

<b>Application Reference Number:</b>	4/25/2307/0F1
<b>Application Type:</b>	Full Planning Application
<b>Application Address:</b>	Land South West of Summergrove Park, Whitehaven
<b>Proposal</b>	Residential development for 70 dwellings including infrastructure, landscaping and BNG uplift.
<b>Applicant</b>	John Swift Homes Ltd
<b>Agent</b>	Alpha Design
<b>Valid Date</b>	1 <sup>st</sup> September 2025
<b>Case Officer</b>	Chris Harrison

## **Cumberland Area**

Copeland

## **Parish**

Weddicar

## **Relevant Development Plan**

Copeland Local Plan 2021-2039

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

This application is a major development proposal which comprises more than 2 hectares and therefore is classed as a strategic application that requires consideration by the Planning Committee under the scheme of delegation

## **Recommendation**

Subject to:

- the receipt of a consultation response from the Council's Arboricultural Consultant confirming that the submitted arboricultural information is acceptable, or can be made acceptable subject to conditions; and,

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate and further delegates to the Service Manager for Development and Implementation to agree the final terms and conditions of the section 106 agreement, which as detailed in this report are proposed as:

- Securing the delivery of 10% of the dwellings to meet the definition of affordable housing, discount sale.

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 c.8.36 hectares of land located to the South West of Summergrove Park.
- 1.2 The Application Site comprises an area of greenfield land which is currently used for agricultural grazing purposes. The Application Site comprises two parcels of land separated and enclosed by mature planting.
- 1.3 The Application Site is bounded by the residential development of Summergrove Park to the north; Westlakes Science Park to the south; Summergrove Hall and agricultural land to the west; and, the disused Galemire Quarry, agricultural land and Dalzell Street to the east.
- 1.4 The Application Site is located within Flood Zone 1.
- 1.5 The disused Galemire Quarry comprises potentially contaminated land owed to its previous use for landfill.
- 1.6 The trees located to the west of the Application Site are the subject of a Tree Preservation Order.

## **2. Relevant Planning Application History**

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

Application Ref. 4/22/2237/0O1 - Outline Planning Application including access for up to 30 no. self-build dwellings – Approved subject to planning conditions and a Section 106 Agreement.

Application Ref. 4/23/2104/0O1 - Outline planning application for residential development of up to 40 self-build plots including details of proposed access and all other matters reserved – Approved subject to planning conditions and a Section 106 Agreement.

### **3. Proposal**

- 3.1 This application seeks Full Planning Permission for the erection of 70no. dwellings.
- 3.2 A total of 10% of the dwellings are to be for discounted sale, which is capped at 80% of the open market value.
- 3.3 Access to the development is proposed via a new junction from the C4003 (Dalzell Street). Visibility splays of 2.4m x 120m are demonstrated as achievable to the access.
- 3.4 A footway/cycle link which doubles as an emergency vehicle access is proposed to Summergrove Park.
- 3.5 A footway link is proposed to the existing boardwalk connecting West Lakes Science Park and Summergrove Hall.
- 3.6 A new pedestrian footway is proposed to Dalzell Street connecting from the proposed footways within the development and to the emergency vehicle access serving West Lakes Science Park.
- 3.7 The proposed estate road is shown as a formal driveway with gentle curves following the northern boundary of the site. The areas around the access road are landscaped with structure planting to the north of the access road and specimen trees surrounding and within a landscaped amenity area to the south. The main area of the application site incorporates structured planting to the boundaries to screen the development and create discrete developed areas within the Application Site.
- 3.8 The proposed development principally comprises five single storey dwelling types (A, B, C, D and E) along with an Alms House design to be utilised in

terraces and a one-off Gate House design at the entrance to the developable area. It is proposed to finish the dwellings with brick and sandstone to the elevations and grey interlocking tiles to the roof with grey uPVC windows, grey composite doors and Oak porch details.

- 3.9 Two surface water attenuation ponds are proposed to support the drainage strategy. The first attenuation pond is located at the front (eastern) boundary of the site, and the second attention pond is shown in the western corner of the site.

#### **4. Consultation Responses**

##### **Weddicar Parish Council**

None received.

##### **Egremont Town Council**

###### *Response 1*

Requests measures to encourage traffic to travel north from the development to avoid travelling through Moor Row which already suffers from a high level of traffic particularly at peak times.

It would be very much welcomed if a pavement could be created from the development to adjoin the pavement at Dalzell Street as this would benefit the (probability of) increased traffic to school.

Note that there is no provision of play equipment, with the number of houses within the development, Egremont Town Council believes there should be some play provision provided.

Egremont Town Council is also requesting a Section 106 agreement regarding funding for the Moor Row community to access and offset any negative impacts of this development e.g. increased traffic, improvements to Moor Row play park.

###### *Response 2 – Amended Plans*

Councillors looked for the amendments but found it difficult to see.

There is still a concern that it is not safe to walk along this site; it is within a 40mph zone however, vehicles do tend to speed along the length of road. There is also concern about the impact on Dalzell Street and Councillors would like to see a section 106 agreement put in place to offset improvements

to the road by installing a pavement or a cycle way to link in with the current cycle path, again making it safer for pedestrians, whose safety will be more at risk with the proposal of a further 70 homes in the area

### **National Highways**

No objection.

### **Cumberland Council – Highways, LLFA and LEA**

The Copeland Transport Improvement Study proposes a connection from the south of West Lakes Science Park to National Cycle Network Route 72 / LCWIP route 13. Whilst there is no direct link between the south of the proposed development and the science park the applicant is encouraged to engage with West Lakes Science Park to explore options for creating this link. Such a link would benefit residents by a shorter walking distance to an employment site; reduced journey distances / times to Whitehaven.

The site does have potential for active travel connectivity – delivery of LCWIP route 14 would enable active travel along Galemire / Sneckyeat Road. A footway along Dalzell Street would improve access to Moor Row, schools, local amenity's and the NCN.

LHA and LLFA would look to obtain funding towards a footway/cycleway link to Westlakes Science Park pedestrian access and the NCN72 along Dalzell Street from the proposed development access. Alternatively a section 278 can be agreed to complete the works identified.

The applicant has designed a 3.7 metre wide EVA which will enter the development site from Summergrove Park, although this is welcomed by the LHA more thought needs to go into how an Emergency vehicle will get access onto the development carriageway as proposed the Emergency vehicle would have to straddle the footway and carriageway which would be a different height levels possible option would be a shared surface, the above point can be addressed via planning condition.

All internal footways need to extend into the shared surfaces for at least 1 metre, for continuous and safe connectivity for pedestrians.

The LLFA previously had no objections to the proposed drainage layout and strategy for this development but have concerns regarding all agreed drainage information prior to April 2026 has now been withdrawn. The LLFA would welcome all drainage proposal and information to be included within this application; however, this could be secured via planning condition.

Planning conditions are proposed to secure technical specifications of the proposed highways, details of the ditch pipe at the access; no vehicular access other than via the approved accesses; a detailed surface water drainage scheme, a Construction Traffic Management Plan and detailed routing plans/specifications for the approved emergency vehicle access.

### **Active Travel England**

No comments.

Outlines the standing advice in relation to active travel.

### **Cumberland Council - Historic Environment Officer**

No objections or comments.

### **United Utilities**

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information request the imposition of a planning condition to secure such details.

