

Update To Committee Report Item No: 5c

Application Reference Number:	4/25/2307/0F1
Application Type:	Full Planning Application
Application Address:	Land South West of Summergrove Park, Whitehaven
Proposal	Residential development for 70 dwellings including infrastructure, landscaping and BNG uplift.
Applicant	John Swift Homes Ltd
Agent	Alpha Design
Valid Date	1 st September 2025
Case Officer	Chris Harrison

Updates Following Publication of the Committee Report

Consultation Response – Arboricultural Consultant To Cumberland Council

DESCRIPTION OF PROPOSAL

Residential development for 70 dwellings including infrastructure, landscaping and BNG uplift.

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development.

The scheme proposes to 70 No. residential housing plots on the agricultural land. The site borders established groups of trees along the north-western and south-western boundaries. These trees provide screening and should be protected as part of any development on the site.

The applicant has submitted a landscape layout plan (M3508-SD-04-V04), produced by Barnes Walker, which gives details of the BNG requirements. In addition, the applicant has also submitted a Pre-development Arboricultural Report (dated 18/01/2025), which includes an impact assessment. The impact assessment recommends the removal of five trees (41, 44, 46, 47 & 48), parts of two tree groups (42 & 45), and two sections of hedgerow (31 & 35).

The plans included in the Pre-development Arboricultural Report show a different site layout to the Overall Site Plan, submitted by Alpha Design, and the landscape layout plan, submitted by Barnes Walker.

MAY 2026

Following the applicant's response, it has been noted that the site layout plans submitted with the application differ at the south-eastern corner from the layout shown in the Arboricultural Impact Assessment. The applicant has confirmed that these amendments do not affect any trees and, therefore, updating the Arboricultural Impact Assessment would not alter its conclusions.

I agree that the differences between the plans are unlikely to affect the conclusions of the Arboricultural Impact Assessment. Provided that the discrepancies do not affect the legality or validity of any planning permission granted, it does not appear necessary to update the report.

RECOMMENDATION

We recommend attaching the following planning conditions to any planning permission:

1. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the Arboricultural Impact Assessment, prepared by Treescapes Consultancy and dated 18 January 2025. The development must be carried out in accordance with the approved document at all times thereafter.

Reason:

To ensure that existing trees are protected in accordance with Policy N14 – Woodlands, Trees and Hedgerows' of the Copeland Local Plan 2021-2039.

2. The approved landscaping scheme (Ref. No.M3508-SD-04-V04) must be implemented by the end of the first planting season following substantial completion of the development. Any trees or plants that die, are removed, or become seriously damaged or diseased, within a period of 10 years from the completion of the development, must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval for a variation.

Reason:

To ensure an adequate landscaping scheme in accordance with Policy DS5 of the Copeland Local Plan 2021-2039.

Assessment

The Arboricultural Consultant To Cumberland Council has assessed the submitted Arboricultural Impact Assessment and confirmed that despite the differences

between the proposed plans and the plans within the Assessment, the conclusions of the Arboricultural Impact Assessment are acceptable.

In order to prevent any legal uncertainty and to prevent any confusion regarding the layout being approved and tree protection measures secured during construction, rather than imposing a planning condition requiring completion of the development in accordance with the submitted Arboricultural Impact Assessment which includes the tree protection measures, a pre-commencement planning condition is proposed to secure the submission, approval and implementation of an Arboricultural Method Statement – Planning Condition 20. This secures the required tree protection measures with specific reference to the submitted layout for clarity/certainty. The Applicant has agreed to the imposition of such a planning condition.

Planning Condition 29 secures the implementation and maintenance of the approved landscaping scheme. This has been amended to require maintenance/management for a period of 10 years as requested by the Arboricultural Consultant To Cumberland Council.

Revised Recommendation and Revised List of Proposed Planning Conditions

Revised Recommendation

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate and further delegates to the Service Manager for Development and Implementation to agree the final terms and conditions of the section 106 agreement, which as detailed in this report are proposed as:

- Securing the delivery of 10% of the dwellings to meet the definition of affordable housing, discount sale.

If the section 106 planning obligation is not entered within 6 months of the date of this Planning Committee or any other extension of the determination period mutually agreed with the Applicant, delegate authority to the Assistant Director of Thriving Place and Investment to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured.

