

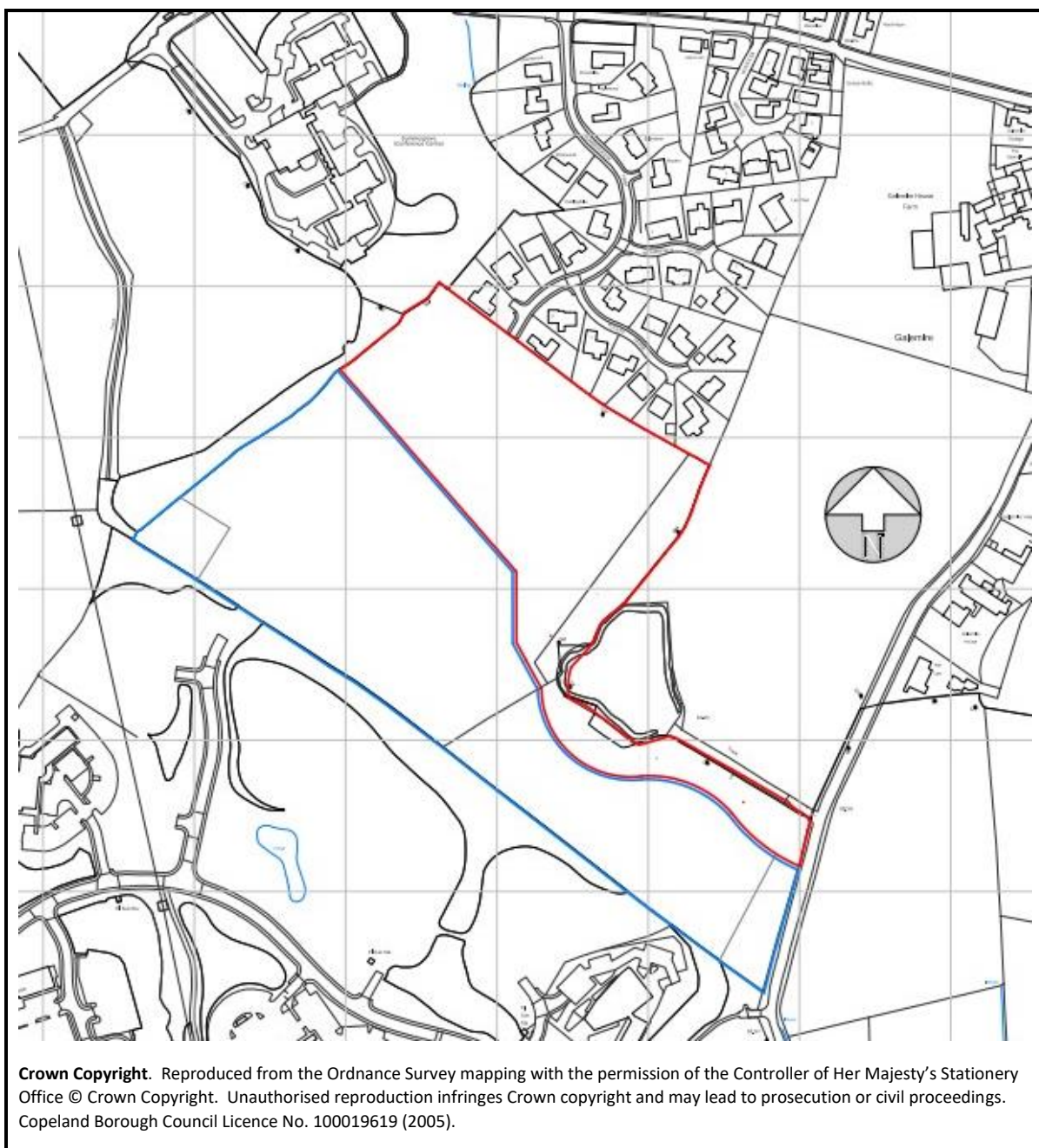


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 18/01/2023**

<b>Application Numbers:</b>	4/22/2237/001
<b>Application Type:</b>	Outline Planning Application
<b>Applicant:</b>	John Swift Homes Ltd [REDACTED]
<b>Application Address:</b>	LAND AT SUMMERGROVE PARK, WHITEHAVEN
<b>Proposals</b>	OUTLINE PLANNING APPLICATION INCLUDING ACCESS FOR UP TO 30NO. SELF-BUILD DWELLINGS
<b>Parish:</b>	Egremont/Weddicar
<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 10% 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>



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

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

### **Site and Location**

The Application Site comprises c.2.5 hectares of land located to the south of Summergrove Park.

The Application Site comprises an area of greenfield land which is currently used for agricultural grazing purposes. The Application Site comprises two parcels of land separated and enclosed by mature planting.

The Application Site is bounded by the residential development of Summergrove Park to the north; Westlakes Science Park to the south; Summergrove Hall and agricultural land to the west; and, the disused Galemire Quarry, agricultural land and Dalzell Street to the east.

The Application Site is closed within Flood Zone 1.

