
Planning Statement

Land to the south of Daleview Gardens, Egremont

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1. Introduction

1.1 This Planning Statement has been prepared by Savills (UK) Limited ('Savills') on behalf of Gleeson Homes ('the Applicant'). It accompanies a full planning application submitted to Cumberland Council ('the Council') for residential development at Land to the south of Daleview Gardens, Egremont ('the Site').

1.2 The Proposed Development, as set out on the accompanying application form, is as follows:

"Full planning application for the residential development of 164 dwellings (Use Class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works"

1.3 It is noted that Cumberland Council is a new unitary authority which was formed following local government reorganisation on 1st April 2023 and comprises the former Allerdale, Carlisle and Copeland District Councils. The Site was previously located in the administrative boundaries of Copeland District Council.

1.4 In terms of planning policy, a Local Plan has not yet been prepared for Cumberland Council and therefore the existing Local Plans for each of the three former District Council areas remain extant. For Copeland, at the time of writing, this comprises the Copeland Local Plan Core Strategy and Development Management Policies and saved policies of the Copeland Local Plan 2001-2016. A new Local Plan for Copeland ('The Copeland Local Plan 2018-2038') is being prepared and is currently at examination stage, the hearing sessions of which were completed in March 2023, with its adoption anticipated in due course. Within the emerging Copeland Local Plan, the Site is allocated for residential development (Draft Housing Allocation HG3). Given the advanced stage of preparation and lack of unresolved objection following examination, including to the housing allocation of the site specifically, it is considered that significant weight can be given to these considerations in the decision-making process.

1.5 The Site is edged in red on the accompanying Location Plan and a site description is provided at Section 2 of this Statement and within the accompanying Design and Access Statement.

Pre-Application Consultation

1.6 Prior to the submission of this full planning application, two requests for pre-application advice were made to Copeland Council in 2021 and 2022.

1.7 Pre-application advice ref. PAA/21/0084 received on 16th December 2021 confirmed that existing adopted Copeland Local Plan policies relating to the settlement boundaries of Egremont were out of date and that a planning application for the Site would therefore be determined under the presumption in favour of sustainable development set out at paragraph 11(d) of the National Planning Policy Framework. Based on this, the pre-application advice established that the residential development of the Site is acceptable in principle subject to addressing detailed design considerations.

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- 1.8 Following revisions to the proposed development, further pre-application advice was then received in August 2022 (ref. PAA/22/0082) based upon a masterplan proposal of 163 dwellings for the Site. This again confirmed that the principle of developing this Site for residential purposes is acceptable and that the masterplan proposals for 163 dwellings at the site were acceptable subject to final detailed design considerations which now form this full planning application. It also confirmed that following the submission of the emerging Copeland Local Plan 2018-2038 for examination, that additional weight could be attached to these new policies and therefore Draft Housing Allocation HG3.
- 1.9 In line with the advice received, the Applicant has waited until the emerging Local Plan is at an advanced stage of preparation where its policies and draft housing allocation can be afforded significant weight before submitting this application. We anticipate that prior to the determination of the planning application the Local Plan Inspector's Report will be received which would further increase weight and also potentially the adoption of the new Local Plan when paragraph 11(c) of the NPPF would apply. However, for the avoidance of doubt, our position is that the planning application can be determined now and in accordance with paragraph 11(d) of the NPPF.

Application Documents

- 1.10 This Statement draws upon the findings of various technical information and should be read in conjunction with the accompanying application material to provide a comprehensive understanding of the proposal and its associated benefits. The application submission has been prepared in line with national and local planning application validation requirements.
- 1.11 The following documents, plans and drawings have been submitted with this application:

Submission Documents		Prepared By
1.	Application Forms and Certificates	Savills (UK) Ltd
2.	Location Plan	Design by Pod
3.	Existing Site Plan	Design by Pod
4.	Detailed Site Layout Plan 73D-MJG 100 Rev E	Design by Pod
5.	Detailed Site Layout Plan Coloured 73D-MJG 101	Design by Pod
6.	Proposed Boundary and Elevation Treatment Plan 73D-MJG 103 Rev A	Design by Pod
7.	Proposed Illustrative Street Scenes 73-MJG 110	Design by Pod
8.	Proposed Parking Provision Plan 73-MJG 104 Rev A	Design by Pod
9.	Tree Constraints Plan	Westwood Landscape
10.	Tree Mitigation Plan	Westwood Landscape
11.	Tree Survey Aerial Plan	Westwood Landscape
12.	Swept Path Analysis- Refuse Vehicle VN222370-TR100 Rev A	Vectos
13.	Landscape Plan WW/L01	Westwood Landscape
14.	Landscape Management Plan WW/L02	Westwood Landscape
15.	Plant schedule	Westwood Landscape

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16.	House Type Images	Gleeson Homes
	Clifden 358-359 Render 21 Buff	Gleeson Homes
	Clifden 359 Urban Buff	Gleeson Homes
	Clifden 359 Urban	Gleeson Homes
	Cork 201 Rural Buff	Gleeson Homes
	Cork 201 Urban Buff	Gleeson Homes
	Cork 201 Urban	Gleeson Homes
	Cork 201 Render Buff	Gleeson Homes
	Keady 340 Rural Buff	
	Kilkenny 304 Render Buff	Gleeson Homes
	Kilkenny 304 Urban Buff	Gleeson Homes
	Longford 401 Rural Buff	Gleeson Homes
	Longford 401 Urban Buff	Gleeson Homes
	Longford 401 Urban	Gleeson Homes
	Milford 360 Render Buff	Gleeson Homes
	Milford 360 Rural Buff	Gleeson Homes
	Milford 360 Urban Buff	Gleeson Homes
	Milford 360 Urban	Gleeson Homes
	Moy 254 Render Buff	Gleeson Homes
	Tyrone 301 Rural Buff	Gleeson Homes
	Tyrone 301 Urban	Gleeson Homes
17.	Planning Statement	Savills (UK) Ltd
18.	Design and Access Statement	Design by Pod
19.	Archaeological Desk-based Assessment	Gerry Martin Associates Ltd
20.	Heritage Statement	Humble Heritage
21.	Preliminary Ecological Appraisal	Ascerta
22.	Habitat Regulations Assessment	Ascerta
23.	FRA and Drainage Strategy Report	Gadsden Consulting
24.	Phase 2 Ground Investigation Report	Geo Environmental Engineering
25.	Tree Survey	Westwood Landscape
26.	Tree Schedule	Westwood Landscape
27.	Transport Assessment (including Interim Travel Plan)	Vectos
28.	Economic Benefits Report	Gleeson Homes

Table 1: Submission documents

2. Site Description

The Site and its Surroundings

- 2.1 This section of the Statement describes the Site and its surroundings.
- 2.2 The Site, as shown edged red at Figure 1 below, is located to the east of Uldale View on the southern edge of Egremont. The Site does not extend any further south than the existing built form to the east and west.
- 2.3 The Site is approximately 7.7 hectares (ha) in size, and comprises two fields defined by species poor hedgerows at their margins. A ditch is present at the northern boundary albeit outside of the red line boundary, and scattered trees and tall ruderal vegetation is present within the bank areas.
- 2.4 In terms of topography, the Site slopes downwards towards the northern and eastern boundaries.

Figure 1: Application Site (outline in red) (Source: Google Earth)



- 2.5 The Site is bound:

- To the north by residential properties at Daleview Gardens and Daleview Close;
- To the east by agricultural land and the river Ehen beyond;

- To the south by agricultural land; and
- To the west by Uldale view and residential dwellings beyond.

- 2.6 Egremont, which is defined as a Key Service Centre in the Local Plan, offers a range of services and amenities including 3 primary schools, a secondary school, GP surgeries, shops and public houses/eateries.
- 2.7 Egremont Main Street, where the majority of amenities are located, is situated c. 0.4 miles north east of the Site's proposed access point on Uldale View (approximately 7 minute walking distance). The Main Street also provides access to public transport connections via 30 and S34 bus routes which provide northbound connection to Whitehaven, Workington, and Maryport every 30 minutes. The nearest southbound bus stop to the Site is located on the Main Street outside of the Red Lion Hotel, and the nearest northbound is located at Market Place.
- 2.8 There are no existing structures on the Site itself, however a small stretch of the western boundary comprises a stone-built wall. Several telegraph poles are located adjacent to the north western and south western corners of the Site, however none of these cross into the red line boundary.
- 2.9 As described above, the Site comprises two former agricultural fields. Each of these are defined by hedgerows at their margins. As such, an existing hedgerow crosses the Site from west to east, marking the northern boundary of the southernmost field. The north eastern boundary of the Site also contains several trees interspersed with hedgerow. No trees or areas of woodland are located within the fields themselves.
- 2.10 Two existing field accesses are present along the western boundary with Uldale View. These comprise metal access gates with a mix of tarmac, gravel and grassed junctions onto the highway. No existing roads or areas of hardstanding extend into the Site at present from either of these access points.