Planning Conditions

Standard Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – Drawing No. 15/10/863-01 b)

Overall Site Plan – Drawing No. 15/10/863-06 a)

Site Plan (Enlarged – North) – Drawing No. 15/10/863-07 a)

Site Plan (Enlarged – South) – Drawing No. 15/10/863-08 a)

Site Plan (Enlarged – SW Basin and BNG) – Drawing No. 15/10/863-14 a)

Landscape Layout – Drawing No. M3508-RM-01-V02

Car Parking Allocation Plan – Drawing No. 15/10/863 - 15

AFFORDABLE HOUSING & HOUSING STANDARDS STATEMENT - JOHN SWIFT HOMES LTD - LAND AT SUMMERGROVE,

GATEHOUSE - FLOOR PLAN AND ELEVATIONS – Drawing No. DWG: 20134 (FE) 019 *

ALMSHOUSES - BLOCK 1 - FLOOR PLAN & ELEVATIONS – Drawing No. 20134 (FE) 011 *

ALMSHOUSES - BLOCK 2 & 3 - FLOOR PLAN & ELEVATIONS Drawing No. 20134 (FE) 010 C

Dwelling Type A – Plan & Elevations – Drawing No. 15/10/863-09

Dwelling Type B – Plan & Elevations – Drawing No. 15/10/863-10 a)

Dwelling Type C – Plan & Elevations – Drawing No. 15/10/863-11 a)

Dwelling Type D – Plan & Elevations – Drawing No. 15/10/863-12 a)

Dwelling Type E – Plan & Elevations – Drawing No. 15/10/863-13

Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN
April 2022

Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN
August 2025

Ecology Report Red Squirrel Dreys and Site Presence

EXTERNAL MATERIAL SCHEDULE (70 dwellings) - REF: 18/10/863 – EMS

FLOOD RISK ASSESSMENT - JOHN SWIFT HOMES LTD - LAND AT SUMMERGROVE

DRAINAGE STRATEGY - JOHN SWIFT HOMES LTD - LAND AT SUMMERGROVE,

Flood Risk Assessment & Outline Drainage Strategy - Summergrove, Whitehaven
John Swift Homes - Ref: K39183.FRA/001

PHASE 1: DESK TOP STUDY REPORT PROPOSED RESIDENTIAL DEVELOPMENT OF LAND AT: SUMMERGROVE, WHITEHAVEN, CUMBRIA -
Report Ref: 2018-3441

Off Site BNG Report for Land to South West of Summergrove, Whitehaven Grid Ref NY00161593 November 2024

BNG Report for Land to South West of Summergrove, Whitehaven CA28 8YN
National Grid Field No. NX 9915 9646 October 2024

BNG Report for Phase 2 Off Site Land to South West of Summergrove, Whitehaven CA28 8YN National Grid Field No. NX 9915 9646 October 2024

BNG Report for Phase 2 Land to South West of Summergrove, Whitehaven CA28 8YN National Grid Field No. NX 9915 9646 October 2024

Planning, Design & Access Statement - Full Planning Application for Seventy Dwellings Land at Summergrove, Whitehaven, Cumbria

Summergrove, Moor Row (Phase 2) - Ref. 784-B047255 - Transport Statement

Reason

For the avoidance of doubt and in the interests of proper planning.

On Site - Biodiversity Net Gain

3. No development shall commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.

- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

4. The development hereby approved shall not be brought into use until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

5. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 3, a completion report, evidencing the completed habitat creation and habitat enhancements shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

6. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by Planning Condition 3 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

7. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 3 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports shall be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 unless otherwise stated in the Habitat Management and Monitoring Plan secured by Planning Condition 3.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

Pre-Commencement Planning Conditions

Contamination Assessment

8. No development shall commence until a Phase 2 Ground Investigation report prepared in accordance with the recommendations of Phase 1: Desk Top Study Report Proposed Residential Development of Land at Summergrove, Whitehaven, Cumbria – Ref. 2018-3441 has been submitted to and approved in writing by the local planning authority.

The Phase 2 Ground Investigation report shall include:

- an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken; and,
- verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of pollution in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Highways

9. No development shall commence unless and until the visibility splays identified on Junction Plan – Drawing No. 15/10/863-05a) have been created.

The visibility splays shall thereafter be maintained free of any obstruction over 1m in height above the adjacent carriageway for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

10. Prior to the commencement of development detailed specifications of carriageways, footways, footpaths, cycleways shall 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 shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

11. Notwithstanding the submitted details, no development shall commence until a detailed specification for the routing, alignment and construction specification of the emergency vehicle access connecting to Summergrove Park has been submitted to and approved in writing by the local planning authority.

