

Planning Statement

For Persimmon Homes & Charles Church Lancashire | 22-163

Hybrid application seeking full planning permission for the erection of 139 residential dwellings (C3), new vehicular accesses off High Road, public open space and ancillary infrastructure and outline planning permission for residential development, retail (E(a,b,c,e,f), F2(a) and ancillary infrastructure with all matters reserved other than access.

Project: 22-163
Site Address: Former Marchon Chemical Factory, High Road, Whitehaven
Client: Persimmon Homes & Charles Church Lancashire
Date: August 2025
Author: Stephen Harris

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1. Executive Summary

- 1.1 This Planning Statement has been prepared on behalf of Persimmon Homes & Whitehaven Developments Limited in support of a hybrid planning application seeking full planning permission for the erection of 139 residential dwellings (C3), new vehicular accesses off High Road, public open space and ancillary infrastructure and outline planning permission for residential development, retail (E(a,b,c,e,f), F2(a) and ancillary infrastructure with all matters reserved other than access at the former Marchon Chemical Factory, High Road, Whitehaven. The application site extends to approximately 32 hectares and is adjacent to the existing built-up area of Woodhouse, which lies to the south of Whitehaven.
- 1.2 The planning application was validated on 28 September 2021 and remains in the planning process (LPA ref. 4/21/2432/0F1). Following discussions with the LPA the proposed dwellings and layout has been revised to accord with the boundary of the allocation (HWH5) in the local plan. This Statement has been prepared on the revised layout and where necessary updated environmental, technical and viability reports.
- 1.3 As paragraph 2 of the Framework states *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”*.
- 1.4 Since the submission of the application the development plan has changed with the Copeland Local Plan now forming the development plan for the area. In the Local Plan, the former Marchon site is allocated for housing (HWH5) and an opportunity site (OWH13). The land to the west of Wagon Way is designated as Heritage Coast (N6 and N7) undeveloped coast (N8). The application site lies within HWH5 which confirms that the principle of the proposed development is acceptable.

Delivery of Proposed Allocation HWH5

- 1.5 This application proposal is for 139 dwellings in full and around 189 in outline. The Council is therefore relying on this site coming forward to meet housing needs in the Borough within the plan period. In the latest trajectory the site is shown to be coming forward in 2027/28. Delivery from this site is a substantial benefit of the proposals.

Ground Conditions

- 1.6 As set out in the planning policy section, this is a longstanding previously developed site. Betts, the authors of the Ground Investigation Report has provided the following summary of:



- the existing ground stability and contamination;
- the benefit from this application being permitted; and,
- the scenario of planning permission being refused.

1.7 They state:

“Without undertaking development, contamination will continue to pose a risk to the environment with the pollutants persisting, potentially spreading and causing harm to ecosystems and human health. From the site investigation, it can be seen that active source-pathway-receptors are present on the site in its current state.

Whilst it could be argued that the undeveloped site is of a low risk to human health (low sensitivity open land) without remedial works there is still a long-term ground and groundwater contamination issue whose legacy will continue for years to come. Of particular concern is the hydrocarbon hotspot and potential degradation over time to more mobile contamination which may migrate to adjacent SSSI and proposed adjacent residential development.

Geotechnically the site has issues of dissolution features and mine shafts which also pose a liability for health and safety- without control of surface water infiltrating, the underlying rocks prone to dissolution are exposed to significant risk of increased failure. This risk could be mitigated by development and removal of surface water infiltration. The current condition of the site comprises large areas of impermeable hard standing with concentrated rainfall accumulating into damaged (due to demolition) drainage systems. The knock on effect of allowing dissolution features to form in areas of concentrated surface water percolation also significantly allows groundwater flows to change with a significant possibility of contamination release to the wider environment. Historically contamination of the underlying aquifer has been significantly impacted by such dissolution led events resulting in a part 2a investigation.

Remediation of the site will clearly reduce the risks to surrounding land and ecosystems by reducing any active contamination sources and pathways on site.

Without these proactive measures, the existing contaminants will persist, leading to potential long-term environmental degradation as well as human health hazards with possible migration to adjacent site users.

The proposed development of the subject site provides a means to fund remediation efforts and mitigate future risks to receptors. By incorporating remediation into the development plan, existing contaminants can be effectively managed and reduced ensuring long-term safety and sustainability.

Any refusal of planning will simply exacerbate existing issues and the situation will deteriorate further. Contamination will continue to spread, leading to more severe environmental degradation and heightened health risks for nearby land. Without remediation and proactive development, the pollutants will persist, exacerbating the problem over time and making any future cleanup efforts more difficult and costly.”



- 1.8 We consider that the benefits from the development for ground stability and remediation of contamination to be a key benefit of this development and the fallback position of a refusal of planning permission is one of an exacerbation of the existing issues.
- 1.9 The development of reusing this heavily contaminated site is a substantial benefit.

Viability

- 1.10 The original financial assessment undertaken by Roger Hannah demonstrated that the delivery of Phase 1 was required to enable the delivery of the wider scheme, due to the larger proportion of costs associated with the former uses of the Phase 2 land. Given the conclusions from this appraisal, the FVA concluded that the planning policy requirements in respect of affordable housing and S106 contributions should be removed on viability grounds for the proposed development.
- 1.11 The updated assessment is based on the revised scheme and have modelled the scheme on the following bases:
- i. Phase 1 only (139 dwellings) on a policy compliant basis to include affordable housing and S106 contributions.
 - ii. Phase 1 only (139 dwellings) on a 100% market sale basis and no S106 contributions.
 - iii. Phases 1 and 2 (328 dwellings) on a policy compliant basis to include affordable housing and S106 contributions.
 - iv. Phases 1 and 2 (328 dwellings) on a 100% market sale basis and no S106 contributions.
- 1.12 The conclusion on the 4 scenarios is that the planning policy requirements in respect of affordable housing and S106 contributions should be removed on viability grounds. Notwithstanding, as set out in the highways report a number of contributions are proposed and have been agreed with the Highway Authority.

Highways

- 1.13 CBO Transport has prepared a Transport Assessment in support of the proposals. This examines non-car travel links and the impact of traffic movements associated with the proposals, in accordance with Policy CO4 of the Local Plan. They have also prepared an Addendum on the revised proposal which sets out the highway benefits of the development. In summary, the key points are:
- three access points to High Road are included in the proposals plus a separate access to the local centre. The layout of all these access points has been agreed with Cumberland Council (CC) officers.



