

<b>Application Reference Number:</b>	4/23/2104/001
<b>Application Type:</b>	Outline Planning Application
<b>Application Address:</b>	Land South West of Summergrove Park, Whitehaven
<b>Proposal</b>	Outline Planning Application For Residential Development Of Up To 40 Self Build Plots Including Details Of Proposed Access And All Other Matters Reserved
<b>Applicant</b>	John Swift Homes Ltd
<b>Agent</b>	Alpha Design
<b>Valid Date</b>	31 <sup>st</sup> March 2023
<b>Case Officer</b>	Chris Harrison

## **Cumberland Area and Copeland Region**

Parish: Egremont and Weddicar

## **Relevant Development Plan**

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

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

The Application Site exceeds 2 hectares in area and so falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation.

The application was deferred at the last meeting on 27<sup>th</sup> September 2023 for a site visit.

## **Recommendation:**

Subject to a section 106 planning obligation being entered into securing the delivery of:

- 15% of the dwellings to meet the definition of affordable housing

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

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

## **1.0 Site and Location**

The Application Site comprises c.5.25 hectares of land located to the south of Summergrove Park.

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

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

The Application Site is located within Flood Zone 1.

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

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

## **2.0 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.

## **3.0 Proposal**

This application seeks Outline Planning Permission including access for the development of 40no. self-build dwellings.

A total of 15% of the dwellings are to meet the definition of affordable housing.

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.

The application is supported by an illustrative landscape infrastructure plan. This plan does not form part of the formal application but seeks to demonstrate how a scheme of 40no. dwellings could be accommodated on the Application Site.

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

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

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

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

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

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

## **4.0 Consultation Responses**

### **Weddicar Parish Council**

None received.

### **Egremont Town Council**

None received.

## **National Highways**

No objection.

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

The proposal advises that the development is sustainable, however the development is very car dependant. Active Travel infrastructure improvements would be required.

There are no footways on Dalzell Street near the site, to Moor Row to the south or to the Galemire crossroads to the north.

The Design and Access Statement states that the Westlakes Science Park has safe cycling routes connecting with the National Cycle Network (Paragraph 2.4), although a footway link into the Park was requested as part of phase 1. The Transport Statement also states the residents don't have a legal right to access the footways within the Park.

Westlakes also doesn't have dedicated cycling infrastructure. Cyclists would have to cycle on the carriageway or on the footways within the site. To access NCN72 from the Park, you also have to cross the A595 via the main site entrance. There is a central refuge on the A595 at the traffic signals, but no Toucan, and no specific infrastructure for cyclists.

There doesn't appear to be direct active travel access from the proposed development to the NCN72, you would have to travel on carriageway along Dalzell Street from the site, to Moor Row. This journey would also be on carriageway and isn't family friendly.

The Design and Access Statement states that the Westlakes public transport links will benefit the development (paragraph 2.4). There is no bus service into Westlakes Science Park. The nearest bus stop for the Park is on the A595 near the main entrance. Stagecoach have no plans to detour into the Park.

Paragraph 4.3 states that residents will be able to access Egremont and Whitehaven via cycleways. But they will have to access existing NCN via on-road means as no direct infrastructure is proposed.

The D&A Statement advises distances reached within 24 minute walk or a 10 minute cycle ride. However, Galemire, west of Summergrove Park to Sneckyeat Road, there is no footway so pedestrians and cyclists would be on carriageway. Not an attractive route to the Hospital.

Within the Whitehaven LCWIP, there is a priority cycling link (link 17) from the West Cumberland Hospital, which runs across the fields to the area in vicinity of the proposed development and into Westlakes Science Park. And LCWIP cycle link 18

runs along Galemire and Sneckyeat Road to the north. Note both of these links are currently being worked up to concept design through a current Cycling and Walking team project.

We as the LHA and LLFA would look to obtain funding towards a footway/cycleway link to the NCN72 along Dalzell Street through this development.