### **Cumberland Council – Arboriculturist**

The applicant has submitted a landscape layout plan (M3508-SD-04-V04), produced by Barnes Walker, which gives details of the BNG requirements. In addition, the applicant has also submitted a Pre-development Arboricultural Report (dated 18/01/2025), which includes an impact assessment. The impact assessment recommends the removal of five trees (41, 44, 46, 47 & 48), parts of two tree groups (42 & 45), and two sections of hedgerow (31 & 35).

The plans included in the Pre-development Arboricultural Report show a different site layout to the Overall Site Plan, submitted by Alpha Design, and the landscape layout plan, submitted by Barnes Walker.

Recommend asking the applicant to update the Pre-development Arboricultural Report plans, impact assessment and recommendations to reflect the latest site layout.

### **Cumberland Council – Strategic Housing**

This application seeks to provide 70 single-story units, which will be a mixture of two and three bed alms houses and bungalows.

22 x 2 bed units (31.5%)

48 x 3 bed units (68.6%)

The General Housing Needs Study 2024 (GHNS) identifies the following range of dwellings appropriate for the West Cumbria housing sub-area1

No. of Bedrooms

1 - 20 – 25%

2 - 25 – 30%

3 - 40-45%

4 - 5-10%

Level access - 15-20%

The proposed mix shows an over provision of three bed units and an undersupply of two bed units. We request the consideration be given to amending the mix to better match the GHNS.

### **Policy Requirements**

Policy H8 – Affordable Housing in the Copeland Local Plan requires that on sites of 10 units or more, at least 10% should be affordable.

On a 70 unit development, this would equate to 7 units.

Our preferred tenure mix for the affordable provision would be:

Rented Units 60% - 4 dwellings

Low Cost Home Ownership 40% - 3 dwellings

However, it is noted that previous S106 Agreements on earlier applications have agreed that the affordable provision is to be 100% Low Cost Home Ownership, and that affordable properties are to be sold to Qualifying Persons at 80% of their open market value.

### **Affordability**

The GHNS shows the affordability of tenures by sub-area. This development is in the West Cumbria sub-area, and GHNS shows that in order to be affordable to households with a median gross household income, discounted sale properties should be priced at £122,500 (3.5 x median gross household income).

Therefore, an open market value of £147,000 is the optimum value for discounted sale properties.

It is recommended that, where the open market value is more than 10% above this figure (i.e. above £161,700) developers engage with the Council's housing development team to discuss this.

Housing Need The proposed affordable housing mix is 7 x 2 bed units. The affordable housing need figure in the parish of Weddicar is one affordable unit per year and it is not possible to break this need down by property type. The GHNS evidences a need for the following affordable provision in the parish of Egremont:

Bedrooms	Dwelling Type (%)			
	Houses	Flats	Bungalow	Total
1	18.2	15.2	8.5	41.8
2	17.6	4.8	8.5	30.9
3	9.7	0.0	8.5	18.2
4+	0.6	0.0	8.5	9.1
Total	46.1	20.0	33.9	100.0

There is a significant need for affordable three bed properties. We request the consideration be given to amending the affordable housing mix to better match the GHNS.

### **Cumberland Council – Environmental Health**

Phase 1 Desk Top Study Report – Environmental Health are grateful for the comments from the Environment Agency with respect to the infill remediation of the former Galemire Quarry and the subsequent positive effect this had on the reduction of contamination risk to controlled waters. This information is reflected in the negligible risk to controlled waters provided in the above geo-technical report. There has been no historical industrial use of the site directly, and the report concluded overall that there is a low risk of contamination to the site. The report has, however, recommended further phase 2 testing to confirm the absence of made ground and soil contaminants, inform on ground conditions, and ensure that any trace organic elements in / around the former quarries has not caused ground gas to be a hazard.

Radon protection measures are not required in the site build.

For the sake of completeness, Environmental Health would therefore be satisfied with this approach.

Construction Environmental Management Plan – the proposed site working hours (08.00 – 18.00 Monday to Saturday) are slightly different to those usually put forward by Environmental Health. We would request that the working hours are amended and reduced to 08.00 – 13.00 on Saturdays. Otherwise, this CEMP is acceptable.

Flood Risk Assessment and Outline Drainage Plan – it should be noted (p.29) that some house plots will need individual foul effluent pumping facilities, the future maintenance of which will be the responsibility of the plot holder. A drainage plan clearly indicating these properties should be produced. The foul effluent pumps should be set with a sump and high water level alarm to ensure that foul effluent does not overspill and contaminate the property and separate surface water system.

No objections subject to the imposition of planning conditions securing additional information in relation to ground contamination, unexpected ground contamination and the limitation of construction hours.

### **Environment Agency**

No objections.

The desk study for the site, has been reviewed to assess the likelihood of contamination causing unacceptable risk to groundwater quality. The development area is sited over agricultural land and is not expected to give rise to contaminated soils unless the source of land spreading activities (if any) originate from waste processes or sewerage sludge.

The Galemire Quarry directly adjacent to the site was licensed for deposit of inert wastes. Water in its base represented the water table in the principle aquifer. Unfortunately, the license holder was served notice to remove skip waste that posed an unacceptable risk and the County Council was left with the task of removing all waste back to excavated bedrock levels, transferring waste to County operated Yeathouse Quarry landfill. Since then, the County Council controlled landfilling the quarry with strictly inert waste to protect the aquifer.

Development at this site should not cause detriment to quality of underlying groundwater within the principal aquifer despite the proximity to the former restored landfill. Environmental Health should be able to advise on landfill gas issues.

## **Cumbria Police**

Raises concerns regarding:

- Limited natural surveillance of **open space and BNG areas**
- Lack of detail on **street lighting and exterior dwelling lighting**
- Potential crime risks linked to **sustainable energy infrastructure**

Recommends:

- PAS 24-certified doors and windows
- Certified garage doors
- Property marking and secure measures for energy equipment
- Improved lighting design that balances safety and dark skies considerations.

## **Cumberland Council – Education**

### **PRIMARY**

There are sufficient places available in Moor Row Primary School, the catchment school to accommodate the primary pupil yield of 20 from this development. The next nearest school is Valley Primary School which also has sufficient places and is in the two mile range. An education contribution would not be required for primary education.

### **SECONDARY**

There are insufficient places available in West Lakes Academy, the catchment school to accommodate the secondary pupil yield of 10 from this development. It is worth noting that although West Lakes Academy is the catchment school for this development, it is not the closest secondary school and is in fact over the 3 mile distance. The nearest school is The Whitehaven academy, which also has insufficient places available to accommodate the secondary pupil yield of 10 from this development.

A contribution of £273,200 (10 x £27,320) would be required for secondary education.

## **Cumberland Council - Ecology**

### ***Construction Environmental Management Plan (CEMP)***

The CEMP produced (ref: 15/10/863 – CEMP) is to be updated to with an Ecological Precautionary Method of Works (PMoW) to include the ecological receptors identified below.

### ***Ecological Supervision***

In order avoid committing a wildlife offence under the Wildlife and Countryside Act 1981 (as amended), the applicant must employ an Ecological Clerk of Works (ECoW) for the initial clearance works. The ECoW will ensure the avoidance and protection of breeding birds, small mammals, herptiles (if any) and ensure the works adhere to the procedures set out in the CEMP.

### ***Mitigation and Enhancement***

Planning conditions are proposed to secure mitigation and enhancement in relation to impacts upon breeding birds, badgers and small mammals, bats, amphibians and reptiles and red squirrels.

It is confirmed that the development is required to deliver a biodiversity net gain of 10%.

