

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: September 2023
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Approved by: Stephen Harris

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1. Introduction

- 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). This Statement has been prepared following further work on ground conditions, landscape, visual impact, ecology and viability and Masterplanning. With the submission of these reports, we consider that the LPA can move to a positive determination of the application.
- 1.3 In the development plan the vast majority of the site forms part an Employment Opportunity Site in the saved policies. The policy states that these areas are being investigated as to their future development potential and contribution they can make to the regeneration strategies in the Borough. It then states that detailed implications and locational issues associated with these sites will be the subject of future planning policy documents as soon as practicably possible. The emerging Local Plan is the next stage in planning policy for the area and in that Plan, the application site is allocated for housing (HWH5). The southern part of EMP3 is allocated as an opportunity site (OWH13). The land to the west of Wagon Way is designated as undeveloped coast.
- 1.4 The allocation of the vast majority of the application site for housing confirms that the principle of the proposed development is acceptable. With regard to the land west of Wagon Way policy ENV2 of the adopted Plan and N7PU are permissive of development subject to it conserving, protecting and enhancing the Heritage Coast. N7PU does state that major development within the Heritage Coast is unlikely to be appropriate unless it is compatible with its special character and will only be permitted in exceptional circumstances. In this case, the area to the west of Wagon Way is required to deliver a viable development that can remediate a longstanding contaminated previously developed site and the LVIA concludes that this would not result in any loss of the special character of the Heritage Coast (TBC on receipt of LVIA).
- 1.5 We conclude that the scheme is therefore acceptable in planning terms and accords with the adopted and emerging development 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 brownfield land and is the location of the former Marchon Chemical Factory. The northern portion of the site is greenfield, undeveloped land. North of the site is more greenfield 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. There are proposals in this area for an off-shore coal mine. The Saltom Bay coastline borders the site to the west.
- 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 open green 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 539 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 Phase 1a of the development provides for seven discrete parcels of development land. The development parcels are linked together by a network of roads, footpaths and cycleways.

Means of access

- 2.6 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.

- 2.7 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

- 2.8 A significant green buffer forms part of the West Cumbria Mining's site, providing sufficient screen and bunding to the new residential site. A further green buffer zone will be created to the north west coastal boundary line to accommodate new ecological habitat and mitigation. 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

- 2.9 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

- 2.10 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.



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.

