

Application Reference Number:	4/23/2313/0F1
Application Type:	Full Planning Application
Application Address:	Land to the South of Daleview Gardens, Egremont
Proposal	Full planning permission for the residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works
Applicant	Gleeson Homes
Agent	Savills (UK) Ltd
Valid Date	06 th November 2023
Case Officer	Christie Burns

Cumberland Area and Region

Copeland and Egremont

Relevant Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Emerging Copeland Local Plan 2017-2038.

Reason for Determination by the Planning Committee

The Application Site exceeds 2 hectares in area and exceeds 100 dwellings; therefore, it falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation.

Recommendation

Subject to a Section 106 Planning Obligation being entered into securing:

- the delivery of the required 10% affordable dwellings;
- a travel plan monitoring fee of £6,600;
- a financial contribution of £41,700 for footway improvements between Uldale View junction and Bookwell School;
- an education contribution of £1,065,480 to provide additional accommodation capacity at Westlakes Academy; and
- a financial contribution of £83,000 towards the offsite upgrades to local plan, sport and open space provision

planning permission be granted subject to the conditions outlined in Appendix 1, with the Assistant Director of Thriving Place and Investment being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

If the section 106 planning obligation is not entered within 6 months of the date of this Planning Committee or any other extension of the determination period mutually agreed with the Applicant, delegate authority to the Assistant Director of Thriving Place and Investment to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured.

1. Site and Location

- 1.1 The Application Site comprises of a parcel of agricultural land located on the southern periphery of Egremont. The site is located to the east of Uldale View, is irregular in shape and covers an area of approximately 7.78 hectares. The site comprises of two fields defined by hedgerows at their margins, and slopes downwards towards the northern and eastern boundaries. The site is bounded to the north by residential properties at Daleview Gardens and Daleview Close, to the west by residential properties at Uldale View, and to the south and east by agricultural land.
- 1.2 There are no Conservation Areas or Listed Building on or directly adjacent to the Application Site. The nearest designated assets comprise the Grade I Listed and Scheduled Ancient Monument Egremont Castle and the Grade II Listed structures within the Castle grounds (the Drinking Fountain and Western Sundial) located approximately 400m to the north.
- 1.3 The Application Site is located within Flood Zone 1. The site also has a low risk of surface water flooding.
- 1.4 The Application Site is not located within a river catchment affected by nutrient neutrality and comprises Grade 3 agricultural land.
- 1.5 There are no Public Rights of Way on the Application Site. A pedestrian footpath runs along the western side of Uldale View providing access to Egremont by foot.

2. Directly Relevant Planning History

- 2.1 No relevant planning history.

3. Proposal

- 3.1 This application seeks Full Planning Permission for the erection of 164no. dwellings and associated infrastructure.
- 3.2 The proposed development comprises:
 - 13no. 2 bed dwellings;
 - 90no. 3 bed dwellings;
 - 57no. 4 bed dwellings; and
 - 4 no. 5 bed dwellings.
- 3.2 The proposed dwellings are predominantly 2 storey in height with the exception of 3no. 1 storey bungalows, 26no. 2.5 storey semi-detached 3 and 4 bed dwellings, and larger scale 5 bed detached townhouses. The proposed dwellings comprise a mix of terraced, semi-detached and detached units.

- 3.4 A total of 10% of the proposed dwellings (total 16no. dwellings) are to are to meet the definition of affordable housing as outlined in the National Planning Policy Framework (NPPF). It is proposed that the dwellings are First Homes and delivered in in accordance with the provisions and guidelines within the Planning Practice Guidance (PPG).
- 3.5 Access to the Application Site is proposed from Uldale View to the west of the site via a priority controlled junction. The proposed access provides the required visibility splays of 2.4m x 43 metres to Uldale View, requiring the removal of part of the existing hedgerow. The layout of this site incorporates a combination of frontage development to the main loop road highway and a number of cul-de-sacs. Areas of formal and informal open space are incorporated within the layout, these include a large central green, a linear park through the centre of the development, a more formal recreational area, and drainage infrastructure.
- 3.6 Each dwelling will be provided with designated off streeting parking, equating to 341no. residential driveway parking spaces across the site, 39no. detached garage parking spaces, and 46no. integrated garage parking spaces. The site will also incorporate 33no. visitor parking spaces. All properties will also offer electric vehicle charging points.
- 3.7 The proposed layout has been designed through the creation of a series of overlapping character area which aim to break up the built form of the development and create diversity through out the site. Each character area will benefit from a mix of materials, however the main materials utilised throughout the development include red, buff and burgundy brick, off white render, tiled roofs, white UPVC windows, and dark grey composite steel front, rear and garage doors.
- 3.8 A range of differing boundary treatments are also proposed for each character area including timber, knee rail, estate rail and vertical rail fencing and brickwork walls.
- 3.9 It is proposed to drain surface water through a combination of infiltration, and discharge into the adjacent watercourse at a controlled rate. Surface water drainage will also involve the use of a combination of SuDS treatments including infiltration basin, attenuation basins, conveyance swale, permeable surfacing, catchpit manholes and geocellular soakaways. It is proposed to drain foul water to the existing combined sewer to the north east of the site.

4. Consultations and Representations

Egremont Town Council

11th December 2023

In general, the application was welcomed, Councillors recognise the positive contribution the addition of these houses will make to the sustainability of the town, there were however some thoughts that we would like the planning authority to take into consideration.

The overwhelming concern is about the additional traffic that will be generated by this development and its impact on the immediate local area, specifically the access to Bookwell School due to its proximity to the development. The volume of traffic, especially at peak start and end of school days, is already of serious concern, especially since the removal of the school crossing patrol and the Council request that safety conditions are included in any planning permissions, these being the installation of a 20MPH zone at the school, the installation of traffic calming measures, consideration of the control of traffic from the Main Street, past the Castle, which if held up causes a backlog and stops all traffic movements along the Main Street. We feel it might be worth considering if the traffic controls at St Thomas Cross could be timed to positively affect the traffic flow minimising back logs.

Our final comment on traffic and vehicular movement is asking for the developer to consider, as part of the requirement to look at options for traffic management, would be the use of the former CCC owned Castle Mount establishment. This former care home has remained vacant for many years, its only recent usage was as an illegal weed growing greenhouse, and if the developer could acquire the site and provide a car parking area then the traffic would be taken off the main road. Such a car park with the increase of double yellow lines would, we believe be the optimum solution. We realise this might be outside of the planning remit but would ask if they would investigate the potential for this?

The Council also notes the complete lack of any play equipment planned, and considering the development is 164 houses, in the main family properties, the lack of anything is puzzling and we would have expected the planning authority to be insisting on having some play facilities. Our expectation is not a state of the art play area for the towns usage but some equipment we feel is a necessity.

6th June 2024

Councillors welcome these slight changes to amend the road access to allow for more space for vehicles along Uldale View, more brick screen walls and bringing the road spec up to fully adoptable standards. However, they do not affect the Councillors original comments, sent on 11th December 2023 (see below) which they think all still apply and overall accept and support the development.

National Highways

No objections.

National Highways does not consider that the proposed development would have an adverse impact on the safety of, or queuing on, a trunk road.

Cumberland Council – Highway Authority & Local Lead Flood Authority

1st December 2023

Cumberland Council as the Local Education Authority, Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Local Education Authority response:

This is a full application for 164 houses on 7.78 hectares of land to the South of Daleview Gardens, Egremont.

The housing breakdown has been provided as: 13 x 2 bed, 90 x 3 bed, 61 x 4+ bed roomed houses. Using a dwelling-led model on the 164 units it is theoretically estimated to yield 96 children: 57 primary and 39 secondary pupils for the schools.

The primary catchment school for this development is Bookwell Primary School (0.3 mile measured from approximate centre of the site of the proposed houses) and West Lakes Academy is the catchment secondary for this development (0.7 mile). The next nearest primary school is St Bridget's Catholic Primary School (0.6 mile). The next nearest secondary school is Whitehaven Academy (5.2 miles) which is over the walking threshold.

Office of National Statistics pupil yield data for Cumbria has been used to calculate yield according to the number and type of housing in a development.

The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are three developments affecting the primary schools used for this assessment and sixteen affecting the secondary schools. The table attached shows both the catchment schools and the developments that will affect them.

PRIMARY

There are insufficient places available in the catchment school Bookwell Primary to accommodate the pupil yield of 57 from this development. However, there are 3 other schools within the 2 mile threshold which have spaces.

An education contribution would not be required for Primary places.

SECONDARY

There are insufficient places available in the catchment school West Lakes Academy to accommodate the secondary pupil yield of 39 from this development. The next nearest school is Whitehaven Academy but is in excess of the distance threshold of 3 miles.

A contribution of £1,065,480 (39 x £27,320) would be required for secondary education to provide additional accommodation capacity.

NB. Projections represent a snapshot in time and all figures can be subject to change as further information becomes available. It should be noted that there may be other potential developments that may affect these schools, but as they have not been approved at this stage, have not been included in the calculations.

Local Highway Authority response:

Site Layout

The LHA has no objection in principle to this site since it is a local plan allocation and the LHA has already provided comments which can be found in the Site Access Assessment report. The matters which are satisfactorily addressed or do not present a material impact include:

- Trip levels from the development and junction capacity. the forecasted peak development flows do not represent a material or severe impact on the highway and the junction capacity onto Uldale View and elsewhere on the immediate network do not give undue concern to the LHA in terms of queues and delays from development traffic.
- There is sufficient in-curtilage parking shown on the site.
- The permeability of the site for Active Travel users (pedestrians and and cyclists) is generally good and we support the inclusion of informal footpaths within the site.
- The road layout and road hierarchy is generally acceptable, but there are several areas that need reviewing (see below).
- I note that the longer shared private driveways have bin collection areas shown, but these do not accommodate any turning facilities for non-residents and van deliveries etc.

Transport Assessment incorporating the Interim Travel Plan

Accidents / Safety Record & Accessibility

- It is noted and accepted that there are no recorded injury incidents in the immediate area over the past 5 years. There is no reason to conclude that the proposed development would lead to an unacceptable road safety risk as long as the necessary provisions to facilitate and manage vehicle, pedestrian and cycle access and movement to and from the development.

- Cycle access to local facilities and services is by existing highway which is deemed acceptable in this location and environment. Cycle journeys should be encouraged by the provision of secure storage for each dwelling. I note and welcome this principle being offered by the developer. However, LTN 1/20 guidance stipulates one cycle parking space per bedroom. With a garage this is theoretically possible but not all properties have garages. A lack of suitable storage will be a limiting factor for people adopting cycling as an active travel mode.
- Vehicle access onto Uldale View could be problematic. Uldale View at the proposed location is used for on-street parking making the road effectively a single -lane road. The LHA has reservations on the practicalities of this arrangement and would request that the location be reviewed with a view to moving it northwards or providing some localised widening so there is no conflict with parked cars.

Junction Capacity

- I note and agree that all trips should be assigned to the route north to the town along Bookwell / Queens Drive as Uldale View to the south is a cul-de-sac and only open to pedestrians and cyclists.
- The forecasted peak hour development flows of 79/87 for AM/PM are considered not significant when it comes to overall link and junction capacity. It is shown that the resultant capacity impact is negligible at the site access onto Uldale View and the Uldale View / Queens Drive junction.

Travel Plan

- The LHA welcome the Interim Travel Plan, its conclusions and recommendations.
- The publicity and promotion measures are welcomed as well as the on-line and travel brochures to be supplied.
- The proposals for a baseline survey (after 100 dwellings occupied), a 12 month follow on survey and then two more at 2-year intervals seems reasonable. I also note the production of the monitoring report which the LHA will review against targets. The LHA will be seeking a financial contribution of £6,600 for the monitoring service.
- It is important that sensible but ambitious targets are set for modal shift / split. I note the preliminary targets and welcome further discussions with the applicant on appropriate values to adopt in the plan in the first instance and the further opportunity to review these after the baseline survey.

Infrastructure and Active Travel Improvement and Highway Financial Contributions

- Whilst I note that a new footway will be provided from the new access joining to the existing footway on Greendykes, the footway to Bookwell Primary School is narrow compared to new standards. The Local Plan identifies localised footway improvements on Bookwell, to widen it to 2m to make it continuous and consistent with the new provision and that opposite the school. This will make this route safer and encourage modal shift. The improvement would be to strip widen the footway to 2m wide with concrete pin kerb at the rear for the section from Bookwell School to the junction with Uldale View (240m). The contribution required for this is £41,700.
- A sum of £6,600 is requested for the monitoring of the interim reports reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.
- I note that a leisure walking route has been provided around much of the site, which we welcome as it provides amenity, habitat and bio-diversity benefits and opportunities. However, there are gaps in the path on the northern and southern site boundaries. Consideration should be given to linking these paths up to make a circular route.

LHA Conclusion:

Overall, the site takes into account the Local Plan comments and is generally compliant but there are several areas of detail that need to be resolved at this stage as it will potentially alter the site layout and more discussion and evidence is therefore required.

1. The layout should be revised to a loop road for the main road around the site. This is easily achieved with minor modifications to the layout to make a continuous road between Plots 110 and 115. This will remove significant reversing manoeuvres and the inherent danger. This main circular road should have a 2m wide footway to the west or possibly both sides of the road.
2. There are insufficient visitor parking spaces in laybys. I note that there are some spaces allocated on street, but these are awkward to use and encourages footway parking. The full allocation of 33 should be in laybys.
3. Retaining the boundary hedge and providing a footway / footpath internally and remote from the carriageway means that the internal footway / footpath cannot be adopted. A s38 adoption plan should be provided for clarity on the adoption intentions and also some clarification on maintenance of green areas / trees etc outside gardens (note, the highway Authority will not adopt the trees in the roadside verge)
4. It does not appear that the necessary visibility splays from the footpath and EVA onto Uldale View can be achieved with the existing hedge in-situ. These should be 1.5 x 43m for both in each direction. The applicant is

encouraged to review the arrangement and network of footways to maximise connectivity;

5. There are several long private shared driveways with no turning heads. How will rigid delivery vans service these houses at the end of the private driveways if the driveways are full of cars?
6. The main site access onto Uldale View comes out where vehicles are typically parked on the west side of the road. This will create an awkward manoeuvre (i.e. a single lane road effectively for emerging traffic). Consideration should be given to moving this access further north and / or providing some localised widening to accommodate 2-way traffic + a row of parked cars on Uldale View.
7. The junction of Uldale View onto Queens Drive is on a straight-through alignment with no deflection rather than a normal tangential arrangement. This current layout allows high speed entry into Uldale View which will present a hazard to drivers using the new access. The LHA considers that this junction should be redesigned to a more conventional layout, 'squaring' the junction up to slow traffic entering and exiting Uldale View. This scheme should be delivered by way of a S278 agreement.
8. The aggregate path into the site adjacent to Plot 15 would be the main pedestrian route for much of the development due to its location providing a better desire line. A bound surface would be more suitable for this section which will be heavily used.
9. The path along the western boundary (inside the site) is not continuous, forcing active-travel users onto the carriageway. The proposed footway/ aggregate footpath should run to the whole length of the site frontage. This will also be important in terms of connectivity should the site to the south be developed in future.
10. There should be a continuous walking aggregate path on the southern boundary linking Plot 57 with 44 and the paths along the eastern boundary.
11. The crescent between Plots 127 and 137 should have a continuous road (shared surface road is suggested) to provide a sensible and desirable route for pedestrians and cyclists which would also avoid unnecessary turning and reversing manoeuvres.
12. Clarity on the cycle parking provision to allow for 1 space per bedroom for all dwellings.
13. The footway from the site to Bookwell school has been identified as being narrow and below the recommended minimum in the CDDG. It is important that developers provide high quality linking infrastructure from their sites to encourage walking to nearby schools and modal shift. The LHA consider that widening the footway (currently 1.2 / 1.5m wide) to 2.0m wide is required and is especially relevant on the eastern side of the road as this is where all residents will take to the school and beyond.

