Plan, Scale 1:500, Drawing No: WW01, Rev: D, received by the Local Planning Authority on the 22<sup>nd</sup> July 2024.
- Construction Traffic Management Plan (Amended), Prepared June 2024, Revision: Version 1, received by the Local Planning Authority on the 7<sup>th</sup> August 2024.
- Surface Water Management Plan, received by the Local Planning Authority on the 7<sup>th</sup> August 2024.

### **Consultation Responses**

#### Cumberland Council – Highway Authority & Lead Local Flood Authority

*7<sup>th</sup> August 2024*

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.

Condition 4 - The LHA and LLFA are content with the information submitted in support of this application therefore Condition 4 can be discharged.

Condition 6 - The LHA and LLFA are content with the information submitted in support of this application therefore Condition 6 can be discharged.

Condition 8 - The LHA and LLFA are content with the information submitted in support of this application therefore Condition 8 can be discharged.

Condition 10 – The following point still needs addressed within the CTMP before the condition can be discharged.

- Surface water management details during the construction phase

Condition 12 - Condition 12 is not for the LHA and LLFA to Discharge.

*9<sup>th</sup> August 2024*

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.

Condition 4 - The LHA and LLFA are content with the information submitted in support of this application therefore Condition 4 can be discharged.

Condition 6 - The LHA and LLFA are content with the information submitted in support of this application therefore Condition 6 can be discharged.

Condition 8 - The LHA and LLFA are content with the information submitted in support of this application therefore Condition 8 can be discharged.

Condition 10 – Additional information has now been provided which has addressed the previous comments, therefore Condition 10 can now be discharged.

Condition 12 – Condition 12 is not for the LHA and LLFA to Discharge

Arboricultural Consultant - Treescapes Consultancy Ltd

## DISCUSSION

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

The applicant has submitted a Landscape Maintenance and Management Plan as part of the application giving details of the tree planting and aftercare, and including a Landscape Plan (WW01 Rev.D). This fulfils the requirements of Condition 12.

## RECOMMENDATIONS

Inform the applicant that the information provided discharges Condition 12.

## Planning Policy

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

## 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 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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy



## Cumberland Council

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 ENV5 – Protecting and Enhancing the Borough's Landscapes

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

### 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.

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.

The Report on the Examination of the ELP was received on the 23<sup>rd</sup> September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.

The following policies are relevant to this proposal:

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 DS9PU: Sustainable Drainage

Policy DS11PU - Protecting Air Quality

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

Policy SC1PU - Health and Wellbeing

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

Policy N9PU - Green Infrastructure





**Cumberland  
Council**

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

**Other Material Planning Considerations**

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

**Assessment**

The application seeks to discharge the requirements of condition 4, 6, 8, 10 and 12 attached to the previous planning permission at this site. These are assessed separately below:

Condition 4:

This condition seeks to discharge the requirement for the development to provide details of the specification for the proposed carriageways, footways, footpaths, cycleways. Based on the details submitted within this application, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 4 can be discharged.

Condition 6:

This condition seeks to discharge the requirement for the development to provide details of the proposed vehicle crossing, including lowering of kerbs. Based on the details submitted within this application, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 6 can be discharged.

Condition 8:

This condition seeks to discharge the requirement for the development to protect the existing highway drain. Based on the details submitted within this application, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 8 can be discharged.

	<p><u>Condition 10:</u></p> <p>This condition seeks to discharge the requirement for the development to provide a construction traffic management plan. Initially the Highway Authority requested additional information with regard to surface water management during the construction phase of the development. Following the submission of an amended Construction Traffic Management Plan including these additional details, the Highway Authority have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 10 can be discharged.</p> <p><u>Condition 12:</u></p> <p>This condition seeks to discharge the requirement for the development to provide a tree maintenance scheme. Based on the details submitted within this application, the Council's Arboricultural Consultant has confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 12 can be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions</p>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 17.10.2024
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 18.10.2024
<b>Dedicated responses to:-</b> N/A		