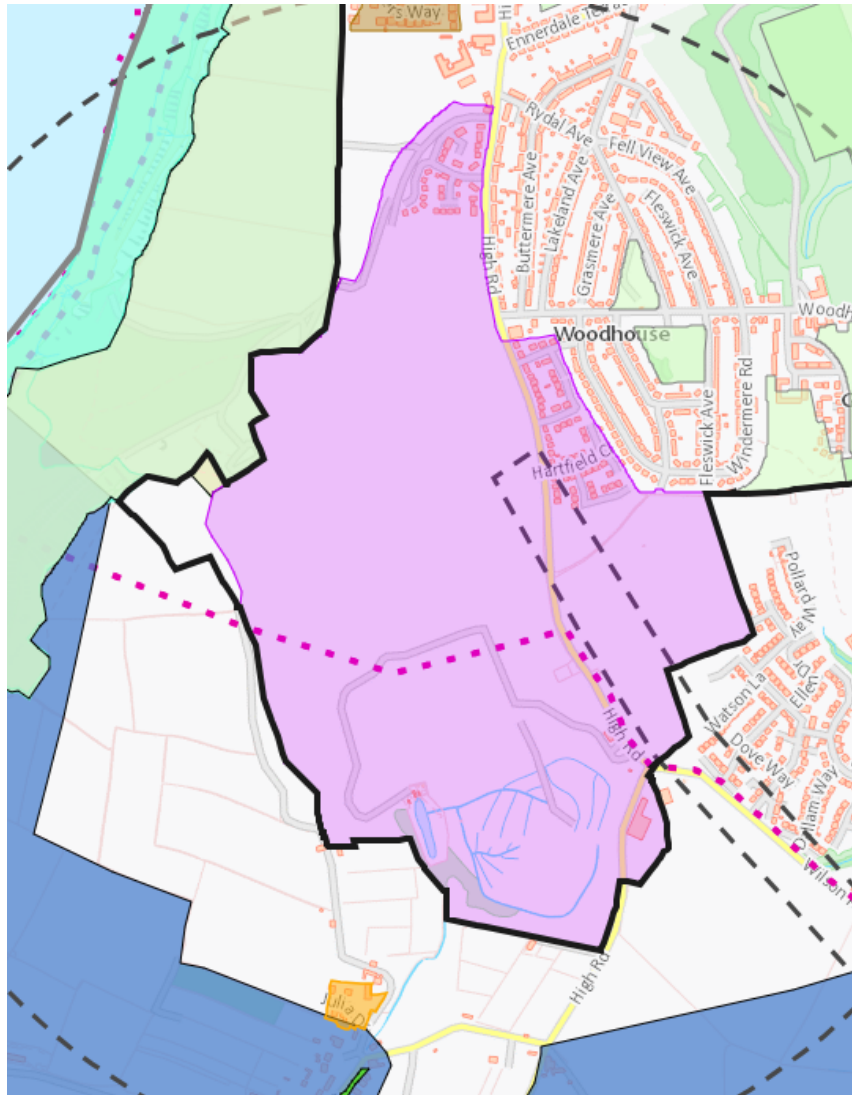
Development plan context

- 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.
- 3.3 Cumberland Council has taken over the area previously covered by the Allerdale, Carlisle City, and Copeland authorities.
- 3.4 Westmorland and Furness Council is in charge of the area formerly covered by Barrow-in-Furness, Eden District, and South Lakeland District authorities.
- 3.5 The development plan for the proposed development remains as per the pre 1 April 2023 position and comprises the Local Plan 2013-2028: Core Strategy and Development Management Policies (adopted 2013) and Saved Policies of the Copeland Local Plan 2001-2016 (adopted 2006). The Local Plan (2013) is split into Core Strategy policies and Development Management policies.

Local Plan

- 3.6 An extract of the Policies Map of the adopted Local Plan is set out below.





3.7 The above extract shows that a number of policy designations apply across the application site, the main policies being EMP3 and ENV2.

3.8 The relevant policies are considered to be:

Core Strategy Policies

- ST1 – Strategic Development Principles
- ST2 - Spatial Development Strategy
- ST3B - – Strategic Development Priorities
- ST4 – Providing Infrastructure
- SS1 – Improving the Housing Offer
- SS2 – Sustainable Housing Growth



- SS3 – Housing Needs, Mix and Affordability
- T1 – Improving Accessibility and Transport
- ENV1 – Flood Risk and Risk Management
- ENV2 - Coastal Management
- ENV4 – Heritage Assets
- ENV5 – Protecting and Enhancing the Borough’s Landscapes
- EMP3 - Employment Opportunity Sites

Development Management Policies

- DM10 – Achieving Quality of Place
- DM12 – Standards for New Residential Developments
- DM22 – Accessible Developments
- DM24 – Development Proposals and Flood Risk
- DM25 – Protecting Nature Conservation Sites, Habitats and Species
- DM26 – Landscaping

Other material considerations

Copeland Local Plan 2021-2038

3.9 The Council is in the process of reviewing the adopted development plan and the Regulation 19 version was published in January 2022 and a subsequent Addendum was published in July 2022. The Plan was submitted to the Secretary of State on 16 September 2022. The Plan went to Examination in Public from 31 January 2023 to 9 March 2023. The next stage of the Examination in Public will be a consultation carried out by the Council on proposed Main Modifications which the Inspector deemed necessary for the Plan to be sound. The Inspector gave a deadline of 10 July 2023 for this information to be provided. Relevant proposed policies are considered to be:

