

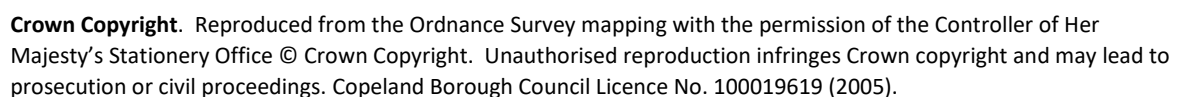


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 08<sup>th</sup> June 2022**

<b>Application Number:</b>	4/21/2534/001
<b>Application Type:</b>	Outline : CBC
<b>Applicant:</b>	Mrs T Knutsford
<b>Application Address:</b>	LAND AT BOWRIE FAULD, WEST OF SMITHY BANKS, HOLMROOK
<b>Proposal</b>	OUTLINE RESIDENTIAL APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ALL MATTER RESERVED EXCEPT FOR ACCESS
<b>Parish:</b>	Drigg and Carleton
<b>Recommendation Summary:</b>	Approve in Outline (commence within 3 years)



The application is brought for consideration by Members of the Planning Panel due to an objection from the Parish Council, the significant local interest in the application and as the application is a departure from the adopted Local Plan.

The application was originally presented to Members at the previous Planning Panel on the 18<sup>th</sup> May 2022, where it was resolved that a Members site visit should be undertaken to assess the proposal. This site visit will therefore be carried out prior to the determination of this application by Members.

## **The Site**

This application relates to an area of agricultural land, located on the south-west edge of Holmrook. The site covers an area of 1.41 hectares and is bounded to the east by the residential properties of Smithy Banks, to the north and west by open countryside and to the south by the B5344 which is the main access road to Drigg.

## **Relevant Planning History**

4/18/2297/001 – Outline for residential development with full details of access – Approved

## **Proposal**

This outline application seeks to establish the principle of developing the site for residential purposes. Although all matters relating to plot layout, scale, appearance, and landscaping are reserved for subsequent approval the application does include full details of the proposed access.

Outline planning approval (ref: 4/18/2297/0F1) has previously been granted by Members of the Planning Panel for the residential development of the site, including detail of the proposed access.

A detailed plan has been submitted with this application to show how access can be achieved from the B5344 to the south of the site. Access to the site is to be via a 4.8m wide shared surface road with splays of 48.2m x 2.4m to the west and 44.4m x 2.4m to the east. These details reflect the access details approved under the previous outline planning approval (ref: 4/18/2297/0F1).

Whilst all matters relating to scale, appearance and layout are reserved for subsequent approval an indicative site plan has been submitted as part of this application which shows how the site could be designed to accommodate 11 dwellings, with a mix of detached and semi-detached properties proposed. The indicative layout also demonstrates how the site could be landscaped, including the introduction of individual trees, woodland blocks and hedgerows.

The application is accompanied by the following information:

- Location Plan;
- Indicative Site Plan;
- Proposed Access Arrangement;
- Planting Plan for Site Boundaries – Indicative;
- Plant Specification Schedule;
- Ecological Appraisal;
- Access Appraisal;
- Flood Risk Assessment;
- Drainage Strategy and Design;

- Planning Statement;
- Design and Access Statement.

## **Consultation Responses**

### Drigg & Carleton Parish Council

*13<sup>th</sup> January 2022*

Thank you for giving us the opportunity and time to comment on this application at a full meeting of the Parish Council. The issue was discussed at the 11th January 2022 meeting of the Drigg & Carleton Parish Council, and I was asked to provide the following comments.

The parish council do not support this application as presented.

Our Drigg & Carleton Parish community's Community Led Plan supports small residential developments of affordable and care focussed housing on selected sites, but there is no evidence of support for a development of this size and type at this location, in an open countryside field site.

The council meeting was attended by 10 local residents, and all were opposed to this development, and this parish council wishes to add their support to them. The objections were based on the detailed local knowledge of the residents around the proposed site and were based on the following concerns:

- a) Copeland Local Plan; this site was incorrectly included in the draft Copeland Local Plan (CLP), as it had existing outline planning permission; this permission has lapsed, which invalidates that reasoning for inclusion.
- b) Settlement boundary; this proposed site sits outside the settlement boundary, as it sits between the villages of Holmrook and Drigg, which are identified as separate communities (not a cluster) in the current draft of the CLP. It is therefore outside of CBC's own policy. This proposal would introduce development into the narrow green space between the distinct settlements, effectively pulling them together, and reducing the open countryside between.
- c) Land for sale; the proposed site is currently on the market for sale, which demonstrates the applicant has no plans to actually develop the site, and the application is speculative.
- d) Surface water drainage; the field area is prone to flooding, which appears to be worse than at the time of the previous application on this site, both locally and with downstream effects on a series of properties to the West, and there is a concern that this development would further worsen the situation.
- e) Foul water drainage; the foul water drainage arrangements around the adjacent Smithy Banks are known to be currently at capacity.
- f) Housing need; there is no locally perceived need for the development. Existing family and larger homes remain empty and available in the parish.
- g) Gas pipeline; there is a high pressure gas main pipeline serving the gas power station at Fellside, Sellafield, installed close to proposed dwellings.

