

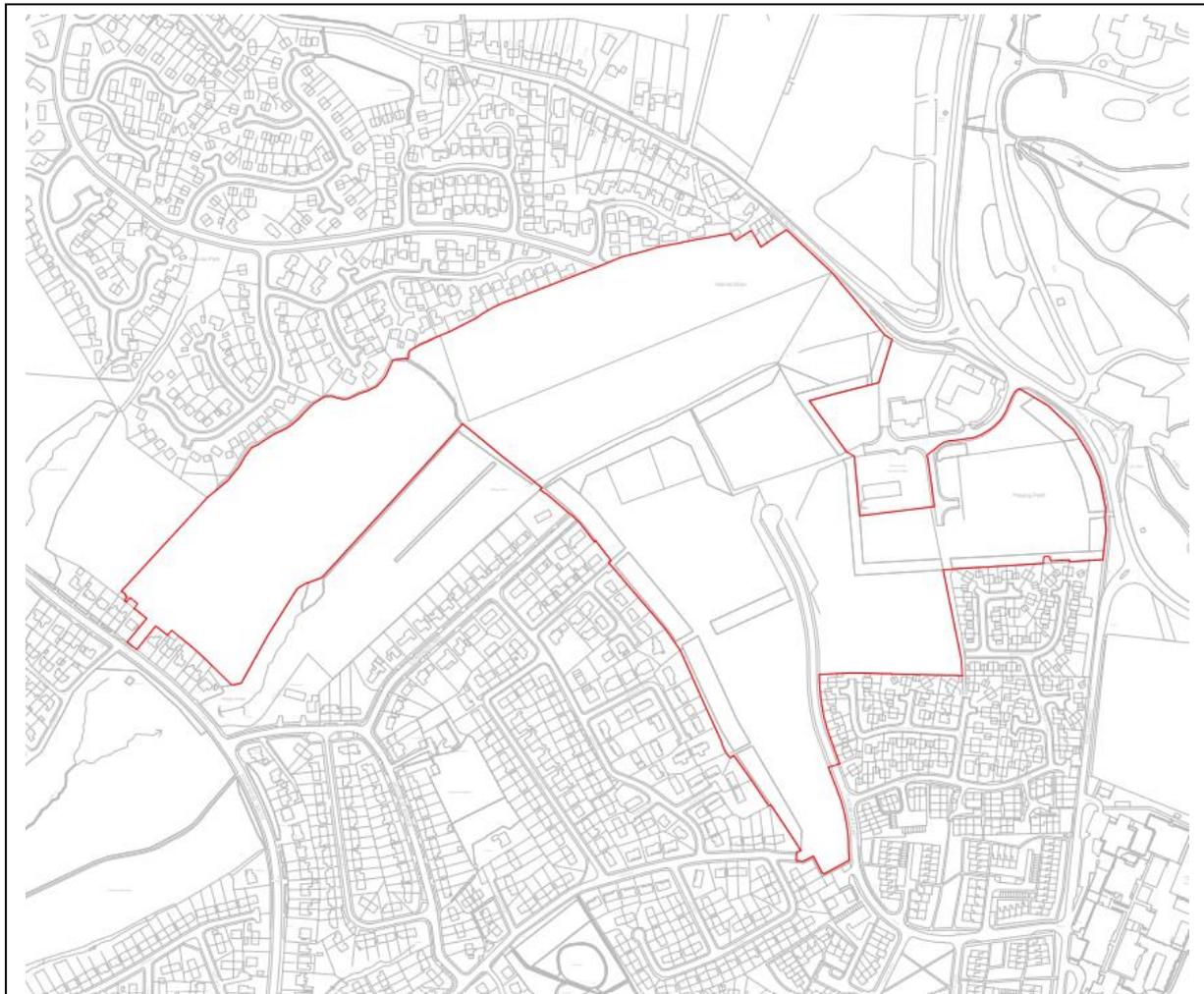


To: PLANNING PANEL

Development Management Section

Date of Meeting: 16th August 2021

Application Number:	4/18/2287/001
Application Type:	Outline Planning Application
Applicant:	Homes England
Application Address:	Land at Harras Moor, Whitehaven
Proposal	Outline application for development of up to 370 dwellings with associated open space and infrastructure.
Parish:	Whitehaven
Recommendation Summary:	<p>Members authorise delegated authority to the Head of Planning and Place to approve planning permission for the development subject to:</p> <ul style="list-style-type: none">- The Applicant entering into a Section 106 planning obligation securing the delivery of 15% of the dwellings as affordable housing; the provision of 7.1 hectares of public open space and provision for its ongoing maintenance and management; a commuted sum payment for off-site habitat creation or enhancement to achieve a biodiversity net gain position; a commuted sum payment in mitigation of the loss of the sports provision; and a travel plan monitoring fee.- The planning conditions outlined at the end of this report; and,- Any revisions as deemed appropriate by the Head of Planning and Place.



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Background

This Outline Planning Application was submitted by Homes England on 26th June 2018.

Following the completion of a site visit, at the Planning Panel meeting on 18th September 2019, Members of the Planning Panel were minded to depart from the recommendation of the Planning Officers and refuse the Outline Planning Application. The main concerns of Members related to highway safety and the adequacy of the local road network to accommodate the likely volumes of traffic that would result from the proposed development.

In accordance with the Constitution of the Council, where Members are minded to depart from the recommendation of the Planning Officers, a final decision on the application is to be deferred until the next meeting of the Planning Panel. The Constitution is clear that whilst the Head of Planning and Place will endeavour to return the application to the next meeting, it is recognised that this might not always be possible where the initial reasons put

forward for refusal by Members require detailed work to be undertaken to address the issues being raised, or the Applicant wishes to reconsider the application as submitted in an attempt to address Members' concerns.

To give due regard to the concerns raised by Members, Copeland Borough Council instructed an independent review of the Applicant's highways reports and the consultation responses of Cumbria County Council – Highways and National Highways (previously Highways England). This review was carried out in October 2019 by the transport consultancy Arup. The draft findings of this independent review were circulated to Members and a meeting was held on the 13th of November 2019 where a representative from Arup presented the findings of the review to Members of the Planning Panel and the highways implications were discussed in detail with the representative. In summary, the Arup review found that the Applicant's assessment was robust and that there were no justified grounds for refusing the application on the grounds of traffic and transport.

Since then, Homes England has also worked with the Planning Officers and consultees to address the concerns raised by Members, as well as to further address revisions to the National Planning Policy Framework (NPPF) and subsequent objections received from Sport England, Natural England and the Woodland Trust following further re-consultation on the amended application in 2021. This has included undertaking a Road Safety Audit of the Harras Road junction, undertaking a Biodiversity Net Gain Assessment of the site alongside updated Ecology Surveys, carrying out a Habitat Regulations Assessment of the site and additional work to agree the design of the off-site highway junction improvements to be conditioned.

Site and Location

The Application Site comprises 23 hectares of land located to the southwest of Harras Moor in Whitehaven.

The Application Site comprises an area of greenfield land which is currently used for agricultural grazing purposes. There is also a disused playing field located in the northeast of the site. The Site comprises parcels of land separated by shelterbelts of mature planting.

A small area to the north of the Application Site comprised the now infilled former Standing Stones quarry.

The Site is enclosed by the Harras Moor Industrial Estate and Red Lonning to the east; the Highlands residential area to the north; mature Ancient Woodland known as Midgey Wood to the south; and the dwellings to the north of Loop Road South to the west.

Midgey Gill watercourse runs within Midgey Wood.

Proposal

The application seeks Outline Planning Permission with all matters excluding access reserved for the development of up to 370no. dwellings.

Access to the development is proposed via Harras Road and Caldbeck Road which it is anticipated will connect to form a primary spinal road serving the development as a whole.

Pedestrian connections are proposed to Loop Road South, the Highlands residential estate and the highways to the east and west of the site.

A Sustainable Drainage System (SuDS) will serve the development for the disposal of surface water. The outline surface water drainage strategy splits the discharge of surface water run-off into two catchments: a western catchment discharging to Midgey Gill and an eastern catchment discharging to Bedlam Gill. The site will be drained at greenfield run off rate including an allowance for climate change.

The development will deliver 15% of the dwellings proposed as affordable housing with the final tenure mix to be informed through the site's disposal to the market and subsequent discussions with Council Officers through reserved matters.

In accordance with the NPPF the development will deliver a biodiversity net gain.

Illustrative plans detailing how a scheme of 370 dwellings could be developed across the site has been submitted in support of the outline planning application; however, these plans do not form part of the formal planning application documentation. A developer obligation to be agreed via a S106 will commit the Applicant to the delivery of a total of 7.1 ha of publicly accessible open space comprising formal play areas, wildlife buffers and corridors and an enhanced planting scheme to strengthen the existing woodland tree belts and ensure the protection of the ancient woodland outside the Site.

