

**Planning Appeal Statement of Case – Land adjacent to Round Close
Park, Whitehaven**

Proposal: Residential Development



Planning Application Reference 4/22/2090/001

Mr Graeme Morgan

Sunshine Properties West Coast Limited

August 2022

SRE Associates - Planning and Development Consultancy



1.0 Introduction

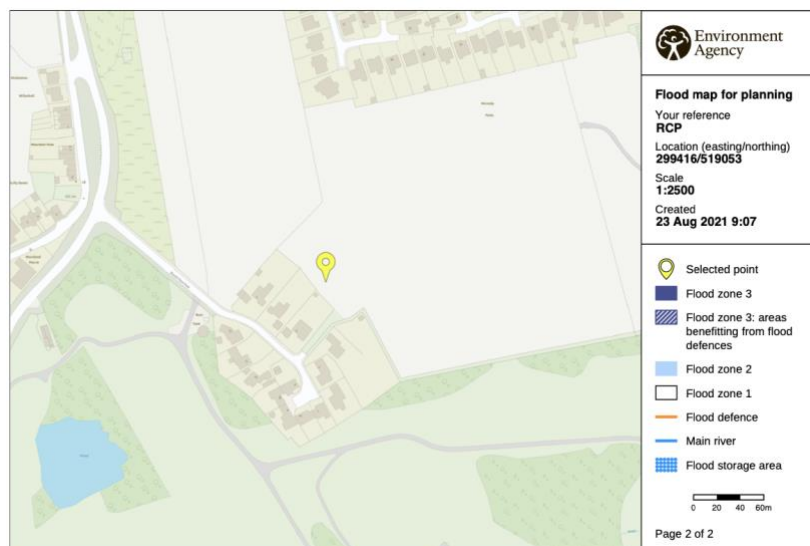
- 1.1 This statement of case has been prepared on behalf of the applicant in support of a planning appeal for residential development on land adjacent to Round Close Park, Whitehaven.
- 1.2 The application was submitted as in outline with access to be approved, therefore covering matters only relating to the principle of the development and the access. The purpose of this statement is to set out the planning case in support of the development of the site.
- 1.3 Section 2 of this Statement will set out the site's context, Section 3 covers the proposed development, Section 4 relates to the planning history of the site and surroundings, Section 5 details the decision made by Copeland Borough Council, Section 6 will set out the planning policy context against which the application must be considered and undertakes a planning assessment of the proposed development, Section 7 will draw together the conclusions.

2.0 The Site

- 2.1 The application related to an area of agricultural land extending to 0.96 hectares which lies to the east of the existing dwellings at Round Close Park . The site adjoins further agricultural land to the north and east, to the south it adjoins the boundary of Whitehaven Golf Club.
- 2.2 The topography of the land falls towards the east of this site and it is contained by hedgerows to the field boundaries, and more domestic boundaries to the adjacent properties in Round Close Park.
- 2.3 The application site is situated adjacent to an established residential group of 14 dwellings. It is located close to the Whitehaven settlement boundary (600m away) and is therefore close to the local amenities in the Hensingham area of Whitehaven consisting of the West Cumberland Hospital, Hensingham Primary School, churches, playpark, pubs, library, and shops. Whitehaven is the Main Service Centre in the Borough as detailed in the Copeland Local Plan. It is also 200m directly away from the Moresby Parks settlement boundary, with a public footpath link from the site to the village.
- 2.4 The A595 which runs through Copeland can be joined 1km from the site and provides easy access to both Sellafield and Whitehaven and continues north towards Carlisle, and Egremont and Sellafield to the south. The A595 links to the A66, 13 miles north of the site which connects to Penrith and Junction 40 of the M6 to the east.
- 2.5 In summary therefore, the site is situated within a long-established residential area that is within reach of the best range of facilities that the Borough can offer.
- 2.6 There are no Conservation Areas or Tree Preservation Order's on or directly adjacent to the site.
- 2.7 There are also no Listed Building's on, or near to the site, as detailed below in the extract from the Copeland Borough Council GIS Map:



- 2.8 The site is located in an area that the Environment Agency Flood Map for Planning has noted as Flood Zone 1, and as such have a low probability of flooding. A copy of the Environment Agency's Flood Map is included below.



3.0 The Proposed Development

- 3.1 The proposed dwellings would utilise the access from Round Close Park which currently serves the existing 14 dwellings. There is an existing section of road leading to field from Round Close Park, which is also the existing footpath route. This is suitable to be used for additional residential development in terms of width and specification, and runs between the side and front elevations of two dwellings, and therefore does not impact on their residential amenity.
- 3.2 The proposed scale of the development is 9 dwellings on the site, which following the layout and size of dwelling/plot in the existing development.

