

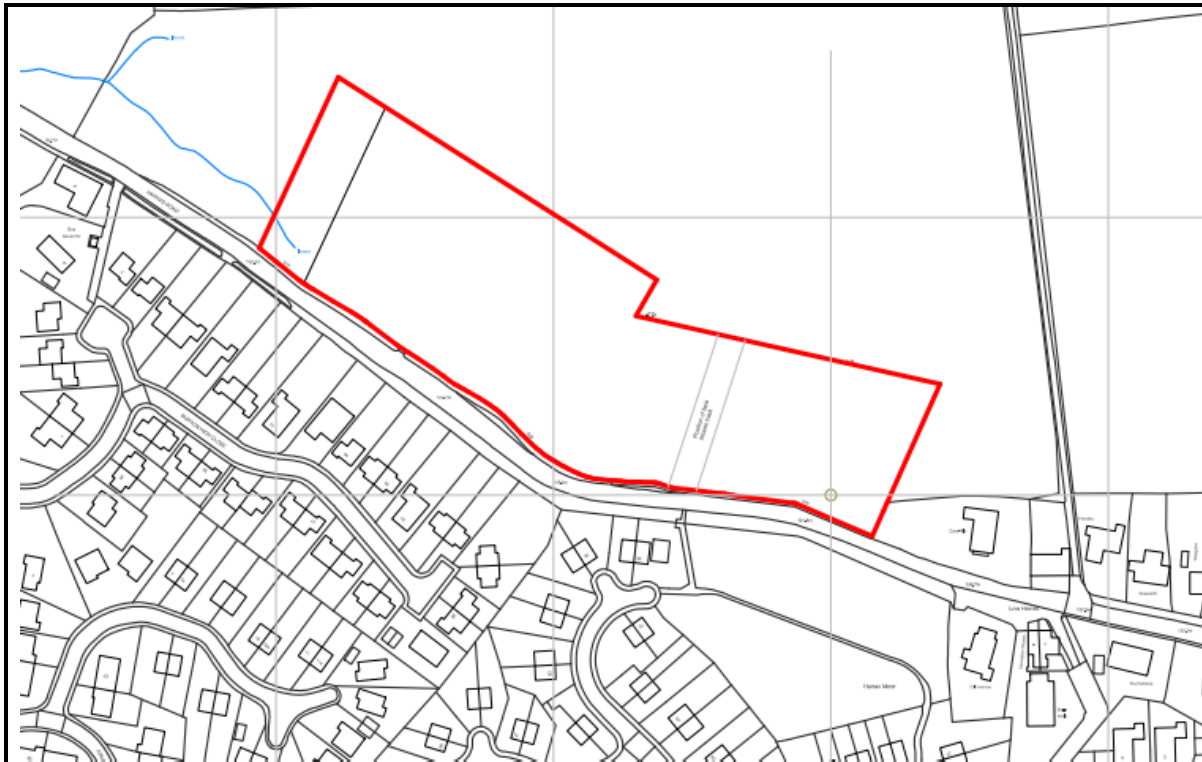


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 15/02/2023**

<b>Application Numbers:</b>	4/22/2135/0F1
<b>Application Type:</b>	Full
<b>Applicant:</b>	John Swift Homes Ltd
<b>Application Address:</b>	LAND AT HARRAS ROAD, HARRAS PARK, WHITEHAVEN
<b>Proposals</b>	PROPOSED RESIDENTIAL DEVELOPMENT FOR 23 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE AND LANDSCAPING
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	<p>Members authorise delegated authority to the Head of Planning and Place to approve planning permission for the development subject to:</p> <ul style="list-style-type: none"><li>- The Applicant entering into a Section 106 planning obligation securing the delivery of 3 of the dwellings as affordable housing.</li><li>- The planning conditions outlined at the end of this report; and,</li><li>- Any revisions as deemed appropriate by the Head of Planning and Place.</li></ul>



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

This application is brought for consideration by Members of the Planning Panel as the site lies outside the designated development boundary for Whitehaven and due to the level of interest raised by the local community.

At the meeting of the Planning Panel on the 18<sup>th</sup> January 2023 Members agreed to complete a site visit before determining planning application ref. 4/22/2135/0F1.

Members are scheduled to complete a site visit on the 15<sup>th</sup> February 2023.

### **Site and Location**

This application relates to an area of land extending to 1.60 hectares which lies immediately to the north of Harras Road and is adjoined on its western boundary by the dwelling known as "Casa Mia". It is located on the eastern edge of Whitehaven.

This greenfield site is currently used as agricultural land and is located contiguous to the settlement boundary for Whitehaven. The land is bound by an existing stone wall to the south which fronts onto Harras Road. There are no other physical boundaries which define its northern, eastern or western edges.

A number of modern dwellings lie on the opposite side of Harras Road to the south.

The site varies in levels across its length with a fall of approximately 15m from east to west.

### **Relevant Planning History**

Outline application (with some matters reserved) for residential development consisting of nine serviced self-build plots was approved in March 2019 (application reference 4/18/2347/001 relates);

An application for the Approval of Reserved Matters relating to scale, layout and appearance for plot 1 (relating to planning permission 4/18/2347/001) was approved in January 2020 (application reference 4/19/2170/0R1 relates);

An application for the Approval of Reserved matters for a detached dwelling on plot 8 was approved in March 2020 (application reference 4/19/2305/0R1 relates);

An application for the Approval of Reserved Matters for detached dwelling on plot 9 was approved in March 2020 (application reference 4/19/2364/0R1 relates);

An application for the Approval of Reserved Matters for a detached house on plot 5 was approved in June 2020 (application reference 4/20/2024/0R1 relates);

An application for the Approval of Reserved Matters for a detached dormer bungalow on plot 6 was approved in March 2020 (application reference 4/20/2025/0R1 relates);

An application for the Approval of Reserved Matters relating to appearance and landscaping for plot 1 only and landscaping for the boundaries of the entire site was approved in August 2021 (application reference 4/21/2268/0R1 relates).

