

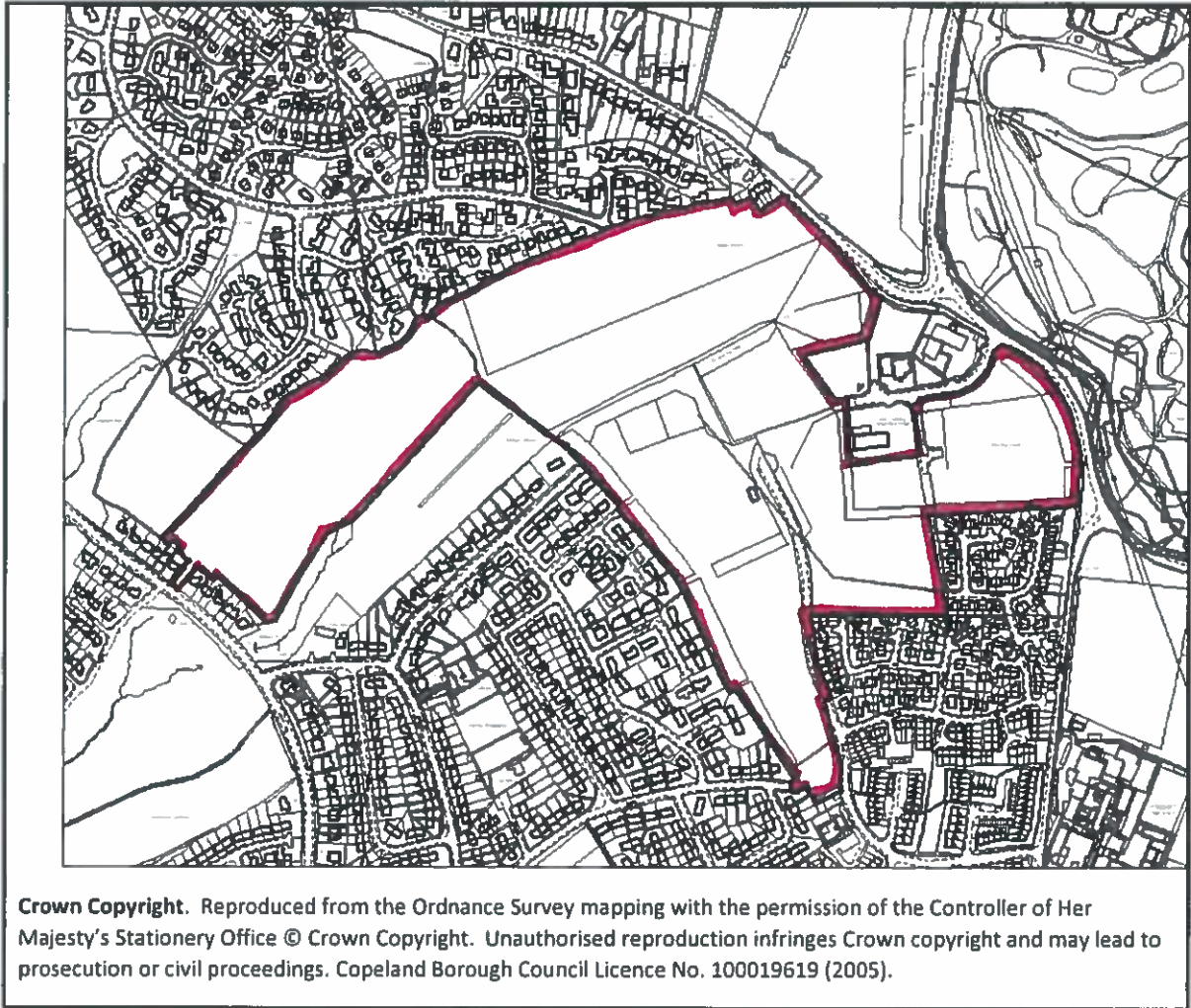


To: PLANNING PANEL

Development Control Section

Date of Meeting: 18/09/2019

<b>Application Number:</b>	4/18/2287/001
<b>Application Type:</b>	Outline : CBC
<b>Applicant:</b>	Homes England
<b>Application Address:</b>	LAND AT HARRAS MOOR, WHITEHAVEN
<b>Proposal</b>	OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 370 HOUSES WITH ASSOCIATED OPEN SPACE AND INFRASTRUCTURE
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	<p>Members authorise delegated authority to the Planning Development Manager to approve planning permission for the development subject to:</p> <ul style="list-style-type: none"><li>-A planning obligation securing the delivery of 15% of the proposed dwellings as affordable housing, 7.1 hectares of public open space and a travel plan monitoring fee; and</li><li>-The planning conditions outlined at the end of this report</li></ul>



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

The application is brought for consideration by Members of the Planning Panel as the proposal is for a major development and has been the subject of significant local interest.

### **Site and Location**

The Application Site comprises 23 hectares of land located to the south west of Harras Moor in Whitehaven.

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

A small area to the north of the Application Site comprised the now infilled former Standing Stones quarry.

The Site is enclosed by the Harras Moor Industrial Estate and Red Lonning to the east; the Highlands residential area to the north; mature Ancient Woodland known as Midgey Wood to the south; and, the dwellings to the north of Loop Road South to the west.

Midgey Gill watercourse runs within Midgey Wood.

## **Proposal**

The application seeks Outline Planning Permission with all matters excluding access reserved for the development of up to 370no. dwellings.

Access to the development is proposed via Harras Road and Caldbeck Road which it is anticipated will connect to form a primary spinal road serving the development as a whole.

Pedestrian connections are proposed to Loop Road South, the Highlands residential estate and the highways to the east and west.

