

Application Reference Number:	4/23/2076/001
Application Type:	Full Planning Application
Application Address:	Land off Dalzell Street, Moor Row, Egremont
Proposal	Outline application for residential development for up to 65 dwellings with details of proposed access and all other matters reserved
Applicant	Nigel Kay Homes Ltd
Agent	Alpha Design
Valid Date	16.03.2023
Case Officer	Christie Burns

Cumberland Area and Copeland Region

Parish: Cleator Moor and Egremont

Relevant Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Reason for Determination by the Planning Committee

The application site exceeds 2 hectares in area and so falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation.

The application was deferred at the last meeting on 27th September 2023 for a site visit.

Recommendation

Subject to a Section 106 Planning Obligation being entered into securing:

- the delivery of the required 10% affordable dwellings;

planning permission be granted subject to the conditions outlined in Appendix 1, with the Assistant Director of Thriving Place and Investment being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

If the section 106 planning obligation is not entered within 6 months of the date of this Planning Committee or any other extension of the determination period mutually agreed with the Applicant, delegate authority to the Assistant Director of Thriving Place and Investment to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured.

1.0 Site and Location

This application relates to an area of land located to the northern edge of Moor Row, which is accessed from Dalzell Street. The irregular shaped site extends eastwards towards the River Keekle and covers an area of approximately 4.1 hectares. It comprises agricultural land and the former Moor Row goods yard to the south of the site with all previous commercial buildings now demolished.

The site is separated from the existing built form of Moor Row by the Whitehaven to Cleator Moor section of the C2C cycleway, which is set in a former railway cutting. An existing tree belt to the south of the site also separates the site from the existing built form of the village.

2.0 Relevant Planning History

4/10/2165/001 – Outline application for 37 dwellings – Approved in outline.

4/13/2146/0R1 – Reserved matters application for road and plot layout – Approved reserved matters.

4/16/2275/001 – Outline application for residential development – Approved in outline.

3.0 Proposal

This outline application seeks to establish the principle of developing the site for residential purposes for up to 65 dwellings. Although all matters relating to plot layout, scale, appearance, and landscaping are reserved for subsequent approval the application does include full details of the proposed access.

A total of 10% of the dwellings are to be affordable.

A detailed plan has been submitted with this application to show how access can be achieved from Dalzell Street which runs along the west of the application site. Access to the site will be via a 5.5m wide carriageway with a 3m wide shared path to the northern side of the access road only, extending north along Dalzell Street. The proposed access will have visibility splays of 2.4m x 171m to the north and 2.4m x 76m to the south. The proposal also shows the siting of three speed cushions located on Dalzell Street located on the road to the south of the application site running back into Moor Row village, however the location and type of proposed

traffic calming will be determined at the detailed design stage. The proposal provides pedestrian and cycle access to Moor Row via the NCN Route 72 located to the south of the application site.

The existing access to the former station yard from Dalzell Street will be retained for access to third party land to the south.

Whilst all matters relating to scale, appearance and layout are reserved for subsequent approval a landscape parameters plan has been submitted to show how the site could be developed to accommodate 65 dwellings. This plan demonstrates how the site could be accessed, landscaped, and how it could accommodate a public open space.

The application is accompanied by the following information:

- Location Plan
- Application Site Boundary
- Landscape Parameters Plan
- Access Arrangement Plan
- Flood Risk Assessment & Outline Drainage Strategy
- Road Safety Audit Stage 1
- Stage 1 Road Safety Audit with Designers Response
- Transport Statement
- Planning Design and Access Statement
- Biodiversity Net Gain Summary
- Ground Investigation Report
- Landscape and Visual Appraisal
- Phase 1: Desk Top Study Report
- Preliminary Ecological Appraisal
- Tree Constraints Report
- Archaeological Report – Front Pages and Summary
- Archaeological Report – Text
- Archaeological Report – Plates
- Archaeological Report – Figures 1-7

4.0 Consultation Responses

Egremont Town Council

No objections.

Cleator Moor Town Council

No concerns.

Cumberland Council – Highway Authority

27th April 2023

Local Highway Authority response:

The LHA have reviewed application 4/23/2076/001 and have no objections in principle but would like the following points addressed before a formal response is made.

- The proposed footway from the development site into the village is encouraging pedestrians across the existing Highway bridge which has no footway on either side, the LHA would not accept this proposal as this highlights a safety issue from a Highway point of view. The LHA would welcome a pedestrian and cycle link from the development site connecting to the existing cycle route 72 which then would exit onto the existing footway on Dalzell St.
- Opposite the proposed access frequent surface water flooding appears within the highway boundary. The LHA have been unsuccessful at relieving this issue as the problem is situated within 3rd party land, it is requested that the Highway gully is connected to development site surface water system to solve the ongoing issue.
- The LHA recommend that the first speed cushions heading from Moor Row village towards the development is to be removed and relocated to the southern side of the proposed development access roughly at the speed restriction signs as this would encourage speed reduction before the proposed development access. The speed cushion in its current location could also cause noise issues for residents of Dalzell Street.
- A new footway scheme is proposed opposite the development site access which will connect with Westlakes Science Park (Pedestrian Access) and Summergrove, the footway is to promote better pedestrian connectivity. The LHA will be seeking a developer contribution in support of this scheme.

Lead Local Flood Authority response:

The LLFA have no objections in principle but would like the following issue addressed before a formal response can be sent.