### **Proposal**

Full Planning Permission is sought for the erection of 23 dwellings on the site including the associated infrastructure and landscaping. The proposal includes 4 x 2 bedroomed properties, 9 x 3 bedroomed properties and 10 x 4 bedroomed properties. The proposal combines a mixture of single storey and two storey dwellings comprising detached, semi-detached and terraced properties. The dwellings will be arranged within 3 distinct groups focussed around cul-de-sacs.

The Applicant proposes that 3 of the 23 dwellings are affordable properties. These have been identified as the 2 bedroomed units on plots 6, 7 and 8.

The development will contain 7 different house types of varying sizes ranging from 2 to 4 bedrooms. They will be constructed from a range of materials including brick and render. All dwellings will have an oak front door and anthracite coloured Upvc windows and garage doors. Private driveways will be surfaced with Tegula pavements and tarmac.

Due to the sloping nature of the site it is proposed to form developable areas of the land by a cut and fill arrangement effectively stepping down Harras Road. This would involve engineering works to form retaining walls and associated structures between plots.

A comprehensive landscaping scheme has been submitted including hard and soft treatments for private and shared areas. A 1.8m high timber fence will be utilised between properties with a timber post and stock proof fence along the north boundary with the agricultural field beyond.

Access will be taken from Harras Road using four separate openings into the site. Three of the new entrance points will serve the private cul de sacs. The fourth entrance will be used as a field access for the agricultural fields immediately to the north. There will be a total of 58 parking spaces provided as part of the development for use by the occupiers and any visitors.

Traffic calming measures including the installation of speed tables within the highway on Harras Road are proposed as part of this development.

The application has been submitted with the following information:

- Site Location Plan;
- Dwelling Type Schedule;
- Dwelling Type A-G plans and elevations;
- External Material Schedule;
- Site Section;
- Landscape Layout;
- Access Appraisal;
- Ecological Report;
- Flood Risk Assessment and Drainage Strategy;
- Operation and Maintenance Plan for Sustainable Drainage Systems;
- Design and Access Statement;
- Landscape and Visual Appraisal;
- Street scene.

## **Consultation Responses**

### Whitehaven Town Council

#### 1<sup>st</sup> Response

No objections.

#### 2<sup>nd</sup> Response

The Council agreed that they continue to support the residents in their objections of these developments. In addition, the Ward Councillor has written to the Planning Panel and has requested that he be able to address the Planning Panel with concerns regarding access, drainage and overcrowding.

### Cumbria Highways

#### 1<sup>st</sup> Response

Local Highway Authority response:

The overall assessment of the highway impact and suitability of this proposal is based on our response to the previous application on this site: 4/2018/2347 which the LHA and LLFA had no objection to. I have taken into account the relative scale and thus impact of the two developments, and considered the previous evidence which has also been cited in this application.

#### Trip Generation, Access and Highway Safety

The trip generation from the proposed development, although may be noticed by immediate neighbours of the site, is not considered to be significant in wider traffic terms and will not have a material impact on the road network. The pedestrian provision to the site is provided by an existing footway on the south side of the road which is not ideal as it involves road crossings at every entrance but is acceptable as there is no continuity on the northern side of the road and the necessary visibility splays can be achieved. However, in order to provide a higher quality and more compliant footway which can encourage more sustainable trips from the development, this existing footway should be widened to 2m where possible. The section that is not constrained by highway corridor width and can be widened in the verge is from a point opposite Casa-Mia and to a point in a north-westerly direction for approximately 370m. This will be required to be delivered by way of a S278 agreement and completed before the first occupation.

Crossings to the footway are required at each access and these have been shown. Footway provision towards the town centre is poor as it passes under the Loop Road, but this is an existing constraint and there is not a straightforward or appropriate improvement possible here.

The traffic speeds on Harass Road are a concern, as demonstrated by the speed surveys with 85th %ile speeds of between 33 and 41mph. The proposed series of four raised tables have been agreed with the LHA as being appropriate speed reducing traffic calming measures. These must be designed with the appropriate ramp gradients and will be long enough to minimise noise from the 'bouncing' of vehicles, especially HGVs.

There has been only one reported injury road accidents in the last 5 years in the vicinity and bearing in mind the existing use on this road, the existing facilities and proposed mitigation measures proposed to slow traffic down, it is our view that the proposal will not have an unacceptable road safety risk. There is likely to be more localised traffic conflict, inconvenience and some delay, but in the opinion of the LHA these cannot be classified as a 'severe impact' – the metric used for refusal of applications for highway reasons according to the NPPF.

It is noted that the arrangement of the accesses allows for the necessary visibility splays to be provided commensurate with the agreed reduced speeds courtesy of the traffic calming. It should also be noted that by creating a residential frontage with direct accesses and footways, this will also have an additional traffic calming effect.

#### Site Layout

Overall, the layout of each cul-de-sac is acceptable and these appear to be compliant as shared-surface street design with service strips, although the 0.5m clearance strip is not

obvious and should be shown on the detailed drawings for approval. Further clarity on the layout and construction materials will be required, including cross-sections. Details to clarify include:

- the footways to the site boundary should be 2.0m wide.
- Further details of the raised tables showing the ramps and impact (if any) on drainage and additional gullies if necessary;
- Swept path diagrams for refuse vehicles in the turning heads;
- Derails and confirmation of the cul-de-sac road designs to comply with the CDDG;
- Parking provision to be in line with the CDDG requirements including a visitor space for each
- cul-de-sac or demonstration that on-street parking is possible without parking on the footways
- Details of the widening of the existing footway.