- There are three elements to the off-site measures agreed with CC to enhance accessibility which are:
 - a zebra crossing would be provided on High Road adjacent to Kells Infant School
 - contribution of £65,000 would be made to provide improvements to the English Coastal Path (ECP) in the vicinity of the site
 - contribution of £80,000 would be made to enhance active travel facilities on High Road
- There are also three elements to the agreed off-site measures to provide highway mitigation:
 - has been agreed with National Highways that an improvement to enhance capacity at the A595 Egremont Road / Homewood Road roundabout would be implemented
 - has been agreed with CC that the junction between the B5345 Meadow View and Ginns to Kells would be provided with traffic signals
 - is has been agreed with CC that a contribution would be made of £59,600 towards improvement works at the B5345 St Bees Road / Mirehouse Road junction
- As the overall development content will now be lower, the development would have a lesser overall traffic impact. However, the triggers for the highways based mitigation measures, which were determined at the points when the impact from development traffic would be material, would continue to fall within the revised unit numbers, so this mitigation would still be required.
- As the traffic impact would now be less there would clearly not be any further material traffic impacts associated with development

1.14 Therefore, the proposed development would provide a range of benefits to local highways and improving accessibility which is a significant benefit of the development.

Ecology

1.15 ERAP has prepared an updated note to provide a synopsis of the net gains for biodiversity that will be secured by the proposals with specific reference to the ecological enhancements to be achieved in relation to the location of the site, the designated sites and habitats and biodiversity interest surrounding the site and the relevant planning policy requirements.

1.16 A suite for reports to the results of a desktop study and data search, extended Phase 1 Habitat Survey and surveys for relevant protected species and other wildlife (namely wintering and breeding birds) carried out between 2018 and 2023 has been submitted, and accepted, to inform the planning application for the development of the allocated site to housing.

1.17 The scope of ecological survey undertaken is appropriate to identify potential ecological constraints and has facilitated the application of the mitigation hierarchy to inform the site proposals and the Landscape Strategy. The collated baseline surveys have informed the scope of recommendations and actions to be



applied to secure maximised protection of existing features of ecological interest (particularly the off-site designated sites for nature conservation). The surveys have additionally informed the recommendations for the creation of compensatory and complementary habitats and opportunities for biodiversity as part of the development proposals.

- 1.18 In addition, an Assessment of Biodiversity Net Gain (BNG) has been carried out which demonstrates that over 10% gain in biodiversity units (currently 13.80% gain in habitat units and 100% gain in hedgerow units) is secured by the proposals.
- 1.19 The proposals are feasible and acceptable in accordance with ecological considerations and planning policy. The proposals will secure an opportunity to implement beneficial measures that will enhance wildlife associated with residential development, such as breeding birds and roosting bats.
- 1.20 The revised proposal is in accordance with the adopted Local Plan. On that basis we respectfully request that planning permission is granted without delay.



2. The application

Site location and description

- 2.1 The site is located to the south of Whitehaven, approximately 1.6km south of Whitehaven town centre and 2.0km west of the A595. The southern portion of the site is previously developed land and is the location of the former Marchon Chemical Factory. The northern portion of the site is greenfield, undeveloped land. The site is bordered to the east by existing residential areas. South of the site is also land of the former Marchon Chemical Factory which had a consent for a coal mine which was subsequently quashed by the High Court.
- 2.2 The site is generally rural in character. The south of the site (the former Marchon Chemical Factory) has been cleared to ground level. This area of the site is fenced off with security fencing. This part of the site contains shrubs and grassland throughout. The north of the site is made up of fields, with metal fencing to the east. Shrubs and hedgerows surround the perimeter of the fields. The site rises from west to east.

The proposed development

- 2.3 The Design and Access Statement and planning drawings set out the proposed development which is as follows:

Scale

- 2.4 A total of 139 dwellings are proposed in the full application with additional houses to be delivered on that part of the site where details are in outline only. There will be around 330 dwellings in total. The buildings are a mix of one, two and two and a half storeys. The two and a half storey dwellings have accommodation in the loft space, making these buildings marginally higher than those with two storeys.

Layout

- 2.5 The revised layout is set out below. Following discussions with the LPA the proposed dwellings and layout has been revised to accord with the boundary of the allocation (HWH5) in the local plan. 48 dwellings are



located on the greenfield part of the site (Phase 1) and 91 on part of the previously developed element (Phase 2).



- 2.6 The development parcels are linked together by a network of roads, footpaths and cycleways and have been designed so that the outline element can be a logical next phase. A road has also been brought to the boundary of OWH13.



Means of access

- 2.7 The housing development proposed is based on three key links to High Road to the east of the site. This has the effect of distributing traffic generated by the development around the existing road network rather than concentrating traffic at one or two primary points of access. The approach to access with multiple connections to existing roads means that there is excellent permeability for access to the development for vehicles, buses, cyclists and pedestrians.
- 2.8 The proposed primary road can deliver bus services which can provide public transport links to the proposed and existing residential areas. A new pedestrian and cycle route system will be designed and linked with the existing network to allow easy access to the coastal paths.

Landscape treatment

- 2.9 The site will be punctuated with incidental green pockets to soften the built form, providing a node point to place built form around. The landscaping of the site has been designed to avoid ecological impacts where possible, mitigate for any impacts, if required and compensate for any impacts that cannot be avoided or mitigated for through the creation and enhancement of habitats. As a result, key areas of habitat on the site will be retained and enhanced, where possible.

Houses

- 2.10 The proposal will provide a mix of housing types and sizes, to meet the housing needs of the area. This includes detached, semi-detached and terraced units. They range in size from the Alnmouth Mid Terraced House to the Tiverton Detached House. There will be housing opportunities for many different types of households. The house types have been selected from the Persimmon Homes range. Whilst there are recognisable characteristics that unite all house types (such as a palette of external facing materials) there is also considerable variety in terms of scale, material mixes, colour and building form. This gives interest across the housing parcels and it avoids an over concentration of homes of identical form and appearance. The development has a mix of character areas: 'rural edge' to the east; 'heart' in the central part of the site; and 'coastal' to the west.

Consultation and background

- 2.11 The applicant held a public consultation event in February 2019. Positive feedback included re-development of the former factory as well as maintenance of public footpaths and additional connections. Concerns were raised regarding the development of the greenfield portion of the site, highways issues and local facilities such as schools and doctors' surgeries. This planning application took into account all



feedback received, where possible. Since the submission of the application there have been detailed discussions with the LPA and consultees to get to a position where this revised scheme is being submitted.