A SuDs drainage system will serve the development for the disposal of surface water, which will ultimately discharge to Midgey Gill at a rate no greater than existing greenfield run off.

The development will deliver 15% of the dwellings proposed as affordable housing.

Illustrative plans detailing how a scheme of 370 dwellings could be development has been submitted in support of the planning application; however, these plans do not form part of the formal planning application documentation. The plans illustrate the delivery of a total of 7.1 ha of publicly accessible open space comprising formal play areas, wildlife buffers and corridors and an enhanced planting scheme to strengthen the existing woodland and ensure the protection of the woodland outside the Site.

## **Consultation Responses**

### **Whitehaven Town Council**

Councillor's wish to raise objections to the development on behalf of some residents who had expressed concerns over flooding, drainage, access and egress.

### **Highways England**

No objection in principle subject to the Applicant delivering a scheme to mitigate the effects of the development on the A595 Egremont Road/Holmewood Road roundabout.

A detailed design for any mitigation scheme has not been agreed with Highways England. The design details illustrate the southern approach arm of the roundabout having two lanes on entry using only the existing carriageway width, which is not considered deliverable to current design standards within the Design Manual for Roads and Bridges.

The scheme of mitigation has been discussed with the Applicant's consultant and it is considered that a scheme could be delivered to mitigate the effects of the development; however, as no design has currently been agreed, there is a risk for the Applicant that a design is not found to be agreeable and that there is potential for significant cost increases. Discussions are ongoing with the Applicant's consultant regarding the detailed design.

A pre-commencement planning condition is proposed requiring the submission and approval of a scheme of mitigation prior to the commencement of development and a further controlling condition is proposed requiring completion of the scheme of mitigation prior to the occupation of the 200<sup>th</sup> dwelling or four years after the first dwelling is completed, whichever comes first.

### **Cumbria County Council – Highways**

No objections to the proposed development subject to a Section 106 Agreement securing a Travel Plan monitoring fee of £6600 and the inclusion of planning conditions requiring the following:

- No more than 100 dwellings shall be occupied until the junction modifications for the Main Street / Cleator Moor Road Junction are completed;
- No dwelling be occupied until the access and parking requirements for each dwelling have been constructed;

- The submission and approval of a Travel Plan within 6 months of occupation and implementation of approved measures;
- The submission, approval and implementation of a Construction Method Statement;
- The submission, approval and implementation of a Construction Traffic Management Plan; and,
- The provision of visibility splays of 2.4m x 63m.

#### Cumbria County Council – Education Authority

There will be sufficient capacity within existing schools for the estimated primary and secondary yield from the proposed development.

No contribution for school transport will be sought as there are sufficient safe walking routes in the vicinity of the Site.

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

The Flood Risk and Drainage Assessment demonstrates that an adequate drainage system can be achieved without increasing flood risk to the Site or adjacent land in particular the culverted watercourse to the eastern catchment; however, further information is required to ensure the drainage of the development is completed in a sustainable manner.

A pre-commencement planning condition is proposed to secure a detailed surface water drainage scheme in accordance with the hierarchy of drainage options and Non-Statutory Technical Standards for Sustainable Drainage Standards 2015 or replacement standards, including a condition survey of the culverted sections of Bedlam Gill and management scheme.

A pre-commencement planning condition is also requested to secure a Construction Surface Water Management Plan.

#### Cumbria County Council – Historic Environment Officer

The completed desk-based assessment and geophysical survey indicate that the construction of the proposed development is likely to disturb a number of archaeological assets. The surveys have provided further information on the character of these assets and shows that it is very unlikely they are so significant that provisions should be made to secure their preservation. Instead, the assets are of sufficient worth to warrant mitigation by the implementation of a scheme of archaeological investigation and recording, in the event planning consent is granted.

It is recommended that in the event that planning consent is granted, pre-commencement planning conditions should be imposed securing further archaeological investigation and recording in advance of development.

#### The Coal Authority

No objections.

Adequate assessment of the coal mining risks associated with this Site has been carried out to demonstrate that the Site is, or can be made safe and stable for the development proposed.

A pre-commencement planning condition is proposed to require the submission, approval and implementation of a scheme of intrusive site investigation to properly assess the ground conditions on the Site and establish the risks posed to the development by past coal mining activity and an associated scheme of remediation/mitigation.

#### United Utilities

No objection.

The proposals are acceptable in principle subject to completion in accordance with the principles outlined in the submitted Flood Risk and Drainage Assessment. It is confirmed that no surface water will be permitted to drain directly or indirectly into the public sewer.

Pre-commencement planning conditions are proposed to secure a detailed surface water drainage scheme and a management and maintenance regime.

#### Natural England

No comments.

## Environment Agency

### *Land Contamination*

The submitted Phase 1 NQMS identifies the previous use of the Site as overlying potential mined coal seams, an infilled quarry site containing potentially waste materials and mounds of unknown materials on the Site.

The previous use presents a high risk of contamination that could be mobilised during construction to pollute controlled waters, which are particularly sensitive in this location due to the location upon a Secondary Aquifer A.

The submitted Phase 1 NQMS provides confidence that it will be possible to suitably manage the risk proposed to controlled water by this development; however, further information will be required before built development is undertaken.

No objection subject to the imposition of a pre-commencement planning condition requiring the submission, approval and implementation of a remediation strategy.

### *Flood Risk*

The submitted Flood Risk Assessment demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified.

## Copeland Borough Council – Flood and Coastal Defence Engineer

### *Flood Risk*

The Flood Map for Planning shows the entire proposed development lies in Flood Zone 1.

Flood Zone 1 comprises land assessed as having a less than 0.1% annual probability of river or sea flooding.