The disused Galemire Quarry comprises potentially contaminated land owed to previous use for landfill.

The trees located to the west of the Application Site are the subject of a Tree Preservation Order.

### **Relevant Planning Application History**

Application Ref. 4/19/2126/0F1 - Erection of 194 dwellings with associated landscaping, open space, sustainable urban drainage and vehicular and pedestrian access – Withdrawn.

### **Proposal**

This application seeks Outline Planning Permission including access for the development of 30no. self-build dwellings.

At total of 10% of the proposed are to be affordable dwelling comprising two bedroomed bungalows to be offered either for discounted sale or rent at 80% market value or market rent.

Access is proposed from a new junction from the C4003 (Dalzell Street). Visibility splays of 2.4m x 120m are demonstrated as achievable to the proposed access.

The application is supported by an illustrative landscape infrastructure plan. This plans does not form part of the formal application documents but seeks to demonstrate how a scheme of 30no. dwellings could be accommodated on the Application Site.

The landscape infrastructure plan shows the access point from the public highway, indicative road layout, developable areas and indicative structure landscaping. The proposed access road is shown as a formal driveway with gentle curves following the northern boundary of the site. It shows the areas around the access road being fully landscaped with structure planting to the north of the access road and specimen trees to the south. The main area of the application site incorporates structured planting to the boundaries to screen the development from external views and the creation of discrete developable areas.

The Applicant confirmed that it is their intention to create a form of tailored self-build. This means that the Applicant will install the site infrastructure including the estate roads, services, drainage, structure planting and the hard and soft landscaping works.

It is intended to limit development of the site to approximately six house types ranging from two storey family housing to smaller bungalows to meet a variety of housing needs, with house types allocated to suitable plots to ensure a coherent and high quality development.

The self-builders will be given the opportunity to tailor the house designs to their individual needs; particularly in relation to internal layouts and rear non-visible elevations.

The self-builder will provide their own building contractors and manage the build personally.

The Applicant will impose controls in relation to the timescale of builds (this is likely to be limited to 12 months) and site management to avoid unsociable working.

## **Consultation Responses**

### Weddicar Parish Council

Object.

The proposed development is not appropriate to the size, character and role of the settlement of Summergrove, Keekle and Padstow.

The proposed development would not improve local amenities and would put a strain on the existing infrastructure.

The Application Site is not within walking distance of the Whitehaven Academy and St. Benedict's.

The proposed access would have limited visibility.

The proposed development will have a significant adverse impact on the capacity and safety of the highway and transport network.

The proposed would result in the loss of agricultural land.

### Egremont Town Council

Support the principle of residential development on the Application Site.

Confirm that there is a great demand on our excellent schools with many pupils coming from outside Egremont Town Council's area to travel to school each day. More houses in desirable locations should reduce pupils having to commute from further afield.

Confirm this proposal would see direct investment into the local economy, support existing services in Egremont and provide more modern, desirable homes within the local area.

Request that a planning condition be imposed to secure a Construction Traffic Management Plan to ensure that there is no unreasonable impact on the local highway network, particularly around the Moor Row area to protect residents and residential amenity.

### National Highways

No objection.

### Cumbria County Council – Highways

The Application Site is proposed for allocated in the emerging Copeland Local Plan.

The site allocations assessment recommends that, for the primary access it would be necessary to reduce the speed limit to 30mph to ensure visibility splays are appropriate and to improve conditions for walking and cycling.

Given the scale of the development proposed and the achievement of adequate visibility splays for the recorded road speeds, reducing the speed limit is not justified.

Improvements to pedestrian and cycle infrastructure would be required to ensure sustainable alternative modes are realistic alternatives to the private car, including links between the Site and Westlakes Science Park and Summergrove. This could be achieved via a link footway from the development site access along the highway verge to enter Westlakes Science Park via the emergency vehicle entrance, link to Summer Grove may be unachievable due to third party land ownership but an adoptable highway connection to Summergrove Park is an alternative which may act as an emergency vehicle access for future development.

Additional development is proposed on or adjacent to the Application Site in the future, traffic from that development may trigger/necessitate improvements/contributions to schemes identified within the Copeland TIS at the Moor Row/ A595 junction, B5292 junction, and Main Street/ Moresby Road/ Cleator Moor Road Mini-Roundabout junction. It is also noted that concerns have been raised about the volume of traffic using Scalegill Road, through Moor Row at peak times to avoid congestion of the A595.

Request that planning conditions be imposed to secure: access being per the approved; approval of detailed specifications of the highways and footways etc.; completion of highways to basecourse before occupation; provision of shared footways and cycleways that link continuously to Westlakes Science Park and Summergrove Park; a Construction Traffic Management Plan; a Construction Phase Management Plan; and controls over advertisements.

#### Cumbria County Council – Local Lead Flood Authority

No objections in principle to the proposal, as the topography of the land suggests the existing site drains are as proposed.

Request that a pre-commencement planning condition be imposed to secure a detailed scheme of foul and surface water drainage in accordance with the drainage hierarchy.