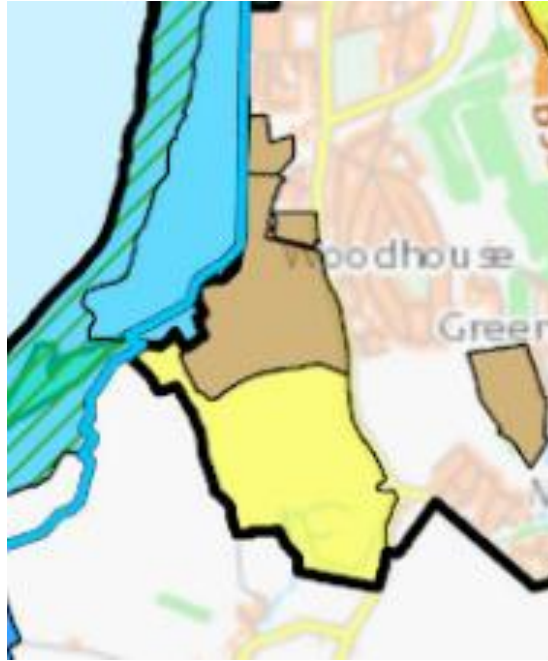
- Strategic Policy DS1PU – Presumption in Favour of Sustainable Development
- Strategic Policy DS2PU – Reducing the Impacts of Development on Climate Change
- Strategic Policy DS5PU – Planning Obligations
- Policy DS6PU – Design and Development Standards
- Policy DS7PU – Hard and Soft Landscaping
- Strategic Policy DS8PU – Reducing Flood Risk



- Policy DS9PU – Sustainable Drainage
- Policy DS10PU – Soils, Contamination and Land Stability
- Policy DS11PU – Protecting Air Quality
- Strategic Policy H1PU – Improving the Housing Offer
- Strategic Policy H2PU – Housing Requirement
- Strategic Policy H5PU – Housing Allocations
- Policy H6PU – New Housing Development
- Policy H7PU – Housing Density and Mix
- Strategic Policy H8PU – Affordable Housing
- Strategic Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N3PU – Biodiversity Net Gain
- Strategic Policy N7PU – St Bees and Whitehaven Heritage Coast
- Policy N13PU – Woodlands, Trees and Hedgerows
- Strategic Policy BE1PU – Heritage Assets
- Policy BE2PU – Designated Heritage Assets
- Policy BE3PU – Archaeology
- Strategic Policy CO4PU – Sustainable Travel
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

3.10 Strategic Policy H5PU allocates a range of sites and the application site includes site HWH5 as shown on the extract below for 532 dwellings.





- 3.11 The southern part of EMP3 in the adopted Plan is allocated in the emerging Local Plan as an opportunity site (OWH13). The land to the west of Wagon Way is designated as part of the Heritage Coast Extension.



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 As noted in the Policy Section, there are a number of policy designations on the site. The vast majority of the site is designated by saved policy EMP3 which states:

“Areas of land at Whitehaven, Cleator Moor and Egremont have been delineated on the Proposals Map as Employment Opportunity Sites. These areas are being investigated as to their future development potential and contribution they can make to the regeneration strategies in the Borough. Detailed implications and locational issues associated with these sites will be the subject of future planning policy documents as soon as practicably possible.”

- 4.3 Paragraph 5.2.14 of the Plan states that *“Further work is scheduled for all three to establish their employment potential”*. Since that policy was adopted, matters have materially moved on in that the southern part of the site has consent for a coal mine¹ and the northern part (the application site) is proposed for residential development (HwH5) in the emerging Local Plan.
- 4.4 With regard to other policies in the Local Plan, we assess these as follows.
- 4.5 Policy SS1 (Improving the Housing Offer) of the Local Plan states that the Council will work to make Copeland a more attractive place to build homes and to live in them by allocating housing sites to meet local needs in locations attractive to house builders and requiring new development to be designed and built to a high standard.
- 4.6 Policy SS2 (Sustainable Housing Growth) of the Local Plan states that house building to meet the needs of the community and to accommodate growth will be provided by allocating sufficient land for new housing development to meet identified. Policy SS2 seeks to achieve 50% of new housing development on previously developed ‘brownfield’ sites. The majority of the application site is on the former Marchon Chemical Factory, i.e. a previously developed, brownfield site. So, the application proposals will help to meet sustainable housing growth in accordance with Policy SS2. The greenfield part of the site is required

¹ Currently the subject of a legal challenge



to help make the application proposals viable, due to the significant investment required to remediate the contaminated land at the former Marchon Chemical Factory.

