

Query - no final condition.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 23/11/2016

Application Number:	4/16/2206/001
Application Type:	Outline : CBC
Applicant:	RGG Developments Ltd
Application Address:	LAND TO REAR OF RUSPER DRIVE, MOOR ROW
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF 26 DWELLINGS
Parish:	Egremont
Recommendation Summary:	Approve subject to Section 106 Agreement

Introduction/ Site

This application relates to an area of land of just over 1ha which is situated to the rear of Rusper Drive, off Scalegill Road, Moor Row. Part of the site was previously used as a haulage depot whilst the remainder is greenfield. To the north the site adjoins the existing cycleway / PROW, to the west it is flanked by agricultural land, to the east another PROW and agricultural land beyond. 4 detached existing residences border the site to the south.

Members had the benefit of a site visit on Wednesday 24 August 2016 which was also attended by a Highway Authority representative.

Proposal

Outline consent with some matters reserved is sought for the development of the site for 26 dwellings. The application seeks full approval for the access only, with details of the layout, house types, appearance and landscaping being reserved for future approval. The indicative layout, whilst not binding, does show that 20 detached houses and three pairs of semi-detached dwellings can be accommodated on the site.

Proposed vehicular access is off Rusper Drive, a recent development of 4 detached dwellings served by a central access off Scalegill Road (4/10/2315/001 and subsequent detailed applications refer).



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

The application is accompanied by:

Design and Access Statement

Flood Risk Assessment

Phase 1 Desk Top Study Report (Preliminary Risk Assessment)

Phase One Habitat Survey and Scoping Survey for European Protected Species.

Reptile Survey.

Indicative Layout

Consultations

Egremont Town Council - expect the County Council to carry out a traffic impact assessment to address the concerns regarding access and egress onto Scalegill Road and the busy A595 junction. Also have concerns about insufficient parking on the estate considering the size of the houses and would ask if provision has been given for visitors parking. Request a site visit.

Cumbria County Council, Highway Authority – no objections subject to the funding of traffic calming measures on Scalegill Road which will have to be secured by way of a S106 Agreement as it is for related works situated outside the site. Original concerns regarding the visibility plays onto Scalegill Road and acceptability of the standard of the adjacent

Rusper Drive as an access route into the site have now been satisfactorily addressed.

Cumbria County Council, Lead Local Flood Authority - no objection subject to a surface water drainage condition being imposed.

United Utilities - Confirm the proposals are acceptable in principle subject to drainage conditions to reduce the risk of flooding, management and maintenance of sustainable drainage conditions and protection of the public sewer which crosses the site.

Environment Agency - no objection in principle subject to a condition requiring a preliminary risk assessment, a site investigation scheme and a verification plan relating to potential contaminants.

Flood and Coastal Defence Engineer - no objection considers the proposed development is at low risk of flooding and should not increase flood risk elsewhere.

Rights of Way Officer - Informs that a public footpath runs along the eastern side of the site and must not be altered or obstructed before or after the development has been completed.

Planning Policy Team - The application site is currently in the open countryside and outside of the settlement boundary. The emerging Site Allocations and Policies Plan 2015 proposes both this site (referred to as Mr2 Land to rear of Clarack House) and the adjacent site to the east (referred to as Mr3 Rear of Social Club) as possible housing allocations. Mr2 Land to rear of Clarack House is approximately 1.5ha and has a suggested yield of 44 dwellings and Mr3 Rear of Social Club has a suggested yield of 46. The Plan also proposes a potential settlement boundary review of Moor Row that would incorporate both of these sites. This does not however automatically mean that the site will be allocated in the Local Plan, and there are a number of alternative sites that are being considered for allocation in the Site Allocations and Policies Plan which could provide up to 200 homes in the village.

The site is on land previously used as a haulage depot with the majority being formerly used as a franchise car garage and used car lot with offices, workshops and a store thus now rendering the land as brownfield.

The applicant proposes 26 dwellings, the majority of which would be self-build properties, this self-build element would appear to meet the Government's objectives to provide more housing choice through the offer of self-build plots.

The Local Planning Authority would need to be clear on the development density proposed and the figure justified in the accompanying Design and Access Statement.

An affordable housing quota of 15-25% should be sought, subject to development viability and local market variation across the Borough. As no detail is provided about proposed affordable housing provision the application is currently contrary to policy SS3 Housing Needs, Mix and Affordability.

The balance at this time is to consider whether the potential benefits from the development (i.e. the affordable housing) together with the self-build housing, which is in line with the Government's aspirations, are sufficient to justify the approval of the application as an exception to policy and in advance of any allocation. This is especially pertinent following submission of a planning application on another potentially preferred housing allocation site for Moor Row.

Acknowledge that decisions on such sites will become easier once the preferred options for the Site Allocations and Policies Plan has been approved and published for consultation, as this will begin the process of attributing weight to the Council's emerging preferences for allocation.