Statutory and Non-Statutory Designations

- 2.11 The Site is not subject to any specific statutory or non-statutory ecological or landscape designations such as Special Protection Area (SPA), Area of Outstanding Natural Beauty (AONB), or Site of Special Scientific Interest (SSSI). It is, however, located within a SSSI Impact Risk Zone and the River Ehen SAC is located approximately 150m to the east.
- 2.12 There are no heritage assets situated on the Site itself and it is not located within a Conservation Area. The nearest designated assets comprise the Grade I Listed and Scheduled Ancient Monument Egremont Castle and the Grade II Listed structures within the Castle grounds (the Drinking Fountain and Western Sundial) located approximately 400m to the north. The nearest non-designated heritage asset comprises the Parkfield on Uldale View. The Council's emerging Local Plan evidence base recognises that the Site is located in a former medieval deer park and that archaeological earthworks lie in the vicinity. A Heritage Statement and Desk-based Archaeology Statement accompany this application and the impact of the proposed development on heritage assets is examined at Section 5.

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- 2.13 In terms of flood risk, the Site is located entirely within Flood Zone 1, indicating the lowest probability of flooding. The Site also has a low risk of surface water flooding. A Flood Risk Assessment accompanies this application and sets out the proposed drainage strategy for the proposed development.
- 2.14 The Site is not located within a river catchment affected by nutrient neutrality and comprises Grade 3 agricultural land.
- 2.15 There are no Public Rights of Way on the Site. A pedestrian footpath runs along the western side of Uldale View providing opportunity to access Egremont by foot.

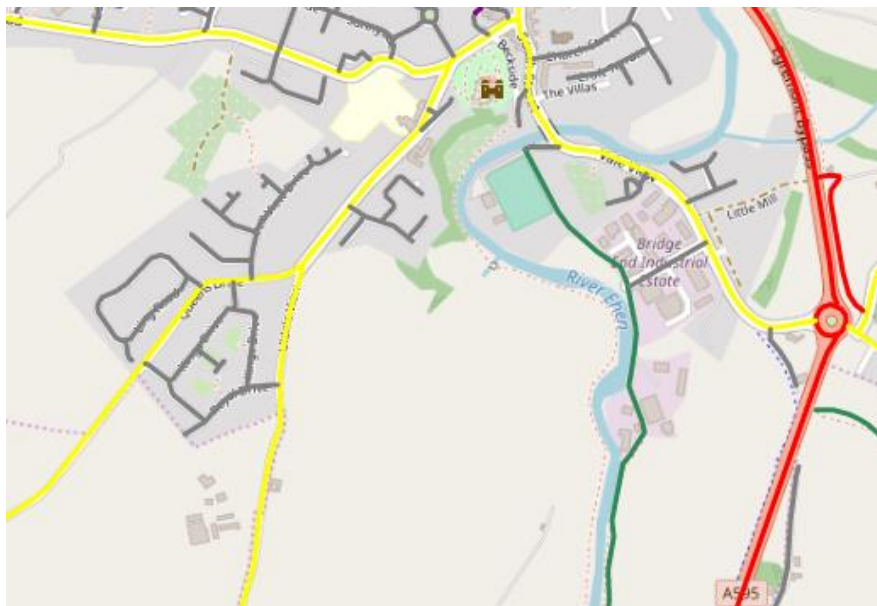


Figure 2 Public Right of Way Map (Source: Cumberland Council)

Draft Local Plan Allocation

- 2.16 The Site is not presently allocated for any specific use in the Copeland Local Plan (adopted 2013) i.e. it represents 'white land'. It is also currently located adjacent to, albeit outside, of the settlement boundary for Egremont. However, as acknowledged above, the Council has confirmed the settlement limit policy of the existing Local Plan to be out of date (Pre-application response ref. PAA/21/0084). It should therefore be given limited weight in decision-making.
- 2.17 Within the emerging Copeland Local Plan, the Site is located within the settlement boundaries of Egremont and is allocated for residential development ref. HEG3 'Land to south of Daleview Gardens'. This establishes the Council's position that the Site is suitable for housing development and that it has been identified as a site which is required to help meet the future housing needs of the area.

Planning History

2.18 According to the Copeland Public Access Portal, the Site itself has not been subject to any relevant previous planning applications. The development plan history of the site has been examined above.

Summary

2.19 In summary, the Site represents a highly sustainable and logical location for residential development as recognised by its Draft Housing Allocation in the emerging Local Plan:

- There are no constraints identified on Site which would preclude development.
- The Site is within close proximity to a number of key facilities and services including schools and shops which allows access by foot and bike. In addition, the Site is served by wider public transport links to Whitehaven, Workington, and Maryport.
- The proposed use is compatible with its surroundings being bounded on two sides by residential development (Daleview Close and Daleview Gardens to the north, and Uldale View to the west).

3. The Proposed Development

3.1. This section of the Planning Statement provides a summary of the development for which full planning permission is sought. This text should be read in conjunction with other documentation submitted in support of the application, including the planning application drawings and the Design and Access Statement.

3.2. In short, it is proposed to deliver the draft housing allocation of the site in the emerging Local Plan through the delivery of 164 dwellings alongside landscaping, open space, SUDS, access from Uldale View and associated infrastructure. As set out on the accompanying planning application form, the description of development is as follows:

“Full planning application for the residential development of 164 dwellings (Use Class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works”

Residential Development

3.3. Full (detailed) planning permission is sought for the erection of 164 dwellings, including 16 no. (10%) affordable dwellings.

3.4. The proposed dwellings are predominantly 2 storeys in height with the exception of 3 no. 1 storey bungalows and 26 no. 2.5 storey semi-detached (3 and 4 bed) and larger scale 5 bed detached townhouses. The proposed dwellings comprise a mix of terraced, semi-detached and detached units.

3.5. As seen from Table 2 below and the Schedule of Accommodation included on the Proposed Site Plan, a mix of house types and sizes are proposed. This includes 13 no. 2 bed units (8%), 90 no. 3 bed units (55%), 57 no. 4 bed units (35%) and 4 no. 5 bed units (2%).

3.6. Each of the proposed dwellings will have a front and rear private garden and dedicated off-street parking (mix of front/ side driveways and integral and detached garages). The proposed layout ensures that appropriate setback distances are achieved between plots to maintain private amenity of residents.

3.7. The proposed layout has been designed through the creation of a series of overlapping character areas which aim to break up the built form of the development and create diversity and interest across different parts of the Site. While the proposed development achieves an average density of 30.75 dwellings per hectare this varies across character areas, with densities having been designed to reflect their position on the Site. The northern and western areas have a higher density which responds to the more urban characteristics offered by adjacent residential areas (e.g. Uldale View, Daleview Gardens and Daleview Close), whilst eastern and southerly edges respond more sympathetically to areas of open countryside beyond the Site boundaries with lower density development.

3.8. Full details of each of the seven character areas and the parameters for development including form, typology, materials and landscaping within them are set out in the Design and Access Statement prepared by Design by Pod.

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Housing Mix				
Housetype/ Type No.	Configuration	No. bedrooms	Storeys	No. plots
<i>Affordable Housing</i>				
Cork 201	Semi-detached or Terraced	2 bedrooms	2	9
Tyrone 301	Semi-detached or Terraced	3 bedrooms	2	2
Avonmore 302	Semi-detached or Terraced	3 bedrooms	2	5
Total Affordable	-	-	-	16
<i>Market Housing</i>				
Cork 201	Semi-detached or Terraced	2 bedrooms	2	1
Moy 254	Detached Bungalow	2 bedrooms	1	3
Tyrone 301	Semi-detached or Terraced	3 bedrooms	2	11
Avonmore 302	Semi-detached or Terraced	3 bedrooms	2	6
Keady 340	Semi-detached	3 bedrooms	2	10
369	Semi-detached	3 bedrooms	2	2
390	Semi-detached	3 bedrooms	2.5	10
Kilkenny 304	Detached	3 bedrooms	2	7
Calry 337	Detached	3 bedrooms	2	8
Clifden 359	Detached	3 bedrooms	2	20
Milford 360	Detached	3 bedrooms	2	9
490	Semi-detached	4 bedrooms	2.5	12
Longford 401	Detached	4 bedrooms	2	11
Calry 435	Detached	4 bedrooms	2	13
Keady 436	Detached	4 bedrooms	2	15
455	Detached	4 bedrooms	2	6
590	Detached	5 bedrooms	2.5	4
Total Market	-	-	-	148
Total				164

Table 2: Housing Mix

Access and Connectivity

- 3.9. Vehicular access is proposed from Uldale View to the west via a priority controlled junction. A Transport Assessment prepared by Vectos accompanies this application and demonstrates that this route is able to accommodate all of the vehicular movement associated with the proposed development for 164 dwellings and is safe and suitable.
- 3.10. The access point necessitates that some existing hedgerow is cleared to achieve the required viability splays of 2.4 x 43 metres onto Uldale View. This is in accordance with the Manual for Streets recommendation for a 30mph road.