- 4.7 Policy SS3 (Housing Needs, Mix and Affordability) of the Local Plan states that applications for housing development should demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone.
- 4.8 Policy ST1 (Strategic Development Principles) of the Local Plan sets out the fundamental principles that will achieve sustainable development. Strategic Policy DS1PU (Presumption in Favour of Sustainable Development) of the Emerging Local Plan states that the Council will take a positive approach to sustainable development by approving applications without delay where they accord with the Development Plan (and where relevant, any neighbourhood plan), unless material considerations indicate otherwise. These policies echo the presumption in favour of sustainable development set out in the Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.9 Policy ST1 also sets out the criteria that proposals will need to satisfy prior to an application being permitted for development. We set out below how the application proposals satisfy these criteria, thus we consider that the principle of the acceptability of the proposals is established when the development plan and emerging development plan are considered.
- 4.10 Strategic Policy H2PU (Housing Requirement) of the Emerging Local Plan states that the housing requirement is for a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2038. Strategic Policy H5PU (Housing Allocations) of the Emerging Local Plan sets out the proposed housing land allocations anticipated to deliver the homes needs in the Borough by 2038. The Former Marchon Site North, of which the application site forms (along with an additional site), is identified as Site Reference HWH5, delivering 532 dwellings.
- 4.11 This application proposal is for 539 dwellings. The Council is therefore relying on this site coming forward to meet housing needs in the Borough in the next five years. This is a substantial benefit of the proposals.
- 4.12 Part of the application site lies outside the settlement boundary and is located within the St Bees Head Heritage Coast. Part E of Policy ENV2 states:

“Protect the intrinsic qualities of the St Bees Head Heritage Coast in terms of development proposals within or affecting views from the designation. At the same time encourage schemes which assist appropriate access to and interpretation of the Heritage Coast area”.

- 4.13 Policy ENV2 is permissive of development within the Heritage Coast provided the intrinsic qualities are protected. In the Emerging Local Plan, Strategic Policy N7PU (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 then state that *“Major development within the Heritage Coast is unlikely to be appropriate unless it is compatible with its special character and will only be permitted in exceptional circumstances”*.

- 4.14 The policy context is again permissive albeit in exceptional circumstances and development should demonstrate that it has taken into consideration the features that contribute to the special character of the area and the importance of its conservation.
- 4.15 An updated LVIA has been prepared by Westwood Landscape. We do not repeat the conclusion of that report in detail here. It is important to note that the majority of the application site is allocated in the emerging Local Plan and therefore the impact of development west of Wagon Way must be seen in that context. As with any development of a greenfield 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.”

- 4.16 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.
- 4.17 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.

Access, traffic and highways and parking

- 4.18 Policy T1 (Improving Accessibility and Transport) of the Local Plan states that the Council will support transport improvements that maximise accessibility for all modes of transport but particularly by foot, cycle and public transport. Planning obligations for developments at all major new development sites will be sought to mitigate their impact on the Borough’s transportation system. Policy DM22 (Accessible Developments) of the Local Plan states that the Council will require development proposals to be



accessible to all users. The layout of the development needs to respond positively to existing movement patterns in the area. Developments will need to incorporate innovative approaches to managing vehicular access and parking. This includes managing traffic access and speeds without excessive engineering measures. Car parking needs to be incorporated through a variety of on street and off street arrangements which avoid vehicles dominating the street scene. Where necessary the potential transport implications of development will be required to be supported by a Transport Assessment and a Travel Plan to manage any significant transport implications.

- 4.19 Strategic Policy CO4PU (Sustainable Travel) of the Emerging Local Plan 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. Policy CO7PU (Parking Standards and Electric Vehicle Charging Infrastructure) of the Emerging Local Plan 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.
- 4.20 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 DM22 of the Local Plan and Strategic Policy CO4PU of the Emerging Local Plan.
- 4.21 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.
- 4.22 As explained in the Transport Assessment, three vehicular accesses to the site are proposed. Two of the access points are existing accesses to the site. 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. The second Phase 2 access would be a new access located to the south of the site.
- 4.23 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.



