

PLANNING, DESIGN & ACCESS STATEMENT

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING ACCESS DETAILS – FORMER STATION YARD AND ADJACENT LAND AT DALZELL STREET, MOOR ROW, CUMBRIA

1. Introduction

1.1 This application seeks outline approval for residential development on land adjacent to Station Yard, Moor Row, Cumbria. In order to assist in the consideration of the application details of the access have been provided and approved. All other matters are reserved for subsequent approval.

1.2 The application does not contain the number, type, layout or design of the dwellings. The estimated maximum development capacity of the site is eighty units. All assessments including highway matters have been calculated on the maximum number of eighty units. Notwithstanding, in order to provide housing to meet current housing needs with appropriate design and densities the actual number of units is likely to reduce to the range of sixty to sixty-five dwellings. No less than ten per cent of the units provided will be made available as affordable housing. Details of the type, tenure, location and design of the affordable units will be submitted for further approval and reflect prevailing housing needs.

2.0 The Site

2.1 The site is located on the northern boundary of Moor Row and is accessed from Dalzell Street. The site is irregular in shape and extends eastwards towards the River Keekle.

2.2 The site is separated from existing development at Pearson Close and Montreal Place (to the rear of Dalzell Street) by the Whitehaven to Cleator Moor section of the C2C cycleway. The cycleway is located in a former railway cutting which contains mature planting. Together

with planting on the southern section of the site a tree belt separates the site from the existing development and provides natural structural landscaping.

2.3 The southern section of the developable site area includes the former Moor Row goods yard site. Together with railway infrastructure the site contained 19th century railway buildings including a large engine shed. All railway buildings and infrastructure were demolished in 1973. The site was then used for various commercial activities including a ready-mix concrete plant until the site became vacant. The commercial buildings have now been demolished to ground level leaving hardstanding's, building bases and former roadways. The northerly section of the site is open farmland extending towards Galemire.

2.4 The planning history of the site is as follows:

- (a) Outline planning permission for the erection of 37 dwellings was approved in June 2010 (4/10/2165/00) this related to the southern section of the current site.
- (b) Reserved matters under the above outline were approved for the road and plot layout for 33 dwellings and was granted in 2013 (4/13/2146/0R1). This consent has now lapsed.
- (c) In January 2017 outline planning permission was granted for residential development on the land which now comprises the current application site (4/16/2275/001). This approval has now lapsed.

3.0 Planning Policy

3.1 The primary planning policy considerations are contained in the National Planning Policy Framework (NPPF), the Copeland Local Plan 2013-2028 (CLP) and the Emerging Copeland Local Plan 2021-2038 (ELP).

3.2 Policy ST1 of the CLP sets the development principles which underpin the borough's planning policies. The principles reflect the need to promote economic, social and

environmental sustainability. The principle of promoting economic and social sustainability includes the need for development to create a residential offer which meets the needs and aspirations of the borough's housing markets. Policy ST1 also encourages environmental sustainability and the creation and retention of quality places. This includes applying design standards, improving build quality and ensuring good standards of residential amenity.

3.3 Policy ST2 of the CLP provides settlement boundaries and a settlement hierarchy. The development strategy broadly focuses the larger scale development on the settlement of Whitehaven with more moderate levels of development towards the smaller towns of Cleator Moor, Egremont and Millom. The site is located outside the development boundaries defined by the spatial development strategy contained in the CLP. Strictly, the proposal is contrary to the CLP.

3.4 On the 9 May 2017 the Council announced that “policies for the supply of housing” were out of date. Since 2017 the Council has granted planning permission for sustainable housing sites compliant with the policies contained in the NPPF. This is one such site located in and adjacent to a sustainable settlement

3.5 The ELP has reached an advanced stage. At the date of submission, the ELP examination in public was proceeding. Policy DS3PU of the ELP defines Moor Row as a sustainable rural village. Sustainable rural villages are settlements offering a limited number of services and can support a limited amount of growth to maintain communities.

3.6 Policy DS4PU of the ELP identifies settlement boundaries for all settlements contained within the settlement hierarchy. Development within these settlement boundaries will be supported in principle where the development accords with the Development Plan and unless material planning considerations indicate otherwise.

3.7 The site is entirely within the settlement boundary for Moor Row as defined by the ELP. The proposals map published in January 2022 is shown as a site with housing planning approvals (over five units). This is strictly not the case since planning permission 4/16/2275/001 lapsed in January 2020. However, it is clear that the plan making process has taken into account the site and assumed that it would come forward for development to meet the sustainable housing needs of Moor Row as a settlement and the wider north Copeland area. The site has achieved a very advanced stage in the plan making process. Whilst the plan has not been formally adopted the proposals contained within the ELP should be given significant weight. Granting planning permission would not prejudice the plan making process.

3.8 The NPPF provides a presumption in favour of sustainable development. Paragraph 11(d) provides that where there are no development plan policies, or the development plan policies which are most important for the determination of the policy are out of date, local planning authorities should grant planning permission unless:

- (i) the application of the policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the proposal, or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed the policies in this framework is taken as a whole.