All uses of land are appropriate in this zone.

### *Surface Water Drainage*

The existing Site exhibits poor drainage characteristics due to clayey soils. There is a lot of evidence of surface flows and standing surface water, although these are not significant in depth. Properties adjacent to proposed development have reported problems of surface water and groundwater, which have never been resolved.

No objection to the development, provided that the proposed development can improve the identified drainage matters and control off site discharges into watercourses to greenfield run off for a 1 in 100 event including a 40% allowance for climate change.

Any surface water drainage strategy should, in addition to reducing flood risk bring additional watercourse, environmental and ecological improvements.

### Copeland Borough Council – Arboriculturalist

The Site is bounded in part by woodlands, groups of trees and hedgerows. Groups of trees divide up the internal area of the Site. Woodland W1 is outwith the redline area but could still influence, or be affected by development of the Site.

The woodland, tree groups and hedgerows make a positive contribution to the character of the area. The majority of the tree groups and the woodland are in good condition however, some groups are in a much poorer condition.

The woodland and retained groups of trees and hedgerows will require robust protection from development activities by means of tree and hedge protection barriers. The location of the barriers can only be agreed once a detailed layout has been submitted for approval. Tree and hedge protection will be required for all the trees on the Site throughout the life of the development. It may transpire that works are required to be undertaken in the root protection area of the trees. If this is the case an Arboricultural Method Statement will be required to ensure that the works can be carried out without causing unnecessary harm to the trees and hedges.

A detailed landscaping scheme will be required prior to commencement of development on Site.



Copeland Borough Council – Housing Officer

Fully supportive of the proposal to develop the Site.

The proposed housing mix will provide much-needed executive homes. The mix of detached and semi-detached housing including bungalows will attract and retain families and workers within Copeland.

The aspiration to provide between 15-25% affordable housing for sale is supported and should be realised on this particular development. The full 25% should be sought and provision should not fall below 20%. The rationale for there being no affordable or social rented properties is understood; however, this should be delivered if possible.

Copeland Borough Council – Environmental Heath

No comments received.

Copeland Borough Council – Development Plans

The Site is located within the settlement boundary of Whitehaven. Part of the site is an extant housing allocation, by virtue of being saved from the Copeland Local Plan 2001-2016 (sites HA1 and HA2), and most of the site was proposed as a Possible Housing Allocation in the *Site Allocations and Policies Plan Preferred Options* (sites WH1, WH2, WH3 and WH4). This is in line with Policy ST2 and Figure 3.2 and the principle of housing in this area is supported and established in policy.

There appears the potential for a good range of property sizes and types, and the provision of 56 intermediate tenure homes (15% of the total number) is in line with the current Strategic Housing Market Assessment and requirements set out in Policy SS3 and paragraph 5.4.5.

The amount of open space and green space within the site (7ha) is welcomed, as it provides a number of functions that support wildlife and ecology, drainage, play space and general amenity, confirming with Policies SS5, ENV1, ENV3 and DM12. It is recognised that a former football pitch has formed part of the development, however it had not been used for some time and the proposed redistribution of the open space provides an opportunity for a better designed scheme. Formal alternative community sports provision will be available at the Whitehaven Campus once it is completed later this year.

The density of development is lower than that required by Policy SS2, but this allows for a better designed scheme which uses the sites natural assets such as hedgerows, provides quality open space and improves drainage in the area which supports Policies ENV5B and DM26.

The inclusion of two primary access points, and six more for pedestrian access to the development, means that the development is very accessible and well connected with the surrounding developments and wider networks supporting the principles of Policy T1 and DM22.

Support many of the principles for development, indicative layout, density, green spaces etc. that are highlighted within this application and its associated supporting documents; however, want to ensure that these are carried forward when development is completed. Concerns relate to the fact that the land is likely to be sold in phases and to more than one developer. Whilst this has the benefits of increasing the diversity of development and accelerating the build out rates for the site there is a risk that the infrastructure and open spaces will be deferred to later phases. To combat this we feel that the key principles within this application should be brought together as a masterplan containing key development principles, layout etc., potentially with a Design Code to ensure the infrastructure, open spaces and green corridors etc. are delivered in a timely manner and across all phases of the development.

In conclusion, support the proposal for a very positive scheme for Whitehaven, subject to the design principles, layout and general numbers being incorporated into an approved masterplan which can then be the focus for subsequent reserved matters applications. This will help to ensure that the scheme can deliver all of the aspirations within these outline proposals when it is developed.

#### Sports England

No comments received.

#### Friends of the Lake District / Campaign to Protect Rural England Cumbria Association

##### *Landscape*

The preparation of a Landscape and Visual Impact Appraisal (LVIA) is welcomed and broadly agree with the conclusions that the development, as proposed in this outline application, will not have significant adverse impacts on the Lake District National Park, the English Lake District World Heritage Site or the landscape character of the local area.

There is scope however for local and wider visual impacts. In general, the proposal reflects the guidance set out in the Cumbria Landscape Character Guidance and Toolkit for the relevant character areas. Nevertheless, in terms of landscape and visual impacts, it is important that the final design of the scheme layout and of the individual dwellings is also seen as an opportunity for mitigation impacts on landscape character and visual amenity – this is not properly identified in the LVA.

The requirements for conserving and enhancing the natural environment set out in the National Planning Policy Framework (NPPF), relevant to landscape appraisal are more extensive than those listed in the LVA.

### *Green Infrastructure and Open Space*

The Site contains land that has Urban Green Space protection in the Copeland Local Plan and also contains areas of Priority Habitat and significant mature tree belt.

Welcome the proposed approach to green infrastructure, including the retention and protection of the Urban Green Space, Midgey Wood (Ancient Woodland), the retention of the significant tree belts and other existing wooded areas and the connectivity between.

