

Planning Statement – Land adjacent to Scalegill Road, Moor Row

Proposal: Residential Development



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1.0 Introduction

- 1.1 This planning statement has been prepared on behalf of the applicant in support of a planning application for residential development on land adjacent to Scalegill Road, Moor Row.
- 1.2 The application is submitted in outline, covering matters relating to the principle of the development. The purpose of this statement is to set out the planning case in support of the development of the site, and it should be read in conjunction with the plans submitted.
- 1.3 Section 2 of this Statement will set out the site's context, Section 3 covers the proposed development, Section 4 relates to the planning history of the site and surroundings, Section 5 will set out the planning policy context against which the application must be considered and undertakes a planning assessment of the proposed development and Section 6 will draw together the conclusions.

2.0 The Site

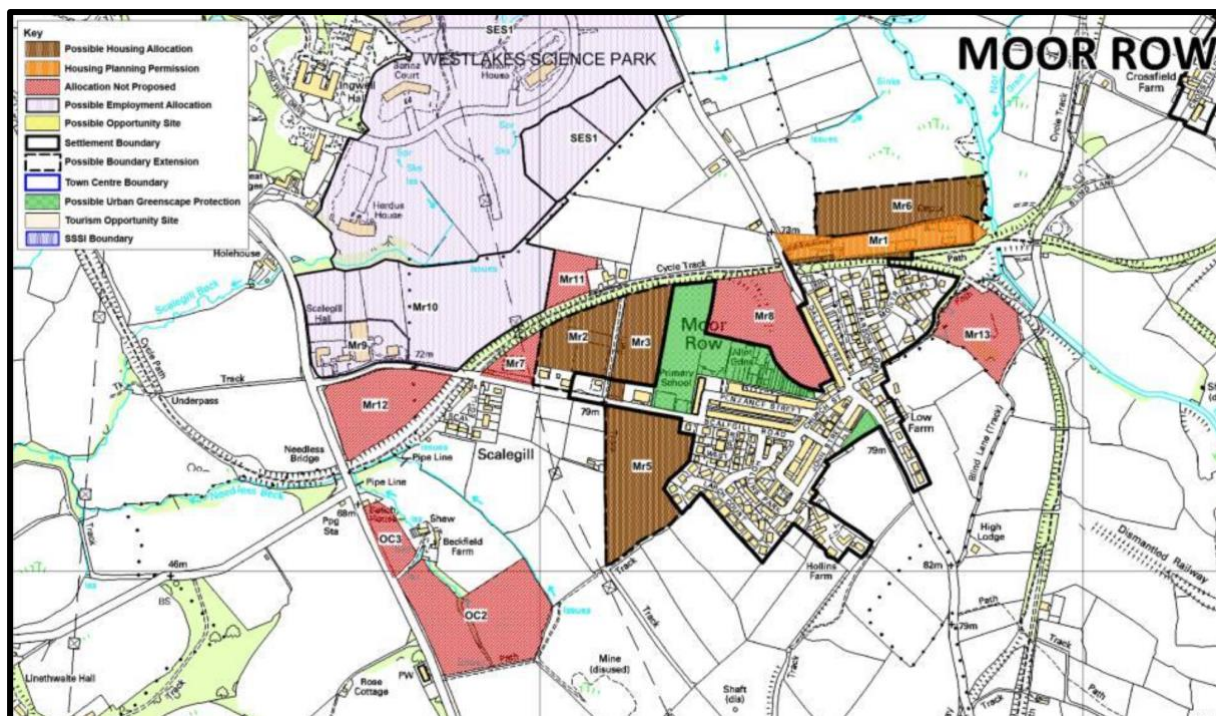
- 2.1 The application related to an area of agricultural land extending to 0.18 hectares which lies to the south of Scalegill Road. The development adjoins further agricultural land to the west, and to the north, east and south it adjoins the residential curtilages of 40 Scalegill Road, 3 – 6 West Spur and 6 Larch Court respectively.
- 2.2 The site is currently agricultural land. The topography of the land is fairly flat, and it is contained by hedgerows and a post and wire fence to the sides of the field. The application site also adjoins a number of domestic fences to adjacent dwellings.
- 2.3 The application site is situated adjacent to the established Local Plan settlement boundary for Moor Row and is therefore close to the local amenities in the village consisting of the Primary School, playpark, social club, bakery, beauticians, Church and car garage. It is close to the A595 which provides bus route access to Whitehaven which is the Main Service Centre in the Borough as detailed in the Copeland Local Plan.
- 2.4 The A595 to the west provides easy access to both Sellafield and Whitehaven and continues north towards Carlisle, and Egremont and Sellafield to the south. The A595 links to the A66, 13 miles north of the site which connects to Penrith and Junction 40 of the M6 to the east.
- 2.5 In summary therefore, the site is situated within a long-established residential area that is within reach of the best range of facilities that the Borough can offer.
- 2.6 There are no Conservation Areas or Tree Preservation Order's on or directly adjacent to the site.
- 2.7 There are no Listed Building's on or near to the site.
- 2.8 The site is located in an area that the Environment Agency Flood Map for Planning has noted as Flood Zone 1, and as such have a low probability of flooding.