- h) Detrimental to the wildlife; local information is that this field in open countryside is a habitat for a variety of wildlife including deer, bats, lapwings and hares.

*13<sup>th</sup> April 2022*

This application is a resubmission of an outline planning application for residential development first submitted in 2018. This application lapsed in December 2021 but it is incorrectly still shown as being within the settlement boundary on the Copeland Plan.

The Drigg & Carleton Parish Council do not support this application and believe this land should be moved back outside the settlement boundary of the Copeland plan on the following grounds:

- The original planning permission was only possible due to the 2017 housing supply failure as the site is a greenfield site that sits outside the current settlement boundary
- There is no longer a housing supply failure in Drigg/Holmrook or in the wider Copeland area and this site should be removed from the Copeland Plan.
- The proposed development drastically reduces the green field space separating Drigg and Holmrook leaving only a narrow strip of agricultural land separating the two settlements and risking the two villages drifting into one conjoined settlement contrary to local planning policy against overdevelopment
- This development site and surrounding area is known to flood regularly and is unsuitable for development
- There will be an adverse impact on the local area due to increased pressure on local services
- Current traffic levels are already too high and this is likely to increase traffic and pollution, contrary to the Copeland Borough Council plan to make Cumbria a carbon neutral county as stated in the Zero Carbon Cumbria Partnership initiative

#### Cumbria County Council

Local Education Authority response:

It has been confirmed that there is no requirement for the developer to make an education contribution following this development.

Local Highway Authority and Lead Local Flood Authority response:

Following the response to the previous application at this site, 4/18/2297/001, the LHA and LLFA raise no objections to the proposal subject to the inclusion of conditions relating to footways design and construction, ramps, access road, footways and cycleways, access

drive, vehicular access, access gates, surface water discharge onto highways, highway surface water drainage systems, parking and turning, and street lighting.

#### United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the submitted Drainage Strategy and Design, ref: 18-088r02\_B, dated 20 August 2018, we can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design. With this in mind, we request the inclusion of conditions relating to surface water drainage.

#### Environment Agency

No comments received.

#### Natural England

No comments received.

#### Copeland Borough Council – Scientific Officer

No comments received.

#### Copeland Borough Council – Flood and Coastal Defence Engineer

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

A few comments on this application:

- The site is in Flood Zone 1.
- The site is at a very low risk of surface water flooding.
- It is proposed that the surface water will be disposed of by mean of soakaways.
- No evidence has been provided to support the use of soakaways would be feasible.
- There is no obvious surface water body in the immediate vicinity of the site.

At this stage the applicant has not demonstrated that surface water can be adequately drained from site, by the proposed means of soakaways, nor is there an obvious watercourse to dispose of surface water, other than by crossing third party land.

Consequently further evidence needs to be provide to support the application.

14<sup>th</sup> March 2022

With regards to this application, I am raising an objection.

The application is seeking to dispose of surface water by means of soakaways, as was the intention with the earlier application.

I have already requested information to support the proposal for disposal of surface water be infiltration, during the initial consultation for this application.

As the amended description and information provided has failed to produce such information, I have no alternative than to object.

#### Copeland Borough Council – Strategic Planning Policy

This application is a resubmission of 04/18/2297/001, which was approved by Copeland Borough Council on 19th December 2018. The Strategic Planning team provided comments on the previously submitted application, which remain relevant. This stated that *“the proposal appears to be sustainable development that is well designed, an appropriate scale and meets Criteria A, B, E, K, J and L of the Interim Housing Policy.”* The previous application was determined against the Interim Housing Policy when the Council was unable to demonstrate a five year housing land supply. However, as of November 2020, the Council are now able to demonstrate this.

#### Copeland Core Strategy and Development Management Policies 2013-2028:

The site is outside of any defined settlement as identified through policy ST2 of the Core Strategy. Sites outside of the settlement boundaries are classed as being in the open countryside, meaning that development of these would be contrary to policy ST2.

However, the parts of the Policy which refer to the settlement boundaries (identified on the Core Strategy Proposals Map) are considered to be *“out-of-date”*, regardless of the housing land supply position. This is because the development of the emerging Local Plan has indicated that in order to meet housing needs identified in the SHMA, development will be required outside of those boundaries over the Plan period. Given this, these parts of the policy are not considered to accord with the NPPF which requires local authorities to *significantly boost* housing land supply and can therefore be given little weight.

#### Copeland Local Plan 2021-2038:

As a result of the need to develop outside the settlement boundaries identified within the Core Strategy, the emerging Copeland Local Plan provides settlement boundary extensions to allow additional development to come forward. In the case of Holmrook, a settlement boundary has been provided to help guide development. The site is included within the settlement boundary due to the existing permission and the relative lack of constraints.