Also welcome the proposed provision of open spaces within the scheme, including the recognition that these can perform multiple functions with benefits for biodiversity, surface water management and recreation amongst others. The NPPF requires net gains for the natural environment. There is scope within the scheme for gaps in the green infrastructure network to be connected and greater opportunities for quantitative and qualitative (aesthetic and functional) enhancement

Whilst it is proposed for protection, the application does not appear to explicitly mention the presence of Priority Habitat (Deciduous Woodland) on the Site.

The fact that the Site lies in a Site of Special Scientific Interest Impact Risk Zone should also be given proper consideration.

### *Access*

Welcome the level of access and permeability proposed for pedestrians and cyclists; however, are concerned that although these are clearly indicated on the Draft Illustrative Masterplan, many seem blocked off in the Illustrative Layout, whilst they are referred to as 'potential' and 'possible' in other documents in the application.

It is also of concern that the Planning Statement (Access and Transport section) refers only to vehicular access rather than seeking to explore opportunities for and emphasise the importance of sustainable methods of transport.

### **Public Representations**

The application has been advertised by way of site notices, a press notice and neighbour notification letters issued to 688 no. properties.

1no. representation has been received in support.

45no. representations have been received in objection.

A petition containing 105no. signatures has been received requesting that the matter be referred to the Planning Panel.

The material planning issues raised in the representations are summarised below:

#### *Principle*

The proposed development is excessive in scale and overly intensive for this location.

There is no need for the scale of the development proposed.

The development will result in the loss of important greenspaces.

The development will result in additional pressure on existing public services including the hospital, G.P.s surgeries and schools, which are at capacity.

The development offers a rare opportunity for good quality self build plots for people who would like to build family homes in the area.

The development is not sustainably located in relation to public transport. The nearest bus stop is 700m from the Site. There are no direct cycling routes/links. The local amenities within walking distance are accessible via steep hills.

The development would result in the loss of public open space and recreation areas

There is no need to release what comprises a Greenfield site, when alternative brownfield sites exist.

The development is unlikely to be viable and therefore deliverable.

### *Landscape and Ecology*

The development will result in landscape and visual impacts and adversely impact upon the character of the wider locality.

The development will result in displacement of wildlife and prevent wildlife from crossing the land.

The development will result in the loss of existing important hedgerows.

The development will impact upon protected and priority species that exist on the Site.

The inclusion of a buffer zone around the ancient woodland is supported. Additional planting and fencing around the Ancient Woodland will provide additional protection.

Any landscaped buffer should be deciduous and coniferous to provide a suitable early barrier.

### *Flood Risk and Drainage*

Surface water flood risk is a known issue at the Site.

The existing watercourses are poorly maintained and result in localised flooding. The proposed development will exacerbate this issue.

The development will result in increased flood risk to adjacent properties.

Surface water drainage ponds pose potential safety risks for children.

Adequate sewage facilities do not exist to serve the development.

### *Highways*

The highway network is substandard and does not have sufficient capacity to serve the proposed development.

The development will exacerbate the existing known traffic and parking issues at St. Benedict's School.

The increase in vehicle traffic detailed within the application documentation is understated and does not reflect the number of dwellings proposed and known car reliance within Whitehaven.

A pedestrian footpath is planned to come on to the A595 where no pedestrian crossings exist and is an accident blackspot.

The proposed development will result in the creation of traffic rat runs through the Site from the Highlands and Red Lonning estates.

The lack of connections between the proposed development and Hillcrest Estate is supported.

### *Residential Amenity*

The development will result in harmful impacts through noise generation during construction and traffic generation and additional light pollution.

The development would result in the loss of daylight and overshadowing of existing dwellings.

The illustrative layout includes numerous areas with high potential for antisocial behaviour.

## *Heritage Impacts*

The Site has archaeological potential including the presence of an ancient stone circle.

## **Planning Policy**

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

## **Development Plan:**

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

#### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

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

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

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

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

#### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Policy HSG2 – New Housing Allocations

Policy TSP8 – Parking Requirements

**Other Material Planning Considerations**

Copeland Interim Housing Policy May 2017 (IHP).

National Planning Policy Framework (NPPF).

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

Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

**Assessment**

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

- The principle of the development;
- The impact of the development on the character of Whitehaven and the wider landscape character;
- The achievement of adequate access and the impact of the development on highway safety;
- Flood risk and the achievement of satisfactory drainage;
- The impact upon the residential amenity of existing dwellings; and,
- The impact upon ecology.



## **Principle of Development**

Policy ST2 identifies Whitehaven as the Principal Service Centre.

Policy ST2 states that the Principal Service Centre will comprise the focus for the largest scale development, regeneration and important development opportunities. This includes allocation in the form of estate-scale development where appropriate, potentially including extensions to the town's settlement boundary.

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

Policy SS2 states that house building to meet the needs of the community and to accommodate growth will be provided for by: allocating sufficient land for new housing development to meet identified requirements within the Borough; seeking densities over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding areas as well as design considerations; and, seeking to achieve 50% of new housing development on previously developed sites.

Policy HSG2 allocates land for housing purposes.

Policy SS4 and Policy DM12 seeks to resist the loss of land or buildings belonging to existing sports facilities where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

The Application Site is located within the defined settlement boundary of Whitehaven, where new housing development is supported.

The Application Site includes Housing Allocation Ref. HA1 and Housing Allocation Ref. HA2 as identified in Policy HSG2. These sites extend to 6.6Ha and 0.7Ha respectively. The principle of the residential development is established on these sites.