- 4.24 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.
- 4.25 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

- 4.26 Policy ENV1 (Flood Risk and Risk Management) of the Local Plan states that the Council will ensure that development in the Borough is not prejudiced by flood risk through permitting new build development only on sites located 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, where these are practical. Where they are not this should be achieved by improvements to drainage capacity. Policy DM24 (Development Proposals and Flood Risk) of the Local Plan states that 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.
- 4.27 Strategic Policy DS8PU (Reducing Flood Risk) of the Emerging Local Plan states that the Council will ensure that development in the Borough is not prejudiced by flood risk through several measures. Policy DS9PU (Sustainable Drainage) of the Emerging Local Plan states that where appropriate, new development must incorporate sustainable drainage systems.
- 4.28 Tetra Tech has prepared a Flood Risk & Drainage Assessment to demonstrate the proposal is in accordance with the Framework, policies ENV1 and DM24 of the Local Plan and Strategic Policy DS8PU of the Emerging Local Plan.

Design/Layout and Residential Amenity

- 4.29 Policy ST1 (Strategic Development Principles) of the Local Plan sets out the Strategic Development Principles that inform and underpin the Borough's planning policies. The following are relevant to its application:
- Ensure development creates a residential offer which meets the needs and aspirations of the Borough's housing markets;
 - Encourage development that minimises carbon emissions, maximises energy efficiency and helps us to adapt to the effects of climate change;



- Focus development on sites that are at least risk from flooding;
- Protect, enhance and encourage the creation of new areas of green infrastructure;
- Reuse previously developed land wherever possible;
- Protect and enhance the Borough's cultural and historic features and their setting;
- Apply rigorous design standards that retain and enhance locally distinctive places, improve build quality and achieve efficient use of land;
- Ensure development provides or safeguards good levels of residential amenity and security;
- Accommodate traffic and access arrangements in ways that make it safe and convenient for pedestrians and cyclists to move around; and
- Ensure new development addresses land contamination with appropriate remediation measures.

4.30 The proposed layout submitted as part of this application demonstrates that neighbouring residents and occupiers of the development will enjoy levels of amenity and safety that complies with the policy.

4.31 DM10 (Achieving Quality of Place) of the Local Plan states that the Council will expect a high standard of design and the fostering of 'quality places'. Development proposals will be required to incorporate a complementary mix of uses, respond positively to the character of the site and its setting and incorporate existing features of interest. Policy DM12 (Standards for New Residential Developments) states that proposals for new residential developments should incorporate car parking provision, minimum separation distances, minimum areas of public spaces and be designed to Building for Life Standards. Strategic Policy DS2PU (Reducing the Impacts of Development on Climate Change) of the Emerging Local Plan states that the Council will support development proposals that make a positive contribution towards achieving the Cumbria wide goal of net zero carbon by 2037 where they accord with the Development Plan. Policy DS6PU (Design and Development Standards) of the Emerging Local Plan states that the Council will expect all new development to meet high-quality standards of design. Policy H6PU (New Housing Development) of the Emerging 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.

4.32 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.

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

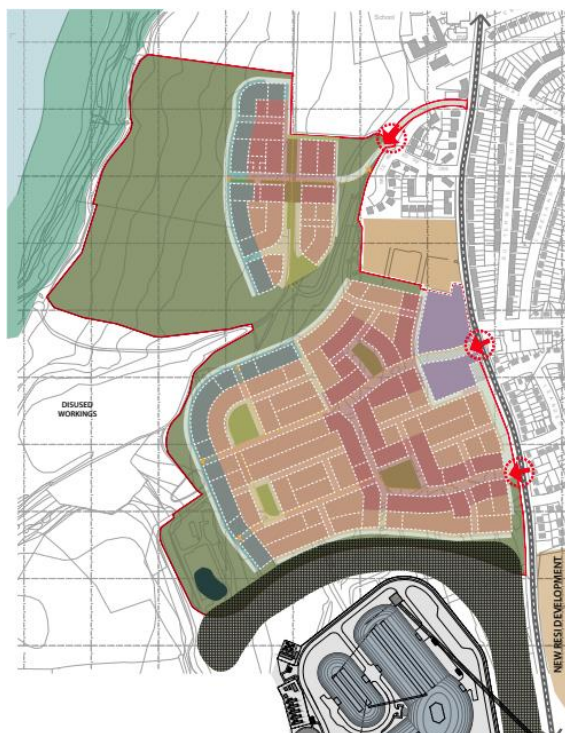
- It is expected that the density of housing development will vary across the site as a whole.
- Higher density development is concentrated on the plots towards the eastern edge of the site next to the existing suburban housing.
- There is an opportunity for a lower density of development where housing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