As part of the development of the emerging Local Plan, a Development Strategy and Hierarchy Paper has been produced. This considers the available facilities and services in settlements within Copeland to identify the most sustainable settlements for future development within the Local Plan. As a result of this, Holmrook has been identified as a Sustainable Rural Village in the emerging Local Plan. These are defined as settlements which offer a limited number of services, but which could support a limited amount of growth to maintain communities.

Policy DS3PU, which outlined the Settlement Hierarchy in the Publication Draft of the Local Plan, received a number of objections through the public consultation process. However, none of these objections related to the position of Holmrook as a Sustainable Rural Village and therefore the policy can be given moderate weight. It is therefore considered that development of this scale within the settlement boundary of Holmrook would be deemed suitable in principle.

The site has been identified as part of a larger piece of land (Dh010) within the Copeland Strategic Housing Land Availability Assessment (SHLAA). The SHLAA identifies Dh010 as being part developable, with the application site being the developable section of land. The remainder of Dh010 is considered undevelopable due to the presence of a National Gas Network High Pressure pipeline. The proximity of the gas pipeline to the application site may affect the design of the development. Engagement with National Grid may be required as part of this.

The Publication Draft of the Copeland Local Plan 2021-2038 has recently undergone public consultation, and it is anticipated that the Local Plan will be submitted to the Planning Inspectorate in summer 2022. Whilst the Local Plan has not yet been adopted, it can be given a moderate amount of weight, based on the guidance provided by paragraph 48 of the NPPF. Weight may be given dependent on whether the policy has outstanding objections, and the significance of objections.

#### Landscape Character:

The Settlement Landscape Character Assessment (SLCA) identifies opportunities for development to define the settlement edge in this area, meaning that development of this site, if carefully planned and designed, could provide landscape benefits for Holmrook. However, the SLCA identifies that the *“intimate character of Holmrook and it’s woodland/riverine setting are sensitive to unsympathetic development”* and therefore, care needs to be taken to ensure that development does not have a negative impact on the existing built form.

#### Summary:

The application accords with Core Strategy Policy ST2, however this is partly out of date for the reasons set out above. Given this the application should be determined under paragraph 11 of the NPPF which states that where policies which are most important for determining the application are out-of-date, permission should be granted unless:



- i. *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The development would provide an appropriate extension to Holmrook, which is identified as a Sustainable Rural Village in the new Copeland Local Plan 2021-2038 Publication Draft and would help to maintain the local community and provide opportunities for defining the settlement edge. Given this, unless there are any adverse impacts which significantly and demonstrably outweigh the benefits of the proposal, then the Strategic Planning team considers that the application should be approved.

#### Copeland Borough Council – Housing Team

*5<sup>th</sup> January 2022*

This is an application for outline planning permission to develop up to 15 dwellings on a site between Drigg and Holmrook. Attached plans show the layout for 11 dwellings, which are intended to be a mix of 1, 1.5 and 2 storeys.

In line with the NPPF and Copeland’s policies there will be an expectation that affordable housing will be provided on the site as it is over 10 units. Whilst this is an issue to be considered under the reserved matters planning stage, we would like to confirm at this stage of the process that we would hope to see affordable housing provided on this site.

Evidence from our Housing Needs Survey in 2020 shows an older age profile in the local area with high levels of home ownership – 89% of respondents were homeowners, with 75% of those owning their home outright. More than half of respondents were couples with no dependent children and there were few households with children reported. In terms of housing need, those who were interested in moving gave reasons of retirement, health and mobility and wanting to be nearer to amenities. This suggests that there may be a need for new housing to accommodate those wanting to downsize or live in more suitable accommodation to suit health or mobility/disability needs. In terms of property type required, bungalows were of most interest, again suggesting that people were looking for accommodation to suit health needs. We would welcome provision of bungalows on this site as they are always in demand and would suit the current demographic as well as those wishing to move into the area.

The location of the site makes it attractive to those working within Sellafield and the supply chain and new development may attract a younger market and bring more families to the area, which would help support local services.

To accommodate the needs of the market we would suggest that a mix of 2 and 3 bedroomed properties was appropriate – this is also in line with the findings of the 2019 SHMA.

Overall, we are supportive of this application.

*10<sup>th</sup> March 2022*

The amendments do not appear to affect our original comments, so nothing further.

Arboricultural Consultant – Capita

*18th December 2021*

Following our site visit, we have the following comment/observation to make on the proposed development. The scheme proposes to construct 11-15 houses on the agricultural land. There are currently no trees growing on the site. Hedgerows surround the agricultural land.

The proposed landscape scheme submitted with the outline planning application shows 26 No. trees and 420m<sup>2</sup> of woodland to be planted around the perimeter of the proposed development site. The landscape plan also indicates 125m of hedgerow planting as part of the proposed scheme.

The plan includes indicative details of aftercare maintenance procedures.

RECOMMENDATION

We recommend attaching a condition to the planning permission requiring the landscape plan is implemented in full.

*23<sup>rd</sup> March 2022*

DISCUSSION

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

The scheme proposes to construct eleven houses on the agricultural land. There are currently no trees growing on the site. Hedgerows surround the agricultural land.