The development will result in the loss of a former recreation/sports area, which has not been utilised for a prolonged period. Improved and alternative recreation/sports facilities are available within the wider locality include the redeveloped St Benedict's High School that meet the needs of the wider local population. Sports England have been consultation on the application and have not made any comments.

The principle of residential development is supported subject to site specific matters.

### **Housing Need and Housing Mix**

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

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2014 Update (SHMA). The SHMA suggests a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a low need for new affordable housing.

The application comprises an Outline Planning Application with all matters excluding access reserved; therefore, details of the housing mix etc. is reserved for subsequent approval; however, the illustrative plans submitted in support of the application demonstrates how a scheme of 370no. dwellings comprising a mix of detached, semi-detached and terraced houses and bungalows could be developed.

A Site Specific Viability Assessment has been prepared by the Applicant. The Assessment concludes that the delivery of 15% of the proposed dwellings as affordable housing would not be viable in economic terms.

Notwithstanding the conclusions of the Viability Assessment, the Applicant proposes that 15% of the total number of proposed dwellings are affordable. It is confirmed that given the mandate of the Applicant (Homes England) to deliver affordable housing and their preference to deliver a policy compliant scheme, the Applicant is willing to accept the resulting impact upon the value of the land.

The Site clearly holds the potential to deliver a mix of housing that accords with the need identified within the SHMA and the requirements of Policy SS3.

A Planning Obligation is proposed to secure the delivery of 15% of the proposed dwellings as affordable and the proposed type and tenure of the affordable dwellings proposed.

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

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

An element of the Site is the subject of an Urban Greenspace Protection under the provision of Policy DM26.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within the Type 00 Urban Area and Type 5 Low Land and Sub-type 5d Urban Fringe.

A Landscape and Visual Appraisal (LVA) has been submitted in support of the planning application and provides an assessment of the effects of the proposed development.

The LVA concludes that negligible effects are anticipated upon the setting of Landscape Sub-type 5a Ridge and Valley at both construction and operational stages due to the distance and limited intervisibility between the site and landscape sub-type. Minor adverse effects are anticipated upon Landscape Sub-type 5d Urban Fringe within which the site is mostly located due to the direct change in landscape features and characteristics. Negligible effects are also anticipated upon the Urban Area due to the localised change within the wider context of the urban area.

Moderate adverse effects are anticipated to be experienced upon the open greenspace identified within the site area during the construction phase; however, these are anticipated to reduce to minor adverse at completion as the introduction of public open space within the development is anticipated to partially offset the loss.

Minor adverse effects are anticipated upon the existing woodland/woodland structure planting and hedgerows on the site perimeter and within the Site as the majority of this would be retained. Moderate adverse effects are anticipated upon pastureland, rough grassland and scrub, and permissive footpaths within the site area as these would all experience direct adverse effects/loss of features due to the proposed development.

Visual effects experienced during the construction phase are anticipated to range from negligible for more distant viewpoint locations where the site is viewed in context with the existing urban area of Whitehaven, to moderate adverse for locations located either in close proximity to or immediately bordering the site for the short to medium term.

Upon completion, major adverse visual effects are anticipated to be experienced by residential receptors immediately adjacent to the site because of the large extent of permanent change within the view that is anticipated and moderate adverse effects are anticipated upon road users. Either negligible effects or no effect are anticipated from other locations due to a combination of distance from the site and the presence of vegetation and buildings within the view.

A total of 7.1 hectares of public open space is proposed within the Site including the land the subject of an Urban Greenspace Protection under the provision of Policy DM26. A Planning Obligation is proposed to secure delivery.

## **Ecology**

Policy ENV3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

An Extended Phase 1 Ecological Survey and associated species-specific surveys have been submitted in support of the planning application and provide an assessment of the ecological impacts of the development.

The Extended Phase 1 Ecological Survey confirms that there are no internationally designed areas of ecological importance located within 5km of the Site. The Site is within the St Bees Head SSSI Impact Risk Zone; however, development is not listed as a likely risk to the designation.

There are no locally designated sites within the Site itself. There are five locally designated sites within 1km of the Site including three County Wildlife Sites, one Local Geological Site and one Site of Invertebrate Significance.

The Midgey Wood Ancient Woodland is directly adjacent to the Site.

The Site primarily comprises areas of grassland with varying ground conditions and botanical diversity. A number of the fields are edged with shelterbelts of woodland. A number of areas of the

Sites are identified as having the potential to support protected or priority species including bats, badgers, red squirrels, amphibians, breeding and wintering birds.

The species-specific surveys completed conclude that there will be no impacts upon European Protected Species including bats and great crested newts and UK protected and priority species subject to the application of a scheme of mitigation. This includes maintaining and building an ecological evidence base through the development process, which is envisaged to take place in phases, following individual reserved matters applications to ensure that the ecological information remains current. These further surveys will monitor the use of the site by any protected and priority species and, where appropriate, identify the requirement for either overarching or site-specific measures to ensure any potentially significant impacts are either avoided or appropriately mitigated.

A planning condition is proposed to secure the completion of the scheme of mitigation.

The woodland, tree groups and hedgerows make a positive contribution to the character of the area. The majority of the tree groups and the woodland are in good condition; however, some groups are in a much poorer condition.

The woodland and retained groups of trees and hedgerows will require robust protection from development activities by means of tree and hedge protection barriers. The location of the barriers can only be agreed once a detailed layout has been submitted for approval; however, tree and hedge protection will be required for all the trees on the site throughout the life of the development. Pre-commencement planning conditions are proposed to secure a Tree Protection Plan and Arboricultural Method Statement to ensure that the development can be completed without causing unnecessary harm to the trees and hedges.

Landscaping is a reserved matter.

The development would achieve the requirements of Policies ST1, ENV3 and DM25.