3. Policy Context

- 3.1 As set out in paragraph 2 of the Framework, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Development Plan Context

- 3.2 On 1 April 2023, Cumbria County Council and the councils of Allerdale, Barrow-in-Furness, Carlisle City, Copeland, Eden Districts and South Lakeland District were abolished. Cumberland Council has taken over the area previously covered by the Allerdale, Carlisle City, and Copeland authorities.
- 3.3 The development plan for the proposed development comprises the Copeland Local Plan 2021-2039 which was adopted in November 2024. The relevant proposed policies are considered to be:
- Strategic Policy DS1 – Settlement Hierarchy
 - Strategic Policy DS2 – Settlement Boundaries
 - Strategic Policy DS3 – Planning Obligations
 - Policy DS4: Design and Development Standards
 - Policy DS5: Hard and Soft Landscaping
 - Strategic Policy DS6: Reducing Flood Risk
 - Policy DS7 – Sustainable Drainage
 - Policy DS8 – Soils, Contamination and Land Stability
 - Policy DS9 – Protecting Air Quality
 - Strategic Policy H1 – Improving the Housing Offer
 - Strategic Policy H2 – Housing Requirement
 - Strategic Policy H3: Housing Delivery
 - Strategic Policy H4: Distribution of Housing
 - Strategic Policy H5 – Housing Allocations
 - Policy H6 – New Housing Development
 - Policy H7 – Housing Density and Mix
 - Strategic Policy H8 – Affordable Housing

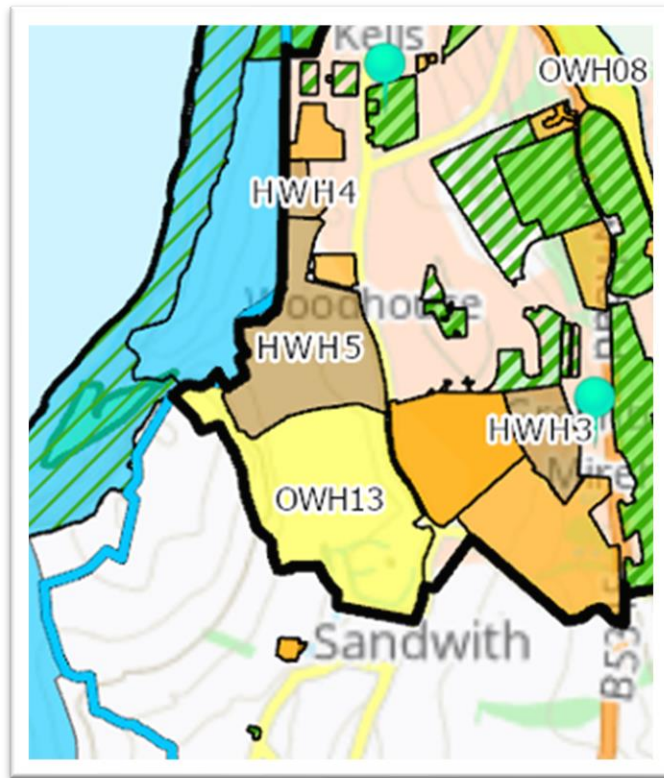


- Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N3 – Biodiversity Net Gain
- Strategic Policy N7 – St Bees and Whitehaven Heritage Coast
- Strategic Policy N8: The Undeveloped Coast
- Strategic Policy N11: Provision of Open Space in New Development
- Policy N14 – Woodlands, Trees and Hedgerows
- Strategic Policy BE1 – Heritage Assets
- Policy BE2 – Designated Heritage Assets
- Policy BE3 – Archaeology
- Strategic Policy CO4 – Sustainable Travel
- Policy CO5: Transport Hierarchy
- Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

3.4 Strategic Policy H5 allocates a range of sites and the application site includes site HWH5 as shown on the extract below for 532 dwellings.



3.5 To the south is a designation for an opportunity site (OWH13).



3.6 The land to the west of Wagon Way is designated as part of the Heritage Coast Extension.

Other Material Considerations

2025 National Planning Policy Framework (the Framework)

- 3.7 The Framework was originally published in 2012. It was updated in July 2018, February 2019, July 2021, September 2023, December 2023 and most recently in December 2024. Minor updates were then made on 7th February 2025. The Framework is a material consideration in the determination of planning applications.
- 3.8 The Framework sets out the Government's planning policies for England and how these should be applied.
- 3.9 The Framework emphasizes that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. It is a material consideration in decision making and provides a framework for the preparation of development plans (Section 2).
- 3.10 Relevant in in this instance are sections:



- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 11 – Making efficient use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (the PPG)

3.11 The PPG was originally published in March 2014 and has since been updated.

Written Ministerial Statement (WMS) 30 July 2024

3.12 The Government published a WMS on 30th July 2024 alongside its consultation on changes to the Framework. The WMS has the effect of Government policy and is therefore a material consideration in planning decisions (*Cala Homes (South) Ltd v Secretary of State [2011] EWCA Civ 639*).

3.13 The WMS states: **“There is no time to waste. It is time to get on with building 1.5 million homes”**.

Letter from the Deputy Prime Minister to local authorities: “Playing your part in building the homes we need”

3.14 Following the WMS, the Deputy Prime Minister wrote to local authorities in a letter dated 30th July 2024. The letter outlines a number of changes the government will make to achieve the delivery of additional housing.

Chancellors Statement 8th July 2024

3.15 The Chancellor’s first statement set out how the new Government is going to achieve its manifesto pledge to deliver economic growth. As a statement from the Government this is capable of being a material consideration. The Chancellor stated that *“Growth... is now our national mission”*.



4. Planning Considerations

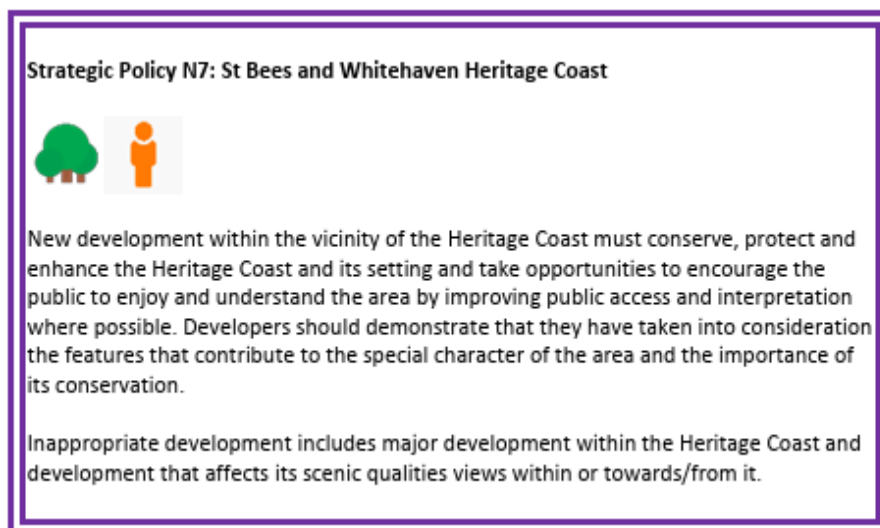
- 4.1 We now turn to the planning considerations to demonstrate the acceptability of the proposed development. The main issues include the principle of development, highways and accessibility, drainage and flooding, ecology and the natural environment, residential amenity, design and landscaping and planning obligations.