The proposed landscape scheme submitted with the outline planning application shows specimen trees and groups of trees to be planted as part of the proposed development. The landscape plan also indicates hedgerow planting as part of the proposed scheme.

RECOMMENDATION

We recommend attaching a condition to planning permission requiring the applicant to submit a Landscaping Plan prior to construction. This must include a specification and planting details for the new tree and hedgerow planting and the aftercare.

We also recommend attaching a condition requiring the applicant to implement the approved Landscaping Plan in full.

Copeland Borough Council – Conservation Officer

*5<sup>th</sup> January 2022*

Conclusion: No objection

Assessment:

This application is a resubmission of 04/18/2297/001, which expired in December 2021.

The principle of developing this site appears to have been previously established, and I do not see any reason to think that's changed.

A slight harm to the wider setting of the nearby farmhouse Hill Green (non-designated heritage asset) can be expected due to the general suburbanisation of countryside, views across open fields, and loss of sections of hedging. This setting has already experienced harm from the houses opposite, but the direction of travel is still negative.

When it comes time for detail, I would recommend offsetting this harm by ensuring good quality design, both at the level of the layout, access and planting, and at the subsequent level of building design.

I view the proposed access as having neutral impact.

*28<sup>th</sup> March 2022*

I do not believe this update to the description affects my previous comments.

Cumbria County Council – Footpaths Officer

No comments received.

Health & Safety Executive

No comments received.

Cumbria County Council – Resilience Unit

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

There are no objections to the proposed works.

However, it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

*15<sup>th</sup> March 2022*

There are no further comments in addition to the reply, below, forwarded on 20th December 2021.

Crime Prevention Design Advisor

No comments received.

Electricity North West

*22<sup>nd</sup> December 2021*

We have considered the above pre planning application submitted on the 14th December 2021 and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.

Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to

inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

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### Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to eighteen properties.

Twenty-five letters of objection were received in relation to this application which raise the following comments:

- Objections are the same as to the application approved three years ago.
- No need for further housing in Drigg and Holmrook, there are a number of properties on the market in the area.
- The application does not explain what housing need there is and what demand is to meet it.
- Previous approval based on housing supply failure which is now not an issue in Copeland.
- The medical facilities in Seascale are full to overflowing.
- There are no schools in the village.
- The site is in open countryside.
- Use brownfield sites.
- Outside of Holmrook settlement boundary, therefore contradicts with the 2013 Local Plan Policy.
- The residents of the area are against the proposed designation of Drigg and Holmrook in the new local plan. This should be now taken out of the proposed settlement boundary as the timescale for the application has now lapsed.
- The development does not come within the Parish Council's own development plan.
- Contradicts the village plan which states small affordable housing.
- If s 1.1 of the new NPPF is applied because cherry picked parts of the new plan are allowed to carry weight above and beyond the current plan then it seems very likely that no material planning factors exist that would allow the planning panel to justify refusal. The Council are very averse to triggering appeals, not least because of the potential financial cost of losing. It follows that any effective objections will need to be based on the unreasonableness of the weighting apparently being given to selected parts of the developing plan. The development takes away greenbelt land which separates Drigg and Holmrook, which are small rural settlements. This would effectively turn the area into one large housing development.

- The development would create extra traffic in the village which is already busy with extra traffic to the Drigg Nuclear Dump.
- Not sustainable development as would increase traffic use due to poor rural transport provision in the area. This is unacceptable given the Copeland ND 2020 climate and Environments Policy. Also contradicts the aims of the Zero Carbon Cumbria.
- No lit footpaths for access to services and transport links
- Access in dangerous position.
- The field in question flood and the facilities for surface water drainage are non-existent.
- Whilst the area of the field proposed for development does not flood there is already a problem in the other part of the field and the field immediately north which floods up to several feet.
- If the development is to use soakaways it will in all probably resurface creating larger floods in these fields.
- Ground conditions not suitable for soakaways.
- It would be better for the development to take the water away to the watercourse.
- The development should also prove drainage for the adjacent field
- The developer states more than 300m<sup>3</sup> of additional water run off will be caused by this development. What is being done to prevent this excess water from saturating my property for longer periods?
- Increase in flood risk.
- The application states no land drains on the site however this is incorrect.
- There is only one sewer pipe leading from Smithy Banks and it fairly regularly overflows onto the footpath and road.
- The development will add to the existing sewage issue. Existing systems are full to capacity.
- No statement from UU to confirm that system is capable of additional capacity.
- Where will the sewage and water run off go?
- Will the existing systems cope with extra effluent?
- Drainage strategy needs to be more specific to the proposed development.
- The planting of trees around the edge of the site will block the visibility of other Smithy Banks residents.
- The landscape proposal has issues with ownership and maintenance of the proposed planting. Who will maintain? These will become an eyesore.
- New landscaping will encourage onto paths.
- Trees will overhang existing gardens.
- Is it safe to build in the vicinity of a high pressure gas main? And damages would have major consequences for the area.
- Credibility of the supporting documents as incorrect names and address points used.
- The site has been sold so all reports with applicants name should be given no weight.
- Loss of views.
- Overshadowing.
- No benefit to local area.
- No detail on the proposed dwellings therefore visual impact cannot be determined.