- 3.3 The layout of the proposed development would follow the existing rear boundary to the adjacent dwellings within Round Close Park, mostly having front and rear elevation to the east and west elevations, with garden land to the west and access, parking and turning area to the east.
- 3.4 The properties will have a minimum of two in curtilage parking spaces, although each plot could accommodate more parking for cars. The dwellings in the existing group include a range of detached, attached, single storey and two storey properties.
- 3.5 The application site is considered well related to the existing residential development, the road network and it is considered that the development of the site in the proposed form is possible without having any adverse impact on residential amenity to the surrounding properties, given the large plots, layout and potential separation in between dwellings.

4.0 Planning history

- 4.1 There is no recent planning history directly on the application site.
- 4.2 The following applications near to the application site are considered relevant to the proposal, either in terms of type or location:
- 4/19/2433/0 – Outline application (with all matters reserved) for single dwelling – land adjacent to Cross Barn, Sneakyeat Road, Whitehaven – Approved
 - 4/17/2169/0F1 - Erection of two detached 4 bedroomed bungalows (dormer) - Land Adjacent to Quaylan, Whelpside, Hensingham, Whitehaven - Approved
- 4.3 The two applications are examples of recent planning approvals in the Borough, on the edge of Whitehaven but not adjoining the previous settlement boundary, or with a continuous footpath link, that have received approval.

5.0 Planning Application Decision by Copeland Borough Council

- 5.1 The Planning Application was refused on 03rd August for the following reason:

1) The proposed erection of 9 dwellings on the land, which is located outside any designated settlement boundary in open countryside location, represents an inappropriate form of development that will be located away from the provision of facilities and services. The site offers extremely limited opportunity for public transport and is beyond distances which residents could reasonably be expected to walk to access services. There are no pedestrian walkways on direct access routes from the site which would result in the only safe access to services being via vehicle. The perceived benefits that could result from nine dwellings on this land would not be sufficient to significantly and demonstrably outweigh this harm, especially as these dwellings are without justification. As such, it would not represent sustainable development as required by the NPPF.

The proposal is therefore contrary to policies ST1, ST2 and DM22 of the Copeland Local Plan 2013-2028, Policies DS3PU and DS4PU of the Emerging Copeland Local Plan and the

objectives of paragraphs 8, 9, 11, 80 and Part 9 of the National Planning Policy Framework (2021).

2) The Application Site comprises an elevated parcel of agricultural land, the development of which would extend the built form of development at Round Close Park into open countryside to the northeast. This development would be visually prominent when viewed from the north and from significant areas within Moresby Parks to the north and east. Furthermore, development in this location would erode the extent of open space between Round Close Park and Moresby Parks which would have a significant detrimental impact in the character and appearance of the landscape

As a consequence, this development would be contrary to policies ST1 and ENV5 of the Copeland Local Plan 2013-2028, Paragraph 174 of the NPPF and the guidance set out in the Cumbria Landscape and Character Toolkit which seeks to maintain green gaps and avoid sporadic and peripheral development.

3) The use of the proposed access will materially increase traffic movements within close proximity to the private amenity space associated with the existing dwellings which flank the agricultural entrance. This will result in increased noise and disturbance and also potential glare from headlights during the hours of darkness which will have a detrimental impact on the amenities of the occupiers of these residential properties

As a consequence, this development would be contrary to Policy ST1 of the Copeland Local Plan 2013 – 2028 and Section 12 of the NPPF which seek to protect residential amenity.

6.0 Planning Policy and its application to the proposed development

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 The Local Development Plan consists of policies within the Core Strategy and Development Management Policies DPD (December 2013). The policies in the following paragraphs are considered relevant to the proposed development.
- 6.3 The Local Plan sets out a long-term spatial vision and strategic objectives to support Copeland's vision which is "Working to improve lives, communities and the prosperity of Copeland". Although it was adopted before the updated NPPF (2019) it was adopted after the first NPPF that was published in March 2012 and therefore closely follows the principles of sustainable development, as defined by national policy and delivering sustainable housing in accordance with that policy.
- 6.4 Copeland Borough Council's most recent 5-year land supply position statement which concluded that there currently is a 6.35 year housing land supply, following 3 years of sub-5 year supply. This updated position led to the removal of the Interim Housing Policy, which had been in place since 2017 as Copeland's primary decision-making document.
- 6.5 The settlement boundaries currently forming part of the Copeland Local Plan however have not been reviewed or updated in many years (referenced verbally in a Copeland Borough