The Principle of Development

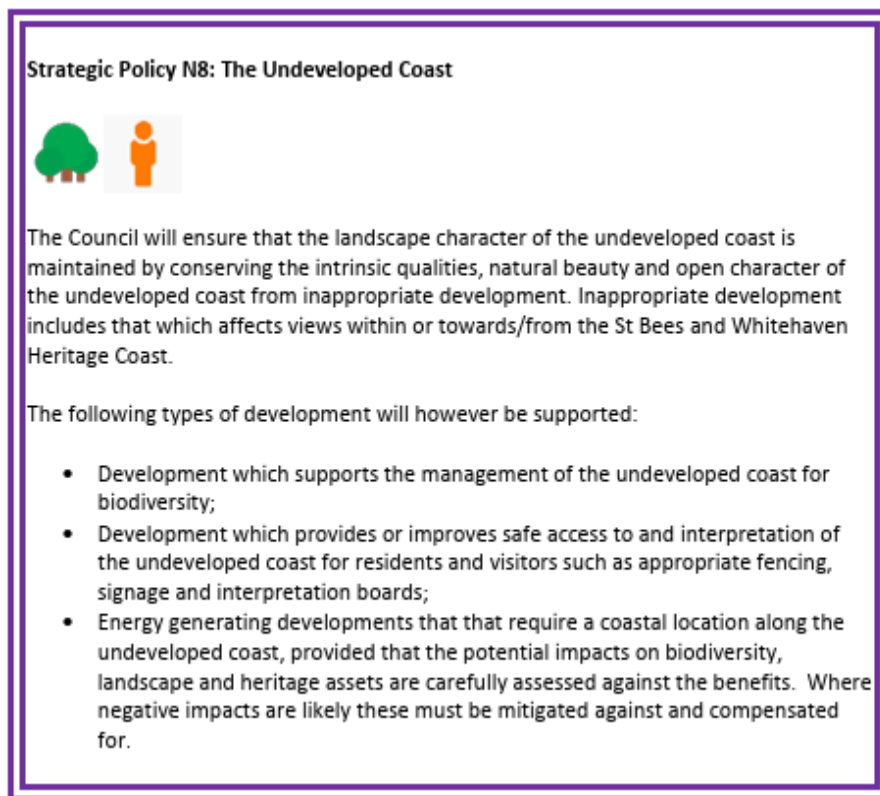
- 4.2 Strategic Policy H2 (Housing Requirement) states that the housing requirement is for a minimum of 2,628 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2039. Strategic Policy H5 (Housing Allocations) sets out the proposed housing land allocations to deliver the homes needs in the Borough by 2039. The Former Marchon Site North, of which the application site forms is identified as Site Reference HwH5 as shown on the extract below.



- 4.3 This application proposal is for 139 dwellings in full and the remainder as outline. Following the layout changes agreed with the LPA, the development west of the Wagon Way has been removed from the proposal and all dwellings are now located within the allocation as set out below. The likely total capacity of the application site is 330 dwellings. However, the total capacity of the outline will only be established through a subsequent reserved matters application.
- 4.4 The Council is therefore relying on this site coming forward to meet housing needs in the Borough within the plan period. In the trajectory (Appendix E of the Local Plan) the site is shown to be coming forward in 2027/28 with 35 dwellings and then 35 dwelling per annum thereafter. Delivery from this site is a substantial benefit of the proposals.
- 4.5 Part of the application site lies outside the settlement boundary and is located within Strategic Policy N7 (St Bees and Whitehaven Heritage Coast) and the Undeveloped Coast (Policy N8). This element of the proposal is for drainage works and attenuation basins.
- 4.6 Policy N7 states:



4.7 Policy N8 states:



4.8 We consider that the drainage works below and above ground would conserve the Heritage and Undeveloped Coast.

Access, traffic and highways and parking

4.9 Strategic Policy CO4 (Sustainable Travel) states that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. The Council will also support, in principle, developments which encourages the use of sustainable modes of transport. Developments that are likely to generate a large amount of movement will be required to secure an appropriate Travel Plan and be supported by a Transport Assessment.

4.10 Policy CO7 (Parking Standards and Electric Vehicle Charging Infrastructure) states that proposals for new development will be required to provide adequate parking provision. All new development should integrate new electric vehicle charging infrastructure. For new residential development, one charging point must be provided per dwelling with off-street parking. Where off street parking is not provided, a commuted sum will be required to provide charging facilities in the immediate locality.



- 4.11 CBO Transport has prepared a Transport Assessment in support of the proposals. This examines non-car travel links and the impact of traffic movements associated with the proposals, in accordance with Policy CO4. They have also prepared an Addendum which sets out the highway position for the revised proposal.
- 4.12 The Transport Assessment concludes that the site is in an accessible location suitable for residential development. The site will form a sustainable urban development within the existing urban area. The area has many local facilities including a number of primary schools and local shops and is served by a regular bus service. Additional local facilities will be provided on the commercial part of the site.
- 4.13 As explained in the Transport Assessment, three vehicular accesses to the site are proposed. The northern existing access would be modified to provide a wider footway and would serve the Phase 1 development of 139 units. The southerly of the two existing access would be used to serve the ancillary commercial development and be one of two accesses serving the Phase 2 residential development.
- 4.14 The design of the street network has been undertaken so that access to the site and movement routes through it has been carefully considered. The points of vehicular access from surrounding roads provide a number of routes to carry the vehicular and non-vehicular traffic.
- 4.15 An appropriate number of parking spaces will be provided for all dwellings, in accordance with the stated parking standards. These would be provided via a combination of external parking spaces (drives) and garages, as shown on the proposed layout. The internal road network provides for access by refuse vehicles, with turning areas at the end of each cul-de-sac.
- 4.16 The Transport Assessment concludes that subject to a scheme to address traffic flow changes at the B5345 Meadow View / Ginns to Kells Road junction, there are no traffic or transportation grounds on which to refuse the planning application for the proposed residential development.

Drainage and Flooding

- 4.17 Strategic Policy DS6 (Reducing Flood Risk) of the Local Plan states that the Council will ensure that development in the Borough is not prejudiced by flood risk through several measures. Policy DS7 (Sustainable Drainage) of the Local Plan states that where appropriate, new development must incorporate sustainable drainage systems.
- 4.18 Tetra Tech has prepared a Flood Risk & Drainage Assessment to demonstrate the proposal is in accordance with the Framework and the Local Plan.