Raise no objection subject to the following:

- i. The imposition of planning conditions securing: detailed specifications of highways; piping of roadside ditch before development is brought into use; that the access drive be surfaced in bound material; limitations on vehicular access to the approved access only; limitations on gate specifications; a detailed specification for the surface water drainage system; the provision of footways and cycleways that link continuously; and, a Construction Traffic Management Plan
- ii. The provision of a financial contribution of £260,000 towards the delivery of a shared cycleway from Westlakes Science Park to NCN72 connection point on Dalzell Street Moor Row.

### **United Utilities**

The development is acceptable in principle.

Request the imposition of a pre-commencement planning conditions to secure a detailed scheme of foul and surface water drainage in accordance with the drainage hierarchy and a sustainable drainage management and maintenance plan for the lifetime of the development.

### **Cumberland Council – Flood and Coastal Defence Engineer**

The submitted Flood Risk Assessment and Outline Drainage Strategy is the same that was submitted for the adjacent site 4/22/2237/001.

Although this was a document that covered both sites, climate change allowance in that documents was 40%, but the current figure for this region is now 50%.

Consequently, the Flood Risk Assessment and Outline Drainage Strategy needs to be updated to reflect this.

Being outline, with no detailed design, this is not expected to require significant changes.

### **Cumberland Council – Arboriculturist**

Recommend the imposition of a planning conditions requiring the submission, approval and implementation of an Arboricultural Impact Assessment in accordance with BS 5837 (2012) and including a detailed tree protection plan and a detailed

landscaping scheme including a specification and planting details for new tree and hedgerow planting and the necessary aftercare maintenance.

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

This is an application for outline planning permission for 40 self-build plots on land to the west of Summergrove Park in Whitehaven. Outline planning permission has already been granted (23/04/23) for up to 30 self-build dwelling on the land immediately adjacent and this application is for phase 2. There are no physical boundaries to the two sites, and they will be implemented as one development utilising one access and site infrastructure.

The site is north of the Westlakes Science and Technology Park, which hosts 2000+ workers in the science, technology, nuclear and professional services.

The site is located close to the towns of Whitehaven and Cleator Moor and would be attractive to professional seeking to buy a home near Westlakes and Sellafield, due to its proximity to local amenities and schools.

The developer is proposing to provide 10% of the 40 dwellings as affordable housing, namely Build for Rent, at 80% of market rent. There are 6 house types proposed including bungalows, which will attract different parts of the market. Due to the location we would welcome a conversation as to whether Build for Rent is the right option for the affordable sale properties.

The 2019 Housing Needs Survey, published in 2020, shows that there is interest in self build housing, with 15% of those surveyed expressing an interest. The appeal of self-build was broad across all ages, tenures and levels of economic activity but was strongest amongst those under 50, with a mortgage and working.

Overall, we are supportive of this application, which provides the opportunity for people to self-build their home. We would support a design that facilitated these being lifetime homes, that can adapt as people age (in terms of space, adaptability etc).

### **Cumberland Council – Environmental Heath**

None received.

### **Environment Agency**

None received.

### **Natural England**

None received.

## **4.0 Public Representations**

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

23no. representations have been received in objection.

### Principle

The development is not in a sustainable location.

The Application Site is allocated for employment development in the adopted Copeland Local Plan 2013-2028.

This location does not have the infrastructure and services required to support additional residential development and will place additional pressure on existing local infrastructure and services.

There is no need for additional homes in this location.

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

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

The development would result in the loss of local communities.

The Council continues to encourage development of greenfield land at the expense of exploring the many brownfield sites in Whitehaven. This is totally at odds with increasing environmental and ecological concerns that impact on every living thing in today's world.

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

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

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

The proposed development represents urban sprawl and will contribute to the coalescence of Whitehaven and Cleator Moor.

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

The proposed development would not improve local amenities.

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

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

The development will kill the rural idyll.

The development does not meet the requirement of the local plan in relation to greenspaces, housing density, housing mix, sustainable travel and habitats.

No more than 40no. dwellings should be erected.

A previous Full Planning Application for the erection 194no. dwellings has been resisted on the Application Site.