#### Cumbria County Council – Local Education Authority

##### Primary

There are sufficient places available in the catchment school Moor Row to accommodate all the

primary pupil yield of 6 places from this development.

The next nearest school with places is Hensingham Primary.

No education contribution is required for primary places.

## Secondary

The secondary pupil yield from this development is 4; however, the catchment school of West

Lakes is already oversubscribed by 121 places.

The next nearest school with places available is The Whitehaven Academy and is nearer than the catchment school.

A secondary education contribution is not required.

## United Utilities

Request that the Applicant submits a plan outlining the proposed levels 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 so that any risk of sewer surcharge can be further assessed.

Requested that a pre-commencement planning condition be imposed to secure a detailed scheme of foul and surface water drainage in accordance with the drainage hierarchy and piping of the roadside ditch prior to the development being brought into use.

## Natural England

None received.

## Environment Agency

None received.

## Copeland Borough Council – Flood and Coastal Defence Engineer

No objection from a flood risk perspective.

The Flood Map for Planning shows the Application Site lies in Flood Zone 1. All uses of land are appropriate in this zone.

The Flood Risk for Surface Water Map shows the proposed development lies in an area at a very low risk of surface water flooding.

At this stage the application is outline only, so it is only necessary for the applicant to demonstrate that the site is at low flood risk and that it can be drained without increasing flood risk off site. The submitted Flood Risk Assessment and Outline Drainage Strategy demonstrates this and provides the principals for the detailed drainage design to follow.

At this time it is unnecessary to include specific comments regarding drainage for the Application Site, just that detailed design should follow the principals set out in the Flood Risk Assessment and Outline Drainage Strategy.

#### Copeland Borough Council – Arboriculturalist

The Application Site borders established groups of trees to the north-west and south-west. These trees provide screening and should be protected as part of any development.

The Applicant has submitted an indicative landscaping scheme with the application but not an Arboricultural Impact Assessment.

Recommend attaching planning conditions requiring: the submission of an Arboricultural Impact Assessment in accordance with BS 5837 (2012) and include a detailed tree protection plan; the implementation of the approved tree protection measures in full; and, the submission, approval and implementation of a detailed landscaping scheme and aftercare.

#### Copeland Borough Council – Housing Officer

29<sup>th</sup> June 2022

The housing mix is not known at this point, but the intention is to provide units ranging from two storey family homes to smaller bungalows, which will be attractive to young families as well as people wanting to downsize to smaller accommodation, freeing up larger homes to the market.

This will be a high-quality development, which we welcome and its location will attract professional people working nearby at Sellafield and Westlakes wishing to live close to their employment base and Whitehaven.

The application is for self-build and the council holds a self-build register to understand the demand for such plots, though many people develop their own properties without being registered on the list. Our Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and accessibility.

The proposed provision of 10% of the proposed dwellings as two bedroomed bungalows to be offered either for discounted sale or rent at 80% market value or market rent is supported.

#### Copeland Borough Council – Environmental Heath

None received.

#### **Public Representations**

The application has been advertised by way of site notices, a press notice and neighbour notification letters.

22no. representations have been received in objection and 1no. representation has been received in comment. The main issues raised are summarised below:-

## Principle

The Application Site is allocated for employment development in the adopted Copeland Local Plan.

The Application Site comprises the only land into which Westlakes Science and Technology Park could expand and the loss of this expansion land will undermine economic growth within Copeland.

The proposed would result in the loss of greenfield land which should not be supported.

The Council continues to encourage development of greenfield land at the expense of exploring the many brownfield sites in Whitehaven. This is totally at odds with increasing environmental and ecological concerns that impact on every living thing in todays world. It must cease now if we are to retain any local countryside.

Priority must be given to brownfield developments before any consideration is given to plans to release greenfield land.

This location does not have the infrastructure and services required to support additional residential development.

The proposed development is clearly part of a larger plan for development.

There is no need for additional homes in this location.

Copeland's predictions for housing need were made with the expectation that Moorside power station construction would commence in 2018 and so are no longer fit for purpose.

Land that had been highlighted elsewhere in the local area for construction worker 'villages' could be developed for residential housing.

The proposed development represents urban sprawl.

The proposed development is not appropriate to the size, character and role of the settlement of Summergrove, Keekle and Padstow.

The proposed development would not improve local amenities and would put a strain on the existing infrastructure.

The Application Site is not within walking distance of the Whitehaven Academy and St. Benedict's.

Residents of the proposed development would be wholly reliant on the private car.

## Landscape and Ecology

The proposed development will not be in keeping with Summergrove Park.

The density of the proposed development is approximately twice the density of the existing Summergrove Park.

Red Squirrels, Bats, Deer, Foxes and Stoats will be impacted by the proposed development.

The developer has looked at the environmental impact and biodiversity on the Application Site itself, but does not appear to have considered the impact on the wider area.



The increased traffic using the nearby farm track and the local ford as a short cut and alternative route to the main roads is concerning, as the River Keekle through which the aforementioned ford runs is confluent with the River Ehen a Special Area of Conservation and known source of Atlantic salmon and freshwater pearl mussels a protected and endangered species.