Design/Layout and Residential Amenity

4.19 Policy DS4 (Design and Development Standards) of the Local Plan states that the Council will expect all new development to meet high-quality standards of design. Policy H6 (New Housing Development) of the Local Plan sets out a number of criteria which should be met, if planning permission is to be granted for housing development on allocated sites.

4.20 The key principles which underpin the Masterplan approach have evolved in response to a detailed assessment of the surrounding landscape and built environment character as well as pre-application discussions with the LPA. These have been reflected in the detailed layout and design proposals which form this application proposal. The analysis has considered aspects highlighted in the policy, including:

- Incorporating a complementary mix of uses;
- Providing an appropriate size and arrangement of development plots;
- Consideration of the appropriate provision, orientation, proportion, scale and massing of buildings;
- Provision for efficient and unobtrusive recycling and waste storage;
- Careful selection and use of building materials which reflects local character and vernacular;
- Incorporating existing features of interest including landscape, topography, local vernacular styles and building materials; and
- Create reasonable standards of general amenity.

4.21 Principles which are taken forward in the application proposals design response, reflecting the policy requirements are set out in the Design and Access Statement as follows:

Layout

- It is anticipated that housing layout will be based on an interconnected network of urban or perimeter blocks linked by a network of streets.
- The block layout should ensure that buildings are orientated to face the streets and to front onto areas of open space.
- The clear distinction between public and private spaces is important, particularly along streets where good quality boundary walls and hedges should be used to define the extent of private curtilage areas.
- Particular attention should be given to the transition from the new development to the surrounding countryside. The character, orientation and detailing of the housing at the point of transition needs to be carefully conceived.



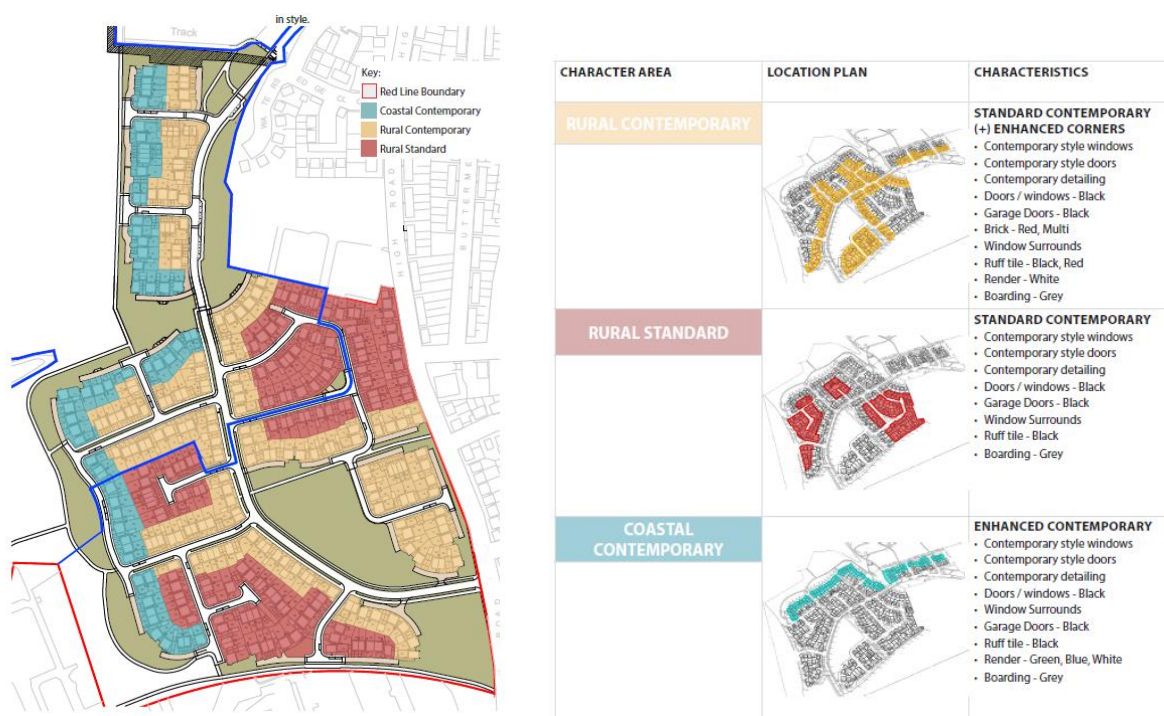
Density

- It is expected that the density of housing development will vary across the site as a whole.
- Higher density development is concentrated on the plots towards the eastern edge of the site next to the existing suburban housing.
- There is an opportunity for a lower density of development where housing is next to the open countryside to provide an appropriate transition from urban to rural.

Housing Mix

- The proposal will provide a mix of housing types and sizes, to meet the housing needs of the area.
- The development will seek to provide much needed accessible, affordable market housing for new households and existing families.

4.22 The proposal includes character areas across the site which are illustrated below.



4.23 Strategic Policy H1 (Improving the Housing Offer) of the Local Plan states that 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.

4.24 Policy H7 (Housing Density and Mix) of the Local Plan states that 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. There is a variety and choice in the accommodation provided as set out on the range of house types by Persimmon to comply with the Local Plan.

- 4.25 This design for the application is a culmination following the discussions with the LPA to date which has enabled the development team to have a full understanding of the site and its context which has led to design decisions that are robust and justified. The structure for new development that is presented will lead to a successful and inclusive place being created.

Historic Environment

- 4.26 Strategic Policy BE1 (Heritage Assets) of the Local Plan states that heritage assets and their setting will be conserved and enhanced by ensuring that new development is sympathetic to local character and history. Policy BE2 (Designated Heritage Assets) of the Local Plan states that development should preserve or enhance designated heritage assets (or an archaeological site of national importance) and their setting. Policy BE3 (Archaeology) of the Local Plan states that proposals affecting archaeological sites of less than national importance (or local significance) should conserve those elements which contribute to their significance in line with the importance of the remains.
- 4.27 Wardell Armstrong has prepared a Heritage Impact Assessment. This assesses the impact on the heritage significance of upstanding heritage assets within the 1km study area, and the potential for encountering as-yet unknown heritage assets within the site boundary. The Preston Quarter township, in which the proposed development site lies, was an important area for early extractive processes, and quarrying and mining occurred from an early period. The proposed development has the potential to directly impact on the surviving remains of these thirteen known heritage assets. As assets of local significance, this substantial impact would result in a limited impact on overall heritage significance. There is also the potential for as-yet unknown archaeological features to survive within the site boundary, particularly considering the potential for prehistoric and Romano-British period remains in the vicinity. Further archaeological mitigative works may be required, dependent on advice from Cumbria County Council's Historic Environment Team.
- 4.28 The proposed development can be carried out while conforming to the requirements set out in policies BE1, BE2 and BE3 of the Local Plan.