The division of the application into two phases is clear misrepresentation of the development by the Applicant.

This is planning by stealth to achieve a development of 194no. dwellings.

The combined settlement of Summergrove, Keekle and Padstow sits within Weddicar parish – a parish with a population of c.450 (2011 census). This development is for phase 2 of a larger development. The total number of houses within the completed development would more than significantly increase the size of the small settlement, changing its character significantly. The impact on Weddicar parish will be significant, but the development lies just outside the parish boundary, so the Parish Council would not benefit from an increase in its annual precept to address any new or increased issues arising in the parish from the development.

This combined settlement is not contiguous with other local residential centres of Whitehaven, Cleator Moor and Egremont, and is currently surrounded by farmland. The planning application suggests that the proposed development is within the principal settlement of Whitehaven and would contribute to Whitehaven's housing requirement. However, Westlakes Science Park has a Cleator Moor postcode, along with most of Dalzell Street, so this would fall outside the principal settlement of Whitehaven, and within Cleator Moor. There is already a substantial new build development in Cleator Moor at Keekle Meadows/Keekle Rise. Further houses are not required within Cleator Moor at this time.

### Housing Mix

Social housing is required.



The development will not be affordable to local people.

### Landscape and Ecology

There is a duty to give serious consideration to the protection of the natural characteristics of our countryside and offer some protection to our rural characteristic.

The development would result in the coalescence of small hamlets and villages.

The development is an intrusion into open countryside.

The development will have an urbanising impact on the area.

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

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

The Application Site is not a monoculture.

Red Squirrels, Bats, Deer, Foxes and Stoats will be impacted by the proposed development and are protected under the Wildlife and Countryside Act 1981.

Clarity is required in relation to the landscaping proposed.

The development will result in the loss of hedgerows.

The development will result in significant destruction of wildlife/ecology.

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

The River Keekle is tributary of the River Ehen a Special Area of Conservation (SAC) a known source of Atlantic Salmon and Freshwater Pearl Mussels a protected and endangered species. No assessment of the impacts upon the SAC has been completed.

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

The United Kingdom is in the lowest 10 countries in the world in relation to environmental issues.

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## Flood Risk and Drainage

The proposed surface water attenuation and hydrobrakes etc. will require considerable maintenance. Who will be responsible to minimise risk?

The contours of the Application Site will result increased localised flood risk to adjacent dwellings.

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

The additional hard surfacing will result in the loss of flood storage.

The development will result in the requirement for drainage pumping stations. Who will be responsible for their maintenance? Pumping stations are problematic and should be the last resort.

Over the last 20 years there has been considered problems with surface water run off from the Application Site. The drainage features have not been maintained and caused localised flooding.

## Transport

The traffic estimates outlined by the Applicant are not representative of development in this area where there is no public transport.

The highway assessment does not factor in the recent change of usage at Summergrove Halls to a university campus.

The highway network does not have the capacity to accommodate the additional traffic from this development.

The peak travel times in the highway assessment are not representative of reality.

Consideration should be given to speed bumps, pedestrian crossings, footpaths, cycle lanes and parking for residents.

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

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

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

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

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

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

More accidents occur than are reported to the police.

Accident data should be sought from Cumbria Police.

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

No vehicular access should be allowed through Summergrove Park.

The assumptions in the Transport Statement that traffic slows on approach to the 30mph limit is incorrect and not representative of the road conditions.

Speeding is a known issue in the locality.

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

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

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

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

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

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

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

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

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

The heavy traffic required for construction will increase the risk for road users.

The proposed access is located unacceptably close the emergency vehicle access to West Lakes Science Park.

The walking distances outlined in the planning application are incorrect/misleading.

It is unrealistic to expect that residents will walk to access local services, bus routes, schools and employment sites given the highway network and climate.

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

### Residential Amenity

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

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

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

The approval of Phase 1 of this development was not supported by the Planning Inspector during the examination of the Emerging Copeland Local Plan 2017-2038.