- 3.11. Pedestrians and cyclists will also be able to use this new access point with via the footways to be provided on both sides of the carriageway. A secondary access point is provided at Plot 72, which is primarily designed for emergency vehicle access but can also be used by pedestrians/cyclists.
- 3.12. Within the Site, a hierarchy of 5.5 and 4.8 metre carriageway roads with 2 m footways and service strips provides access to each of the residential properties.
- 3.13. As stated above, each dwelling will be provided with dedicated off street parking. This equates to 341 residential driveway parking spaces across the Site and 36 detached garages. In addition to this, a further 21 no. bays are included within the proposed layout for visitor use as well as 12 no. on street visitor parking spaces. All properties will also offer electric vehicle charging points.
- 3.14. Further details of access can be found in the accompanying Design & Access Statement and Transport Assessment.

Green Infrastructure, Open Space and Biodiversity

- 3.15. The level of open space proposed equates to approximately 2.45 hectares which exceeds local requirements. As seen from the Proposed Layout, strategic open space is incorporated throughout the entire Site including at the perimeter, as a central linear corridor to retain the existing hedgerow within the Site and through the creation of a central area of public open space for residents use. The Layout has sought to retain hedgerows and trees where possible, and has been designed to reflect the Site's setting and facilitate integration with its surroundings through the inclusion of additional open space along the eastern boundary to reflect the less urbanised nature of the area compared with the western and northern boundaries.
- 3.16. The landscaping strategy has been designed to maximise biodiversity benefits within the Site through its detailed planting scheme and species mix. The proposal will enhance value through appropriate landscape planting that includes native, species rich hedgerows, trees and areas of wildflowers as well as through the provision of integrated bat and bird features on newly constructed dwellings. Overall, this will result in the following net gains in biodiversity on Site:
- Habitat units – 10.29%
 - Hedgerow units – 32.4%
 - Watercourse units – 13.72%
- 3.17. Each dwelling will be also be provided with a rear and front private garden that will be grassed with amenity and grass seed mix.

Sustainable Drainage

- 3.18. The proposed drainage strategy will incorporate a range of surface water management features including infiltration, SUDS features, discharge to the existing watercourse on the northern boundary and connection to the main drainage network. As seen on the Proposed Site Plan, a combination of attenuation basins, geocellular soakaways and permeable surfaces are proposed.

- 3.19. The proposed drainage strategy will ensure that the proposed development will attenuate surface water runoff to mimic predevelopment greenfield rate and outfall locations for storms up to 1 in 100-year event (including 40% climate change factor).

Other Associated Infrastructure

- 3.20. The proposed internal layout has been tracked using an 11.2 metre refuse vehicle and demonstrates that all required vehicle movements can be safely undertaken. Where areas cannot be serviced in accordance with Manual for Streets guidance bin storage areas are proposed. These have been located to facilitate the collection of both domestic waste and recyclables once the development is operational.
- 3.21. The accompanying Boundary and Elevation Plan highlights where boundary treatment is proposed. This includes a mix of stone walls, post and wire fencing, timber screen fencing, and knee, vertical and estate rails. The existing stone wall located along the western boundary is to be retained.

4. Planning Policy

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs Local Planning Authorities to determine planning applications in accordance with the policies of the Development Plan unless material considerations indicate otherwise. Section 38(3) of the Act provides that the Development Plan includes the “*development plan documents (taken as a whole) which have been adopted or approved in relation to that area*”.
- 4.2. The adopted statutory Development Plan for Copeland Borough Council comprises:
- Core Strategy and Development Management Plan 2013 – 2028 (adopted 2013);
 - Copeland Local Plan 2001 – 2016 ‘Saved’ Policies (adopted 2006).
- 4.3. The Core Strategy and Development Management Plan (“CSDMP”) largely supersedes the Copeland Local Plan 2001 – 2016, however some ‘saved’ policies have been retained and are being used by the Council alongside the CSDMP. Following a review of the ‘saved’ policies, it is considered that none of these are of relevance to the Proposed Development and therefore have not been considered any further within this Statement.
- 4.4. As mentioned above, the Council are preparing a new Local Plan which once adopted, will replace the CSDMP. Having reached Publication Draft stage and undergone the hearing sessions of the examination in public which completed in March 2023, this is at an advanced stage of preparation and is due to be adopted in due course following consultation on main modifications. The policies of the Publication Draft Local Plan which are now well advanced, can therefore be afforded weight in the decision making process and form a material consideration. Indeed, this was confirmed by the Council in their August 2022 pre-application advice.
- 4.5. Other material considerations also include national planning policy, which is primarily expressed through the National Planning Policy Framework and Planning Practice Guidance (PPG), as well as additional guidance produced by the Council in the form of Supplementary Planning Documents (SPDs) including the Design Quality SPD, the Planning Contributions Framework SPD and the Cumbria Development Design Code.

The Adopted Development Plan

The Core Strategy and Development Management Plan 2013 – 2028

- 4.6. The CSDMP was adopted in December 2013 to guide development across the District until 2028. It sets out the overarching spatial vision and strategic objectives for the area until the end of the plan period. These include:
- Strategic Objective 6: to focus major development in Whitehaven and encourage complementary and additional development in Egremont where opportunities exist, in line with strategic infrastructure provision.

- Strategic Objective 7: to enable a 'balanced housing market' ensuring that all housing is of good quality, affordable, responds to differing needs from deprived industrial communities to the more prosperous rural areas, and is provided in places where people want to live.
- Strategic Objective 8: to ensure that settlements are sustainable and meet the range of needs of their communities by, as far as possible, protecting the facilities that are already present (including green infrastructure) and supporting appropriate new provision.
- Strategic Objective 9: to ensure that all new development meets high standards in terms of sustainable design and construction, energy efficiency, provision for biodiversity, safety, security and accessibility, relates well to existing development, enhances the public realm and develops quality places reflecting their distinctive west and southwest Cumbrian character

- 4.7. The following policies are those which the Council have confirmed through pre-application advice to be relevant to the Proposed Development.
- 4.8. Policy ST1 states that all development will be required to contribute to achieving sustainable development principles of economic, social, and environmental sustainability. This includes development responding to the needs and aspirations of the Borough's housing market. Development should also contribute to social and community infrastructure, enabling everyone to have good access to jobs, shops services, and recreational and sports facilities. Carbon emissions should be minimised while energy efficiency and biodiversity should be maximised. Development should arise in areas least at risk of flooding. New development should also minimise waste and support sustainable transport. Development within main towns with infrastructure capacity should be prioritised.
- 4.9. Policy ST2 sets out the spatial development strategy for the Borough. This seeks to concentrate development in line with the settlement hierarchy. This includes moderate development in Key Service Centres such as Egremont. The Council have confirmed that the settlement boundaries associated with Policy ST2 are now out of date (see pre-application responses PAA/21/0084 and PAA/22/0082.
- 4.10. Policy SS1 establishes that the Council will work to make Copeland a more attractive place to build homes and to live in them. Through Policy SS1, housing sites will be allocated to meet local needs in locations attractive to house builders and requiring new development to be designed and built to a high standard.
- 4.11. Policy SS2 states that housing building should meet the needs of the community and accommodate growth by seeking densities of over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding area as well as design considerations.
- 4.12. Policy SS3 ensures housing development applications demonstrate a range and choice of good quality and affordable homes. Development will be assessed according to how well they meet the identified needs and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment by:
- i) Creating a more balanced mix of housing types and tenure within that market area, in line with the evidence provided in the SHMA.