Landscape and visual impact

- 4.29 Strategic Policy N7 (St Bees and Whitehaven Heritage Coast) states that new development within the vicinity of the Heritage Coast must conserve, protect and enhance the Heritage coast and its setting and take opportunities to encourage the public to enjoy and understand the area by improving public access and interpretation where possible. The policy does that *“Inappropriate development includes major development within the Heritage Coast and development that affects its scenic qualities and views within or towards/from it”*.
- 4.30 A Landscape and Visual Appraisal Report has been prepared by Westwood Landscape which concludes that the site has a medium-low sensitivity to the proposed development. Substantial-moderate and negative visual effects would be localised and limited to a small number of residents at home at Waters Edge and moderate and negative effects on landscape character would be localised and limited. Due to the proximity of the proposed development to existing housing development on the western edge of Whitehaven and the poor landscape condition of the majority of the site, the landscape has some ability to absorb the proposed development, subject to careful building and landscape design.
- 4.31 As with any development of any site, there will be a substantial change in the immediate locality and that is highlighted in the LVIA where it concludes:
- “8.9 In summary, substantial and negative visual effects would be localised and limited to a small number of residents at home at Waters Edge and on the southern edge of Kells and substantial-moderate and negative effects on landscape character would be localised and limited to the area of Phase 1 west of Wagon Way.*
- 8.10 Overall, due to the proximity of the proposed development to existing housing development on the western edge of Whitehaven and the poor landscape condition of most of the site, the landscape has some ability to absorb the proposed development, subject to careful building and landscape design.”*
- 4.32 The clear conclusion from the assessment of the allocation and the application is that the landscape effects would be similar due to the scale of landscape character areas within which the development would be located. The application will improve public access and has designed a development with varying house types which fully take into account the features that contribute to the special character of the area.
- 4.33 Given the localised impact in the LVIA it is considered that the development would not have a detrimental impact on the wider intrinsic qualities of the St Bees Head Heritage Coast and the more localised impact must be considered in the context of the substantial benefits of the wider scheme and viability which demonstrates that the principle of development is acceptable. That is the logical conclusion given the allocation of the site.



- 4.34 With regard to the design of the site, the application proposals have evolved as a continuation of the masterplanning process and therefore respond to the character of the local built and natural environment. The proposals have been designed to create a layout where the public spaces are overlooked and are lively and distinctive, where buildings will create a sense of place.
- 4.35 The use of locally distinctive landscaping features in combination with the design approach for the housing itself, ensures that the proposed development will satisfy the requirements of the Local Plan.

Ecology and natural Environment

- 4.36 Strategic Policy N1 (Conserving and Enhancing Biodiversity and Geodiversity) of the Local Plan states that proposals must demonstrate avoidance, mitigation and compensation (in that hierarchical order) in relation to biodiversity and geodiversity. Strategic Policy N3 (Biodiversity Net Gain) of the Local Plan states 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.
- 4.37 ERAP has prepared a synopsis of the net gains for biodiversity that will be secured by the proposals with specific reference to the ecological enhancements to be achieved in relation to the location of the site, the designated sites and habitats and biodiversity interest surrounding the site and the relevant planning policy requirements.
- 4.38 A suite of reports to the results of a desktop study and data search, extended Phase 1 Habitat Survey and surveys for relevant protected species and other wildlife (namely wintering and breeding birds) carried out between 2018 and 2023 has been submitted, and accepted, to inform the planning application for the development of the allocated site to housing.
- 4.39 The scope of ecological survey undertaken is appropriate to identify potential ecological constraints and has facilitated the application of the mitigation hierarchy to inform the site proposals and the Landscape Strategy. The collated baseline surveys have informed the scope of recommendations and actions to be applied to secure maximised protection of existing features of ecological interest (particularly the off-site designated sites for nature conservation). The surveys have additionally informed the recommendations for the creation of compensatory and complementary habitats and opportunities for biodiversity as part of the development proposals.
- 4.40 In addition, an Assessment of Biodiversity Net Gain (BNG) has been carried out which demonstrates that over 10% gain in biodiversity units (currently 13.80% gain in habitat units and 100% gain in hedgerow units) is secured by the proposals.



- 4.41 The proposals are feasible and acceptable in accordance with ecological considerations and planning policy. The proposals will secure an opportunity to implement beneficial measures that will enhance wildlife associated with residential development, such as breeding birds and roosting bats.

Landscaping

- 4.42 Policy DS5 (Hard and Soft Landscaping) of the Local Plan states that where appropriate a high-quality landscaping scheme should be submitted with all proposals for development. Policy N14 (Woodlands, Trees and Hedgerows) of the Local Plan states that existing trees and hedgerows which contribute positively to the visual amenity and environmental value of their location will be protected. Developers are encouraged to incorporate tree planting and hedgerows into new developments where possible and appropriate.
- 4.43 A tree survey / arboricultural implications assessment / construction method statement has been undertaken. One tree and 26 individual groups of trees were identified. The lone tree was found to be of moderate quality and the 26 individual groups of trees were assessed as being of low quality. All of these trees will need to be removed to accommodate the development. Further additional tree planting is proposed, along with shrubs, climbers and hedgerows.
- 4.44 The landscaping will also enable the development to comply with the requirements of Policy DS7 of the Local Plan which are concerned with protecting existing landscaping where possible and providing mitigation where possible and appropriate.

Ground Contamination

- 4.45 Policy DS8 (Soils, Contamination and Land Stability) of the Local Plan states that the Council will proactively work with developers and other partners to identify opportunities to remediate contaminated sites. Development sites likely to have caused detriment to land quality will need to be risk assessed. The minimum information that should be provided by an applicant is the report of a Preliminary Investigation (desk study, site reconnaissance and preliminary risk assessment). Where contamination and/or land stability issues are identified, development proposals should incorporate appropriate remediation and subsequent management measures to remove unacceptable risks. Clearly, the former Marchon Chemical Factory part of the site will require remediation.
- 4.46 Betts has produced a Ground Investigation Report which is submitted with this application. The report concludes that the site requires significant investment in the form of remediation. These issues are a significant constraint which have resulted in the proposed development and the need for a viability assessment.