### **Access and Highways**

Access is not a reserved matter.

A Transport Assessment and Travel Plan have been submitted in support of the planning application and provides an assessment of the highway impacts of the development.

It is proposed to serve the development via one access to Harras Road to the north east and one access to Caldbeck Road. The proposed junctions will be 5.5m wide with visibility splays of 2.4m x

63m based upon traffic speed surveys. Each access will include a 2m footpath which will service the internal layout of the development.

The Site is located within the 1km and 2km walking catchments and the 5km cycling catchment of a wider range of local services and amenities including recreation, retail, education and employment opportunities. The Site is located within 700m of a regular bus service.

A Travel Plan is proposed that seeks to deliver modal use that at least matches the remainder of residential developments in Whitehaven.

In respect of the impacts of the development on the local highway network, Cumbria County Council – Highways have been consulted and have confirmed that they have no objections to the development subject to a Section 106 Agreement securing a Travel Plan monitoring fee of £6600 and the inclusion of planning conditions securing modifications for the Main Street / Cleator Moor Road Junction prior to the occupation of one hundred dwellings, the delivery of access and parking requirements for each dwelling pre-occupation, achievement of specified visibility splays, a Travel Plan, a Construction Method Statement and a Construction Traffic Management Plan.

In respect of the impacts of the development on the strategic highway network, Highways England have been consulted and raise no objection in principle subject to the Applicant delivering a scheme to mitigate the effects of the development on the A595 Egremont Road/Holmewood Road roundabout. A detailed design for any mitigation scheme has not been agreed with Highways England; however, is considered deliverable. A pre-commencement planning condition is proposed requiring the submission and approval of a scheme of mitigation prior to the commencement of development and a further controlling condition is proposed requiring completion of the scheme of mitigation prior to the occupation of the 200<sup>th</sup> dwelling or four years after the first dwelling is completed, whichever comes first.

Initially it was requested that the delivery of the offsite highways improvements works be completed prior to the occupation of any dwellings; however, following review by Cumbria County Council – Highways and Highways England in light of further evidence regarding the timing requirements and result in impacts upon the viability of delivering the development, this has been amended as per the above.

A development is deliverable on the Site that accords with the requirements of Policies T1 and DM12.

## **Flood Risk and Drainage**

Policy DM11 requires that surface water is managed appropriately, with the inclusion of Sustainable Drainage Systems where possible.

Policy DM24 states that development will not be permitted where: there is an unacceptable risk of flooding; or, the development would increase the risk of flooding elsewhere; or, the development would cause interference with or loss of access to a watercourse.

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

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

The Flood Risk and Drainage Assessment 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. Additionally it is proposed to open up and improve the existing watercourse in order to create new blue corridors within the development and enhance the existing ecology and biodiversity, whilst managing the surface water run-off.

The proposed drainage strategy seeks to divide the Site into two surface water drainage catchments, to the east and west of the site. The eastern catchment will drain to the culverted watercourse under Balmoral Road; whereas the western catchment will drain to Midgey Gill. Discharge rates into these watercourses will be restricted to the greenfield rate of the impermeable areas of the site. This strategy enables the delivery of a phased development as it provides several attenuation features that can be constructed as the phases of the development are progressed.

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

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

The requirements of Policies ST1, ENV1, DM11 and DM24 are achieved subject to the planning conditions proposed.

## **Residential Amenity**

A Noise Assessment has been submitted in support of the planning application.

The Noise Assessment considers the potential for the development to cause or be impacted by any sources of noise pollution, in particular the Red Lonning Industrial Estate and the A595 trunk road. The Assessment concludes that the noise impacts will not adversely impact on the health or quality of life of either existing local residents or future residents of the development subject to an appropriate scheme of glazing and attenuating boundary fencing.

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

The requirements of Policy DM12 of the DMP are considered achievable at reserved matters stage.

## **Ground Conditions**

A Preliminary Environmental Risk Assessment (PERA) has been submitted in support of the planning application. The Coal Authority and Copeland Borough Council - Environmental Health has been consulted.

The submitted PERA identifies the previous use of the site as overlying potential mined coal seams, an infilled quarry site containing potentially waste materials and mounds of unknown materials on the Site, which present a high risk of contamination that could be mobilised during construction to pollute controlled water and are particularly sensitive in this location due to the location upon a Secondary Aquifer A.

The PERA provides confidence that it will be possible to suitably manage the risk proposed to controlled water by this development; however, further information will be required before built development is undertaken.

The PERA also provides an adequate assessment of the coal mining risks associated with this site has been carried out to demonstrate that the site is, or can be made safe and stable for the development proposed.



Pre-commencement planning conditions are proposed requiring the submission, approval and implementation of a Contamination Remediation Strategy and approval and implementation of Scheme of Intrusive Site Investigation to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity and an associated scheme of remediation/mitigation.

Subject to the planning condition proposed, the development achieves the requirements of Policy ST1 of the CS.

### **Archaeology**

Policy ENV4 and Policy DM27 seek to protect, conserve and where possible enhance heritage assets.

An Archaeological Desk Based Appraisal and Geophysical Survey have been completed. The Historic Environment Officer of Cumbria County Council has been consulted. These works conclude that the construction of the proposed development is likely to disturb a number of archaeological assets. The works have provided further information on the character of these assets and shows that it is very unlikely they are so significant that provisions should be made to secure their preservation and are of sufficient worth to warrant mitigation by the implementation of a scheme of Archaeological Investigation and recording.

Pre-commencement planning conditions are proposed securing further Archaeological Investigation and recording in advance of development.

### **Education**

Cumbria County Council has confirmed that there will be sufficient capacity within existing schools for the estimated primary and secondary yield from the proposed development.

