

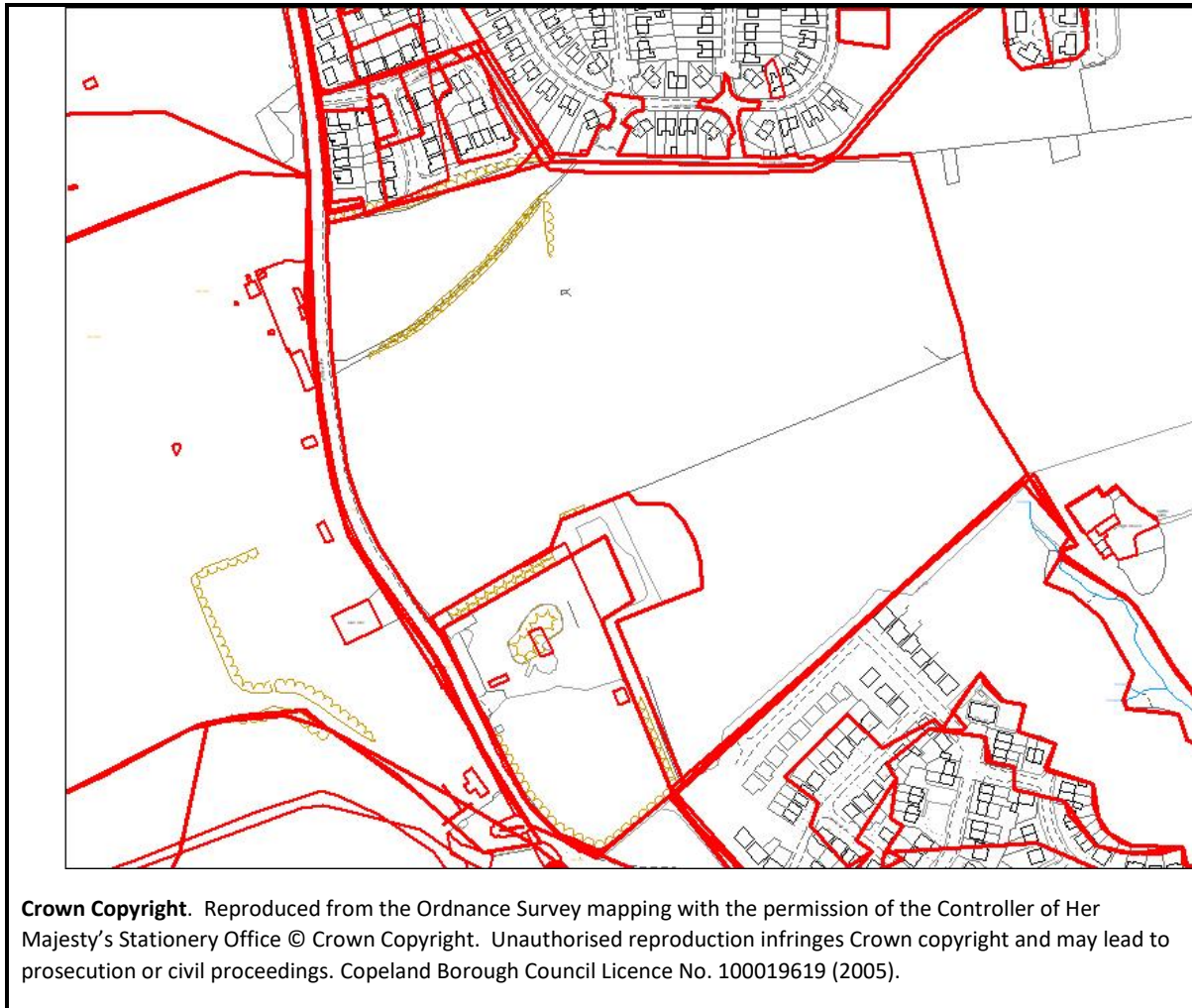


**To: PLANNING PANEL**

**Development Control Section**

**Date of Meeting: 21/04/2021**

<b>Application Number:</b>	4/20/2474/OR1
<b>Application Type:</b>	Reserved Matter : CBC
<b>Applicant:</b>	Story Homes
<b>Application Address:</b>	PHASE 3, EDGEHILL PARK, WHITEHAVEN
<b>Proposal</b>	RESERVED MATTERS APPLICATION (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR ERECTION OF 335 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE PURSUANT TO OUTLINE PLANNING APPROVAL 4/13/2235/001
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Approve Reserved Matters



### **Reason for Determination by Planning Panel**

The application is brought for consideration by Members of the Planning Panel as the Planning and Place Manager considers it to be of sufficient importance in planning terms to refer to the Planning Panel for determination.