Further to the above, the Applicant will be required to implement the upgrade of two off-site junctions at Main Street/Cleator Moor Road mini roundabout and A595 Egremont Road/Homewood Road roundabout prior to the expiration of 4 years after the first unit is completed, or occupation of the 100th and 200th dwellings respectively.

Consultation Responses

Whitehaven Town Council

Raise objections to the development on behalf of some residents who had expressed concerns over flooding, drainage, access and egress.

National Highways

Are satisfied that, in isolation, the proposed development would not result in there being a severe traffic impact upon the operation of the Strategic Road Network within the context of the governing DfT Policy Circular 02/2013.

Satisfied that a scheme could be delivered to mitigate the impact of the cumulative development at the A595 Egremont Road / Homewood Road; however, a detailed design to deliver the necessary mitigation has yet to be agreed. There remains a requirement for iterative discussions between the applicant and National Highways to agree the necessary works which can be secured via planning condition. The Applicant will need to demonstrate that the final design accords with internal design reviews and the overarching guidance contained within the Design Manual for Roads and Bridges, whilst ensuring that the role and operation of the A595 is maintained.

Has commented on the local network characteristics which could require enabling works outside of the current road boundary to accommodate the necessary scheme. The Applicant's consultants have been made aware of this and whilst there is an inherent cost risk to the Applicant, welcome the opportunity to review and agree the necessary mitigation to discharge the condition and allow the full build out to be implemented.

Cumbria County Council – Highways

No objections to the proposed development subject to a Section 106 Agreement securing a Travel Plan monitoring fee of £6600 and the inclusion of planning conditions requiring the following:

- No more than 100 dwellings shall be occupied until the junction modifications for the Main Street / Cleator Moor Road Junction are completed;
- No dwelling be occupied until the access and parking requirements for each dwelling have been constructed;
- The submission and approval of a Travel Plan within 6 months of occupation and implementation of approved measures;
- The submission, approval and implementation of a Construction Method Statement;
- The submission, approval and implementation of a Construction Traffic Management Plan; and,
- The provision of visibility splays of 2.4m x 63m.

Cumbria County Council – Education Authority

There will be sufficient capacity within existing schools for the estimated primary and secondary yield from the proposed development.

No contribution for school transport will be sought as there are sufficient safe walking routes in the vicinity of the Site.

Cumbria County Council – Local Lead Flood Authority (LLFA)

The Flood Risk and Drainage Assessment demonstrates that an adequate drainage system can be achieved without increasing flood risk to the Site or adjacent land in particular the culverted watercourse to the eastern catchment; however, further information is required to ensure the drainage of the development is completed in a sustainable manner.

A pre-commencement planning condition is proposed to secure a detailed surface water drainage scheme in accordance with the hierarchy of drainage options and Non-Statutory Technical Standards for Sustainable Drainage Standards 2015 or replacement standards, including a condition survey of the culverted sections of Bedlam Gill and management scheme.

A pre-commencement planning condition is also requested to secure a Construction Surface Water Management Plan.

Cumbria County Council – Historic Environment Officer

The completed desk-based assessment and geophysical survey indicate that the construction of the proposed development is likely to disturb a number of archaeological assets. The surveys have provided further information on the character of these assets and shows that it is very unlikely they are so significant that provisions should be made to secure their preservation. Instead, the assets are of sufficient worth to warrant mitigation by the implementation of a scheme of archaeological investigation and recording, in the event planning consent is granted.

It is recommended that in the event that planning consent is granted, pre-commencement planning conditions should be imposed securing further archaeological investigation and recording in advance of development.

The Coal Authority

No objections.

Adequate assessment of the coal mining risks associated with this Site has been carried out to demonstrate that the Site is or can be made safe and stable for the development proposed.

A pre-commencement planning condition is proposed to require the submission, approval and implementation of a scheme of intrusive site investigation to properly assess the ground conditions on the Site and establish the risks posed to the development by past coal mining activity and an associated scheme of remediation/mitigation.

United Utilities

No objection.

The proposals are acceptable in principle subject to completion in accordance with the principles outlined in the submitted Flood Risk and Drainage Assessment. It is confirmed that no surface water will be permitted to drain directly or indirectly into the public sewer.

Pre-commencement planning conditions are proposed to secure a detailed surface water drainage scheme and a management and maintenance regime.

Natural England

Agree with the conclusion of the submitted Habitats Regulations Assessment (HRA) that there will be no impact on the site integrity of the Solway Firth SPA subject to mitigation – the provision of homeowner packs and additional signage – which should be secured through Condition.

Advise that the recommendations in the submitted Ecological Appraisal be secured.

Environment Agency

Land Contamination

The submitted Phase 1 National Quality Mark Scheme (NQMS) identifies the previous use of the Site as overlying potential mined coal seams, an infilled quarry site containing potentially waste materials and mounds of unknown materials on the Site.

The previous use presents a high risk of contamination that could be mobilised during construction to pollute controlled waters, which are particularly sensitive in this location due to the location upon a Secondary Aquifer A.

The submitted Phase 1 NQMS provides confidence that it will be possible to suitably manage the risk proposed to controlled water by this development; however, further information will be required before built development is undertaken.

No objection subject to the imposition of a pre-commencement planning condition requiring the submission, approval and implementation of a remediation strategy.

Flood Risk

The submitted Flood Risk Assessment demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified.

Copeland Borough Council – Flood and Coastal Defence Engineer

Flood Risk

The Flood Map for Planning shows the entire proposed development lies in Flood Zone 1.

Flood Zone 1 comprises land assessed as having a less than 0.1% annual probability of river or sea flooding.

All uses of land are appropriate in this zone.

Surface Water Drainage

The existing Site exhibits poor drainage characteristics due to clayey soils. There is a lot of evidence of surface flows and standing surface water, although these are not significant in depth. Properties adjacent to proposed development have reported problems of surface water and groundwater, which have never been resolved.

No objection to the development, provided that the proposed development can improve the identified drainage matters and control off site discharges into watercourses to greenfield run off for a 1 in 100 event including a 40% allowance for climate change.

Any surface water drainage strategy should, in addition to reducing flood risk bring additional watercourse, environmental and ecological improvements.

Copeland Borough Council – Arboriculturalist

An Arboricultural Report by TEP has been submitted with the application. This report states: 'The scheme proposes to construct houses on agricultural land. Fifteen groups of trees (G1-G15), 1 woodland compartment (W1) and 4 hedges (H1-H4) were recorded within influencing distance of the site.'

It goes on to say: 'Midgey Wood (Woodland W1) is mature woodland classified as Ancient and Semi-Natural Woodland (ASNW). This woodland is outside but adjacent the application boundary and poses a significant influence on the site. The wood is predominantly composed of oak, sycamore and birch with an understorey of yew and holly.'

The current plans do not show the impact of the proposed development layout on the trees.

A proposed landscape scheme has not been submitted with the application.

We recommend attaching a condition to any planning permission requiring the submission of an Arboricultural Impact Assessment and Tree Protection Plan for the proposed site layout.

This should include details of the impacts of the proposed development layout on the trees.

The Impact Assessment should also demonstrate a 15m minimum separation from the adjacent ASNW – Midgey Wood – as recommended in the TEP Arboricultural Report.

We also recommend a comprehensive Landscaping scheme is submitted prior to commencement of any construction.

Copeland Borough Council – Housing Officer

Fully supportive of the proposal to develop the Site.

The proposed housing mix will provide much-needed executive homes. The mix of detached and semi-detached housing including bungalows will attract and retain families and workers within Copeland.

The provision of one-bedroom dwellings is welcomed as this is something we lack in Whitehaven and our housing need survey showed a strong interest in flat/1 bed dwellings, reflecting the younger age profile and newly forming households.

Almost 80% of people who are currently on the Copeland Borough Council affordable sale register have expressed an interest in Whitehaven and so welcome the provision of 15% of affordable housing; however, would like this figure to be higher i.e. full 25% and provision should not fall below 20%. The rationale for there being no affordable or social rented properties is understood; however, this should be delivered if possible.

Copeland Borough Council – Environmental Heath

No comments received.

Sports England

Sport England's role in this consultation is as a non-statutory consultee.

The Council does not currently have a robust policy position or sufficiently up to date evidence from which to secure developer contributions towards the provision and maintenance of sport and leisure facilities from the new population and will not seek a developer contribution to meets the sports needs of the new population.

The Applicant has confirmed that they are willing to provide a contribution of £100,000 based on the costs of recreating a new football pitch similar dimensions to that at Harras Moor. Sport England has verified the figure against its 1st Quarter 2022 Facility Cost Update and is satisfied that the figure is calculated fairly and reasonably from up-to-date costings.

It is acknowledged that there would be no creation of new playing field land from the mitigation offered; therefore, the mitigation offered is not policy compliant.

Two projects have been identified as potential recipients for the contribution. One is improvements to the rugby pitch at Moresby Rugby Club, and the other is the new hockey pitch at the Whitehaven Academy.

Sport England has sought comments on the specific projects from the by the relevant National Governing Bodies, RFU and England Hockey. Both projects have their support, but on balance err in favour towards the Whitehaven Academy project.