- ii) Including a proportion of affordable housing which makes the maximum contribution (consistent with maintaining the viability of the development) to meeting identified needs in that market area.
 - iii) Establishing a supply of sites suitable for executive and high-quality family housing, focussing on Whitehaven and its fringes as a priority and also giving particular attention to the three smaller towns.
 - iv) Ensuring that housing meets special needs, for example those of older people, where there is a genuine and proven need and demand in a particular locality.
 - v) Providing housing for specific groups where there is housing need, including temporary workforce, agricultural workers and key workers.
- 4.13. Policy SS5 promotes the establishment, improvement and protection of green infrastructure networks connecting open spaces with each other and with the countryside. It also establishes that a minimum open space standard for new development will be set through Policy DM12.
- 4.14. Policy T1 states that transport accessibility for all modes of transport should be maximised, particularly by foot, cycle, and public transport.
- 4.15. Policy ENV1 states new build development will only be permitted only on Sites located outside areas of flood risk and to ensure development does not contribute to increased surface water run-off, measures such as Sustainable Drainage Systems should be included.
- 4.16. Policy ENV3 establishes that biodiversity must be protected and enhanced and opportunities to enhance, extend, and restore priority habitats must be sought.
- 4.17. Policy ENV4 seeks to maximise the Borough's heritage assets by protecting listed buildings and features considered to be of historic, archaeological or cultural value.
- 4.18. Policy ENV5 dictates that landscapes will be protected from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of an area. Where the benefits of development outweigh the potential harm, the impact of the development should be minimised through mitigation.
- 4.19. Policy DM10 requires a high standard of design which responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through:
- i) An appropriate size and arrangement of development plots
 - ii) The appropriate provision, orientation, proportion, scale and massing of buildings
 - iii) Careful attention to the design of spaces between buildings, including provision for efficient and unobtrusive recycling and waste storage
 - iv) Careful selection and use of building materials which reflects local character and vernacular
- 4.20. Policy DM10 further states that proposals should incorporate existing features of interest including landscape and local vernacular styles. Clear distinctions between public and private routes and overlooked routes should be included to reduce crime and anti-social behaviour. Proposals will also be expected to create and maintain reasonable standards of amenity and incorporate public art where appropriate.

4.21. Policy DM11 states that the Council will ensure sustainable development by:

- a) Requiring housing to be of an appropriate density – generally at least 30 dwellings per hectare. However, a lower density may be acceptable where it reflects the form and character of development in the surrounding area.
- b) Encouraging developers to achieve high energy efficiency standards in relation to the Code for Sustainable Homes and BREEAM.
- c) Requiring renewable energy generating technology on site in developments of 10 or more dwellings or 1,000m² non-residential development.
- d) Orientating and designing buildings to maximise solar gain, so far as practicable without compromising wider design and quality of place objectives.
- e) Encouraging construction materials to be sourced, where possible, from local and sustainable sources of production.
- f) Requiring water saving technology, including grey water recycling to be incorporated in all developments.
- g) Ensuring surface water is managed appropriately, with the inclusion of Sustainable Drainage Systems where possible.

4.22. Policy DM12 outlines that new residential developments should incorporate:

- a) Car parking provision in accordance with adopted residential parking standards
- b) Minimum separation distances whereby:
 - I. Detached and end of group dwellings retain at least 1.0m distance between dwelling walls and side boundaries.
 - II. a minimum of 21.0m is retained between directly facing elevations of dwellings containing windows of habitable rooms.
 - III. a minimum of 12.0m is retained between directly facing elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.
- c) A minimum of 0.4ha of public space for every 200 dwellings pro-rata on developments of 10 or more dwellings, and in groups of family housing a minimum of 100m² of children's play space should be provided at the rate of one play space per 30/40 dwellings.
- d) All new development should be designed to Lifetime Homes and (on developments of ten dwellings or more) Building for Life standards.

4.23. Policy DM22 requires development to be accessible to all users and accord to the following principles:

- a) The layout of the development responds positively to existing movement patterns in the area by providing or contributing towards:
 - I. Permeable and legible layouts which are convenient for access into and through the site for pedestrians, cyclists and disabled people.
 - II. Access for public transport
 - III. Access for emergency and service vehicles.
- b) Incorporate innovative approaches to managing vehicular access and parking with:
 - I. Standards incorporated into the design of the development which manage traffic access and speeds without excessive engineering measures.

- II. Incorporate car parking, through a variety of on street and off-street arrangements which avoid vehicles dominating the street scene, whilst meeting adopted car parking standards which reflect the needs of the Borough in its rural context.

- 4.24. Policy DM25 establishes that all development proposals should protect the biodiversity value of land and maximise opportunities for conservation, restoration, enhancement.
- 4.25. With regard to landscaping, proposals will be required by Policy DM26 to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species. Proposals will be assessed according to whether the proposed structures and associated landscaping relate well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment.
- 4.26. Policy DM27 clarifies that development proposals which protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites and their settings will be supported. In addition, any development proposal which is considered to affect an existing or potential site of archaeological importance will be required to be accompanied by an archaeological assessment.
- 4.27. Policy DM28 states that development proposals which are likely to affect any trees within the Borough will be required to include an arboricultural assessment and submit proposals for the replacement or relocation of any trees removed, with net provision at a minimum ratio of 2:1.

Material Considerations

- 4.28. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that all relevant material considerations are taken into account in decision-making. The following material considerations are relevant to this planning application and are considered in turn below:
- The emerging Copeland Local Plan (2021 – 2038).
 - National policy contained within the National Planning Policy Framework ('the Framework') (September 2023) and the supporting national Planning Practice Guidance ('the PPG') (March 2014, as amended).
 - Supplementary Planning Documents.
 - The Council's Five Year Housing Land Supply Position.
- Emerging Copeland Local Plan (2021 – 2038)
- 4.29. Paragraph 48 of the National Planning Policy Framework allows Councils to "give weight to relevant policies in emerging plans" according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 4.30. In terms of a) above, the Publication Draft Copeland Local Plan was submitted for examination on 16th September 2022 and is therefore considered sound by the Council. The hearing sessions began in January 2023 and were completed in March 2023. We anticipate that the Council will undertake consultation on Main Modifications shortly, following which the Inspector will issue her Report. The emerging Local Plan is therefore at an advanced stage.
- 4.31. In terms of b), given the advanced stage of the emerging Local Plan and completion of the hearing sessions, there is limited unresolved objection. In terms of the Draft Housing Allocation of the Site itself, there was no objections raised during the course of the examination. It follows that there is limited prospect of the housing allocation being modified.
- 4.32. In terms of c), the housing allocation of the Site is fully consistent with the NPPF and will assist in achieving sustainable development and meeting housing need – indeed it has been identified by the Council in the emerging Local Plan specifically for that purpose.
- 4.33. As such, the Publication Draft Local Plan and Policy HG3 specifically, can now be given weight (in our view significant weight in respect of Policy HG3) in the decision making process and assessment of this application. Indeed, it is anticipated that the emerging Plan will likely be adopted during the consideration of this application and ahead of its determination.
- 4.34. Draft Policy DS1PU retains the presumption in favour of sustainable development whereby development which accords to the Development Plan will be approved without delay, unless material considerations indicate otherwise.
- 4.35. Draft Policy DS3PU sets out a settlement hierarchy and states that the Council will support development within listed settlements with the amount of development apportioned to each tier. Egremont is identified as a Key Service Centre where focus will be on or town centre developments, employment development and medium scale housing extensions, windfall and infill development.
- 4.36. Draft Policy DS4PU identifies settlement boundaries for settlements identified within the hierarchy. The settlement boundary of Egremont encompasses the subject Site.
- 4.37. Draft Policy DS5PU clarifies that planning obligations will be sought to will secure the infrastructure provision/enhancements where it is reasonable, necessary and directly related to the development. This will be subject to viability and where an applicant considers that the provision obligations would make the development unviable, a viability assessment should be submitted to, and agreed by the Council, as early as possible within the planning application process.
- 4.38. Draft Policy DS6PU expects all development to achieve a high quality standard of design. This includes being sympathetic to the historic environment and landscape, creating layouts which promote active travel, providing safe pedestrian routes, being built to a density that enables effective use of land, mitigating noise pollution through good layout and design, and addressing any land contamination and stability issues.
- 4.39. Draft Policy DS7PU states that a high quality landscaping scheme should be submitted will all development proposals. Landscaping should be assimilated into the wider surroundings and a

management plan should be prepared which identifies and provides details of how existing and proposed features will be incorporated.