I welcome further discussion with the applicant to reach a satisfactory solution to these matters.

Lead Local Flood Authority response:

Flood Risk

I note the FRA and am satisfied that the location of the site (in FZ1) means that it is not at risk from any source of flooding. The site is however covered by a Source Protection Zone 3 designation and certain precautions and requirements must be considered in connection with the surface water drainage strategy.

Drainage Strategy

Analysing the topography survey contours it appears that the existing site predominantly falls (and thus drains to) the north and east. I note that the basins are located in these areas to the edge of the site. However, I note that although the total site area is 7.78 Ha, the area used to calculate QBar / discharge rate (i.e. positively drained area of the site) is just 4.35 Ha. Without an accompanying plan it is difficult to assess this.

I also note that the Greenfield Qbar run-off calculations have manually amended the default value of SOIL type from 4 to 3. Please provide an explanation / evidence for this. This change reduces the discharge rate significantly.

I note the findings of the infiltration testing and that it seems possible to provide infiltration basin type drainage in the SE corner of the site. However, due to the increased risk from failure or poor performance or exceedance from this kind of feature, we would require careful examination and an analysis of the exceedance route and possible impact downstream.

The remainder of the site is proposed to utilise traditional positive drainage with attenuation basins and flow control. The designs should be in accordance with the NSTS and CIRIA SUDS manual. We would encourage the use of 'open' or surface water SUDS features as far as practicable, including conveyancing swales instead of pipes.

I note that the attenuation features have been designed with a Climate Change factor of 40% applied. This should be 50% so the calculations and designs will need to be revised accordingly.

Surface Water Infiltration Systems:

Informative/advice to applicants:

Where soakaways or other infiltration systems are proposed for the disposal of surface water, our general requirements are as follows:

1. Soakaways or other infiltration systems shall only be used in areas on site where they will not present a risk to groundwater, with the depth of soakaway kept to a minimum to ensure that the maximum possible depth of unsaturated material remains between the base of the soakaway and the top of the water table, ensuring that a direct discharge of surface water into groundwater is prevented.

2. Soakaways shall not be constructed in land affected by contamination, where they may promote the mobilisation of contaminants and give rise to contamination of groundwater.
3. Only clean water from roofs shall be directly discharged to soakaways.
4. Subject to the approval of the Local Authority, further percolation tests may be required to ensure that soakaways will work adequately in adverse conditions. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals should be submitted.

LLFA Conclusion

In summary, the LLFA are satisfied in principle with the hybrid approach. However, without further information (as listed in the CDDG Appendix 7) I am unable to carry out a high level review to ascertain whether the QBar / discharge rate is appropriate, where the infiltration areas are, where the exceedance routes are etc. Please provide the following information / evidence:

- site investigation (including soil type assessment) / percolation tests
- preliminary drainage design drawing / strategy showing discharge destination
- contributing, permeable and impermeable areas
- Revised drainage calculations (including details of climate change allowance, urban creep, storage volumes, Greenfield QBar reasoning etc)
- Plan of exceedance routes
- Further details of water quality treatment

17th April 2024

Local Education Authority response:

No change to previous response of 1 December 2023.

Local Highway Authority response:

The current revisions are in response to my previous observations and suggestions (and a subsequent meeting with the applicant on 19 January 2024) which I repeat here with my updated position.

1. The layout should be revised to a loop road for the main road around the site. This is easily achieved with minor modifications to the layout to make a continuous road between Plots 110 and 115. This will remove significant reversing manoeuvres and the inherent danger. This main circular road should have a 2m wide footway to the west or possibly both sides of the road.
- *I am satisfied with the overall site layout now which includes more 'loop roads' instead of cul-de-sacs. I also note and welcome the swept path assessments for refuse vehicles in the remaining turning heads.*

2. There are insufficient visitor parking spaces in laybys. I note that there are some spaces allocated on street, but these are awkward to use and encourages footway parking. The full allocation of 33 should be in laybys.
 - *I note and welcome the addition of visitor parking bays bringing the total to 33. These are also pretty evenly spread throughout the development which will help prevent pavement parking.*
3. Retaining the boundary hedge and providing a footway / footpath internally and remote from the carriageway means that the internal footway / footpath cannot be adopted. A s38 adoptions plan should be provided for clarity on the adoption intentions and also some clarification on maintenance of green areas / trees etc outside gardens (note, the highway Authority will not adopt the trees in the roadside verge)
 - *This S38 drawing is not in the submission package.*
4. It does not appear that the necessary visibility splays from the footpath and EVA onto Uldale View can be achieved with the existing hedge in-situ. These should be 1.5 x 43m for both in each direction. The applicant is encouraged to review the arrangement and network of footways to maximise connectivity;
5. *I note the removal of one of the pedestrian links which was did not have suitable visibility onto the highway. I also note the revised EVA design to a higher standard which also has sufficient visibility of 1.5m x 43m but will need the hedge cut back and maintained in perpetuity to maintain this splay. The type of access control needs to be confirmed. We suggest a removable or collapsible bollard.*
6. There are several long private shared driveways with no turning heads. How will rigid delivery vans service these houses at the end of the private driveways if the driveways are full of cars?
 - *I note the explanation given and I appreciate that adding a turning head at the end of each driveway would reduce the developable area and increase area of road. Relying on driveways and road width to turn may work for some vehicles some of the time, but may also mean that others have to reverse out. However, taking into account the limited number of dwellings, the distances involved and frequency of occurrence, it is not judged to represent a serious impact on road safety conditions.*
7. The main site access onto Uldale View comes out where vehicles are typically parked on the west side of the road. This will create an awkward manoeuvre (i.e. a single lane road effectively for emerging traffic). Consideration should be given to moving this access further north and / or

providing some localised widening to accommodate 2-way traffic + a row of parked cars on Uldale View.

- *I note Uldale View has been widened north of the main access to provide a suitable width for parking AND two-way traffic.*
- 8. The junction of Uldale View onto Queens Drive is on a straight-through alignment with no deflection rather than a normal tangential arrangement. This current layout allows high speed entry into Uldale View which will present a hazard to drivers using the new access. The LHA considers that this junction should be redesigned to a more conventional layout , 'squaring' the junction up to slow traffic entering and exiting Uldale View. This scheme should be delivered by way of a S278 agreement.
- *This suggested road layout was to bring this junction up to a more conventional layout. However, as it has been pointed out (and acknowledged), there is no accident record at this junction. I also acknowledge that due to the close proximity of the main access from the junction, any traffic going to and from the development would not be travelling any faster than currently. Whilst the proposed layout might have minor benefits for motorists and pedestrians, there is no evidence that retaining the existing layout would not have serious road safety implications.*
- 9. The aggregate path into the site adjacent to Plot 15 would be the main pedestrian route for much of the development due to its location providing a better desire line. A bound surface would be more suitable for this section which will be heavily used.
- *This is now shown to be a bound surface as requested*
- 10. The path along the western boundary (inside the site) is not continuous, forcing active-travel users onto the carriageway. The proposed footway/ aggregate footpath should run to the whole length of the site frontage. This will also be important in terms of connectivity should the site to the south be developed in future.
- *I note that a 2m wide footpath runs from the access to EVA and pedestrian access beyond that is possible to No.68 via the turning head and shared private driveway, however, there is no connection shown from the driveway to the southern boundary footpath. Considering there are other pedestrian routes to Uldale View (i.e. via the EVA and via the route from No.57), this link is not a refusal matter on Highway grounds but the case officer may wish to insist on this link for amenity benefits of the residents and locals.*

11. There should be a continuous walking aggregate path on the southern boundary linking Plot 57 with 44 and the paths along the eastern boundary.
 - *This request was to add to the variety and options for circular leisure routes around the development. However, I acknowledge that there are other routes leading to the eastern edge and landscaped SUDS area. This is therefore not a refusal matter on Highway grounds but the case officer may wish to insist on this link for amenity benefits of the residents and locals.*
12. The crescent between Plots 127 and 137 should have a continuous road (shared surface road is suggested) to provide a sensible and desirable route for pedestrians and cyclists which would also avoid unnecessary turning and reversing manoeuvres.
 - *This has been provided in the revised layout*
13. Clarity on the cycle parking provision to allow for 1 space per bedroom for all dwellings.
 - I note and welcome the applicant's commitment to increased levels of cycle parking
14. The footway from the site to Bookwell school has been identified as being narrow and below the recommended minimum in the CDDG. It is important that developers provide high quality linking infrastructure from their sites to encourage walking to nearby schools and modal shift. The LHA consider that widening the footway (currently 1.2 / 1.5m wide) to 2.0m wide is required and is especially relevant on the eastern side of the road as this is where all residents will take to the school and beyond.
 - *I note and welcome the applicant's commitment to the requested S106 contributions of £41,700 towards improvements to the footway which connects Bookwell School to Uldale View and a contribution of £6,600 towards Travel Plan monitoring.*

LHA Conclusion

I still require further details as requested in my earlier response:

- S38 / adoptions drawing

Lead Local Flood Authority response:

In my previous response, whilst I was largely satisfied with the principle of the hybrid surface water drainage strategy, there were some areas requiring clarification and more detail. These were:

1. Site investigation (including soil type assessment) / percolation tests
 - *I note the trail pit overview in the GI report but I cannot see the BRE365 test results to confirm the infiltration potential in various areas of the site*
2. Preliminary drainage design drawing / strategy showing discharge destination
 - *The drawings showing the preliminary surface water drainage design have been provided and it shows a hybrid layout with a combination of soakaways, and positive drainage to attenuation basins.*
3. Contributing, permeable and impermeable areas
 - *I cannot see a diagram to explain how the various areas have been accounted for in the calculations. I carried out my own preliminary run-off rate and attenuation requirement calculations and the results are slightly different to those presented.*
4. Revised drainage calculations (including details of climate change allowance, urban creep, storage volumes, Greenfield QBar reasoning etc)
 - *The contributing area figures do not match my estimate. Please clarify.*
5. Plan of exceedance routes
 - *The submitted plans satisfactorily show the exceedance routes and that they are not likely to present a flood risk downstream*
6. Further details of water quality treatment
 - *The outline proposals are acceptable. Further details to be provided / confirmed at detailed design stage.*

LLFA Conclusion:

I still require further details as requested in my earlier response:

- BRE365 infiltration testing results (or explanation to which document I can find them in)
- Contributing areas plan and calculation for the positively drained areas that feed into the attenuation basins showing the impermeable areas and area that is permeable but still contributes

to the surface water run-off. The drainage strategy also suggests that the greenfield rate and therefore storage requirement is based on a 30% allowance from the 'greenfield' areas of 2.735 Ha, but if this area is to the east and north of the site, this will fall away from the drainage system so would not contribute. Clarification is needed on these areas as this will affect the allowable (greenfield equivalent) QBar rate and the overall attenuation storage required.

30th April 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the revised and additional material relating to the Surface Water Drainage design and highway adoption status plan in connection with the above planning reference and our findings are detailed below. Note, these comments are in addition to my previous responses.

Local Highway Authority response:

We welcome the S38 Adoption Plan and agree with the extents shown.

Lead Local Flood Authority response:

I note the revised contributing area plan and accompanying surface water drainage calculations showing a reduced run-off rate. This is more reflective of the flow paths taking into account the site topography and layout.

I am also satisfied with the BRE365 infiltration evidence which shows good infiltration potential in most areas of the site.

Conclusion:

I can confirm that the LHA and LLFA have no objections to the proposal, subject to the following obligations and recommended conditions being included in any Notice of Consent which may be issued:

Obligations:

The applicant to enter into a suitably worded legal agreement with the Council to contribute

1. £41,700 towards improvements to the footway which connects Bookwell School to Uldale View.
2. £6,600 towards Travel Plan monitoring.
3. £1,065,480 (39 x £27,320) for secondary education to provide additional accommodation capacity at Westlakes Academy.

Active Travel

22nd November 2023

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

19th April 2024

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

United Utilities

8th December 2023

DEVELOPMENT IN PROXIMITY TO EGREMONT WASTEWATER TREATMENT WORKS

We would like to take this opportunity to highlight to the local planning authority and the applicant that the development is in proximity to Egremont Wastewater Treatment Works. It is important to explain that the wastewater treatment processes may result in emissions including odour and noise.

It is important to also add that the facility requires continued access. Water and sewerage companies have a legal right of access to their assets, which includes leaving appropriate vehicular access in order to maintain the operational requirements at our facilities. The access may be used by tankers and other large vehicles, so necessary provision to our facility must be left by the applicant for the lifetime of this development.

DRAINAGE

Following our review of the submitted FRA and Drainage Strategy Report (ref 23127, Rev P02, dated 23/06/2023), there is insufficient detail on the drainage design to assess properly. United Utilities are happy with the overall strategy to discharge surface water to watercourse and via infiltration. There is an expectation for the applicant to provide a detailed drainage plan for preview and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the inclusion of a condition to secure details of a sustainable surface water drainage scheme and a foul water drainage scheme.

We notice that the proposal incorporates a SuDS component(s) that may be offered for adoption by United Utilities. We recommend the applicant seeks further advice regarding the SuDS design by visiting our website. See Appendix, Section 4.0 Contacts.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice.

25th January 2024

DEVELOPMENT IN PROXIMITY TO EGREMONT WASTEWATER TREATMENT WORKS

We would like to take this opportunity to highlight to the local planning authority and the applicant that the development is in proximity to Egremont Wastewater Treatment Works. It is important to explain that the wastewater treatment processes may result in emissions including odour and noise.

It is important to also add that the facility requires continued access. Water and sewerage companies have a legal right of access to their assets, which includes leaving appropriate vehicular access in order to maintain the operational requirements at our facilities. The access may be used by tankers and other large vehicles, so necessary provision to our facility must be left by the applicant for the lifetime of this development.

DRAINAGE

Following our review of the submitted Drainage Layout (ref 23127-GAD-00-00-DR-C-1000, Rev P04, dated 23/06/2023), we can confirm that whilst the proposals are acceptable to United Utilities from an overall strategy point of view, there are some aspects of the surface water design that might not be acceptable from an adoption point of view. Considering the previously submitted Drainage Strategy Report confirmed the intention is to offer the drainage for adoption by United Utilities, this may lead to amendments of the drainage design. We would therefore argue these should be addressed before drainage is approved through the planning process.

The adoption issues include:

- Basins:
 - The length to width ratio should be between 3:1 and 5:1;
 - The flow path (between inlet and outlet) must be maximised;
 - Side slopes need to be within a gradient of 1:3 and 1:5, and should be varied around the perimeter. 1:5 should be provided at inlets and outlets;
 - We would request an access track around the basins and all flow controls to have surrounding hardstanding areas for maintenance activities;
 - We would not adopt proprietary treatment systems (such as the downstream defenders shown).
- Trees:
 - There appears to be some trees shown over/in close proximity to the sewers and SuDS near the outfall.
- Wetland:
 - This does not appear to be in line with how the CIRIA SuDS manual describes a wetland (e.g. there is no outfall or permanent water level). Arguably this is more of a large planted filter strip. We may therefore not be able to adopt such a feature, but would have to keep in mind our “all or nothing” approach with regards to adopting surface water assets. We would encourage the applicant to submit an adoption predesign application to United Utilities with more details on this feature for further discussion.