The proposed development of 80no. dwellings on the Application Site was seriously challenged by Planning Inspector during the examination of the Emerging Copeland Local Plan 2017-2038. The concerns raised by the Planning Inspector were that the local highway network and infrastructure, including services, facilities and public transport, were insufficient to support even a small housing development.

The concerns of the Planning Inspector have been disregarded by the Applicant.

## **5.0 Planning Policy**

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

### **5.1 Development Plan:**

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

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

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

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

### **5.2 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

**5.3 Copeland Local Plan 2001-2016 (LP):**

Policy HSG2 – New Housing Allocations  
Policy TSP8 – Parking Requirements

**5.4 Emerging Copeland Local Plan (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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

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

policies, which themselves have been developed in accordance with the provisions of the NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development  
Policy DS2PU - Reducing the impacts of development on Climate Change  
Policy DS3PU - Settlement Hierarchy  
Policy DS4PU - Settlement Boundaries  
Policy DS5PU - Planning Obligations  
Policy DS6PU - Design and Development Standards  
Policy DS7PU - Hard and Soft Landscaping  
Policy DS8PU - Reducing Flood Risk  
Policy DS9PU - Sustainable Drainage  
Policy DS10PU - Soils, Contamination and Land Stability  
Policy DS11PU - Protecting Air Quality  
Policy H1PU - Improving the Housing Offer  
Policy H2PU - Housing Requirement  
Policy H3PU - Housing delivery  
Policy H4PU - Distribution of Housing  
Policy H5PU - Housing Allocations  
Policy H6PU - New Housing Development  
Policy H7PU - Housing Density and Mix  
Policy H8PU - Affordable Housing  
Policy SC1PU - Health and Wellbeing  
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic  
Policy N2PU - Local Nature Recovery Networks Strategic  
Policy N3PU - Biodiversity Net Gain  
Policy N5PU - Protection of Water Resources  
Policy N6PU - Landscape Protection  
Policy N9PU - Green Infrastructure  
Policy N10PU - Green Wedges  
Policy N11PU - Protected Green Spaces  
Policy N12PU - Local Green Spaces  
Policy N13PU - Woodlands, Trees and Hedgerows  
Policy CO4PU - Sustainable Travel  
Policy CO5PU - Transport Hierarchy  
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

## **5.5 Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

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

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Self-build and Custom Housebuilding Act 2015

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

### 6.0 Assessment

#### 6.1 Principle of Development

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

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

Policy ST2 seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

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

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

Policy ER4 of the CS allocated land for economic development.

Policy DS3PU of the ELP continues to identify Whitehaven as the *Principal Town and the primary focus for new development in the borough including large scale housing extensions, windfalls and infill development.* Cleator Moor and Egremont continue to be identified as a Key Service Centre where medium scale housing extensions, windfall and infill development are supported. Moor Row is now identified



as a Sustainable Rural Village where smaller scale housing allocations are supported. Summergrove is now identified as a Rural Village where limited infill and rounding off development would enable future housing needs to be met are supported.

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

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

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

Policy H5PU of the ELP allocates land for housing purposes.

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

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

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

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

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

Representations have been received from interested parties stating that the approval of Application Ref. 4/22/2237/001 and that the delivery of a total of 80no. dwellings in this location was not supported and seriously challenged by the Planning Inspector during the Local Plan Hearing Sessions for the ELP.

The sites allocated for housing development in ELP were each the subject of assessment and analysis during the Local Plan Hearing Sessions for the ELP. This included objective assessment, analysis and debate of the merits of each site against the objectives and policies of the ELP.

It is indeed correct that the Planning Inspector questioned the merits of the allocation of the Application Site for residential development. This included the questioning of its sustainability given its rural location and the availability/proximity of services etc. and how the scale of the development fits within and could skew/undermine the objectives of the ELP including the proposed settlement hierarchy and housing distribution contained in Strategic Policy DS3PU and Strategic Policy H4PU of the ELP. Additional information and evidence was requested for consideration by the Planning Inspector.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

The ELP is at a final stage and all emerging policies are considered by the Council to be sound and consistent with the NPPF unless the post hearing letter and the likely extent of modification arising from the sessions indicate otherwise. The weight policies can be given is therefore dependent upon the significance of the modifications engendered through the hearing session action points which are publicly available on the examination website.