A Habitats Regulation Assessment is not required.

### **Cumberland Council - Open Spaces Team**

None received.

### **Natural England**

None received.

### **Cumberland Council – Local Plans Team**

None received.

### **Public Representations**

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

### **Initial Consultation**

15no. representations have been received in objection.

### ***Highway Safety and Traffic Impact***

Significant concerns regarding highway safety and traffic impacts, particularly along Dalzell Street, Moor Row, Padstow, Keekle and routes connecting to the A595.

Dalzell Street is narrow, winding and constrained by terraced housing with extensive on-street parking, frequently reducing the carriageway to a single lane.

Regular congestion, gridlock and vehicle standoffs occur, particularly during Sellafield shift-change periods. Emergency vehicles are often delayed or unable to pass.

Dalzell Street is an established rat-run, which has a history of accidents, near misses, vehicles leaving the carriageway and dangerous bends close to the proposed site access.

The addition of traffic associated with 70 dwellings is considered to pose an unacceptable risk to highway users, including pedestrians and cyclists.

The submitted Transport Assessment is invalid. The traffic surveys were undertaken in August 2020 during the Covid-19 pandemic, when traffic levels were unrepresentatively low.

It is considered that the assessment underestimates both existing traffic levels and the number of vehicle movements likely to arise from the development. Particular criticism is made of assumed peak hours, car ownership levels and the failure to account for recent and committed housing development in Moor Row, Keekle and Cleator Moor.

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

### *Pedestrian and Cycle Access*

Strong objections are raised to the proposed pedestrian and cycle link to Summergrove Park.

Summergrove Park was designed and approved as a cul-de-sac and should not be converted into a through route.

Concerns are raised regarding personal security, anti-social behavior and use by motorised scooters.

It is considered that the proposed link is intended to mitigate shortcomings in the vehicular access onto Dalzell Street.

It is asserted that Westlakes Science Park is private land and that the application misrepresents the availability of public pedestrian access.

### *Infrastructure Capacity and Sustainability*

The development would place additional strain on already overstretched local infrastructure including schools, healthcare facilities, emergency services, public transport and utilities.

The site is poorly connected to services, with reliance on private vehicles.

The proposals represent unsustainable development, particularly when considered cumulatively with surrounding housing schemes.

#### *Drainage, Flood Risk and Contamination*

Potential exists for flooding of existing properties within Summergrove Park due to site topography.

Uncertainty exists regarding the foul drainage arrangements, including whether pumping stations are required and whether downstream sewer capacity has been adequately assessed.

The Application Site includes former quarry land that has been infilled over time, with no contamination assessment provided despite historic fly-tipping.

#### *Ecology, Landscape and Greenfield Loss*

The development will result in the loss of greenfield and agricultural land.

The development will result in harmful impacts on landscape character.

Concerns are raised regarding harm to wildlife, hedgerows and biodiversity, with assertions that ecological surveys are inadequate.

The proposals represent overdevelopment of the Application Site and will have an adverse impact on the character of the surrounding area.

The development represents urban sprawl, leading to the coalescence of Moor Row, Keekle and Cleator Moor and the erosion of rural settlement identity.

#### *Principle of Development and Employment Land*

The Application Site was previously safeguarded for employment purposes and potential expansion of Westlakes Science and Technology Park. Earlier planning applications were resisted on account of this conflict.

The number of proposed dwellings has increased incrementally over time, undermining confidence in the application.

#### *Residential Amenity*

The development will result in harmful impacts through noise and disturbance from increased traffic and construction activity.

### Re-Consultation – Revised Plans/Details

15no. representations have been received in objection.

### *Highway Safety and Traffic Impact*

Concern exists in relation to highway safety and severe traffic impacts on Dalzell Street, Moor Row, Padstow, Galemire and routes to Keekle and the A595.

Persistent congestion, gridlock at peak times, speeding traffic and a lack of pavements or street lighting, results in unsafe conditions for pedestrians and cyclists.

Dalzell Street is a Sellafield rat run, with traffic surveys undertaken during the Covid-19 pandemic considered wholly unrepresentative of current traffic volumes.

Near misses, accidents and condition would be exacerbated by the additional traffic associated with up to 70 dwellings.

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

### *Transport Statement and Survey Evidence*

The Transport Statement relies on inconsistent and outdated information.

The surveys reference developments of 30, 50, 70 and 80 dwellings at various stages, creating confusion and undermining confidence in the assessment.

An updated Transport Statement is required.

There are incorrect speed-limit assumptions and failure to account for recent housing developments in Moor Row and Keekle.

The trip generation figures significantly underestimate real-world vehicle movements.

### *Pedestrian, Cycle and Emergency Vehicle Access*

Objections are raised to the introduction of a pedestrian, cycle and emergency vehicle access (EVA) between the Application Site and Summergrove Park.

Summergrove Park has operated as a cul-de-sac for over 25 years and that assurances were previously given that no vehicular access would be created.

The proposed EVA is considered an indirect means of creating additional vehicular access in conflict with existing highway constraints and planning restrictions.

Concerns are raised regarding safety, crime, loss of privacy and the creation of a through route.

#### *Drainage and Flood Risk*

The existing drainage network at Summergrove Park has sufficient capacity to accommodate flows from 70 additional dwellings.

The use of private pumping stations, lack of clarity on the number required, responsibility for long-term maintenance and environmental risks should systems fail are of considerable concern.

An updated drainage scheme and acceptance by United Utilities are required.

#### *Ecology and Biodiversity*

The submitted ecological surveys are inaccurate, particularly in relation to red squirrels. Several residents provide direct accounts of frequent red squirrel sightings supported by photographic or video evidence. It is argued that survey timing and methodology may have failed to capture species presence and that reliance on public biodiversity datasets is insufficient.

Concerns are raised regarding impacts on hedgerows, agricultural land, deer and wider wildlife habitat.

#### *Infrastructure Capacity and Sustainability*

Local infrastructure has not expanded in step with existing housing growth. Concerns relate to capacity of GP and dental services, schools, emergency services, public transport and utilities.

The Application Site is considered poorly connected and overly reliant on private vehicles.

The Application Site is considered unsustainable, particularly when considered cumulatively with nearby developments.

#### *Principle of Development and Employment Land*

The loss of land previously allocated for employment uses associated with Westlakes Science and Technology Park is not acceptable. This is the only remaining land for expansion and residential development would undermine long-term economic objectives.

Reference is made to previous refusals and professional objections that remain relevant.

#### *Residential Amenity and Construction Impacts*

Concerns are raised regarding construction traffic, noise and prolonged disruption to existing residents.

Undeveloped portions of the site indicate future phased expansion through additional applications.