Should planning permission be granted without the provision of this information we request the inclusion of a condition to secure details of a sustainable surface water drainage scheme and a foul water drainage scheme.

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice.

10th May 2024

DEVELOPMENT IN PROXIMITY TO EGREMONT WASTEWATER TREATMENT WORKS

We would like to take this opportunity to highlight to the local planning authority and the applicant that the development is in proximity to Egremont Wastewater Treatment Works. It is important to explain that the wastewater treatment processes may result in emissions including odour and noise.

It is important to also add that the facility requires continued access. Water and sewerage companies have a legal right of access to their assets, which includes leaving appropriate vehicular access in order to maintain the operational requirements at our facilities. The access may be used by tankers and other large vehicles, so necessary provision to our facility must be left by the applicant for the lifetime of this development.

DRAINAGE

Following our review of the submitted 23127-GAD-00-00-DR-C-1000 (Rev P06 dated 13.03.2024), we note the wetland has been removed from the design which raises concerns regarding adoptability. However, some of our other concerns have not been addressed including:

Basins:

- The length to width ratio should be between 3:1 and 5:1.
- The flow path (between inlet and outlet) must be maximised and the shape must mimic natural shapes (no sharp angles).
- Side slopes need to be within a gradient of 1:3 and 1:5 and should be varied around the perimeter. 1:5 should be provided at inlets and outlets.
- We would request an access track around the basins and all flow controls to have surrounding hardstanding areas for maintenance activities.

Trees:

There appears to be some trees shown over/in close proximity to the sewers near the outfall.

To understand any potential adoption prior to commencement, and to agree a detailed drainage strategy, we request the inclusion of a condition to secure details of a sustainable surface water drainage scheme and a foul water drainage scheme.

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice.

Environment Agency

We screened this consultation in November and found no environmental constraints that affect the site, which are relevant to our planning remit. No comments to make on this application.

Cumberland Council – Strategic Housing

21st November 2023

This is an application for 164 properties in Egremont, within the former Copeland boundary by Gleeson Homes.

Of the 164 properties, 16 (10%) are proposed to be affordable housing units, through the First Homes scheme, a mix of 9 two-bedroomed and 7 3-bedroomed terraced or semi-detached properties. This is the minimum requirement, and we would welcome a higher percentage allocated to affordable housing.

We are pleased to see that all the properties are designed to be M4 (2) compliant as it is important that homes can flex and be adapted to meet the changing needs of residents as they age.

Egremont is one of the former Copeland area's main towns, and a focus for housing development with its proximity to the Sellafield site. Gleeson's have developed housing close to this location in the last few years, including affordable units, which sold well.

Our Housing Needs Survey in 2019 indicated that Egremont has more social housing tenants than the former borough, which would support the need for affordable home ownership, and fewer semi-detached houses, so the housing mix proposed within this application is welcomed – the survey also showed that people wanting to move required a mix of housing type, including bungalows. Affordability was an issue for many people wanting to move and so again this supports the requirement for affordable housing on the site. At the time of the survey the town had a higher proportion of retirees than average and so these properties may attract that market, freeing up family sized homes elsewhere that may be more affordable.

The housing mix proposed aligns with our survey and the SHMA, giving a greater number of 2 and 3 bedroomed properties but provision of some 4 and 5 bedroomed properties to attract larger families and those with higher incomes.

The proposed site is a significant size, and we would recommend that the developer engages with local residents early on to ensure that they are informed about the site and the benefits it may bring to the town and community.

28th May 2024

I have had a look at the new information but cannot see anything that requires alteration to our previous comments on this application.

4th July 2024

With regards to the 16 affordable housing units, the applicant has proposed that these are all delivered through the First Homes Scheme, whereas the requirement is for 25% of all affordable housing units to be through this scheme. First Homes must be provided at a minimum 30%

discount, against a minimum 20% discount under our discounted sale scheme. Whilst full provision through First Homes would in theory mean more affordable properties, these are only for first time buyers and therefore other residents in housing need would be excluded from accessing affordable housing on this scheme. We therefore recommend that the number of First Homes is reduced and discounted sale units are included.

Cumberland Council – Strategic Planning Policy

Copeland Core Strategy and Development Management Policies 2013-2028

The Core Strategy was adopted in 2013 and remains an important consideration for determining planning applications. The policies most relevant to the application are the following:

<p>ST2 Spatial Development Strategy</p>	<p>Egremont is a Key Service Centre and as such it is appropriate for a development of moderate scale, such as the proposal, to be situated here.</p> <p>The proposal is situated outside the adopted settlement boundary. However, in this case, due to the advanced position of the emerging local plan, the settlement boundaries should be considered out-of-date.</p>
<p>SS3 Housing Needs, Mix, and Affordability</p>	<p>The proposed housing mix is considered to be broadly aligned with the expectations of the SHMA.</p> <p>However, the proposed tenure for affordable housing is considered inadequate. This is discussed in regards to Policy H8PU in the emerging Local Plan.</p>
<p>SS5 Provision and Access to Open Space and Green Infrastructure</p>	<p>SS5 provides a framework through which the Council will secure the Open Space and Green Infrastructure contributions necessary to facilitate sustainable development.</p> <p>There is a degree of distinction between this approach and</p>

	that within the emerging Local Plan, <i>See N11PU</i> .
ENV3 Biodiversity and Geodiversity	Planning Policy has raised a query regarding the extent to which this proposal adequately enhances biodiversity. This will be discussed in regards to Policy N3PU in the emerging Local Plan.
ENV4 Heritage Assets; DM27 Built Heritage and Archaeology	Planning Policy would highlight the importance of securing an appropriate archaeological survey prior to any works. This is of particular importance due to the findings of the applicant's archaeological report, and the historical considerations of the site itself. Planning Policy have highlighted a view regarding archaeology in relation to Policy BE3PU in the emerging Local Plan.
DM10 Achieving Quality of Place	The proposal design is considered to be broadly aligned with policy.

Copeland Local Plan 2021-2038

Development of the Emerging Local Plan

The Council is in the final stages of adopting the new Local Plan which replaces the Core Strategy. This will cover the period 2021-2038.

The appointed Inspector has considered the submitted Local Plan, all responses received to that Publication Draft of the Plan and all issues raised during the Examination Hearings. She has identified changes to the Local Plan (Main Modifications) that she feels are necessary for the Council to be able to adopt it as a 'sound' Local Plan. Consultation on the Inspector's Main Modifications took place in February/March 2024 and the Council expects her report to be published soon after the election.

Weight of Emerging Policies

The weight emerging policies can be given is determined by:

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

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Local Plan is at an extremely advanced stage and all policies are considered by the Council to be consistent with the NPPF. The Planning Inspector considers all matters within the Local Plan to be sound, justified, and effective; subject to her proposed modifications, which carry slightly less weight. As such the emerging Local Plan can be considered to be broadly sound, but the weight that can be attached to individual policies will vary depending upon the extent of the change being proposed by a Main Modification and its relevance to the proposal being considered.

DS1PU Settlement Hierarchy	<p>Egremont is a Key Service Centre</p> <p>This entails: <i>“The focus will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.”</i></p> <p>Planning Policy consider the proposed development to be of an appropriate scale.</p>
DS2PU Settlement Boundaries	The site is within the new proposed settlement boundary of Egremont.
DS7PU Hard and Soft Landscaping	<p>The Housing Allocation HEG3 is accompanied by the three Landscaping requirements:</p> <ul style="list-style-type: none"> • The site is within a high ground setting which helps define the character of the town, development should therefore be sensitive to this and appropriate for its setting. • The open character of the eastern section of the site should be retained, along with existing hedgerows, where possible • The development should avoid creating a harsh settlement edge <p>Planning Policy view the design within the eastern section of the site to have successfully maintained an open character. However, the southern</p>

	border is designed less sensitively and risks creating a harsh edge to Egremont.
DS8PU Reducing Flood Risk	The proposal is supported by an FRA.
DS9PU Sustainable Drainage	The proposal is supported by SUDs system.
H2PU Housing Requirement	The delivery of HEG3 provides an important contribution to the overall housing requirement for the Copeland Planning Area, and it is placed as such within the Housing Trajectory that underpins the Copeland Local Plan.
H4PU Distribution of Housing	<p>The Local Plan requires that 30% of housing is provided across the Key Service Centres, of which Egremont constitutes one of three settlements.</p> <p>The delivery of HEG3 provides an important contribution to maintaining this strategic approach.</p>
H5PU Housing Allocations	<p>The site is within housing allocation HEG3. There is a distinction between the indicative yield of 141 and the applications intention of 164.</p> <p>However, the indicative yield is only a broad figure, based upon desktop information and a number of assumptions. Providing an increase does not necessarily compromise planning policy so long as the scheme is well designed and provides appropriate landscaping, green space, community space and residential amenity.</p>
H6PU New Housing Development	Planning Policy considers the application to in accordance with H6.
H7PU Housing Density and Mix	The SHMA outlines the housing mix required in Copeland:

	<p>Table 14: Housing Needs by Bedrooms</p> <table><tr><th></th><th>1-bedroom</th><th>2-bedrooms</th><th>3-bedrooms</th><th>4+-bedrooms</th></tr><tr><td>Market</td><td>5%</td><td>35%</td><td>40%</td><td>20%</td></tr><tr><td>Affordable home ownership</td><td>15%</td><td>45%</td><td>35%</td><td>5%</td></tr><tr><td>Affordable housing (rented)</td><td>30%</td><td>40%</td><td>25%</td><td>5%</td></tr></table> <p>While the proposal doesn't meet this figures in full, it is within a reasonable proximity; though one should note this does apply as closely regarding affordable housing provision as will be discussed in Policy H8 below.</p>		1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms	Market	5%	35%	40%	20%	Affordable home ownership	15%	45%	35%	5%	Affordable housing (rented)	30%	40%	25%	5%
	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms																	
Market	5%	35%	40%	20%																	
Affordable home ownership	15%	45%	35%	5%																	
Affordable housing (rented)	30%	40%	25%	5%																	
H8PU Affordable Housing	<p>Policy H8PU requires that at least 10% of the homes should be affordable. As the applicant is proposing 9.8%, it is recommended that an in-lieu payment is used to address this shortfall.</p> <p>In addition to this the applicant's proposal to make all of the affordable homes "first-homes" is not supported. The SHMA identifies the affordable housing requirements for the Copeland Plan Area, and Policy H8 identifies a requirement for 60% of affordable homes to be social or affordable rent, and 25% to be "first homes" within a specific proposal. Paragraphs 13.11.25 to 13.11.29 explain the rationale for the tenure mix in Policy H8.</p>																				
N1PU Conserving and Enhancing Biodiversity and Geodiversity	<p>The site profile for Housing Allocation HEG3 identifies the primary ecological constraints and opportunities for HEG3 as the following:</p> <ol style="list-style-type: none">1) Hedgerows with habitat for breeding birds.2) Potential roosting opportunities and foraging habitat for bats.3) Terrestrial habitat for foraging and commuting amphibians.4) Potential habitat for red squirrel and otter <p>The proposal has addressed some of these elements, for instance through the</p>																				

	<p>provision of roosting opportunities. However, in light of comments raised in relation to N3PU, it may be appropriate for the applicant to reconsider these opportunities.</p> <p>The proposal should be supported with a construction management plan, this will ensure the River Ehen SAC and Florence Mine SSSI are protected during the construction phase.</p>
N3PU Biodiversity Net Gain	<p>The housing profile for HEG3 identifies a number of potential BNG opportunities and related requirements:</p> <p>“The woodland, watercourse scrub habitats and hedgerows provide habitat for a number of species and have connectivity to the wider environment. These habitats should be retained and protected. Retained hedgerows could be gap filled and margins widened to encourage development or expansion of the hedgerow ground flora. Any post-construction landscaping should make use of soils onsite and not use imported topsoils.”</p> <p>Planning Policy would query whether the categorisation of the extant agricultural land is correct. The proposal suggests that 7.3ha ought to be defined as “Temporary Grass and Cover Leys” and, as such, exempt from the BNG calculation metric. If such a metric was incorrect, it may be appropriate for the applicant to reconsider the opportunities above.</p> <p>The proposal should also be supported by a Biodiversity Management Plan.</p>
N11 Provision of Open Space in New Developments	<p>N11PU highlights the required contributions for Open Space in all major developments, such as the proposed scheme.</p>

	<p>The minimum contribution per ha of Parks and Gardens, Amenity Greenspace, Natural and Semi-Natural, Provision for Young People, and Allotments are detailed in accordance with population.</p>
<p>BE3PU Archaeology</p>	<p>The site lies within a former medieval deer park and archaeological earthworks lie in the vicinity. There is the potential for currently unknown archaeological assets to survive buried on the site and so it is advised that any future application should be accompanied by the results of an archaeological desk-based assessment. Depending upon the results of the assessment, provisions may need to be made for the investigation and recording of any remains that would be impacted upon by the development.</p> <p>The archaeological report submitted by the applicant agrees with this requirement;</p> <p><i>“there is circumstantial evidence for prehistoric activity which is likely to require further investigation through geo-physical prospection followed by archaeological evaluation.”</i></p>
<p>CO4PU Sustainable Travel</p>	<p>The housing profile outlines:</p> <p><i>“There is currently no pedestrian provision on the eastern side of Uldale View along the site boundary. Removal of the wall, along with vegetation clearance, is required for the provision of footway along the western site extents, which will also ensure maximum visibility at the accesses to the site.”</i></p> <p>Planning Policy would consider it important to discount such an approach.</p> <p>Planning policy would highlight that the applicants Planning Statement identifies: “In addition, the site is</p>

	served by wider public transport links". However, the nearest bus stop is approximately 700 metres from the site, this will vary in accordance with particular dwellings. The TIS and allocation profile both outline the need to improve public transportation connections for HEG3, rather than simply utilising the extant.
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Conclusion

Planning Policy support the development of allocation HEG3, and the masterplan approach undertaken by the applicant in relation to design and other such considerations. The delivery of the allocation is key for the sustainable growth of Egremont and satisfying the housing needs of the Copeland plan area.

However, there are a number of issues that ought to be addressed:

- 1) Whether the correct amount of BNG has been provided. Planning Policy are unsure of whether "Temporary Grass and Cover Leys" are the correct demarcation for the site.
- 2) The Affordable Housing tenure should not be exclusively first-homes. This is not inline with the evidence of affordable housing need which underpins the emerging Copeland Local Plan.
- 3) Before planning permission is given, it is essential that issues regarding the production of, or contribution towards, an appropriate degree of open spare are resolved.

Cumberland Council – Conservation and Design Officer

25th January 2023

Solar Gain

The layout of the houses has been chosen to follow the streets, and the layout of the streets has been chosen to follow the contours of the site to avoid the need for engineering works

What consideration has been given to maximise solar gain and provide passive winter heating within the layout?

Clustering and Grain

The grain and clustering as it appears on the site plan suggests that the development will appear rather homogenous, and I raise the possibility that the character areas proposed will not feel truly distinct. There are perhaps too many of them, and they are perhaps too similar at their

structure level for detail changes to boundary and facing materials to have a meaningful effect.