The Ecological Survey does not accurately detail the trees beyond the northern boundary of the Application Site.

### Flood Risk and Drainage

The existing surface water drainage in the area is not adequate to handle the water generated in storm conditions and has resulted in localised flooding. The proposed development will only exacerbate these issues.

The existing drainage outfalls currently flood during high rainfall and will be exacerbated by the proposed development.

The surface water drainage system serving Summergrove Park is known to have backed up and flooded. This is not referenced in any assessment.

The proposed development would likely overload the existing mains drainage system.

### Highways

The proposed development will result in an increase in traffic generation that will adversely impact upon highway safety.

The submitted traffic survey was completed in school holidays during the pandemic and is therefore not representative of the real conditions on the highway.

Previous traffic surveys have highlighted known traffic issues in Moor Row, which would be exacerbated by the proposed development. The traffic problems are so bad in Moor Row that the local residents have set up their own Local Residents Action group to deal with the Traffic problems.

Traffic issues will impact the existing development at Summergrove Park and Goosebutts/Galemire, but also Keekle, Low Padstow, Galemire, Moor Row, Cleator Moor and the surrounding areas.

The highway issues raised on the objections made to application ref. 4/19/2126/0F1 by Dominic Waugh MRTPI Technical Director of Fairhurst and Adam Smith Director of Vectos remain applicable.

There is a long history of accidents all along the access routes for the proposed development, with Dalzell Street in particular being blighted by multiple unsighted and unlit bends and crests, and multiple areas of on street parking. The existing traffic particularly at muster times (e.g. Sellafield traffic) exacerbates these issues, as it is popular 'rat run'. There is **ZERO** provision for pedestrians between Moor Row and Galemire crossroads (either footpaths or street lighting), and no public transport route along its length.

Accident data should be sought from Cumbria Police.

The projected number of vehicle movements identified is considered very low and not representative.

The uncoordinated nature of self-build development will exacerbate the impacts upon the highway.

Traffic from the proposed site would still be expected to use the same Scalegill junction to the A595 which was subject to a holding objection from the Highways Agency in 2018. This is a very dangerous junction that many local residents avoid.

There is also an unadopted farm track to the west, as a continuation of Galemire, and despite this being unsuitable for vehicular traffic, it is currently used by a few cars and vans on a daily basis. It is also the main pedestrian route towards Whitehaven and the West Cumberland Hospital. Use of this track by vehicles and pedestrians would undoubtedly increase if the development proceeded.

There are no bus stops within a 20 min walk of the Application Site.

An increase of 165no. (62) or more vehicles could increase traffic by over 400no. (155) vehicle movements a day for work travel, school runs and trips to the local amenities. In addition there will be an increase in taxi's, delivery vehicles etc..

The following specific issues have been raised in relation to the local road network:

Keekle - Although there is an existing car park, it is the wrong side of road so is underutilised with residents preferring to park outside their property to avoid crossing the very busy road. The installation of a controlled pedestrian crossing will only add to the existing congestion.

Low Padstow - Single sided parking along the terrace and beyond, with very few garages. This currently causes traffic build up particularly at muster times at Sellafield and school runs. The parking extends to the crest of a hill (near the old Ewe and Lamb) causing further congestion.

Dalzell St at Moor Row - Double parking causes traffic build up particularly at muster times e.g. Sellafield, and school runs. During muster times traffic frequently comes to a standstill in one direction until traffic clears along the residential stretch of road.

Summergrove Park Road - A narrow road for two passing cars (less than 5 metres wide in places), and was originally designed only for max 50 houses. It is essential therefore that NO ACCESS is permitted to any development via Summergrove Park.

Proposed access via Dalzell Street – This is adjacent an unsighted, unlit sharp bend. It is a narrow road with a speed limit of 60mph. The proposed access cannot be re-sited at the sharp bend (to improve the sight line) as it is already used by Westlakes Science Park. The existing road is totally unsuitable for the proposed additional volume of traffic. There is ZERO provision for pedestrians between Moor Row and Galemire crossroads with the total absence of either footpaths or street lighting.

Galemire Vets - Is situated adjacent the crest of an unsighted rise and bend, farmers and horse owners park vehicles with trailers on the road as there is insufficient room in the vet car park, making passing a hazardous manoeuvre at the blind crest/bend. The existing road is totally unsuitable for the proposed additional volume of traffic. There is ZERO provision for pedestrians with the total absence of either footpaths or streetlighting.

Galemire Crossroads - There is resident on-street parking at the cottage, which impedes right turning from Galemire as approach visibility is affected.

Westlakes Science Park – This is a private development with no public access. What safe pedestrian access is to be provided out with the proposed development?

### Residential Amenity

The proposed development will adversely impact the amenity of existing residents through noise generation.

The proposed development will adversely impact the amenity of existing residents through adverse visual impacts in views from their properties.

The proposed development will result in the loss of privacy for existing residents.