Further to the submission of amended plans all neighbours, and objectors of the application were reconsulted on this application.

Fourteen letters of objection were received in relation to this application which raise the following comments:

- Previous objections to this application should still apply.
- Not clear from documents what the amendments area. Is something being hidden?
- Amendments are to make application more vague by removing specification of number of houses to be built.
- How can an assessment of the access be made if number of dwellings are not known?
- There is no limit to the number or size of dwellings which can be built.
- This could increase use of the road by an unacceptable amount.
- The development is contrary to Copeland Planning Strategy.
- The development will join both villages together.
- This is greenfield development. Brownfield land should be considered first.
- The site is not vacant as stated and is regularly used by cows.
- There is no need for this development.
- Previous approval was allowed due to shortfall in the area this is no longer the case.
- The previous approval has now lapsed by is still shown in the new local plan. This should be removed and should be reverted back to greenfield land.
- Contradicts the village plan which states small affordable housing.
- Increase in traffic and population where roads and services are already struggling.
- Lack of local facilities so not sustainable development.
- No lit footpaths for access to services and transport links.
- Not sustainable development as would increase traffic use due to poor rural transport provision in the area. This is unacceptable given the Copeland ND 2020 climate and Environments Policy. Also contradicts the aims of the Zero Carbon Cumbria.
- The field at the bottom of the development has flooded on 4 occasions in the past 3 months.
- The application states the site does not flood.
- The application states no land drains on the site however this is incorrect.
- Soakaway drainage not sufficient.
- Development will increase flood risk.
- Existing sewage system is full to capacity and overflows.
- No statement from UU to confirm that system is capable of additional capacity.
- Still questions of credibility of the supporting documents as incorrect names and address points remain.
- Loss of views.
- Trees will overhang existing gardens.
- No indication of roof heights.



- Proximity of gas pipeline. Previously told no residential development in close proximity will be allowed.
- Ribbon development not allowed by Copeland Planning Committee in Drigg.
- Drigg has no focus. Is this now a holiday centre given previous permissions in the area?
- The site has been sold so all reports with applicant's name should be given no weight.

## **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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

#### Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

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

#### **Emerging Copeland Local Plan (ELP):**

The emerging Copeland Local Plan 2017-2035 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. Given the stage of preparation of the Copeland Local Plan 2017-2035 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.

The following policies are relevant to this application:-

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk Policy DS9PU: Sustainable Drainage

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

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

## **Assessment**

The primary issues relevant to the determination of this application are as follows:-

- The principle of the development;
- Housing need;
- Settlement character, landscape impact and visual impact;
- Scale, design & impact of development on residential amenity;
- Flood risk and the achievement of satisfactory drainage;
- Access & highway safety;
- Ecology.
- Gas Pipeline & Overhead Cables.

## **Principle of Development**

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

Holmrook is a small village located outside of any settlement boundary identified within Policy ST2 of the Copeland Local Plan. The application site lies to the west of the village and is directly adjoining the built form of the area. As the application site is located outside of any settlement boundary the proposal is in conflict with Policy ST2. Policy ST2 of the Copeland Local Plan states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

Outline planning approval (ref: 4/18/2297/0F1) has previously been granted at this site by Members of the Planning Panel for the residential development of the site including detail of the proposed access. This approval was granted when the Council were unable to

demonstrate a five year land supply. Although this permission has now lapsed, the previous approval has established the principle for developing the site for residential purposes.

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 73); 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 November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 55 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 Local Plan must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Preferred Options Draft (ECLP) ended in December 2020. The ECLP will, once adopted, replace the policies of the adopted Local Plan. The emerging Copeland Local Plan 2017-2035 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. Given the stage of preparation of the Copeland Local Plan 2017-2035 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.

The ECLP has been drafted based upon an evidence base. The SHMA calculates a housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

Strategic Policy DS3PU of the ECLP seeks to identify Holmrook as a 'Sustainable Rural Village', given the level of services available within the area. The ECLP states that limited growth and development within these areas will help to maintain communities and support the retention of the existing services and businesses. The ECLP seeks to establish a settlement boundary around Holmrook. This site is identified within the ECLP as within the proposed new settlement boundary. Whilst the proposed development aligns with the emerging policies and provisions of the ECLP, there are outstanding objections to the relevant policies applicable to this development. The Council's Strategic Planning Policy Team have however confirmed that as none of these objections relate to the position of

Holmrook as a Sustainable Rural Village, the policy can be given moderate weight in decision making and it is therefore considered that development of this scale within the settlement boundary of Holmrook would be deemed suitable in principle.

The application site lies on the western edge of the built up area of Holmrook and is considered to be within walking distance of the key local services of both Holmrook and Drigg given the linked footpath. Copeland's Village Survey identified the following services within these two areas; two community facilities, a church, two pubs, a café, a post office, four shops, a playground, a train station and a large employer (Diggs Low Level Waste Disposal Site).