Neighbours

One letter has been received from residents of a property on Rusper Drive who are concerned about the width of the existing access road, consider it's very narrow and that there is barely enough room to get two cars past which will create problems for delivery wagons / tractors working on the site. Query whether there is adequate capacity at the junction onto Scalegill Road especially if the site opposite is developed.

Planning Policy

National Planning Policy

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.

It identifies three dimensions to sustainable development: economic, social and environmental. A social role is defined as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations.

In terms of housing, paragraph 47 encourages Local Planning Authorities to provide market and affordable housing to meet evidenced needs. Paragraph 50 requires Local Planning Authorities to deliver a wide choice of high quality homes to meet the needs and demands of the community.

As regards design, paragraph 56 attaches great importance to the design of the built environment and acknowledges that good design is a key aspect of sustainable development,

indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 clarifies that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and respond to local character and reflect the identity of local surroundings and materials.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise. It allows full weight to be given to relevant local plan policies until March 2013.

Copeland Local Plan 2013-2028 (local plan)

The Local Development Framework Core Strategy and Development Management Policies DPD (known as the Copeland Local Plan 2013-2028) were adopted by the Council in 2013. It now replaces the majority of the policies within the former Copeland Local Plan 2001-2016.

The adopted Plan is consistent with the NPPF and paragraph of the NPPF makes it clear that all applications must be determined in accordance with the Development Plan.

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development. Among other things it seeks to ensure that development creates a residential offer which meets the needs and aspirations of the Boroughs housing markets.

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. Cleator Moor is identified as one of four smaller towns within the Borough where new development can be focussed.

Policy SS1 seeks to improve the housing offer across the Borough.

Policy SS2 seeks to achieve sustainable housing growth by focussing new housing development within accessible locations to meet the needs of the community.

Policy SS3 requires developers to demonstrate the provision of a balanced mix of housing types.

Development Management Policies

The Development Management policies are set out to provide further detail on how the Core Strategy will be implemented. The following policies are relevant to this development:-

Policy DM10 requires new development to be of a high standard of design to enable the fostering of 'quality places'. In doing so development should respond positively to the character of the site and its immediate and wider setting, paying careful attention to scale, massing and arrangement. Likewise, development should create and maintain reasonable standards of general amenity.

Policy DM11 requires development proposals to reach high standards of sustainability. This includes requiring housing to be of an appropriate density, although it does state that a lower density may be acceptable where it reflects the form and character of development in the surrounding area.

Policy DM12 sets out specific design standards for new residential development, including the need to retain appropriate separation distances.

Assessment

This application raises a number of issues that need to be carefully assessed and are considered below:

Traffic Impact

There were initial concerns raised regarding the potential impact of this development proposal on the highway, particularly relating to the provision of acceptable visibility splays at the junction of Rusper Drive with Scalegill Road and the design standards of the Rusper Drive access road from the Highway Authority, the local parish council and a neighbour. There were also issues relating to the layout including parking provision. In respect of the latter the layout is indicative only and design detail here is a matter for the reserved matters stage. As regards the former these have now been satisfactorily addressed and the Highway Authority now have no objections to the application. Traffic calming measures are also proposed adjacent along Scalegill Road and would form part of a S106 Agreement.

Policy

The site is situated outside the current settlement boundary as identified in the local plan in such circumstances it is important to take into account in the overall planning balance the fact that the development of the site does offer the following potential benefits/ attributes:

- **Affordability.** Following further negotiations an element of affordability has now been agreed for the site. The figure of 4 dwellings is put forward which falls within the recommended 15% - 25% quota. This is considered acceptable and accords with policy SS3 of the local plan. Maintaining affordable homes on the site in perpetuity can be controlled by a separate S106 Agreement.
- **Self-build.** It is the intention that the majority of the development (affordability element excepted) will be self-build. A registration document containing a list of interested parties has been provided to demonstrate the interest in the site for such a purpose. This would meet the Government's objectives to provide more housing choice through the offer of self-build plots.

- **Density.** The argument is accepted that an edge of village location such as being proposed is appropriate for development at a lower density and as such complies with criterion A of local plan Policy DM11 which permits such flexibility. The actual density being proposed however is a matter of detail to be dealt with at the reserved matters stage.
- **Deliverability.** The NPPF defines deliverability in terms of housing sites. To be considered the site has to be available now and have a realistic prospect that housing will be delivered within a 5 year period, also that the development is viable and in a sustainable location.
- **Sustainable.** This site is considered sustainable. It is located on the western edge of the village with access to the A595 readily available nearby and is mainly brownfield.
- **Brownfield.** Comprising a 1 ha area of land previously mainly used as a haulage depot and base the site has previously been used as a franchise car garage, used car lot with offices, workshops and store. Whilst part is greenfield it is considered to be mainly brownfield.