## **Conclusion**

In summary, Cumbria Highways have no objection to the proposal but will need further details and recommends that the following conditions are included in any consent granted:

The carriageway, footways, footpaths, cycleways etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall 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 shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason:

To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8

The development shall not commence until visibility splays as shown on Drawing C001 Rev. P02 (Visibility Splays and Proposed Traffic Calming Measures) have been provided at the junction of the access roads with the county highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before

general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian within and to and from the site shall be provided that is convenient to use. Specifically the footway (2.0m wide) should run along the site frontage between (and including ) the accesses. The existing footway on the west side of Harass Road is to be widened to 2.0m from a point opposite 'Casa-Mia' to a point as far south as practicable (approximately 360m). The footways to the site frontage and widened footway on the southern side of the road shall be completed prior to occupation.

Reason

In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- details of retained areas for vehicle parking, manoeuvring, loading and unloading for their

specific purpose during the development;

- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any

materials on the highway;

- construction vehicle routing (site must be accessed from the east)
- the management of junctions to and crossings of the public highway and other public

rights of way/footway;

- Details of any proposed temporary access points (vehicular / pedestrian)
- specific measures to manage and limit the impact on St James school on Wellington Row,

[Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety]

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4

## 2<sup>nd</sup> Response

The footway in question, is rather narrow compared to the standard in the Cumbria Design Guide, and the LHA are seeking a local improvement of enhance the provision for the benefit of existing users and the future occupiers of the new development. I appreciate that this is an isolated small improvement and is not identified in the Local Plan Transport Improvement Study, nor does a developer have a duty to upgrade existing off-site sub-standard highway infrastructure as a rule.

Also, whilst the existing footway provision is not ideal, it is useable and is not strictly necessary to make the development acceptable. This was an ask of a developer to make a small but meaningful difference to the local walking routes to benefit the community (including the future residents of this site) and offer a betterment, but I suspect the ask would fail if scrutinised against the NPPF tests.

I therefore have no option but to remove the request for this footway upgrade from the previous LHA formal response.

## Local Lead Flood Authority

The principles of the FRA are accepted, and it is noted that according to the mapping, there is low or very low risk of flooding to the site from any source. However, local knowledge which has been confirmed from a site visit, suggests that surface water does flow across the surface and will represent a real flood risk to the site unless this is addressed and mitigation measures are included.

I note that it has been assumed that the whole site is positively drained utilising filter or cut off drains, drains for retaining walls and one around the perimeter of the site as previously recommended by the LLFA. I am therefore satisfied with the general approach to draining the site. In the detailed design, the applicant should investigate the incorporation of kested hedges and/or swales to the site boundary as well as cut-off drains to help control off-site flows.

As for the strategy and compliance with the NPPF drainage destination hierarchy I am satisfied that infiltration is not suitable based on the soakaway testing, geology and local knowledge. Therefore, the proposal to discharge at an attenuated greenfield rate to the downstream watercourse is appropriate.

I am satisfied that the necessary design factors of climate change (40%) and urban creep (10%) have been incorporated into the design to calculate storage. I note the whole site has been used to calculate greenfield run-off rate to set the controlled discharge rate (total 11.8 l/s) and this is considered appropriate and robust in this instance. Since the land will be terraced and have filter drains and attenuation, the run-off rate to the downstream watercourse could even be less than the existing and therefore reduce the risk of downstream flooding.



I accept the need and use of geo-cellular crates in this instance although it is not the preference of the LLFA which prefer open or 'green' SUDS features such as swales, ponds or basins. Due to the space and gradient constraints, it is acknowledged that these features would not be practicable. However, it should be noted that the LHA will not adopt the roads if they have the tanks constructed beneath them due to maintenance risk and difficulty. The whole development will have to remain private unless a solution can be found where the tanks are out-with the Highway extents.

I note the inclusion of a hydrodynamic vortex separator which will adequately treat the surface run-off, albeit in a mechanical way rather than a basin or pond.

## Conclusion

In summary, the LLFA have no objection to the proposal but will need further details and recommends that the following conditions are included in any consent granted:

Prior to the commencement of any development, a detailed surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, inclusive of a maintenance schedule of how the scheme shall be managed after completion and an exceedance route diagram shall be submitted to and approved in writing by the Local Planning Authority.

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

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Strategy dated February 2022 proposing surface water discharging to the watercourse.

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

### Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

### Reason:

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

## United Utilities

### REQUEST FOR INFORMATION PRIOR TO DETERMINATION

We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review PRIOR TO DETERMINATION so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

### DRAINAGE

Following our review of the submitted Drainage Strategy Ref: K39108, Dated 21.02.22 we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

## Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a 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. You may find the condition below a useful example.

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.

## Flood and Coastal Defence Engineer

As the area development site exceeds 1.0 hectares, a Flood Risk Assessment (FRA) is required.

The Flood Risk Assessment & Drainage Strategy (FRA&DS) confirms the flood risk, as previously stated and goes on to suggest that the very low surface water flood risk is likely to be due to the steep sloping topography of the site. It also concludes that the site is not considered as being at significant risk from groundwater flooding, or other artificial sources of flooding.

In order to reduce downstream flood risk, consideration is given to drainage design and surface water disposal following the drainage hierarchy. Design is based on a 1 in 100 year storm with 40% climate change allowance and 10% urban creep of plot size.

Although in some localised parts of the site, infiltration was found to be suitable, it was highly variable across the site and given the physical constraints of the development, infiltration was deemed not to be suitable.

The watercourse within the development is the most appropriate means of surface water disposal and runoff will be stored and attenuated, with controlled discharge into the watercourse.

Consideration was also given to the SuDS components that could be incorporated into the development. Given the topography of the site, only geocellular attenuation tanks were deemed suitable.

To mitigate the potential risk of overland flows entering the site from higher land, it is proposed to incorporate a land drainage system along the northern and eastern boundaries of the site.

The proposed development will be terraced to tie in with the existing topography using the use of engineered slopes and retaining walls. Retaining walls will be positively drained with heel drains. Drawings show that land drainage systems will remain separate to the surface water system, but will discharge into the watercourse at the same point.