In the context of the provisions of Paragraph 11, the Council's defined settlement boundaries are considered to be out of date. Paragraph 11 of the NPPF sets out that planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In applying the provisions of paragraph 11:

- The site would assist in increasing housing supply to meet the identified need for housing within the Borough;
- The proposed development is small scale and is considered appropriate in size to the existing village of Holmrook;
- The site adjoins the existing built form on the western edge of Holmrook;
- The site is located in close proximity to the services located within Holmrook and Drigg. The proposed development will support existing services and thus the aspiration of retaining these services;
- Some sustainable travel options exist within the vicinity, including Drigg Train Station, as per the provisions of Policy DM22 of the Local Plan.

### Housing Need

The NPPF encourages the provision of affordable housing as part of major development schemes, which include proposals for 10 or more houses. Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the SHMA.

Holmrook falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SHMA suggests a particular focus on the delivery of three bedroomed houses, semidetached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The illustrative site layout plan and supporting documentation outlines that the proposed dwellings are likely to comprise of a mix of detached and semi detached dwellings.

The Council's Strategic Housing Team have stated that in line with the NPPF and Copeland Local Plan Policies there will be an expectation that affordable housing will be provided on the site for over 10 units. The Housing Team have also stated that they would welcome provision of bungalows on this site as they are always in demand and would suit the current demographic, and the location of the site makes it attractive to those working within Sellafield and the supply chain and new development may attract a younger market and bring more families to the area, which would help support local services. They therefore suggest that a mix of 2 and 3 bedroomed properties was appropriate to accommodate the needs of the market in line with the findings of the 2019 SHMA.

As part of the application process the proposed number of dwellings was removed from the description of the proposal as requested by the agent in order to reflect the previous approval at this site (ref: 4/18/2297/0F1). The agent for this application has confirmed that as this application is in outline form it has not been determined that the final quantum of dwellings will be and, therefore whether or not the threshold for affordable housing will be triggered in the final development. As per the previous outline approval at this site it is therefore proposed to include a condition within the decision notice for this application which would require the applicant to enter into a S106 agreement with the Local Planning Authority should the final scheme for this site consist of 10 or more dwellings.

The proposed development has the potential to assist in providing a greater balance of market housing stock within the Borough, therefore meeting an identified housing need in accordance with the provisions of Policy SS3 of CS and Paragraph 61 of the NPPF.

#### Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 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 DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The application site comprises of undeveloped land that lies on the edge of the built-up area of Holmrook, adjacent to a number of existing dwellings. The land contributes positively to the character of Holmrook with particular regard to the approach to the settlement from the west.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

The site comprises an area of agricultural land located to the west of Holmrook, directly adjoining the built form of the village. The site forms part of a larger field which separate Drigg from the village of Holrook. This area of Holmrook is characterised by detached dwellings formed within small estates. The proposed development would comprise of an estate type development which would provide an extension of the existing built form of the village to the west. The proposed development will be of a low density which will reflect the built form of this part of Holmrook, particularly the adjacent residential estate of Smithy Banks. The development would be viewed as an extension to the Holmrook settlement and would be viewed against the backdrop of the existing properties at Smithy Banks. The development is not considered to result in a major intrusion into the open countryside, as the site would be sited adjacent to existing dwellings. By restricting development to only part of this greenfield the proposal would maintain the character of Holmrook and Drigg, which are characterised by pockets of development separated by clear spaces between them. This would prevent the two settlements from merging. Additional landscaping, which would be detailed within subsequent reserved matters applications and secured by appropriately worded planning conditions, will also help to lessen the impact on the character and appearance of the development.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that the site could be developed in a form that respects the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with policies ST1 and ENV5 of the Copeland Local Plan and provision of the NPPF.

### Scale, Design and Impact on Residential Amenity

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

The application includes indicative details of the proposed layout only with details of the scale and appearance of the dwellings reserved for subsequent approval at the Reserved Matters stage. As submitted the proposed plot layout does reasonably allow for adequate separation distances to be achieved between facing elevations of the proposed and existing dwellings as required by Policy DM12 of the Local Plan. It is also considered that suitable boundary treatments can be secured as part of this permission to minimise the potential impact on the existing property. Whilst a landscaping plan has been submitted to support this application, these details are indicative only. Full details of landscaping, and therefore boundary treatment, for this development will therefore be secured by condition alongside a maintenance schedule to overcome concerns of local residents.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that a development layout is deliverable with interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking. The requirements of Policy DM12 of the Local Plan are considered achievable.

### Flood Risk and the Achievement of Satisfactory Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

Whilst the application site is located within Flood Zone 1 the Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon this application.

A flood risk assessment has been submitted to support this application. This report concludes that the development should reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems.