The project at Whitehaven Academy, granted planning permission on 6th June 2022, is evidenced by the lack of hockey facilities in Copeland since the conversion of the Cleator Moor AGP to 3G has the potential for wider benefit for a range of sports, and would deliver a project that meets the needs for school and community sport. This is therefore the most logical to receive the developer contribution.

Although the mitigation is not policy compliant, it is considered that provided the developers offer can be secured through an appropriate means, raise no objection to the application.

Friends of the Lake District / Campaign to Protect Rural England Cumbria Association

Landscape

The preparation of a Landscape and Visual Impact Appraisal (LVIA) is welcomed and broadly agree with the conclusions that the development, as proposed in this outline application, will not have significant adverse impacts on the Lake District National Park, the English Lake District World Heritage Site or the landscape character of the local area.

There is scope however for local and wider visual impacts. In general, the proposal reflects the guidance set out in the Cumbria Landscape Character Guidance and Toolkit for the relevant character areas. Nevertheless, in terms of landscape and visual impacts, it is important that the final design of the scheme layout and of the individual dwellings is also seen as an opportunity for mitigation impacts on landscape character and visual amenity – this is not properly identified in the LVA.

The requirements for conserving and enhancing the natural environment set out in the National Planning Policy Framework (NPPF), relevant to landscape appraisal are more extensive than those listed in the LVA.

Green Infrastructure and Open Space

The Site contains land that has Urban Green Space protection in the Copeland Local Plan and also contains areas of Priority Habitat and significant mature tree belt.

Welcome the proposed approach to green infrastructure, including the retention and protection of the Urban Green Space, Midgey Wood (Ancient Woodland), the retention of the significant tree belts and other existing wooded areas and the connectivity between.

Also welcome the proposed provision of open spaces within the scheme, including the recognition that these can perform multiple functions with benefits for biodiversity, surface water management and recreation amongst others. The NPPF requires net gains for the natural environment. There is scope within the scheme for gaps in the green infrastructure network to be connected and greater opportunities for quantitative and qualitative (aesthetic and functional) enhancement

Whilst it is proposed for protection, the application does not appear to explicitly mention the presence of Priority Habitat (Deciduous Woodland) on the Site.

The fact that the Site lies in a Site of Special Scientific Interest Impact Risk Zone should also be given proper consideration.

Access

Welcome the level of access and permeability proposed for pedestrians and cyclists; however, are concerned that although these are clearly indicated on the Draft Illustrative Masterplan, many seem blocked off in the Illustrative Layout, whilst they are referred to as 'potential' and 'possible' in other documents in the application.

It is also of concern that the Planning Statement (Access and Transport section) refers only to vehicular access rather than seeking to explore opportunities for and emphasise the importance of sustainable methods of transport.

The Woodlands Trust

Acknowledge that the proposals are currently at outline stage but highlight that it is important that Midgey Wood is appropriately considered during the early stages of the design.

The applicants have provided a 15m buffer zone, however the Standing Advice does state that: *"Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."* We consider that due to the size and nature of the proposed development, a larger buffer zone of 20m would be more appropriate in this instance.

Copeland Borough Council – Development Plans

Copeland Local Plan 2021-2038

Development of the Emerging Local Plan

The Council is in the process of producing a new Local Plan to replace the Core Strategy. This will cover the period 2021-2038.

The Copeland Local Plan Publication Draft was agreed by Full Council on 7th December 2021 and a public consultation took place between January and March this year. The Policy Team have reviewed all responses received and will submit the Local Plan in September 2022.

Weight of Emerging Policies

The weight emerging policies can be given is determined by:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 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);

- 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).

The Strategic Planning Team disagrees with paragraph 4.36 of the Planning Statement which states that the emerging policies can be given “very limited weight”. The Local Plan is at an advanced stage, having been through several rounds of consultation and is due to be submitted to PINS shortly. All emerging policies are considered by the Council to be consistent with the NPPF unless otherwise stated. The weight policies can be given is therefore dependent upon the significance of objections they have received. The Council has produced a “Traffic Light Document” which sets out how many objections have been received to each policy, and the significance of each.

Accordance with relevant emerging policies

The most relevant policies to the application are:

Policy	Policy Team Comments
Strategic Policy DS2PU Reducing the impacts of development on Climate Change	<i>At Reserved Matters stage, the applicant(s) should consider how measures to reduce the impact of the proposal on climate change can be incorporated into the development.</i>
Strategic Policy DS3PU Settlement Hierarchy; Strategic Policy DS4PU Settlement Boundaries	<i>The proposal is within the settlement boundary of the Principal Town and therefore complies with policies DS3 and DS4.</i>
Strategic Policy DS5PU Planning Obligations	<i>The Council may wish to seek developer contributions under this policy, particularly in relation to the off-site highway improvements, drainage biodiversity net gain, open space and sports provision.</i>
DS8PU Reducing Flood Risk, DS9PU Sustainable drainage	<i>The application states that any discharge will be at a rate no greater than existing greenfield run off, as required by policy DS8. The proposed greenspaces will also help reduce flood risk.</i> <i>A sustainable drainage system (SuDS) is proposed which will also have additional benefits for biodiversity. Policy DS9 prioritises the use of sustainable drainage systems.</i>
DS10PU Soils contamination and land stability	<i>A Soil Resource Plan which will set out how any adverse impacts upon soils can be avoided or mitigated should be submitted prior to the commencement of development. Further info can be found in the following DEFRA document:</i> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf

	<p><i>The Planning Statement highlights that a condition relating to ground surveys will be required.</i></p>
<p>Strategic Policy H1PU Improving the Housing Offer; Strategic Policy H2PU Housing Requirement; Strategic Policy H3PU Housing delivery; Strategic Policy H4PU Distribution of Housing; Strategic Policy H5PU Housing Allocations</p>	<p><i>The proposal would deliver housing on an allocated housing site (Site HWH5). The site is located within the Principal Town of Whitehaven and development will help ensure the town delivers its target share of housing in the borough (40%). It will also contribute to the overall housing requirement of delivering 146 dwellings per annum over the Plan period.</i></p> <p><i>Consideration should be given to the relevant Site Profile (Local Plan Appendix F) which supports the allocation.</i></p>
<p>Policy H7PU Housing Density and Mix</p>	<p><i>The latest SHMA document was produced in October 2021. At Reserved Matters stage the applicant should demonstrate how their proposal meets the local housing needs and aspirations set out in the SHMA in terms of house type, size and tenure.</i></p>
<p>Strategic Policy H8PU Affordable Housing</p>	<p><i>The policy requires at least 10% of dwellings on sites over 10 units or more to be affordable. 60% of those dwellings should be made available for affordable or social rent and 40% affordable home ownership. 25% of the affordable homes for ownership should be First Homes as defined by the NPPF. This tenure split is based upon evidence from the SHMA which suggests that access to deposits is a particular issue in the borough therefore requiring 100% affordable home ownership would prejudice certain groups facing such problems. Alternative tenure splits will be considered in certain cases listed in the policy.</i></p> <p><i>The application states that 15% of the housing proposed (56 out of 370) will be affordable. This is welcomed.</i></p>
<p>Strategic Policy N11PU Protected Green Spaces</p>	<p><i>The western section of the site (equating to approximately 4.2 hectares) is identified as Protected Open Space. Approximately 2 hectares of this will be retained.</i></p> <p><i>The policy requires that such spaces will be protected from development unless equivalent replacement provision of the same or better quality is provided. The proposal provides a number of pockets of publicly accessible open space which equates to 7.1 hectares in total. The proposal therefore complies with the requirements of the policy. Newly created green spaces may be considered for future protection in line with paragraph 15.15.15.</i></p>

<p>Strategic Policy SC3PU Playing Fields and Pitches</p>	<p><i>The site currently contains a playing field with a single grass pitch which the Open Space Assessment identifies as being of poor quality. The pitch is poorly connected to existing residential areas, has no ancillary facilities and has not been used or maintained for over 5 years.</i></p> <p><i>Policy SC3 has received objections and requires modifications to bring it in line with the wording in NPPF paragraph 99. Given this it can be given limited weight.</i></p> <p><i>NPPF Paragraph 99, criterion b allows the loss of a playing field where “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;”</i></p> <p><i>In this case, the applicant has provided a Sports Mitigation Strategy to demonstrate conformity with the NPPF. This sets out how a commuted sum will be provided to enable the development of improved sports facilities (which will be open to the community) at Whitehaven Academy. The facilities include an artificial hockey pitch (sand based), an artificial grass pitch and hardstanding tennis/netball courts. These facilities will ensure provision for hockey in the borough is maintained following the recent loss of the sand-based pitch at the Cleator Moor Activity Centre.</i></p> <p><i>In terms of the latest Playing Pitch Strategy (which is currently being updated) this concludes that “There is insufficient supply (of grass pitches) to meet the projected level of future demand in the study area for football.” The proposal therefore conflicts with PPS Recommendation F1 that promotes the protection of grass football pitches in the borough. Through enabling the development at Whitehaven Academy however, the proposal supports recommendations F2 and F4 in relation to football and a number of the recommendations relating to hockey.</i></p> <p><i>In summary whilst the proposal results in the loss of a grass football pitch, the pitch is of poor quality and the proposal will enable more and better sports provision in close proximity to the site. It therefore accords with NPPF paragraph 99 and Policy SC3 criterion iii.</i></p>
<p>Strategic Policy N1PU Conserving and Enhancing Biodiversity and Geodiversity</p>	<p><i>The application demonstrates that there will be no likely adverse effects on National Site Network sites. A number of ecological enhancements are also proposed including wildlife corridors and ponds and opening up of culverts.</i></p>