The full details of the modifications to the ELP will only be known once the Main Modifications are published for public consultation by the Planning Inspector.

No issues are raised in the post hearing letter that confirm or infer that the allocation of the Application Site for residential development is unsound and that a modification to remove it from the proposed allocations is required.

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

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

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

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

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

The application comprises an Outline Planning Application with all matters excluding access reserved; therefore, details of the housing mix etc. is reserved for subsequent approval; however, the illustrative plans submitted in support of the application demonstrates how a scheme of 40no. dwellings comprising a mix of detached and semi-detached houses and bungalows could be developed.

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

This application proposes the development of self-build dwellings.

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

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

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

The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build reasonably exceed the identified need; however, it is accepted that the register does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

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

A total of 15% of dwellings are to meet the definition of affordable homes.

Action Point 21 raised by the Planning Inspector during the hearing sessions for the ELP outlines that an affordable housing contributions exceeding the 10% requirement outlined in Policy H7PU of the ELP is to be sought from schemes with proven viability, this being aligned with the requirements of the NPPF and the conclusions of the SHMA.

The Viability Assessment prepared as part of the evidence base for the ELP 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 £12,068 per dwelling. The provision of 15% of the dwellings meeting the definition of affordable homes is viable, deliverable and justified.

The Applicant has proposed that the affordable dwellings are Build to Rent homes provided at a discounted rent of 80% of the market rent. Whilst this is at slight odds with the provisions of Policy H7PU of the ELP, social rented housing is not considered to be an attractive proposition for a Registered Social Provider given the number of dwellings proposed and location of the Application Site, which would create a disproportionate management and maintenance liability. The final tenure mix and definitions etc. will be confirmed/agreed during negotiation of the required Planning Obligation.

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

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

Policy ENV5 of the CS states that the *Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that*

*the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.*

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

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within an area of landscape classified as Sub-type 5d Urban Fringe. The guidelines for development include protecting countryside areas from sporadic and peripheral development through the local plans and the requirement for careful siting of any new development in non-prominent locations.

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

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

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

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

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

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

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

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

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

There are few Public Rights of Way in close proximity to the site with the closest over 0.5km from the site. Consequently, the effect of the proposed development on the views of people using these footpaths would be no worse than moderate due to their distance from the proposed development and the minor scale of change in their views. Again, the effect would be neutral as the composition of their pre-change views contains buildings and other detractors.

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

## **6.4 Ecology**

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

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

An Ecological Assessment has been prepared in support of the planning application.

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

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

Adverse impacts upon designated ecological sites are not identified.

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

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

## **6.5 Access and Highways**

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

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

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

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

It is proposed to access to the Application Site via a new priority junction onto the C4003 - Dalzell Street as approved under Application Ref. 4/22/2237/001.

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

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

A traffic survey was undertaken on Dalzell Street in the vicinity of the proposed access in support of Application Ref. 4/22/2237/001. This was completed between 21st and 28th August 2020.

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

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

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

A Transport Statement has been prepared in support of the planning application. This has been prepared on the basis of a development of 50no. dwellings, exceeding the 40no. dwellings proposed and considers the impacts of this development in combination with the 30no. dwellings approved under Application Ref. 4/22/2237/001.

Accident records have been acquired for a 6-year period 2017- 2022 inclusive, in order to assess 3 years of pre-Covid data and 1 year post-Covid to corroborate. The records show that there are two recorded incidents within the last 6-year period within 250m of the site access junction, one of which was attributable to alcohol and one of which was attributable to speed.

The cumulative development comprising 80no. homes is likely to generate around 42 trips in the AM peak and 40 in the PM peak. It is concluded based upon a view of the location of urban areas, that 60% of traffic will be to/from the north on Dalzell Street and 40% of traffic will be to/from the south.

It is concluded that the traffic impacts can be readily accommodated onto the local road network.

National Highways has raised no objections to the proposed development.