- 4.40. Draft Policy DS8PU seeks to ensure new development is located outside of areas of flood risk. Draft Policy DS9PU states that new development should incorporate sustainable drainage systems where appropriate. These should also be designed to provide additional benefits such as for biodiversity and recreational purposes. Development on greenfield sites should seek to achieve pre-development or better levels of surface water run-off.
- 4.41. Draft Policy DS10PU states that development should seek to avoid development that results in the loss of best and most versatile agricultural land and should provide details of how any adverse impacts on the soil resource can be avoided or mitigated. Where any contamination is identified on-site, proposals should incorporate appropriate remediation and subsequent management measures to remove unacceptable risks.
- 4.42. Draft Policy H1PU states that the Council will seek to make Copeland more attractive place to live and build homes by allocating a range of housing sites and ensuring a consistent supply of deliverable housing sites through an annual Five-Year Housing Land Supply Position Statement.
- 4.43. Draft Policy H2PU sets out a housing requirement of a minimum of 2,482 net additional dwellings to be provided between 2021 and 2038. This equates to an average of 146 dwellings per annum. However, in order to plan positively and support employment growth, the planned housing allocations seek to provide a minimum of 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.
- 4.44. Draft Policy H4PU identifies that Key Service Centres should deliver 30% of the planned housing figure (3,400 dwellings) and Draft Policy H5PU allocates the Site for residential development (site ref. HEG3). An indicative yield of 141 dwellings based on 25 dwellings per hectare is listed for this allocation, however Draft Policy H5PU acknowledges that yields identified are indicative only and alternative yields will be accepted where appropriate.
- 4.45. Draft Policy H6PU advises that permission will be granted on allocated housing development sites provided:
- a) The design, layout, scale and appearance of the development is appropriate to the locality.
 - b) Development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character (including the impact upon the setting of the Lake District National Park and the Heritage Coast and its setting where appropriate);
 - c) An acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlighting and daylighting;
 - d) Privacy is protected through distance or good design;
 - e) The development will have no unacceptable overbearing impact upon neighbouring residents due to its scale, height and/or proximity;
 - f) The layout promotes active travel, linking new development with existing footpaths and cycleways, where possible;
 - g) Adequate external amenity space is provided, including for the storage of waste and recycling bins in a location which does not harm the street scene, where possible;

- h) Adequate space for parking is provided, with preference given to parking spaces behind the building line to reduce street clutter, where possible; and
 - i) The proposal does not constitute inappropriate development of a residential garden which would harm the character of the area.
- 4.46. Draft Policy H7PU outlines that development should make effective use of land, demonstrating consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mixes, and the character of the surrounding area. Moreover, development must demonstrate how proposals meet local housing need in terms of house type, size, and tenure in line with the Strategic Housing Market Assessment (SHMA).
- 4.47. Draft Policy H8PU seeks 10% affordable housing for developments of 10 units or more (or of 0.5ha or more in size) unless:
 - 1) This would exceed level of affordable housing required in the area as identified in the Housing Needs Study; or
 - 2) The development falls into an exemption category listed in the NPPF.
- 4.48. The tenure split for affordable housing developments should be 40% discounted market sale or other affordable home ownership routes, and 60% social rented. An alternative split will only be accepted in exceptional circumstances and should demonstrate why meeting the requirements of this policy would render the development unviable.
- 4.49. Draft Policy SC1PU states that the Council will promote health and well-being by supporting development that delivers high quality safe developments, enhances the natural environment, contributes to the creation of mixed communities, and promotes active travel.
- 4.50. Draft Policy N1PU states proposals must demonstrate a mitigation hierarchy for biodiversity including:
 - 1) Avoidance – effects on biodiversity and geodiversity should be identified and measures taken to avoid these effects.
 - 2) Mitigation – where harm cannot be avoided, they must be appropriately mitigated to overcome or reduce negative impact.
 - 3) Compensation – when mitigation is not possible or viable, harmful effects should be compensated for. Compensation is a last resort and will only be accepted in exceptional circumstances.
- 4.51. Draft Policy N3PU states that all development should achieve a 10% biodiversity net gain over and above existing site levels. Net gain should be delivered on site where possible.
- 4.52. Draft Policy N6PU clarifies that the Borough's landscapes will be protected and enhanced by protecting landscapes from inappropriate change and that proposals will be assessed according to whether the proposed development and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness. The cumulative impact of developments will be taken into account as part of this assessment.
- 4.53. Draft Policy N13PU states that existing trees and hedgerows should be retained where possible and new planting should be incorporated where possible and appropriate. Development proposals which are likely

to affect any trees within the borough will be required to submit an arboricultural assessment and submit proposals to replace or relocate any trees that are to be removed with net provision at a minimum ratio of 2:1.

- 4.54. Draft Policy BE3PU states that proposals affecting archaeological sites or less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains.
- 4.55. Draft Policy BE4PU seeks to preserve or enhance heritage assets and their setting. Proposals that better reveal the significance of heritage assets will be supported in principle. Under Policy Draft BE1PU, applications that may affect a heritage assets should be accompanied by a Heritage Statement.
- 4.56. Draft Policy CO4PU states that proposals must promote and include connections to facilitate active travel.
- 4.57. Draft Policy CO7PU states that proposals should provide adequate parking provision in accordance with the Cumbria Development Design Guide. With regard to EV charging, new residential development should provide one charging point per dwelling with off street parking.

National Planning Policy Framework

- 4.58. The revised National Planning Policy Framework ('the Framework') was published in July 2018 and amended in July 2021 and September 2023. The revised Framework set out the Government's policies for the planning system and maintains that a presumption in favour of sustainable development remains at the heart of the Framework (Paragraph 10).
- 4.59. The Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development which has the following mutually supportive and interdependent objectives:
- "an economic objective – to help build a strong, responsive and competitive economy, **by ensuring that sufficient land of the right types is available in the right places** and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - *a social objective – to support strong, vibrant and healthy communities, **by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
 - *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."* (Paragraph 8, the Framework).
- 4.60. Paragraph 9 clarifies that these objectives "*...should be delivered through the preparation and implementation of plans and the application of the policies in this Framework*" and explains that both

Local Plans and decisions should take account of local circumstances, so that they respond to the different opportunities for achieving sustainable development in different areas.

“Decision-making”

- 4.61. The presumption in favour of sustainable development is set out at paragraph 11. For decision making, proposals that accord with an up-to-date Development Plan should be approved without delay (para. 11c). Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (e.g. Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change) or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 4.62. In addition, the Framework, at paragraph 38, requires LPAs to “...approach decisions on proposed development in a positive and creative way” and “...seek to approve applications for sustainable development where possible”.
- 4.63. Paragraph 48 of the National Planning Policy Framework allows Councils to “give weight to relevant policies in emerging plans” according to:
- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

“Delivering a sufficient supply of homes”

- 4.64. The Framework states that to support the Government’s objective of “*significantly boosting the supply of homes*”, it is critical that a sufficient amount and variety of land can come forward “*where it is needed*” (para. 60).
- 4.65. Paragraph 73 recognises that the delivery of large numbers of new homes can often be best achieved through planning for larger scale development. This includes new settlements or significant extensions to existing villages and towns provided they are well located and designed and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).

"Promoting Healthy and Safe Communities"

- 4.66. The Framework states at paragraph 92 that *"planning policies and decisions should aim to achieve healthy, inclusive and safe places..."* and recognises at Paragraph 98 that *"Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change"*.

"Promoting Sustainable Transport"

- 4.67. Paragraph 105 of the Framework requires significant developments to be *"...focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes"*.
- 4.68. Paragraph 111 states that development should only be refused on highways grounds if there would be *"an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 4.69. Paragraphs 112-113 of the Framework requires those developments expected to generate a significant number of movements to be accompanied by either a Transport Statement or Transport Assessment which identifies opportunities for sustainable transport modes, demonstrates how safe and suitable access to the site can be achieved and identifies improvements that can be made within the transport network to reduce associated impacts.

"Making effective use of land"

- 4.70. Paragraph 119 of the Framework encourages decisions to *"promote an effective use of land in meeting the need for homes"*. Further, paragraph 125 stresses the importance to *"avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site."*

"Achieving well-designed places"

- 4.71. The Framework recognises that good design is a key aspect of sustainable development, and *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"* (paragraph 126), with further design guidance set out in paragraphs 127 to 136.

"Meeting the challenge of climate change, flooding, and coastal change"

- 4.72. Paragraph 159 of the Framework seeks to avoid inappropriate development in areas at risk of flooding and direct development to areas with the lowest risk of flooding.

"Conserving and enhancing the Natural Environment"

- 4.73. Paragraph 174 requires decision takers to protect and enhance valued landscapes, minimise impacts on biodiversity and provide new opportunities for biodiversity, having regard to mitigation and compensation measures.

"Conserving and enhancing the Historic Environment"

- 4.74. Paragraph 194 of the Framework requires applicants to assess the significance of any heritage assets affected by a development proposal.