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





CHARACTER AREA	LOCATION PLAN	CHARACTERISTICS
RURAL EDGE		STANDARD CONTEMPORARY (+) ENHANCED CORNERS <ul style="list-style-type: none"> Contemporary style windows Contemporary style doors Contemporary detailing Doors / windows - Black Garage Doors - Black Brick - Red, Multi Window Surrounds Ruff tile - Black, Red Render - White Boarding - Grey
HEART		STANDARD CONTEMPORARY <ul style="list-style-type: none"> Contemporary style windows Contemporary style doors Contemporary detailing Doors / windows - Black Garage Doors - Black Window Surrounds Ruff tile - Black Boarding - Grey
COASTAL		ENHANCED CONTEMPORARY <ul style="list-style-type: none"> Contemporary style windows Contemporary style doors Contemporary detailing Doors / windows - Black Window Surrounds Garage Doors - Black Ruff tile - Black Render - Green, Blue, White Boarding - Grey

4.34 Policy SS3 (Housing Needs, Mix and Affordability) of the Local Plan states that applications for housing development should demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone. This includes establishing a supply of sites suitable for executive and high quality family housing, focusing on Whitehaven and its fringes as a priority. Strategic Policy H1PU (Improving the housing offer) of the Emerging 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. The proposals respond to the requirements of Policy SS3 of the Local Plan and Strategic Policy H1pU of the Emerging Local Plan.

4.35 Policy SS3 (Housing Needs, Mix and Affordability) of the Local Plan states that applications for housing development should demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone. Development proposals will need to create a more balanced mix of housing types and tenure within that market area. Policy H7PU (Housing Density and Mix) of the Emerging 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 Policy SS3 of the Local Plan and Policy H7PU of the Emerging Local Plan.



- 4.36 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

- 4.37 Police ENV4 (Heritage Assets) of the Local Plan states that the Council's policy is to maximise the value of the Borough's heritage assets by protecting listed buildings, conservation areas and other townscape and rural features considered to be of historic, archaeological or cultural value.
- 4.38 Strategic Policy BE1PU (Heritage Assets) of the Emerging 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 BE2PU (Designated Heritage Assets) of the Emerging Local Plan states that development should preserve or enhance designated heritage assets (or an archaeological site of national importance) and their setting. Policy BE3PU (Archaeology) of the Emerging 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.
- 4.39 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.
- 4.40 The proposed development can be carried out while conforming to the requirements set out in Policy ENV4 of the Local Plan and policies BE1PU, BE2PU and BE3PU of the Emerging Local Plan.

Landscape and visual impact

- 4.41 Policy DM26 (Landscaping) of the Local Plan states that all development proposals will be assessed in terms of their potential impact on the landscape. Proposals will be assessed according to whether the proposed



structures and associated landscaping relate well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment. Development proposals, where necessary, will be required to include landscaping scheme that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact.

- 4.42 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.
- 4.43 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.
- 4.44 Whenever any greenfield site is developed for residential use, this will inevitably result in a landscape impact. However, with the introduction of appropriate mitigation and the integration of the development with both the existing built area of Whitehaven and the adjacent countryside, this level of impact is reduced such that the majority of the identified adverse impacts are eliminated. The site can also provide a biodiversity net gain.
- 4.45 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 Policy DM26 of the Local Plan.

Ecology and natural Environment

- 4.46 Policy DM25 (Protecting Nature Conservation Sites, Habitats and Species) of the Local Plan states that all development proposals should protect the biodiversity value of land and building; minimise fragmentation of habitats; and maximise opportunities for conservation, restoration, enhancement and connection of natural habitats and creation of habitats. Development proposals that would cause a direct or indirect adverse effect on locally recognised sites of biodiversity and geodiversity importance will not be permitted



unless the benefits of the development clearly outweigh the impacts; and prevention mitigation and / or compensation measures are provided.