Surface water design has also considered exceedance and blockages. Design is conservative, with a higher runoff coefficient used than is the industry standard. Where possible, driveways and car parking areas will be designed to offer additional surface water storage, should the drainage system fail, or flood due to excessive rainfall. Finished floor levels and thresholds will be set above external levels and external footpaths will fall away from dwellings.

In the case of the geocellular storage, should there be problems, spills would occur at the lowest access cover around the properties, with the spills directed towards green areas and into the land drainage system through site design. A high level overflow in the flow control chamber would direct flows towards the existing highway.

Water quality has been considered and treatment is proposed by means of a hydrodynamic vortex separator or similar.

It is not proposed to have the surface water system to be adopted, instead a third party maintenance company will be established by the developer. An Operation & Maintenance Plan for SuDS has been submitted with the application.

#### GENERAL COMMENTS

Despite what the Flood Risk for Surface Water Map shows, the surrounding area is notoriously wet and boggy in places, although this does not necessarily mean that the site itself is.

Given the generic problems downslope with surface water, infiltration as a means of surface water disposal could increase other existing water problems, so would not be a favoured solution even if it was found to be suitable.

## SUGGESTED CONDITIONS

The submissions supplied in support of the application include much of the information usually required to discharge conditions, so no conditions are suggested.

## SUMMARY

The submission comprehensively covers the flooding and drainage aspects required for the development and therefore from a flood risk and drainage aspect, I have no objection to the proposed development.

### The Environment Agency

No response received.

### Environmental Health Officer

Following a desk top study and visit to the area, I have no objection to this proposal subject to the following condition noted below.

During the site visit, I did note surface coal deposits / waste but there are no records showing the land listed as contaminated land or being a historical landfill.

North Pit and Lady Pit were located in the general area and, presumably, the coal deposits may be associated with historical ancillary activity.

#### Construction Environmental Management Plan Condition

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved by

In writing by the Council. The Plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to

- (a) Procedures for maintaining good public relations
- (b) Arrangements for liaison with the Councils Environmental Health Team
- (c) All works which are audible at the site boundary shall be carried out only between the following hours – 08.00 and 18.00 hours Monday to Friday / 08.00 and 13.00 hours Saturday / at no time on Sunday or Bank / Public Holidays
- (d) Deliveries to, and removal of plant. Equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise at the request by Police and / or Highways Authority.
- (e) Mitigation measures as defined in BS 5228 – 1: 2009 + A1: 2014 Code of Practice for noise and vibration control on construction and open sites shall be used to minimise noise and vibration disturbance from construction works.
- (f) Procedures for emergency deviation of the permitted working hours.

- (g) Practicable control measures for dust and other airborne pollutants.
- (h) Measures for controlling the use of site lighting whether required for site safety or security purposes.

Reason:

In the interests of the amenities of surrounding occupiers during the construction of the development.

#### Land Affected by Contamination Condition

Reporting of Unexpected Contamination – In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

#### The Coal Authority

I have reviewed the site location plans and the proposals and supporting information available to view on the LPA website and can confirm that part of the application site falls within the defined Development High Risk Area.

The Coal Authority's information indicates that the potential zone of influence of recorded off-site mine shaft 298518-001 encroaches marginally into the application site (the landscaped verge area adjacent to Harras Road).

However, the part of the site where the development is proposed actually lies outside of the defined High Risk Area. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

Although the proposed development will be located outside the defined Development High Risk Area, as the site lies within an area where coal mining activity has taken place, it is requested that the following wording is included as an Informative Note on any planning permission granted:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered

during development, this should be reported immediately to the Coal Authority on 0800 288 4242.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### Housing Strategy and Inclusion

This is a full planning application for 23 dwellings, comprised of 21 market and 2 affordable units on a site of the northern side of Harras Road, Whitehaven. To the south of the site is the Highlands housing estate. This area has seen significant development interest in recent years, including an application for 370 houses on the Harras Moor site.

This application is to create 3 distinct groups of dwellings on the site, with a mix of bungalows, semi-detached and detached single and double storey units. In terms of size, the two affordable units are proposed to be 3 bedroomed and the market housing 9x 3 bedroom and 12 x 4-bedroom units.

The developer is proposing to provide 2 affordable units to rent at no more than 80% of market rate, but we have concern as to whether they would be truly affordable to the intended market, given the likely high market rent for the dwellings. We would therefore suggest a higher % discount to ensure they are truly affordable.

We welcome the number of bungalows proposed as these are always popular and in demand and believe that these dwellings would be popular within the market, attracting people to the area and also potentially freeing up larger family homes for those wanting to move to single storey accommodation.

The proposed development fits with our strategic priorities around investment and place, increasing the choice of housing available and growing the supply of housing in the main town, and so we broadly support the proposal.

### **Public Representation**

The application has been advertised by way of a press notice, site notice and neighbour notification letters issues to a number of residential properties within the locality of the site.

39 letters of objection have been received over 2 separate consultations raising the following concerns:

- The existing drainage system cannot cope with foul and surface water;
- The access road is not suitable for construction or the development;
- The parking provision is not adequate;
- There are historic mining issues on the site that may cause subsidence;
- The proposal will cause overcrowding;
- The proposal is for too many dwellings;
- There are footpath problems adjacent to the site;

- The proposal will result in increased pedestrian footfall that cannot be supported by the current pavements;
- The proposal will spoil the view of existing dwellings;
- Privacy of adjacent houses will be affected due to overlooking;
- Noise from the site will result in the disturbance of the surrounding properties;
- The development will not be linear as per the existing character of the area;
- Dwellings on the road front will be overbearing when travelling uphill;
- The lower density of the previous scheme was more sympathetic to the surrounding landscape character;
- Head light beams will impact on the adjacent dwellings;
- The proposal will take away green land;
- The development will be a threat to pets in the area;
- There is no pavement shown for pedestrians entering and leaving the site;
- The land is sited outside the development boundary;
- The noise of cars going over traffic calming tables will affect surrounding properties;
- Harras Road requires repair;
- There is a lack of GP surgeries to support the development.