<p>Strategic Policy N3PU Biodiversity Net Gain</p>	<p><i>The applicant has carried out a Biodiversity Net Gain Assessment. This shows that the development, even following on site enhancements, will result in a loss of biodiversity units. There will however be an increase in hedgerow provision which is welcomed.</i></p> <p><i>Given this the applicant is proposing to provide off-site net gain through a commuted sum and Policy N3 would support this. The priority for spending any contribution should be on sites identified within the Local Nature Recovery Strategy.</i></p> <p><i>The enhancements listed within the Tetrattech document and in paragraph 5.68 of the Planning Statement should be implemented as part of the development.</i></p>
<p>Strategic Policy N6PU Landscape Protection</p>	<p><i>The Settlement Landscape Assessment supporting the Local Plan identifies the site as falling primarily within the urban fringe landscape character type. The SLCA identifies opportunities to better define the edge of the settlement in this area. It also identifies the green space to the east of the Loop Road South (the southern section of this site) as forming part of the hillside setting of the town. The application drawings suggest that this area will be retained as open space.</i></p>
<p>Strategic Policy CO4 Sustainable Travel</p>	<p><i>The application includes a Transport Assessment and several technical documents which identify that the development will not lead to unacceptable highway impacts. The applicant recognises that the proposal will increase capacity at two key junctions and is proposing off site highway improvements to address this issue. The site was not considered through the Transport Improvement Study supporting the Local Plan as the applicant has considered highways through this application.</i></p>

Consideration also needs to be given to policies DS1, DS6, DS7, DS11, H6, SC1, N5, N13, CO1, CO5 and CO7. Future Reserved Matters applications/masterplans for the site should maintain and carry forward the good design principles suggested in the indicative plan.

NPPF

At the heart of the NPPF is a presumption in favour of sustainable development, this means that proposals that accord with an up-to-date development plan should be approved without delay.

The NPPF has been updated since the application was submitted and the latest version, produced in 2021, should be considered when determining the application.

Summary

The Strategic Planning Team supports the proposal providing the necessary developer contributions are sought to mitigate the impacts of development. Measures should be put in place to ensure that any future Reserved Matters applications (likely to be submitted by several different developers) implement the high standards proposed in this application avoiding piecemeal, uncomplimentary developments.

Public Representations

The application has been advertised by way of site notices, a press notice and neighbour notification letters issued to 688 no. properties. Re-consultations on the application have been carried out following receipt of amended application documents in 2019, 2021 and 2022.

In 2019, the following was received:

- 1no. representation received in support.
- 45no. representations received in objection.
- A petition containing 105no. signatures received requesting that the application be referred to the Planning Panel.

In 2021/2022, the following was received:

- 102no. representations received in objection.
- 8no. representations received in support.

The material planning issues raised in the representations are summarised below:

General

The amendments proposed are minimal.

The planning application should have been reconsidered by the Members within 1 month and not 3 years.

Principle

The planning application is opportunistic and driven by a lack of a coherent housing strategy from Copeland Borough Council.

The emerging Copeland Local Plan has a significantly reduced housing target.

The proposed development is excessive in scale and overly intensive for this location.

There is no need for the scale of the development proposed.

There is no need for more executive homes.

Sufficient houses have already been approved in Whitehaven and Cleator Moor.

The development will result in the loss of important greenspaces.

The development will result in additional pressure on existing public services including the hospital, G.P.s surgeries and schools, which are at capacity.

The development offers a rare opportunity for good quality self-build plots for people who would like to build family homes in the area.

The development is not sustainably located in relation to public transport. The nearest bus stop is 700m from the Site. There are no direct cycling routes/links. The local amenities within walking distance are accessible via steep hills.

There is no need to release what comprises a Greenfield site, when alternative brownfield sites exist.

The development is unlikely to be viable and therefore deliverable.

The development would result in the loss of public open space and recreation areas.

Land valued by the local community will be lost.

Landscape and Ecology

The development will result in landscape and visual impacts and adversely impact upon the character of the wider locality.

The development represents urban sprawl, joining the Highlands and Red Lonning estates.

Insufficient open space is proposed.

The development will result in displacement of wildlife and prevent wildlife from crossing the land.

The development will result in the loss of existing important hedgerows.

The development will impact upon protected and priority species that exist on the Site.

The inclusion of a buffer zone around the ancient woodland is supported. Additional planting and fencing around the Ancient Woodland will provide additional protection.

Bats are known to exist on the Site.

Any landscaped buffer should be deciduous and coniferous to provide a suitable early barrier.

The development will result in harmful impacts on the outlook to the sea.

Flood Risk and Drainage

Surface water flood risk is a known issue at the Site and results in regular flooding of surrounding properties.

The existing watercourses are poorly maintained and result in localised flooding. The proposed development will exacerbate this issue.

The development will result in increased flood risk to adjacent properties.

Surface water drainage ponds pose potential safety risks for children.

There has been insufficient testing of the drainage proposals.

The Environment Agency is not aware of the flooding issues on the Site as the watercourse is managed by local residents who regularly unblock culverts.

Adequate sewage facilities do not exist to serve the development.

Highways

The highway network is substandard and does not have sufficient capacity to serve the proposed development.

The development will exacerbate the existing known traffic and parking issues at St. Benedict's School.

The increase in vehicle traffic detailed within the application documentation is understated and does not reflect the number of dwellings proposed and known car reliance within Whitehaven.

A pedestrian footpath is planned to come on to the A595 where no pedestrian crossings exist and is an accident blackspot.

The proposed development will result in the creation of traffic rat runs through the Site from the Highlands and Red Lanning estates.

The lack of connections between the proposed development and Hillcrest Estate is supported.

Harras Road has a history of road collisions and does not have the capacity to accommodate additional traffic.

Improvement of roundabouts on A595 will not resolve the key highway issues.

The proposed junctions on Harras Road and Caldbeck Road are not safe.

No improvements are outlined for the proposed junctions at Harras Road and Caldbeck Road. All traffic will continue to turn left down Harras Moor Hill.

The traffic surveys submitted in support of the planning application were completed at unsuitable times and are not representative of the real conditions.

The development will impede access by/for emergency vehicles.

The development will create rat runs through the adjacent estates.

The existing Public Rights of Way will be destroyed.

The completion of travel surveys after the occupation of 50% of the dwellings is no appropriate.

The junction of Harras Road with Solway View is unsafe.

The development will result in 1000+ additional car movements.

The assessment of highway impacts should include the proposed development on Leaconfield Industrial Estate and all other proposed/approved housing developments.

It is believed that there will be future proposals to create a vehicular link through the Highlands.

Residential Amenity

The development will result in harmful impacts through noise generation during construction and traffic generation and additional light pollution.

The development will result in 1000+ additional residents, which is too many for this area.

The development would result overlooking, loss of daylight and overshadowing of existing dwellings.

The illustrative layout includes numerous areas with high potential for antisocial behaviour.

The development will result in additional light pollution.

The creation of open spaces to the rear of existing dwellings will result in antisocial behaviour and security issues.

Heritage Impacts

The Site has archaeological potential including the presence of an ancient stone circle.

Planning Policy

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

Development Plan:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP) Saved Policies:

Policy HSG2 – New Housing Allocations

Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (ELP).

The emerging Copeland Local Plan 2017-2038 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations.

As set out at Paragraph 48 of the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the Framework.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Policy DS1PU - Presumption in favour of Sustainable Development
Policy DS2PU - Reducing the impacts of development on Climate Change
Policy DS3PU - Settlement Hierarchy
Policy DS4PU - Settlement Boundaries
Policy DS5PU - Planning Obligations
Policy DS6PU - Design and Development Standards
Policy DS7PU - Hard and Soft Landscaping
Policy DS8PU - Reducing Flood Risk
Policy DS9PU - Sustainable Drainage
Policy DS10PU - Soils, Contamination and Land Stability
Policy DS11PU - Protecting Air Quality
Policy H1PU - Improving the Housing Offer
Policy H2PU - Housing Requirement
Policy H3PU - Housing delivery
Policy H4PU - Distribution of Housing
Policy H5PU - Housing Allocations
Policy H6PU - New Housing Development
Policy H7PU - Housing Density and Mix
Policy H8PU - Affordable Housing
Policy SC1PU - Health and Wellbeing
Policy SC3PU - Playing Fields and Pitches
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic
Policy N2PU - Local Nature Recovery Networks Strategic
Policy N3PU - Biodiversity Net Gain
Policy N5PU - Protection of Water Resources
Policy N6PU - Landscape Protection
Policy N9PU - Green Infrastructure
Policy N10PU - Green Wedges
Policy N11PU - Protected Green Spaces
Policy N12PU - Local Green Spaces
Policy N13PU - Woodlands, Trees and Hedgerows
Policy BE3PU - Archaeology
Policy CO4PU - Sustainable Travel
Policy CO5PU - Transport Hierarchy
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Assessment

Principle of Development

Policy ST2 of the CS identifies Whitehaven as the *Principal Service Centre*.