## **5. Planning Policy**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of 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 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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy  
Strategic Policy DS2: Settlement Boundaries  
Strategic Policy DS3: Planning Obligations  
Policy DS4: Design and Development Standards  
Policy DS5: Hard and Soft Landscaping  
Strategic Policy DS6: Reducing Flood Risk  
Policy DS7: Sustainable Drainage  
Policy DS8: Soils, Contamination and Land Stability  
Policy DS9: Protecting Air Quality  
Strategic Policy H1: Improving the Housing Offer  
Strategic Policy H2: Housing Requirement  
Strategic Policy H3: Housing Delivery  
Strategic Policy H4: Distribution of Housing  
Policy H6: New Housing Development  
Policy H7: Housing Density and Mix  
Strategic Policy H8: Affordable Housing  
Strategic Policy SC1: Health and Wellbeing  
Policy SC3: Playing Fields and Pitches  
Policy SC2: Sports and Leisure Facilities (excluding playing pitches)  
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity  
Strategic Policy N3: Biodiversity Net Gain  
Policy N5: Protection of Water Resources  
Strategic Policy N6: Landscape Protection  
Strategic Policy N7: St Bees and Whitehaven Heritage Coast  
Strategic Policy N9: Green Infrastructure  
Strategic Policy N11: Provision of Open Space in New Development  
Policy N14: Woodlands, Trees and Hedgerows  
Strategic Policy BE1: Heritage Assets  
Policy BE3: Archaeology  
Strategic Policy CO2: Priority for improving transport networks within Copeland  
Strategic Policy CO4: Sustainable Travel  
Policy CO5: Transport Hierarchy  
Strategic Policy CO6: Countryside Access  
Policy CO7: Parking Standards

Key Material Planning Considerations:

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).  
Outline Planning Application Ref. 4/19/2126/0F1.  
Outline Planning Application Ref. 4/22/2237/0O1.

## **6. Assessment**

### **Principle and Fallback Position**

- 6.1 The key legal principles relating to fallback comprise the following:
- Any fallback position must have a realistic prospect of being carried and not just a theoretical possibility i.e. not hypothetical - *Mansell v Tonbridge and Malling BC* [2017].
  - Decision makers can give weight to fallback positions when assessing the planning merits of a new development proposal or planning application – *Samuel Smith Old Brewery v Selby DC* [2009].
  - The greater the likelihood of the fallback position being implemented, the greater the weight the fallback position is to be given when assessing the planning merits of a new development proposal or planning application – *R (Mount Cook) v Westminster* [2003].
- 6.2 On 24 March 2023 outline planning permission was granted for up thirty self-build dwellings under planning application reference 4/22/2237/0O1.
- 6.3 On 2nd September 2024 outline planning permission was granted for up to 40 self-build dwellings under planning application reference 4/23/2104/0O1.
- 6.4 The Application Sites have notional boundaries. There are no physical boundaries between and some overlap.
- 6.5 The respective outline planning permissions remain extant and lawfully capable of implementation.
- 6.6 The Applicant has confirmed that the current full planning application has been submitted given the administrative complexities of submitting two reserved matters applications, two discharge of conditions applications, potentially a full planning application in relation to any dwellings straddling the Application Site boundaries and the legal complexities of securing biodiversity net gain only. As such, there is a strong and realistic prospect of those planning permissions being progressed and implemented if the current full planning application was to be refused.

- 6.7 In the context of the above, significant weight must be given to the respective outline planning permissions and terms of those planning permissions in the determination of the current full planning application.
- 6.8 The outline planning permissions establish the principle of the development, the location of the vehicular access, the provision of active travel links and requirements in relation to contributions.
- 6.9 In addition to the above, the Application Site is now allocated for residential development under the provisions of Strategic Policy H5 of the LP under reference HSU1 - Land to South West of Summergrove.
- 6.10 Given the then emerging allocation of the land in the LP, housing land supply position and the limited weight given to the delivery of the housing as self-build development, mechanisms were not incorporated into planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001 requiring delivery as self-build development.
- 6.11 The reference to self-build development has been removed from the description of the development as part of this Full Planning Application.

#### **Housing Mix – General**

- 6.12 Policy H7 of the LP requires that Applicants must 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 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.
- 6.13 As planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001 were approved in outline, the overall housing mix was not secured. The development was then intended to be delivered as a form of tailored self-build, meaning that the Applicant would install the site infrastructure including the estate roads, services, drainage, structure planting and the hard and soft landscaping works, with the self-builder given the opportunity to tailor the house designs to their individual needs; particularly in relation to internal layouts and rear non-visible elevations and construct the dwellings. As such, the final housing mix would ultimately be controlled by the wants/needs of the individual self-builders.
- 6.14 The development now proposed comprises 70no. single-storey dwellings comprising a mixture of two and three bed alms houses and bungalows. The housing mix comprises:

- 22 x 2 bed units (31.5%)
- 48 x 3 bed units (68.6%)

6.15 The General Housing Needs Study 2024 (GHNS) identifies the following range of dwellings appropriate for the West Cumbria housing sub-area:

No. of Bedrooms

1 - 20 – 25%

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3 - 40-45%

4 - 5-10%

Level access - 15-20%

- 6.16 The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 (SHMA). The SHMA suggests a particular focus on the delivery of two bedroom (35%) and three bedroom (40%) and some 4+ bedroom houses (20%) semi-detached and detached market houses. It is stated that the Council should also consider the role of bungalows, due to the high demand from people aged 65 and over.
- 6.17 The Housing Team consider that the proposed housing mix represents an over provision of three bed dwellings and an undersupply of two bed dwellings and request that consideration be given to amending the mix to better match the GHNS.
- 6.18 The proposed housing mix is likely to deliver considerably smaller dwellings and so housing mix closer to the GHNS and SHMA than would be delivered as self-build dwellings under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001, as self-building dwellings are typically larger than developer delivered dwellings.
- 6.19 Notwithstanding, the position of the Housing Team, given that the development comprises single-storey dwellings, the provision of which are limited within new housing development, the SHMA recommendations and given that the GHNS and SHMA recommendations are to be considered in the round with reference to the housing mix delivered within all new build developments within the local plan area, the proposed housing is on balance considered acceptable.

### **Housing Mix – Affordable Housing**

- 6.20 Planning application reference 4/22/2237/001 secured the provision of 10% of the dwellings as discounted sale affordable dwellings via a Section 106 Agreement i.e. 3no. dwellings.

- 6.21 Planning application reference 4/23/2104/001 secured the provision of 15% of the dwellings as discounted sale affordable dwellings via a Section 106 Agreement i.e. 6no. dwellings.
- 6.22 This equated to the overall provision of 12.8% of the development as affordable housing, assuming that the approved total of 70no. was delivered.
- 6.23 Since the approval of planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001, the LP has been adopted.
- 6.24 Policy H8 of the LP requires that *on sites of 10 units or more (or of 0.5ha or more in size), or on sites of five 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).*
- 6.25 It is proposed that a total of 10% of the proposed dwellings be delivered as discounted sale dwelling, the value of which are capped at 80% of the open market value. 7no. two-bedroom dwellings are proposed for discounted sale.
- 6.26 This level of affordable housing provision falls below the requirement secured under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001; however, is in compliance with the minimum requirements of the now adopted Policy H8 of the LP.
- 6.27 The Viability Assessment prepared as part of the evidence base for the LP and as assessed during the hearing sessions, accruing no substantive modifications, concludes that development of the Application Site with an affordable housing contribution of 10% will accrue a surplus of £7,565 per dwelling based on the delivery of 80no. dwellings. Delivery of 70no. dwellings with an affordable housing contribution of 10% should therefore be viable.
- 6.28 The Housing Team have confirmed that their preferred tenure mix for the affordable housing provision would be 60% affordable rental dwellings and 40% discounted sale dwellings; however, they note and accept that the previous S106 Agreements secured under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001 agreed that the affordable provision is to be discounted sale.
- 6.29 The Housing Team confirm that an open market value of £147,000 is the optimum value for discounted sale properties.