Cumberland Council - Highways have raised no objections to the development from a technical and operational traffic/highway perspective subject to the imposition of planning conditions.

The timing of the traffic survey during the pandemic has been questioned by a number of interested parties. This was considered by Cumbria County Council – Highways in relation to Application Ref. 4/22/2237/001. They raised no objections to the timing and thus the results of the traffic survey.



## 6.6 Active Travel

Policy CO4PU of the ELP requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate.

Policy CO6PU of the ELP requires that proposals should identify opportunities to improve countryside access through their developments, both through improved active travel links and through measures such as enhanced signage. Where appropriate, access should make provision for those with limited mobility.

Policy H6PU of the ELP requires that the layout of housing development promotes active travel, linking new development with existing footpaths and cycleways, where possible

Policy SC1PU of the ELP states that the Council will promote health and well-being in the borough by supporting new development that promotes active travel and implements the policies within the Local Plan that promote active travel.

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

Cumberland Council – Highways conclude that given its location, the development is very car dependant and that active travel infrastructure improvements are required. A financial contribution of £260,000 towards the delivery of a shared cycleway from Westlakes Science Park to NCN72 connection point on Dalzell street Moor Row is requested.

The NPPF now places considerable weight on pedestrian movement and active travel in decision taking.

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

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.

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.

It is accepted that linkages exist between the Application Site and the boundary with the adjacent West Lakes Science Park (WLSLP) have been secured under application ref. 4/22/2237/001. It is understood that whilst walking and cycling is currently encouraged within the WSLP 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 WLSLP have not indicated any intention to remove rights.

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).

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.

The cycleway proposed by Cumberland - Highways is 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.

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.

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 WLSLP only.

It is 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 now extends to 70no. dwellings, which increases the threshold of what can be considered reasonable in relation to contributions to active travel.

Notwithstanding the above, it is considered that a contribution of £260,000 in relation to a 40no. dwellings (total 70.no dwellings) development is not reasonable in scale and kind to the development proposed and so does not meet the tests for planning obligations as now outlined in Paragraphs 55 and 57 of the NPPF. The lack of a defined scheme and delivery plan for the infrastructure brings into question the deliverability.

Notwithstanding the above, it is 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 WLSP via Dalzell Street; a link to WLSP 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 is proposed to secure delivery.

## **6.7 Flood Risk and Drainage**

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

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

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

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

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

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

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

## **6.8 Residential Amenity**

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

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

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

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

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

## **6.9 Ground Conditions**

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

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

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

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

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

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

## **6.10 Education**

Cumberland Council – LEA has not requested a financial contribution in respect of education.

## **6.11 The Planning Balance**

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

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

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

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

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

The development would enable future housing needs in this area to be met as supported in the ELP. The development will assist in delivering in the Council's aspiration to promote custom and self-build development, building on current demand and recognising the flexibility it offers people in terms of layout and accessibility. This is given significant weight.

The Application Site is allocated for housing development in the ELP. This is given moderate weight.

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

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

The proposed development comprising the erection of up to 40no. dwellings (70no. in combination with application ref. 4/22/2237/001) whilst large is not wholly appropriate in size and character to Summergrove, which is identified as a Rural Village where limited infill and rounding off development would enable future housing needs to be met are supported in the ELP and aligns with the indicative development capacity for the site identified in the ELP i.e. 80no. dwellings. This is given moderate weight.

A total of 15% of the dwellings are to meet the definition of affordable housing. This is given significant weight.

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

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

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

The development benefits from some active travel linkages and will not prejudice/prevent the delivery or connection to any future linkages created out with the Application Site. The development will not deliver new active travel linkages out with the Application Site. This is given neutral weight.

In overall terms, the adverse local landscape and visual impacts of the development and limited active travel linkages are not sufficiently harmful to significantly and demonstrably outweigh the benefits of the development.

## **Recommendation**

Subject to a section 106 planning obligation being entered into securing the delivery of:

- 15% of the dwellings to meet the definition of affordable housing

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

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

## **Appendix 1 - Planning Conditions**

### Defining The Permission

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

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

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

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

#### Reason

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

2. For each phase of the development 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 takes place and the development shall be carried out as approved.