- Within the drainage strategy it states that the surface water will flow to an attenuation basin to which will be constructed as part of the development, but looking at the plans within the supporting evidence for this application the proposed attenuation basin is not within the redline boundary of this site. can this be rectified on the plans to show that the attenuation basin is within the site boundary.

Conclusion:

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.

31st July 2023

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the additional information submitted in response to

our previous correspondence in support of above application, our findings are detailed below.

Local Highway Authority response:

The LHA have reviewed application 4/23/2076/001 and have no objections in principle but would like the following points addressed before a formal response is made.

- The proposed footway from the development site into the village is encouraging pedestrians across the existing Highway bridge which has no footway on either side, the LHA would not accept this proposal as this highlights a safety issue from a Highway point of view. The LHA would welcome a pedestrian and cycle link from the development site connecting to the existing cycle route 72 which then would exit onto the existing footway on Dalzell St.

The developer has produced a new Location plan (Drawing number 01A) showing a possible link from the development site to the existing cycle route 72. The LHA are content the point has been addressed.

- Opposite the proposed access frequent surface water flooding appears within the highway boundary. The LHA have been unsuccessful at relieving this issue as the problem is situated within 3rd party land, it is requested that the Highway gully is connected to development site surface water system to solve the ongoing issue.

The Developer has stated that this will be included in the development site surface water system to relieve any carriageway flooding at the proposed new access. The LHA are content the point has been addressed.

- The LHA recommend that the first speed cushions heading from Moor Row village towards the development is to be removed and relocated to the southern side of the proposed development access roughly at the speed restriction signs as this would encourage speed reduction before the proposed development access. The speed cushion in its current location could also cause noise issues for residents of Dalzell Street.

The developer has agreed to relocate the speed cushions within the residential area and position them north of the proposed development access. The LHA are content the point has been addressed.

- A new footway scheme is proposed opposite the development site access which will connect with Westlakes Science Park (Pedestrian Access) and Summergrove, the footway is to promote better pedestrian connectivity. The LHA will be seeking a developer contribution in support of this scheme.

It states within the email response from the agent that the request for a developer contribution for a shared Footway/Cycleway on Dalzell street

is unreasonable and unjustified. However, as part of the Local Cycling Walking Infrastructure Plan (LCWIP) Cumberland Council is committed in creating better walking and cycle routes through out the county and as part of this development (and others in close proximity) a Footway/Cycleway from Summergrove/Westlakes Science Park pedestrian access to Moor Row village has been identified. This will provide direct and safe, traffic-free walking and cycling routes to schools, employment sites and essential NHS services as well as links to the wider NCN72 Network.

The extent / scope of the cycleway / footway directly related to this application extends xx m to the north (to the speed restriction signs) to link to the 3m wide proposed cycleroute from the Summergrove site, a 3m wide route into and through the applicants site, linking to the NCN72 and the footways in Moor Row itself. The Footway/Cycleway will need to be built to adoptable standard under a section 38 agreement.

We welcome further discussion with the developer to help develop the off-site cycling and walking infrastructure.

Lead Local Flood Authority response:

The LLFA have no objections in principle but would like the following issue addressed before a formal response can be sent.

- Within the drainage strategy it states that the surface water will flow to an attenuation basin to which will be constructed as part of the development, but looking at the plans within the supporting evidence for this application the proposed attenuation basin is not within the redline boundary of this site. can this be rectified on the plans to show that the attenuation basin is within the site boundary.

It states within email response from the agent that the land to which the attenuation basin is owned by the developer although not within the red line boundary. at this stage the LLFA are content with the proposal but will require further detail in the future, therefore the point has been addressed.

Conclusion:

The LHA require acceptance of bullet point 4 from the developer before a full response can be issued.

1st September 2023

We have concerns regarding the following points.

- The proposed access, the footway heading towards moor row will encourage pedestrians walk over the bridge. Which we are trying to eliminate with a direct footway/cycleway link from the highway to the NCN72.
- The red line boundary changes on different plans, need to know if the existing access road is within the red line boundary.
- There is pinch point within the red line boundary due to the applicant not owning land either side of the development which may cause access issues due to size of road that can be installed.
- The Footway/Cycleway requested from the proposed access to the speed limit sign, this will connect to the bigger cycleway on Dalzell street to be delivered by Summergrove development if agreed.

12th September 2023

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the revised access details and our findings are detailed below.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition 1

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 before work commences on site. 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 Council Design Guide. Any works so approved shall be constructed before the development is complete.

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

Condition 2 -

A cycleway or shared-use footway shall be provided that links continuously and conveniently to the nearest existing cycleway (NCN72) to the south and to Dalzell Street to the north (as shown on Drawing Number 0001/revision P08)

The layout shall provide for safe and convenient access by cycle. Once completed the footway/ cycleway should be retained in accordance with the approved details and shall remain open for the use to the public.

Condition 3 -

The development shall not commence until visibility splays shown on Revised Access

Junction Plan, Drawing Number 0001/Revision P08 have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to 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 to grown within the visibility splay which obstruct the visibility splays.

The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

Condition 4 -

Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

Condition 5 -

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;*
- details of proposed crossings of the highway verge;*
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;*
- cleaning of site entrances and the adjacent public highway;*
- details of proposed wheel washing facilities;*
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any*

materials on the highway;

- *construction vehicle routing;*
- *the management of junctions to and crossings of the public highway and other public rights of way/footway;*
- *Details of any proposed temporary access points (vehicular / pedestrian)*
- *surface water management details during the construction phase*
- *specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians*

[Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety]

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety

United Utilities

10th May 2023

Following our review of the submitted Flood Risk Assessment & Outline Drainage Strategy (Ref K39568.FRA/001, Original Version, dated 13th October 2022) we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design.