### **Planning Policy**

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

### **Development Plan:**

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

#### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

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

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

#### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards  
Policy DM12 – Standards for New Residential Development  
Policy DM21 – Protecting Community Facilities  
Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposals and Flood  
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species  
Policy DM26 - Landscaping  
Policy DM27 – Built Heritage and Archaeology  
Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Policy HSG2 – New Housing Allocations  
Policy TSP8 – Parking Requirements

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.

Policy DS1PU - Presumption in favour of Sustainable Development  
Policy DS2PU - Reducing the impacts of development on Climate Change  
Policy DS3PU - Settlement Hierarchy  
Policy DS4PU - Settlement Boundaries  
Policy DS5PU - Planning Obligations  
Policy DS6PU - Design and Development Standards  
Policy DS7PU - Hard and Soft Landscaping  
Policy DS8PU - Reducing Flood Risk  
Policy DS9PU - Sustainable Drainage

Policy DS10PU - Soils, Contamination and Land Stability  
Policy DS11PU - Protecting Air Quality  
Policy H1PU - Improving the Housing Offer  
Policy H2PU - Housing Requirement  
Policy H3PU - Housing delivery  
Policy H4PU - Distribution of Housing  
Policy H5PU - Housing Allocations  
Policy H6PU - New Housing Development  
Policy H7PU - Housing Density and Mix  
Policy H8PU - Affordable Housing  
Policy SC1PU - Health and Wellbeing  
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic  
Policy N2PU - Local Nature Recovery Networks Strategic  
Policy N3PU - Biodiversity Net Gain  
Policy N5PU - Protection of Water Resources  
Policy N6PU - Landscape Protection  
Policy N9PU - Green Infrastructure  
Policy N10PU - Green Wedges  
Policy N11PU - Protected Green Spaces  
Policy N12PU - Local Green Spaces  
Policy N13PU - Woodlands, Trees and Hedgerows  
Policy CO4PU - Sustainable Travel  
Policy CO5PU - Transport Hierarchy  
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).  
Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).  
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)  
Self-build and Custom Housebuilding Act 2015

## Self-build and Custom Housebuilding (Register) Regulations 2016

### **Assessment**

#### Principle of Development

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

Policy ST2 states that the Principal Service Centre of Whitehaven will comprise the focus for the largest scale development, regeneration and important development opportunities. The Key Service Centre of Cleator Moor and Egremont are identified as suitable for moderate housing allocations in the form of extensions to the town to meet general needs and both infill and windfall housing development. The Local Centre of Moor Row is identified as a location where housing is supported within the defined physical limits of development as appropriate and on possible small extension sites on the edges of settlements.

Policy ST2 seeks to restrict development outside the defined settlement boundaries 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.

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

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

Policy ER4 of the CS allocated land for economic development.

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

Policy DS3PU of the ELP continues to identify Whitehaven as the Principal Town and the primary focus for new development in the borough including large scale housing extensions, windfalls and infill development. Cleator Moor and Egremont continue to be identified as a Key Service Centre where medium scale housing extensions, windfall and infill development are supported. Moor Row is now identified as a Sustainable Rural Village where smaller scale housing allocations are supported. Summergrove is now identified as a Rural Village where limited infill and rounding off development would enable future housing needs to be met are supported.

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

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

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

Policy H5PU of the ELP allocates land for housing purposes.

The Application Site and the wider Summergrove area are identified are located outside of the defined settlement boundaries in Policy ST2 of the CS and so are in a location where housing development is restricted to that which has a proven requirement for such a location.

The Application Site comprises part of an area allocated land for economic development in Policy ER4 of the CS.

Notwithstanding the above, Summergrove is identified as a sustainable location for housing development in Policy DS3PU of the ELP.

The Application Site is allocated for residential development in Policy H5PU of the ELP.

Policy E5PU of the ELP allocates 80ha of land for employment development, this includes an alternate 15ha of land for the expansion of Westlakes Science Park, which has been promoted by the operators of the Park as a more suitable location for growth than the Application Site.

### Housing Need and Housing Mix

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

executive and high quality family housing, focussing on Whitehaven and its fringes as a priority.

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

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 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 application comprises an Outline Planning Application with all matters excluding access reserved; therefore, details of the housing mix etc. is reserved for subsequent approval; however, the illustrative plans submitted in support of the application demonstrates how a scheme of 30no. dwellings comprising a mix of detached and semi-detached houses and bungalows could be developed.

The density of the proposed development is lower than the 30 dwellings per hectare cited within the CS. Whilst the density is higher than the adjacent Summergrove Park, it is considered suitable for the rural location and site context.

This application proposed the development as self-build dwellings.

Self-build and Custom Housebuilding Act 2015 and Self-build and Custom Housebuilding (Register) Regulations 2016 place a duty on relevant local planning authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. It is required that local planning authorities have regard to each self-build and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

Housing and Planning Act 2016 places duty on a relevant local planning authority to grant permissions for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each defined base period. It is confirmed that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the Self-build Register of the relevant local planning authority.