#### Reason

To ensure a satisfactory standard of development on site.

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

Planning Application Form

Location Plan – Drawing No. 15/10/863-101

Junction Plan – Drawing No. 15/10/863-05a)

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

Transport Statement - Summergrove, Moor Row (Phase 2) - Project Number - 784-B047255

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

Phase 1: Desk Top Study Report Proposed Residential Development of Land at  
Summergrove, Whitehaven, Cumbria – Ref. 2018-3441.



Reason

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

4. The development hereby permitted shall not exceed 40no. dwellings.

Reason

For the avoidance of doubt.

### Pre-Commencement Planning Conditions

#### *Design Code*

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

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

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

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

Reason

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

#### *Contamination Assessment*

6. 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 ST1 of the Copeland Local Plan 2013-2028.

#### *Visibility Splays - Access*

7. 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 T1 of the Copeland Local Plan 2013-2028.

#### *Phasing*

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

The Phasing Plan will provide the following information;

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

## Reason

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

### *Arboriculture*

9. Prior to the commencement of each phase of development a full Arboricultural Impact Assessment (AIA) prepared in accordance with the recommendations of BS 5837:2012 shall be submitted to and approved in writing by the local planning authority unless an AIA has previously been submitted to and approved in writing by the local planning authority for the whole site.

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

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 ENV3, Policy ENV5 and Policy DM26 of the Copeland Local Plan 2013-2028.

### *Biodiversity Net Gain*

10. Prior to the commencement of each phase of development a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the local planning authority unless a BNGS and a PIP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain. The BNGS shall use the Biodiversity Metric 3.0 Calculation Tool unless an amended statutory Biodiversity Metric Calculator associated with the Environment Act 2021 becomes mandatory.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

## Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3PU of the emerging Copeland Local Plan 2017-2038.

### *Active Travel*

11. Prior to the commencement of each phase of development a detailed Access and Movement Parameters Plan (AMPP) shall be submitted to and approved in writing by the local planning authority unless a AMPP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The AMPP will demonstrate how links to existing Active Travel Routes are to be provided and how connections to any future Active Travel Routes are to be safeguarded on or through the Application Site to/between:

- West Lakes Science Park;
- Summergrove Halls;
- Summergrove Park; and,
- Dalzell Street.

The reserved matters shall be designed to be compatible with the approved Access and Movement Parameters Plan.

## Reason

To ensure adequate provision is made for the provision and safeguarding of active travel connections in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

### *Construction Management*

12. Prior to the commencement of each phase of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority unless a CEMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The CEMP shall include:

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

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

#### Reason

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

13. 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 unless a CSWMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

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 Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

14. Prior to the commencement of each phase of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority unless a CTMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

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 Policy T1 of the Copeland Local Plan 2013-2028.

### *Drainage*

15. Prior to the commencement of each phase 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

## *Highways*

16. Prior to the commencement of each phase of development detailed specifications of carriageways, footways, footpaths, cycleways forming part of that phase shall be submitted to and approved in writing by the local planning authority unless detailed specifications of carriageways, footways, footpaths, cycleways have previously been submitted to and approved in writing by the local planning authority for the whole site.

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

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

### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

## Pre-Occupation Planning Conditions

### *Drainage*

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

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

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

### Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

### *Highways*

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

#### Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

19. The roadside ditch shall be piped at the access prior to the development being brought into use, in accordance with details which have first been submitted for approval by the Local Planning Authority.

The construction shall be in accordance with a specification which has been approved by the Local Planning Authority.