### **Site and Location:**

The Application Site comprises Phase 3 of the residential development known as Edgehill Park, Whitehaven.

The Application Site comprises an area of semi-improved grassland and an area of hardstanding associated with the previous commercial use on the land.

The Application Site is bounded by the existing residential estates of Magellan Park and Windermere Road to the north; further semi-improved grassland to the east; High Road to the west; and, Phase 2 of Edgehill Park which is currently under construction to the south.

The Application Site slopes gently from north to south and east to west.

The Application Site is enclosed by a combination of timber fencing and vegetation.

**Directly Relevant Planning Application History:**

Application Ref. 4/13/2235/001 - Outline planning permission for the erection of 431 (Approx) dwellings, land reserved for primary school & associated ancillary open space & infrastructure and approval in full for matters in association with 139 dwellings to the south of the site with access, pedestrian bridge, suds features & associated open spaces and infrastructure – Approved subject to planning conditions and Section 106 Agreement.

**Proposal:**

This application seeks approval of the reserved matters of scale, layout, access, appearance and landscaping pursuant to the approval of Outline Planning Permission for residential development on the Application Site under Planning Application ref. 4/13/2235/001.

The proposed development comprises a scheme of 355no. two, three, four and five bedroom dwellings. The proposed dwellings are a combination of two and three storeys in height and comprise a combination of detached, semi-detached and terraced dwellings.

A number of public open spaces including a children's play space are proposed.

A comprehensive scheme of landscaping is proposed incorporating a combination of structural and decorative planting to the open spaces, boundaries and streets.

It is proposed to finish the dwellings with a combination of facing bricks, sandstone and render with concrete tiles to the roof structures.

Two or three off highway parking spaces are proposed per dwelling. Formal and informal visitor parking spaces adjacent to and within the carriageways are proposed.

The proposed development has been amended during the course of the application to respond to the comments of consultees and the Officers.

The Applicant has also submitted information relating to archaeology, ground conditions and drainage in support of the current Application for Approval of Reserved Matters Following Outline Approval.

During the course of the determination period, the Applicant has withdrawn the proposed scheme of foul and surface water disposal submitted, which will now be considered under a separate Application for Approval of Details Reserved by Planning Conditions pursuant to Planning Application ref. 4/13/2235/001.

## Consultation Responses

### Whitehaven Town Council

No objections or comments.

### Cumbria County Council – Highways

*13<sup>th</sup> January 2021*

Further information and clarification is required for the following points;

- No pedestrian crossing points, carriageway/footway widths or kerb radius are detailed on
- 54d\_100b detailed site layout plan
- Layout of junctions off the primary road at Plots 49 & 71 and junctions at 216 & 162 need to consider their layout in relation to each other, Appendix 4 of the CDDG details junction spacing of minimum 20m for junctions opposite each other, the layouts as proposed may increase the risk of vehicular conflict when entering and exiting the junctions.
- Clearance strips are required in various places notably plot 16 - 32 along the edge of the block paved carriageway and edge of carriageway opposite 35 & 36, edge of carriageway 153 - 327
- The location of the speed table in relation to driveway access of plots 37 - 40 needs to be reconsidered, vehicles will be turning on the ramp and crest of the speed table.
- Footways at the following junctions need to continue around into the junction, opp plot 49, 204 and at 38, 46 & 178
- Footway at plot 355 crosses the entrance to private driveway and needs to be amended.
- Proposed driveway at 262 is not practical and will lead to vehicles reversing out onto carriageway in close proximity to the junction and needs to be reconsidered.
- There are several instances where footways terminate at the mouth of a junction meaning pedestrians have to walk within the carriageway to access dwellings, the following plots are affected 13 -16, 33 - 36, 82 & 83, 103 & 115, 124 & 132 - 133, 147 - 148, 150 - 151, 281 - 302, 307 - 308
- Junction at Plot 153 where existing the estate and new phase meet needs better defined on a plan to show the eventual layout.
- Courtyard parking proposed at Plots 276 - 280 requires a designated disabled parking bay as there is 10 grouped spaces provided, see Appendix 1 Parking CDDG.
- There are several instances where private driveways do not have turning heads allowing delivery vehicles no opportunity to turn resulting in them having to reverse in or out of the cul-de-sac over 45m, refuse wagons can be catered for by creating designated bin storage areas as per 54d\_104a Parking Provision, however the applicant needs to consider vehicles delivering on a daily basis such as parcel vans and supermarket delivery services, the following areas need to be considered: Plots 303 - 308, 335 - 331, 330 - 326, 209 - 215, 149 - 132, 120 - 124, 100 - 103, 83 - 86, 51 - 57.