The Copeland Self-Build Register includes 20no. interested persons/parties which have been registered since 2017. Only some of these identify interest in plots in the location of the Application Site. No persons have been added to the register in the last base period.

The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build reasonably exceed the identified need; however, it is accepted that the register



does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

The Copeland Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and accessibility.

At total of 10% of the proposed are to be affordable dwelling comprising two bedroomed bungalows to be offered either for discounted sale or rent at 80% market value or market rent. The proposed level of provision accords with the requirements of Policy SS3 of the CS and Policy H7PU of the ELP. Whilst the proposed tenure mix is at odds with Policy H7PU of the ELP, social rented housing is not considered to be an attractive proposition for a Registered Social Provider given the number of dwellings proposed and location of the Application Site, which would create as disproportionate management and maintenance liability.

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

A Planning Obligation is proposed to secure the delivery of the affordable housing proposed.

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

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

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

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within 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.

Copeland Landscape Settlement Study November 2021 identifies that the Application Site as being in an area of Character Type:5D Urban Fringe and within Local Character 5Dvi Keekle Hillsides.

The Application Site comprises part of a large field used for grazing. It is divided into two parts by a kested hedge bank which runs south-west to north-east along the highest part of the Application Site.

The field is contained by existing development along the northern and southern boundaries.

To the north-west is Summergrove Hall with associated car park and woodland. To the north-east is housing on Summergrove Park and Pooles Close. To the south-west lies Westlakes Science and Technology Park with associated car park areas and vacant land for future development. A disused quarry and open field lie beyond the south-east boundary. The north western boundary is defined by a shelterbelt of mature trees beyond which lies an open fields.

The Site is in an area of undulating rolling topography which forms part of the River Keele valley. The topography of the Site is gently sloping from the highest area around the kested hedge bank and the south east boundary.

The Site and its surrounds are part of an agricultural landscape of pasture influenced by urban form but maintaining a rural character. Field patterns are distinct and predominantly bounded by intact hedges and hedgerow trees. Semi-urbanised woodland associated with Westlakes Science and Technology Park and Summergrove Halls provides a high level of enclosure that is not typical of the more open character of the wider landscape.

Built form is a significant influence comprising large scale development in the form of Westlakes Science and Technology Park adjacent to the south-east boundary and residential development on Summergrove Park and Pooles Close to the north-east. There are several small settlements associated with former mining and associated activities including Moor Row.

The proposed development would result in the loss of poor semi-improved grassland which would be perceptible over a localised area but represents a small negative effect on a landscape element of low value. This would have a slight/moderate impact on the landscape character sub types in which the Application Site is located; however, this change would be in the context of the existing development in the form of large-scale buildings on the Westlakes Science and Technology Park and houses on Summergrove Park and Pooles Close in the immediate setting of the site. Any landscape framework proposed will as it matures, contribute to landscape distinctiveness and reduce the impacts.

Residents of properties on Summergrove Park, Pooles Close and Dalzell Street will experience moderate-substantial impacts as the proposed development would change the character of their views. The level of change for residents at home in properties on the edge of Whitehaven, Cleator Moor, Moor Row and Bigrigg would be no worse than moderate due to their distance from the proposed development and the minor scale of change in their views. The effect would be neutral as the composition of their pre-change views contains buildings and other detractors including overhead powerline pylons.

There are few Public Rights of Way in close proximity to the site with the closest over 0.5km from the site. Consequently the effect of the proposed development on the views of people

using these footpaths would be no worse than moderate due to their distance from the proposed development and the minor scale of change in their views. Again the effect would be neutral as the composition of their pre-change views contains buildings and other detractors.

Users of Public Rights of Way in St Bees Head Heritage Coast and the Lake District National Park would be over 3.5km from the proposed development. The proposed development would occupy a limited proportion of the panoramic views from these locations and the effects would be at worst slight and neutral. In the view from both of these designated landscapes, the settlements of Cleator Moor and Whitehaven are key components.

### Ecology

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

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 Assessment has been prepared in support of the planning application.

The results and findings from all the Assessment conducted on the site indicate that no further additional survey effort is deemed necessary for European Protected Species or species of note and that the size and limitations of the proposed development of the site will have no significant negative impact on the biodiversity of the area.

A scheme of mitigation is proposed to minimise the impacts of the development upon species present during the construction phase and implementation of this mitigation is secured through the imposition of a planning condition.

Adverse impacts upon designated ecological sites are not identified.

The Applicant has not undertaken a Biodiversity Net Gain Assessment of the Application Site at this stage.

Given the scale and nature of the proposed development is considered that achievement of a biodiversity net gain of 10% as required by Policy N3PU of the ELP is considered achievable and a planning condition to secure the required Biodiversity Net Gain Assessment and its implementation is proposed.

### Access and Highways

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

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

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

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

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

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

It is proposed to access to the Application Site via a new priority junction onto the C4003 - Dalzell Street.

Dalzell Street is approx. 5.7m wide with 2.5-3m grass verges. It is rural in nature, unlit and is subject to the national speed limit.

