

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2283/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 4, 5 AND 6 OF PLANNING APPROVAL 4/21/2001/001
3.	<b>Location:</b>	HARRAS DYKE FARM, HARRAS DYKE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The application site relates to a small area of agricultural land immediately to the south of Harras Dyke Farm which is located on the northern edge of Whitehaven. The site covers an area of approximately 0.17ha and is relatively flat.</p> <p>Harras Dyke Farm comprises a small collection of buildings that are surrounded by agricultural land. The farm is served by a private road leading from Harras Road to the South.</p> <p>The site is located adjacent to but outside the settlement boundary for Whitehaven, which runs along the rear of the properties that front onto Harras Road approximately 150m to the South.</p> <p>Outline planning permission was granted in April 2021 for the erection of a single dwelling including details of access (application reference 4/21/2001/001 relates).</p> <p>Reserved matters were subsequently approved in May 2024 relating to appearance, landscaping, layout and scale (application reference 4/23/2336/0R1 relates).</p>	

**Proposal:**

This application seeks to discharge conditions 4, 5 and 6 of the outline planning permission. These conditions state the following:

4. Before development commences full details of the surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and shall be so maintained thereafter.

**Reason**

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

5. Prior to the commencement of the development approved by this planning permission, gas monitoring must be undertaken in accordance with the Coal Mining Risk Assessment, written by Geoinvestigate Limited, submitted on 12th February 2021, and the results and consequential proposed gas protection measures submitted to and approved in writing by the Local Planning Authority. The monitoring must include the siting of gas wells in the development area on 6 occasions over a minimum of a 6 week period.

**Reason**

To ensure the protection of the development from ground gas in accordance with policy ST1 of the Copeland Local Plan.

6. Prior to the commencement of the development hereby approved, full details of the proposed visibility splays at the entrance of the site must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.

**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.

The application has been accompanied by the following information:



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- Plans showing the entrance, visibility splays and drainage proposals;
- Radon Report;
- Ground Gas Monitoring Risk Assessment Letter.

### Consultation responses:

Consultee:	Nature of Response:
Highways and LLFA	<p>Condition 4</p> <p>The LLFA and LHA are content with the proposal submitted to the LPA, therefore Condition 4 can be discharged.</p> <p>Condition 5</p> <p>Condition 5 is not for the LLFA and LHA to discharge</p> <p>Condition 6</p> <p>The LLFA and LHA are content with the proposal submitted to the LPA, therefore Condition 6 can be discharged.</p>
United Utilities	Further to our review of the submitted documents, Drawing SP-202301-01A, dated Nov 2023, United Utilities has no objection to condition 4 being discharged as the proposals do not interact with the public sewer network.
Environmental Health	<p>As regards condition 5 on the requirement for additional ground gas monitoring, the submitted Radon Report and Ground Gas Monitoring Risk Assessment are considered satisfactory and, as such, discharge this condition.</p> <p>The recommendations in the Ground Gas Monitoring Risk Assessment should be implemented as advised.</p>
<b>Neighbour Responses:</b>	
No responses have been received.	

### Development plan policies:

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 (CS):

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood

**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 28<sup>th</sup> 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



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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

Policy DS6PU - Design and Development Standards

Strategic Policy DS8PU - Reducing Flood Risk Policy

Strategic Policy DS9PU: Sustainable Drainage

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

### **Assessment:**

#### Condition 4 – Drainage

The drainage plan includes details of a waste water treatment plant and connections to the existing private drainage network. The existing septic tank will be removed.

The Local Lead Flood Authority have reviewed the information submitted and are satisfied that for the purposes of the planning permission, the drainage hierarchy has been considered and followed and further details of the drainage system will be picked up by Building Regulations. United Utilities raised no objections as the infrastructure is privately owned.

#### Condition 5 – Gas Monitoring

The condition requires the submission of gas monitoring data taken on 6 occasions over a minimum 6 week period.

Detailed records were submitted and it was concluded that gas protection for the dwelling would be required, but that this should be achievable. These details will be required under the Building Regulations.

Environmental Health reviewed the information submitted and have confirmed that the condition can be discharged, but that all conclusions and recommendations within the report should be adhered to.

#### Condition 6 – Visibility Splays

A plan has been submitted to show visibility splays for 45m in both directions onto Harras Road. The proposal includes the demolition of part of the stone wall and its rebuild to a

	<p>height of 1m in order to achieve the splays. No gates will be erected due to the access road being utilised by multiple properties.</p> <p>This information was considered to be acceptable by the Highways Authority.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 4, 5 and 6 of outline planning permission 4/21/2001/001.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions</p>	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 03/10/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 07/10/2024</b>
<b>Dedicated responses to:- N/A</b>		