Reducing the number of proposed character areas to, perhaps, four or five, and concentrating on their distinctions could be useful. Regarding these distinctions, thought should be given to whether these are superficial or whether they're more fundamental and structural.

Legibility - Landmarks and Wayfinding

Thought should be given to making the layout more legible by the use of wayfinding markers and landmarks.

Landmarks and wayfinding go together as landmarks are used for distinguishing one part of a development from another (e.g. character areas), finding orientating within the site, estimate distance, and for variation and aesthetics. Landmarks can be within the site or outside it, as is the case with Parkfield, a prominent house located on the corner of the current development.

Parked cars all look the same. Therefore, any view, such as a vista or a view along a road, that is characterised by parked cars will look much the same as any other. By contrast, views that are characterised by unique architectural features, material palettes or other formal language introduce the concepts of "towards" and "away", "into" and "out of", "up and down", "past", "along" and "through" that are necessary for relating one's position and movement to the environment.

This need for distinctiveness feeds into the treatment of character areas and attempts to undermine the default state of housing developments as homogenous.

Car Parking

More thought should be given to the layout and the relationship of the parking provision and the houses to prevent the domination of the street scene by parked cars and also limit the use of tarmac/hard surfacing. Additional planting could help to reduce the impact.

Boundaries and Surfaces

Care should be taken not to create edge barriers that constrain space and induce a feeling of enclosure. Green pathways have been shown on the site plan, but these are peripheral to the north and south halves of the scheme, as divided by the hedge.

Efforts should be taken to minimise the amount of hard surfacing within the scheme.

Green and Amenity Space

The road immediately inside the site entrance provides a model that should be used more widely. The streets should be tree-lined where possible (as set out in NPPF). It may also be beneficial to give more space to some streets, while less space to others.

Where streets need more space, this could allow wide tree-lined grass verges to the sides of the street, followed by pedestrian and cycling pathways, followed by front gardens.

Where streets could benefit from less space, this could introduce more intimacy and human scale. Street trees can still be used, but smaller examples, interspersed with street-side parking. Could house fronts be positioned flush with the rear of the pavement here?

The central green appears at risk of appearing more like a fenced-off corner of grass and some trees, rather than a part of the civic apparatus of the development. I would suggest not fencing this area from the street, and giving it more prominence. The way unit 149 intrudes into the side of it is awkward, and robs the space of a hierarchy (i.e. some parks have top and a bottom, some have a centre and an edge – what is the relationship at work here?)

Green Pathways

More consideration should be given to the planting of trees within the street in addition to the planting on the perimeter of the site.

6th May 2024

Conclusion: Suggest design revisions

Assessment:

- I would focus on three main aspects to improve design quality:
 - Trees and gardens
 - Hard surfacing
 - Boundaries/edges
- Trees and vegetation
 - The site entrance is tree-lined, and there are trees within the domestic curtilages, however the visual appearance of trees within the development will have a major impact once they have matured. Are the trees on domestic curtilage protected from felling? Thought should also be given to lower level planting, such as shrubs, smaller ornamental trees, and bedding plants.
- Streets should be tree-lined where possible
- Margins of plots should be designed to allow corners, edges, and the gap between house frontage and street to be planted by owners.
- Steps should be taken to restrict areas of front garden subsequently being converted into hard surfacing.
- Hard surfacing

- Care should be taken to avoid, anywhere in the site, giving the impression of a landscape dominated by hard surfacing and parked cars.
- This relates to the typology of house used. For instance, in places semi-detached houses have been used with parking to the sides. In other places, the parking is positioned in front of the house. The latter increases the visual impact of hard surfacing and parked cars, whereas the former reduces it.
- Semi-detached houses with the parking arranged to the sides. This increases the area available for planting in front of the house, beneficial both in providing a view out of the house and in contextualising the view of the house from the street.
- In another part of the side, parking is arranged in side-by-side bays in front of the houses. This will increase the visual impression of hard surfacing (which of course also includes the road, the pavements the footprint of the house itself, and any paved side paths within the curtilage. Almost the whole edge of the pavement in this area is driveway entrances.
- Are pavements necessary in all parts of the site? Could any of the roads be made to be shared between pedestrians and vehicles? Could these roads also be reduced in width? Increasing the priority of pedestrians and cyclists may be beneficial.
- Boundaries and edges
 - Fences can be designed to encourage plants to grow up them. I have seen examples that consist of a galvanised steel frame, with timber boards on one side and a mixture of timber and metal meshes or wires on the other, and climbing plants grow up these.
 - Edges should be dispensed with wherever possible. For example, at the entrance to drives, between pavements and residential streets, between adjacent front gardens. This encourages people to be more considerate of one another, and the place to feel open and shared.

Cumberland Council and Westmorland & Furness Council – Historic Environments Officer

23rd November 2023

The applicant has helpfully commissioned an archaeological desk-based assessment. The results indicate that the site lies in an area of some archaeological potential. It is located in a former medieval deer park and cropmarks indicative of a prehistoric enclosure exist in an adjacent field. It is therefore considered that there is the potential for buried archaeological assets to survive on the site and that they will be disturbed by the construction of the proposed development.

Consequently, I recommend that, in the event planning consent is granted, the site is subject to archaeological investigation and recording in advance of development. I advise that this work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.

17th April 2024

Comments I made in a letter dated 23 November 2023 are still considered appropriate.

I recommend that, in the event planning consent is granted, the site is subject to archaeological investigation and recording in advance of development. I advise that this work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.

Natural England

No comments received.

Designing Out Crime Officer

7th December 2023

Many thanks for your communication dated 16th November 2023.

I wish to offer the following comments, which I have considered from a crime prevention perspective. It is evident from the published drawings and documents that crime prevention and security measures have been taken into account. In particular, the Design and Access Statement refers at Items 5.45 to 'Secure(d) by Design', 5.46, 5.47, 5.48.

Unfortunately, the 'Maximising Security through Design' (Item 5.47) does not appear to have been published for perusal...

This is a large development with extensive areas of Public Open Space. The dwellings are generally arranged to overlook the access routes and each other - and a beneficial feature is the predominance of interlocked rear gardens, to deter intrusion.

Item 5.46 of the Design and Access Statement advises

"Furthermore, all areas of the development, including public open space will be consistently overlooked by the proposed dwellings in order to lessen the opportunity for anti-social behaviour."

The central footpath, running East – West across the site is more readily overlooked by various dwellings directly addressing it. (Except at the entry point at Uldale View (Units 82 and 159 – views obstructed). It is crucial to ensure that the landscaping scheme does not obstruct natural surveillance opportunities. There is no indication that this route shall be included in the street lighting scheme.

As this route extends across the entire site (and the DAS promotes the permeability of the development – Item 4.05) the applicant must also consider implementing measures to deny or disrupt access by unauthorised motor vehicles, i.e. misuse by motorcycles, mini-motos etc.

There are various locations that are not adequately supervised – invariably due to ‘blank’ gable walls or impeding of views by garden boundaries (1.8m walls and fences).

- Footpath and associated POS towards River Ehen (closest dwelling Unit 25. Views impeded by boundary wall)
- Footpath and associated POS at Uldale View (South West corner of site). The closest dwelling is Unit 68. Plans and Elevations for Housetype 254 are not published to establish if there are any windows in the gable
- POS at extreme East of site (closest and sole dwelling addressing this space Unit 32)
- Footpath and associated POS towards extreme South East of site (only Unit 39 is orientated towards this feature. Views from Unit 38 shall be impeded by the garden boundary fence)
- Communal space adjacent to Unit 44 (views obscured by boundary wall and fence)
- Communal space adjacent to Unit 57 (views obscured by boundary wall)
- The Detailed Site Layout Plan suggests unrestricted and unobserved access can be achieved to the rear of Units 15 – 25

The Landscape Management Plan drawing advises that Evergreen hedges shall be utilised to define garden boundaries (e.g. depicted at Units 27, 108 – 116. This tactic (physical treatments) should be deployed to all dwellings for obvious demarcation of public and private spaces.

It is not clear how long the proposed Landscape Maintenance programme will be sustained. This should be a site lifetime commitment, to ensure that trees and shrubs do not obscure views or impede the effects of street lighting as they mature.

Item 5.44 - Car parking

“All new dwellings have car parking in curtilage.”

Unfortunately, vehicle owners may only supervise their cars where spaces are positioned to the front of their dwelling. Various spaces are not obviously associated to their dwelling and are concealed from view by blank gables or garden boundaries:

Unit 31, 48, 53, 64, 72, 76 – 79, 86, 102, 141

The DAS does not provide any information regarding the street lighting scheme, i.e. which of the prolific footpaths shall be illuminated. Having regard to the semi-rural nature of the site it is important to ensure confidence and reassurance in the Public Realm, whilst wildlife and ‘Dark Skies’ attributes are protected.

Similarly, there is no information relating to dwelling exterior lighting provision to illuminate vulnerable private spaces (e.g. car parking) throughout darkness.

Without reference to the 'Maximising Security through Design' document, there is no information relating to physical security measures, i.e. protecting dwellings and garages against forced entry....

I recommend the incorporation of all dwelling exterior doors and vulnerable windows certified to PAS 24:2022 and including a pane of laminated glazing (BS EN 356:2000) as appropriate.

I recommend the incorporation of garage vehicle entry doors certified to LPS 1175 or equivalent security standard.

24th April 2024

Many thanks for your consultation dated 16th April 2024.

I wish to offer the following comments on this amended proposal, which I have considered from a crime prevention perspective. I refer to my earlier response dated 7th December 2023 in which I raised concerns relating to natural surveillance opportunities over communal spaces, access routes and car parking provision.

The Amended Proposed Boundary and Elevation Plan addresses several of these issues:

- Revised boundary treatment at Unit 25 will significantly improve views towards the footpath and POS
- Revised boundary treatment at Unit 32 will significantly improve views
- Revised boundary treatment at Unit 38 will significantly improve views
- Revised boundary treatment at Unit 44 and Unit 57 will significantly improve views

- Unit 68. With the publication of plans and elevations for Housetype 254 it becomes apparent that this bungalow – positioned adjacent to the pedestrian link into the development via Uldale View - presents only a bathroom window (i.e. with obscured glazing) towards the footpath. Natural surveillance and causal supervision of this feature, therefore, shall be negligible and any users of this route (welcome and unwelcome) shall only fall under the scrutiny of residents at Units 65 – 67. The bathroom window thus highlighted is positioned directly within POS, consequently compromising any privacy for this householder.....
 1. The entire south elevation of this dwelling should be within an obvious curtilage to protect privacy; or
 2. Alternative Housetype with 'active' window(s) in the gable wall; or
 3. I contend that this minor route is superfluous (considering the proximity of designated access point between Units 72 and 78) and should be discarded. The associated POS should be absorbed into private garden space with potential for an additional dwelling

The configuration of rear garden fencing will have an effect on the supervision of car parking spaces. The described '1.8m Timber Screen Fence' suggests a close-boarded type – which will obstruct views through

its structure. If an open-boarded configuration is adopted, some views can be achieved into parking spaces positioned at the rear of dwellings.

I previously referred to the utilisation of suitable planting to define garden (front curtilages) boundaries, which should be extended to the entire development. Unfortunately the Amended Landscape Plan does not adopt this recommendation.

I am disappointed to note that the applicant has not provided any Additional Information relating to my other points:

- Extent of street lighting scheme (i.e. inclusion of lighting to pedestrian routes)
- Dwelling exterior lighting scheme(s) – to protect vulnerable private spaces throughout darkness
- Dwelling and garage physical security, defending against forced entry. I repeat my recommendation for the deployment of dwelling exterior doors and vulnerable windows certified to PAS 24:2022 with the inclusion of laminated glazing and garage vehicle doors certified to LPS 1175 or similar security standard

1st May 2024

Many thanks for your email of 29th April 2024.

I am indebted for this further information on behalf of the Applicant in reply to my comments of 24th April 2024. Consequently, I wish to offer the following;

- Unit 68 This dwelling is directly adjacent to a designated entry into the development but provides negligible supervision of the associated space. Accordingly, this area is more likely to attract unwelcome and anti-social behaviour to the detriment of this householder and others nearby.

I contend that the present arrangement (route and adjacent POS) does not comply with Council Policy as required, i.e. DM10, D,

- ii) Overlooked routes and spaces within and on the edges of development

Policy DS5PO: Development Principle also requires:

In order to achieve sustainable development in the Borough and meet Local Plan objectives, development must, where possible:

- Provide or safeguard good levels of residential amenity and security, reducing the fear of crime and minimising the opportunities for crime and anti-social behaviour

Policy DS7PO: Design Standards states:

The Council will expect all new development to meet high quality standards of design. This means that developments must: (this list is not exhaustive)

h) Incorporate measures to design out crime, taking into consideration secured by design principles

The proposed arrangement does not reflect Secured by Design Homes 2024:

8.1 Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods.

8.10 Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

8.20 Where it is expected that a footpath will be in constant use, it should have all the required attributes as listed at paragraph 8.11 and be lit in accordance with BS 5489-1:2020.

8.11 Where a segregated footpath is unavoidable, for example where there is a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are: as straight as possible wide well lit (see paragraphs 8.20 to 8.22) devoid of potential hiding places overlooked by surrounding buildings and activities well maintained so as to enable natural surveillance along the path and its borders

- Deployment of close-boarded fencing – I acknowledge that on this issue, the applicant prioritises privacy of residents above security, i.e. compromising views of owners vehicles parked outside the dwelling curtilage
- Street lighting scheme – I presume the applicant will have an expectation for the design of the street lighting scheme, i.e. by illuminating vehicle access routes *and* pedestrian links. Having regard to the magnitude of this development and the extent of POS, the central footpath running East – West through the entire development should be suitably illuminated, i.e. designated access via Uldale View (between Units 82 and 159) POS (between Units 89, 93, 139 and 141), POS (between Units 96 and 140, 102 and 103), POS (between Units 31 and 34, 33 and 38)

The applicant should advise if the street lighting will also illuminate other pedestrian routes, i.e. in front of Unit 15, Unit 82, designated access at Units 72 / 78. Street lighting on footpath adjacent to Unit 68 – as already highlighted as unsupervised, in front of Unit 57 this POS will likely be exploited as a short-cut towards Units 54 – 56. The Detailed Site Layout suggests unrestricted pedestrian access along the entire South boundary of this development.

The Agents refers to the details being provided when discharging conditions, so I would support the street lighting scheme being subject to a planning condition.

Cumberland Council – Parks and Open Spaces

Planning application name and number: 4/23/2313/OF1 Land to South of Daleview Gardens, Egremont

Units: 164

Occupancy (based on one person per bedroom): 540 (estimated)

Size of development (Ha): 7.78 Ha

Open Space Provision on site (Ha): 2.45 Ha

Play Provision (Type): Trim trail but no play equipment.

Sports Pitch Provision (Ha): None

Comments:

- General.
A development of this size needs to provide onsite and/or access to high quality green space to meet a range of informal recreational needs.
- Quantity
The plans show 2.45 Ha of open space which makes up almost a third of the total development. This provision is welcomed subject to the further comments below.
- Layout
The open space layout appears well laid out.
- Accessibility
There is only formal access from the roadside. A link is shown to the riverside path
- Play Provision
The draft local plan shows a deficit in provision of play for Egremont and the latest assessment of the existing sites shows that they are of poor quality. There is a small play trail on site, however this would not meet the needs for children's play. Therefore, an offsite contribution to the upgrade of existing facilities in Egremont of £83,000 would be sought.
- Management.
The developer will be required to ensure appropriate measures are put in place for the management of any new open space provided through this development.