The proposed access is 5.5m wide with 6m kerb radii and a 1.8m wide footway.

A traffic survey was undertaken on Dalzell Street in the vicinity of the proposed access between 21st and 28th August 2020.

The survey recorded average 24-hour 85th percentile speeds of:

- 42mph northeast-bound
- 41mph southwest-bound

As the 85th percentile recorded speeds are above 40mph; therefore, visibility splays of 120m in each direction are required and are demonstrated as achievable.

The Crashmap identifies that Dalzell Street local to the proposed site access has a good safety record. There has been just one personal injury accident reported on Dalzell Street between Moor Row and the B5292 junction in the most recent pre-Covid 3-year period available. This occurred just south of the emergency vehicle rear access to West Lakes Science Park, approx. 120m from the proposed site access. The incident happened in 2017 and was slight in nature.

The proposed development comprising 30no. homes is likely to generate around 16 trips in the AM peak and 15 in the PM peak, the impacts of which can be readily accommodated onto the local road network.

National Highways has raised no objections to the proposed development.

Cumbria County Council – Highway have raised no objections to the development subject to the imposition of planning conditions in relation to technical details. It is identified that the visibility splays demonstrated are acceptable to the recorded road speeds; therefore, a reduction of the speed limit is not required.

Cumbria County Council – Highways have highlighted that any further development in this area is likely to trigger the requirement for improvements/contributions to schemes identified within the Copeland TIS at the Moor Row/ A595 junction, B5292 junction, and Main Street/ Moresby Road/ Cleator Moor Road Mini-Roundabout junction; however, it is stated that such a contribution is not justified by the proposed development given its limited scale/impact.

The timing of the traffic survey during the pandemic has been questioned by a number of interested parties; however, Cumbria County Council – Highways have raised no objections to the timing and thus the results of the traffic survey.

Limited connectivity exists between the Application Site and the surrounding development. A planning condition is therefore proposed requiring that shared footways and cycleways shall be provided as part of the development that link continuously and conveniently to Westlakes Science Park and Summergrove Park. This will improve legibility and connectivity locally.

### Flood Risk and Drainage

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

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

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

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

The Flood Risk Assessment and Outline Drainage Strategy demonstrates that an adequate SuDS based surface water drainage scheme can be achieved to existing watercourses utilising a scheme of attenuation without increasing flood risk to the Site or adjacent land.

The proposed drainage strategy accords with the national drainage hierarchy and includes SuDS features.

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

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

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.

### Ground Conditions

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

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

A Preliminary Environmental Risk Assessment (PERA) has been submitted in support of the planning application.

The submitted PERA identifies the Application Site is considered to represent a very low to low geotechnical risk; a very low risk from ground contamination; negligible risk to adjacent sites and controlled water in relation to ground/groundwater contamination; and, a low risk to users from ground gas.

It is recommended that Phase 2 Ground Investigation works are completed to fully characterise the ground/groundwater conditions and ground gas regime below the development site.

The PERA provides confidence that it will be possible to suitably manage the ground risks posed and a pre-commencement planning condition is proposed to secure completion of the additional works identified as necessary to fully demonstrate acceptability.

### Education

Cumbria County Council has confirmed that there will be sufficient capacity within existing schools for the estimated primary and secondary yield from the proposed development; therefore, no financial contribution in respect of education is required.

## The Planning Balance

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

In January 2022, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 5.6 year supply of deliverable housing sites against the emerging housing requirement and 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 significantly 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 proposed development will assist in delivering in the Council's aspiration to promote custom and self-build development, building on current demand and recognising the flexibility it offers people in terms of layout and accessibility.

The proposed development comprising the erection of up to 30no. dwellings is appropriate in size and character to Summergrove, which is identified as a Rural Village where limited infill and rounding off development would enable future housing needs to be met are supported in the ELP.

The Application Site is allocated for housing development in the ELP.

Policy E5PU of the ELP allocates 80ha of land for employment development, this includes an alternate 15ha of land for the expansion of Westlakes Science Park, which has been promoted by the operators of the Park as a more suitable location for growth than the Application Site.

The Application Site is located in close and convenient proximity to a small range of services and employment opportunities, a small number of which are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspirations for growth in the Borough.

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.

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

The development will result in some adverse local landscape and visual impacts, but comprises the extension of an existing settlement and is viewed on the context of an existing housing estate and employment development.

In overall terms, the adverse local landscape and visual impacts of the development 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 10% 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**

#### Defining The Permission

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

a) FIVE YEARS from the date of this permission; or

b) the expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

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

#### **Reason**

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

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



#### Reason

To ensure a satisfactory standard of development on site.

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

- Planning Application Form
- Location Plan – Drawing No. 15/10/863-01a)
- Flood Risk Assessment & Outline Drainage Strategy Summergrove, Whitehaven John Swift Homes Ref: K39183.FRA/001
- Land adjacent to Summergrove, Whitehaven – Access Appraisal – Ref. A118515
- Junction Plan – Drawing No. 15/10/863-05
- Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN April 2022
- Phase 1: Desk Top Study Report Proposed Residential Development of Land at Summergrove, Whitehaven, Cumbria – Ref. 2018-3441.
- Planning and Design and Access Statement - Outline Application with Access Location and Structure Landscaping Approved - Land at Summergrove, Whitehaven, Cumbria

#### Reason

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

4. The development hereby permitted shall not exceed 30no. dwellings.

#### Reason

For the avoidance of doubt.