Policy ST2 of the CS states that the Principal Service Centre will comprise the focus for the largest scale development, regeneration and important development opportunities. This includes *allocations in the form of estate-scale development where appropriate and could involve extensions to the town's settlement boundary*.

Policy SS1 of the CS states *the Council will work to make Copeland a more attractive place to build homes and to live in them, by allocating housing sites to meet local needs in locations attractive to house builders and requiring new development to be designed and built to a high standard*.

Policy SS2 of the CS states that *house building to meet the needs of the community and to accommodate growth will be provided for by: allocating sufficient land for new housing development to meet identified requirements within the Borough; allocating land in accordance with the following housing targets: i) A baseline requirement, derived from projected household growth, of 230 dwellings per year ii) Provision for growth 30% above that, to 300 dwellings per year; seeking densities over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding areas as well as design considerations; and, seeking to achieve 50% of new housing development on previously developed sites*.

Policy HSG2 of the LP allocates land for housing purposes.

The following comprise policies of the Emerging Copeland Local Plan (ELP).

Policy DS3PU of the ELP continues to identify Whitehaven as the *Principal Town*.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that *development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise*.

Policy H1PU of the ELP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: *allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.*

Policy H2PU of the ELP outlines the *housing requirement is for a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2038 and that In order to plan positively and support employment growth over the Plan period, the Plan identifies a range of attractive allocated housing sites, which when combined with future windfall development, previous completions and extant permissions, will provide a minimum of 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.*

Policy H4PU of the ELP outlines that 40% of new housing development will be located within Whitehaven.

Policy H5PU of the ELP allocates land for housing purposes.

The Application Site is located within the defined settlement boundary of Whitehaven, where new housing development is supported.

The Application Site includes Housing Allocation Ref. HA1 (6.6Ha) and Housing Allocation Ref. HA2 (0.7Ha) as identified in Policy HSG2 of the LP which establishes the principle of residential development on this land.

Housing Allocation Ref. HWH2 as identified in Policy H5PU of the ELP proposes to continue and extend the allocations in the CS.

Open Space and Sports Provision

Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy SS4 and Policy DM12 of the CS seeks to resist the loss of land or buildings belonging to existing sports facilities where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

Policy SC3PU of the ELP states that proposals affecting playing fields will only be permitted where one of a defined list of criteria are met unless one of a defined list of exceptions applies.

Policy N11PU of the ELP identifies Protected Green Spaces which are of a high quality and/or value and states that the loss of such Protected Green Spaces will be resisted unless equivalent replacement provision of the same or better quality is provided within the same settlement.

An area to the east of Loop Road South and the former recreation/sports area to the South of Red Lonning Industrial Estate are identified as Protected Green Spaces in Policy N11PU of the ELP. The Copeland Borough Council Open Space Assessment identifies the areas as amenity greenspaces.

An Illustrative Masterplan has been submitted that demonstrates how a development could be delivered that maintains the area to the east of Loop Road South identified as an Urban Greenscape Protection area in the CS as open space; however, the remaining area identified as Protected Green Spaces in Policy N11PU of the ELP is identified as developed. The former recreation/sports area to the South of Red Lonning Industrial Estate is also identified as developed.

The Illustrative Masterplan identifies the delivery of a total of 7.1 ha of publicly accessible open space comprising formal play areas, wildlife buffers and corridors and an enhanced planting scheme to strengthen the existing woodland and ensure the protection of the woodland outside the Site. This reasonably delivers equivalent replacement provision of better-quality open space than currently exists and makes these spaces accessible improving their community value.

In respect of the loss of the recreation/sports area to the South of Red Lonning Industrial Estate, this area has not been utilised for a prolonged period, however despite this it is considered a “playing field” by Sport England. The proposed development would result in the loss of the existing playing field and so is required to be assessed against paragraph 99 of the NPPF and the criteria of Policy SC3PU of the ELP. In respect of paragraph 99 of the NPPF, a Sport Mitigation Strategy has been submitted by the applicant to assess the loss of the existing playing field and propose replacement of the existing facility by way of upgrade to an equivalent / improved provision elsewhere within Copeland. In respect of the listed exceptions, the Applicant has confirmed that they are willing to provide a contribution of £100,000 to mitigate against the loss of the playing field. This figure is based on the costs of recreating a new football pitch similar dimensions to that at Harras Moor.

Sport England has verified the figure against its 1st Quarter 2022 Facility Cost Update and is satisfied that the figure is calculated fairly and reasonably from up-to-date costings.

It is acknowledged that there would be no creation of new playing field land from the mitigation offered; therefore, the mitigation offered is not wholly compliant with the listed exceptions in Policy SC3PU of the ELP. It is important to note that draft Policy SC3PU should only be afforded limited weight at this stage and as such the Sport England Policy, and

accordingly Sport England's position, on the mitigation of the loss of the playing field should take precedence.

Two projects have been identified as potential recipients for the contribution. One is improvements to the rugby pitch at Moresby Rugby Club, and the other is the new hockey pitch at the Whitehaven Academy. Sport England has sought comments on the specific projects from the by the relevant National Governing Bodies, RFU and England Hockey. Both projects have their support, but on balance err in favour towards the Whitehaven Academy project.

The project at Whitehaven Academy, granted planning permission on 6th June 2022, is evidenced by the lack of hockey facilities in Copeland since the conversion of the Cleator Moor AGP to 3G has the potential for wider benefit for a range of sports, and would deliver a project that meets the needs for school and community sport. This is therefore in the opinion of Sport England the most logical to receive the developer contribution.

Although the mitigation is not policy compliant, it is considered that provided the developers offer can be secured through an appropriate means, Sport England have confirmed that they raise no objection.

In terms of wider sports provision, the Council does not currently have a robust policy position within the ELP or sufficiently up to date evidence base from which to secure developer contributions towards the provision and maintenance of sport and leisure facilities from the new population and so cannot reasonably seek a developer contribution in relation to this matter.

Housing Need and Housing Mix

Policy SS3 of the CS states that *applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone. It is confirmed that development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority.*

Policy H7PU of the ELP states that: *developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that 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 mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest*

Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 (SHMA). The SHMA suggests a particular focus on the delivery of two and three bedroom (75%) and some 4+ bedroom houses (20%) semi-detached and detached houses. It is stated that the Council should also consider the role of bungalows. The Copeland Housing Officer highlights the current lack of and strong interest in one bed dwellings, reflecting the younger age profile and newly forming households.

The application comprises an Outline Planning Application with all matters excluding access reserved; therefore, details of the housing mix etc. is reserved for subsequent approval; however, the illustrative plans submitted in support of the application demonstrates how a scheme of 370no. dwellings comprising a mix of detached, semi-detached, terraced houses and some apartments including one bed dwellings could be developed.

Officers have had some discussions with the Applicant regarding the viability of the scheme which has been backed up with evidence. The Applicant is proposing that 15% of the total number of proposed dwellings are to be affordable. It should be noted that 15% is the CS requirement and is higher than the ELP requirement for 10% affordable housing.

The Applicant is keen to develop a policy compliant scheme. The Site clearly holds the potential to deliver a mix of housing that accords with the need identified within the SHMA and the requirements of Policy SS3 of the CS and Policy H7PU of the ELP and is supported by the Copeland Housing Officer.

A Planning Obligation is proposed to secure the delivery of 15% of the proposed dwellings as affordable with the proposed tenure mix of the affordable dwellings to be secured at future reserved matters stages.

Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 of the CS states that *the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.*

Policy N6PU of the ELP states that *the borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of the borough's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value.* It is stated that *proposals will be assessed according to whether the proposed structures and associated landscaping relates 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 and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within the Type 00 Urban Area and Type 5 Low Land and Sub-type 5d Urban Fringe.

Copeland Landscape Settlement Study November 2021 identifies that the Application Site as being in an area where there is good integration between urban area and countryside with fingers of woodland and open space rising up the valley side from the town centre towards surrounding moorland. It is stated that HARRAS MOOR is a prominent, open hillside that connects residential areas to surrounding countryside and helps to define the edge of Whitehaven. The Application Site is identified as an area where there are opportunities to define the edge of the settlement and integrate the road corridor into landscape by development and structural landscape management and development should maintain strong landscape links connecting town centre with countryside.