- 6.30 The Housing Team request that consideration be given to amending the affordable housing mix to better match the GHNS i.e. the provision of three bedroom dwellings.
- 6.31 Again, the Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 (SHMA). The SHMA suggests a particular focus on the delivery of two bedroom (45%) and three bedroom (35%) and some 4+ bedroom houses (5%) semi-detached and detached discounted sale affordable dwellings. It is stated that the Council should also consider the role of bungalows, due to the high demand from people aged 65 and over. The SHMA highlights that bungalows are likely to particularly focus on 2 bedroom dwellings, which may encourage households to move from larger 'family-sized' accommodation (with 3+-bedrooms).
- 6.32 Notwithstanding, the position of the Housing Team, given that the development comprises single-storey dwellings, the provision of which are limited within new housing development, the SHMA recommendations and given that the GHNS and SHMA recommendations are to be considered in the round with reference to the housing mix delivered within all new build developments within the local plan area, the proposed is on balance considered acceptable.

### **Landscape Impact and Visual Impact**

- 6.33 Strategic Policy N6: Landscape Protection of the LP seeks to protect 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 development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit.
- 6.34 The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within an area of landscape classified as Sub-type 5d Urban Fringe. The guidelines for development include protecting countryside areas from sporadic and peripheral development through the local plans and the requirement for careful siting of any new development in non-prominent locations.
- 6.35 The Copeland Landscape Settlement Study November 2021 identifies the Application Site as being in an area of Character Type:5D Urban Fringe and within Local Character 5Dvi Keekle Hillsides.

- 6.36 The Application Site comprises part of a large field used for grazing. It is divided into two parts by a kested hedge bank which runs south-west to north-east along the highest part of the Application Site.
- 6.37 The field is contained by existing development along the northern and southern boundaries.
- 6.38 To the north-west is Summergrove Hall with associated car park and woodland. To the north-east is housing on Summergrove Park and Pooles Close. To the south-west lies Westlakes Science and Technology Park with associated car park areas and vacant land for future development. A disused quarry and open field lie beyond the south-east boundary. The northwestern boundary is defined by a shelterbelt of mature trees beyond which lies open fields.
- 6.39 The Site is in an area of undulating rolling topography which forms part of the River Keekle valley. The topography of the Site is gently sloping from the highest area around the kested hedge bank and the southeast boundary.
- 6.40 The Site and its surrounds are part of an agricultural landscape of pasture influenced by urban form but maintaining a rural character. Field patterns are distinct and predominantly bounded by intact hedges and hedgerow trees. Semi-urbanised woodland associated with Westlakes Science and Technology Park and Summergrove Halls provides a high level of enclosure that is not typical of the more open character of the wider landscape.
- 6.41 Built form is a significant influence comprising large scale development in the form of Westlakes Science and Technology Park adjacent to the south-east boundary and residential development on Summergrove Park and Pooles Close to the north-east. There are several small settlements associated with former mining and associated activities including Moor Row.
- 6.42 The proposed development would result in the loss of poor semi-improved grassland which would be perceptible over a localised area but represents a small negative effect on a landscape element of low value. This would have a slight/moderate impact on the landscape character sub types in which the Application Site is located; however, this change would be in the context of the existing development in the form of large-scale buildings on the Westlakes Science and Technology Park and houses on Summergrove Park and Pooles Close in the immediate setting of the site. Any landscape framework proposed will as it matures, contribute to landscape distinctiveness and reduce the impacts.
- 6.43 Residents of properties on Summergrove Park, Pooles Close and Dalzell Street will experience moderate-substantial impacts as the proposed development would change the character of their views. The level of change

for residents at home in properties on the edge of Whitehaven, Cleator Moor, Moor Row and Bigrigg would be no worse than moderate due to their distance from the proposed development and the minor scale of change in their views. The effect would be neutral as the composition of their pre-change views contains buildings and other detractors including overhead powerline pylons.

- 6.44 There are few Public Rights of Way in close proximity to the site with the closest over 0.5km from the site. Consequently, the effect of the proposed development on the views of people using these footpaths would be no worse than moderate due to their distance from the proposed development and the minor scale of change in their views. Again, the effect would be neutral as the composition of their pre-change views contains buildings and other detractors.
- 6.45 Users of Public Rights of Way in St Bees Head Heritage Coast and the Lake District National Park would be over 3.5km from the proposed development. The proposed development would occupy a limited proportion of the panoramic views from these locations and the effects would be at worst slight and neutral. In the view from both of these designated landscapes, the settlements of Cleator Moor and Whitehaven are key components.
- 6.46 Planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001 establish the principle of the development across the Application Site as a whole and its associated landscape impacts.
- 6.47 The residential development now proposed includes housing development on one parcel of land, with the parcel of land to the south now to be retained as publicly accessible open space.
- 6.48 Containing development to the north of the Application Site, the development of single story dwellings and the extensive landscaping scheme reduces the landscape and visual impacts of the development.

## **Design**

- 6.49 Policy DS4 of the LP 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.
- 6.50 Policy H6 of the LP 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.

- 6.51 Policy N11 of the LP defines the levels of open space should be provided on site where possible. The provision of a financial contribution in lieu of on-site open space is supported where open space cannot be provided on site or where there is no requirement to provide additional open space. It is required that any new open space should form an integral part of the development and should be accessible.
- 6.52 The proposed layouts have been designed with reference to the shape and form of the Application Site.
- 6.53 The proposed estate road is shown as a formal driveway with gentle curves following the northern boundary of the site. The areas around the access road are landscaped with structure planting to the north of the access road and specimen trees surrounding and within a landscaped amenity area to the south.
- 6.54 The developed area of the application site incorporates frontage development to the highway from which a number of cul de sacs are located within discrete developed areas contained by structured planting, which screen the development externally and within some views from within the Application Site. The development is centered around a public open space bordering a row of alms houses, with a one-off gate house designed dwelling demarking the entrance to the developed area which add interest to the development.
- 6.55 The Applicant has made a number of revisions to the scheme to improve the development from an urban design perspective including revising the layout, amending the orientation of dwelling and introducing activity to gable elevations. Notwithstanding the above, there remain elements of the layout that do not follow conventional urban design practice, with gables facing onto highways and backland development; however, given the level of containment provided by the structured planting, these forms are considered acceptable.
- 6.56 The proposed dwellings follow a consistent design theme. A limited pallet of materials is proposed that are appropriate in the context.
- 6.57 The proposed development has been designed with some legibility. The layout includes a hierarchy of streets and spaces with linkages through the development to areas of the wider locality and incorporates focal features that assist with way finding. The routes through the site will encourage active travel.

- 6.58 The proposed development includes a number of both strategic 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.
- 6.59 Once the proposed scheme of landscaping is established, it will deliver some strategic screening and will tie into the surrounding woodland planting.
- 6.60 The proposed development includes considerable amenity green space and the Applicant has agreed to the provision of equipped play provision within the large amenity space and a planning condition is proposed to secure a detailed scheme and its delivery.
- 6.61 The open space provision exceeds the requirements of Policy N11 of the LP.

### **Ecology**

- 6.62 Policy N1 of the LP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.
- 6.63 An Ecological Assessment has been prepared in support of the planning application.
- 6.64 The results and findings from the Assessment conducted on the site indicate that no further additional survey effort is deemed necessary for European Protected Species or species of note and that the size and limitations of the proposed development of the site will have no significant negative impact on the biodiversity of the area.
- 6.65 A scheme of mitigation is proposed to minimise the impacts of the development upon species present during the construction phase and implementation of this mitigation is secured through the imposition of a planning condition.
- 6.66 Adverse impacts upon designated ecological sites are not identified.
- 6.67 The Council's Consulting Ecologist initially raised concerns regarding the submitted Ecological Assessment and requested the provision of additional information and survey effort.
- 6.68 The additional information was provided and additional survey effort undertaken including a Red Squirrel Dreys and Site Presence Assessment. This resulted in the Council Ecologist confirming that a Habitats Regulation Assessment is not required and that there are no objections subject to the imposition of planning conditions to secure mitigation and enhancement in

relation to impacts upon breeding birds, badgers and small mammals, bats, amphibians and reptiles and red squirrels.