3.9 The site does not form part of a protected area, neither is it an asset of particular importance in the manner considered by the NPPF. Accordingly, paragraph 11(d)(i) does not apply. It is therefore necessary to consider whether any adverse impacts would significantly outweigh the benefits.

3.10 The ELP allows local planning authorities to give weight to relevant policies in emerging plans according to:

- (a) Stage of preparation of the emerging plan – the more advanced its preparation, the greater the weight that may be given
- (b) The extent to which there are unresolved objections to the relevant policies.
- (c) The degree of consistency with the relevant policies in the emerging plan to the NPPF.

3.11 As previously stated the ELP is at an advanced stage. The Local Planning Authority is therefore entitled to give significant weight to its policies and the fact that the site is included within the settlement boundary and has been assessed as suitable for housing development. To the best of applicants knowledge there are no unresolved objections relating to policies directly relevant to this site. The proposal is consistent with other policies contained in the NPPF.

3.12 Policy 60-67 of the NPPF relate to the sufficient supply of new homes. The policies are directed to significantly boosting the supply of new homes and meeting specific housing needs. This includes where appropriate affordable housing. Whilst the house types, tenures and design are reserved for subsequent approval this site provides an opportunity to deliver a range of housing to meet local housing needs and will provide a minimum of 10% affordable housing which will directly meet identified housing needs. The delivery of new homes and affordable homes in this sustainable location should be given positive weight in determining the application.

4.0 Highways and Access

4.1 The application seeks detailed approval for the access to the public highway. The application is accompanied by a Transport Statement. A Stage 1 Road Safety Audit has been undertaken to confirm the proposal represents a safe means of access.

4.2 The access creates a simple priority junction to the east side of Dalzell Street. New footways will be located on the east side of Dalzell Street linking the development to existing

highway footpaths within Moor Row. This footway will also allow convenient and safe access to the National Cycleway Network. In addition, a system of speed cushions are to be installed on Dalzell Street near the north boundary. This will help reduce traffic speeds approaching the proposed junction. Furthermore, the introduction of speed cushions in this location will deliver a wider public benefit by slowing traffic approaching Moor Row village.

4.3 The proposed access arrangement is similar to the previously approved scheme under 4/16/2275/001. The access incorporates suitable visibility to allow safe access and egress to and from the site. The effectiveness of the visibility splay is supported by the proposed speed cushions to be installed on Dalzell Street. The trip rate is based on the site maximum capacity of 80 dwellings. This creates an estimated 46 peak hour movements in the AM peak hour and 48 in the PM peak hour. On the basis that a lower density of development is anticipated the actual trip rate should be lower than the projected trip rate based on 80 dwellings.

4.4 The site benefits from a number of sustainable transport options. The site is within easy cycling distance of Employment Centres at Whitehaven, Cleator Moor and is within cycling and walking distance of the West Lakes Science and Technology Park.

5.0 Affordable Housing

5.1 Policy H8PU of the ELP advises that at least 10% of the homes provided on developments over 10 units or 0.5ha to be affordable. This is consistent with the policies contained in the NPPF. Given the timing of this application it was reasonable to assume that a deficit of affordable housing will exist. Accordingly, none of the exceptions to provide affordable housing will apply.

5.2 This proposal will deliver at least 10% of the homes as affordable. The type and tenure split of the affordable housing will be confirmed at the reserved matters stage to reflect prevailing housing need.

5.3 The applicant agrees to enter into an agreement under Section 106 of the Town and Country Planning Act to deliver the affordable housing and to secure it in perpetuity.

6.0 Landscape

6.1 The application is accompanied by a Landscape Parameters Plan and a Landscape Visual Assessment. The Landscape Parameter Plan demonstrates the proposed structural landscape proposals and key landscape areas. The plan shows the retention of the existing tree belts to the southern and eastern boundaries. New landscape planting to the northern boundary with hedgerow trees and planting belts will divide the development site. The site entrance area is formed as open grass land with specimen tree planting. Specimen trees line the estate road. The proposal will protect existing mature landscape features and add further planting to mitigate the visual impact of the development and enhance its appearance.

6.2 The Landscape Visual Assessment was considered in detail for the potential visual and landscape impact of the scheme. This relates to both viewpoints from the existing settlement and public viewpoints within the surrounding open countryside.

6.3 The Landscape Visual Assessment determines that residents of houses located on the northern edge of Moor Row may have partial views of the proposed development but in many cases the views of the proposals would be entirely screened by the existing trees. The development would be visible from Dalzell Street but the effect on road users is likely to be minor adverse or negligible.

6.4 The visual effects of the proposal is similar or slightly less adverse than the previously approved scheme. The Landscape and Visual Appraisal has determined that the implementation of the proposal would not result in any significant or unacceptable levels of adverse or visual effect.

7.0 Ecology and Biodiversity

7.1 A preliminary Ecological Appraisal has been undertaken. The appraisal has a number of conclusions regarding the ecological impact of the development and makes appropriate recommendations. In summary these are as follows:

(a) it is not anticipated that the development would lead to any detrimental impact on any statutory and non-statutory designated sites of natural importance.