#### Reason

In the interests of flood risk and highway safety in accordance with the provisions of Policy T1, Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

### Other Planning Conditions

#### *Ecology*

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

#### Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

#### *Unexpected Contamination*

21. If during development, contamination not previously identified is found to be present at the site then no further development on that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning



Authority for a remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

#### Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### *Hours of Construction*

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

#### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### *Highways*

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

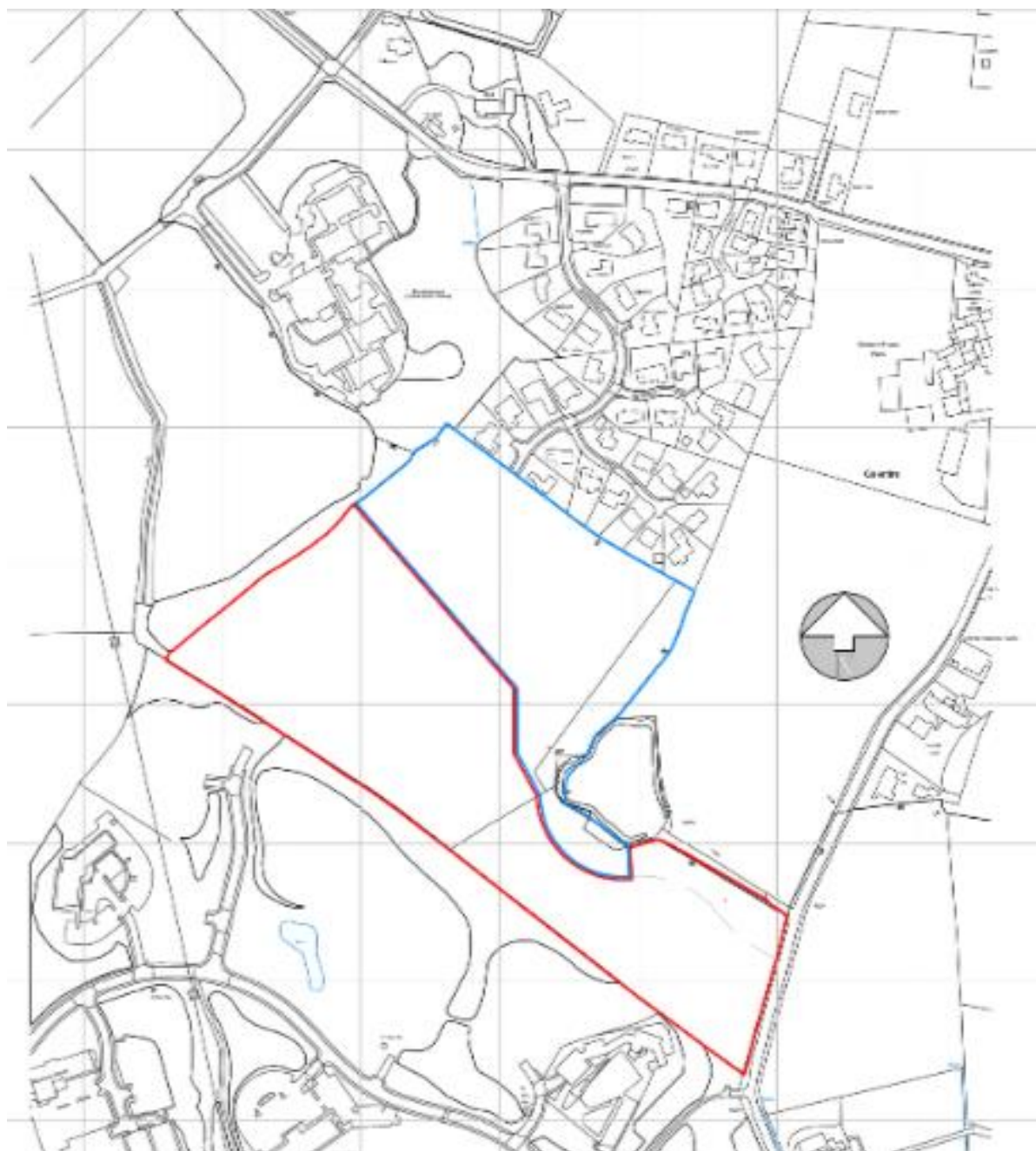
#### Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### **Informative Note**

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)

## Appendix 2 – Application Plans



Site Location Plan



**Illustrative Landscape Infrastructure Plan**