- 6.69 Concerns have been raised regarding the conclusions of the Red Squirrel Dreys and Site Presence Assessment by a local resident. The Council Ecologist has confirmed that ecological surveys can only assess what the Ecologist sees at that time, with squirrels being a highly mobile species; therefore, local resident evidence such as that provided is important.
- 6.70 The Council Ecologist has confirmed that Red Squirrels themselves are protected but their commuting and foraging activity, which the submitted images show is not. This means that, whilst construction activity must not harm Red Squirrels and must take every precaution to ensure their safeguarding, foraging activity being disturbed by construction noise is not a legal offence. However, their resting places and breeding sites (dreys) very much are protected. Evidence of a drey being either on the Application Site or within 50m of the Application Site was sought from the local resident; however, nothing was received.

### **Arboriculture**

- 6.71 A landscape layout plan and a Pre-development Arboricultural Report which includes an impact assessment have been submitted in support of the Full Planning Application. The impact assessment recommends the removal of five trees (41, 44, 46, 47 & 48), parts of two tree groups (42 & 45), and two sections of hedgerow (31 & 35).
- 6.72 The plans included in the Pre-development Arboricultural Report show a different site layout to the submitted scheme.
- 6.73 The Arboricultural Consultant to the Council recommend asking the Applicant to update the Pre-development Arboricultural Report plans, impact assessment and recommendations to reflect the submitted site layout.
- 6.74 The Applicant has confirmed that it is their view that this is unnecessary and a revised response from the Arboricultural Consultant to the Council remains awaited.
- 6.75 A planning condition has been imposed to secure an Arboricultural Method Statement to prevent impacts upon retained trees and hedgerows.

### **Biodiversity Net Gain**

- 6.76 Policy N3 of the LP 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 N1. This is in addition to any compensatory habitat provided under Policy N1. 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.

- 6.77 As this Full Planning Application was submitted after the 12<sup>th</sup> February 2024, the development is the subject of mandatory biodiversity net gain and is required to provide a minimum of ten percent biodiversity net gain over and above existing site levels as required by the Environment Act 2021.
- 6.78 A Biodiversity Net Gain Assessment has been prepared in support of this Full Planning Application.
- 6.79 The Assessment establishes baseline habitat value and post development habitat value following enhancement.
- 6.80 It has been demonstrated that the required biodiversity net gain can be delivered on the Application Site.
- 6.81 A Habitat Maintenance and Monitoring Plan has not been prepared.
- 6.82 The Cumberland Council – Ecologist has raised no objections and confirmed that a planning condition is proposed to secure delivery of the required biodiversity net gain of ten percent.
- 6.83 Planning conditions are proposed to secure a detailed scheme of habitat creation and a habitat maintenance and monitoring plan, to ensure that the net gain is delivered at an appropriate time during the delivery of the project and to ensure that the net gain is maintained for the required minimum of 30 years.

### **Access and Highways**

- 6.84 Strategic Policy C02 states that development that is likely to have a detrimental impact on the Highway network will be resisted.
- 6.85 Paragraph 115 of the NPPF requires that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Paragraph 116 of the NPPF requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

- 6.86 Dalzell Street is approx. 5.7m wide with 2.5-3m grass verges. It is rural in nature, unlit and is subject to the national speed limit.
- 6.87 The proposed access is 5.5m wide with 6m kerb radii and a 1.8m wide footway.
- 6.88 The validity of the Transport Statement has been questioned as was the case in relation to planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001; however, the conclusions of the Transport Statement were accepted by Cumberland Council – Highways.
- 6.89 Planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001 establish the principle of creating access to the Application Site 4/23/2104/001 via a new priority junction onto the C4003 - Dalzell Street, the same level of impact upon the operation of the highway network and the creation of continual active travel links through the Application Site from Summergrove Park to West Lakes Science Park.
- 6.90 It is proposed to access the Application Site via a new priority junction onto the C4003 - Dalzell Street as approved under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001.
- 6.91 The proposed development layout and parking provision accord with the principles and technical requirements of the Cumbria Design Guide.
- 6.92 Cumberland Council – Highways have raised no objections to the development; however, confirm that further consideration is required in relation to the design of the emergency vehicle access and minor elements of the footway provision.
- 6.93 Planning conditions are proposed by Cumberland Council – Highways to secure technical specifications of the proposed highways, details of the ditch pipe at the access; no vehicular access other than via the approved accesses, a Construction Traffic Management Plan and detailed routing plans/specifications for the approved emergency vehicle access.

### **Active Travel**

- 6.94 In respect of active travel, the Application Site is not located within a settlement, where services exist to meet every day needs etc., instead it was deemed sustainable due to its location in proximity to a range of differing settlements that provide such services and employment opportunities.

- 6.95 The availability of active travel opportunities to provide connections to access to these services etc. is a factor in making the location and any proposed development sustainable.
- 6.96 It is clear that active travel opportunities at the Application Site are currently limited given the existing character etc. of the surrounding infrastructure and available linkages.
- 6.97 There is no PRow that provides direct connections between the Application Site or the surrounding area and Whitehaven. Informal routes exist but given the characteristics of the routes they will not be attractive to users, particularly when dark or during inclement weather. These routes are identified as potential walking/cycling routes in the LCWIP (Routes 17 and 18). The LCWIP states the following in relation to these routes: "Longer term aspirational routes that could provide a traffic-free cycle route between the West Lakes Science Park to the West Cumberland Hospital, further feasibility studies would be required to determine if either route would be possible" with a cost range of "£3-5m". It is clear that the ability to deliver these as formal routes has not been established and timescales for any delivery have not been established; therefore, limited weight can be given to these as potential active travel routes/opportunities.
- 6.98 Linkages between the Application Site and the boundary with the adjacent West Lakes Science Park have been secured under planning application reference 4/22/2237/001. It is understood that whilst walking and cycling is currently encouraged within the West Lakes Science Park and it provides linkages to the A595 and the NC72 cycling route, a legal right of use does not exist and so it could be removed/prevent in the future. The operators of the West Lakes Science Park have not indicated any intention to remove rights.
- 6.99 In addition to the above, the following linkages exist:
- through Summergrove Park to Keekle via existing footways on Dalzell Street;
  - through Summergrove Park to Cleator Moor via Galemire on the highway (no footways); and,
  - to Moor Row via Dalzell Street on the highway (no footways).
- 6.100 These linkages do not provide direct routes and again do not represent inviting opportunities given the distances and traffic volumes, particularly when dark or during inclement weather.
- 6.101 The provision of a cycleway was requested by Cumberland – Highways as part of planning application reference 4/23/2104/001. It was sought to create a direct active travel linkage to the wider active travel network and so ensure that the linkages necessary to make the development more sustainable and encourage active travel exist.