3.0 The Proposed Development

- 3.1 The application is an outline planning application and all details regarding access, scale, layout, landscaping and appearance of the residential development proposed on the site would be covered within a subsequent reserved matters application, if this outline is approved.
- 3.2 While access is not a matter forming part of the application at this stage, the proposed dwelling would utilise the access from Scalegill Road which is currently a secondary agricultural access.
- 3.3 Again while not forming part of the application at this stage, the proposed scale of the development is two dwellings on the site, which is all the site would be suitable for given the size and layout.
- 3.4 The layout of the proposed development would likely take a similar build line to the dwelling to the north, 40 Scalegill Road. It would likely have front and rear elevation to the east and west elevations, with garden land to the west and access, parking and turning area to the east.
- 3.5 The property will have a minimum of three in curtilage parking spaces, although the plots could accommodate more parking for cars if necessary. The dwellings in the surrounding area include a range of detached, attached, single storey and three storey.
- 3.6 The application site is considered well related to the existing residential developments to the north, south and east, the road network and it is considered that the development of the site in the proposed form is possible without having any adverse impact on residential amenity to the surrounding properties.

4.0 Planning history

- 4.1 There is no previous planning history directly on the application site.
- 4.2 The following applications near to the application site are considered relevant to the proposal:
- 4/16/2206/001 – Outline application for the erection of 26 dwellings – Land to the rear of Rusper Drive, Moor Row – Approved
- 4.3 Within the Copeland Local Plan 2013 – 2028 Site Allocations and Policies Plan Site Assessments Egremont and West Copeland – Preferred Options draft January 2015, the site was noted as Mr5, a possible housing allocation:



Mr5	Adjoining Scalegill Road	
Area 5.95 ha.	Suggested use Housing	Capacity (housing) 75
Planning history	SHLAA rating 'developable'	
PREFERRED USE	Consider allocating for housing (on reduced area)	

Allocation criteria; allocation score 1 (housing use)		
	Comments	Rating
Planning history	SHLAA site reference CS66; 'developable' (6-15 years)	+
Physical constraints	Electricity line across part of site. Possible surface drainage issues; development of part of site only should avoid these problems.	o
Sustainability (see Sustainability Appraisal for more detail)	Site is reasonably beneficially located with regard to the settlement, but development of whole site would be problematic. Greenfield. Sustainability score -5.	o
Regeneration potential	This land is greenfield and outside the existing development boundary, but offers an opportunity for high quality housing, and is large enough for an element of affordable homes.	o

Conclusion		
The site adjoins the current development boundary, which is identified by the Core Strategy as being suitable for review. However, 175 dwellings would increase the size of the village by around 40%. On the other hand, the overhead power line will probably act as a constraint necessitating reducing the size of the site. The large field on the east of the identified site (3.2 ha.) would take about 100 homes.		

Alternative options		
The only option feasible in policy terms would be to retain the site as farmland.		

Site ref.	Mr5	Sustainability criteria
Biodiversity		Pasture land, development not likely to have detrimental impact.
Landscape/conservation		Potential for detrimental impact if whole site developed.
Water resources		UU rating 'amber/red/green'
Climate change		Development likely to increase car usage and thus greenhouse gas emissions.
Flood risk		Zone 1, some potential for SuDS.
Energy		Development would be large enough to accommodate on-site generation.
Land quality		Greenfield, edge of settlement.
Air quality		Car traffic generation could be detrimental.
Waste and recycling		Recycling facility over 2 km. distant.
Services and facilities		Not readily accessible by choice of modes to services and facilities.
Health and wellbeing		Accessible to opportunities for healthy informal recreation only.
Education and skills		Not easily accessible to education/vocational training.
Sustainable economy		Not accessible by range of modes to jobs/training opportunities.
Leisure and tourism		Impact not significant.
Housing		Site could meet strategic objective, e.g. affordable contribution.
Retail		Shop serving day-to-day needs.
Transport		Bus service suitable for commuting.