#### Reserved Matters Requirements

##### Arboriculture

5. The plans and particulars for the reserved matters application shall include a full Arboricultural Impact Assessment (AIA) prepared in accordance with the recommendations of BS 5837:2012.

The AIA shall consider the exact relationship between the proposed development and any existing trees on and adjacent to the Application Site and include a detailed tree protection plan/scheme.

#### Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area.

#### Biodiversity Net Gain

6. The plans and particulars for the reserved matters application shall include a Biodiversity Gain Plan (BGP).

The BGP shall identify: the biodiversity merit of onsite habitats both prior to and after development calculated using a relevant metric system; detail measures to reduce or prevent adverse effects on biodiversity arising from the development; and, demonstrate how biodiversity net gains of a minimum 10% will be obtained as part of the proposed development.

#### Reason

To ensure delivery of the required biodiversity net gain.

7. Shared Footways and Cycleways shall be provided that link continuously and conveniently to Westlakes Science Park and Summergrove Park.

#### Reason

In the interests of sustainability and highway safety.

#### Pre-Commencement Planning Conditions

##### Phasing

8. No development shall begin unless and until details of a Phasing Plan for the development has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out otherwise than in full accordance with the approved Phasing Plan.

#### Reason

To ensure a high level of design quality and minimise impacts upon neighbouring residents.

#### Design code

9. No development shall commence until a Design Code for the proposed development has been submitted to and approved in writing by the local planning authority.

The Design Code shall include the details of the following as a minimum:

- i. Site Parameters – The location of the self-build plots; routes of highways within the development; and, a strategic open space and landscaping plan/scheme.
- ii. Plot Parameters – Details of plot coverage; building lines; boundary treatments; gates; corner plot treatment; plot layouts; access/parking/garages within plots; and, plot level landscaping.
- iii. House Parameters – Details of building footprints; building massing; building heights; and, building roofscapes.
- iv. Elevation Parameters – Details of the appearance; fenestration treatment; roof treatment; and, external materials.

All applications for Approval of Reserved Matters following Outline Approval submitted pursuant to this planning permission shall accord with the provisions of the approved Design Code.

#### Reason

To ensure a high level of design quality.

#### Contamination Assessment

10. No development shall commence until a Phase 2 Ground Investigation report prepared in accordance with the recommendations of Phase 1: Desk Top Study Report Proposed Residential Development of Land at Summergrove, Whitehaven, Cumbria – Ref. 2018-3441 has been submitted to and approved in writing by the local planning authority.

The Phase 2 Ground Investigation report shall include:

- an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken; and,
- verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of pollution.

#### Construction Management

11. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles

- procedures for the loading and unloading of plant and materials
- details of the storage of plant and materials used in construction
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the existing watercourses
- a scheme for recycling/disposing of waste resulting from construction works.

The approved CEMP shall be adhered to throughout the construction period.

#### Reason

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

12. No development shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and agreed in writing by the local planning authority.

The approved CSWMP shall be adhered to throughout the construction period.

#### Reason

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

13. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within

the highways boundary conducted with a Highway Authority representative; with all post repairs

carried out to the satisfaction of the Local Highway Authority at the applicants expense;

- details of proposed crossings of the highway verge;
- 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;

- 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)

#### 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.

#### Drainage

14. No development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been 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.

#### Highways

15. No development shall commence unless and until the visibility splays identified on

Junction Plan – Drawing No. 15/10/863-05 have been created.

The visibility splays shall thereafter be maintained free of any obstruction over 1m in height above the adjacent carriageway for the lifetime of the development.

Reason

In the interests of highway safety.

16. No development shall commence until detailed specifications of carriageway, footways, footpaths, cycleways have been submitted to and approved in writing by the local planning authority.

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and 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.

#### Pre-Occupation Planning Conditions

Drainage

17. 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.

## Highways

18. No dwellings 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.

19. The roadside ditch shall be piped at the access prior to the development being brought into use,

in accordance with details which have first been submitted for approval by the Local Planning Authority. The construction shall be in accordance with a specification which has been approved by the Local Planning Authority.

### Reason

In the interests of flood risk and highway safety.

## Other Planning Conditions

### Ecology

20. The development shall not proceed except in accordance with the mitigation strategy described in Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN April 2022.

### Reason

For the avoidance of doubt and to prevent harm to protected species.

### Unexpected Contamination

21. If during development, contamination not previously identified is found to be present at the site then no further development on that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

### Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution.

#### Hours of Construction

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

#### Reason

In the interests of neighbouring residential amenity.

#### Highways

23. There shall be no vehicular access to or egress from the site other than via the approved access.

#### Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.