Cumberland Council & Westmoreland Council – Resilience Unit

18th December 2023

Thank you for the opportunity to comment on the above planning application. This response from the Joint Emergency Management and

Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumberland Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:

<https://legacy.cumberland.gov.uk/emergencyplanning/supportingpages/industrial sites.asp>

There are no objections to the proposed works.

19th April 2024

There are no further comments in addition to the reply sent from the JEMR Team on 18th December 2023

Cumberland Council – Environmental Health

30th November 2023

Further to the above planning application.

Environmental Health have no objections to this proposal but are mindful of the potential for disturbance to surrounding residents during construction works should planning approval be granted.

As such, Environmental Health would request that the following conditions are imposed: Site Specific Construction Environmental Management Plan, and site operation hours.

2nd May 2024

There are no objections from Environmental Health to the proposed amendments to this application.

Environmental Health notes the responses from United Utilities about possible odour and noise emissions from the Egremont Waste Water Treatment Works.

Looking at the plans of the development, the nearest proposed dwellings look to be approximately 300 metres to the west / north west and at approximately 20 metres higher in elevation in relation to a UU site in the valley below.

The proposed dwellings are not directly 'upwind' from the UU site as the prevailing wind direction comes from the south west.

There are no past complaints of noise or odour from Egremont UU site logged with Environmental Health (Uldale View is over 500 metres distant and properties at Ennerdale Mill are closer at less than 200 metres away and are on the prevailing wind).

The statutory nuisance provisions of the Environmental Protection Act 1990 do give residents potential redress should noise or odour issues arise from the United Utilities WWTW.

Cumberland Council – Arboricultural Consultant

DISCUSSION

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

The applicant has submitted a Landscape Plan (Dwg. No. WW/L01) and a Landscape Management Plan (Dwg. No. WW/L02) produced by Westwood Landscape. These plans give details of the proposed planting along with specifications for plants and trees, as well as their management and aftercare.

RECOMMENDATIONS

We recommend attaching the a condition to any planning permission to ensure the application implements the Landscaping Plan and Landscape Management Plan (Dwg. No. WW/L01 & WW/L02) in full during the first growing season following the development of the site.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to 52 properties.

Ninety-one representations have been received in objection. The issues raised comprise the following:

- Highway safety concerns, particularly outside school.
- Traffic impact outside of Bookwell Primary School. Council have ceased funding for road safety officer.
- Traffic impact on wider highway network in Egremont.
- Lack of suitable infrastructure, i.e. roads, school spaces and supermarkets.
- Increase in traffic, impact on existing infrastructure, and need for traffic calming measures.
- Traffic survey does not fully consider existing conditions.
- Impact on deteriorating road conditions.
- Impact on pedestrian safety.
- No need for development in Egremont.
- Egremont needs luxury homes not affordable housing.
- Affordable housing is needed no new builds that no one can afford.

- Gleeson estate currently built in Egremont has issues with construction quality.
- Development will have a negative impact on existing residents with regard to noise, loss of views, loss of light, loss of privacy, and extra traffic.
- Effect on quality of life.
- Safety concerns due to proximity of new build.
- Disruption to residents during construction.
- Increased demand of oversubscribed NHS services in Egremont.
- Local primary schools are full and not able to take anymore children.
- Loss of greenfield site and area of natural beauty when there are dozens of other brownfield sites which could be used.
- Development will ruin landscape and take away home from wildlife.
- Loss of farmland.
- Not environmentally friendly as the carbon footprint will increase from emission from new houses.
- Has the developer considered that the land maybe susceptible to subsidence?
- Gleesons deliver poor quality housing.
- Gleesons already have permission for 100+ dwellings in an other part of Egremont. These houses will struggle to sell.
- No benefit to the community all about developer profits.
- Existing residents have not been considered.
- Reduced value of existing dwellings.
- There is currently no bus service within close proximity of the application site.
- Can the existing electricity supply cope with fitting EV points at every dwelling?
- Why does the development not include solar panels to mitigate the drain on local supply?
- Drainage issues in the area will be made worse by development removing natural drainage from site.
- Impact on existing sewage system.

Two representations have been received in neutral response. The comment received comprise the following:

- Brookwell School welcome the development in Egremont to ensure future pupils for the school, however concerned about increase traffic during construction and after occupation.
- Reassurance required for maintenance of road, speed restriction measures, and construction vehicles accessing site.
- Can local primary schools cope with increase in numbers of pupils?
- Highway safety issues in relation to site entrance in proximity to existing junction.
- Highway safety issues in relation to wider Egremont highways.

Two representations have been received in support. The comments received comprise the following:

- Fantastic opportunity for Egremont.
- Need for more homes in the area.
- Build more affordable homes in the area.

Public Reconsultation

Following the receipt of amended/additional information for the application a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

Fifteen representations have been received in objection. The issues raised comprise the following:

- Previous objections should still apply and the application should be refused.
- Although changes have been made the fundamental issues still exist.
- Lack of suitable infrastructure, i.e. roads and school spaces.
- Increase in traffic, impact on existing infrastructure, and need for traffic calming measures.
- Traffic impact outside of Bookwell Primary School. Council have ceased funding for road safety officer.
- Traffic impact on wider highway network in Egremont.
- Scope of traffic survey needs to be widened to take into account true picture.
- The developers should not use the roads within peak times.
- Impact on deteriorating road conditions.
- People will not cut down car use due to existing topography of area.
- Loss of prime agricultural land.
- Drainage issues following loss of field providing natural controls for rainwater.
- Loss of privacy for existing residents.
- Loss of views for existing residents.
- Devaluation of existing dwellings.
- Impact on landscape.
- Increased demand of over subscribed NHS services in Egremont.
- Gleesons already have permission for 100+ dwellings in an other part of Egremont.
- Development will attract vermin and will create noise dust and dirt.
- Not wanted or needed in Egremont.
- Resident's opinions have not yet been taken into account.

5. Planning Policy

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

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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 Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed.

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
Policy DS10PU - Soils, Contamination and Land Stability
Policy DS11PU - Protecting Air Quality
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
Policy SC1PU - Health and Wellbeing
Strategic 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
Strategic Policy N6PU: Landscape Protection
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
Strategic Policy BE1PU: Heritage Assets
Policy BE2PU: Designated Heritage Assets
Policy CO4PU - Sustainable Travel
Policy CO5PU - Transport Hierarchy
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

6. Other Material Planning Considerations

National Planning Policy Framework (NPPF)
National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

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

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

Planning (Listed Building and Conservation Areas) Act 1990

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

7. Assessment

- 7.1 The key issues raised by this application relate to the principle of the development; housing need and housing mix; settlement character and landscape and visual impact; scale, design and impact on residential amenity; flood risk and drainage; access and highway safety; ecology; archaeology; and ground conditions.

Principle of Development

- 7.2 The Application Site is located along the southern edge of Egremont, which is classified as a Key Service Centre under Policy ST2 of the Copeland Local Plan.
- 7.3 Policy ST2 of the Copeland Local Plan states that Key Service Centres are to support moderate levels of development reflecting the respective scale and function of these smaller towns and contribute to the regeneration of their town centres. In respect of housing developments, the following is identified as appropriate: moderate allocation in the form of extension to the town to meet general needs; infill and windfall housing; and larger site requiring a proportion of affordable housing.
- 7.4 Policy SS1 of the Copeland Local Plan 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.
- 7.5 Policy SS2 of the Copeland Local Plan 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.

- 7.6 Policy HSG2 of the Copeland Local Plan allocates land for housing purposes.
- 7.7 Policy DS3PU of the Emerging Local Plan continues to identify Egremont as a Key Service Centre due to its self-sufficiency providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare and role as service hubs for nearby villages. It is stated that the focus will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.
- 7.8 Policy DS4PU of the Emerging Local Plan 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. It is stated that to ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases: where the proposal is for housing and: the site is well related to and directly adjoins the settlement boundary of a town or Local Service Centre; and b) the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and c) the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or there has been previous under-delivery of housing against the requirement for 3 years or more or the proposal is for a specific type of housing supported by Policies H15PU (rural exception sites for affordable housing delivery), H16PU (essential dwellings for rural workers) or H17PU (conversion of rural buildings to residential use).
- 7.9 Policy H1PU of the Emerging Local Plan 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.
- 7.10 Policy H2PU of the Emerging Local Plan 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.

- 7.11 MM60 proposes modification of Policy H2PU to reference a requirement is for a minimum of 2,628 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2039 and that this figure will be used when calculating the five-year supply of deliverable housing sites in the Plan area. A modification is also proposed that amends the reference to a minimum of 3,400 dwellings to 3,600 dwellings. This reflects the additional year of the plan but does not change the housing strategy.
- 7.12 Policy H4PU of the Emerging Local Plan outlines that 30% of new housing development will be located within the three Key Service Centres of Cleator Moor, Egremont and Millom.
- 7.13 MM62 proposes modification of Policy H4PU to update the dwellings to be delivered in each settlement tier. This reflects the additional year of the plan, but does not change the housing strategy, which continues to propose 30% delivery in Key Service Centres.
- 7.14 Policy H5PU of the Emerging Local Plan allocates land for housing purposes.
- 7.15 The proposed development is of a type and scale that aligns with the designation of Egremont as a Key Service Centre within the Copeland Local Plan and Emerging Local Plan.
- 7.16 The Application Site is located beyond, but adjacent to, the defined settlement boundary for Egremont within the Copeland Local Plan. The Site is, however, located within the defined settlement boundary for Egremont within the Emerging Local Plan.
- 7.17 The Application Site is identified as Housing Allocation HEG3 as identified within Policy H5PU of the Emerging Local Plan. This establishes the principle of residential development on the site.

Housing Need and Housing Mix

- 7.18 Policy SS3 of the Copeland Local Plan 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.

- 7.19 Policy H7PU of the Emerging Local Plan 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. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date.
- 7.20 MM68 proposes modification of Policy H7PU to seek prioritisation of previously developed land where possible and that alternative more up-to-date evidence in relation to local housing need will be considered where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date in full or in part.
- 7.21 Policy H8PO of the ELP states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF 2019 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. Affordable housing should be provided in the tenure split - 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.
- 7.22 MM69, MM70 and MM71 propose modification of Policy H8PO to require on sites of 10 units or more (or of 0.5ha or more in size), or on sites of 5 units or more within the Whitehaven Rural sub-area, at least 10% of the homes provided should be affordable as defined in the NPPF 2021 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF or any document superseding it. This is to reflect the fact that the Local Plan Viability Assessment has identified that viability is likely to be a constraint to delivery on a number of allocated housing sites and to ensure that affordable housing delivery is maximised on sites that are viable. It is identified that a viability assessment will be required to justify the provision of less than 10% affordable housing and that more the 10% affordable housing will be sought where the viability assessment identifies that this is deliverable. It is proposed to amend the tenure split of the affordable housing delivery to: 25% First Homes; 15% discounted market sales

housing, starter homes or other affordable home ownership and 60% affordable or social rented.

- 7.23 The Application Site is located within the Whitehaven Housing Market Area (HMA) in the SHMA. The SHMA suggests a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is stated that the Council should also consider the role of bungalows.
- 7.24 The proposed development comprises principally 63% two and three bedroom dwellings, 37% 4+ bedroom dwellings, and 2% five bedroom dwellings, which is in close alignment with the provisions of the SHMA.
- 7.25 A total of 10% of the proposed dwellings are to meet the definition of affordable housing as outlined in the NPPF. It is proposed that the dwellings are First Homes that are delivered in accordance with the provisions and guidelines within the Planning Practice Guidance (PPG). First Homes are sold at 70% of the open market value of the dwellings.
- 7.26 In response to the Council's Strategic Housing Officer request that the number of First Homes is reduced and discounted sale units are included within the development the applicant has confirmed that will agree to redefine the affordable housing provision to ensure that only 25% (4 units) of the affordable houses will be offered as First Homes with the remaining 12 affordable homes offered as discounted sales.
- 7.27 A Section 106 Agreement will be required to secure the delivery of the affordable housing in accordance with the NPPF and the provisions and guidelines within the PPG.
- 7.28 The development will assist in providing housing that will help meet the housing need identified in the SHMA and the requirements of Policy SS3 of the Copeland Local Plan, Policies H7PU and H8PU of the Emerging Local Plan and provisions of the NPPF.

Settlement Character and Landscape & Visual Impacts

- 7.29 Policy ENV5 of the Copeland Local Plan 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.
- 7.30 Policy DM26 of the Copeland Local Plan requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native

species. The Council will require landscaping schemes to be maintained for a minimum of five years.

- 7.31 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 (CLCGT) at the earliest stage.
- 7.32 MM97 proposes modification of Policy N6PU to require that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment, the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment from the earliest stage. This strengthens the role of this documentation in the assessment of planning merits.
- 7.33 The Application Site lies within Landscape Sub Type 5b: Low Farmland defined in the CLCGT. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.
- 7.34 The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.
- 7.35 The Copeland Landscape Settlement Study (CLSS) places the Application Site within Character Type: 5B Low Farmland and Area of Local Character 5Bi Egremont Low Farmland.

- 7.36 The key characteristics of 5Bi identified in Part 2 of the CLSS and evident within the study area are: landform: rolling landform, high plateau above Egremont; land use: agriculture, predominantly pasture; landcover: improved and semi-improved pasture; field pattern: large, regular, straight sided field, long, straight roads follow field boundaries; hedgerow boundaries with some hedgerow trees; vegetation: hedgerow trees and sparse woodland; scale: large scale and open landscape; perceptual character: long distance, expansive, wide views to the fells. The characteristics of this area considered to be sensitive to the proposed development include: openness sensitive to skyline development and traditional, sparsely settled farming character sensitive to unsympathetic settlement expansion.
- 7.37 The capacity of this Area of Local Character to accommodate change is considered together with the following mitigation potential: consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside; reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features; ensure new development respects the historic form and scale of settlements and farmsteads; avoid skyline development on outskirts of Egremont that is not well related to the existing built form of the town; and fragmented housing or industrial development is not compatible with the landscape character.
- 7.38 Part 3 of the CLSS considers landscape character assessment and sensitivity assessment can be used to help develop development plans for individual settlements, including Egremont. Key characteristics of Egremont include: development westwards has risen up towards the farmland slopes that encircle the town; and the slopes provide Egremont with a farmed, rural setting that contributes to its market town character. The hillside setting of the town is considered to be sensitive to development that further encroaches on the skyline.
- 7.39 A Landscape and Visual Appraisal Report (LVA) has been prepared in support of the planning application. The LVA concludes that the Application Site has a low overall landscape value and the area has low – moderate sensitivity to development change. The character of the site is influenced by the existing built development in proximity to it, including the adjacent residential areas to the north and west, the buildings on the Bridge End Industrial Estate, and the A595 road. The LVA concludes that the level of effect on the landscape character of sub-type 5b Lowland Farmland within which the site lies, is judged to be slightly negative on completion of the development and in the long-term. The other landscape sub-type in the study area, 5a Ridge and Valley, would be affected to a negligible extent.
- 7.40 In respect to the effect on the landscape, the LVA states that the development of the Application Site following the principles shown within

the Proposed Site Plan and Landscape Plans would ensure that part of the site would remain as landscape, including retained woodland, scrub and hedges. Landscape mitigation measures include native structure planting, trees, shrubs, new native hedgerows, ornamental hedges and shrubs, wildflower grassland and a new SUDS pond with native marginals in the east area. The LVA considers that these proposals will help to integrate the development with the natural landscape and reduce the landscape and visual effects as they mature, and will also enhance the local biodiversity and local wildlife value.