Although the application is in outline form only, the agent for this application has submitted a Drainage Strategy to support this application. This document indicates that the foul water for the site will be discharged into the adjacent United Utilities network located within the public highway and surface water will be dealt with by soakaways. The Parish Council and local residents have raised concerns with regards to inadequate infrastructure in the village



and the increased risk of flooding. No objections have been received to this application from any statutory consultees, however it has been indicated that the site should be drained on a separate systems. United Utilities have reviewed the submitted Drainage Strategy for this application and have confirmed that whilst the proposals are acceptable in principle they do not have sufficient information on the detail of the drainage design. On this basis, UU have requested the inclusion of conditions relating to surface water drainage. In line with these comments from United Utilities relevant conditions have been attached to ensure an adequate drainage system at the site and to ensure a surface water drainage scheme based on the hierarchy of drainage options in the NPPF is submitted to and approved by the Local Planning Authority prior to commencement of works.

The proposed conditions will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

#### Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The application has been submitted in outline form only, however full details of the proposed access have been included within the application. A detailed plan has been submitted with this application to show how access can be achieved from the B5344 to the south of the site. Access to the site is to be via a 4.8m wide shared surface road with splays of 48.2m x 2.4m to the west and 44.4m x 2.4m to the east. These details reflect the access details approved under the previous outline planning approval (ref: 4/18/2297/0F1).

Although concerns have been raised by both the Parish Council and local residents with regard to the suitability of the proposed access, Cumbria Highways have confirmed that as per their previous response to the previous outline approval at this site, they raise no objections to the proposal subject to the inclusion of conditions relating to footways design and construction, ramps, access road, footways and cycleways, access drive, vehicular access, access gates, surface water discharge onto highways, highway surface water drainage systems, parking and turning, and street lighting. It is therefore considered that based on the inclusion of the requested conditions, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan and provisions of the NPPF.

#### Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

An Ecological Appraisal has been submitted in support of this planning application and provides an assessment of the ecological impacts of the development. The report concludes:

- Designated sites: Drigg Holme SSSI is 0.3 km south, Hallsenna Moor SSSI is 1 km north-west and Drigg Coast SAC and SSSI is 1.2 km south-west from site. There are also five County Wildlife Sites and two Sites of Invertebrate Significance within 2 km of the site.
- Habitats: The site comprises improved grassland, intact species-poor hedgerows and intact species rich hedgerow.
- Protected and notable species: The site has habitat suitability for amphibians, reptiles, bats (foraging and commuting), breeding birds and red squirrel. Invasive montbretia was recorded onsite.

Based on these conclusions the following mitigation measures/recommendations are therefore made as part of this survey:

- A precautionary approach should be taken on site in order to avoid any potential risk of injury to individual GCN, other amphibians and reptile species that may be present within the works footprint. Any hedgerow / vegetation removal should be carried out under an approved Method Statement that will include Reasonable Avoidance Measures with regard to the above species. If GCN are discovered, the works must cease immediately, and advice sought from an ECoW / GCN licenced ecologist.
- A pre-works badger survey of the proposed works area for badger is recommended a minimum of three months prior to works.
- Any works affecting potential bird nesting habitat (i.e. any vegetation clearance) should avoid the nesting period (March to September inclusive) or be immediately preceded (within 48 hours) with a nesting bird check by a suitably qualified ecologist.
- The hedgerows must be protected during construction in line with BS 5837:2021 by maintaining a 1m buffer from the base of the hedgerow.
- A sensitive lighting scheme should be designed and implemented to protect important features for bats and other nocturnal wildlife.
- It is advised that an Invasive Species Method Statement is produced by a specialist contractor and implemented to control and eradicate the montbretia present within Hedgerow 2.
- It is recommended that enhancement measures are included in the final development such as landscaping with native species and inclusion of bat and bird boxes.

Appropriately worded planning conditions will be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures and additional surveys.

Concerns have been raised with regard to the detrimental impact the development will have upon ecology. Natural England have been consulted on this application however their comments are still outstanding.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.

### Gas Pipeline & Overhead Cables

A gas pipeline, known as FM16 - Pennington to Sellafield PS Located to the west of the application site is. This application site falls within the gas pipeline 135m buffer zone.

As part of this application Northern Gas Network as the Health and Safety Executive have been consulted on the proposed works, however no comments have been received. A consultation response was however received to the original outline approval therefore their comments and advice has been considered as part of this currently application. It has previously been confirmed that Northern Gas Network have no objections to this proposal, however, they have stated that there may be apparatus in the area that may be at risk during construction works. Northern Gas Network have therefore stated that should this planning application be approved then the developer should contact them directly to discuss requirements for the site in detail. Should diversionary works be required these will be fully chargeable to the developer.

The western corner of the application site also accommodates overhead cables which the applicant proposes to direct along the western boundary of the site as part of this development. Electricity North-West have confirmed that the development could have impacts on their infrastructure as the development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Electricity North-West have also confirmed that should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant.

Based on this advice from previous advice from Northern Gas Network and comments from Electricity North West these requirements have been included as informatives within the decision notice for this application.

### Planning Balance

The application site is located outside of any settlement boundary as defined in Policy ST2 of the Copeland Local Plan.

Outline planning approval (ref: 4/18/2297/0F1) has previously been granted by Members of the Planning Panel for the residential development of the site including detail of the proposed access. This approval was granted when the Council were unable to demonstrate a five year land supply. Although this permission has now lapsed, the previous approval has established the principle for developing the site for residential purposes.

