

Application - 4/23/2313/0F1

FULL PLANNING APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 164 DWELLINGS (USE CLASS C3), VEHICLE ACCESS FROM ULDALE VIEW, LANDSCAPING, SUDS, AND ASSOCIATED INFRASTRUCTURE WORKS

Copeland Core Strategy and Development Management Policies 2013-2028

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

ST2 Spatial Development Strategy	<p>Egremont is a Key Service Centre and as such it is appropriate for a development of moderate scale, such as the proposal, to be situated here.</p> <p>The proposal is situated outside the adopted settlement boundary. However, in this case, due to the advanced position of the emerging local plan, the settlement boundaries should be considered out-of-date.</p>
SS3 Housing Needs, Mix, and Affordability	<p>The proposed housing mix is considered to be broadly aligned with the expectations of the SHMA.</p> <p>However, the proposed tenure for affordable housing is considered inadequate. This is discussed in regards to Policy H8PU in the emerging Local Plan.</p>
SS5 Provision and Access to Open Space and Green Infrastructure	<p>SS5 provides a framework through which the Council will secure the Open Space and Green Infrastructure contributions necessary to facilitate sustainable development.</p> <p>There is a degree of distinction between this approach and that within the emerging Local Plan, <i>See N11PU</i>.</p>
ENV3 Biodiversity and Geodiversity	<p>Planning Policy has raised a query regarding the extent to which this proposal adequately enhances biodiversity. This will be discussed in regards to Policy N3PU in the emerging Local Plan.</p>
ENV4 Heritage Assets; DM27 Built Heritage and Archaeology	<p>Planning Policy would highlight the importance of securing an appropriate archaeological survey prior to any works. This is of particular importance due to the findings</p>

	<p>of the applicant's archaeological report, and the historical considerations of the site itself.</p> <p>Planning Policy have highlighted a view regarding archaeology in relation to Policy BE3PU in the emerging Local Plan.</p>
DM10 Achieving Quality of Place	The proposal design is considered to be broadly aligned with policy.

Copeland Local Plan 2021-2038

Development of the Emerging Local Plan

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

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

Weight of Emerging Policies

The weight emerging policies can be given is determined by:

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

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

DS1PU Settlement Hierarchy	Egremont is a Key Service Centre
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	<p>This entails: “<i>The focus will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.</i>”</p> <p>Planning Policy consider the proposed development to be of an appropriate scale.</p>
DS2PU Settlement Boundaries	The site is within the new proposed settlement boundary of Egremont.
DS7PU Hard and Soft Landscaping	<p>The Housing Allocation HEG3 is accompanied by the three Landscaping requirements:</p> <ul style="list-style-type: none"> • The site is within a high ground setting which helps define the character of the town, development should therefore be sensitive to this and appropriate for its setting. • The open character of the eastern section of the site should be retained, along with existing hedgerows, where possible • The development should avoid creating a harsh settlement edge <p>Planning Policy view the design within the eastern section of the site to have successfully maintained an open character. However, the southern border is designed less sensitively and risks creating a harsh edge to Egremont.</p>
DS8PU Reducing Flood Risk	The proposal is supported by an FRA.
DS9PU Sustainable Drainage	The proposal is supported by SUDs system.
H2PU Housing Requirement	The delivery of HEG3 provides an important contribution to the overall housing requirement for the Copeland Planning Area, and it is placed as such within the Housing Trajectory that underpins the Copeland Local Plan.
H4PU Distribution of Housing	<p>The Local Plan requires that 30% of housing is provided across the Key Service Centres, of which Egremont constitutes one of three settlements.</p> <p>The delivery of HEG3 provides an important contribution to maintaining this strategic approach.</p>
H5PU Housing Allocations	<p>The site is within housing allocation HEG3. There is a distinction between the indicative yield of 141 and the applications intention of 164.</p> <p>However, the indicative yield is only a broad figure, based upon desktop information and a number of assumptions. Providing an increase does not necessarily compromise planning policy so long as the scheme is well designed and provides appropriate landscaping, green space, community space and residential amenity.</p>
H6PU New Housing Development	Planning Policy considers the application to in accordance with H6.
H7PU Housing Density and Mix	The SHMA outlines the housing mix required in Copeland:

	<p><i>Table 14: Housing Needs by Bedrooms</i></p> <table><tr><th></th><th>1-bedroom</th><th>2-bedrooms</th><th>3-bedrooms</th><th>4+-bedrooms</th></tr><tr><td>Market</td><td>5%</td><td>35%</td><td>40%</td><td>20%</td></tr><tr><td>Affordable home ownership</td><td>15%</td><td>45%</td><td>35%</td><td>5%</td></tr><tr><td>Affordable housing (rented)</td><td>30%</td><td>40%</td><td>25%</td><td>5%</td></tr></table> <p>While the proposal doesn't meet this figures in full, it is within a reasonable proximity; though one should note this does apply as closely regarding affordable housing provision as will be discussed in Policy H8 below.</p>		1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms	Market	5%	35%	40%	20%	Affordable home ownership	15%	45%	35%	5%	Affordable housing (rented)	30%	40%	25%	5%
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H8PU Affordable Housing	<p>Policy H8PU requires that at least 10% of the homes should be affordable. As the applicant is proposing 9.8%, it is recommended that an in-lieu payment is used to address this shortfall.</p> <p>In addition to this the applicant's proposal to make all of the affordable homes "first-homes" is not supported. The SHMA identifies the affordable housing requirements for the Copeland Plan Area, and Policy H8 identifies a requirement for 60% of affordable homes to be social or affordable rent, and 25% to be "first homes" within a specific proposal. Paragraphs 13.11.25 to 13.11.29 explain the rationale for the tenure mix in Policy H8.</p>																				
N1PU Conserving and Enhancing Biodiversity and Geodiversity	<p>The site profile for Housing Allocation HEG3 identifies the primary ecological constraints and opportunities for HEG3 as the following:</p> <ul style="list-style-type: none">1) Hedgerows with habitat for breeding birds.2) Potential roosting opportunities and foraging habitat for bats.3) Terrestrial habitat for foraging and commuting amphibians.4) Potential habitat for red squirrel and otter <p>The proposal has addressed some of these elements, for instance through the provision of roosting opportunities. However, in light of comments raised in relation to N3PU, it may be appropriate for the applicant to reconsider these opportunities.</p> <p>The proposal should be supported with a construction management plan, this will ensure the River Ehen SAC and Florence Mine SSSI are protected during the construction phase.</p>																				
N3PU Biodiversity Net Gain	<p>The housing profile for HEG3 identifies a number of potential BNG opportunities and related requirements:</p> <p>"The woodland, watercourse scrub habitats and hedgerows provide habitat for a number of species and have connectivity to the wider environment. These habitats should be retained and protected. Retained hedgerows could be gap filled and margins widened to encourage development or expansion of the hedgerow ground flora. Any post-construction landscaping should make use of soils onsite and not use imported topsoils."</p>																				

	<p>Planning Policy would query whether the categorisation of the extant agricultural land is correct. The proposal suggests that 7.3ha ought to be defined as “Temporary Grass and Cover Leys” and, as such, exempt from the BNG calculation metric. If such a metric was incorrect, it may be appropriate for the applicant to reconsider the opportunities above.</p> <p>The proposal should also be supported by a Biodiversity Management Plan.</p>
N11 Provision of Open Space in New Developments	<p>N11PU highlights the required contributions for Open Space in all major developments, such as the proposed scheme.</p> <p>The minimum contribution per ha of Parks and Gardens, Amenity Greenspace, Natural and Semi-Natural, Provision for Young People, and Allotments are detailed in accordance with population.</p>
BE3PU Archaeology	<p>The site lies within a former medieval deer park and archaeological earthworks lie in the vicinity. There is the potential for currently unknown archaeological assets to survive buried on the site and so it is advised that any future application should be accompanied by the results of an archaeological desk-based assessment. Depending upon the results of the assessment, provisions may need to be made for the investigation and recording of any remains that would be impacted upon by the development.</p> <p>The archaeological report submitted by the applicant agrees with this requirement;</p> <p><i>“there is circumstantial evidence for prehistoric activity which is likely to require further investigation through geo-physical prospection followed by archaeological evaluation.”</i></p>
CO4PU Sustainable Travel	<p>The housing profile outlines:</p> <p><i>“There is currently no pedestrian provision on the eastern side of Uldale View along the site boundary. Removal of the wall, along with vegetation clearance, is required for the provision of footway along the western site extents, which will also ensure maximum visibility at the accesses to the site.”</i></p> <p>Planning Policy would consider it important to discount such an approach.</p> <p>Planning policy would highlight that the applicants Planning Statement identifies: “In addition, the site is served by wider public transport links”. However, the nearest bus stop is approximately 700 metres from the site, this will vary in accordance with particular dwellings. The TIS and allocation profile both outline the need to improve public transportation connections for HEG3, rather than simply utilising the extant.</p>

Conclusion

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

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

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