### **Planning Policies**

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

### **Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

#### Core Strategy (CS)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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 for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

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

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The following policies are relevant to this proposal:

- 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
- Strategic Policy CO2PU – Priority for improving Transport networks within Copeland
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

## **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

## **Assessment**

### Principle of the Development

Policy ST2 of the CS defines the settlement hierarchy for development and defines settlement boundaries for those settlements identified as suitable for growth.

The application site lies within Whitehaven and is located directly adjoining the defined settlement boundary. Policy ST2 of the CS and DS3PU of the ELP identify Whitehaven as Copeland's Principal Town, where the majority of development should take place.

The Core Strategy identifies the site as being outside of, but adjoining the settlement boundary for Whitehaven. Sites outside of identified settlement boundaries are classed as being in the open countryside, meaning their development would be contrary to Policy ST2.

Policy ST2 of the CS and DS3PU of the ELP state 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.

Notwithstanding the above, the parts of Policy ST2 which refer to settlement boundaries policies in the CS must still be considered out of date, regardless of the housing land supply position. This is because the development of the Emerging Copeland Local Plan (ECLP) 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 in the decision-making process, Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning

authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In 2021, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 5.6 year supply of deliverable housing sites against the emerging housing requirement and a 86 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Consultation on the Emerging Copeland Local Plan 2017-2035 Publication Draft (ECLP) ended on 18<sup>th</sup> March 2022. The ECLP is currently undergoing examination by the Planning Inspectorate and will, once adopted, replace the policies of the adopted CS.

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

The ECLP has been drafted based upon an evidence base of documents which includes a updated Strategic Housing Market Assessment (SHMA). 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.

In the context of the above, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application to be considered out of date and it required that planning permission 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.

There is an extant planning permission in place for the residential development of the site for a total pf 9 dwellings which has established the principle of residential development in this location. This proposal would result in an increase in the scale and density of development on the site and would extend the development marginally beyond the site boundary established by the outline planning permission approved in 2019.

#### Housing Need and Delivery including Affordable Housing

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

identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority.

Policy H7PU of the ELP states that: developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2019 (SHMA). The SHMA suggests a particular focus on the delivery of two and three bedroom (75-85%) and some 4+ bedroom houses (15-20%) semi-detached and detached houses. It is stated that the Council should also consider the role of bungalows.

The proposal submitted includes a mix of bungalows, semi-detached and detached single and double storey units. These include the provision of 2, 3 and 4 bedroomed homes with 3 x 2 bedroomed affordable units on the site. The addition of bungalows is welcomed as these types of dwelling are an identified need within the Borough. The site provides a balanced mix of dwelling types that will respond to market requirements and the needs of the Borough.

The initial proposal included 2 affordable units. This only provided an 8.7% provision of affordable housing which does not comply with the NPPF guidance which states that at least 10% of the number of homes available should be affordable. As a result, the Applicant increased the number of properties to be made affordable to 3, giving a 13.04% share. The affordable units are to be offered at discounted rent at 80% market rent in accordance with the guidance set out in the NPPF. A Planning Obligation is proposed to secure the delivery of the affordable housing proposed.

The Site clearly holds the potential to deliver a mix of housing that accords with the need identified within the SHMA and the requirements of Policy SS3 of the CS and Policy H7PU of the ELP. The Council's Housing Strategy and Inclusion Officer is broadly supportive of the application.

### Scale, Layout and Design

Policies DM10, DM11 and DM12 of the CS and DS6PU and H6PU of the ELP seek to ensure that development is of an appropriate scale and layout so as to protect the overall character of the area and amenity of the surrounding occupiers.

The proposal is for 23 dwellings to be situated on large plots and with various ridge heights, ranging from bungalows to two storey dwellings. The plots are large to accommodate executive type dwellings whilst retaining space for reasonable sized gardens and parking

and turning facilities. In this context, the lower density is considered to be acceptable as the plots will provide a soft edge to the settlement.

The character of the built form in this area is linear development fronting onto Harras Road. These dwellings are all detached, are set parallel to the road and have large gardens. The proposed development will alter this character, with dwellings set 4 deep towards the west of the site extending into the open fields to the north. This will result in gable elevations facing Harras Road. The scale of the development proposed is more extensive than previously approved extending past the existing building line to the north of the site.

Discussions were undertaken with the applicant's agent relating to the scale, massing and orientation of the dwellings which front Harras Road. The dwellings on plots 1, 8, 9, 15, 16 and 23 were redesigned to provide more detailed elevational treatments to the gables along the road frontage. Three of these plots are also restricted to a single storey to reduce the overall scale when viewed from Harras Road.

The design of the dwellings is modern with the use of brick and render which is characteristic of this part of Whitehaven. The proposed scheme comprises a total of 6 dwelling types, each including feature projecting gables and a vertical emphasis on the window fenestration. The dwellings, although mixed, tie together to form a cohesive development, reflective of the local characteristics and vernacular of Whitehaven. Although modern in appearance the design of the dwellings is considered to be acceptable and the material palette proposed comprises the use of high-quality materials in accordance with policies DM10, DM11 and DM12 of the Copeland Local Plan and Policies DS6PU and H6PU of the Emerging Local Plan.

Whilst the details relating to the dwelling design and scale are considered to be acceptable, the layout is at variance to the built form in this part of Whitehaven.

### Settlement Character, Landscape and Visual Impact

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

Policy N6PU of the ELP states that the borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of the borough's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement

Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within an area of landscape classified as Sub-type 5d Urban Fringe. The guidelines for development include protecting countryside areas from sporadic and peripheral development through the local plans and the requirement for careful siting of any new development in non-prominent locations. It advises that housing development should be integrated with soft landscaping in order to help it to integrate and green corridors should be maintained.