Should planning permission be granted we request the inclusion of a condition to secure a sustainable surface water drainage scheme and a foul water drainage scheme for the development.

11th July 2023

United Utilities gave no further comments to add to our original response.

Environment Agency

29th March 2023

We have no objection to the proposed development, but we request that any subsequent approval is conditioned to address the following issue:

Contaminated land

The preliminary ground investigation outlines some geotechnical parameters to assess SUDs potential. However, the recommendation for further geochemical assessment is supported to determine leachable component of potential contaminants associated with railways. Given the location, adjacent the river, it

would be prudent to investigate the existence of operational and redundant drains that could discharge into the river.

The previous railway infrastructure and associated made ground presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is adjacent to the River Keekle and located upon a principal A aquifer.

The application's desk study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition, we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Flood risk

The red-edge boundary of the planning application includes a small area in Flood zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The planning application is accompanied by a Flood Risk Assessment (FRA) & Outline Drainage Strategy prepared by R G Parkins (ref. K39568.FRA/001, dated 23 October 2022). We have reviewed the FRA in so far as it relates to our remit.

In Section 9.5 Environment Agency Flood Map for Planning, the FRA states that: *'The small area of the site that encroaches into Flood Zone 3 is consistent with the steep sloping sides of the adjacent River Keekle banking and no development is proposed in these areas.'*

The proposed development must proceed in strict accordance with this as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA identified will require the submission of a revised FRA.

29th June 2023

We have reviewed the amended plans and we have no further comments to add to our previous response on 29 March 2023, referenced NO/2023/115155/01-L01.

Cumberland Council – Flood and Coastal Defence Engineer

22nd March 2023

I've just had a very quick flick through the above Planning Application and it appears that the detention basin is outside the red line boundary.

13th April 2023

FLOOD MAPPING

The Flood Map for Planning shows that most of the proposed development site lies in Flood Zone 1, with the north eastern most part falling in Flood Zones 2 and 3.

The Flood Risk for Surface Water Map shows most of the proposed development site lies in an area at a very low risk of surface water flooding. Parts of the former railway yard lie in areas of low and medium risk and the north eastern most part of the site has a high risk.

COMMENTS ON FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY

Main points made:

[7.3] The site lies almost entirely in Flood Zone 1. A small area adjacent to the steep sloping banks of the River Keekle is located in Flood Zone 3, however, no development is anticipated in this area.

[8.2] Levels across the site typical fall from south to north from around 75m AOD to 74m AOD to 71m AOD to 70.5m AOD, with the exception of the land adjacent to the River Keekle, with a level of around 60m AOD.

[8.4] It is assumed that within the site there will be a series of historic land drainage features, that are assumed to discharge either into the ditch to the north of the site or directly into the River Keekle.

[8.5] United Utilities records show the presence of a 375mm diameter combined sewer to south of the site.

[8.6] Poor levels of permeability, combined with groundwater ingress would impact on the efficiency of any soakaways and therefore an alternative method of surface water disposal is recommended.

[9.6] The majority of the site is at a very low risk of surface water flooding, with a band of low to medium probability round the former goods yard, which appears to be attributed to hardstanding in this area. It is considered that careful re-profiling of levels in this area combined with a positive drainage system will eliminate the existing issue.

[9.6] Any development resulting in an increase in impermeable areas could cause additional runoff, so it is proposed to incorporate SUDS to mitigate this.

[9.7] Groundwater ingress was encountered in some of the trial pits conducted as part of the ground investigations. It is likely that groundwater levels will fluctuate

throughout the year, but given the sloping topography of the site, the site is unlikely to be significantly affected by groundwater flooding.

[10.1] The drainage strategy is based on an assumed impermeable area of 60% of the site.

[10.3] Without attenuation, the proposed development would significantly increase the runoff rate from the site.

[10.4.1] A climate change allowance of 50% has been used based on an anticipated 100 year design life of the proposed development.

[10.4.2] An urban creep figure of 105 of plot areas has been used.

[10.5.2] It is proposed that the development will be positively drained, with controlled discharge into the existing watercourse / ditch in close proximity to the northern boundary of the site. As there appears to be surface water flooding issues associated with this ditch, it is recommended that investigations are undertaken.

[10.5.3] Detention basins are the preferred option for SUDS on site, as there is sufficient space on site. Geocellular attenuation tanks and oversized pipes could also be used.

[10.6] Attenuation volumes have been estimated for the site and it is proposed that all impermeable surface will be drained by gravity to a detention basin located in a natural low point outside the planning boundary, to allow direct outfall to an existing drainage ditch.

[10.8] Proposals would see the restricted runoff from site being limited to 23.1l/s compared to the currently uncontrolled rate for the site of 48.0l/s.

[10.9] Design considerations take into account exceedance events, blockages and failures in the surface water drainage system and this should be extended to plot layouts and finished floor levels.

[10.10] Water quality has been considered and the outline drainage design will provide a suitable level of treatment as per SuDS manual.

[10.11] All drainage will be constructed to adoptable standards

[11] It is proposed that foul water from the site shall be connected to the existing 375mm diameter combined sewer to the south of the cycle track and this has been approved in principle by United Utilities.

[11] Due to site topography, it is anticipated that some plots will require foul flows to be pumped, which could be by either a pumping station or individual private pumping chambers, depending upon the number of dwellings requiring this function.