Planning Practice Guidance

- 4.75. The Government published the Planning Practice Guidance (PPG) in 2014 and have since updated relevant parts as appropriate. The PPG provides further detailed guidance accompanying the Framework. The following sections of the PPG have been considered in the preparation of this planning application:

- Climate change
- Design: process and tools
- Flood risk and coastal change
- Health and wellbeing
- Housing Supply and Delivery
- Local Plans
- Natural environment
- Noise
- Planning obligations
- Travel Plans, Transport Assessments and Statements

Supplementary Planning Documents

- 4.76. The following Supplementary Planning Documents have been considered in the preparation of this planning application:

- Design Quality SPD
- Planning Contributions SPD
- Cumbria Development Design Guide

The Council's Five Year Housing Land Supply Position

- 4.77. The Council published their Five Year Housing Land Supply position in February 2023 (base date April 2022). This assessment evidenced the Council's position that it has a 7.5 year supply of deliverable housing land.
- 4.78. Housing allocations in the emerging Copeland Local Plan 2021-2038 are included within the 5-year housing supply calculation. For the subject Site, the Council's assessment identifies that the first 20 dwellings could be delivered within the next 0-5 years, with the remaining to follow beyond 2026.
- 4.79. The submission of the planning application now, therefore, aligns with the trajectory in the Position Statement and would contribute to housing delivery within the five year period thereby assisting the Council in maintaining a five year supply of deliverable housing sites.

5. Planning Assessment

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all decisions must be determined in accordance with the Development Plan, when taken as a whole, unless other material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 5.2. The Development Plan and any material considerations are described at Section 4 of this Statement. This Section of the Statement identifies those key issues that are material to the planning balance, and presents the case in favour of the Proposed Development under the following headings:
- Compliance with the Development Plan;
 - Assessing the Impact;
 - Benefits of the Proposal; and
 - The Planning Balance.

Compliance with the Development Plan

Principle of Development

- 5.3. It is acknowledged the site is unallocated for housing and is located beyond settlement limits and would therefore conflict with the CSDMP in this regard. However in terms of other material considerations, the CSDMP was adopted in 2013 (10 years ago) and it is well established that certain policies within it are now out of date. As confirmed by the pre-application advice received in advance of this submission, this includes parts of Policy ST2 which sets out the spatial strategy over the plan period. Specifically, this includes the identified settlement limits, within which Policy ST2 states new development should be concentrated. These policies and the conflict of the planning application with them, can therefore be given limited weight in the determination of the planning application.
- 5.4. As this strategic policy that is used to guide the location of new residential development is out of date, the planning application (at the time of writing) should instead be assessed against Paragraph 11 (d) of the NPPF which clarifies that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (e.g. Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change) or*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 5.5. The Site is not subject to any statutory designations which would preclude development such as those listed above and in footnote 7 of the NPPF. With regard to criteria ii, the below section titled Assessing the

Impact provides an assessment of the wider impacts of the development and demonstrates that the proposal would not result in any adverse effects that cannot be suitably mitigated.

- 5.6. Furthermore, the Council's emerging Copeland Local Plan is now at an advanced stage of preparation and has limited unresolved objection, including from the Inspector which confirms it is consistent with national planning policy. As such, weight can be given to this under Paragraph 48 of the NPPF. This was also confirmed in the pre-application response received in August 2022 which established that weight could be given to the draft policies within the emerging Plan once it had been submitted for examination in September 2022.
- 5.7. The Site forms a Draft Housing Allocation in the emerging Copeland Local Plan for 141 dwellings (indicative capacity) and is located within the Settlement Boundary of Egremont where Draft Policy DS4PU states that new development should be directed to. This establishes that the residential development of the Site is acceptable in principle. Moreover, its inclusion within the housing trajectory as an allocated site demonstrates that it is required to help meet the identified housing needs of the District both within the next 5 years and across the wider plan period to 2038 and beyond.
- 5.8. There is no unresolved objection to Draft Allocation HEG3 specifically as confirmed by the examination process. Indeed, the only alteration to this draft policy proposed is to revise the trajectory of the Site to 20 dwellings per annum rather than 10 (i.e. an accelerated supply). This increase in annual delivery confirms that now is an appropriate and logical time to lodge an application for residential development.
- 5.9. Overall, the principle of development on the Site is therefore in accordance with national planning policy specifically paragraph 11 (d) of the NPPF and the emerging Copeland Local Plan which can be given close to full weight given its advanced stage of preparation and lack of unresolved objection as confirmed by paragraph 48 of the NPPF. Furthermore, it is noted that when the planning application is determined, the emerging Local Plan may be adopted. In these circumstances the determination of the planning application would proceed under paragraph 11 (c) of the NPPF. However, for the avoidance of doubt, our position is that the grant of planning permission is fully justified under NPPF paragraph 11 (d) **now** and is not dependent upon the prior adoption of the emerging Local Plan.

Housing Yield

- 5.10. Draft Policy H5PU provides an indicative yield of 141 dwellings on the Site. Importantly, this is not a 'cap' or 'limit' on the final number of houses which is acceptable on the Site; indeed indicative yields have specifically been provided as a guide by the Draft Plan to allow the appropriate level of flexibility for this matter to be determined at the planning application stage when full details are available.

- 5.11. The indicative yields provided in Draft Policy H5PU have not been based upon any detailed technical information at the plan-making stage, rather they have been derived based upon an assumed gross developable area and a standard density multiplier of 25 dwellings per hectare (dph) which has been applied in common across all Draft Allocations. As confirmed by paragraph 13.7.10 of the Draft Plan, this was to inform the Council's housing land supply and trajectory to help ensure that the growth aspirations are met and not to overly restrict final housing supply at the planning application stage when full detail is available. Indeed, under the terms of the NPPF, the cornerstone of which is to '*significantly boost the supply of housing*' (paragraph 60), it would be wrong to restrict the final housing numbers where full information demonstrates that no unacceptable impacts arise.
- 5.12. The supporting text of Draft Policy H5PU makes clear that '*The densities used to calculate indicative yield will not necessarily be the density which is best suited to the site – this will be determined at planning application stage taking into account issues such as viability, the requirement for open space, utilities and infrastructure and the character of the area.*' (paragraph 13.7.10). Moreover, Draft Policy H5PU states that alternative yields will be accepted where appropriate.
- 5.13. It is proposed to develop 164 dwellings on the Site. This was presented to the Council at the pre-application stage through a site masterplan for 163 dwellings which illustrated how the development acceptably be provided across the Site. The Council's pre-application response (PAA/22/0082) dated 9th August 2022 confirmed that this proposal was generally acceptable subject to final detailed design considerations which now form this planning application. This yield and the Proposed Layout has been informed by site-specific technical information which fully assess the proposals and their impacts. This demonstrates that no unacceptable impacts will arise and that a housing capacity of 164 dwellings is acceptable and appropriate for the Site size and location. Further details of the technical site assessments including in respect of highways, ecology, drainage etc. are discussed under the 'Assessing the Impact' heading below.
- 5.14. The Site has an average density of 30.75 dph which is in accordance with adopted Policy SS2 which recommends 30 dph as a minimum and further demonstrates that the yield of 164 dwellings is acceptable for the Site. While this is above the standard 25 dph multiplier used in the Draft Allocation, in accordance with the supporting text of Draft Policy H5PU, this is a more appropriate density for the Site. Indeed, the layout has been designed with a variation of densities across the different character areas. This allows the layout to respond to the characteristics of different parts of the Site and ensures that the proposal makes the most effective use of land in accordance with Draft Policy H7PU and paragraphs 119 and 125 of the NPPF which stresses the importance of ensuring that developments make optimal use of the potential of each site.

Housing Mix

- 5.15. In accordance with Policy SS3 and Draft Policy H7PU a mix of house types and sizes are proposed. This comprises 13 no. 2 bed units (8%), 90 no. 3 bed units (55%), 57 no. 4 bed units (35%) and 4 no. 5 bed units (2%).
- 5.16. This mix is broadly in accordance with the findings of the latest Copeland Strategic Housing Market Assessment Update 2021 (SHMA) and supporting text of Draft Policy H7PU which recommends the focus for new market housing over the plan period should be 2-3 bed properties (63% of the proposed mix). The

SHMA also acknowledges a need for 4+ bed dwellings to provide an opportunity for higher earning households to move to the Borough. In this regard the application proposes 61 no. (37%) 4+ bed dwellings

- 5.17. With regard to housing type, in accordance with the 2021 SHMA Update, a mix of terraced, semi-detached and detached houses rather than flats are proposed. In addition, 3 no. bungalows have been included which the SHMA recognises should be considered as something that can be particularly attractive to older person households downsizing.

Affordable Housing

- 5.18. The Proposed Development incorporates 16 no. affordable dwellings which equates to 9.8% of the total proposed. This is in broad accordance with emerging Policy H8PU which requires the delivery of 10% affordable housing on schemes over 10 dwellings or over 0.5 hectares in size.
- 5.19. The affordable dwellings comprise a mix of 2 and 3-bed First Homes and are interspersed throughout the southern half of the development. The inclusion of a mix of housing types on-site will contribute to achieving the Council's overall vision for the Borough to create a more attractive place to live and to create a mixed and balanced residential community. The on-site provision is also in accordance with national policy which makes clear that where there is a need for affordable housing, planning policies should expect it to be met on-site (Paragraph 63 of the Framework).
- 5.20. With regard to tenure, it is proposed that all of the affordable housing will comprise First Homes. While this is not in full accordance with Draft Policy H8PU, the latest SHMA does acknowledge that First Homes will help diversify the market and will contribute to meeting the Councils need for 25% of all affordable housing being First Homes.