5.0 Planning Policy and its application to the proposed development

5.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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- 5.2 The Local Development Plan consists of policies within the Core Strategy and Development Management Policies DPD (December 2013). The policies in the following paragraphs are considered relevant to the proposed development.
- 5.3 The Local Plan sets out a long-term spatial vision and strategic objectives to support Copeland's vision which is "Working to improve lives, communities and the prosperity of Copeland". Although it was adopted before the updated NPPF (2019) it was adopted after the first NPPF that was published in March 2012 and therefore closely follows the principles of sustainable development, as defined by national policy and delivering sustainable housing in accordance with that policy.
- 5.4 As of the 9th May 2017, Copeland Borough Council announced that it cannot demonstrate a five-year supply of housing sites, with a supply of 2.3 years. Policies for the supply of housing set out within the Copeland Local Plan 2013 – 2028 (Core Strategy and Development Management Policies) will no longer be deemed up-to-date; and these policies carry less than full weight in decision-making. As an update to this, in the decision to Planning Appeal Ref:, the Planning Inspector stated that Copeland could at this point demonstrate a 3.2 year supply of housing sites, and therefore there is still not a five-year land supply in place and as such the Local Plan Policies continue to carry less weight. For reasons of clarity however, the Planning Policy section of this document included Policy text from the National Planning Policy Framework (NPPF as amended 2019), Copeland Local Plan, and the Copeland Borough Council Interim Housing Policy, which was created following the May 2017 statement regarding land supply, but is guidance and not an adopted Local Plan document.

Strategic Policies

- 5.5 **Policy ST1** of the core strategy sets out the fundamental principles that will achieve sustainable development. Amongst other things it seeks to ensure that development created a residential offer which meets the needs and aspirations of the Boroughs housing markets and is focussed on previously developed land away from greenfield sites.
- 5.6 **Policy ST2** sets a spatial development strategy whereby development should be guided to the Principal settlement and other centres and sustain rural services and facilities.
- 5.7 The above are the strategic policies with particular relevance to residential housing sites.
- 5.8 **Policy SS1** seeks to improve the housing offer of the borough by, amongst other things, by allocating housing sites to meet local needs in locations attractive to house builders and enhancing the general surrounding residential environment of the borough.
- 5.9 With regards to the above, it is noted that the site is within the vicinity of a number of residential properties. The proposed residential development will be built to a high standard, will have minimal impact on local amenity and improve the borough's housing stock in this desirable residential location.

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

- Met the needs of the Local Plan and the NPPF (2012);

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- Provided sustainable development;
- Help to meet the needs of Copeland and provide a sound basis for economic growth.

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

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

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

5.11 **Policy SS5** sets out the Council's position in relation to the provision and access to open space and green infrastructure. This aims to protect against the loss of designated open space, set the minimum open space standards for new development and promote the establishment, improvement and protection of green infrastructure.

5.12 **Policy ENV1** sets out an approach to ensure that new build development is not prejudiced by flood risk, by permitting new build on sites outside areas at risk of flooding and ensuring that new development does not contribute to increased surface water run-off through measures such as Sustainable Drainage Systems.

5.13 The proposed development is located within Flood Zone 1 which the Environment Agency (EA) define as an area having less than 0.1% annual risk of flooding and is therefore at the lowest risk of flooding. The site is therefore considered to be a low risk in terms of flooding.

5.14 **Policy ENV3** seek to ensure that new development will protect and enhance biodiversity and geodiversity.

5.15 The proposed development is currently open agricultural land. Therefore, the development proposed does not raise any obvious concerns on this subject. There are no designations or information available which suggests that the site is subject to any biodiversity interest.

5.16 **Policy ENV5** relates to the protection and enhancement of the Borough's landscapes. It seeks to ensure that landscapes are protected from inappropriate change through unsympathetic development.

5.17 It is considered that the proposed development, being of small scale and adjoining an existing cluster of dwellings, is not an inappropriate change to the landscape.

Development Management Policies

Design

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5.18 **Policy DM10** states the Council will expect high standard of design and the fostering of 'quality places' and development proposals will be required to: -

- Respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through an appropriate size and arrangement of development plots, the appropriate scale and massing of houses;
- Incorporate existing features of interest including local vernacular styles and building materials;
- Address vulnerability to and fear of crime and anti-social behaviour by ensuring that the design, location and layout of all new development creates clear distinctions between public and private spaces, overlooked routes and spaces within and on the edges of development;
- Create and maintain reasonable standards of general amenity.

5.19 It is considered that the above principles have been taken into account in the design and layout of the proposed development. The proposed dwelling on the indicative layout is considered appropriate in form, design and size, and also the size is laid out at an appropriate scale for the site and context of the adjacent dwellings. Further details regarding the exact nature of the property would be addressed through a reserved matters planning application, but it is noted that the site is suitable for 2 dwellings.