(b) the appraisal concludes that the woodland to the south of the site is the most valuable ecological asset. The recommendation is that this woodland should be retained as part of the development with appropriate litigation.

(c) the remaining onsite habitats are considered to be of low ecological value see appropriate completion prevention measures should be detailed in construction environmental management plan to avoid pollution to the river Keekle which is in close vicinity to the site.

7.2 The report also gives guidance in relation to the protection of protected or notable species and any appropriate mitigation. This includes bats (the only potential roosting areas are likely to be the larger trees within the woodland), otters, red squirrels, nesting birds, reptiles, amphibians and invertebrates. The report advises that appropriate pollution measures should be incorporated to minimise the possibility of pollution events.

7.3 The application is also accompanied by a Biodiversity Net Gain Summary to comply with Policy N3PU of the ELP. The objective is to provide a 10% net gain in biodiversity on site on the existing biodiversity. The summary provides a baseline as to the current biodiversity in order that the 10% net gain may be calculated. The summary establishes the onsite baseline to be assessed against the proposal which would be brought forward under any future reserved matters application.

7.4 Subject to appropriate mitigation the site can be developed in an ecologically sensitive manner. Appropriate mitigations will be incorporated to mitigate the risks to offsite habitat and meet the 10% biodiversity net gain requirement.

Trees

7.5 The site has been assessed by an Arboriculturist and a Predevelopment Tree Constraints Report produced. The report assesses the importance of the trees growing on site and categorises them in order of importance. The report provides advice for their retention and defines root protection areas. Root protection areas should be protected against development and other adverse effects to retain and maintain the health of the trees. The tree constraints plan will guide the design and layout of the development.

7.6 The Tree Constraints Report contains recommendations to protect the trees during construction. The applicant agrees appropriate conditions to secure the protection of the trees during and post construction.

7.7 Further assessment of the developments impact upon trees will need to be undertaken at the reserved matters stage. Based on the information provided the Arboriculturist considers that the development can be implemented in accordance with the guidance contained in BS5837 which will result in a minimal impact on important trees and secure their retention.

8.0 Environmental risk

8.1 A preliminary Environmental Risk Assessment has been undertaken to determine any potential geo hazards which may adversely affect the residential development of the site. Whilst the site has previously been developed it is located within an area which was previously mined for iron ore. It is also in the Coal Authority's referral area. It is therefore prudent that ground investigation work should be required before development commences. The applicant is happy to accept a planning condition in relation to this issue.

8.2 Also, due to the previous industrial nature of the site and that there may be elements of filled ground there is potential risk to ground contamination. Further investigations should be undertaken before development and appropriate mitigation measures incorporated.

9.0 Flood Risk and Drainage Strategy

9.1 A Flood Risk Assessment has been undertaken and an outline Drainage Strategy prepared. Detailed surface water proposals will be submitted as a reserved matter. The site is located in Flood Zone 1 with the lowest predicated annual probability of flooding. The NPPF says that Flood Zone 1 is acceptable for residential development. The site is not at significant risk of flooding from surface water or ground water.

9.2 It is proposed a surface water drainage will be attenuated using a detention basin with a controlled discharge at greenfield runoff rate with an allowance for climate change. The discharge point will be the existing surface outfall pipe into the river Keekle. As this is an existing arrangement it will not interfere with the watercourse or its ecology. The proposal will not increase the risk of flooding either on site or to other properties within the locality.

9.3 For the avoidance of doubt, the Drainage Strategy confirms that percolation tests have been undertaken and failed. Accordingly, the drainage proposal represents the most sustainable available form of surface water drainage and is in line with the national hierarchy.

10.0 Conclusion

10.1 This is a mixed brownfield/greenfield site which has previously been granted outline planning permission for residential development. The site is located within the settlement boundaries defined by the ELP and there is a strong presumption in favour of development. Indeed, it appears that the ELP has been prepared on the basis that this is a site with planning permission and was expected to come forward to deliver residential development. On a scale

consistent with this application. The ELP is at a very advanced stage and should be given significant weight in the decision-making process.

10.2 The site is outside the settlement boundaries defined by the CLP. The Council appears to accept the settlement boundaries defined in the CLP are out of date and as such the policies contained in the NPPF together with the appropriate weight given to the ELP should be the main policy determinants in considering this application.

10.3 The NPPF provides a presumption in favour of sustainable development unless one or more of the criterion which indicate otherwise are satisfied planning permission should be granted.

10.4 The development of the site will deliver significant benefits including the remediation of a brownfield site, the delivery of housing to meet local housing needs, the delivery of affordable housing and biodiversity enhancements. Additional benefits include the local economic benefits created by the development and the strengthening of local services and communities by the delivery of new homes and the diversifying of housing stock in the locality.

10.5 National and local planning policies together with a material planning considerations indicate that the benefits of development would significantly and demonstrably outweigh any adverse impacts. Planning permission should be granted subject to a Section 106 Agreement to deliver the affordable housing in perpetuity and planning conditions to ensure that the development is carried out in an appropriate manner.