No contribution for school transport is required as there are sufficient safe walking routes in the vicinity of the Site from which primary and secondary schools can be accessed.

## The Planning Balance

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Copeland Borough Council is currently unable to demonstrate a five year supply of housing land; therefore, the provisions of the presumption in favour of sustainable development outlined in Paragraph 11 of the NPPF must be applied in determining this application.

In applying the presumption in favour of sustainable development detailed in Paragraph 11, the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

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

An Interim Housing Policy (IHP) has been produced by Copeland Borough Council. The policy does not comprise part of the statutory development plan and was prepared under the provisions of the NPPF 2012; however, the policy provides guidance regarding the acceptability of development proposals when applying the presumption in favour of sustainable development and comprises a material planning consideration to be given some weight in decision taking.

In applying the provisions of Paragraph 11:

The Site would assist in significantly boosting housing supply and delivery to meet the identified need for housing within Whitehaven and the wider Borough as detailed in Policy ST2. The proposals form part of the works being completed by the Applicant (Homes England) to de-risk development sites to increase their deliverability.

The proposed development comprising the erection of up to 370no. dwellings is appropriate in size and character to the Principal Service Centre of Whitehaven in accordance with the spatial objectives of Policy ST2 and requirements of Criterion A of the IHP. A significant part of the Site is allocated for housing development under Housing Allocation Ref. HA1 and Housing Allocation Ref.

HA2 in Policy HSG2. These sites extend to 6.6Ha and 0.7Ha respectively. The principle of the residential development is established on these sites.

It has always been anticipated that the Site would be allocated to deliver large scale housing development as part of the new Copeland Local Plan, which is in the process of preparation. The significant majority of the site was identified as a 'Possible Housing Allocation' in the SAPP document published by the Council in January 2015.

The Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Whitehaven for which the settlement has been designated as a Principal Service Centre in Policy ST2. Many of the identified services are located within walking distance of the Site. The proposed development will support existing services and thus the aspirations for growth in Whitehaven and achieves the requirements of Criteria A B and D of the IHP; and,

Sustainable travel options exist within the vicinity including facilities within the 1km and 2km walking catchments and the 5km cycling catchment. The Site is located within 700m of a regular bus service. The development therefore accords with the requirements of Policy DM22.

The development does not raise issues in respect of highway safety, residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions proposed.

The development will result in some adverse local landscape and visual impacts in conflict with the requirements of Policy ENV5.

In overall terms, the adverse local landscape and visual impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the significant benefits of the development; therefore, the application is recommended for the approval.

**Recommendation:-**

Members authorise delegated authority to the Planning Development Manager to approve planning permission for the development subject to:

- a planning obligation securing the delivery of 15% of the proposed dwellings as affordable housing, 7.1 hectares of public open space and a travel plan monitoring fee; and,
- the planning conditions outlined at the end of this report.

## Conditions

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
  - a) FIVE YEARS from the date of this permission; or
  - b) the expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

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

### Reason

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

2. For each phase, details of the: appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins on that phase and the development shall be carried out as approved.

### Reason

To ensure a satisfactory standard of development on site.

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

Application Form received 26<sup>th</sup> June 2018

Site Location Plan – Drawing No. A090070-410 001 Rev. B received 26<sup>th</sup> June 2018

Proposed Site Access Junction Option 1 – Drawing No. A090070-P002 received 26<sup>th</sup> June 2018

Archaeology and Heritage Desk Based Assessment Ref. A090070-410 Rev. 1 received 26<sup>th</sup> June 2018

Flood Risk and Drainage Assessment – Ref. A090070-410 Rev. A May 2018 received 26<sup>th</sup> June 2018

Landscape and Visual Appraisal – Red. A090070-410 Issue 3 received 26<sup>th</sup> June 2018

Planning Statement – Ref. A090070-140 V1 received 26<sup>th</sup> June 2018

Ecological Assessment Ref. 5060.Eco.Harras.003 Revision 2.0 received 26<sup>th</sup> June 2018

Winter Bird Survey Report Ref. 5060.ECO.HarrasMoorECOandArb.005.004 received 26<sup>th</sup> June 2018

Vegetation Survey Technical Report 2018 Ref. 5810.66.003 received 26<sup>th</sup> June 2018

Design And Access Statement Ref. A090070-410\_Harras Moor DAS Rev C received 26<sup>th</sup> June 2018

Viability Assessment – Land at Harras Moor, Whitehaven 24<sup>th</sup> January 2019 received

28<sup>th</sup> January 2019

Phase 1 Geo-environmental and Geo-technical Desk Study and Coal Mining Risk Assessment – Ref. 60562211\_001 received 26<sup>th</sup> June 2019

Transport Assessment Ref. A090070-410 Issue 3 received 26<sup>th</sup> June 2018

Framework Travel Plan – Ref. A090070-410 Issue 3 received 26<sup>th</sup> June 2018

Statement of Community Involvement Ref. A090070-410 Rev. 1 received 26<sup>th</sup> June 2018

Arboricultural Impact Assessment (Outline Planning) Ref. 5060.Eco.Harras.006 Version 2.0 received 26<sup>th</sup> June 2018

Noise Assessment Ref. A090070-410 Issue 2 received 26<sup>th</sup> June 2018

Planning Policy Update National Planning Policy Framework 2018 Ref. A090070-410 received 1<sup>st</sup> November 2018

Transport Assessment Addendum Ref. A090070 – 410 Issue 3 received 8<sup>th</sup> November 2018

Geophysical Survey Report Ref. MSNX389 Final 2.0 received 14<sup>th</sup> March 2019

#### Reason

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

4. Prior to the commencement of development, a phasing plan shall be submitted to the Council for approval or submitted with the first reserved matters application (unless otherwise agreed in writing with the Council). Thereafter all phases of the development shall be completed and carried out in accordance with the phasing plan unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

To ensure a satisfactory standard of development on site.