Copeland Landscape Settlement Study November 2021 identifies that the Application Site as being in an area of Character Type 5D Urban Fringe. This study states that Harras Moor is a prominent open hillside that connects residential areas to surrounding countryside and helps to define the edge of Whitehaven.

In terms of sensitivity the document acknowledges that open green spaces and fields close to settlement edges are sensitive to unsympathetic development.

Notwithstanding the previous planning permission for 9 dwellings on the site it is at present greenfield and used as agricultural land, other than a small section that has been developed to form an access. It lies opposite to the Highlands estate and is adjoined on its eastern boundary by an existing linear row of dwellings. The land to the west is open fields. There is an existing stone wall fronting Harras Road, but little other landscape character.

The previously approved scheme was for 9 dwellings. The current application seeks permission for 23 dwellings and covers a slightly larger area. The proposal creates an arrangement of 3 groups of dwellings off Harras Road.

The Applicant submitted a Landscape and Visual Appraisal to support the application. This concludes the following:

- There would be some loss of localised openness;
- The undulating landform allows some longer views, but Whitehaven has widespread residential development located on higher ground;
- The introduction of the proposed landscaping would help to assimilate the proposals into the landscape;
- There are few existing site features due to the agricultural nature of the site;
- The visual effects for the surrounding Public Rights of Way would be moderate or minor;
- The views from the road are considered to be less sensitive due to their use by vehicles;
- The proposed scheme would provide slightly less adverse impact than the approved scheme due to the reduced height of the properties.

The proposal would significantly change the character of the immediate site and overall character of the west side of Harras Road. Given the location close to the existing built form, it is not considered that this impact would be severe, however there would be an impact. Introducing a built form to this site would add dwellings in the context of other residential properties to the south and east, however, due to the overall scale of the

development and proposed layout which shows rows of dwellings at 90 degrees to the road rather than in a linear form which is characteristic of the built form on this side of Harras Road. This would result in an adverse impact on the settlement character in this part of Whitehaven.

The Cumbria Landscape Character Toolkit suggests measures of mitigation where development is to take place and recommends that planting should be encouraged. It is suggested that the planting of feature trees can enhance the landscape and provide screening where necessary to maintain the soft edge of the development. Comprehensive plans to show the site heavily landscaped have been submitted as part of this application, showing how planting will be utilised to help screen key aspects of the development. The western and eastern extremes of the site will be tree lined, with heavy planting between the rear boundaries of the adjoining dwellings and the retained agricultural access road situated in the eastern portion of the development.

Furthermore, the existing stone wall bordering Harras Road will be retained in sections, with hedging between to frame the site. As the wall is not of historic importance its loss is considered to be appropriate.

A bridleway to the north east of the site runs north to south and a footpath to the west runs east to west. Both are a significant distance away from the site, however the proposed dwellings are likely to be visible from these public viewpoints. The development protrudes to the north, past the building line of the linear development to the east and therefore the impact is likely to be noticeable. The main viewpoints are to the west towards the Whitehaven coast and due to the topography of the site, the impact will reduce further away due to the sloping land downhill. Views from the footpath at the bottom of the hill will be largely unaffected when looking west, with the dwellings viewed in context with the existing built form when looking east.

The site lies on the urban fringe and due to its proximity to the existing built up area, some of the visual impact will be reduced as the site will be viewed in context with the surrounding dwellings. It is, however considered that there will be an overall detrimental effect to the wider landscape character and openness of the agricultural fields to the north.

The impact on both the landscape and settlement character have to be considered as part of the wider planning balance when assessing this proposal.

### Residential Amenity

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

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

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

The submitted layout and separation distances with existing residential properties will ensure that any adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not be significant.

It is inevitable that any residential development is likely to result in some adverse impacts upon residential amenity during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management and construction traffic management.

### Access and Highway Safety

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

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

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

Paragraph 105 states that: significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Paragraph 111 states that: development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Vehicular and pedestrian access are proposed from Harras Road, with 3 accesses in total to serve the dwellings. The existing field access is to remain to the east of the site. The previous outline application on the site (4/18/2347/001) included full details of access and this included 8 separate access points onto Harras Road, with traffic calming measures proposed to include speed tables within the main highway.

Harras Road is an unclassified road with a current speed restriction of 30mph. An Access Appraisal including speed surveys undertaken by a Transport Consultant was submitted to support the application. The following details from the application were noted:

- A reserved area for access into the field to the north of the development site is proposed to be 4.8m in width and to the standards for a secondary street. The Cumbria Development Design Guide considers that this access can serve up to 50 homes and with space for a footway on either side. At present, this will serve the existing agricultural access only.



- Visibility splays to the east of the site to serve 2 shared accesses and one private driveway are required to be 2.4m x 59.9m uphill and 2.4m x 41.5m downhill. Based on the speed data for the west of the site, the visibility requirements are 2.4m x 58.3m looking uphill and 2.4m x 45.9m looking downhill. These splays are achievable for the site.

Due to local concern regarding the speed of vehicles using Harras Road, it is proposed to retain the previously approved traffic calming measures for the area in order to reduce vehicle speeds. There will be 4 speed tables which will be located at various intervals along Harras Road. The submitted information was considered by the Highway Authority and there were no objections raised subject to the following:

- The visibility splays must be provided and constructed prior to the commencement of the development;
- A construction management plan must be submitted and approved;
- The carriageways should be constructed prior to the occupation of the dwellings.

Concerns have been raised by local residents regarding the speed and volume of traffic which use Harras Road. It is considered that the traffic calming measures are likely to improve the road for all of the surrounding residents, whilst the addition of new accesses will also naturally slow the traffic flow.