Residential Amenity

5.20 **Policy DM12** requires new build residential properties to have: -

- a separation distance of at least 21 metres between directly facing elevations of dwellings containing windows of habitable rooms
- a separation of at least 12 metres between directly facing elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation

5.21 While only submitted in outline, the indicative layout confirms that the proposed dwelling would as detailed meet all of the above separation distances as noted on the indicative layout.

Drainage and Flood Risk

5.22 **Policy DM24** states where a proposed development is likely to be at risk from flooding or increases risk of flooding elsewhere, a Flood Risk Assessment (FRA) will be required to be submitted as part of the planning application. Development will not be permitted where it is found that there is an unacceptable risk of flooding; or the development would increase the risk of flooding elsewhere.

5.23 The development area is located within a Flood Zone 1 in which the NPPF recognises that all uses types are therefore appropriate. Surface water sewer systems are proposed to accommodate the 1:100 year event plus a 40% allowance for climate change in accordance with 2016 requirements.

Access and Transport

- 5.24 **Policy DM12** requires housing development to provide a car parking provision in accordance with adopted residential parking standards. Cumbria Highways have provided a Cumbria Development Design Guide, which provides a suggested level of parking for housing development.
- 5.25 The size of the proposed site could accommodate sufficient parking for two dwellings. The indicative layout accounts for two spaces and integral garage spaces to the dwellings. It is therefore considered that any proposed layout can meet this criterion of Policy DM12.
- 5.26 **Policy DM22** requires development proposals to be accessible to all users by providing convenient access into and through the site for pedestrians, cyclists and disabled people, access for emergency and service vehicles, meeting adopted car parking standards which reflect the needs of the Borough in its rural context. 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.
- 5.27 The proposed development provides a safe, functional, permeable and inclusive access allowing good sustainability to the facilities in Moor Row and allow sustainable transport links across the Borough. The proposal therefore meets the aims of local plan policies DM12 and DM22.

Ecology and Trees

- 5.28 **Policy DM28** requires development proposals which are likely to affect any trees within the Borough will be required to include an arboriculture assessment as to whether any of those trees are worthy of retention and protection by means of a Tree Preservation Order. No trees will be removed on the site, and it is intended that the hedgerows on site would remain.

Principle – National Planning Policy Framework (“NPPF”) (as revised February 2019)

- 5.29 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that sustainable development has three objectives social, economic and environmental.
- 5.30 The social and economic are as follows:
- “a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being. “*

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

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

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

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

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

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

- 5.32 Paragraph 49 in the revised NPPF now states “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission.”
- 5.33 Paragraph 61 states that “*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*”
- 5.34 At present, Copeland Borough Council is unable to demonstrate a five-year supply of housing land. Paragraph 67 of the NPPF states that Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
- Therefore, housing applications should be considered in the context of sustainable development and relevant policies for the supply of housing are considered to be out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.35 Paragraph 73 of the NPPF covers maintaining supply and delivery of housing. This states Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the planned supply.
- 5.36 Paragraph 102 is regarding promoting sustainable transport, which is relevant to this proposal. *“Opportunities to promote walking, cycling and public transport use are identified and pursued.”* This continues in paragraph 103 stating *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”* As previously noted, this site is located on the edge of a Local Service Centre.

Copeland Borough Council’s Interim Housing Policy (2017)

- 5.37 Copeland Borough Council’s Interim Housing Policy (2017) sets out the Council’s current approach to determining planning applications for residential development in the absence of a 5-year supply of housing and up-to-date policies relating to housing in a Local Plan. This states that:

“The Council will continue to support applications that are in accordance with the development plan. However, in order to encourage sustainable development and boost housing delivery, a decision-making framework for planning applications that may not be fully in accordance with the development plan has been set out.

The Council will (in addition to the development plan and other material considerations) consider residential development proposals contiguous to the development boundary, or the existing built form of a settlement, against each of the following criteria:

- A. The scale of proposed development must be appropriate to the size, character and role of the settlement. In deciding whether the scale is appropriate, account will be taken of the cumulative impact of completions and permissions for the settlement concerned;
- B. The level of services and facilities in the settlement, as defined in the Village Services Survey (2017). To encourage sustainable development, preference will be given to schemes which are contiguous to settlements that have the greatest concentration of facilities and services. Information provided by applicants which seeks to update the survey will be a material consideration;
- C. Proposed development should not have a significant adverse impact on the capacity and safety of the highway network;

D. Individual and cumulative impacts of development on infrastructure capacity (for example education, health provision, surface water management, adult social care), and landscape character should be mitigated.