A Landscape and Visual Appraisal (LVA) has been submitted in support of the planning application and provides an assessment of the effects of the proposed development.

The LVA concludes that negligible effects are anticipated upon the setting of Landscape Sub-type 5a Ridge and Valley at both construction and operational stages due to the distance and limited intervisibility between the site and landscape sub-type. Minor adverse effects are anticipated upon Landscape Sub-type 5d Urban Fringe within which the site is mostly located due to the direct change in landscape features and characteristics. Negligible effects are also anticipated upon the Urban Area due to the localised change within the wider context of the Urban Area.

Moderate adverse effects are anticipated to be experienced upon the open greenspace identified within the site area during the construction phase; however, these are anticipated to reduce to minor adverse at completion as the introduction of public open space within the development is anticipated to reasonably offset the loss.

Minor adverse effects are anticipated upon the existing woodland/woodland structure planting and hedgerows on the Site perimeter and within the Site as the majority of this would be retained. Moderate adverse effects are anticipated upon pastureland, rough grassland and scrub, and permissive footpaths within the site area as these would all experience direct adverse effects/loss of features due to the proposed development.

Visual effects experienced during the construction phase are anticipated to range from negligible for more distant viewpoint locations where the Site is viewed in context with the existing urban area of Whitehaven, to moderate adverse for locations located either in close proximity to or immediately bordering the site for the short to medium term.

Upon completion, major adverse visual effects are anticipated to be experienced by residential receptors immediately adjacent to the site because of the large extent of permanent change within the view that is anticipated and moderate adverse effects are anticipated upon road users. Either negligible effects or no effect are anticipated from other locations due to a combination of distance from the site and the presence of vegetation and buildings within the view.

As previously outlined, the Illustrative Masterplan identifies the delivery of a total of 7.1 ha of publicly accessible open space comprising formal play areas, wildlife buffers and corridors and an enhanced planting scheme to strengthen the existing woodland and ensure the protection of the woodland outside the Site.

In allocating the main of the Application Site for residential development in both the LP Saved Policies and ELP, it has been accepted that the landscape impact and settlement character impacts of residential development on this site is acceptable.

Ecology

Policy ENV3 of the CS and Policy N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1PU of the ELP defines a mitigation hierarchy.

Emerging Policy N3PU of the ELP states that net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference. It proposes a 10% biodiversity net gain (BNG) requirement over existing site conditions.

The proposed 10% BNG requirement in the emerging policy is in excess of the requirements set by the NPPF, which simply require development to achieve a positive BNG position. It should also be noted that the planning system is currently in a two-year transition period following the Environment Act coming into effect last November. The 10% BNG requirement is therefore not mandated yet. As such, it is not appropriate to insist on 10% BNG

An Extended Phase 1 Ecological Survey and associated surveys have been submitted in support of the application. A follow up Ecological Appraisal was carried out in 2021 to confirm that the habitat conditions on the site remain similar to that when the initial surveys were completed.

St Bees Site of Special Scientific Interest (SSSI) is located 1.7 km south-west from site. The proposed development site does not fall within the Impact Risk Zone of this SSSI for the residential development category.

The Solway Firth SPA is located 1.7 km west of the site and the River Ehen is located 5.3 km south-east from site. The Ecological Assessment report has recommended that a Habitat Regulations Assessment (HRA) be prepared to identify any likely significant effects upon European designated sites, either alone or in combination with other plans or projects.

A Shadow HRA has therefore been completed by the Applicant and subsequently reviewed by CBC and Natural England. Natural England have confirmed that they are satisfied with the conclusion of the Shadow HRA that there will be no impact on the site integrity of the Solway Firth SPA subject to mitigation comprising the provision of homeowner packs and additional signage which can be secured by planning condition.

There are no locally designated sites within the application boundary. There are five locally designated sites within 1km of the site including three County Wildlife Sites, one Local Geological Site and one Site of Invertebrate Significance.

The site is dominated by areas of grassland, with varying degrees of marshiness and botanical diversity. A number of the fields are edged with shelter belts of plantation woodland. A number of areas of the site were initially identified as having the potential to support protected or priority species including bats, badgers, red squirrels, amphibians, breeding and wintering birds.

The updated ecological survey for the scheme concludes that there are no ecological issues that would prevent the development of the Site subject to mitigation.

The Applicant has undertaken two sets of a biodiversity net gain assessment (BNG) of the site and commissioned a supporting Habitat Management Plan which will inform the subsequent reserved matters applications and sets the framework for future detailed proposals for enhancing and maintaining proposed and retained habitats across the site.

The BNG of the initially proposed masterplan shows a loss of 91.23 habitat units; however, the combination of changes to the Masterplan and habitat enhancements on site included in the Habitat Management Plan have reduced this loss to 48.53 habitat units.

Even with the additional retention and enhancement of biodiversity features on-site it has not been possible to get to a biodiversity net gain position (as required by the NPPF) therefore, the Applicant has confirmed that they are willing to provide a commuted sum to be used towards the off-site creation or enhancement of habitat to achieve a biodiversity net gain position.

The woodland, tree groups and hedgerows to be retained as part of the scheme make a positive contribution to the character of the area. The majority of the tree groups and the woodland are in good condition; however, some groups are in a much poorer condition, and these will be enhanced through implementation of the Habitat Management Plan submitted.

Midgey Wood is directly adjacent to the application boundary. It is partially designated an Ancient Woodland and in private ownership with the canopy and understory of the trees being readily visible from the site. Where adjacent to the Ancient Woodland, an undeveloped buffer of a minimum width of 20m from the woodland edge is proposed to be retained by the Applicant. This is above the Natural England guidance of 15m. Away from the ancient woodland designation a minimum buffer of 15m will be applied to Midgey Wood.

The woodland and retained groups of trees and hedgerows across the site will require robust protection from development activities by means of tree and hedge protection barriers. The location of the barriers can only be agreed once the reserved matters submitted for approval; however, tree and hedge protection will be required for all the trees on the site throughout the life of the development. Pre-commencement planning conditions are proposed to secure a Tree Protection Plan and Arboricultural Method Statement to ensure that the development can be completed without causing unnecessary harm to the trees and hedges.

The applicant has taken positive steps to minimise the loss of valuable habitats on site and increase opportunities for on-site habitat enhancement. The application accords with the NPPF requirement to achieve 'net gain' through both enhancements on-site and a developer contribution for off-site mitigation. The latter will be secured via S106.

Access and Highways

Policy DM22 of the DMP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.

In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The National Planning Policy Frameworks provides significant guidance in relation to transport and highways impact.

Paragraph 105 states that: *significant development should 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. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

Paragraph 111 states that: *development should only be prevented or 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.*

Access is not a reserved matter and full details have been submitted.

A Transport Assessment, Road Safety Audit and Travel Plan have been submitted in support of the planning application and provides an assessment of the highway impacts of the development.

It is proposed to serve the development via one access to HARRAS Road to the northeast and one access to Caldbeck Road to the south. The proposed junctions will be 5.5m wide with visibility splays of 2.4m x 63m based upon traffic speed surveys and the requirements of

Cumbria County Council Highways. Each access will include a 2m footpath which will service the internal layout of the development.

The Site is located within the 1km and 2km walking catchments and the 5km cycling catchment of a wider range of local services and amenities including recreation, retail, education and employment opportunities. The Site is located within 700m of a regular bus service.

A Travel Plan is proposed that seeks to deliver modal use that at least matches the remainder of residential developments in Whitehaven.

Pursuant to the Planning Panel on 18 September 2019 and to give due regard to the concerns raised by Members, the Council instructed an independent review of the Applicant's highways reports. This review was carried out by the transport consultancy Arup. The draft findings of this independent review was circulated to Members and a meeting held on the 13th of November 2019 where a representative from Arup presented the findings of the review to Members and then the Members discussed the highways implications in detail with the representative from Arup. A copy of the report from the independent review is appended to this Planning Panel Report for ease of reference.

The independent review found that the scope of the assessment was sufficiently detailed and was consistent with best practice. It stated that Highways England and CCC Highways had been engaged in scoping the report. Furthermore, the methodology and data used for assessing traffic and highway safety impacts were found to be appropriate.

The two access points proposed for the site were also confirmed to be appropriate for the scale of development proposed.

The independent review by Arup therefore came to the same conclusion as the Applicant's highway consultant, CCC Highways Officers and Highways England in that the development will not lead to unacceptable impacts.

Further to the above, the Applicant has also undertaken additional work to address the concerns raised at the Planning Panel meeting held 18th September 2019.

Responding to the question of whether a bus operator could be funded to provide a public service from the site, the Applicant has assessed accessibility of the site in line with Chartered Institution of Highways and Transportation (CIHT) Guidelines for the Planning of Public Transport for Development. The site is served by a regular bus service that provides good connections to surrounding areas including Whitehaven town centre. This service can be caught within a 700-metre walk from the centre of the Site, with half hourly frequency on weekdays and Saturdays, which accords with necessary accessibility standards.