The initial response received from the Highway Authority raised the aspiration for the addition of a 2m wide stretch of pavement for a length of 370m long on the northern side of the road. The Officer stated that this would be required to be delivered by way of a S278 agreement to be completed prior to the first occupation of the dwellings. This requirement was challenged by the Agent for the application, stating that the scheme would fail the standard tests for planning conditions as set out in the NPPF. Whilst the footway in question is narrower than the standards within the Cumbria Design Guide, the improvements are not identified within the Local Plan Transport Improvement Study and the developer does not have a duty to upgrade off site sub-standard highways. As a result, whilst this would have been beneficial, it cannot be argued that the improvements are necessary for the development to be considered acceptable, therefore the requirement was removed.

On the basis of the above, the proposed access arrangement would be in accordance with policies T1, DM12 and DM22 of the Copeland Local Plan, Policy CO2PU of the emerging local plan and the Cumbria Design Guide and is therefore considered acceptable.

### Coal Mining/Ground Conditions

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

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

The site is located in a Coal Mining Standing Advice area, therefore a Coal Mining Risk Assessment report is not required. As part of the previously approved application, the site was analysed and a mine shaft was identified to the north of the site. The position of the mine shaft has informed the proposed plot layout and it is considered that the site is at a low risk of any issues in the development area. A consultation response was received from The Coal Authority raising no objections to the proposal as only a very small portion of the site falls within the defined Development High Risk Area and the development area will remain unaffected by this. The Coal Authority requested that standing advice be given should approval be granted.

The Council's Environmental Health Officer raised no objections to the proposal, subject to the submission of a Construction Management Plan and the reporting of any discovered contamination during construction.

#### Flood Risk and Drainage

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

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

The site lies within flood zone 1 and as the development area exceeds one hectare in size a Flood Risk Assessment is required for the scheme.

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. This concludes that the site is not considered to be significantly at risk of flooding from surface water or groundwater. Ground investigations undertaken have shown that the ground conditions have varying levels of permeability and therefore infiltration based drainage systems are not considered to be suitable for the development of the site. Due to the topography of the site, which falls steeply from east to west, the proposed system is for attenuation using 3 attenuation tanks with individual controls restricting discharge at a rate of 11.8l/s to the existing watercourse located at the southwestern corner of the site development boundary. The surface water will be treated to remove any sediments, oils and floatables prior to draining.

Foul water will be discharged by gravity to the existing combined sewer located in Harras Road. The Applicant has gained an agreement in principle from United Utilities.

No objections were raised to the proposal from either the Local Lead Flood Authority or the Council's Flood and Coastal Drainage Engineer. Whilst United Utilities requested further information, it is considered that the full details of the drainage can be secured by way of a suitably worded planning condition. Given that the drainage for the site has been approved

previously under the previous outline planning application, it is not expected that the drainage will provide an insurmountable issue.

Many local concerns have been received with regards to local surface water flooding issues. These are noted and it is hoped that the provision of a drainage and attenuation scheme for the site will help to alleviate these issues.

Subject to this additional information being provided, it is considered that the development would satisfy the aims and objectives of the relevant paragraphs of the NPPF as well as policies ST1, ENV1, DM11 and DM24 of the Copeland Local Plan and policies DS8PU and DS9PU of the emerging Local Plan.

### Ecology and Landscaping

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

Policy N3PU of the ELP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

An Ecological Report was submitted in support of the planning application. The results and findings of the Assessment conclude that the development site is low in conservation value and is considered to pose a low risk to protected species and important habitats. It is expected that there will be no impacts and therefore no mitigation is required.

A comprehensive landscape layout including details of proposed native trees and hedging was submitted. This shows heavy planting on boundaries and the use of clusters of trees to shield the development. The landscaping layout details some gentle re-grading to lift the levels, with strategic planting to accentuate the rise in topography therefore drawing the eye away from the dwellings and softening the impact of the development. The use of a timber post and stock proof wire netting fence on the northern boundary will help the transition from urban to rural.

Overall, the site is low in conservation value. The proposed landscaping will help to increase the biodiversity of the site.

### Planning Balance and Conclusion

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot

demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

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

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

In applying the provisions of Paragraph 11, the Site would assist in boosting housing supply and delivery to meet the identified need for housing within the Borough as sought in both the CS and ELP. The proposals are supported in terms of supply and housing mix by the Copeland Housing Officer.

The proposal is located adjacent to the existing settlement boundary for Whitehaven. Whitehaven is designated under Policy ST2 of the CS and DS3PU of the ELP as the Principal Town where the majority of development should be focussed.

The principle of developing this site for residential purposes was established in 2019 when outline planning permission was granted for the erection of 9 dwellings.

This proposal seeks permission to develop the site to provide 23 dwellings. The scale is more extensive and covers a slightly larger site area than previously approved. The proposed layout which shows the dwellings orientated with their gables facing the road frontage is not consistent with the built form within the locality which is characterised by linear forms of development. It will have some adverse impact on settlement character.

The design of the dwellings is considered to be of a high standard and accords with the aspirations of the Local Plan and Emerging Local Plan to create distinctive places.

The development will result in some adverse local landscape and visual impacts although these impacts are unlikely to be more significant than that which would result from the previously approved scheme. The site lies on the urban fringe and will be seen in the context of the adjacent housing developments. Extensive landscaping is proposed which will help to soften and reduce the visual impact over time as it becomes established. It will also provide some benefits in terms of biodiversity.

Based upon the advice of the relevant consultees, the proposed development will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the

road network would not be severe. This scheme offers the opportunity to secure traffic calming measures within the highway on Harras Road which will be of benefit in reducing vehicle speeds along this stretch of highway.

Based on the advice of the relevant consultees the proposal adequate provision can be made for drainage which should help to alleviate highlighted localised issues.

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

### **Recommendation:**

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

- The Applicant entering into a Section 106 planning obligation securing the delivery of 3 of the dwellings as affordable housing.
- The planning conditions outlined at the end of this report; and,
- Any revisions as deemed appropriate by the Head of Planning and Place.