An important consideration is also the fact that the site is currently identified as a potential housing allocation for Moor Row, although not necessarily the preferred option at this stage, in the Copeland Local Plan 2013-2028 document 'Site Allocations and Policies Plan Land for Development Preferred Options', January 2015. This is a supporting document to the adopted local plan which is relevant and material for the determination of planning applications and as such can be attributed reasonable weight.

Conclusion

The site this outline application for 26 dwellings relates to lies on the western edge of Moor Row. Although it is outside the current settlement boundary it is well related to the existing settlement and adjacent to existing residential development. Whilst it is identified as a potential housing allocation in the Local Plan's Preferred Options document, having survived the first sieve of sites, it is not necessarily the preferred site for coming forward in the village at this point in time.

In the accompanying supporting case however it is considered that it has been satisfactorily demonstrated that development of the site would offer certain benefits which collectively provide sufficient justification for it to be supported as an exception. It is accepted that development here could be sustainable and deliverable, be on brownfield land, include an element of affordability and be aimed primarily at the self-build market. All attributes appertaining to the development which justify it being approved in advance of any formal allocation.

Recommendation:-

Approve in outline subject to a S106 Agreement governing;

- Minor
Scales*
- Commuted sum to be agreed with the Highway Authority for traffic calming measures on the adjacent Scalegill Road.
 - Securing four housing units as affordable housing in perpetuity.

Conditions

1. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-
 - a) The expiration of THREE years from the date of this permissionOr
 - b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Design and Access Statement by MJN Associates, dated June 2016, received 15 June 2016.

Flood Risk Assessment by Bingham Yates Ltd, Issue 1- 31 May 2016, received 15 June 2016.

Phase 1 Desk Top Study Report (Preliminary Risk Assessment) by GEO Environmental Engineering ref 2015-1517, dated 11-11-2015, received 15 June 2016.

Phase 1 Habitat Survey and Scoping Survey for European Protected Species on land adjacent to Scalegill Road, Moor Row, Cumbria, by Openspace, dated July 2015, received 15 June 2016.

Reptile Survey on land adjacent to Scalegill Road, Moor Row, Cumbria, by Openspace, dated October 2015, received 15 June 2016.

Amended Location Plan, scale 1:1250, received 28 July 2016.

Amended Application Form received 16 August 2016.

Amended Visibility Splays only, as shown on Proposed Housing Development Indicative Layout, Drawing no RG/KT/15/01, scale 1:500 & 1:1250, received 13 October 2016.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Before development commences full details of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory surface water drainage scheme.

4. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No.B8845/CJW Issue 1, Dated 31 May 2016) which was prepared by Bingham Yates Limited proposing surface water discharging into watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

5. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and

- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

6. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified;
- ☐ all previous uses;
 - ☐ potential contaminants associated with those uses;
 - ☐ a conceptual model of the site indicating sources, pathways and receptors; and
 - ☐ potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To prevent unacceptable risks arising from any contamination of the site.

7. Before development commences a landscaping scheme including full details of species, sizes, numbers, densities and locations together with a maintenance and long term management schedule shall be submitted to and approved in writing by the Local Planning Authority. Landscaping shall be carried out in accordance with the approved scheme and schedule and maintained in perpetuity.

S. J. J. J.

Reason

To enhance the appearance of the development in the interests of visual amenities and to ensure a satisfactory landscaping scheme.

8. Development shall not commence until visibility splays providing clear visibility of 2.4 metres by 90 metres measured down of the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. The visibility splays shall be constructed before development of the site commences so that construction traffic is safeguarded.

Quay Lane

Reason

In the interests of highway safety.

9. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any other Order invoking and re-enacting that Order) relating to the permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted grown within the visibility splays which obstruct the visibility splays.

Down

Reason

In the interests of highway safety.

- By JMS
10. Before work commences on site the carriageway, footways, footpaths, cycleways etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval in writing. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed and completed before any dwelling hereby permitted is occupied.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

- By JMS
11. Before development commences, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

- By JMS
12. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and to leave the highway in a forward gear, shall be submitted to the Local Highway Authority for approval in the form of a swept path diagram. The development shall not be brought into use until any such details have been approved and the parking and manoeuvring facilities constructed. The approved parking and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason

To ensure that provision is made for vehicle turning within the site and in the interests of highway safety.

Informative – access to public sewer

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

The applicant can discuss any of the above with Developer Engineer, Josephine Wong by email at wastewaterdeveloperservices@uuplc.co.uk.

Informative – surface water

Any proposed culverting, alteration or replacement to any culvert likely to affect the flow of waters in any ordinary watercourse is likely to be relevant to Section 23 of the Land Drainage Act 1991.

Works should not be carried out without the prior written consent of the Lead Local Flood Authority, Cumbria County Council.

Informative – Public Rights of Way

Public Footpath 406016 follows an alignment to the east side of the proposed development area and must not be altered or obstructed before or after development has been completed. If any footpath is to be temporarily obstructed then a formal temporary closure will be required. Please contact Andy.sims@cumbria.gov.uk for further information.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