*8<sup>th</sup> April 2021*

Following on from the response dated 13th January 2021 the majority of issues previously raised from a highways perspective have been resolved, however in regard to private driveways without turning heads resulting in a cul-de-sac over 45m the following areas still require consideration: Plots 335-331, 149-137 & 100 - 97. Please provide your proposals to mitigate the above issues.

It has been noted that no pedestrian crossing points with tactile paving have been detailed, however I am content that the inclusion of these will be captured as part of S38 agreement process.

*12<sup>th</sup> April 2021*

I can confirm that the issues raised in regard to outstanding highways elements of the application have now been resolved.

The highway authority has no further objections to the application.

*13<sup>th</sup> April 2021*

Details in respect on construction details for carriageways, footways and crossing points etc. in line with the requirements of Planning Condition 14 of Planning Application ref. 4/13/2235/001.

Cumbria County Council – LLFA

*13<sup>th</sup> January 2021*

Clarification and further information requested in respect of number of matters.

*8<sup>th</sup> April 2021*

Clarification and further information requested in respect of number of matters.

*12<sup>th</sup> April 2021*

It is understood that the Applicant has withdrawn the proposed scheme of foul and surface water disposal submitted under the below planning conditions:

- *Planning Condition 35 – Surface Water Drainage Details; and, Planning Condition 36 – Foul Water Drainage Details*

The outstanding issues will therefore be resolved and determined under a separate application.

Cumbria County Council – Historic Environment Officer

The applicant has commissioned an archaeological evaluation of the site and has submitted the subsequent report. The evaluation results show that early 19<sup>th</sup> century industrial archaeological remains of local significance survive within one area of the site. These remains should be subject to further investigation and recording prior to construction work commencing.

Whilst there are no objections to the application, the archaeological work required by Planning Condition 32 of Planning Application ref. 4/13/2235/001 is undertaken and is secured in any new consent that may be granted.

Cumbria County Council – Countryside Access Officer

Public Footpath 431031 follows an alignment to the southern boundary of the proposed development and must not be altered or obstructed before or after the development has been completed.

If the footpath is to be temporarily obstructed then a formal temporary closure will be required

Natural England

No comments.

Copeland Borough Council – Flood and Coastal Defence Engineer

*15<sup>th</sup> December 2021*

The drainage design has been updated since approved. The original design was to 80% of the 1 in 2 year greenfield rate, with a 20% allowance for climate change, as agreed with the Environment Agency. This has now been updated to a 40% allowance for climate change. Is there an allowance for urban creep?

Where flooding occurs in an exceedance event, where are the exceedance routes to direct floodwater away from properties?

It is understood, from a recent visit that on the existing phases, land drainage from gardens is directed into the site drainage presumably the private surface water sewers. If this is the case, then how has this been allowed for in the drainage design?

It appears that surface water from stripped land is not effectively managed and is causing issues to existing gardens. How will this be dealt with effectively in the new phase?

*1<sup>st</sup> April 2021*

The change from a climate change allowance of 20% to 40%, in line with current advice is a positive step.

#### Copeland Housing Officer

This is a reserved matters application in respect of 335 dwellings within Phase 3 of the planned development on this site, which is approximately 2.5km from Whitehaven Town Centre.

The S106 for this development has already been agreed at outline approval stage and includes the provision of affordable housing on site. The developer is now proposing a commuted sum, £289,744 rather than on site provision of affordable housing.

From a strategic housing perspective it would be preferable to see the provision of affordable housing on the Application Site, creating a wider housing offer for people in Whitehaven who cannot afford to buy in the open market, or the provision of good quality, affordable rent properties through a registered housing partner.

The Copeland Housing Needs Survey highlights that many younger people in the Borough and in Whitehaven in particular, are moving out of the borough as they cannot afford to buy here due to the need for significant deposits. A total of 74% of newly forming households, who tend to be younger, who responded to the survey could not afford a property of more than £150,000, compared to total of 31% of existing households. This development would be unaffordable for them without a discount or help with deposits. The SHMA, updated for 2019, also indicates Copeland needs around 80 affordable units per year to meet the need of this market.

If a commuted sum is agreed, this should be used to address issues around empty homes in the Whitehaven area, bringing them back into use to help retain younger people in the Borough, or to fund improvements to stock condition in the town, increasing the appeal of existing properties.

It is recognised that the proposed mix of housing broadly aligns with the need identified in the SHMA updated for 2019. The number of 2 bedroom dwellings proposed is welcomed which may appeal to first time buyers but also people wanting to downsize, recognising our ageing population. House design that are 'lifetime homes' for people, avoiding the need for people to move later, as they age, as properties are not suitable or adaptable would be welcomed.

Support this application and welcome the provision of more high-quality family homes in Whitehaven.