Design

- 5.21. The Design & Access Statement (DAS), Character Areas Report and accompanying planning application plans and drawings provide further details on the design of the Proposed Layout. This demonstrates a high quality approach to the design of the new development which responds to existing features and the Site context, and also accords with Policy DM10 in terms of materials, orientation and spacing.
- 5.22. As set out in the Character Areas Report, seven distinctive, yet often overlapping 'character areas' are proposed. Within each character area, there will be differences in density, built form, appearance and landscaping which have been influenced by their position within the Site and surrounding context. This approach will *'not only ensure diversity and interest across different parts of the proposed development (with each distinctive area accommodating a mix of building types to meet differing household needs), but also create areas that are both legible and enable a certain 'congruence' to develop between adjacent buildings framing streets or surrounding key open spaces. This approach will ultimately offer good levels of variation and interest across the wider development proposal'*.
- 5.23. Draft Policy H6PU advises that permission will be granted on allocated housing development sites provided they accord with criteria a-i. The table below provides an assessment of the Proposed Layout against the criteria and demonstrates full compliance with Draft Policy H6PU.

Planning Statement

Land to the south of Daleview Gardens, Egremont



Criteria	Proposed Development Response
a) <i>The design, layout, scale and appearance of the development is appropriate to the locality.</i>	The Proposed Development has been designed in a series of overlapping character areas which reflect and respond to the characteristics of different parts of the Site. This has influenced the appearance of the development with a range of Gleeson house types proposed and a mix of materials including rural and urban buff and render.
b) <i>Development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character (including the impact upon the setting of the Lake District National Park and the Heritage Coast and its setting where appropriate);</i>	Northern and western margins designed to provide continuity and congruence with the more urban characteristics offered by adjacent areas including Uldale View, Daleview Gardens and Daleview Close. In comparison, eastern and southerly edges respond more sympathetically to areas of open countryside beyond the Site boundary.
c) <i>An acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlighting and daylighting;</i>	The proposed layout ensures appropriate setback distances and spacing between plots. The plots and character areas are also interspersed with soft landscaping which will help give the development a unique character and sense of place.
d) <i>Privacy is protected through distance or good design;</i>	The proposed layout ensures that appropriate setback distances are achieved between plots to maintain private amenity of residents.
e) <i>The development will have no unacceptable overbearing impact upon neighbouring residents due to its scale, height and/or proximity;</i>	The majority of the proposed dwellings are 2 storey in height with the exception of 3 x 1 storey bungalows on the eastern boundary and 26 no. 2.5 storey dwellings. This is in keeping with the surrounding residential properties which are also predominantly 2 storeys in height. Landscape buffers are proposed at the western and northern Site boundaries to provide screening and ensure no unacceptable visual impacts.
f) <i>The layout promotes active travel, linking new development with existing footpaths and cycleways, where possible;</i>	As demonstrated by the Transport Assessment, the Site is accessible on foot, by cycle and by public transport. The Site includes a new section of 2 m footway on the northern side of the access which connects with the existing public footpath provision at Uldale View/Bookwell Junction. This aids in ensuring that the proposal can be accessed safely by foot. Cycle access to the Site will be achieved from the new Uldale View junction and the Site also benefits from suitable access to regular public transport services.
g) <i>Adequate external amenity space is provided, including for the storage of waste and recycling bins in a location which does not harm the street scene, where possible;</i>	Public open space is provided within the Site in the form of landscaping and amenity spaces such as a linear park and Central Green. This is in excess of public space requirements for new developments set out in Policy DM12. Bin storage areas have been located around the Site in locations where they can be safely accessed by an 11.2m refuse vehicle.
h) <i>Adequate space for parking is provided, with preference given to parking spaces behind the</i>	Parking is provided in accordance with the Council's Parking Standards and within the curtilage of each

<i>building line to reduce street clutter, where possible; and</i>	dwelling.
<i>i) The proposal does not constitute inappropriate development of a residential garden which would harm the character of the area.</i>	The Site forms a Draft Housing allocation and does not involve development of a residential garden which would harm the character of the area.

Green Infrastructure

- 5.24. The Proposed Development comprises 2.45 hectares of strategic open space. This exceeds the requirement of 0.4ha of public open space for every 200 dwellings set out in Policy DM12. The Proposed Development comprises 164 dwellings which would require approximately 0.33 hectares of public open space. The additional 2 hectares of green infrastructure provided should therefore attract weight in favour of the scheme.
- 5.25. This is also in accordance with Draft Policy DS7PU which states that a high-quality landscaping scheme should be submitted with all proposals for new development.
- 5.26. The strategic open space provided comprises landscape buffers, SuDS basins with riparian and wildflower planting and amenity open space including a linear park and Central Green. The green infrastructure and soft landscaping proposed has been designed with pedestrian routes provided. Low level play including stepping stones, balance beam and timber walkways etc. is also included within the public open space. Further details are provided in the Design and Access Statement and the accompanying Landscape Plan, Management Plan and Planting Schedule.

Assessing the Impact

Ecology

- 5.27. A Preliminary Ecological Assessment and Habitats Regulations Assessment (HRA) has been carried out by Ascerta. The habitat survey found that the Site is comprised of agricultural crop, with scattered trees, ruderal vegetation and species poor hedge at the border which are considered to have ecological value within the zone of influence of the Site or lower. The Site does not contain any designated or priority habitats and overall it is concluded that the proposals are unlikely to affect the ecological value of the area.
- 5.28. In terms of protected and notable species, the survey concluded that the Site provides limited habitat for badgers and small mammals, amphibians such as Great Crested Newts, and reptiles. The habitat also provides low suitability for bats but the surrounding trees could provide features to support a roost. Similarly the Site could provide suitable foraging and nesting opportunities for some bird species. A series of mitigation and enhancement measures are set out in Section 5 of the Assessment. These will ensure that no adverse impacts occur on any species present.
- 5.29. The Site is located 150m from the River Ehen SAC and is approximately 2.7km from The Ennerdale Water to Keekle Confluence which holds the designated species Atlantic Salmon and Fresh Water Pearl Mussel. The HRA concludes that the proposed development will not have an adverse impact on the integrity of the River Ehen (SAC) and The Ennerdale Water to Keekle Confluence due to an increase in recreational pressure, as there is no direct access to the River Ehen (SAC) or Ennerdale Water to Keekle Confluence

via public footpaths from the Site. Protected species at The Ennerdale Water to Keekle Confluence will not be impacted via recreational pressure from the proposed development site due to distance.

5.30. The planning application will result the following net gains in biodiversity on Site:

- Habitat units – 10.29%
- Hedgerow units – 32.4%
- Watercourse units – 13.72%

5.31. On this basis, the proposal complies with the objectives for protecting, conserving and enhancing biodiversity and features of ecological importance set out within both the NPPF and Policy ENV3.

Access and Highways

5.32. A Transport Assessment and Interim Travel Plan have been prepared by Vectos to accompany this application. This confirms that the Site can be suitably and safely accessed through the creation of a new priority junction at Uldale View to the west. Appendices D and E of the Transport Assessment confirms that visibility splays of 2.4 x 43 metres, which is the recommended visibility splay in Manual for Streets for a 30mph road can be achieved.

5.33. In terms of traffic generation, the results of the modelling in the Transport Assessment confirms that the proposed priority controlled junction provides sufficient capacity to accommodate traffic generated by the Proposed Development and it will not materially alter the operation of any existing junction on the surrounding highway network.

5.34. Parking is provided broadly in accordance with the Councils parking standards which required 2 spaces per 2 bed dwelling and 2.5 spaces per 3 and 4 bed dwelling. 377 residential spaces are provided which is marginally short of the Council's standards of 403.5 spaces for the proposed housing mix. The Cumbria Development Design Guide does note however that these are not provided as minimum or maximum values. This is therefore considered to be an appropriate level of parking for the Site. In addition, 21 visitor parking bays are also provided alongside additional on street visitor parking (12 spaces). In total, the proposed total number of parking spaces (410) is in excess of the Councils Standards.