- 4.47 Strategic Policy N1PU (Conserving and Enhancing Biodiversity and Geodiversity) of the Emerging Local Plan states that proposals must demonstrate avoidance, mitigation and compensation (in that hierarchical order) in relation to biodiversity and geodiversity. Strategic Policy N3PU (Biodiversity Net Gain) of the Emerging 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.
- 4.48 An Extended Phase 1 Habitat Survey of the was previously undertaken by BSG Ecology and an updated report is provided by ERAP. The report found that the application proposals will have no direct impacts on any designated sites. Direct and indirect impacts upon non-statutory designated sites are unlikely. Grassland, tall ruderal habitat and scrub habitats will be lost and biodiversity enhancements will be required to mitigate for the loss of these habitats. No direct loss of bat roosting locations are anticipated. Some low level impacts on bird nesting may occur during construction. No significant impacts upon reptiles are anticipated. No great crested newts were recorded. No evidence of badger, otter and water vole were recorded. No further survey work is considered necessary.
- 4.49 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.
- 4.50 Policy ENV5 (Protecting and Enhancing the Borough's Landscapes) of the Local Plan states that the Borough's landscapes will be protected and enhanced by protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area; and where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site.
- 4.51 Policy DS7PU (Hard and Soft Landscaping) of the Emerging Local Plan states that where appropriate a high-quality landscaping scheme should be submitted with all proposals for development. Policy N13PU (Woodlands, Trees and Hedgerows) of the Emerging 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.
- 4.52 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.

- 4.53 The landscaping will also enable the development to comply with the requirements of Policy ENV5 of the Local Plan and Policy DS7PU of the Emerging Local Plan which are concerned with protecting existing landscaping where possible and providing mitigation where possible and appropriate.
- 4.54 The submitted layout plans and landscaping proposals demonstrate how substantial green infrastructure is incorporated as a distinctive feature of the development.

Ground Contamination

- 4.55 Policy ST1 (Strategic Development Principles) of the Local Plan states that the Council will ensure the creation and retention of quality places by ensuring new development addresses land contamination with appropriate remediation measures.
- 4.56 Policy DS10PU (Soils, Contamination and Land Stability) of the Emerging 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.
- 4.57 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 from the previous mining and works on the site. These issues are a significant constraint which have resulted in the proposed development and the need for a viability assessment to remediate them. The development of reusing and remediating this heavily contaminated site is a substantial benefit.

Air Quality

- 4.58 Policy ST1 (Strategic Development Principles) of the Local Plan states that to protect, enhance and restore the Borough's valued assets, the Council will ensure development minimises air, ground and water pollution. Policy DS11PU (Protecting Air Quality) of the Emerging Local Plan states that development



proposals will only be granted planning permission where they will not give rise to unacceptable levels of air pollution.

- 4.59 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

- 4.60 Policy ST4 (Providing Infrastructure) of the Local Plan states that the Council will, until a Community Infrastructure Levy is adopted, apply the following principles in securing developer contributions.....in the case of residential proposals, the need for developer contributions for the provision of affordable housing Policy SS3 (Housing Needs, Mix and Affordability) of the Local Plan states that applications for housing development should demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone. Development proposals will be assessed according to how well they meet the identified needs and aspirations of the Borough's individual Housing Market Areas including 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.
- 4.61 Strategic Policy DS5PU (Planning Obligations) of the Emerging 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 H8PU (Affordable housing) of the Emerging 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.

- 4.62 A viability assessment is being prepared and is to be submitted in order to demonstrate the need for the scale and quantum of development and agree the heads of terms for a Section 106 Agreement.

Economic Sustainability

- 4.63 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”

- 4.64 The proposed development would meet this role as is discussed below.
- 4.65 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 15 years providing stable employment into the medium term.
- 4.66 The proposed development would also help to contribute to ensuring the Borough has a stable workforce in terms of ability and age.
- 4.67 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.
- 4.68 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 is 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.
- 5.2 Paragraph 11 of the Framework states that “Plans and decisions should apply a presumption in favour of sustainable development”. Paragraph 11(c) states that for decision taking this means “approving development proposals that accord with an up-to-date development plan without delay”.
- 5.3 The vast majority of the site is allocated for residential development in the emerging Local Plan. The area to the west of Wagon Way whilst outside of the proposed allocation and settlement boundary is required to deliver a viable development that can remediate a longstanding contaminated previously developed site. With the principle established from the range of environmental and technical studies submitted with this application, there are no planning, environmental or technical considerations that should prevent planning permission from being granted. The scheme is therefore acceptable in planning terms and accords with the development plan. On that basis we respectfully request that planning permission is granted without delay.