GENERAL COMMENTS

Although, from mapping not all the site is at a low risk of flooding, the section in Flood Zones 2 and 3, due to the River Keekle, will not be developed. Where the risk

is from surface water this can be designed out through the detailed site layout using the recommendations within the Flood Risk Assessment and Drainage Strategy.

SUGGESTED CONDITIONS

The Flood Risk Assessment and Drainage Strategy is a very good document and the site layout and drainage design should follow the recommendations contained within the document. Therefore, I would suggest a Condition to be included to reflect that.

SUMMARY

Provided the recommendations within the Flood Risk Assessment and Drainage Strategy are followed, I would have no objection to the proposed development from a flood risk and drainage perspective.

11th July 2023

As the additional and amended information only appears to relate to access arrangements, I have no further comments to make.

Cumberland Council – Environmental Health

21st April 2023

The site has a long history of past industrial use and given this, has the potential to be termed contaminated land.

A phase 1 contaminated land desk top study and preliminary ground investigation trial pits confirm this.

This study also confirms that the site sits within a Radon Affected Area.

The development lies in close proximity to existing residential dwellings in Moor Row and there is also the likelihood of some disturbance from ground and construction works.

As such, the Environmental Health team have no objections to the proposal but would advise that the following planning conditions are considered:

- A phase 2 Intrusive Ground Investigation is undertaken prior to any works commencing and its recommendations are fully implemented and approved in writing by the Local Planning Authority;
- Full Radon protection measures are built into the design of the dwellings;
- Prior to works commencing a Construction Environmental Management Plan is submitted to and approved in writing by the Local Planning Authority. This must deal with any noise, vibration and dust emitted from the site;
- Standard construction hours are applied to the site works;

Cumberland Council – Strategic Planning Policy

14th August 2023

Thank you for inviting the Strategic Planning team to comment on this planning application. The comments below focus on the key policy elements for this outline application, recognising that policies relating to design, landscaping, flood risk/drainage etc. are also relevant.

Principle of Development

Moor Row is classified as a Local Centre in the adopted Copeland Local Plan 2013-2028, which supports housing to meet general, local and affordable needs within the defined settlement boundary as appropriate, together with possible small extensions on the edges of the settlement (Policy ST2/Figure 3.2).

Part of the site (the former goods yard) lies within the current adopted settlement boundary, with the remaining greenfield portion outside the settlement boundary and classified as open countryside. Due to historic challenges and viability issues with developing the former goods yard (a brownfield site) the greenfield portion of the application site was considered and supported through planning consent 4/16/2275/001.

The emerging Copeland Local Plan 2021-2038 Publication Draft identifies Moor Row as Sustainable Rural Village, which will support smaller scale housing allocations, windfall and infill development (Policy DS4PU). The area covered by planning approval 4/16/2275/001 has been included within the proposed settlement boundary for Moor Row in the emerging Local Plan (Policy DS4PU/Appendix B) in order to enable its future delivery.

The emerging Local Plan is currently at a very advanced stage, with the Examination Hearings having concluded. As there have been no objections raised through the Hearing sessions regarding the planned extension to Moor Row's settlement boundary the proposed boundary should be afforded substantive weight.

Affordable Housing

It is noted that the application form only identifies market housing, but the Planning, Design and Access Statement proposes that 10% of homes will be affordable, with details to be agreed at a future reserved matters stage. It is presumed that the applicant is proposing 10% affordable housing, although this should be confirmed.

While 10% affordable housing is lower than that pursued in the adopted Copeland Local Plan 2013-2028 (Policy SS3Aii/paragraph 5.4.5), it would be policy compliant with the requirements of the emerging Copeland Local Plan (Policy H8PU) and the NPPF.

The Strategic Housing Market Assessment (SHMA) 2021 identifies a need of 4 social/affordable rent homes per annum in the Cleator Moor sub-area, which includes Moor Row. The 10% affordable housing proposed would contribute towards meeting this need and is supported. We agree that a future reserved matters application would be the appropriate time to determine details of the affordable housing to be provided.

We would welcome continued involvement in any further discussions related to this development proposal.

Cumberland Council – Strategic Housing

28th March 2023

This is an application for outline planning permission for up to 65 homes on a mixed green/brownfield site in Moor Row. A minimum of 10% of these would be affordable housing, 25% of these to be first homes, which are provided at 70% of the market value compared to the usual 80% requested.

There are no details at this stage as to the mix of properties and this information will be supplied at a later stage, however we would encourage a mix of 2-, 3- and 4-bedroom properties to meet the needs of the market. The affordable units should be 2 or 3 bedroomed.

The SHMA provides the following suggested mix of properties, which we would expect to see reflected.

Suggested Mix of Housing by Size and Tenure – Copeland				
	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	15%	45%	35%	5%
Affordable housing (rented)	30%	40%	25%	5%

Moor Row is classified as a Sustainable Village in the emerging Local Plan for Copeland, indicating it can support a limited amount of growth to maintain communities. This site has gained planning permission in the past but this permission has now lapsed. Whilst classed as a village Moor Row sits off the main A595 road between Whitehaven and Egremont and is also close to Cleator Moor, and therefore would be attractive to residents wanting to live close to amenities but in a more rural location.

6th July 2023

I have looked through the additional documentation and do not see anything that would alter the original strategic housing comments made or require further comment at this time.

Cumberland Council – Historic Environments Officer

This application doesn't raise any archaeological issues or concerns.

Cumberland Council – Countryside Access Officer

27th July 2023

There are no Public Rights of Way in proximity to the site but the National Cycle Route 72 runs along the edge of it.