For the reasons outlined, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for

determining the application are to be considered out of date and it required that planning permission be granted unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposed development is in conflict with the provisions of Policy ST2 of the Local Plan with regard to the location outside of any settlement boundary; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

Strategic Policy DS3PU of the ECLP seeks to identify Holmrook as a 'Sustainable Rural Village' given the level of services available within the area. Although there are objections to this policy the Council's Strategic Planning Policy Team have confirmed that as none of these objections relate to the position of Holmrook as a Sustainable Rural Village, this policy can be given moderate weight in decision making and it is therefore considered that development of this scale within the settlement boundary of Holmrook would be deemed suitable in principle.

The development will assist in boosting housing supply for the Borough, is of an appropriate scale for the area, will support the retention of existing services locally, and benefits from some limited sustainable travel options in accordance with the spatial objectives of the Local Plan. Whilst the development, by virtue of its location, would have some impacts on the existing character of the west of the village, the small-scale proposal has been designed to respect the character and built form of this area of the settlement whilst retaining the separation between Holmrook and Drigg. The development is considered an acceptable extension to the settlement and would be viewed against the existing built form of Holmrook, limiting its impacts.

### Conclusion

On balance, whilst conflicts are identified it is considered that these are collectively not significantly harmful to significantly and demonstrably outweigh the identified benefits of the development, which would include: the provision of housing in a sustainable location and supporting local services when assessed against the policies in the NPPF taken as a whole.

**Recommendation:-**

Approve in Outline subject to the following conditions.

**Conditions**Standard Conditions

1. The layout, scale, appearance, access and landscaping must be approved by the Local Planning Authority.

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. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-

- a) The expiration of THREE 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 matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-
  - Site Location Plan, Scale 1:2500, received by the Local Planning Authority on the 1st December 2021.
  - Proposed Access Arrangements, Drawing No: C001A, received by the Local Planning Authority on the 1st December 2021.
  - Drainage Strategy and Design, prepared by Kingmoor Consulting August 2018, received by the Local Planning Authority on the 1st December 2021.

- Flood Risk Assessment, Prepared by Kingmoor Consulting April 2028, received by the Local Planning Authority on the 1st December 2021.
- Ecological Appraisal (Amended), Prepared by Tetra Tech Planning February 2022, received by the Local Planning Authority on the 28<sup>th</sup> February 2022.
- Access Appraisal, Prepared by WYG Transport August 2018, received by the Local Planning Authority on the 1st December 2021.
- Planning Statement (Amended), Prepared by Tetra Tech Planning February 2022, received by the Local Planning Authority on the 28<sup>th</sup> February 2022.

#### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### Pre-Commencement Conditions:

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

#### Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

5. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - c) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management in accordance with Policy T1 and DM22 of the Copeland Local Plan.

7. The carriageway, footways, footpaths, cycleways etc must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and must be retained as such at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

8. Ramps must be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps must be submitted to the Local Planning Authority for approval before development commences. Any details so approved must be constructed as part of the development and must be retained as such at all times thereafter.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details and retained at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with ENV5 and DM10 of the Copeland Local Plan.

10. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include details for its implementation. Development must be carried out in accordance with the approved schedule.

Reason

To ensure the implementation of a satisfactory landscaping scheme in accordance with ENV5 and DM10 of the Copeland Local Plan.

Prior to Occupation Conditions:

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

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

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

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



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

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

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Other Conditions:

- 13. In the case of any 'Reserved Matter' or 'Full Application' for approval of detailed design for this site, if the scheme consists of 10 or more dwellings, the applicant must enter into a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 which will cover the provision of affordable housing contributions.

Reason

To ensure the provision of affordable housing on the site in accordance with the National Planning Policy Framework (2018) or any subsequently adopted Copeland Borough Council Local Plan.

- 14. The development must implement all of the mitigation and compensation measures set out in the approved document 'Ecological Appraisal (Amended), Prepared by Tetra Tech Planning February 2022', received by the Local Planning Authority on the 28<sup>th</sup> February 2022. The development must be carried out in accordance with the approved document at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan.

- 15. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within 'Flood Risk Assessment, Prepared by Kingmoor Consulting April 2018, received by the Local Planning Authority on the 1st December 2021', and must be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

16. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

17. There must be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

18. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

19. All matters relating to the layout of the site, parking and turning within the site shall be reserved for approval at the detail planning stage.

Reason

In the interest of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings / buildings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

## Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

## Informatives:

1. The street lighting layout on the B5344 will need to be modified to accommodate the creation of a new junction, these changes will be at the developer's expense.
2. The applicant is advised to liaise with the Resilience Unit office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant is aware of the appropriate information and actions to take should there be an incident at the Sellafield site.
3. Northern Gas Networks have confirmed that there may be apparatus in the area that may be at risk during construction works. The promoter of these works should contact Northern Gas Network directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable to the developer/applicant.
4. Electricity North-West have confirmed that their overhead network will be impacted as part of this development. The developer should contact Electricity North-West to discuss details of their proposal to divert these cables.

## Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.