Environment Agency

*22<sup>nd</sup> December 2020*

No specific comments to make regarding the Reserved Matters application for access, appearance, landscaping, layout or scale.

The supplementary Geoenvironmental Appraisal –Phase 3 Edgehill Park, Whitehaven report 4046 –G-R019 November 2020 has been received.

Extensive comments and observations for consideration by the Applicant prior to any submission to discharge of the requirements of Planning Condition 27 of Planning Application ref. 4/13/2235/001 relating to contaminated land condition for Phase 3.

*6<sup>th</sup> April 2021*

The letter from iD Geo Environmental Limited dated 14<sup>th</sup> February 2021 and associated revised report ref.4046-G-R019 Rev B satisfies outstanding concerns raised during the previous consultations and acknowledges comments and issues.

We look forward to receiving notification of the outstanding proposals outlined in the response and the Remediation Strategy Report.

Cumbria Fire and Rescue Service

No objections.

Access for firefighting and water supplies must comply with ADB Volume 1, Dwellings, Section B5.

The Coal Authority

*23<sup>rd</sup> March 2021*

None of the planning conditions on Planning Application ref. 4/13/2235/001 seek to address coal mining legacy issues contrary to the content included in our consultation response to that planning application in a letter dated 4<sup>th</sup> December 2013.

The submitted letter dated 15 March 2021 from Story Homes confirms that the two recorded mine entries within the Application Site have been treated in accordance with UK authoritative guidance.

On the basis of this information the Coal Authority is satisfied that coal mining legacy issues have been addressed and can confirm that a pre commencement condition is not required

United Utilities



United Utilities has reviewed the drainage documents proposing surface water discharging into watercourse and confirm the proposals are acceptable in principle.

It is recommended that the Local Planning Authority include a planning condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

#### Copeland Disability Forum

Support the inclusion of dropped kerbs at each junction.

“Tactile” paving is not specified at each junction. It is asked that this is a consideration as for visually impaired people, if there is no tactile paving they have no means of knowing that they are at the road edge. Tactile paving ensures their safety when using these junctions.

#### Northern Gas Networks

12<sup>th</sup> January 2021

Object.

The protection given to our plant may be diminished by the works you intend to carry out.

2<sup>nd</sup> February 2021

It is understood that any approval of this reserved matters planning application is likely to result in a planning condition and informative which will specifically safeguard our existing assets and ensure the safety of the construction teams should construction or ground works be commenced prior to assets being decommissioned within the red line boundary and to the west and north.

Such restrictions will allow the Applicant leeway to commence construction activities prior to the decommissioning of the gas assets being completed.

Once the wording of the planning conditions has been defined and subsequently agreed by Northern Gas Networks then the current objection will be withdrawn.

#### HSE

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the

Consultation Distance of Major Hazard Sites/ pipelines.

This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Copeland District (B).

Advise against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

### **Public Representations**

The application has been advertised by way of site notices, a press notice and neighbour notification letters issued to 62 no. properties.

One representation has been received in support, two representations have been received in objection and one neutral representation has been received.

The material planning matters raised comprise the following:

There is no footpath on the main road to this estate. Pedestrians walk on the grass verge, but anyone with a pram has to walk on the main road putting lives at risk. Additional homes should not be constructed without a pedestrian access to them.

The proposed development will result in additional traffic on the local highway network without safety improvements. The development would result in approximately 700 additional cars.

The existing pavements are continually blocked by parked cars.

The existing schools are at capacity and cannot accommodate additional students.

The proposed development will result in the loss of an existing open space.

There are existing plots available from previously demolished houses that could accommodate new housing development.

It is clear from the current developments that the access roads are not 'fit for purpose' as many motor vehicles park on the pavements. As a result the pavements are becoming damaged with recesses that will eventually break up the surface. There are many properties with multiple cars and visitors who constantly need to park with at least two wheels on the pavements. This is not correct and poor design.

Where houses are constructed with garages either separate or integral to the houses, the 'standard' size of the garages are again clearly not fit for purpose as not one is used to house a car. The main reason that not many cars would fit inside this size of garage and where a small car does then it would be impossible to open the car doors. This again results in more cars parked on the payments causing the blocking of pedestrian pavements. Many of the garages have been converted into additional rooms.

The design of the 'standard' size garage is clearly not fit for purpose and should be changed together with the road accesses.

**Development plan policies:**

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):

Policy TSP8 – Parking Requirements

### **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).

South Whitehaven Plan Supplementary Planning Document March 2013 (SWSPD) which includes design guidance and master planning information.

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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.

Planning Condition 5 of Planning Application ref. 4/13/2235/001 requires that: *“Any application for approval of Reserved Matters shall be in accordance with the principles of the Illustrative Planning Application Masterplan and the parameters set out in the Environmental Statement, Transport Assessment, Design and Access Statement, amended Framework Travel Plan dated 24<sup>th</sup> September 2013 and the Technical Notice on the Transport Assessment dated 16<sup>th</sup> September 2013...”*.