5. No part of the development pursuant to this planning approval shall commence on site until the full design details of a scheme to reduce the impact of the development on traffic to the A595 Egremont Road/ Homewood Road roundabout have been submitted to and approved in writing by the local planning authority in consultation with Highways England.

The details to be submitted and to be agreed shall include:

- Final design details of how the scheme interfaces with the existing highway alignment.
- Full carriageway marking details.
- Full construction details.
- Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies.

An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

**Reason**

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

6. Prior to the occupation of the 200th dwelling or prior to the expiration of 4 years after the first unit is completed, whichever comes first, no further dwellings shall be occupied until the scheme to provide improvements to the A595 Egremont Road/ Homewood Road roundabout junction approved in writing under the provisions of Planning Condition 5 is constructed and completed to the satisfaction of the local planning authority in consultation with Highways England (unless otherwise agreed).

**Reason**

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

7. No part of the development pursuant to this planning approval shall commence on site until the full design details of a scheme for junction modifications of the Main Street/Cleator Moor Road Junction have been submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

**Reason**

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

8. Prior to the occupation of the 100<sup>th</sup> dwelling no further dwellings shall be occupied until the junction modifications for the Main Street/Cleator Moor Road Junction approved in writing under the provisions of Planning Condition 7 and as agreed with the Highways Authority under section 278 of the Highways Act 1980, is constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).

**Reason**

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

9. Prior to the commencement of each phase, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) in relation to the phase concerned, shall be submitted to and approved in writing by the Local Planning Authority.
- The surface water drainage scheme(s) must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.
- The drainage scheme submitted for approval for each phase shall also be in accordance with the principles set out in the Flood Risk & Drainage Assessment dated May 2018 (Rev B Oct 2018) proposing surface water discharging to Midgey Gill and Bedlam Gill.
- The details of the surface water drainage scheme submitted for the first phase shall also include a condition survey of the culverted sections of Bedlam Gill.
- The development shall be completed, maintained and managed in accordance with the approved details.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ST1 and ENV1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

10. No development shall commence on each phase until a remediation strategy to deal with the risks associated with contamination on that phase of the site has been submitted to, and approved in writing by, the Local Planning Authority. Each strategy will include the following components:
1. A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how/when they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The measures in the approved remediation scheme for each phase must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report for that phase must be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

11. No development shall commence on each phase until a scheme of intrusive site investigations for that phase, (designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity) has been completed and a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary has been submitted to, and approved in writing by, the Local Planning Authority.

The approved scheme(s) of remedial works and/or mitigation measures for each phase must then be implemented in accordance with the approved details. Following completion of measures identified in the approved remedial works and/or mitigation measures a validation report for each phase must be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that the development does not pose an unacceptable risk in respect of ground stability in accordance with the relevant provisions of the National Planning Policy Framework.

12. No development hereby approved shall commence on each phase until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority.

The statement(s) 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 Construction Method Statement(s) and Management Plan(s) for each phase shall be adhered to throughout the construction period.



**Reason**

To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028.

15. Prior to the commencement of development on each phase, an Arboricultural Method Statement for that phase detailing how works are to be undertaken within the root protection area of retained trees and hedges shall be submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement(s) shall include, where appropriate, but is not limited to:
- i) Removal of existing structures and hard surfacing;
  - ii) Installation of temporary ground protection;
  - iii) Facilitation tree works;
  - iv) Excavations and the requirement for specialised trenchless techniques for the installation of services;
  - v) Installation of new hard surfacing;
  - vi) Installation of access roads – materials and design;
  - vii) Details of specialist foundations;
  - viii) Retaining structures to facilitate changes in ground levels;
  - ix) Preparatory works for new landscaping;
  - x) Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision;
  - xi) A programme for the phasing of the works.
  - xii) Contact details of relevant parties
- The approved Arboricultural Method Statement for each phase shall be implemented in its agreed form, unless the local planning authority gives written approval to any variation.

**Reason**

To ensure that existing trees and hedges are protected in accordance with Policy DM 28 of the Copeland Local Plan 2013-2028

16. No development shall commence on each phase until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been approved in writing by the Local Planning Authority. This written scheme of investigation for each phase will include the following components:
- i) An archaeological evaluation;
  - ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

**Reason**

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the

examination and recording of such remains in accordance with Policy EN4 and Policy DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

17. Where significant archaeological remains are revealed by the programme of archaeological work for each phase of development secured under the provisions of Planning Condition 16, there shall be carried out within one year of the completion of that programme on that phase, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

#### Reason

To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy EN4 and Policy DM27 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

18. Within 6 months of the occupation of the first dwelling of each phase, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

#### Reason

To aid in the delivery of sustainable transport objectives in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

19. No development hereby approved shall commence on each phase until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
  - the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
  - access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
  - proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;

- the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
- details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the scheduling and timing of movements, temporary warning signs and banksman/escort details.

Development shall be carried out in accordance with the approved Construction Traffic Management Plan.

**Reason**

In the interests of highway safety in accordance with Policy T1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

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

**Reason**

In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan.

21. The development shall implement all of the mitigation and compensation measures relevant to that phase set out in the Ecological Assessment (Document Reference 5060.Eco.Harras.003), unless otherwise agreed in writing by the local planning authority.

**Reason**

To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with Policy ENV3 and Policy DM10 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

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

**Reason**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy ST1 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

**Informative**

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

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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**Statement:**

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

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