### **Planning Conditions**

1. Time condition

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Application form, received 14<sup>th</sup> March 2022;

Location Plan, scale 1:2500, drawing number 18/03/926-01b) received 14<sup>th</sup> March 2022;

Dwelling Type Schedule, reference 20/10/983-DS, received 4<sup>th</sup> January 2023;

Dwelling Type A Plans and Elevations, scale 1:100, drawing number 18/03/926-08a), received 5<sup>th</sup> December 2022;

Dwelling Type B Plans and Elevations, scale 1:100, drawing number 18/03/926-09a), received 5<sup>th</sup> December 2022;

Dwelling Type C Plans and Elevations, scale 1:100, drawing number 18/03/926-10c), received 20<sup>th</sup> December 2022;

Dwelling Type D Plans and Elevations, scale 1:100, drawing number 18/03/926-11a), received 5<sup>th</sup> December 2022;

Dwelling Type E Plans and Elevations, scale 1:100, drawing number 18/03/926-12, received 14<sup>th</sup> March 2022;

Dwelling Types F and G Plans and Elevations, scale 1:100, drawing number 18/03/926-14a), received 5<sup>th</sup> December 2022;

External Material Schedule (23 dwellings), reference 18/03/926-EMS, received 14<sup>th</sup> March 2022;

Site Section, scale 1:500, drawing number 18/03/926-07a), received 2<sup>nd</sup> July 2022;

Landscape Layout, scale 1:500, drawing number M3450-PA-01-V07, received 2<sup>nd</sup> July 2022;

Access Appraisal, reference 784-B028221 Revision, received 2<sup>nd</sup> July 2022;

Ecological Appraisal, dated March 2022, written by Whistling Beetle Ecological Consultants Limited, received 14<sup>th</sup> March 2022;

Flood Risk Assessment and Drainage Strategy, reference K39108.FRA/001, received 14<sup>th</sup> March 2022;

Operation and Maintenance Plan for Sustainable Drainage Systems, reference K39108.OM/002, received 14<sup>th</sup> March 2022;

Design and Access Statement, received 7<sup>th</sup> April 2022;

Landscape and Visual Appraisal, reference M3450-LVA-22.06-V3, received 2<sup>nd</sup> July 2022;

Street Scene, scale 1:500, drawing number 18/03/926-15a), received 20<sup>th</sup> December 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

3. Prior to the commencement of any development, the carriageway, footways, footpaths and cycleways 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. No work must 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.

#### Reason

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

4. The development must not commence until visibility splays as shown on Drawing C001 Rev. P02 (Visibility Splays and Proposed Traffic Calming Measures) have been provided at the junction of the access roads with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind will be erected, parked or placed and no trees, bushes or other plants will be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before any development of the site commences so that construction traffic is safeguarded.

Reason

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

5. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:
- details of proposed crossings of the highway verge;
  - details of retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing (site must be accessed from the east)
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian)
  - specific measures to manage and limit the impact on St James school on Wellington Row, [Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety]

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. In accordance with Policy DM22 of the Copeland Local Plan.

6. Prior to the commencement of any development, a detailed surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, inclusive of a maintenance schedule of how the scheme shall be managed after completion and an exceedance route diagram must be submitted to and approved in writing by the Local Planning Authority.

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

The drainage scheme submitted for approval must also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Strategy dated February 2022 proposing surface water discharging to the watercourse.

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

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DM22 of the Copeland Local Plan.

7. No development must commence until a construction surface water management plan has been submitted to and agreed in writing with the local planning authority. Any approved details must be implemented prior to the commencement of the development and must be retained as such at all times thereafter.

#### Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.



8. No development must take place until a site specific Construction Environmental Management Plan has been submitted to and approved by in writing by the Local Planning Authority. The Plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to:
- (a) Procedures for maintaining good public relations
  - (b) Arrangements for liaison with the Councils Environmental Health Team
  - (c) All works which are audible at the site boundary shall be carried out only between the following hours – 08.00 and 18.00 hours Monday to Friday / 08.00 and 13.00 hours Saturday / at no time on Sunday or Bank / Public Holidays
  - (d) Deliveries to, and removal of plant. Equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise at the request by Police and / or Highways Authority.
  - (e) Mitigation measures as defined in BS 5228 – 1: 2009 + A1: 2014 Code of Practice for noise and vibration control on construction and open sites shall be used to minimise noise and vibration disturbance from construction works.
  - (f) Procedures for emergency deviation of the permitted working hours.
  - (g) Practicable control measures for dust and other airborne pollutants.
  - (h) Measures for controlling the use of site lighting whether required for site safety or security purposes.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development and in accordance with Policy ST1 of the Copeland Local Plan.

Prior To Use Condition

9. Prior to the first use of the construction access authorised by this permission the speed reduction measures illustrated on the access arrangements and visibility splays plan, reference C001 PO2 within the Access Appraisal received 2<sup>nd</sup> July 2022, prepared by Tetra Tech must be implemented on the U4012 (Harras Road) highway. Once installed the speed reduction measures must be retained at all times thereafter at the discretion of the Local Highway Authority.

Reason

For the avoidance of doubt and to ensure that measures are implemented to maintain highway safety on Harras Road in accordance with Policy DM22 of the Copeland Local Plan.

#### Pre-superstructure Condition

10. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

#### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

#### Other Conditions

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. In accordance with Policy ST1 of the Copeland Local Plan.

12. All hard and soft landscape works must be carried out in accordance with the details illustrated on the Landscape Layout Plan, drawing number M3450-PA-01-V07, received 2<sup>nd</sup> July 2022, prepared by Barnes Walker. The works must 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 must 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.

#### Informative Notes

- 1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 2) For the avoidance of doubt, the Traffic calming measures will require suitable lighting and signing and should be detailed in a suitably worded legal agreement with the Local Highway Authority. This agreement will include technical details, commuted sum cost as well as costs for the public consultation needed for their installation.