.

The Transport Assessment and supporting highway technical notes have undertaken a full review of the local highway network in relation to the potential development of this site for up to 370 dwellings, which included detailed modelling exercises of all nearby junctions and

roads likely to be affected. All but two junctions would continue to operate within capacity post development, even without any highway mitigation works.

The two junctions that are identified as likely to operate above capacity post development are the Main Street/Cleator Moor Road mini roundabout and A595 Egremont Road/Homewood Road roundabout.

These junctions would operate above capacity by 2028 even without the proposed development. The Applicant is proposing off-site highway improvements to the above junctions as agreed with National Highways and Cumbria County Council which can be secured via planning condition. It is demonstrated that there will be projected reduction in queuing traffic once the mitigation has been completed.

The ELP sets out the Council's aspirations for contributions for highway improvement works in the Harray Moor area, within its supporting Infrastructure Delivery Plan (IDP); however, limited weight can be given to the policies at this time.

Based upon the advice of the relevant consultees and the conclusions of the independent review, subject to the mitigation proposed, the proposed development will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

Flood Risk and Drainage

Policy DM11 of CS and Policy DS9PU of the ELP requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

Policy DM24 of the CS and Policy DS8PU of the ELP seek that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

A Flood Risk Assessment and Drainage Assessment has been submitted in support of the planning application.

The Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Flood Risk and Drainage Assessment demonstrates that an adequate SuDS based surface water drainage scheme can be achieved to existing watercourses utilising a scheme of attenuation without increasing flood risk to the Site or adjacent land. Additionally, it is proposed to open up and improve the existing watercourse in order to create new blue corridors within the development and enhance the existing ecology and biodiversity, whilst managing the surface water run-off.

The proposed drainage strategy seeks to divide the Site into two surface water drainage catchments, to the east and west of the site. The eastern catchment will drain to the

culverted watercourse under Balmoral Road; whereas the western catchment will drain to Midgey Gill. Discharge rates into these watercourses will be restricted to the greenfield run-off rate of the impermeable areas of the site. This strategy enables the delivery of a phased development as it provides several attenuation features that can be constructed as the phases of the development are progressed. The drainage strategy has been amended to set out two options for draining the western catchment, to provide greater flexibility in the proposed drainage design.

The proposed drainage strategy accords with the national drainage hierarchy and includes SuDS features. It should be noted that by formalising the surface water drainage flows within the site (allowing for the ability to capture and direct extreme flows and discharge at an appropriate rate) and ensuring these are well maintained; the development will provide more reliable management of surface water flood risk arising from the site for nearby properties.

Cumbria County Council – LLFA and Copeland Borough Council – Flood and Coastal Defence Engineer have been consulted and both raised no objection subject to the imposition of pre-commencement planning conditions securing a detailed drainage scheme and management scheme and a construction surface water management plan.

Residential Amenity

Policy ST1 of the CS includes provisions requiring that development provides or safeguards good levels of residential amenity and security.

Policy H6PU of the ELP requires that in respect of new housing development, an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sun lighting and daylighting.

Policy DS6PU of the ELP includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.

A Noise Assessment has been submitted in support of the planning application.

The Noise Assessment considers the potential for the development to cause or be impacted by any sources of noise pollution, in particular the Red Lonning Industrial Estate and the A595 trunk road. The Assessment concludes that the noise impacts will not adversely impact on the health or quality of life of either existing local residents or future residents of the development subject to an appropriate scheme of glazing and attenuating boundary fencing. As part of the site's Habitat Management Plan further acoustic screening is proposed by way of a planted earth mound on the boundary of the site with Red Lonning Industrial Estate.

The matters of layout, appearance and landscaping are reserved; however, given the size of the Site and scale of development proposed, a scheme is deliverable that will not result in adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking.

Ground Conditions

Policy ST1 of the CS includes provisions requiring that new development addresses land contamination with appropriate remediation measures.

Policy DS6PU and Policy DS10PU of the ELP includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

A Preliminary Environmental Risk Assessment (PERA) has been submitted in support of the planning application. The Coal Authority and Copeland Borough Council - Environmental Health has been consulted.

The submitted PERA identifies the previous use of the site as overlying potential mined coal seams, an infilled quarry site containing potentially waste materials and mounds of unknown materials on the Site, which present a high risk of contamination that could be mobilised during construction to pollute controlled water and are particularly sensitive in this location due to the location upon a Secondary Aquifer A.

The PERA provides confidence that it will be possible to suitably manage the risk proposed to controlled water by this development; however, further information will be required before built development is undertaken.

The PERA also provides an adequate assessment of the coal mining risks associated with this site has been carried out to demonstrate that the site is, or can be made safe and stable for the development proposed.

Pre-commencement planning conditions are proposed requiring the submission, approval and implementation of a Contamination Remediation Strategy and approval and implementation of Scheme of Intrusive Site Investigation to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity and an associated scheme of remediation/mitigation.

Archaeology

Policy ENV4 and Policy DM27 of the CS and Policy BE1PU and BE3PU of the ELP seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

An Archaeological Desk Based Appraisal and Geophysical Survey have been completed. The Historic Environment Officer of Cumbria County Council has been consulted. These works conclude that the construction of the proposed development is likely to disturb a number of archaeological assets. The works have provided further information on the character of these assets and shows that it is very unlikely they are so significant that provisions should be made to secure their preservation and are of sufficient worth to warrant mitigation by the implementation of a scheme of Archaeological Investigation and recording.

Pre-commencement planning conditions are proposed securing further Archaeological Investigation and recording in advance of development.

Education

Cumbria County Council has confirmed that there will be sufficient capacity within existing schools for the estimated primary and secondary yield from the proposed development.

No contribution for school transport is required as there are sufficient safe walking routes in the vicinity of the Site from which primary and secondary schools can be accessed.

The Planning Balance

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as Set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In January 2022, Copeland Borough Council produced a Five-Year Housing Land Supply Statement which demonstrates a 5.6 year supply of deliverable housing sites against the emerging housing requirement and an 86 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS must still be considered out of date and only some weight be given their content as far as they are consistent with the provisions of the NPPF.

The ELP will, once adopted, replace the policies of the adopted CS. The ELP has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment 2021 (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 146 dwellings per annum. The ELP identifies that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries and allocations identified in the CS.

In applying the provisions of Paragraph 11:

The Site would assist in significantly boosting housing supply and delivery to meet the identified need for housing within Whitehaven and the wider Borough as sought in both the CS and ELP. The proposals form part of the works being completed by the Applicant (Homes England) to de-risk development sites to increase their deliverability. The proposals are supported in terms of supply and housing mix by the Copeland Housing Officer.

The Applicant proposes that 15% of the total number of proposed dwellings are affordable. It is confirmed that given the mandate of the Applicant (Homes England) to deliver affordable housing and their preference to deliver a policy compliant scheme, the Applicant is willing to accept any impact of this on the viability of the scheme.

The proposed development comprising the erection of up to 370no. dwellings is appropriate in size and character to the Principal Service Centre of Whitehaven in accordance with the spatial objectives of the CS and ELP. A significant part of the Site is currently allocated for housing development in the LP and the site is proposed for allocation in the ELP.

The Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Whitehaven for which the settlement has been designated as a Principal Service Centre in the CS and ELP. Many of the identified services are located within walking distance of the Site. The proposed development will support existing services and thus the aspirations for growth in Whitehaven.

Sustainable travel options exist within the vicinity including facilities within the 1km and 2km walking catchments and the 5km cycling catchment. The Site is located within 700m of a regular bus service.

Based upon the advice of the relevant consultees and the conclusions of the independent review, subject to the mitigation proposed, the proposed development will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe in terms of the NPPF.

Mitigation is proposed for the loss of the existing sports provision and open space and improve sports provision for the community in the area including for sports where their facilities have recently been lost.

The development would not result in unacceptable impacts in respect of residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions and planning obligation proposed.

The development will result in some adverse local landscape and visual impacts, but comprises a development located within the settlement of Whitehaven and adjacent to existing housing estate developments.

In overall terms, the adverse local landscape and visual impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the significant benefits of the development.

Recommendation

Members authorise delegated authority to the Head of Planning and Place to approve planning permission for the development subject to:

- The Applicant entering into a Section 106 planning obligation securing the delivery of 15% of the dwellings as affordable housing; the provision of 7.1 hectares of public open space and provision for its ongoing maintenance and management; a commuted sum payment for off-site habitat creation or enhancement to achieve a biodiversity net gain position; a commuted sum payment in mitigation of the loss of the sports provision; and a travel plan monitoring fee.
- The planning conditions outlined at the end of this report; and,
- Any revisions as deemed appropriate by the Head of Planning and Place.

Standard Conditions

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- a) FIVE YEARS from the date of this permission; or
- b) the expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than FIVE years from the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. For each phase, details of the: appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins on that phase and the development shall be carried out as approved.

Reason

To ensure a satisfactory standard of development on site.