Natural England

27th March 2023

No objections.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

6th July 2023

No objections.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Cumberland Council Arboriculturalist

25th May 2023

Following our site visit, we have the following comment/observation to make on the proposed development.

The applicant has submitted a Pre-development Tree Constraints Report (Ref. No. EJC 122-2022). This includes an assessment of the trees and groups on or adjacent to the site and allocating them a British Standard (BS 5837:2012) retention category. The report gives guidance for protecting retained trees during construction.

RECOMMENDATIONS

Include a condition of any planning permission requiring:

- the submission of an Arboricultural Method Statement, which must include adequate tree protection measures, that must be agreed in writing by the Local Planning Authority. The Arboricultural Method Statement must be implemented in full prior to and during construction activity on site.

- the submission of a detailed landscaping scheme prior to any construction activity on site. This should include a specification for new trees and shrubs, a detailed planting design and a five-year maintenance scheme. This must be agreed in writing by the Local Planning Authority and carried out during the first planting season following construction work.

The Coal Authority

11th April 2023

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the eastern part of the site lies within an area of recorded shallow coal mining. This could affect public safety and surface stability for the proposed development.

The planning application is accompanied by a Phase 1: Desk Top Study Report (2016-1961, 18-08-2022) prepared for the proposed development by Geo Environmental Engineering Ltd. The Report has been informed by an appropriate range of historical, geological and coal mining information.

Having carried out a review of the available information, the report author considers that currently there is potential risk to the proposed development at this site from shallow coal (and iron ore) mining and recommendations have been made that intrusive ground investigations are required in order to confirm the exact ground conditions beneath the site. The findings should inform the extent of any remedial and / or mitigation measures required to ensure the proposed development will be safe and stable (NPPF paras. 183 and 184).

The Coal Authority welcomes the comments made by the report author that unrecorded mining features may exist within the application site and vigilance should be maintained (watching brief) during site preparation works. Should any unrecorded mine entries be encountered, they should initially be fenced off to make the area safe and appropriately assessed by an experienced engineer. Treatment of the mine entry will most likely be required. The Coal Authority will also need to be notified of any such findings.

The application is also accompanied by a Preliminary Ground Investigation Report (GEO2022-5470, 11.08.2022) prepared by Geo Environmental Engineering Ltd which has been informed by the results of some ground investigations (trial pits). However it should be noted that these were not carried out to investigate shallow coal mine workings.

The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the

site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

The applicant should be aware that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Sustainable Drainage

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions** to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

7th July 2023

I can confirm that we have no further comments to make. The comments made in our letter (dated 11 April 2023) therefore remain valid.

Crime Prevention Design Advisor

No comments received.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to eighteen properties.

Fourteen letters objection were received which raised the following concerns:

- Dalzell Street does not have the infrastructure to accommodate 65 dwellings. It is already a disaster waiting to happen.
- Many people use the village as a rat run, additional houses on our small unkept roads is going to cause more havoc.
- An accident on the main A595 causes the village to be gridlocked.

- Adding 65 properties is at minimum 65 more cars trying to get out of the junction onto the A595, which is impossible at times, so the alternative is the small back roads.
- The new properties will add an overwhelming amount of traffic on the already busy roads through the village.
- The roads in the village can hardly cope with the residents at the moment.
- Cars and plant/construction vehicles putting the children in the village in danger.
- Works will be carried out for years and will cause havoc for the local community with increased visits from HGVs and large vehicles to deliver this project.
- The development will make the roads even more unsafe.
- People exceed the speed limit.
- Dalzell Street has always been a dangerous road with many accidents through the years and this will only add to that problem.
- Dalzell Street is a one lane road due to excessive number of cars parked down either side. This has resulted in several serious situation whereby vehicles have got into altercations about rights of way causing disruption to traffic.
- Adding 65 dwellings will increase traffic by 130-195 vehicles, causing further havoc and the likelihood of serious accidents.
- There are no improvements being made to the traffic in the village to accommodate all the new developments that are planned.
- The proposed speed humps will only add further to current difficulties accessing the narrow roads.
- The community has raised concerns about the road for years and requested speed bumps. It is coincidental that they will now be put in when and where they suit the Council where money is involved but not when the community ask.
- The speed bumps are pointless. They will not solve the problems of speeding through Moor Row. The scheme should implement the speed bumps that are in Moresby Parks which have drastically reduced speeding.
- The plans fail to account of access and egress into the cycle track area and down to railway terrace. It is impossible to use this junction. How will this be solved?
- The traffic means that it is impossible to use existing driveways. Additional traffic will only increase this problem.
- Access and egress need to be re addressed with the Council visiting the site to understand the speeding issue in the village.
- Cars will not be the only things trying to gain access/egress with homes bringing delivery drivers, lorries struggle to get through and amazon vans are already a nightmare, dumped in the road as they cant find anywhere to park.
- People already park on pavements blocking disabled and pushchair access.
- People who live on the street have a right to park there and shouldn't be put under duress.