Council Planning Panel meeting as reviewed in 2004). This position is confirmed in the Housing Land Supply position document which states:

'As the Council is now able to demonstrate a 5 year supply of deliverable housing sites, the Interim Housing Policy has been revoked. As the policy in the Core Strategy relating to development boundaries (Policy ST2 B and C) is still out of date, albeit for a different reason, applications for development outside the settlement boundaries in the Core Strategy will be determined in accordance with the National Planning Policy Framework, other policies relevant to the proposal and relevant material considerations.'

The explanation to the above is detailed as:

'These parts of the policy are considered to be out of date as the Preferred Options Draft of the Local Plan indicates that in order to meet housing needs identified in the SHMA over the period 2017-2035 (140 dwellings per year), development will be required outside the settlement boundaries in the Core strategy. Given this, the policy does not accord with the NPPF which requires local authorities to significantly boost housing delivery.'

Proposed Copeland Local Plan 2021 - 2038

- 6.6 The proposed Copeland Local Plan 2021 – 2038 is currently under a public consultation stage, involving detail relevant to residential development applications. It has not yet been submitted to the Planning Inspectorate for examination, and therefore should be afforded very little weight in the decision making process for current applications submitted to Copeland Borough Council.

Strategic Policies of the Copeland Local Plan 2013 - 2028

- 6.7 **Policy ST1** of the core strategy sets out the fundamental principles that will achieve sustainable development. Amongst other things it seeks to ensure that development created a residential offer which meets the needs and aspirations of the Boroughs housing markers.
- 'ii) Ensure development provides or safeguards good levels of residential amenity and security*
- iii) Accommodate traffic and access arrangements in ways that make it safe and convenient for pedestrians and cyclists to move around.'*
- 6.8 **Policy ST2** sets a spatial development strategy whereby development should be guided to the principal settlement and other centres and sustain rural services and facilities. As detailed above however, this policy that relates to the settlement boundaries is considered out of date until such time that the settlement boundaries are fully reviewed and adopted in a new Local Plan document. Therefore, while this is included on the reason for refusal, it is not considered that a Policy that relates to settlement boundaries that have not been reviewed in around 18 years is relevant to the determination of a current application.
- 6.9 The above are the strategic policies with particular relevance to residential housing sites in the Local Plan 2013 – 2028. They are both included in the reasons for refusal.
- 6.10 The above however should not form part of the decision making process, given that they are housing policies which are acknowledged by the Council to be out of date, and have not

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been replaced by a new adopted local plan as yet. However the application generally still accords with the above. It would accommodate pedestrians in a safe and convenient way with the proposed footway, and the application site is on the edge of the principal settlement, to which the above states development should be guided.

6.11 **Policy SS1** seeks to improve the housing offer of the borough by, amongst other things, by allocating housing sites to meet local needs in locations attractive to house builders and enhancing the general surrounding residential environment of the borough.

6.12 With regards to the above, it is noted that the site is within the vicinity of a number of residential properties. The proposed residential development could be built to a high standard to match the existing dwellings, will have minimal impact on local amenity and improve the borough's housing stock in this desirable residential location.

The Council abandoned progress on a previous housing allocations document when the lack of housing land supply was acknowledged, but this was intended to build on the Local Plan and Policy SS1 to identify sites that: -

- Met the needs of the Local Plan and the NPPF (2012);
- Provided sustainable development;
- Help to meet the needs of Copeland and provide a sound basis for economic growth.

It is considered that that site meets the above, given the location on the edge of a town, adjoining other dwellings and being a desirable location for new residential development of an appropriate scale.

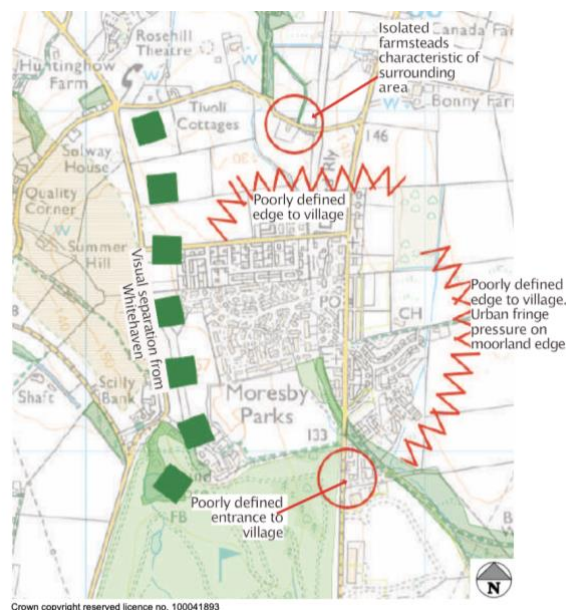
Furthermore, residential development is directed towards Whitehaven as Copeland's Principal Settlement. The site is near to the town and therefore the principle of residential development can be supported by both the NPPF and the Local Plan.