- 7.41 The LVA further states that in terms of the visual effects of the proposed development, these are generally restricted to visual receptors within the adjacent residential areas and on elevated ground to the east, south and west of the site. These areas include residents in the Gulley Flatts area of Egremont, in the villages of Thornhill, Carleton and Wilton and adjacent isolated properties. The rising landform of Watson Hill and localised elevated building within Egremont restrict views from the north-west and west beyond the properties adjacent to or close to the development site.
- 7.42 Medium – high magnitude of change leading to a moderate-high overall effect at completion of the development are identified for some residents at home to the eastern edge of Gulley Flatts (including Uldale View, Royal Drive, Dale View Close, and Dale View Gardens) due to their high sensitivity to visual change as a result of high susceptibility to change and high value of the view. The LVA however states that this effect will be reduced over time as planting within the development establishes, and whilst the proposed housing will be visible in the foreground extending the urban components the skyline will not be changed with views to the Fell maintained above and between the proposed houses.
- 7.43 Moderate overall effects on completion of the development area identified for some residents at properties in Bridge End Road and Park, with only a small portion of the development visible, and restricted to rooftops of the eastern most properties, and skyline changed in these views.
- 7.44 A slight – moderate overall effect on completion of the development is identified for properties within the villages of Thornhill and Carleton, with the proposal in the foreground of existing houses with Egremont and will register as a single settlement in the view.
- 7.45 Residents in some properties within the village of Wilton will experience a slight overall effect at completion, with the development registering as part of the Egremont settlement
- 7.46 The proposed houses will be visible in the foreground of the view extending the urban components and will be prominent in the foreground. However, the skyline will not be changed and the view to the Lakeland fells will be maintained above and between the proposed houses.

- 7.47 A moderate- slight overall level of effect is also identified for users of local public footpaths CU414004 and CU425003/2, and the A595 as the proposed houses will extend the settlement beyond the existing residential area and will register as a single housing area in the landscape.
- 7.48 A Landscape Plan and Landscape Management Plan has also been submitted to support this Full Application. These plans give details of the proposed planting along with specifications for plants and trees, as well as their management and aftercare.
- 7.49 The application site comprises an area of greenfield land to the southern edge of Egremont. The site comprises of two fields defined by hedgerows at their margins, and slopes downwards towards the northern and eastern boundaries. The site benefits from significant tree coverage along the north west of the and the application and benefits from well-established hedgerow boundaries. The submitted Landscape Plan includes the retention of the existing woodland trees which will be supplemented with native woodland infill planting, retention of existing hedgerows (including the hedgerow separating the two fields) enhanced with infill planting to enhance biodiversity, planting of wildflower grass and native marginal shrub, installation of a proposed wetland ditch, and native tree planting to reduce the visual impact of development.
- 7.50 The Councils Arboricultural Consultant has reviewed the application and has recommended the inclusion of planning conditions securing the implementation and retention of the Landscape Plan and Landscape Maintenance Plan.
- 7.51 It is therefore considered that, subject to the inclusion of the requested conditions, the proposal will not have a significant detrimental impact on the overall landscape in accordance with Policies ENV5 and DM26 of the Copeland Local Plan, Policies N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Design

- 7.52 Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.
- 7.53 Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.
- 7.54 Policy DM12 of the Copeland Local Plan outlines the requirements of the provision of open space and play provision.

- 7.55 Policy DS6PU of the ELP requires all new development to meet high-quality standards of design. These standards include: create and enhance locally distinctive places, use good quality materials that reflect the local character, include high quality and useful open spaces, adopt active travel principles, create opportunities for social interaction, comprise effective use of land whilst maintaining amenity and maximising solar gain.
- 7.56 MM16 proposes modification of Policy DS6PU to introduce an expectation that all new development to meet high-quality standards of design standards which contribute positively to the health and well-being of occupiers residents, that provide safe, accessible and convenient pedestrian and cycling routes that encourage walking and cycling based on Active Design principles and connect the development provide connections to existing walking and cycling routes where possible and that developers must take a comprehensive and co-ordinated approach to development by respecting existing site constraints including utilities infrastructure on site.
- 7.57 Policy H6PU of the ELP requires that the design, layout, scale and appearance of housing development is appropriate to the locality and that development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character (including the impact upon the setting of the Lake District National Park and the Heritage Coast and its setting where appropriate). It is required that the layout promotes active travel, linking new development with existing footpaths and cycleways, where possible.
- 7.58 MM67 proposes modification of Policy H6PU for clarity only.
- 7.59 The proposed development has been designed with reference to the shape and form of the Application Site.
- 7.60 Extensive discussions have been undertaken with the developer as part of pre application discussions and during the application process in terms of the overall design of the development. A master plan approach to developing the scheme has been implemented and the scheme designed around seven distinctive, but overlapping, character areas. Within each character area, there are differences in density, built form, appearance, and landscaping which has been influenced by their position within the Site and surrounding area. This approach to the development will ensure the diversity and interest across different parts of the Application Site.
- 7.61 The development has been designed around a single access point from Uldale View. The layout of the site incorporates a combination of frontage development to the main loop road and a number of cul-de-sacs. Areas of formal and informal open space are incorporated within the layout, these include a large central green, a linear park through the centre of the development, a more formal recreational area, and drainage infrastructure. The layout of the development is in keeping with the form and character of the surrounding residential estates. The proposed new dwellings are set

well within the Application Site in order to respect the relationship between existing residential properties within these estates.

- 7.62 The proposed dwellings comprise standard developer house types. A mix of materials is proposed to help define different areas of the site, which are considered appropriate within the wider context of the site.
- 7.63 The proposed development has been designed with some legibility and incorporates some focal features that assist with way finding. The layout is focused around one main loop road and includes linkages to the wider locality. The routes through the site incorporate footways and will encourage active travel.
- 7.64 The proposed development includes a number of both formal and informal public open spaces located throughout the development. The open spaces serve as both formal and informal community/play spaces and linkages through the development.
- 7.65 The proposed development comprises 2.45 hectares of strategic open space. This exceeds the requirement of 0.4ha of public open space for every 200 dwellings set out in Policy DM12, which would equate to 0.33 hectares for this development.
- 7.66 Policy DM12 of the Copeland Local Plan requires that in groups of family housing a minimum of 100m² of children's play space should be provided at the rate of one play space per 30/40 dwellings. Policy N11PU of the ELP highlights the required contributions for Open Space in all major developments, with the minimum contribution per ha of Parks and Gardens, Amenity Greenspace, Natural and Semi-Natural, Provision for Young People, and Allotments are detailed in accordance with population.
- 7.67 Whilst a small area within the east of the Application Site is designated to include a trim trail style play and exercise equipment, the development does not include a designated children's play area.
- 7.68 The Council's Strategic Planning Policy Team have raised concerns that the development does not comply with policy on this basis. The Council's Parks and Open Space team however requested an offsite contribution of £83,000 to upgrade existing facilities in Egremont.
- 7.69 A Section 106 agreement will therefore be required to secure this financial contribution.
- 7.70 A planning condition will also be required to secure details of the trim trail area.
- 7.71 It is therefore considered that, subject to the inclusion of the conditions outlined above, and securing the requested financial contribution, the proposal is considered to be of an appropriate design in accordance with Policies SS1, DM10 and DM12 of the Copeland Local Plan, Policies H6PU and DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Residential Amenity

- 7.72 Policy ST1 of the Copeland Local Plan includes provisions requiring that development provides or safeguards good levels of residential amenity and security.
- 7.73 Policy DM12 of the Copeland Local Plan outlines minimum distance standards for new residential development.
- 7.74 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 sunlight and daylight.
- 7.75 Policy DS6PU of the ELP includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.
- 7.76 MM67 proposes modification of Policy H6PU for clarity only.
- 7.77 MM16 proposes modification of Policy DS6PU for clarity only.
- 7.78 Given the form and layout of the proposed, adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not result due to the separation distances achieved.
- 7.79 Concerns from residents in terms of loss of views and devaluation of existing properties are not material planning considerations.
- 7.80 The proposed development will result in some adverse impacts upon residential amenity of the surrounding areas during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management.
- 7.81 It is therefore considered that, subject to the inclusion of the conditions outlined above, the proposal will not have a detrimental impact on residential amenity in accordance with Policies ST1 and DM12 of the Copeland Local Plan, Policies HS6PU and DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Flood Risk and Drainage

- 7.82 Policy DM11 of the Copeland Local Plan 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.
- 7.83 Policy DM24 of the Copeland Local Plan 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.

- 7.84 MM19 proposes modification of Policy DS9PU to require that new development must incorporate sustainable drainage systems unless it can be demonstrated that this is not appropriate.
- 7.85 MM19 proposes modification of Policy DS8PU to require that flood risk is reduced and mitigated in Copeland through the application of the defined criteria including a) Directing development to allocated sites outside areas of flood risk where possible; unless it can be demonstrated that it would provide wider sustainable benefits outweighing the flood risk and that the development would be safe for its lifetime without increasing flood risk elsewhere.
- 7.86 A site-specific Flood Risk Assessment (FRA) has been prepared in support of the planning application.
- 7.87 The Application Site is located within Flood Zone 1, and therefore has low probability of flooding. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. A sequential test is therefore not required for this development.
- 7.88 Due to the site's location and its height relative to sea level the risk of flooding from tidal events is negligible. The Site is at very low risk from fluvial flooding from the River Ehen and unnamed watercourse due to level difference. The surface water flood map indicates that the majority of the site is at very low risk of surface water flooding. Trial holes were installed as part of site investigations, and were predominantly dry however localized groundwater ingress was encountered in the north western and western parts of the site where granular deposits were present. The ground investigation report concludes that it is likely that the water is locally trapped/perched within the soils rather than a continuous groundwater table.
- 7.88 In terms of Flood Risk, no objections have been received from the EA in relation to the proposed development. The LLFA have also confirmed that they are satisfied that the location of the site in Flood Zone 1 means that it is not at risk from any source of flooding. The LLFA have also confirmed that the site is however covered by a Source Protection Zone 3 designation and certain precautions and requirements must be considered in connection with the surface water drainage strategy.
- 7.89 The application proposes to drain surface water through a combination of infiltration, and discharge into the adjacent watercourse at a controlled rate. Surface water drainage will also involve the use of a combination of SuDS treatments including infiltration basin, attenuation basins, conveyance swale, permeable surfacing, catchpit manholes and geocellular soakaways. It is proposed to drain foul water to the existing combined sewer to the north east of the site.
- 7.80 Following extension discussions with the LLFA, and the submission of amended/additional information for the application, no objections have

now been received in relation to the proposed drainage for the site. Conditions have been requested in order to secure a surface water drainage scheme, based on the hierarchy of drainage options and a surface water management plan for the development.

- 7.81 UU have also confirmed that the information provided within the application does not address all their previous concerns. Pre commencement conditions are therefore requested in order to secure full details of a sustainable surface water drainage scheme and foul water drainage scheme for the development.
- 7.82 UU have also stated that without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. On this basis UU have also requested a pre-occupation condition in order secure details relating to SuDs management and maintenance for the lifetime of the development.
- 7.83 Based on the inclusion of the requested conditions it is considered to that satisfactory drainage scheme can be achieved for the site in order to ensure the proposal will not have a detrimental impact on flood risk in the area in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Access and Highway Safety

- 7.84 Policy DM22 of the Copeland Local Plan 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.
- 7.85 In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.
- 7.86 MM115 and MM16 proposes modification of Policy CO7PU to remove reference to the promotion of vehicles that facilitate car sharing and to remove the requirement to deliver electric vehicle charging infrastructure.
- 7.87 A Transport Assessment has been prepared in support of this Full Planning Application. This Assessment concludes that the Application Site is located within a sustainable location, with the site accessible on foot, by cycle, and by public transport, and would not have a detrimental impact on either the operation or safety of the local highway network. The report further states that the proposed development would have no impact on impact upon highway safety and that the residual cumulative impacts of the proposed development would not be severe. This assessment also includes an Interim Travel Plan which aims to reduce the impacts of transport on the local environment and increase methods of access to the site, increasing travel choice and reducing dependency on the car. The Interim Plan confirms that a full Travel Plan will be submitted to and

agreed in writing prior to the first occupation of the dwellings, and sets out timescales for appointing a Travel Plan Coordinator and monitoring of the Plan.

- 7.87 National Highways have confirmed no objections to the application as it is not considered that the proposed development would have an adverse impact on the safety of, or queuing on, a trunk road.
- 7.88 As part of the original consultation on this application the Highway Authority confirmed that they had no objection in principle to the application as the Application Site is an allocation within the ELP. It was further confirmed that Trip Levels from the development and junction capacity show the forecasted peak development flows do not represent a material or severe impact on the highway capacity onto Uldale View and elsewhere on the immediate network. The Highway Authority also confirmed that the development incorporates sufficient in-curtilage parking and the permeability of the site for Active Travel users is supported. The Highway Authority however requested amendments to the layout of the road networks within the development, provision of visitor parking spaces, and consideration to proposed and existing footpaths.
- 7.89 The Highway Authority also confirmed that they welcome the submitted Interim Travel Plan, along with its conclusions and recommendations. It is confirmed that the proposal for a baseline survey, and follow up surveys are reasonable. The Highway Authority have therefore requested the inclusion of conditions to require the submission and approval of a Full Travel Plan, and the annual review of the Plan for a total of four years. The Highway Authority also request a financial contribution for the monitoring service. A Section 106 Agreement is therefore required to secure the required monitoring fee of £6,600 and measures to secure implementation of the Travel Plan.
- 7.80 The Highway Authority have also confirmed that whilst a new footpath is proposed along the site frontage from the new access joining the existing footway on Greendykes, the existing footway to Bookwell Primary School is narrow compared to new standards. In order to improve this route, make it safer and encourage a modal shift the Highway Authority have identified localised footway improvements on Bookwell, to widen it to 2m to make it continuous and consistent with the new provision and that opposite the school. The improvement would be to strip widen the footway to 2m wide with concrete pin kerb at the rear for the section from Bookwell School to the junction with Uldale View (240m). A S106 agreement is therefore required to secure a contribution of £41,700 towards these improvements.
- 7.81 Following extension discussions with the Highway Authority amended and additional information was submitted for this proposal. Clarification was provided on a number of points raised by the Highway Authority with the major amendments relating to the layout of the main highway within the development, visitor parking, and emergence vehicle access. The design

of the main site access has also been revisited, with a 2m zone of the western side of the carriageway to allow for the presence of parked vehicles, with the residual road space on Uldale View widened to ensure a minimum 5.5 metres of available carriageway between the site access and the junction with Bookwell.