- The submitted traffic survey doesn't account for the most appropriate traffic peak times. The peak times coincide with Sellafield shift times. Surveys also need to monitor traffic flows at the main junctions out of Moor Row and not just the traffic flow up/down a small section of Dalzell Street as this doesn't show a full picture of the difficulties the village currently faces with the existing road network.
- There are no shops, doctors, dentist, etc.
- The local hospital can't cope now nor can Carlisle.
- The local school is already full, where will these children attend school.
- Secondary school students get buses to school adding more problems to the roads.
- There is already application/planning for 24 homes the other side of the village and we in the village are aware the intention is to build on the flooding field opposite the school once it comes out of the green belt. All applications should be reviewed together to understand the problems in the village.
- We do not have the infrastructure to cope.
- No consultation with local community.
- The best way to progress would be to redo this process and actually ask the locals their opinion and concerns and revisit the site for the benefit of those who live on Railway Terrace to propose how we would overcome the problem of access/egress and not done behind a desk as per the archaeological report.
- The development would impact on those who work night shifts.
- There are homes in other parts of west Cumbria that could be redeveloped before starting building more.
- The development will have an environmental impact on the local community.
- The land is needed for drainage there will be more flooding if this goes ahead.
- Destruction of green space destroying the idea of a rural village.
- There are too many houses put on that bit of land. This is a village not a town.
- Wildlife will be affected which is getting much scarcer all the time.
- The application form states there are no protected species but there are, i.e. Squirrels.
- The ecology survey only surveys the application site and not the surrounding area.
- Displacement of wildlife will have a negative impact on locals who enjoy walks along the cycle track where wildlife is found in the trees.
- The cycle track attracts thousands of visitors each year. This development would destroy the joy and beauty of the scenery for all visitors.
- Who will be able to afford these houses? Do we need more unaffordable houses?
- The archaeological report with a site visit in 2008 is not acceptable to gain approval for such an extensive building plan. Things have changed since then, more cars added to Dalzell Street and more traffic through Moor Row during Sellafield traffic hours.
- A desk based archaeological report is not acceptable either as the community should have been approached and asked their opinion on the matter.

- The archaeological plates fails to take pictures of the access/egress to the cycle track or railway terrace which will have a direct impact on the proposed plans.
- The application form states no to industrial or commercial process. The development of new builds in the direct reasoning of profit is a commercial process.
- No details are provided on the size or type of homes only the number of 65. The community have the right to know how many houses are built and what type of homes are to be built. The building of dwellings has an impact on to the locals and to not fully describe what home are to be built seems to reason that the Council take the community for fools.
- The application is rushed for yet another way for the Council to gain more money.
- Those who have lived in Moor Row for decades will be disheartened at the sheer lack of care from the Council.

Two letters of support were received which offered the following comments:

- Proposed location will utilise a waste area that has long been neglected.
- Homes will have their own parking so will not contribute to village issues.
- Homes are built by a respectable company.
- Additional people in the village should help build extra support for the school and road improvements.
- I applaud the introduction of speed cushions on Dalzell Street especially around the bridge area as vehicles have either not slowed down to enter the village or they have to put their foot down to exit.
- There are a lot of near misses currently on the bridge due to parked cars.
- Would it be possible to make this area safer by implementing a scheme where the bridge has been made single file. Priority coming out of the village would be most sensible to try to keep Dalzell Street flowing.
- Please consider slowing the traffic on Dalzell Street as much as possible for the safety of residents and future residents of the new development.

One letter of neutral response was received which offered the following comments:

- Concerns about increased traffic entering and exiting the village.
- Dalzell Street is already a problem with Sellafield traffic.
- Would traffic restriction be put in place in an attempt to prevent future increased congestion.

Further to a reconsultation on the amended information received for this application, three letters of objection were received which raised the following concerns:

- Too many houses in a small village with inadequate roads.
- Dalzell Street is down to a single lane due to parking on either side.
- Roads in the village are busy enough without further traffic being added to the already overstretched network.
- There are no plans to take into account the extra cars in the village.

- There are already enough accidents on the junction with the 595 from Moor Row without the addition of more cars.
- Junction improvements should be considered.
- This is a rat run with Sellafield traffic.
- Speeding is an issue within the village.
- Sellafield traffic gridlocks the road at all major shift change times without putting more vehicles on the road not to mention additional delivery vehicles.
- More cars on this road is an accident waiting to happen.
- The number of cars could be 90 plus from the development.
- The blind entrance to the development just beyond a hump bridge is dangerous, regardless of any road widening or speed humps.
- There is no bus service meaning you have to walk.
- Is there a plan in place for increased water supply? We are on minimal pressure.
- Is the sewage network in the village adequate to take on increased waste?
- Infrastructure cannot take more homes.
- The village school would benefit from additional children but as it offers no wrap around care most take their children elsewhere.
- Senior schools are over subscribed.
- No doctors or dentists in the area and hospital services are being cut so this leads to more stress on already struggling services.
- Laptop surveys are acceptable only if followed up by in depth on site survey.

5.0 Planning Policy

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

5.1 Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

5.2 Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

5.3 Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which

objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

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 DS11PU - Protecting Air Quality

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU - Affordable Housing

Policy SC1PU - Health and Wellbeing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Policy N9PU - Green Infrastructure

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

5.4 Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA).

6.0 Assessment

The key issues raised by this application relate to the principle of the development; housing need; settlement character and landscape and visual impact; scale, design and impact on residential amenity; flood risk and drainage; access and highway safety; ecology; archaeology; and ground conditions.

6.1 Principle of Development

The application site is located to the northern part of Moor Row, which is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing developments, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and affordable housing and windfall sites.

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

Within the Emerging Local Plan, under Policy DS3PU Moor Row is identified as one of the Sustainable Rural Villages which are identified as offering a limited number of services but could supported a limited amount of growth to sustain communities.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Within the Copeland Local Plan, the majority of the application site is located within the existing settlement boundary for Moor Row, however the northern part of the site is located outside of the designated boundary. The development would, however, be considered as a small extension to the northern edge of the settlement and therefore would comply with the requirements of Policy ST2 of the Local Plan. The whole of the application site is located within the revised defined settlement boundary of Moor Row as identified within the Emerging Local plan where new housing development is supported.