- 6.102 The provision of such a route was discounted for a number of reasons in the determination of planning application reference 4/23/2104/001.
- 6.103 The route is not identified for delivery in the LCWIP and is currently only an aspiration, with no formal scheme known to have been designed or developed.
- 6.104 The requirement to deliver such linkages was not deemed reasonable given the scale of development proposed under application ref. 4/22/2237/001 and hence the request for linkages to West Lakes Science Park only.
- 6.105 It was acknowledged that the development approved under application ref. 4/22/2237/001 and the development currently proposed would be delivered as one. The collective scale of the proposed development comprising 70no. dwellings, whilst increasing the threshold of what can be considered reasonable in relation to contributions to active travel, was still deemed insufficient to warrant a contribution of £260,000. It was deemed that the contribution was not reasonable in scale and kind to the development proposed and so did not meet the tests for planning obligations. The lack of a defined scheme and delivery plan for the infrastructure also brought into question the deliverability.
- 6.106 Notwithstanding the above, it was considered that the proposed development must deliver the maximum level of connectivity to existing and not prejudice or prevent the delivery of potential future active travel linkages within the locality. This includes facilitating and not prejudicing the following connections as a minimum up to the boundaries of the Application Site: a link to West Lakes Science Park via Dalzell Street; a link to West Lakes Science Park and Summergrove Hall via the boardwalk; and, a footway and cycle routes running north/south and east/west providing opportunities for linkages through from WLSP to Summergrove and Dalzell Street to Summergrove. A planning condition was proposed to secure delivery.
- 6.107 Continual pedestrian links are proposed through the Application Site from Summergrove Park to West Lakes Science. This includes the creation of:
- a footway/cycle link which doubles as an emergency vehicle access is proposed to Summergrove Park;
  - a footway link to the existing boardwalk connecting West Lakes Science Park and Summergrove Hall; and,
  - a new pedestrian footway to Dalzell Street connecting from the proposed footways within the development and connecting to the emergency vehicle access serving West Lakes Science Park.
- 6.108 Cycle provision is incorporated through the development.

6.109 The proposed development secures the active travel provision secured under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001.

### **Flood Risk and Drainage**

6.110 Policy DS6 seeks 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.

6.111 Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

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

6.113 A detailed drainage scheme was initially submitted; however, following revisions to the layout of the development and significant lead times in the preparation of updated engineering details, the detailed drainage scheme was withdrawn.

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

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

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

6.117 Cumberland Council – LLFA has raised no objection subject to the imposition of pre-commencement planning conditions securing a detailed drainage scheme.

6.118 United Utilities have requested that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application; however, also accept that should planning permission be granted without the provision of this information, a planning conditions should be imposed to secure such details.

6.119 Based upon the information submitted, it is clear that an acceptable means of foul and surface water drainage is deliverable; therefore, it is considered that

a pre-commencement planning condition securing a detailed drainage scheme is acceptable in this case.

### **Residential Amenity**

- 6.120 Policy DS4 of the LP requires that development maintains high levels of amenity and contribute positively to the health and wellbeing of residents.
- 6.121 Given the scale, form and layout of the proposed development adverse impacts upon existing and proposed dwellings will not result through loss of light, overbearing, overshadowing and overbearing effects.
- 6.122 It is inevitable that any residential development is likely to result in some adverse impacts upon residential amenity during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management and construction traffic management.

### **Ground Conditions**

- 6.123 Policy DS6 and Policy DS10 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 6.124 A Preliminary Environmental Risk Assessment (PERA) has been submitted in support of the planning application.
- 6.125 The submitted PERA identifies the Application Site is considered to represent a very low to low geotechnical risk; a very low risk from ground contamination; negligible risk to adjacent sites and controlled water in relation to ground/groundwater contamination; and, a low risk to users from ground gas.
- 6.126 It is recommended that Phase 2 Ground Investigation works are completed to fully characterise the ground/groundwater conditions and ground gas regime below the development site.
- 6.127 The PERA provides confidence that it will be possible to suitably manage the ground risks posed and a pre-commencement planning condition is proposed to secure completion of the additional works identified as necessary to fully demonstrate acceptability.
- 6.128 The Environment Agency and Environmental Health have raised no objections subject to the imposition of planning conditions to secure the additional information suggested in relation to ground contamination and to control unexpected ground contamination.

## **Education**

- 6.129 Cumberland Council – LEA did not request a financial contribution in respect of education under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001; therefore, it is not justified to secure a financial contribution under the current application.

## **7. The Planning Balance**

- 7.1 Planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001 comprise a legitimate fallback position and establish the principle of the development, the location of the vehicular access, the provision of active travel links and requirements in relation to contributions. In addition, the site is allocated for residential development under Policy H5 (HSU1 – Land to South West of Summergrove) of the adopted Copeland Local Plan 2021–2039. This allocation attracts substantial weight in favour of the principle of development. This is given significant weight.
- 7.2 Notwithstanding, the position of the Housing Team, given that the development comprises single-storey dwellings, the provision of which are limited within new housing development, the SHMA recommendations and given that the GHNS and SHMA recommendations are to be considered in the round with reference to the housing mix delivered within all new build developments within the local plan area, the overall housing mix and affordable housing mix/provision proposed is on balance considered acceptable and compliant with the requirements of Policy H7 and Policy H8 of the LP. This is given moderate weight.
- 7.3 Whilst the development is in conflict with the active travel request from Cumberland Council – Highways, the proposed development secures the active travel provision secured under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001. This is given significant weight.
- 7.4 The landscape impacts of the development are reduced from those accepted under planning application reference 4/22/2237/001 and planning application reference 4/23/2104/001 and the design of the proposed development is appropriate to the location. This is given significant weight.
- 7.5 A biodiversity net gain of ten percent is demonstrated as deliverable. This is given moderate weight.
- 7.6 The development would not result in unacceptable impacts in respect of residential amenity, highway safety, land contamination and drainage subject to the imposition of planning conditions. This is given moderate weight.

- 7.7 Whilst Cumberland Council – Education have requested a financial contribution towards secondary education provision, no such contribution was secured under the extant outline planning permissions which form a strong fallback position. Given that these permissions are capable of implementation and would not deliver any education contribution, it is not considered reasonable or necessary to require such a contribution in this instance. The proposal is therefore considered to meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 7.8 On balance, it is considered that subject to the planning conditions proposed, the development is acceptable and accords with the relevant provisions of the Development Plan.

## **Recommendation**

Subject to:

- the receipt of a consultation response from the Council's Arboricultural Consultant confirming that the submitted arboricultural information is acceptable, or can be made acceptable subject to conditions; and,

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate and further delegates to the Service Manager for Development and Implementation to agree the final terms and conditions of the section 106 agreement, which as detailed in this report are proposed as:

- Securing the delivery of 10% of the dwellings to meet the definition of affordable housing, discount sale.