4.47 Betts, the authors of the Ground Investigation Report has provided the following summary of:

- the existing ground stability and contamination;
- the benefit from this application being permitted; and,
- the scenario of planning permission being refused.

4.48 They state:

“Without undertaking development, contamination will continue to pose a risk to the environment with the pollutants persisting, potentially spreading and causing harm to ecosystems and human health. From the site investigation, it can be seen that active source-pathway-receptors are present on the site in its current state.

Whilst it could be argued that the undeveloped site is of a low risk to human health (low sensitivity open land) without remedial works there is still a long-term ground and groundwater contamination issue whose legacy will continue for years to come. Of particular concern is the hydrocarbon hotspot and potential degradation over time to more mobile contamination which may migrate to adjacent SSSI and proposed adjacent residential development.

Geotechnically the site has issues of dissolution features and mine shafts which also pose a liability for health and safety- without control of surface water infiltrating, the underlying rocks prone to dissolution are exposed to significant risk of increased failure. This risk could be mitigated by development and removal of surface water infiltration. The current condition of the site comprises large areas of impermeable hard standing with concentrated rainfall accumulating into damaged (due to demolition) drainage systems. The knock on effect of allowing dissolution features to form in areas of concentrated surface water percolation also significantly allows groundwater flows to change with a significant possibility of contamination release to the wider environment. Historically contamination of the underlying aquifer has been significantly impacted by such dissolution led events resulting in a part 2a investigation.

Remediation of the site will clearly reduce the risks to surrounding land and ecosystems by reducing any active contamination sources and pathways on site.

Without these proactive measures, the existing contaminants will persist, leading to potential long-term environmental degradation as well as human health hazards with possible migration to adjacent site users.

The proposed development of the subject site provides a means to fund remediation efforts and mitigate future risks to receptors. By incorporating remediation into the development plan, existing contaminants can be effectively managed and reduced ensuring long-term safety and sustainability.

Any refusal of planning will simply exacerbate existing issues and the situation will deteriorate further. Contamination will continue to spread, leading to more severe environmental degradation and heightened health risks for nearby land. Without



remediation and proactive development, the pollutants will persist, exacerbating the problem over time and making any future cleanup efforts more difficult and costly.”

- 4.49 We consider that the benefits from the development for ground stability and remediation of contamination to be a key benefit of this development and the fallback position of a refusal of planning permission is one of an exacerbation of the existing issues.
- 4.50 The development of reusing this heavily contaminated site is a substantial benefit.

Air Quality

- 4.51 Policy DS11 (Protecting Air Quality) of the Local Plan states that development proposals will only be granted planning permission where they will not give rise to unacceptable levels of air pollution.
- 4.52 An Air Quality Assessment has been completed by Waterman. This has considered the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation, as well as expose future residents to elevated pollution levels. The assessment considered that the main likely effects on local air quality during construction relate to dust. A range of measures to minimise or prevent dust would be implemented and it is considered that following mitigation, the effects from nuisance dust emissions would be not significant. After management measures have been implemented, the effect of construction vehicles entering and egressing the site during the construction phase would be not significant. Emissions from construction vehicles would be small in comparison to emissions from vehicles travelling on roads in the surrounding area of the site and would not significantly affect air quality. Therefore, it is anticipated that the effect of construction plant would be not significant. Following completion of the development, even considering uncertainty in future NO_x and NO₂ reductions, the development is predicted to have a negligible impact on NO₂, PM₁₀ and PM_{2.5} concentrations, meaning the overall effect of the development on air quality is not significant. The assessment concluded that air quality conditions at the site for all pollutants considered are not significant.

Affordable Housing and Developer Contributions

- 4.53 Strategic Policy DS3 (Planning Obligations) of the Local Plan states that the Council will secure infrastructure provision / enhancements through planning obligations where it is reasonable, necessary and directly related to the development, including affordable housing. When determining the nature and scale of any planning obligations sought, account will be taken of specific site conditions, the Infrastructure Delivery Plan and other material considerations. Where an applicant considers that the provision of appropriate infrastructure would make the development unviable a viability assessment must be submitted to, and agreed by the Council, as early as possible within the planning application process.



Strategic Policy H8 (Affordable housing) of the Local Plan states that on sites of 10 units or more (or of 0.5ha or more in size), or on sites of 5 units or more within the Whitehaven Rural sub-area, at least 10% of the homes provided should be affordable as defined in the Framework 2021. Possible exemptions apply. A financial contribution may be accepted in lieu of on-site affordable housing provision, to secure the equivalent provision off site where this is justified and helps create mixed and balanced communities. A lower proportion of affordable housing or an alternative tenure split will only be accepted in exceptional circumstances. In such cases developers must demonstrate, to the Council's satisfaction, why the current site specific circumstances mean that meeting the requirements of this policy would render the development unviable. This should be in the form of a clear, bespoke viability assessment.

- 4.54 The original financial assessment undertaken by Roger Hannah demonstrated that the delivery of Phase 1 was required to enable the delivery of the wider scheme, due to the larger proportion of costs associated with the former uses of the Phase 2 land. Given the conclusions from this appraisal, the FVA concluded that the planning policy requirements in respect of affordable housing and S106 contributions should be removed on viability grounds for the proposed development.
- 4.55 The updated assessment is based on the revised scheme and have modelled the scheme on the following bases:
- i. Phase 1 only (139 dwellings) on a policy compliant basis to include affordable housing and S106 contributions.
 - ii. Phase 1 only (139 dwellings) on a 100% market sale basis and no S106 contributions.
 - iii. Phases 1 and 2 (328 dwellings) on a policy compliant basis to include affordable housing and S106 contributions.
 - iv. Phases 1 and 2 (328 dwellings) on a 100% market sale basis and no S106 contributions.
- 4.56 The conclusion on the 4 scenarios is that the planning policy requirements in respect of affordable housing and S106 contributions should be removed on viability grounds. Notwithstanding, as set out in the highways report a number of contributions are proposed and have been agreed with the Highway Authority.

Sustainable Development

- 4.57 Paragraph 11 of the Framework places a presumption in favor of sustainable development. Sustainable development is considered to encompass the three dimensions of sustainability. These are:
- Economic
 - Social
 - Environmental



4.58 Paragraph 8 of the Framework states that all three of these ‘overarching objectives’ must be viewed as interdependent and need to be pursued in mutually supportive ways.