E. Proposed development should create safe and accessible environments that offer good access via a range of transport modes. Sites where it is possible to walk easily to a range of facilities will be considered more sustainable than sites that are further away and which would make car journeys more likely;

F. Proposed development sites that fall within Flood Risk Zone 3a and 3b, as defined by Environment Agency's latest data, will be discounted unless robust evidence can prove that the flood zoning for the site is incorrect, or that there is a robust mitigation plan signed off by the Environment Agency;

G. Proposed development should not have an adverse impact on the Lake District National Park, and should demonstrate how they conserve or enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park, or its setting;

H. Proposed development should, subject to viability, include a proportion of affordable housing which makes the maximum contribution to meeting identified needs in that market area;

I. Proposed development for Executive Housing will be supported where it delivers significant and demonstrable economic, social, and environmental benefits;

J. Proposed development should be of a high-quality design, enhancing local distinctiveness; and, where relevant, respecting the rural character of the settlement;

K. Proposed development should not result in significant intrusion into the open countryside, or result in any settlements merging;

L. Proposed development should not result in significant and demonstrable harm to the landscape character of Copeland, and applicants should have regard to those landscape areas as defined in the Cumbria Landscape Guidance and Toolkit (2011), or any subsequent update;

M. Major developments should be supported by a masterplan (to include a phasing scheme), which will demonstrate what proportion of development will be deliverable within the five-year supply period relevant to the date of determination of the planning application.

- 5.38 It is considered that the Interim Housing Policy has been met by the proposal as demonstrated below.
- 5.39 Criteria A and B of the Interim Housing Policy (2017) refer to the scale of proposed development must be appropriate to the size, character and role of the settlement, and in order to encourage sustainable development, preference will be given to schemes which are contiguous to settlements that have the greatest concentration of facilities and services.
- 5.40 Regarding the above criterion, the proposed site is within the built area of Moor Row. This is a Local Service Centre within previously adopted versions of the Local Plan. The proposal therefore complies with criteria A and B.

- 5.41 In terms of Criterion C of the Interim Housing Policy (2017), the submitted application will not cause any significant increase in terms of traffic within the locality from the development, due to the size of the proposed development only representing a minor application.
- 5.42 Criterion D covers cumulative impact of a development, and it is not expected that there will be any strain on infrastructure capacity, given that the indicative layout with application details two additional dwellings.
- 5.43 With regards to walking to facilities, as stated above the proposed development site is located within walking distance of the facilities and services found within the Moor Row settlement. Therefore, it is concluded that the application meets the criteria of point E.
- 5.44 In terms of criterion F of the Interim Housing Policy (2017), the site lies in Flood Zone 1 and therefore this is not relevant.
- 5.45 Criterion G is of no relevance to the proposal given the distance from the site to the Lake District National Park.
- 5.46 Criterion H is not relevant to the proposal given that the proposed number of units is under the threshold for the inclusion of affordable housing.
- 5.47 The proposed dwelling would likely be (subject to a reserved matters submission covering layout and scale) two 3 or 4 bedroom dwellings in the residential village of Moor Row, within an easy commute distance to both Sellafield site and Whitehaven. The proposal would therefore satisfy criterion I & J as it would deliver demonstrable economic, social and environmental benefits.
- 5.48 In terms of criterion K the proposed development is situated adjacent to existing housing on three sides and is bounded by the existing hedgerow boundaries. Therefore, there is minimal intrusion into open countryside.
- 5.49 With regards to Criterion L, the site is only visible from within the close proximity due to the existing vegetation, general topography in this location and existing adjacent dwelling. Therefore, there is no significant and demonstrable harm to the landscape character of Copeland, and it is therefore considered to comply with Criterion L.
- 5.50 This is a small-scale site and therefore the content of Criterion M does not apply, but given that it is for two dwellings, it would be delivered within the five-year period.

In the context of the above matters, it is clear that the proposed development entirely conforms with the requirements of the Copeland Interim Housing Policy.

6.0 Conclusion

- 6.1 The proposed development provides the opportunity for two additional dwellings on a site that is considered suitable for residential use.
- 6.2 The land had previously been considered suitable for residential development in the Copeland Preferred Options Local Plan document.
- 6.3 The proposed development has been sensitively designed to take into account the site characteristics, surroundings, wider location and separation distances.
- 6.4 It is considered that any impact on the adjacent dwellings outside of the site has been minimised by the proposed layout.
- 6.5 It is contended therefore that the proposed development is acceptable and is in accordance with both national and local planning policy, and therefore should be approved.

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