The emergency vehicle access must be constructed and brought into use prior to the occupation of the 50th dwelling hereby approved.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

12. Prior to the commencement development detailed specifications of the piped connection of the existing road side ditch at the junction of the development with Dalzell Street shall be submitted to and approved in writing by the local planning authority.

Any works so approved shall be constructed prior to the occupation of the first dwelling.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

13. No development shall commence until full details of the off-site footway works within the public highway, as detailed on Overall Site Plan – Drawing No. 15/10/863-06 a) and Site Plan (Enlarged – SW Basin and BNG) – Drawing No. 15/10/863-14 a) have been submitted to and approved in writing by the Local Planning Authority.

The details shall include the alignment, width, levels, construction specification, drainage, and arrangements for tying into the existing highway network.

No part of the development shall be occupied until the approved off-site footway works have been completed in full and are available for use.

Prior to the commencement of development, evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a suitable mechanism has been secured to enable the delivery of the off-site works within the public highway, including (where necessary) the completion of an agreement under Section 278 of the Highways Act 1980.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Construction Management

14. Notwithstanding the submitted details, prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles
- procedures for the loading and unloading of plant and materials
- details of the storage of plant and materials used in construction
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the existing watercourses
- a scheme for recycling/disposing of waste resulting from construction works.

The approved CEMP shall be adhered to throughout the construction period.

Reason

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

15. Prior to the commencement of each phase of development a Construction Surface Water Management Plan (CSWMP) shall be submitted to and approved in writing by the local planning authority.

The approved CSWMP shall be adhered to throughout the construction period.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

16. Notwithstanding the submitted details, prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall 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)

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 provisions of Policy C02 of the Copeland Local Plan 2021-2039.

Drainage

17. Prior to the commencement of development details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority unless a sustainable surface water drainage scheme and a foul water drainage scheme has previously been submitted to and approved in writing by the local planning authority for the whole site.

The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

Play Provision

18. Prior to the commencement of development a scheme for the provision of children's play space/equipment shall be submitted to and approved in writing by the Local Planning Authority.

The children's play space/equipment should be a minimum of 140m² in area.

The play provision shall be delivered prior to the occupation of the 30th dwelling hereby approved.

Reason

To ensure sufficient open space is provided within the site for use by future occupants in accordance with the requirements of Policy N11 of the Copeland Local Plan 2021-2039.

Ecology

19. Prior to the commencement of development scheme to secure the following ecological mitigation/enhancement works shall be submitted to and approved in writing by the Local Planning Authority:

- Four bird boxes to provide opportunities for breeding birds;
- Four swallow cups to provide opportunities for breeding swallows; and,
- Four bat boxes.

Reason

To prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2021-2039.

Arboriculture

20. Prior to commencement of development, an Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must follow the guidance in the British Standard (BS 5837:2012 – Trees in relation to design, demolition and construction – Recommendations).

The development shall be implemented in accordance with the approved details.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.

Pre-Occupation Planning Conditions

Drainage

21. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

Highways

22. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Other Planning Conditions

Ecology

23. The development shall not proceed except in accordance with the mitigation strategy described in Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN August 2025 and Ecology Report Red Squirrel Dreys and Site Presence.

Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2021-2039.

Unexpected Contamination

24. If during development, contamination not previously identified is found to be present at the site then no further development on that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning

Authority for a remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Hours of Construction

25. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 - 18.00 Monday to Friday, 08.00 - 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

Highways

26. There shall be no vehicular access to or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of highway safety in accordance with the provisions of Strategic Policy CO4 and Policy CO5 of the Copeland Local Plan 2021-2039.

27. Footways and cycleways shall be provided that link continuously and conveniently to the nearest existing footways and cycleways.

Reason

To ensure a minimum standard of construction and in the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Active Travel

28. The active travel linkages connecting the Application Site to West Lakes Science Park hereby approved must be constructed and brought into use prior to the occupation of the 50th dwelling hereby approved.

Reason

To ensure a minimum standard of construction in the interests of securing active provision in accordance with the provisions Strategic Policy CO4 and Policy CO5 of the Copeland Local Plan 2021-2039.

Landscaping

29. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within ten years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.