6.13 **Policy SS3** requires housing development proposals to demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone. This is assessed by how well a proposal meets the identified needs and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment (SHMA). The aim of the policy is therefore to: -

- Create a more balanced mix of housing types and tenure within that market area, in line with the evidence provided in the SHMA
- Include a proportion of affordable housing which makes the maximum contribution (consistent with maintaining the viability of the development) to meeting identified needs in that market area

6.14 **Policy SS5** sets out the Council's position in relation to the provision and access to open space and green infrastructure. This aims to protect against the loss of designated open space, set the minimum open space standards for new development and promote the establishment, improvement and protection of green infrastructure. There is a public footpath that joins Round Close Park to the Moresby settlement, some 250m to the east of the site. This will be protected and included in the proposed development, and the rest of the site is currently not public open space.

- 6.15 **Policy ENV1** sets out an approach to ensure that new build development is not prejudiced by flood risk, by permitting new build on sites outside areas at risk of flooding, and ensuring that new development does not contribute to increased surface water run-off through measures such as Sustainable Drainage Systems.
- 6.16 The proposed development is located within Flood Zone 1 which the Environment Agency (EA) define as an area having less than 0.1% annual risk of flooding and is therefore at the lowest risk of flooding. The site is therefore considered to be a low risk in terms of flooding.
- 6.17 **Policy ENV3** seek to ensure that new development will protect and enhance biodiversity and geodiversity.
- 6.18 There are no designations or information available which suggests that the site is subject to any biodiversity interest.
- 6.19 **Policy ENV5** relates to the protection and enhancement of the Boroughs landscapes. It seeks to ensure that landscapes are protected from inappropriate change through unsympathetic development. This policy is included within the reason for refusal.
- 6.20 It is considered that the proposed development, being of small scale and adjoining an existing cluster of dwellings, is not an inappropriate change to the landscape. In addition, the proposed dwellings will be set at a slightly lower level to the existing properties to the south west, and will therefore form part of this cluster from longer range views.
- 6.21 Within the reason for refusal, it states that the development would erode the extent of open space between Round Close Park and Moresby Parks. However, the application site is part of 8-hectare parcel of land, and therefore the proposed development would not impact on this gap significantly. In addition, Copeland undertook a Landscape Settlement Study (, to inform the local plan process. The map for Moresby Parks is included below, and it raised no issues from a landscape perspective about the site. It notes that it is essential to keep the gap between Moresby Parks and Whitehaven, which this does, and notes other areas around the edge of Moresby that would be sensitive to development because of previous development.



Development Management Policies

Design

- 6.22 **Policy DM10** states the Council will expect high standard of design and the fostering of 'quality places' and development proposals will be required to: -
- Respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through an appropriate size and arrangement of development plots, the appropriate scale and massing of houses;
 - Incorporate existing features of interest including local vernacular styles and building materials;
 - Address vulnerability to and fear of crime and anti-social behaviour by ensuring that the design, location and layout of all new development creates clear distinctions between public and private spaces, overlooked routes and spaces within and on the edges of development;
 - Create and maintain reasonable standards of general amenity.
- 6.23 It is considered that the above principles can be taken into account in the design and layout of the proposed development. The proposed dwellings on the indicative layout are considered appropriate in form, design and size, and also the size is laid out at an appropriate scale for the site and context of the adjacent dwellings. Further details regarding the exact nature of the property would be addressed through a planning application, but at the density proposed, the layout would allow for some grassed areas and dwellings to be set back from the road frontage.