- 7.82 Further to the submission of the amended/ additional information the Highway Authority have no objections to the proposal subject to securing the obligations for footway improvements and Travel Plan monitoring, and the inclusion of conditions relating to securing a full Travel Plan and monitoring, construction of footways/carriageways, construction and retention of visibility splays, and submission of a construction traffic management plan which includes specific measures to manage and limit the impact on Bookwood Primary School.
- 7.83 It is therefore considered that, based on the amended plans for this application, the inclusion of the requested conditions, and securing of the financial contributions, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Ecology & Biodiversity

- 7.84 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.
- 7.85 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.
- 7.86 MM94 proposes modification of Policy N3PU to provide clarity and alignment of the policy with the provisions of the Environment Act 2021 and any documents which may supersede it.
- 7.87 A Preliminary Ecological Assessment of the Application Site has been prepared in support of the planning application.
- 7.88 The results and findings from the Assessment concludes that the Application Site contains no designated or priority habitats. Whilst the on-site habitats are considered to have an ecological value of within the zone of influence of the site or lower, overall the Assessment states the proposals are unlikely to adversely affect the ecological value of the area. It is confirmed that the development is likely to impact on birds, otter, bats,

red squirrel, amphibians, badger, hedgehog and other small mammals, however a number of recommendations are set out in the proposal to avoid impacts on these species, including a requirement for an updated site visit and a preliminary bat survey, production and implementation of a Construction management Plan, implementation and management of landscaping, and production of the Defra Metric Biodiversity Net Gain calculations to minimise impacts on biodiversity and provide net gains in biodiversity. The Assessment considers that there would be a very limited impacts on the local ecology as a result of the proposals should these recommendations be followed. The Assessment also sets out a number of recommended ecological enhancements in order for the development to meet the requirement for biodiversity protection and enhancement outlined within the NPPF, including provision of bird boxes, bat features, and suitable landscaping

- 7.89 A planning condition is required to secure inclusion of the mitigation and enhancement measures along with their implementation and retention.
- 7.90 The Application is also supported by a Habitat Regulations Assessment (HRA).
- 7.91 The submitted HRA concludes that the screening assessment undertaken identified a number of key impacts that would likely arise as a consequence of the proposal and adversely impact the integrity of the River Ehen (SAC), The Ennerdale Water to Keekle Confluence and its conservation objectives. The HRA further states that based on the information gathered from the screening process, an assessment of the significant adverse effects that have been identified. Suitable mitigation measures have therefore been provided within the site for these impacts, which when applied are capable of reducing the effects to a level where they are negligible and will not adversely affect the integrity of the site, then the integrity of the European Site and its qualifying features, Atlantic Salmon and FWPM will be maintained. These mitigation measures include implementation of a Construction Ecology Management Plan, and treatment of water within the SuDs features of the development.
- 7.92 A planning condition is again required to secure inclusion of the mitigation measures along with their implementation and retention.
- 7.93 Whilst the Application was submitted prior to February 2024, the Application is supported by a Biodiversity Net Gain Assessment. The Biodiversity Net Gain Calculation conclude that the development will lead to a net change of +5.39 equating to a 32.80% net gain in Biodiversity Units, a net change of +1.49 equating to a +32.43% net gain in Hedgerow Units and a net change of 0.05 equating to a +13.72% net gain in River Units. This considerably exceeds the requirements of Policy N3PU of the ELP.

- 7.94 A planning condition will be required in order to secure the production of a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development.
- 7.95 Based on the inclusion of the required conditions, it is considered that the development would be in accordance with Policy ENV3 of the Copeland Local Plan, Policy N1PU and N3PU of the Emerging Local Plan and the NPPF.

Ground Conditions

- 7.96 Policy ST1 of the CS includes provisions requiring that new development addresses land contamination with appropriate remediation measures.
- 7.97 Policy DS6PU and Policy DS10PU of the ELP includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 7.98 MMP94 proposes modification of Policy DS10PU to provide clarity in relation to the role of Coal Mining Risk Assessments.
- 7.99 A Phase 2: Ground Investigation Report has been submitted in support of this Full Planning Application.
- 7.100 The Phase 2 Report indicates that a Phase 1: Desk Top Study (Preliminary Environmental Assessment has also been carried out at this site which indicates that the Site has not been previously developed and surrounding areas were agricultural prior to construction of the existing houses. The Phase 1 Report indicated that some shallow reworking of the soils was likely given the current agricultural land use, however, deep made ground was considered unlikely and significant contamination was not anticipated. Finally it was concluded by the Phase 1 Report that the site has a negligible risk of dissolution and mining hazards, and no landfill of potential sources of significant ground gas were encountered within 250m of the site.
- 7.101 The Phase 2 Report concludes that the ground conditions within the site vary with the topography, with clay encountered across the lower areas and sand/gravel in higher areas. Exploratory holes were predominantly dry however localised groundwater was encountered in the north western and western parts of the site where granular deposits were present. The Report concludes that the water is locally trapped/perched within the soils rather than a continuous groundwater table, therefore localised groundwater ingress should be anticipated, and it is recommended that allowance is made for groundwater control measures particularly during wetter periods of the year. The report did not identify any visual or olfactory evidence of fuel/oil type contamination (no staining, odour or free product) or any landfill type waste, with no potentially biodegradable, decomposable or putrescible materials. Based on the results of the ground

investigation, the Report states that strip foundations are currently considered appropriate, however it would be prudent for the Structural Engineer to incorporate reinforcement within the foundations to accommodate and mitigate against potential differential settlement. The Report also states that soil remediation is not considered necessary in order to develop the site for residential end use, however the Report makes reference to controls for topsoil if used within the development. The Report also recommends that a “watching brief” and “observational technique” be applied to this site to ensure that if ground conditions appear to vary from those identified within this investigation report then advice should be sought from a suitably qualified and experienced Engineering Geologist, Geotechnical or Geo-Environmental Engineer.

- 7.102 The Environment Agency have been consulted on this application and have confirmed that they have no comments to make on this application as they found no environmental constraints that affect the site.
- 7.103 No comments were received from Environmental Health in terms of ground conditions.
- 7.104 The details submitted in support of the planning application provides confidence that it will be possible to suitably manage the ground risks.
- 7.105 A planning condition will be required to secure implementation of the recommendations within the Phase 2 Report.
- 7.106 Subject to the inclusion of this planning condition, the proposal is considered to achieve the requirement of Policy ST1 of the Copeland Local Plan, Policies DS6PU and Policy DS10PU of the Emerging Local Plan and the provisions of the NPPF.

Heritage Assets

- 7.107 Policy ST1, ENV4, DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.
- 7.108 MM107 proposed modification to Policy BE1PU for clarity only.
- 7.109 MM108 proposed modification to Policy BE2PU to ensure that the development reflects the requirements of National Policy.
- 7.110 The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need “in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest” [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

- 7.111 Section 72 of the 1990 Act states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”
- 7.112 Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.
- 7.113 NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”
- 7.114 NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).
- 7.115 Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.
- 7.116 Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)
- 7.117 Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).
- 7.118 A Heritage Statement has been submitted in support of this Full Planning Application.
- 7.119 The Heritage Statement identifies Egremont Castle, a Grade I Listed Building and Scheduled Monument, and Parkfield (a residential dwelling) a non-designated Heritage Asset, as potentially affected by the proposed development.
- 7.120 The Heritage Statement concludes that the proposed will preserve the setting and special architectural or historic interest of the Grade I Listed Building and Scheduled Monument of Egremont Castle and will also preserve its significance. The report also confirms that a low level of harm will be caused to the non-designated heritage asset, however this will outweigh the public benefit of the proposed development.
- 7.121 The Council’s Conservation Officer has offered no objections to the development in terms of the impact on heritage assets.
- 7.122 On this basis, the application is considered to preserve and enhance the existing heritage assets and therefore the proposal is considered to comply with Policies ST1, ENV4, DM27 of the Copeland Local Plan, Policy

BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.

Archaeology

7.123 Policy ENV4 and Policy DM27 of the Copeland Local Plan and Policy BE1PU and BE3PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

7.124 MM107 proposed modification to Policy BE1PU for clarity only.

7.125 The Application is supported by a Desk-Based Assessment of the site to considered the archaeological interests at the Application Site. The Assessment concludes that there are no heritage assets are identified that could seriously impact upon the development. Previous archaeological reconnaissance has not raised any archaeological issues and the likelihood remains that the archaeological potential is probably low.

7.126 The Council's Historic Environment Officer has been consulted and he has recommended the site is subject to archaeological investigation and recording in advance of development. This will be secured by an appropriately worded planning condition.

7.127 Based on the inclusion of this condition the proposal is considered to comply with Policies ENV4 and DM27 Copeland Local Plan, Policy BE1PU and BE3PU of the Emerging Local Plan, and the NPPF.

Education

7.128 The Application Site covers an area of 7.78 hectares for 164 houses. The dwelling mix has been provided as 13 x 2 bed, 90 x 3 bed, 61 x 4+ bed roomed houses. The dwelling-led model has been applied which theoretically estimates a yield of 96 children: 57 primary and 39 secondary pupils for the schools.

7.129 The catchment schools for this development area Bookwell Primary School (0.3 mile measured from approximate centre of the site of the proposed houses) and West Lakes Academy is the catchment secondary for this development (0.7 mile). The next nearest primary school is St Bridget's Catholic Primary School (0.6 mile). The next nearest secondary school is Whitehaven Academy (5.2 miles) which is over the walking threshold.

7.130 Office of National Statistics pupil yield data for Cumbria has been used to calculate yield according to the number and type of housing in a development. The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are three developments affecting the primary school used for this assessment and sixteen for secondary schools. The table below shows the primary and

secondary catchment schools, the nearest primary schools and the developments that will affect them.

Primary Education

- 7.131 There are insufficient places available in the catchment school Bookwell Primary to accommodate the pupil yield of 57 from this development. However, there are 3 other schools within the 2 mile threshold which have spaces.

An education contribution would not be required for Primary places.

Secondary Education

- 7.132 There are insufficient places available in the catchment school West Lakes Academy to accommodate the secondary pupil yield of 39 from this development. The next nearest school is Whitehaven Academy but is in excess of the distance threshold of 3 miles.
- 7.133 An education contribution of £1,065,480 (39 x £27,320) would be required for secondary education to provide additional accommodation capacity. Please note that this is a snapshot in time and there is a possibility that these numbers will change between now and the point at which a planning application may be approved.
- 7.134 There may be other potential developments that may affect these schools, but as they haven't been approved at this stage, have not been included in the calculations.
- 7.135 A Section 106 Agreement will therefore be required to secure the required education contribution to mitigate the impact of this development.

8.The Planning Balance

- 8.1 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.
- 8.2 In February 2023, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

- 8.3 The ELP will, once adopted, replace the policies of the adopted Local Plan. 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 Copeland Local Plan and includes development boundaries and allocations sites for residential development that will permit delivery of the identified housing need in accordance with the sustainable development strategy proposed.
- 8.4 On this basis, the policies in the Copeland Local Plan in relation to housing delivery must be considered out of date and only limited weight be given their content as far as they are consistent with the provisions of the NPPF.
- 8.5 Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Given that the consultation on the main modifications to the ELP is now complete significant weight can be afforded to the policies of the ELP where modifications are proposed.
- 8.6 The proposed development is of a type and scale that aligns with the designation of Egremont as a Key Service Centre within the Copeland Local Plan and ELP. The Application Site is located in close and convenient proximity to a wide range of services, employment opportunities and transport links, 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. This is given great weight.
- 8.7 The Application Site is located beyond the defined settlement boundary of Egremont as identified in the Copeland Local Plan. The site is however located within the proposed settlement boundary for Egremont within the ELP and is allocated for housing development in the ELP. This is given significant weight.
- 8.8 The proposed site would assist in boosting housing supply and delivery to meet the identified need for housing within the Borough as sought in both the Copeland Local Plan and ELP. The proposals are supported in terms of supply and housing mix by the Copeland Housing Officer. This is given significant weight.
- 8.9 The proposed development by virtue of its location, scale and developed form responds positively to the character of the site and the immediate and wider setting. Whilst the development will result in some adverse local landscape and visual impacts, the proposed development will act as an extension to the existing settlement and will be viewed in the context of the existing residential development in the south of Egremont. It is also

considered that appropriate landscaping can be implemented in order to mitigate and limit the impacts of this development. This is given moderate weight.

- 8.10 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 as set out in the NPPF. This scheme offers the opportunity to secure improvements to the existing footway between Uldale View and Bookwell School, and therefore this is given significant weight in the planning balance.
- 8.11 The development would not result in unacceptable impacts in respect of residential amenity, ecology, ground conditions, or flood risk and drainage subject to the planning conditions proposed.
- 8.12 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:

Subject to a Section 106 Planning Obligation being entered into securing:

- the delivery of the required 10% affordable dwellings;
- a travel plan monitoring fee of £6,600;
- a financial contribution of £41,700 for footway improvements between Uldale View junction and Bookwell School;
- an education contribution of £1,065,480 to provide additional accommodation capacity at Westlakes Academy; and
- a financial contribution of £83,000 towards the offsite upgrades to local plan, sport and open space provision

planning permission be granted subject to the conditions outlined in Appendix 1, with the Assistant Director of Thriving Place and Investment being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

If the section 106 planning obligation is not entered within 6 months of the date of this Planning Committee or any other extension of the determination period mutually agreed with the Applicant, delegate authority to the Assistant Director of Thriving Place and Investment to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured.

Appendix 1

List of Conditions and Reasons:

Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

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

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Covering Letter, prepared by Savills September 2023, received by the Local Planning Authority on the 6th November 2023.
 - Site Location Plan, Scale 1:1250, Drawing No: 01, Revision: -, received by the Local Planning Authority on the 6th November 2023.
 - Existing Site Plan and Topographical Survey, received by the Local Planning Authority on the 6th November 2023.
 - Detailed Site Layout Plan (Amended), Scale 1:500, Drawing No: 100, Revision: J, received by the Local Planning Authority on the 27th May 2024.
 - Detailed Site Layout Plan (Unit Typology) (Amended), Scale 1:500, Drawing No: 802, Revision: -. received by the Local Planning Authority on the 11th April 2024.
 - Proposed Boundary and Elevation Plan (Amended), Scale 1:500, Drawing No: 103, Revision: E, received by the Local Planning Authority on the 27th March 2024.
 - Proposed Boundary and Elevation Plan Including Character Areas, Scale 1:500, Drawing No: 801, Revision: -, received by the Local Planning Authority on the 27th March 2024.
 - Proposed Parking Provision Plan (Amended), Scale 1:500, Drawing No: 104, Revision: B, received by the Local Planning Authority on the 4th April 2024.
 - Landscape Plan (Amended), Scale 1:500, Drawing No: WW/L01, Revision: A, received by the Local Planning Authority on the 4th April 2024.
 - Landscape Management Plan (Amended), Scale 1:500, Drawing No: WW/L02, Revision: A, received by the Local Planning Authority on the 4th April 2024.