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

Application Form received June 2018

Site Location Plan – Drawing No. A090070-410 001 Rev. B received June 2018

Proposed Site Access Junction Option 1 – Drawing No. A090070-P002 received June 2018

Transport Assessment Ref. A090070-410 Issue 3 received June 2018

Framework Travel Plan – Ref. A090070-410 Issue 3 received June 2018

Arboricultural Impact Assessment (Outline Planning) Ref. 5060.Eco.Harras.006 Version 2.0 received June 2018

Archaeology and Heritage Desk Based Assessment Ref. A090070-410 Rev. 1 received June 2018

Landscape and Visual Appraisal – Red. A090070-410 Issue 3 received June 2018

Noise Assessment Ref. A090070-410 Issue 2 received June 2018

Transport Assessment Addendum Ref. A090070 – 410 Issue 3 received November 2018

Geophysical Survey Report Ref. MSNX389 Final 2.0 received March 2019

Technical Note 1: Response to LHA Comments received March 2019

Technical Note 2: Response to Highways England - A595 Egremont Rd/Homewood Rd Junction Capacity Assessments received April 2019

Phase 1 Geo-environmental and Geo-technical Desk Study and Coal Mining Risk Assessment – Ref. 60562211_001 received June 2019

Harras Road, Harras Moor, Whitehaven, Cumbria – Proposed Access Junction Stage 1 Road Safety Audit received December 2019

Proposed Residential Development: Harras Moor, Whitehaven Stage 1 Road Safety Audit – Audit Response A090070 - 410 1st Issue – January 2020

Proposed Residential Development Harras Moor, Whitehaven Technical Note 3: Improvements to Off-Site Roundabouts A090070-410 – March 2021 received March 2021

Flood Risk and Drainage Assessment – Ref. A090070-410 Rev. C March 2021 received March 2021

Harras Moor, Whitehaven – Design and Access Statement – May 2022 received May 2022

Harras Moor Habitat Management Plan - Ref. 784-A090070-410 Rev 2 – May 2022 received May 2022

Harras Moor Biodiversity Net Gain Assessment - Ref. 784-A090070-410 Rev 2 received May 2022

Harras Moor Report To Inform Habitats Regulations Assessment Stage 1 Assessment of Likely Significant Effects And Stage 2 Appropriate Assessment - Ref. 784-A090070-410 Rev 1 received May 2022

Land at Harras Moor, Whitehaven Planning Statement – Revision 3 received May 2022

Harras Moor Sports Facility Mitigation Report May 2022 received May 2022

Harras Moor Ecological Appraisal 784-A090070-410 Rev 2 received May 2022

Reason

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

Pre- Commencement

Phasing

4. Prior to the commencement of development, a phasing plan shall be submitted to the Council for approval or submitted with the first reserved matters application (unless otherwise agreed in writing with the Council). Thereafter all phases of the development shall be completed and carried out in accordance with the phasing plan unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure a satisfactory standard of development on site.

Drainage

5. Prior to the commencement of each phase, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) in relation to the phase concerned, shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme(s) must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval for each phase shall also be in accordance with the principles set out in the Flood Risk & Drainage Assessment Revision C dated March 2021 proposing surface water discharging to Midgey Gill and Bedlam Gill.

The details of the surface water drainage scheme submitted for the first phase shall also include a condition survey of the culverted sections of Bedlam Gill.

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

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ST1 and ENV1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Ground Conditions

6. No development shall commence on each phase until a remediation strategy to deal with the risks associated with contamination on that phase of the site has been submitted to, and approved in writing by, the Local Planning Authority. Each strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how/when they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The measures in the approved remediation scheme for each phase must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report for that phase must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

7. No development shall commence on each phase until a scheme of intrusive site investigations for that phase, (designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity) has been completed and a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary has been submitted to, and approved in writing by, the Local Planning Authority.

The approved scheme(s) of remedial works and/or mitigation measures for each phase must then be implemented in accordance with the approved details. Following completion of measures identified in the approved remedial works and/or mitigation measures a validation report for each phase must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development does not pose an unacceptable risk in respect of ground stability in accordance with the relevant provisions of the National Planning Policy Framework.

Construction Management

8. No development hereby approved shall commence on each phase until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority.

The statement(s) 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
- a scheme for recycling/disposing of waste resulting from construction works

The approved Construction Method Statement(s) and Management Plan(s) for each phase shall be adhered to throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan.

9. No development shall commence on each phase until a Construction Surface Water Management Plan for that phase has been agreed in writing with the local planning authority.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems Policies ST1 and ENV1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

10. Notwithstanding the information contained within the Arboricultural Impact Assessment (Outline Planning) dated May 2018 produced by TEP, the plans and particulars for the reserved matters application of each phase shall include:

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree and hedge on that phase and on land adjacent to that phase that could influence or be affected by the development, indicating which trees and hedges are to be removed;

(b) and in relation to every tree and hedge identified for that phase a schedule listing:

i. information as specified in section 4.4 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations;

ii. Any proposed pruning, felling or other work;

(c) and in relation to every existing tree and hedge identified for that phase to be retained on the plan referred to in (a) above, details of:

i. The position of root protection areas for all trees and hedgerows which could affect or be affected by development of the site.

ii The position of root protection areas shown overlaid on a proposed detailed site layout plan for the phase being considered for approval.

iii Any potentially damaging activities proposed near the trees and hedges, such as, proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.4.2 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations).

iv. All appropriate tree and hedge protection measures, including details of tree and hedge protection barriers, required before and during development (in accordance with section 5.5 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations).

Reason

To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028.

11. Prior to the commencement of development on each phase, an Arboricultural Method Statement for that phase detailing how works are to be undertaken within the root protection area of retained trees and hedges shall be submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement(s) shall include, where appropriate, but is not limited to:

- i) Removal of existing structures and hard surfacing;
- ii) Installation of temporary ground protection;
- iii) Facilitation tree works;
- iv) Excavations and the requirement for specialised trenchless techniques for the installation of services;
- v) Installation of new hard surfacing;
- vi) Installation of access roads – materials and design;
- vii) Details of specialist foundations;
- viii) Retaining structures to facilitate changes in ground levels;
- ix) Preparatory works for new landscaping;
- x) Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision;
- xi) A programme for the phasing of the works.
- xii) Contact details of relevant parties

The approved Arboricultural Method Statement for each phase shall be implemented in its agreed form, unless the local planning authority gives written approval to any variation.

Reason

To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028.

12. No development hereby approved shall commence on each phase until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
- access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility splays;
- proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;
- the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
- details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the scheduling and timing of movements, temporary warning signs and banksman/escort details.

Construction shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Archaeology

13. No development shall commence on each phase until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been approved in writing by the Local Planning Authority.

This written scheme of investigation for each phase will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy EN4 and Policy DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Other Stage Conditions

Highways

14. Prior to first occupation full design details of a scheme for junction modifications of the Main Street/Cleator Moor Road Junction shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

15. Prior to the occupation of the 100th dwelling no further dwellings shall be occupied until the junction modifications for the Main Street/Cleator Moor Road Junction approved in writing under the provisions of Planning Condition 14 and as agreed with the Highways Authority under section 278 of the Highways Act 1980, is constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

16. Prior to the occupation of the 100th dwelling (or two years after the first unit is completed, whichever comes first), full design details of a scheme to reduce the impact of the development on traffic to the A595 Egremont Road/ Homewood Road roundabout have been submitted to and approved in writing by the local planning authority in consultation with National Highways.

The details to be submitted and to be agreed shall include:

- Final design details of how the scheme interfaces with the existing highway alignment.
- Full carriageway marking details.
- Full construction details.
- Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies.
- An independent Stage 1 and Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

17. Prior to the occupation of the 200th dwelling or prior to the expiration of 4 years after the first unit is completed, whichever comes first, no further dwellings shall be occupied until the scheme to provide improvements to the A595 Egremont Road/ Homewood Road roundabout junction approved in writing under the provisions of Planning Condition 16 is constructed and completed to the satisfaction of the local planning authority in consultation with Highways England (unless otherwise agreed).

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

18. Within 6 months of the occupation of the first dwelling of each phase, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the

achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the first occupation of the phase of development to which it relates.

Reason

To aid in the delivery of sustainable transport objectives in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

19. No dwelling hereby approved shall be occupied until the means of vehicular access to serve that dwelling has been constructed in accordance with the approved plans.

Reason

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Other Conditions

Archaeology

20. Where significant archaeological remains are revealed by the programme of archaeological work for each phase of development secured under the provisions of Planning Condition 12, there shall be carried out within one year of the completion of that programme on that phase, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason

To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy EN4 and Policy DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Working Hours

21. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan.

Ecology

22. The development shall implement all of the mitigation and compensation measures relevant to that phase set out in the Tetra Tech Ecological Appraisal Revision 2, dated September 2021 and received May 2022, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with Policy ENV3 and Policy DM10 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Contamination

23. 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 ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

APPENDIX – Independent Transport Review