### **Assessment:**

#### **Principle of Development**

Outline Planning Permission for residential development with full details of access and all other matters reserved was approved on the Application Site on 13<sup>th</sup> March 2014 under Planning Application ref. 4/13/2235/001.

Planning Condition 3 attached to Planning Application ref. 4/13/2235/001 requires the submission of an Application for Approval of Reserved Matters Following Outline Approval for the reserved matters of access, scale, layout, landscaping and appearance before 13<sup>th</sup> March 2021.

Planning Application ref. 4/13/2235/001 remains extant and the requirements of Planning Condition 3 have been fulfilled.

### **Housing Need and Housing Mix**

Policy SS3 of the LP 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.

DG8 of the SWSPD states that the development should deliver a range of housing from smaller starter units to larger, more expensive properties. A mix of tenures and house types should support a sustainable neighbourhood to meet the needs of a diverse range of household types and incomes and foster community cohesion

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2019 Update (SHMA).

In terms of housing mix, the SHMA concludes that the analysis broadly suggests a need for 70% of market homes to have 3 or more bedrooms and 30% of market homes to have 1-2 bedrooms.

The proposed development comprises:

- 47 x 2 bed dwellings
- 120 x 3 bed dwellings
- 154 x 4 bed dwellings
- 14 x 5 bed dwellings

The proposed mix broadly accords with the provisions of the SHMA, Policy SS3 of the LP, DG8 of the SWSPD and is supported by the Copeland Borough Council Housing Officer.

The Copeland Borough Council Housing Officer outlines comments in respect of affordable housing. The provision of affordable housing is secured and controlled via a Section 106 Agreement agreed as part of Planning Application ref. 4/13/2235/001. As such, affordable housing is not a matter for consideration as part of the current Application for Approval of Reserved Matters Following Outline Approval.

The Copeland Borough Council Housing Officer also outlines that house designs that are 'lifetime homes' would be welcomed. Policy DM12 of the LP requires all new development

should be designed to Lifetime Homes. The SHMA states that the Council could consider (as a start point) requiring all dwellings to meet the M4(2) standards (which are similar to the Lifetime Homes Standards; however, highlights that there will be cases where this may not be possible. The proposed development accords with the relevant standards where achievable, with many of the necessary standards controlled via the Building Regulations.

## **Design**

Policy SS1 seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DM12 outlines the requirements of the provision of open space and play provision.

South Whitehaven Plan Supplementary Planning Document March 2013 (SWSPD) outlines 27 design guidance criteria for the development of the Application Site.

The layout has been designed to accord with the requirements of Planning Condition 5, with specific regard to the principles of the Illustrative Planning Application Masterplan, which itself was developed in accordance with the design guidance criteria outlined in the SWSPD.

The proposed layout has been designed to respond to and comprise a continuation of the existing connected development to the north, the approved development to the south and the existing contours of the Application Site as required by DG1 and DG3 of the SWSPD.

The proposed layout incorporates six defined character areas each with its own identity characterised through the use of varying scale, density, enclosure and materials. A limited pallet of materials are proposed. Sandstone facing and render are proposed accentuate key features and landmark elevations. A contemporary area of housing is proposed adjacent to Rhodia Park which acts as a visual transition with the existing development to the north. The proposed approach provides diversity and interest across the development as required by DG5 and DG23 of the SWSPD.

Higher densities of development are concentrated in the pockets towards the centre of the development with lower densities to the boundaries as required by DG5 and DG10 of the SWSPD.

The proposed development comprises principally two storey dwellings with two and a half and three storey dwellings used to frame spaces such as Rhodia Park, key views and end stops on key routes and provide a sense of enclosure within the central areas of the development as required by DG11 of the SWSPD.

The proposed development has been designed as a legible environment with a well-defined hierarchy of streets and spaces that route both north to south and east to west, following the desire lines of users and incorporating focal features that assist with way finding. The proposed pedestrian and cycle linkages connect to the existing linkages to the peripheries of the Application Site and the open spaces within the Application Site. The routes through the upper hierarchy streets incorporate footways, with the routes through the lower hierarchy streets including footways and incorporate differing materials to the carriageways which create a sense of pedestrian priority and act to reduce traffic speeds. This arrangement accords with the provisions of DG5, DG12, DG13, DG14, DC16, DG17 and DG24 of the SWSPD.