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**

#### Defining The Permission

#### Standard Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

#### Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan – Drawing No. 15/10/863-01 b)

Overall Site Plan – Drawing No. 15/10/863-06 a)

Site Plan (Enlarged – North) – Drawing No. 15/10/863-07 a)

Site Plan (Enlarged – South) – Drawing No. 15/10/863-08 a)

Site Plan (Enlarged – SW Basin and BNG) – Drawing No. 15/10/863-14 a)

Landscape Layout – Drawing No. M3508-RM-01-V02

Car Parking Allocation Plan – Drawing No. 15/10/863 - 15

AFFORDABLE HOUSING & HOUSING STANDARDS STATEMENT - JOHN SWIFT HOMES LTD - LAND AT SUMMERGROVE,

GATEHOUSE - FLOOR PLAN AND ELEVATIONS – Drawing No. DWG: 20134 (FE) 019 \*

ALMSHOUSES - BLOCK 1 - FLOOR PLAN & ELEVATIONS – Drawing No.20134 (FE) 011 \*

ALMSHOUSES - BLOCK 2 & 3 - FLOOR PLAN & ELEVATIONS Drawing No. 20134  
(FE) 010 C

Dwelling Type A – Plan & Elevations – Drawing No. 15/10/863-09

Dwelling Type B – Plan & Elevations – Drawing No. 15/10/863-10 a)

Dwelling Type C – Plan & Elevations – Drawing No. 15/10/863-11 a)

Dwelling Type D – Plan & Elevations – Drawing No. 15/10/863-12 a)

Dwelling Type E – Plan & Elevations – Drawing No. 15/10/863-13

Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN  
April 2022

Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN  
August 2025

Ecology Report Red Squirrel Dreys and Site Presence

EXTERNAL MATERIAL SCHEDULE (70 dwellings) - REF: 18/10/863 – EMS

FLOOD RISK ASSESSMENT - JOHN SWIFT HOMES LTD - LAND AT  
SUMMERGROVE

DRAINAGE STRATEGY - JOHN SWIFT HOMES LTD - LAND AT  
SUMMERGROVE,

Flood Risk Assessment & Outline Drainage Strategy - Summergrove, Whitehaven  
John Swift Homes - Ref: K39183.FRA/001

PHASE 1: DESK TOP STUDY REPORT PROPOSED RESIDENTIAL  
DEVELOPMENT OF LAND AT: SUMMERGROVE, WHITEHAVEN, CUMBRIA -  
Report Ref: 2018-3441

Off Site BNG Report for Land to South West of Summergrove, Whitehaven Grid Ref  
NY00161593 November 2024

BNG Report for Land to South West of Summergrove, Whitehaven CA28 8YN  
National Grid Field No. NX 9915 9646 October 2024

BNG Report for Phase 2 Off Site Land to South West of Summergrove, Whitehaven  
CA28 8YN National Grid Field No. NX 9915 9646 October 2024

BNG Report for Phase 2 Land to South West of Summergrove, Whitehaven CA28  
8YN National Grid Field No. NX 9915 9646 October 2024

Planning, Design & Access Statement - Full Planning Application for Seventy  
Dwellings Land at Summergrove, Whitehaven, Cumbria

Summergrove, Moor Row (Phase 2) - Ref. 784-B047255 - Transport Statement

Reason

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

### On Site - Biodiversity Net Gain

3. No development shall commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

4. The development hereby approved shall not be brought into use until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

5. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 3, a completion report, evidencing the completed habitat creation and habitat enhancements shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

6. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by Planning Condition 3 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

7. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 3 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports shall be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 unless otherwise stated in the Habitat Management and Monitoring Plan secured by Planning Condition 3.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

### Pre-Commencement Planning Conditions

#### *Contamination Assessment*

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

The Phase 2 Ground Investigation report shall include:

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

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of pollution in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

#### *Highways*

9. No development shall commence unless and until the visibility splays identified on Junction Plan – Drawing No. 15/10/863-05a) have been created.

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

#### Reason

In the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

10. Prior to the commencement of development detailed specifications of carriageways, footways, footpaths, cycleways shall be submitted to and approved in writing by the local planning authority.

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

11. Notwithstanding the submitted details, no development shall commence until a detailed specification for the routing, alignment and construction specification of the emergency vehicle access connecting to Summergrove Park has been submitted to and approved in writing by the local planning authority.

The emergency vehicle access must be constructed and brought into use prior to the occupation of the 50th dwelling hereby approved.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

12. Prior to the commencement development detailed specifications of the piped connection of the existing road side ditch at the junction of the development with Dalzell Street shall be submitted to and approved in writing by the local planning authority.

Any works so approved shall be constructed prior to the occupation of the first dwelling.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

13. No development shall commence until full details of the off-site footway works within the public highway, as detailed on Overall Site Plan – Drawing No. 15/10/863-06 a) and Site Plan (Enlarged – SW Basin and BNG) – Drawing No. 15/10/863-14 a) have been submitted to and approved in writing by the Local Planning Authority.

The details shall include the alignment, width, levels, construction specification, drainage, and arrangements for tying into the existing highway network.

No part of the development shall be occupied until the approved off-site footway works have been completed in full and are available for use.

Prior to the commencement of development, evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a suitable mechanism has been secured to enable the delivery of the off-site works within the public highway, including (where necessary) the completion of an agreement under Section 278 of the Highways Act 1980.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

### *Construction Management*

14. Notwithstanding the submitted details, prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall include:

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

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

Reason

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

15. Prior to the commencement of each phase of development a Construction Surface Water Management Plan (CSWMP) shall be submitted to and approved in writing by the local planning authority.

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

#### Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

16. Notwithstanding the submitted details, prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of provisions of Policy C02 of the Copeland Local Plan 2021-2039.

#### *Drainage*

17. Prior to the commencement of development details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority unless a sustainable surface water drainage scheme and a foul water drainage scheme has previously been submitted to and approved in writing by the local planning authority for the whole site.

The drainage schemes must include:

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

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

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

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

### *Play Provision*

18. Prior to the commencement of development a scheme for the provision of children's play space/equipment shall be submitted to and approved in writing by the Local Planning Authority.

The children's play space/equipment should be a minimum of 140m<sup>2</sup> in area.

The play provision shall be delivered prior to the occupation of the 30<sup>th</sup> dwelling hereby approved.

#### Reason

To ensure sufficient open space is provided within the site for use by future occupants in accordance with the requirements of Policy N11 of the Copeland Local Plan 2021-2039.

#### *Ecology*

19. Prior to the commencement of development scheme to secure the following ecological mitigation/enhancement works shall be submitted to and approved in writing by the Local Planning Authority:

- Four bird boxes to provide opportunities for breeding birds;
- Four swallow cups to provide opportunities for breeding swallows; and,
- Four bat boxes.

#### Reason

To prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2021-2039.

#### *Arboriculture*

20. Prior to commencement of development, an Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must follow the guidance in the British Standard (BS 5837:2012 – Trees in relation to design, demolition and construction – Recommendations).

The development shall be implemented in accordance with the approved details.

#### Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.

#### Pre-Occupation Planning Conditions

#### *Drainage*

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

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

#### Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

#### *Highways*

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

#### Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

#### Other Planning Conditions

#### *Ecology*

23. The development shall not proceed except in accordance with the mitigation strategy described in Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN August 2025 and Ecology Report Red Squirrel Dreys and Site Presence.

#### Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2021-2039.

#### *Unexpected Contamination*

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

#### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

#### *Hours of Construction*

25. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 - 18.00 Monday to Friday, 08.00 - 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

#### Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

#### *Highways*

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

#### Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of highway safety in accordance with the provisions of Strategic Policy CO4 and Policy CO5 of the Copeland Local Plan 2021-2039.

27. Footways and cycleways shall be provided that link continuously and conveniently to the nearest existing footways and cycleways.

Reason

To ensure a minimum standard of construction and in the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

*Active Travel*

28. The active travel linkages connecting the Application Site to West Lakes Science Park hereby approved must be constructed and brought into use prior to the occupation of the 50th dwelling hereby approved.

Reason

To ensure a minimum standard of construction in the interests of securing active provision in accordance with the provisions Strategic Policy CO4 and Policy CO5 of the Copeland Local Plan 2021-2039.

*Landscaping*

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

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.