- Tree Constraint Plan, Scale 1:1500, Map Filename: Land east of Uldale View TCP, Rev: 1, received by the Local Planning Authority on the 6th November 2023.
- Tree Mitigation Plan (Amended), Drawing No: WW/L03, Revision: A, received by the Local Planning Authority on the 8th April 2024.
- Tree Survey, Drawing No: Uldale View_Rec1.0, received by the Local Planning Authority on the 6th November 2023.
- Tree Survey Report (Amended), Prepared by Westwood Landscape Chartered Landscape Architects April 2024, Revision: B, received by the Local Planning Authority on the 4th April 2024.
- Tree Schedule, received by the Local Planning Authority on the 6th November 2023.
- Plant Schedule, Prepared by Westwood Landscape Chartered Landscape Architects August 2023, received by the Local Planning Authority on the 6th November 2023.
- House Type Drawings, received by the Local Planning Authority on the 6th November 2023.
- Planning Statement, Prepared by Savills September 2023, received by the Local Planning Authority on the 6th November 2023.
- Design and Access Statement, Prepared by Design by Pod, received by the Local Planning Authority on the 6th November 2023.
- Desk-based Assessment, Prepared by Gerry Martin Associates Ltd, received by the Local Planning Authority on the 6th November 2023.
- Heritage Statement, Prepared by Humble Heritage May 2023, received by the Local Planning Authority on the 6th November 2023.
- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6th November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6th November 2023.
- FRA and Drainage Strategy Report (Amended), Prepared by Gadsden Consulting April 2024, received by the Local Planning Authority on the 26th April 2024.
- Flood Exceedance Routes (Amended), Scale 1:500, Drawing No: 1005, Rev: P04, received by the Local Planning Authority on the 26th April 2024.
- S38 Adoption Plan, Scale 1:500, Drawing No: 1590, Rev: SK03, received by the Local Planning Authority on the 26th April 2024.
- Impermeable Areas, Scale 1:500, Drawing No: 1040, Rev: P03, received by the Local Planning Authority on the 26th April 2024.

- Drainage Layout (Amended), Scale 1:500, Drawing No: 1000, Rev: P07, received by the Local Planning Authority on the 26th April 2024.
- Soil Infiltration Report, Prepared by Environmental Engineering February 2023, received by the Local Planning Authority on the 26th April 2024.
- Response to LLFA Letter, Prepared by Gadsden Consulting April 2024, Ref: 23127, received by the Local Planning Authority on the 26th April 2024.
- Gadsden Consulting Drawing Register, received by the Local Planning Authority on the 26th April 2024.
- Phase 2: Ground Investigation Report, Prepared by GEO Environmental Engineering November 2022, Report Ref: 2022-5346, received by the Local Planning Authority on the 6th November 2023.
- Transport Assessment, Prepared by Vectos August 2023, Vectors Ref: VN222370, received by the Local Planning Authority on the 6th November 2023.
- Technical Note 01, Prepared by SLR Consulting Limited March 2024, received by the Local Planning Authority on the 19th March 2024.
- Swept Path Analysis – Refuse Vehicle (Amended), Scale 1:500, Drawing Number: VN222370-TR102, Revision: B, received by the Local Planning Authority on the 11th April 2024.
- Emergency Vehicle Access Visibility Splays & Swept Path Analysis (Amended), Scale 1:500, Drawing Number: VN222370-D105, Revision: B, received by the Local Planning Authority on the 11th April 2024.
- General Arrangement Visibility Splays & Swept Path Analysis (Amended), Scale 1:500, Drawing Number: VN22370-D104, Revision: B, received by the Local Planning Authority on the 11th April 2024.
- Economic Benefits Report, Prepared by Gleesons June 2023, Version 001, received by the Local Planning Authority on the 6th November 2023.
- Biodiversity Net Gain Assessment, Prepared by Biodiverse Consulting November 2023, Version: V1.0, received by the Local Planning Authority on the 6th November 2023.
- Landscape and Visual Appraisal Report, Prepared by Westwood Landscape Chartered Landscape Architects June 2023, received by the Local Planning Authority on the 6th November 2023.
- Site Sections (Amended), Scale: 1:250, Drawing No: 1450, Rev: P02, received by the Local Planning Authority on the 8th April 2024.
- 201 House Type Rural, Scale 1:100, Drawing No: 21-201-R-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 201 House Type Urban, Scale 1:100, Drawing No: 21-201-U-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.

- 201 Render, Scale 1:100, Drawing No: 21-201-M-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 254 House Type Urban, Scale 1:100, Drawing No: 21-254-U-0001, Revision: C03, received by the Local Planning Authority on the 28th March 2024.
- 301 House Type Rural, Scale 1:100, Drawing No: 21-301-R-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 301 Render, Scale 1:100, Drawing No: 21-301-M-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 302 House Type Rural, Scale 1:100, Drawing No: 21-302-R-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 302 House Type Urban, Scale 1:100, Drawing No: 21-302-U-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 302 Render, Scale 1:100, Drawing No: 21-302-M-0001, Revision: C02, received by the Local Planning Authority on the 6th November 2023.
- 304 House Type Rural, Scale 1:100, Drawing No: 21-304-R-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 304 House Type Urban, Scale 1:100, Drawing No: 21-304-U-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 304 House Type Render, Scale 1:100, Drawing No: 21-304-M-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 337 House Type Rural, Scale 1:100, Drawing No: 21-337-R-0001, Revision: C05, received by the Local Planning Authority on the 6th November 2023.
- 337 House Type Urban, Scale 1:100, Drawing No: 21-337-U-0001, Revision: C06, received by the Local Planning Authority on the 6th November 2023.
- 337 Render, Scale 1:100, Drawing No: 21-337-M-0001, Revision: C05, received by the Local Planning Authority on the 6th November 2023.
- 340 House Type Rural, Scale 1:100, Drawing No: 21-340-R-0001, Revision: C06, received by the Local Planning Authority on the 6th November 2023.
- 340 House Type Urban, Scale 1:100, Drawing No: 21-340-U-0001, Revision: C08, received by the Local Planning Authority on the 6th November 2023.
- 340 Render, Scale 1:100, Drawing No: 21-340-M-0001, Revision: C06, received by the Local Planning Authority on the 6th November 2023.

- 358/359 House Type Rural, Scale 1:100, Drawing No: 21-358/359-R-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 358/359 House Type Urban, Scale 1:100, Drawing No: 21-358/359-U-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 358/359 Render, Scale 1:100, Drawing No: 21-358/359-M-0001, Revision: C03, received by the Local Planning Authority on the 6th November 2023.
- 360 House Type Rural, Scale 1:100, Drawing No: 21-360-R-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 360 House Type Render, Scale 1:100, Drawing No: 21-360-M-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 369 House Type Urban, Scale 1:100, Drawing No: 21-369-U-0001, Revision: -, received by the Local Planning Authority on the 6th November 2023.
- 390 House Type Urban, Scale 1:100, Drawing No: 21-390-U-0001, Revision: -, received by the Local Planning Authority on the 6th November 2023.
- 401 House Type Urban, Scale 1:100, Drawing No: 21-401-U-0001, Revision: C06, received by the Local Planning Authority on the 6th November 2023.
- 401 Render, Scale 1:100, Drawing No: 21-401-M-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 435 House Type Urban, Scale 1:100, Drawing No: 21-435-U-0001, Revision: C07, received by the Local Planning Authority on the 6th November 2023.
- 435 Render, Scale 1:100, Drawing No: 21-435-M-0001, Revision: C04, received by the Local Planning Authority on the 6th November 2023.
- 436 House Type Rural, Scale 1:100, Drawing No: 21-436-R-0001, Revision: C05, received by the Local Planning Authority on the 6th November 2023.
- 436 House Type Urban, Scale 1:100, Drawing No: 21-436-U-0001, Revision: C06, received by the Local Planning Authority on the 6th November 2023.
- 436 Render, Scale 1:100, Drawing No: 21-436-M-0001, Revision: C05, received by the Local Planning Authority on the 6th November 2023.
- 455 House Type Urban, Scale 1:100, Drawing No: 21-455-U-0001, Revision: C03, received by the Local Planning Authority on the 28th March 2024.

- 455 House Type Rural, Scale 1:100, Drawing No: 21-455-R-0001, Revision: C03, received by the Local Planning Authority on the 28th March 2024.
- 490 House Type Urban, Scale 1:100, Drawing No: 21-490-U-0001, Revision: -, received by the Local Planning Authority on the 6th November 2023.
- 590 House Type Urban, Scale 1:100, Drawing No: 21-590-U-0001, Revision: -, received by the Local Planning Authority on the 6th November 2023.
- Proposed Elevation Configurations 1, Scale 1:200, Drawing No: 501, Rev: -, received by the Local Planning Authority on the 19th March 2024.
- Proposed Elevation Configurations 1 (Colour), Scale 1:200, Drawing No: 501, Rev: -, received by the Local Planning Authority on the 28th March 2024.
- Proposed Elevation Configurations 2, Scale 1:200, Drawing No: 502, Rev: -, received by the Local Planning Authority on the 19th March 2024.
- Proposed Elevation Configurations 2 (Colour), Scale 1:200, Drawing No: 502, Rev: -, received by the Local Planning Authority on the 19th March 2024.
- 3m x 7m Internal Dimension Detached Single Garage Details, Scale 1:50 & 1:100, Drawing No: SD1700, Rev: -, received by the Local Planning Authority on the 12th February 2024.
- 3m x 7m Internal Dimension Det. Double Garage (Pyramid Roof), Scale 1:20 & 1:100, Drawing No: SD3X7P, Rev: -, received by the Local Planning Authority on the 4th April 2024.
- 3m x 7m Internal Dimension Detached Double Garage Details, Scale 1:20 & 1:100, Drawing No: SD3X7P, Rev: -, received by the Local Planning Authority on the 4th April 2024.
- SD125 - 1800mm Timber Screen Fence (Amended), Scale 1:20, Drawing No: SD-125, Rev: P01, received by the Local Planning Authority on the 15th April 2024.
- SD100 – 1800mm Hit and Miss Timber Fence (Amended), Scale 1:20, Drawing No: SD-100, Rev: F, received by the Local Planning Authority on the 15th April 2024.
- NSD109B – 900mm High Vertical Rail (Amended), Scale: 1:10, Drawing No: NSD109, Rev: B, received by the Local Planning Authority on the 15th April 2024.
- 450 High Knee Rail Fence, Scale 1:10, Drawing No: NSD122, Rev: -, received by the Local Planning Authority on the 19th March 2024.
- Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing No: SD-110, Rev: B, received by the Local Planning Authority on the 19th March 2024.

- Boundary Detail – 600mm High Reconstituted Stone Wall, Scale 1:20, Drawing No: SD-001, Revision: - , received by the Local Planning Authority on the 19th March 2024.
- Estate Rail – 900mm High, Scale 1:20, Drawing No: SD-002, Revision: -, received by the Local Planning Authority on the 4th April 2024.

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 development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must 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 must 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 must 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 in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. No development must commence until a construction surface water management plan has been agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

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

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

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

6. The development hereby approved must not commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge, and 43m measured 1.5m from the carriageway edge at the two pedestrian crossing points and the nearside channel line of the carriageway edge have been provided.

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

7. Development must not commence on site 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:
- 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);
 - specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians [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].

The development must be completed in accordance with these approved details at all times thereafter.

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 Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

8. No development must take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the

adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during the construction phase. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

9. No development must commence until a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan must include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2,5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason

To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and the Environmental Act 2021.

10. Prior to the commencement of any works hereby approved the required additional species surveys and details of the proposed enhancement measures must be submitted to and approved in writing by the Local Planning Authority as set out in the following approved documents:
 - Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6th November 2023.
 - Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6th November 2023.

The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within this approved document and retained thereafter.

Reason

To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

11. No development must commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains in accordance with Policies ENV4 and DM27 Copeland Local Plan 2013 - 2028.

12. Prior to the commencement of each phase of the development details of a Phasing Plan for the development shall be submitted to and approved in writing by the Local Planning Authority unless a Phasing Plan has previously been submitted to and approved in writing by the local planning authority for the whole site.

The Phasing Plan will provide the following information;

- The boundary of the land within that phase, previous and subsequent phases;
- The number of market dwellings in that phase; and,

- The number of affordable dwellings in that phase.

Reason

To ensure a high level of design quality and minimise impacts upon neighbouring residents in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

Prior to Occupation Conditions:

13. Prior to the first occupation any dwelling on the site hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) 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 must 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 in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

14. All hard and soft landscape works must be carried out in accordance with the details illustrated on the following approved documents:

- Landscape Plan (Amended), Scale 1:500, Drawing No: WW/L01, Revision: A, received by the Local Planning Authority on the 4th April 2024.
- Landscape Management Plan (Amended), Scale 1:500, Drawing No: WW/L02, Revision: A, received by the Local Planning Authority on the 4th April 2024.

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 enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

15. Prior to the first occupation of each dwelling hereby approved, the boundary treatment and landscaping on that occupied plot must be installed in accordance with the following approved plans:

- Landscape Plan (Amended), Scale 1:500, Drawing No: WW/L01, Revision: A, received by the Local Planning Authority on the 4th April 2024.
- Proposed Boundary and Elevation Plan (Amended), Scale 1:500, Drawing No: 103, Revision: E, received by the Local Planning Authority on the 27th March 2024.

Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

16. Prior to the occupation of the first dwelling hereby approved a scheme detailing the layout and design, including play equipment specifications, of the approved trim trail must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented as per the approved details prior to the completion of the development hereby approved. The area must be maintained for use as a public open space in accordance with the approved details for the lifetime of the development.

Reason

To ensure the provision of sufficient provision of children's play space within the development for use by residents in accordance with the provisions of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

Travel Plan Conditions:

17. Prior to the first occupation of any dwelling on the site hereby approved, the developer must prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan must be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason

To aid in the delivery of sustainable transport objectives in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

18. An annual report reviewing the effectiveness of the approved Travel Plan and including any necessary amendments or measures must be prepared by the developer and submitted to the Local Planning Authority for approval following occupation of the 100th unit on the site.

Further Annual Performance Reports and Travel Plan modifications are to be prepared and submitted to the County Council for approval within two months of each subsequent anniversary of the aforementioned dated on an annual basis up to and including the fourth anniversary of the first Annual Performance Report.

Reason

To aid in the delivery of sustainable transport objectives in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

Other Conditions:

19. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document “FRA and Drainage Strategy Report (Amended), Prepared by Gadsden Consulting April 2024, received by the Local Planning Authority on the 26th April 2024”, and must be maintained as such at all times thereafter.

Reason

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

20. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved documents:

- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6th November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6th November 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

21. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Phase 2: Ground Investigation Report, Prepared by GEO Environmental Engineering November 2022, Report Ref: 2022-5346, received by the Local Planning Authority on the 6th November 2023'. All mitigation measures identified must be maintained as such at all times thereafter.

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 water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

22. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:

- Tree Constraint Plan, Scale 1:1500, Map Filename: Land east of Uldale View TCP, Rev: 1, received by the Local Planning Authority on the 6th November 2023.
- Tree Mitigation Plan (Amended), Drawing No: WW/L03, Revision: A, received by the Local Planning Authority on the 8th April 2024.

- Tree Survey, Drawing No: Uldale View_Rec1.0, received by the Local Planning Authority on the 6th November 2023.
- Tree Survey Report (Amended), Prepared by Westwood Landscape Chartered Landscape Architects April 2024, Revision: B, received by the Local Planning Authority on the 4th April 2024.
- Tree Schedule, received by the Local Planning Authority on the 6th November 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To adequately protect the existing trees on site.

23. Prior to the first occupation of any of the development hereby approved 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.

Reason

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

24. All works, construction activities, and ancillary operations which are audible at the site boundary must be carried out only between the following hours:

- 08:00am to 18:00pm Monday to Friday;
- 08.00am – 13.00pm Saturdays and at no time on Sunday or Bank Holidays.

No construction works shall take place at any time on Sundays or Bank Holidays.

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 agreed with the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028

Informative Notes:

Highways

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

For the accesses crossing the verge a S184 Agreement will be required and for the widened carriageway and footway construction to the north of the main access, a S278 agreement may be required as well. The applicant is advised to discuss their proposals with the council's Highways Streetworks and Adoptions department:

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

LLFA

Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email:

LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.