4.59 These objectives are addressed in turn below.

Economic

4.60 Paragraph 8 of the Framework explains that the economic role means:

“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure”

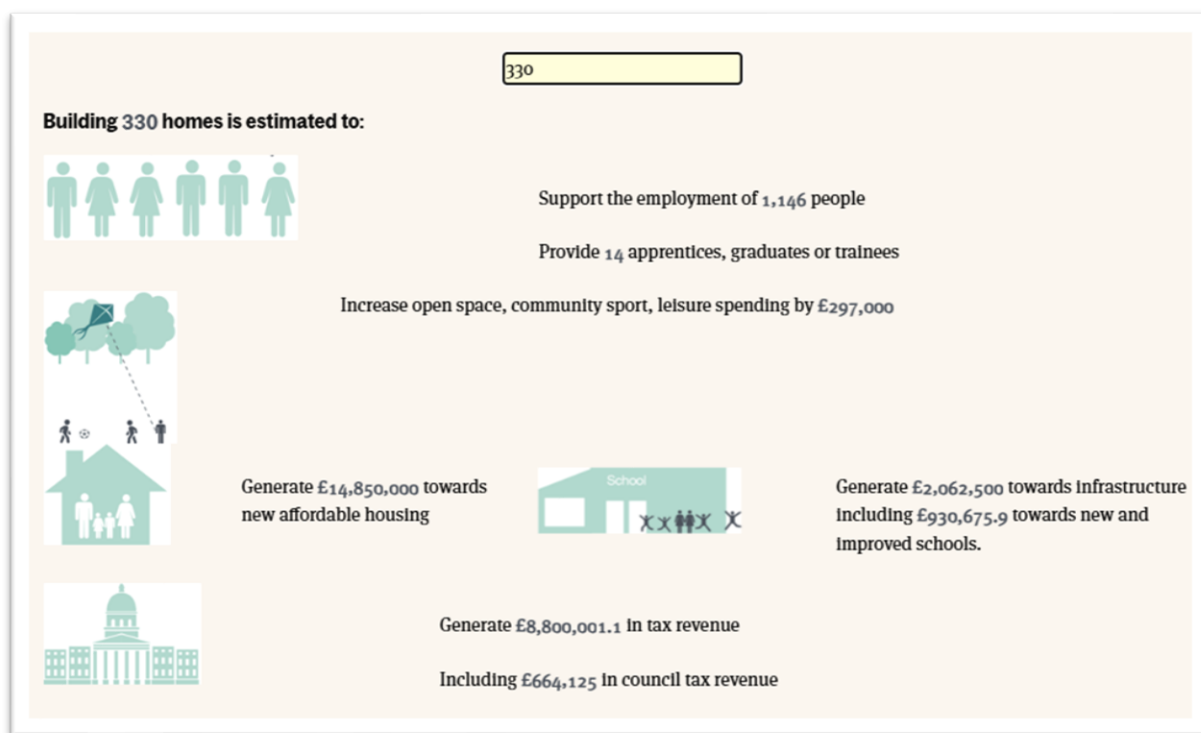
4.61 During the construction of the scheme, both direct construction-related and indirect jobs would be created. This would benefit local contractors and suppliers. Training and apprenticeship opportunities may also be provided for local people to gain valuable skills and experience. A site of this size would be expected to be under construction for some 10 years providing stable employment into the medium term.

4.62 The proposed development would also help to contribute to ensuring the Borough has a stable workforce in terms of ability and age.

4.63 Once occupied, the residents of the scheme would spend money in the south Whitehaven area, the town centre and other services and facilities in the Borough. The proposed development would therefore generate spending in the Borough, which would help create full time jobs in the local retail, service and leisure sectors.

4.64 In order to quantify the economic benefits of the proposal we set out below the HBF Housing Calculator for the 330 dwellings proposed by this application.





4.65 This shows that the development has both indirect and direct economic benefits.

Social

- 4.66 The social objectives set out in the Framework seek 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 wellbeing.
- 4.67 Chapter 5 of the NPPF seeks to ensure that new developments provide a wide choice of quality homes to create sustainable, inclusive and mixed communities.
- 4.68 The proposal seeks to provide around 330 new dwellings, offering a high-quality development that will consist of a mix of market housing which will provide a contribution to the Council's housing delivery.
- 4.69 The proposal has been designed specifically to ensure the site can accommodate areas of both public and private amenity space. The proposed development will provide a high-quality design which will not only provide an enhanced sense of place of the local community but also will be designed to ensure that the proposal offers a safe and secure environment that will foster increased social interaction and support a healthy lifestyle (Chapter 8 of the Framework).



4.70 The proposal will be sympathetically designed to be in keeping with the character of the area and will provide a range of new dwellings, providing opportunities for benefiting the health and social wellbeing of the local community.

Environmental role

4.71 Although this application is a hybrid the masterplan details that a development for around 330 dwellings can be adequately accommodated on the site. The proposal has been carefully considered to ensure that the development will create a high-quality design which will be in keeping with the character of the area and will reflect sustainable design principles.

4.72 Whilst details of appearance and layout are reserved for subsequent approval, the full and outline elements of the development have been designed to ensure that existing natural features are retained and enhanced where possible so as to be in keeping and sympathetic to the character of the area.

4.73 The proposal has been designed to ensure it complies with the objectives set out within Chapter 12 of the Framework and policies of the Development Plan which seek to secure well designed places.

4.74 We can conclude that having assessed all the site specific environmental or technical matters, that the site is a sustainable development.



5. Conclusions

- 5.1 This Planning Statement has been prepared on behalf of Persimmon Homes & Whitehaven Developments Limited in support of a hybrid planning application seeking full planning permission for the erection of 139 residential dwellings (C3), new vehicular accesses off High Road, public open space and ancillary infrastructure and outline planning permission for residential development, retail (E(a,b,c,e,f), F2(a) and ancillary infrastructure with all matters reserved other than access at the former Marchon Chemical Factory, High Road, Whitehaven. The application site extends to approximately 32 hectares and is adjacent to the existing built-up area of Woodhouse, which lies to the south of Whitehaven.
- 5.2 The planning application was validated on 28 September 2021 and remains in the planning process (LPA ref. 4/21/2432/0F1). Following discussions with the LPA the proposed dwellings and layout has been revised to accord with the boundary of the allocation (HWH5) in the local plan. This Statement has been prepared on the revised layout and where necessary updated environmental, technical and viability reports.
- 5.3 As paragraph 2 of the Framework states *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”*.
- 5.4 Since the submission of the application the development plan has changed with the Copeland Local Plan now forming the development plan for the area. In the Local Plan, the former Marchon site is allocated for housing (HWH5) and an opportunity site (OWH13). The land to the west of Wagon Way is designated as Heritage Coast (N6 and N7) undeveloped coast (N8). The application site lies within HWH5 which confirms that the principle of the proposed development is acceptable.
- 5.5 On that basis we conclude that the development is in accordance with the development plan and respectfully request that planning permission is granted without delay.