5.35. All properties will offer electric vehicle charging in accordance with Draft Policy CO7PU.

5.36. The Transport Assessment also demonstrates that the Site is accessible by active travel modes. Pedestrian and cycle access will also be taken from the new priority junction. In order to aid in pedestrian access to the Site, the proposal incorporates a new stretch of 2m footway to join the existing provision at Uldale View. The Site is also accessible by public transport, with regular weekday and weekend services operated to key local towns. It is therefore concluded that the Site is accessible by sustainable travel modes.

5.37. Overall, the Transport Assessment concludes that the proposals are able to provide a safe and convenient access, including by sustainable modes of travel, and will not result in any severe residual traffic impacts in highways terms in accordance with PolicyT1 and Draft Policy CO4PU. As such, in line with paragraph 111 of the NPPF, that there no highways reasons as to why planning permission should not be granted.

Heritage and Archaeology

- 5.38. A Heritage Statement has been undertaken by Humble Heritage. This concludes that the given the separation distance between the Site and the Grade I Listed and Scheduled Ancient Monument Egremont Castle, that there will be no impact on the its significance, historic interest or setting.
- 5.39. With regard to non-designated heritage assets, a low degree of harm will be caused to the setting of Parkfield to the west. Parkfield has a low level of significance and the Heritage Statement acknowledges that part of the setting to the north and west has already been lost following the construction of the Gully Flats Estate. While the proposed development will result in a low level of harm to its setting on its eastern side, this will be mitigated by the inclusion of an undeveloped area at the southwest corner of the development opposite the front elevation of Parkfield. In accordance with paragraph 203 of the NPPF, the Heritage Statement by Humble Heritage confirms that the low level of harm caused by the Proposed Development will be outweighed by the public benefits. Further details of the benefits of the development are set out below.
- 5.40. A Desk-Based Assessment of the Site has also been undertaken by Gerry Martin Associates Ltd to consider below ground heritage impacts. This has confirmed that there are no obvious signatures for past cultural activity that could be considered significant and impact is therefore considered to be minor. This does not preclude the possibility of sub-surface deposits and therefore a programme to geo-physical surveys and targeted archaeological evaluation should be undertaken to ensure the Site can be deemed archeologically sterile.

Flood Risk and Drainage

- 5.41. A Flood Risk Assessment and Drainage Strategy Report has been prepared by Gadsden Consulting. This confirms that the Site falls within Flood Zone 1 and therefore the location of the development is acceptable in flood risk terms and is in accordance with Policy ENV1 and Draft Policy DS8PU.
- 5.42. A Drainage Strategy has been prepared for the Site in line with the hierarchy set out in national policy and guidance. Due to the presence of groundwater, only part of the Site is suitable for drainage infiltration. Any parts of the Site where groundwater was not encountered will drain via infiltration. A combination of mains drainage and discharge into the existing watercourse will be used for the remainder of the Site. This will also involve the use of a combination of SuDS treatments such as attenuation basins, geocellular soakaways, permeable surfaces with attenuation beneath, back inlet gullies, silt trap manholes etc.
- 5.43. The surface water system will attenuate for storm periods up to and including the 100 year plus 40% climate change event with an allowance of 10% for urban creep and a 30 % allowance for the remaining greenfield areas on-site. The discharge to the watercourse will be restricted using a vortex flow control device. The runoff rate will match the one year return period and QBAR for all storms above this up to and including the 100 year event plus a 40% allowance for climate change.

Ground Conditions

- 5.44. GEO Environmental Engineering have prepared a Phase 2 Ground Conditions Report for the Site which sets out a series of recommendations for the Proposed Development at Section 10. In terms of contamination and human health, the results of the contamination assessment confirm that none of the

contaminant concentrations exceed the assessment criteria for a residential development with plant uptake and asbestos fibres have not been detected. As such, the topsoil does not pose a risk to human health and is suitable for re-use in areas of private gardens and soft landscaping. In view of the above, GEO Environmental Engineering have confirmed that remediation is not considered necessary in order to develop the site for residential end use.

Benefits of the Proposal

- 5.45. When viewed in the context of sustainable development set out in paragraph 11 and the three overarching objectives the following benefits are provided:

Economic Objectives¹

- New market and affordable homes to serve identified housing need in the emerging Copeland Local Plan. As recognised by the Council in the adoption of a higher housing requirement, this in turn will help meet the housing needs for local employees thereby encouraging the retention of existing employees and promoting future employment growth in the Borough.
- Estimated £294,994 additional Council Tax Revenue each year.
- Additional spending within the local area from new residents, to be the benefit of local facilities and amenities, once the dwellings are occupied.
- £244,218 New Homes Bonus to the Council for one year
- 336 created or sustained jobs.

Social Objectives

- The delivery of new housing stock to meet the needs of the present and future generations,
- The bringing forward of land in an accessible location, to support the creation of a strong, vibrant and healthy community.
- A choice of new high quality homes to meet local needs, including that of families, in a manner that can achieve sustainable growth and quality design, in line with local policy aspirations.
- Delivery of new affordable homes to meet identified need.

Environmental Objectives

- The Site and its immediate surroundings are not subject to any specific environmental designations such as Special Protection Area (SPA), Area of Outstanding Natural Beauty (AONB) or Site of Special Scientific Interest (SSSI), nor does the Site form part of the Green Belt.
- The HRA confirms that the proposed development will not have adverse impact on the integrity of the River Ehen (SAC) and on protected species at the Ennerdale Water to Keekle Confluence due to an increase in recreational pressure, as there is no direct access to the River Ehen (SAC) or Ennerdale Water to Keekle Confluence via public footpaths.
- The Site is not located within an area of Flood Risk, being within Flood Zone 1.
- The provision of new usable public open space on-site to benefit of future residents.
- The delivery the following net gains in biodiversity:
 - Habitat units – 10.29%

¹ *Economic Benefits Report prepared by Gleeson dated June 2023 Version 001*

- Hedgerow units – 32.4%
 - Watercourse units – 13.72%
- The retention and protection of hedgerows and trees on-site and along Site boundaries.
- The provision of sustainable urban drainage system as a means of mitigating for the Site's impact on local drainage patterns.

The Planning Balance

- 5.46. Whilst the planning application conflicts with the CSDMP, it is well established that strategic policies, including those relating to settlement boundaries and therefore the location of new development, within the adopted Development Plan are out of date and therefore should be given limited weight in decision-making now. The emerging Local Plan, within which the Site is allocated for residential development, is at an advance stage of preparation and as confirmed by pre-application correspondence can be given weight in decision making.
- 5.47. This Section has demonstrated that the Proposed Development is in accordance with the emerging Local Plan and development in this location would support the housing and economic development objectives and meet the aims and objectives of sustainable development, delivering planning benefits across all three strands of sustainable development (economic, social and environmental) as set out in the NPPF. There are no technical or environmental impacts that would significantly or demonstrably outweigh the substantial benefits.
- 5.48. In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes 'sustainable development'. While the policies of relevance in the adopted Plan are out of date, in accordance with paragraph 11(d), this Statement has demonstrated that the Site is not located or subject to any designations which provide a clear reason for refusing the development (i) and no adverse impacts that would outweigh the benefits when assessed against the NPPF as a whole will occur (ii). Therefore in accordance with the clear decision-taking instruction at paragraph 11(d) of the Framework, we respectfully requested that the application is approved without delay. Furthermore, when the planning application is determined, the emerging Local Plan may be adopted at which time NPPF paragraph 11 (c) would apply, however that in no way prevents the determination of the planning application in advance.

6. Conclusions

- 6.1. This Planning Statement supports a full planning application submitted to Cumberland Council on behalf of Gleeson Homes for the residential development of 164 dwellings and associated landscaping and infrastructure. The Proposed Development, as set out on the accompanying application form is as follows:

“Full planning application for the residential development of 164 dwellings (Use Class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works”

- 6.2. This Statement has set out the key components and benefits of the Proposed Development in the context of both local and national planning policy. The principle of development is established by the Site's Draft Housing Allocation in the emerging Local Plan. The principles outlined within this Statement and the accompanying DAS, would secure a high quality scheme and the delivery of the proposal would help to meet Copeland and Cumberland's housing need through the mix of house types and sizes.
- 6.3. In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes 'sustainable development'. While the policies of relevance in the adopted Plan are out of date, in accordance with paragraph 11(d) of the Framework, this Statement has demonstrated that the Site is not located or subject to any designations which provide a clear reason for refusing the development (11(d)(i) and no adverse impacts that would outweigh the benefits when assessed against the NPPF as a whole will occur (11(d)(ii). Therefore in accordance with the clear decision-taking instruction at paragraph 11(d) of the Framework, we respectfully requested that the application is approved without delay. Furthermore, when the planning application is determined, the emerging Local Plan may be adopted at which time NPPF paragraph 11 (c) would apply, however that in no way prevents the determination of the planning application in advance.