The proposed development includes a number of both carefully planned strategic and informal public open spaces located throughout the development. The open spaces serve as both formal and informal community/play spaces, gateway features, linkages through the development and mechanisms to frame and distance development from surrounding features/constraints including High Road. The proposed development exceeds to the requirements of Policy DM12 of the LP, which requires the provision of 0.4ha of public open space for every 200 dwellings and accords with the provisions of DG7 of the SWSPD.

Policy DM12 requires that in groups of family housing a minimum of 100m<sup>2</sup> of children's play space should be provided at the rate of one play space per 30/40 dwellings. The proposed development delivers the quantity of play space required by Policy DM12; however, rather than providing nine small play spaces, a single fully equipped children's play space measuring c.900sqm is proposed. This arrangement is considered to comprise a more efficient use of space and will better meet the needs of residents and children. Details of the proposed play equipment are not provided and is the subject of a suspensive planning condition.

### ***Landscaping***

Policy DM26 of the LP requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species. The Council will require landscaping schemes to be maintained for a minimum of five years.

A comprehensive scheme of landscaping is proposed throughout the proposed development. The landscaping includes planting to both the site peripheries/boundaries, open spaces and along the highway frontages. Significant planting is proposed to the sensitive eastern boundary. The scheme of planting will create a tiered effect within the development once established with a copse used to breakup most significant change in level.

A landscape management plan is provided which demonstrates how the landscaping will be maintained.

The proposed landscaping accords with the provisions of Policy DM26 and the provisions of DG3, DG10 and DG19 of the SWSPD.

### ***Rhodia Park – Education Contribution Section 106 Agreement***

A large open space is included to the north of the Application Site and is identified as Rhodia Park.

This land is secured for the provision of a school as part of the Section 106 Agreement agreed as part of Planning Application ref. 4/13/2235/001.

The retention of the land as undeveloped open space acts to safeguard the land for the delivery of any school and so will not prejudice the provisions of the Section 106 Agreement agreed as part of Planning Application ref. 4/13/2235/001.

### ***Residential Amenity***

The interface separation distances between existing and proposed dwellings required by Policy DM12 of the LP are achieved.

Given the scale, form and layout of the proposed development adverse impacts will not result through loss of light, overbearing, overshadowing and overbearing effects as required by Policy ST1 of the LP.

### ***Ecology and Arboriculture***

Policy ENV3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

A Tree Survey is submitted in support of the planning application.

The Tree Survey identifies three trees on the Application Site which would be removed as part of the proposed development. The trees are identified as being of moderate value given their scale and characteristics. It is concluded that subject to appropriate measures to replace the trees with additional new tree, shrub and hedgerow planting, the proposed development would not affect the long-term conservation of tree cover or adversely harm the appearance of the landscape setting or visual amenity of the site, adjacent residents or the surrounding area.

An Ecological Assessment is submitted in support of the planning application.

The Ecological Assessment concludes that the proposed development will not directly impact upon statutory designated sites. Mitigation is proposed to prevent potential indirect impacts through increased surface water run-off and the pollution and siltation of watercourses draining the site.



The Assessment identifies features on the Application Site suitable for foraging bats. No bat activity was recorded in the north of the Application Site and very few flights were detected across the main open parts of the Application Site. There is evidence that the south of the Application Site which is already under development may be important for the maintenance of a small population of Common Pipistrelle bats and is used occasionally by a small numbers of Myotis bats. These bats may utilise the scrub along the boundary of the northern section of the site for commuting and low levels of foraging.

Farmland bird species such as skylark were found to nest in the grassland and arable fields. The proposed development will result in a minor adverse effect through the displacement of birds on and adjacent the site. The north of the Application Site which was previously dominated by arable land is now grassland which reduces its suitability for these species.

It is confirmed that the proposed development is compliant with protected species legislation. With the exception of species dependent on arable farmland, the development would maintain the favourable conservation status of the protected and priority species identified on site.

It is confirmed that ecological mitigation and enhancement are proposed and implemented as part of the proposed landscaping scheme. This is designed to link into the most valuable habitat in the south-eastern part of the wider site and is targeted to deliver real benefits in habitat quality for key fauna. It is confirmed that the landscaping scheme recognises how the development relates to the wider landscape in terms of species movement, maximising the likelihood of habitat utilisation and maintenance and strengthening of existing wildlife corridors delivering a probability of net gain.

In overall terms, it is concluded that the residual impacts resulting from the proposed development are either of negligible significance or involve minor adverse impacts during construction which would be mitigated by habitat creation. There is not considered to be any change in the predicted impact for the northern phase of the development as originally identified in Outline Planning Application ref. 4/13/2235/001.

### ***Highways Impacts***

Vehicular access to the proposed development is via three locations.

The northern most element of the development is served via the existing access serving Magellan Park to the north, with the remainder of the development served via a new access from North Road connecting to the existing access serving Phase 2 of the development which is currently under construction to the south.