The principle for developing this site for residential purposes was previously established in 2017 when outline planning permission (ref: 4/16/2275/001) was granted on the Application Site. Whilst the number of dwellings was not specified within the approval, the submitted documents indicated that the site could be developed for 73 dwellings.

6.2 Housing Need and Housing Mix

Policy SS3 of the Copeland Local Plan requires housing development to demonstrate how proposals will deliver a good range of affordable homes for everyone. Developments will be assessed on how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing.

Within the Emerging Local Plan, Policy H7PU states that development should make the most of effective use of land and when determining appropriate densities development proposals should demonstrate that consideration has been given to the shape and size of the site, requirements for public open space and landscaping, the character of the surrounding area and setting of the site, and whether the density would help achieve appropriate housing mix and help regeneration aims. It must also be demonstrated that proposals meeting local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date.

Policy H8PO of the Emerging Local Plan stated that on sites of 10 units or more, or on sites of 5 units or more within the Whitehaven Rural sub-area, at least 10% of the homes should be affordable as defined in the NPPF unless this would exceed the level of affordable houses required in the area as identified in the Housing Needs Study, or the development falls into an exemption category listed in the NPPF. This Policy further states that affordable housing should be provided in the tenure split of 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The application site falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SHMA suggest a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is also stated that the Council should also consider the role of bungalow and there is a high need for new affordable housing.

As the application is in outline form, no details have been provided with regard to the proposed housing mix for this site. The application is, however, supported by a landscape parameters plan which shows that consideration has already been given to the site context, how it can be developed and landscaped, and how a public open space could be accommodated in line with policy.

The Council's Strategic Housing Team have confirmed that a minimum of 10% of the proposed houses should be affordable with 25% of these to be first homes, which are provided at 70% of the market value compared to the usual 80% requested. They have also stated that they would encourage a mix of 2-, 3- and 4-bedrooms properties on this site to meet market needs, with the affordable housing comprising 2 and 3 bedrooms units.

As the application seeks permission for the erection of 65 dwellings the agent has agreed to a S106 agreement for the development to provide 10% affordable housing at this site. The size and type of the affordable home ownership properties would be agreed as part of any submission for the approval of reserved matters for this scheme.

The development will assist in providing housing that will help meet the housing need identified in the SHMA and the requirements of Policy SS3 of the Copeland Local Plan, Policies H7PU and H8PU of the Emerging Local Plan and provisions of the NPPF.

6.3 Settlement Character and Landscape and Visual Impact

Policy ENV5 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that 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; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by

ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates 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 and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

A Landscape and Visual Appraisal (LVIA) has been submitted in support of this planning application.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

Copeland Landscape Settlement Study November 2021 identifies the Application Site as being in Character Type 5D Urban Fringe and Area of Local Character 5Dvii Keekle Valley. This area is defined as a farmed and wooded landscape surrounded by mining and industrial villages around the Keekle Valley with evidence of previous mining and industrial activity prominent. The key characteristics of the area are identified as: board and even river valleys surrounded by rising ground; mixed land uses, valley surrounded by settlements, National Cycle Network on disused railway runs through area and connects surrounding villages; irregular field pattern and size influenced by extent of surrounding settlements, gappy hedgerow and fence field boundaries; individual settlements with newer development growing outwards from historic industrial/mining settlement core, in and around the valley; heavily developed urban fringe area, mix of vernacular, industrial and post-modern buildings; vernacular of render / stone and slate roofs, but brick and modern render, tile roofed buildings also common.

The application site comprises agricultural land to the north and brownfield land to the south which formally sited Moor Row goods yard. The site is irregular in shape, however, this follows the site boundary of the previously granted outline planning

permission (ref: 4/16/2275/001). The site lies to the northern edge of Moor Row, separated from the existing built form of the village by the cycleway and a well-established line of trees. The site is relatively flat but slopes away from the main road located to the west of the application site. The application is supported by a landscape parameters plan which indicates that the development will retain a significant number of trees, shrubs and hedgerows as part of the development and seeks to create a number of different landscape features which will help to screen the development.

Given the location of the site the development will result in localised change to the landform, and the loss of agricultural land, resulting in localised loss of openness and some minor impacts upon the local landscape character. The development would be visible in localised views from the public right of way, highways and some surrounding properties, however part of the site was previously developed as part of the Former Station Yard for commercial purposes which would have previously impacted upon the character of the area. The proposed development will act as an extension to the existing settlement and, whilst there is some separation from the main built form of the village, the previous residential approval at this site has established the principle for altering the character of the area.

The submitted Landscape and Visual Appraisal for this application states that the landscape proposals for this development would be in line with the mitigation potential stated within the Local Character Area Assessment and proposed tree belts would in time filter views of the proposed housing and provide definition between the rural and urban area. Furthermore, the appraisal concludes that the proposal would not result in any significant/unacceptable levels of adverse landscape or visual effect, and that the ascertained levels of landscape and visual effect would not be greater than those associated with the approved lapsed scheme.

Whilst a landscaping parameters plan has been submitted to support this application, these details are indicative only. Full details of landscaping, for this development will therefore be secured by condition alongside a maintenance schedule.