Residential Amenity

- 6.23 **Policy DM12** requires new build residential properties to have: -
- a separation distance of at least 21 metres between directly facing elevations of dwellings containing windows of habitable rooms
 - a separation of at least 12 metres between directly facing elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation
- 6.25 The indicative layout confirms that the proposed dwellings would as detailed meet all of the above separation distances.
- 6.26 Policy DM22 is regarding accessible developments, and states as follows:
- 'The Council will require development proposals to be accessible to all users and accord with the following principles:*
- A The layout of the development responds positively to existing movement patterns in the area by providing or contributing towards:*
- i) Permeable and legible layouts which are convenient for access into and through the site for pedestrians, cyclists and disabled people*
 - ii) Access for public transport*
 - iii) Access for emergency and service vehicles*

B Incorporate innovative approaches to managing vehicular access and parking with:

i) Standards incorporated into the design of the development which manage traffic access and speeds without excessive engineering measures

ii) Incorporate car parking, through a variety of on street and off street arrangements which avoid vehicles dominating the street scene, whilst meeting adopted car parking standards which reflect the needs of the Borough in its rural context'

- 6.27 The Council has included this in the reason for refusal. It is presumed that this is due to the existing lack of connectivity, but the application includes the delivery of a footway proposed to connect to the nearest existing footway, joining the existing pavement at the entrance to Round Close Park to the nearest pavement at the Harras Moor road junction by way of agreement with Cumbria County Council. It stated in the Officer's Planning Panel Report that the delivery of this is questionable, however the applicant was not asked to justify this during the course of the application which he would have been happy to.

The applicant is aware that this would carry a significant cost but has no issue with providing it. Given that this is an extension to an existing housing estate, the existing infrastructure costs are minimal compared to other new developments. For example, the adopted United Utilities foul and surface water sewers run through the site and would be designed to be under the proposed road. Therefore, the development can afford such a commitment like the footway, and should the application be approved, it is expected that a condition would be included to ensure this is implemented prior to the site development.

The footway part of the proposed development ensures that the housing to be provided is sustainable, and is connected to Whitehaven, which is the principal settlement in the Borough by a continuous surfaced footpath link. This stretch of road along the side of the Whitehaven Golf Course, does not currently have a marked footpath, but is well walked by Whitehaven residents. This proposed improvement would be a significant benefit to the local residents of Whitehaven. Cumbria County Council have raised no objections to the proposed development in their role as the Highways Authority, and included a suggested condition regarding the proposed footpath link Appendix A.

- 6.28 It should also be noted that at the entrance to Round Close Park is a bus stop, which provides the same level of service as such villages like Arlecdon and Beckermest rely on, and villages which are proposed to be considered sustainable in the proposed local plan. The site also includes an existing footpath link to Moresby, which is only a 250m walk away from the site boundary, and deemed a sustainable location by Copeland (Appendix D).

Drainage and Flood Risk

- 6.29 **Policy DM24** states where a proposed development is likely to be at risk from flooding or increases risk of flooding elsewhere, a Flood Risk Assessment (FRA) will be required to be submitted as part of the planning application. Development will not be permitted where it is found that there is an unacceptable risk of flooding; or the development would increase the risk of flooding elsewhere.
- 6.30 The development area is located within a Flood Zone 1 in which the NPPF recognises that all uses types are therefore appropriate. Surface water sewer systems are proposed to

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accommodate the 1:100 year event plus a 40% allowance for climate change in accordance with 2016 requirements.

- 6.31 The proposed dwellings would utilise the existing adopted foul sewer which runs through the existing properties at Round Close Park and across the application site towards Moresby Parks. The indicative layout submitted details that the foul and surface water infrastructure would be under the proposed road with the houses set around this to allow for minimal disruption. United Utilities have raised no objections to the proposal (Appendix B)

Access and Transport

- 6.32 **Policy DM12** requires housing development to provide a car parking provision in accordance with adopted residential parking standards. Cumbria Highways have provided a Cumbria Development Design Guide but there are no adopted parking standards. The guidance provides a suggested level of parking for housing development.
- 6.33 The size of the proposed site could accommodate sufficient parking for the dwellings. The indicative layout accounts for two spaces and an integral garage for the properties. It is therefore considered that any proposed layout can meet this criterion of Policy DM12.
- 6.34 The WYG document *How far do people walk* was issued in July 2015. The abstract to this provides a basis for the document, which details the previous information on acceptable walking distances. The abstract to the document states *'The information on walking distances is limited. Planning Policy Guidance 13 Transport, which gave some useful guidance on walking and cycling distances, was withdrawn in 2012. The IHT's Providing for Journeys on Foot and Planning for Public Transport in New Development were both published 15 years ago. In all three documents there is limited evidence to support the advice given. However, there is a clear need that policy and decision taking should be based on the best evidence available.'*
- 6.35 This concludes that the following distances should be used for planning purposes:

	Mean (m)	85 th Percentile (m)
Walk – As main mode of travel		
UK (Excluding London)	1,150	1,950
London	1,000	1,600
Walk to a Bus Stop		
UK (Excluding London)	580	800
London	490	800

- 6.36 The proposed site is as follows:
- a 1.0km walk from a primary school;
 - a 550m walk from a post office and shop;
 - a 720m walk from a social club;

- 1.7km walk from a senior school;
- 70m from a bus stop;
- 550m from an alternative bus stop

6.37 The site is therefore considered to be a sustainable location, given that it falls within the above walking distances for access to schools, shops and public transport.