The central spinal road runs through the main area of the development from which secondary roads and shared surface accesses are proposed. Raised surfacing is proposed to elements of the central spinal road including the central open space which creates a sense of pedestrian priority and acts to reduce traffic speeds.

As previously outlined, the routes through the upper hierarchy streets incorporate footways, with the routes through the lower hierarchy streets including footways and incorporate differing materials to the carriageways which.

The detailed specification of the highways is secured via planning condition. The provision of tactile paving will be controlled via this planning condition.

Cumbria County Council – Highways has been consulted and has raised no objection to the development subject to planning conditions.

The proposed development layout and parking provision accords with the provisions of the Cumbria Development Design Guide.

Planning conditions are proposed requiring the completion of the required access, turning and parking provision in advance of *occupation of each dwellings and retention thereafter and the provision of two bus stops as required by the Illustrative Planning Application Masterplan.*

### ***Ground Conditions and Land Contamination***

Ground conditions and land contamination were considered and controlled through Outline Planning Application ref. 4/13/2235/001.

Notwithstanding the above, a Supplementary Geoenvironmental Appraisal, letter and information relating to the treatment of known mining shafts has been submitted in support of the current Application for Approval of Reserved Matters Following Outline Approval to demonstrate that the development would not be at unacceptable risk from mining legacy issues and land contamination arising from the previous use of the Application Site.

The Coal Authority has confirmed that they have no objections to the proposed development.

The Environment Agency has confirmed that they have no specific comments in respect of the reserved matters; however, have raised questions regarding the Supplementary Geoenvironmental Appraisal and letter and confirmed that these matters require resolution prior to any submission to discharge of the requirements of Planning Condition 27 of Planning Application ref. 4/13/2235/001.

### ***Northern Gas Networks Infrastructure and HSE***

Northern Gas Networks have raised objection and HSE advise against the proposed development on the basis that the protection given to the gas existing pipelines within and adjacent to the Application Site may be diminished by the proposed development.

Following discussion with Northern Gas Networks, it has been confirmed that their objection would be removed subject to confirmation that their assets are to be

decommissioned or relocated as part of the development the and imposition of measures as deemed appropriate to safeguard these assets during construction works.

It has been confirmed by the Applicant that the assets would be decommissioned or relocated as part of the proposed development. At the time of writing, details have been issued to Northern Gas Networks in respect of safeguarding for review. Formal comments remain awaited.

***Planning Conditions Imposed on Planning Application ref. 4/13/2235/001.***

Planning Application ref. 4/13/2235/001 was approved subject to a number of planning conditions which are directly linked to the reserved matters.

The Applicant has also submitted information relating to archaeology, ground conditions and drainage in support of the current Application for Approval of Reserved Matters Following Outline Approval.

The ability to approve the requirements of the relevant planning conditions imposed Planning Application ref. 4/13/2235/001 through the details submitted as part of the current Application for Approval of Reserved Matters Following Outline Approval is outlined below.

***Planning Condition 7 – External Materials; and, Planning Condition 8 – Material Samples***

Detailed specifications of the proposed external materials submitted in support of the current Application for Approval of Reserved Matters Following Outline Approval. These details are acceptable in relation to the proposed development and provide sufficient information to approve the requirements of these planning conditions.

***Planning Condition 9 – Landscaping Beyond Phase 1 and Phase 2; and, Planning Condition 11 – Landscape Management Plan***

A detailed scheme of landscaping and Landscape Management Plan are provided in support of the current Application for Approval of Reserved Matters Following Outline Approval provide. This information is acceptable and sufficient to approve the requirements of these planning conditions.

***Planning Condition 12 – Details of Earthworks***

A detailed scheme of earthworks showing the proposed land levels within the completed development. The details submitted support of the current Application for Approval of Reserved Matters Following Outline Approval are acceptable in relation to the overall layout and levels and provide sufficient information to approve the requirements of this planning condition.

*Planning Condition 14 – Highway Specifications; Planning Condition 15 – Pedestrian and Cycle Links; and, Planning Condition 16 - Ramps to Junctions.*

Detailed specifications of the proposed highway, pedestrian and cycle links are not submitted in support of the current Application for Approval of Reserved Matters Following Outline Approval. Insufficient information has therefore been submitted to approve the requirements of these planning conditions.

*Planning Condition 20 – Details of Surface Water Management – Highways*

Details of the proposed means to prevent surface water discharging on the highways have not been submitted in support of the current Application for Approval of Reserved Matters Following Outline Approval. Insufficient information has therefore been submitted to approve the requirements of this planning condition.

*Planning Condition 22 – Archaeology*

An Archaeological Evaluation of the Application Site has been prepared and submitted in support of the current Application for Approval of Reserved Matters Following Outline Approval.

The evaluation results show that early 19<sup>th</sup> century industrial archaeological remains of local significance survive within one area of the Application Site.

The Historic Environment Officer of Cumbria County Council has confirmed that these remains should be subject to further investigation and recording prior to construction work commencing.

Insufficient information has therefore been submitted to approve the requirements of these planning conditions.

*Planning Condition 27 – Unsuspected Contamination*

A Supplementary Geoenvironmental Appraisal and letter have been submitted in support of the current Application for Approval of Reserved Matters Following Outline Approval.

The Environment Agency have raised questions regarding the Supplementary Geoenvironmental Appraisal and letter and confirmed that these matters require resolution prior to any submission to discharge of the requirements of Planning Condition 27 of Planning Application ref. 4/13/2235/001.

Insufficient information has therefore been submitted to approve the requirements of this planning condition.

*Planning Condition 35 – Surface Water Drainage Details; and, Planning Condition 36 – Foul Water Drainage Details*

Details of the proposed scheme of foul and surface water disposal were submitted in support of the planning application; however, these have been withdrawn

Insufficient information has therefore been submitted to approve the requirements of these planning conditions.

**Conclusion**

The principle of the development has previously been established under Outline Planning Application ref. 4/13/2235/001.

The proposed mix of housing accords with the needs mix detailed in Policy SS3, the SHMA and SWSPD.

The layout and design of the scheme accords with the illustrative layout submitted in support of Outline Planning Application ref. 4/13/2235/001 and the 27 design guidance criteria in the SWSPD.

No issues are arising in respect of highway safety, ecology, arboriculture and residential amenity subject to the planning conditions proposed.

The issues raised in respect of the existing gas infrastructure are considered capable of resolution with appropriate means of control.

On balance, it is considered that the proposed development is acceptable and accords with the relevant provisions of the Development Plan.

**Recommendation:**

Grant delegated authority to the Planning and Place Manager to approve the Application for Approval of Reserved Matters Following Outline Approval subject to:

- The imposition of any means as deemed appropriate and necessary by the Planning and Place Manager to control the impacts of the development on the assets of Northern Gas Networks in consultation with Northern Gas Networks and the HSE as necessary.

**Conditions**

1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

#### Reason

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

- To be confirmed.

#### Reason

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

#### **In Approval of Planning Conditions Imposed on Planning Application ref. 4/13/2235/001.**

3. In approval of requirements for the submission of details of the proposed development as imposed by Planning Condition 7, Planning Condition 8, Planning Condition 9, Planning Condition 11 and Planning Condition 12 imposed on Planning Application ref. 4/13/2235/001.

#### Reason

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

#### **Pre-Commencement Planning Conditions**

4. Prior to the commencement of development other than site preparation works, detailed specifications of the carriageways, footways, footpaths, cycleways hereby approved including longitudinal/cross sections, shall be submitted and approved in writing by the Local Planning Authority. The carriageways, footways, footpaths, cycleways hereby approved shall be designed, constructed, drained and lit to a standard suitable for adoption. Any works so approved shall be constructed before the development is complete.

#### Reason

In the interests of highway safety and the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

#### **Pre-Occupation Planning Conditions**

*Highways*

5. No dwelling hereby approved shall be occupied until the estate road including footways and cycle ways to serve that dwelling have been constructed in all aspects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety and the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

6. No dwelling hereby approved shall be occupied until the approved parking layout and any associated turning spaces associated with the use of that dwelling have been constructed, marked out and made available for use. The approved parking layout and any associated turning spaces associated shall be retained for the lifetime of the development.

Reason

In the interests of highway safety and the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

*Play Space*

7. No dwelling hereby approved shall be occupied unless and until a scheme detailing the layout and design of the approved children's play space has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme is to be completed prior to the occupation of the dwellings identified as Plots 168, 169, 170 and 177 hereby approved. The area shall not thereafter be used for any purpose other than as a children's play space for the lifetime of the development.

Reason

To ensure sufficient open space is provided within the site for use by future occupants in accordance with the requirements of Policy DM12 of the Copeland Local Plan 2013-2028.

*Bus Stops*

8. No dwelling hereby approved shall be occupied unless and until a scheme detailing the location and layout of two bus stops has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme is to be implemented prior to the commencement of any bus service serving the development. The bus stops shall not thereafter be used for any purpose for the lifetime of the development.

Reason

To ensure the delivery of a sustainable and accessible development in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

## **Other and Controlling Planning Conditions**

### *Landscaping*

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

#### **Reason**

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

### *Highways*

10. There shall be no vehicular access to or egress from the Application Site other than via the approved accesses.

#### **Reason**

In the interests of highway safety and the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.