Ecology and Trees

- 6.38 **Policy DM25** states that all development proposals should protect the biodiversity value of land and buildings minimise fragmentation of habitats.
- 6.39 **Policy DM28** requires development proposals which are likely to affect any trees within the Borough will be required to include an arboriculture assessment as to whether any of those trees are worthy of retention and protection by means of a Tree Preservation Order.

No trees will be removed on the site, and it is intended that the hedgerows on site would remain.

Principle – National Planning Policy Framework (“NPPF”) (as revised July 2021)

- 6.40 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that sustainable development has three objectives social, economic and environmental.

- 6.41 The aims listed in Paragraph 8 are as follows:

*“a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

It is noted in the above that a central aim of the NPPF is to ensure that the right type of land is available in the right areas, to ensure that the correct housing is available to meet the needs of present generations.

- 6.42 Paragraph 11 covers the issue of the application of the presumption in favour of sustainable development.

*“For **decision-taking** this means:*

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Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 6.43 The above is important because specifically planning permission should be granted, unless the adverse impacts of the development significantly outweigh the benefits, not the other way around.
- 6.44 Paragraph 49 in the revised NPPF now states “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission.”
- 6.45 Paragraph 62 states that “*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*”
- 6.46 Paragraph 80 states that ‘*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) the development would involve the subdivision of an existing residential building; or*
 - e) the design is of exceptional quality, in that it:*
 - *- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.’*

- 6.47 The above has been included given that Copeland have included this in the reason for refusal. However, the proposed development would not be isolated dwellings, given that it is an extension to an existing new build housing development. Isolated is generally considered to be only in reference to single dwellings, and in rural area. This site is within

walking distance to the settlement boundaries of two settlements, and therefore is not isolated.

6.48 Paragraph 104 is regarding promoting sustainable transport, which is relevant to this proposal. *“Opportunities to promote walking, cycling and public transport use are identified and pursued.”* This continues in paragraph 105 stating *“The planning system should actively manage patterns of growth in support of these objectives. 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.”*

6.49 As previously noted, this site is located on the edge of the principal settlement in the borough, within an existing group of dwellings. This area of Whitehaven benefits from services such as the West Cumberland Hospital, Westlakes Science Park, schools, churches, pubs & shops. The proposed footpath link as previously mentioned will help proposed safer and more sustainable transport in terms of the site, but also the wider area.

6.50 Part 9 as a whole has been included in the reason for refusal, however it does not specifically mention any paragraphs. It is assumed though that Paragraph 112 is the most relevant, and this states:

‘Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.’

6.51 While this has been included as a reason for refusal, the application specifically gives priority to pedestrians, by including a new footway link which connected it to the main settlement within the Borough.

6.52 Paragraph 174 regarding the natural and local environment, states as follows:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

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a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

- 6.53 The above is also included in this document due to its inclusion in the reason for refusal. The site however is not classed as a valued landscape in the Copeland document; it is not of biodiversity or geological value; it is not in the undeveloped coast area; nor is affected by unacceptable levels of soil, air, water or noise pollution or land instability.

7.0 Conclusion

- 7.1 The proposed development provides the opportunity for additional dwellings on a site that is considered suitable for residential use.
- 7.2 The proposed development will provide the opportunity to provide a footpath link, which will benefit residents of the proposed site and the general public in this area of Whitehaven.
- 7.3 It is considered that the adverse impacts do not significantly and demonstrably outweigh the benefits in terms of decision making.
- 7.4 The proposed development has been sensitively designed to take into account the site characteristics, surroundings, wider location and separation distances. It is considered that any impact on the adjacent dwellings outside of the site has been minimised by the proposed layout.
- 7.5 It is considered that the development is within a suitable walking distance to facilities and is therefore sustainable.
- 7.6 It is contended therefore that the proposed development is acceptable and is in accordance with both national and local planning policy, and therefore the appeal should be approved.

Simon Blacker MRTPI