6.4 Scale, Design and Impact on Residential Amenity

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential

amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

As the application is in outline form only no details have been submitted at this stage to show the proposed layout of the development with details of scale, layout and appearance of the dwelling reserved for subsequent approval. Given the site is separated from the existing built form of the village by the existing cycleway and associated tree planting, it is considered that a development at this site could reasonably allow for adequate separation distances to be achieved between the proposed and existing dwelling as required by Policies of the Copeland Local Plan. It is also considered that suitable boundary treatments/landscaping can be secured to minimise the potential impact on the existing properties.

Whilst a landscaping parameters plan has been submitted to support this application, these details are indicative only. Full details of landscaping, and therefore boundary treatment, for this development will therefore be secured by condition alongside a maintenance schedule.

Policy DM12 of the Copeland Local Plan outlines the requirements of the provision of open space and play provision. The submitted landscape parameters plan shows how the site could accommodate a public open space. Although this plan is indicative and full details will be considered by subsequent approvals it is considered that the requirements of Policy DM12 of the Local Plan are considered achievable.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, it is considered that a development layout could be achieved within this site with interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking.

6.5 Flood Risk and Drainage

Policy ST1 of the Copeland Local Plan and paragraph 159 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The majority of the application site lies within Flood Zone 1, however, a small area a small area located within the east of the application site is located within Flood Zone 2 and 3. This area forms the steep sloping banking of the River Keekle and no development is proposed within this area. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Flood Risk and Drainage Assessment submitted to support this application concludes that this site is not considered to be at significant risk of flooding from surface water, groundwater, reservoirs, canals, or any artificial structures. The assessment states that ground investigations have shown that ground conditions across the site have poor levels of permeability and high ground water, therefore infiltration based subs are not suitable for a development of this scale and interception and attenuation based drainage strategy is more suitable for this proposal.

At this stage it is proposed that surface water from the development will be positively drainage and attenuated, using a detention basin located to the north of the application site, with a flow control device restricting cumulative discharge to match pre-development Greenfield QBAR rate. Foul water from the site will discharge via a new connection to the existing 375mm diameter public combined sewer located to the south of the development serving nearby residential estates. A Foul Water Pumping Station may be required dependent on final site levels and the depth of existing sewers. Given the outline nature of this application the Flood Risk and Drainage Assessment for the development states that pre commencement conditions controlling detail drainage design area acceptable.

The Council's Flood and Coastal Defence Engineer has offered no objections to the application.

The Environment Agency have reviewed this Assessment and have confirmed that the proposed development must proceed in strict accordance with the submitted Flood Risk Assessment to ensure that no development encroaches into the area located within Flood Zone 3. This can be secured by an appropriately worded planning condition.

United Utilities (UU) have reviewed the submitted Drainage Strategy for this application and have confirmed that whilst the proposals are acceptable in principle, they do not have sufficient information on the detail of the drainage design. On this basis, UU have requested the inclusion of conditions relating to surface water drainage. In line with these comments from United Utilities relevant conditions have been attached to ensure an adequate drainage system at the site and to ensure a surface water drainage scheme based on the hierarchy of drainage options in the NPPF is submitted to and approved by the Local Planning Authority prior to commencement of works.

The application has also been reviewed by the LLFA, who have also confirmed that they have no objections in principle to the development. Initially concerns were raised that the proposed attenuation basis proposed for the development was outside the scope of the red line for the application. The Local Planning Authority have confirmed with the agent for this application that as the basin is within the blue line and therefore within the ownership of the applicant it can be controlled by appropriately worded Grampian style planning conditions. Based on this the LLFA confirmed they were content with the proposal, but more information would be required in the future. The conditions requested by UU would secure this detail.

As part of their consultation response the Local Highway Authority as the LLFA also stated that opposite the proposed access frequent surface water flood appeared within the highway boundary, which is currently unresolvable as the problem is located on third party lane. It was therefore requested that the highway gully is connected to the surface water system for the development site to solve this ongoing issue. The agent for this application has confirmed that the applicant is happy to accommodate this within the development. The details of this can be controlled by an appropriately worded planning condition.

It is therefore considered that based on the inclusion of the requested conditions, the proposal will not have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

6.6 Access and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The application has been submitted in outline form only, however full details of the proposed access have been included within the application. A detailed plan has been submitted with this application to show how access can be achieved from Dalzell Street which runs along the west of the application site. The proposal also shows the siting of three speed cushions located on Dalzell Street located on the road to the south of the application site running back into Moor Row village and pedestrian access via the NCN Route 72 to the south of the application site.

As part of the original consultation on this application the Highway Authority confirmed that they had no objection in principle to the application, however they raised concerns regarding the introduction of a pedestrian access across the existing Highway bridge of Dalzell Street, and the siting of one of the proposed speed cushions.

Based on these concerns, and the agent's discussion with Egremont Town Council, the application was amended to remove the proposed footway along the existing highway bridge on Dalzell Street towards Moor Row. The amended scheme sought to introduce pedestrian access directly to the NCN72 route to the south of the application site. The proposed speed cushions were also relocated to the south of the proposed site entrance, however, the agent has confirmed that the exact location and type of traffic calming measures will be reserved and dealt with via subsequent planning applications and via the S278 process. Details of the pedestrian access would also be dealt with at this stage.

On the basis of the amended plans, the Highway Authority stated that they still had a number of concerns with the proposal including the retention of footways at the access point heading towards Moor Row, the discrepancy between plans showing

the red line for the application, and the pinch point within the development site which may cause access issues if the applicant does not own land either side of the development. The agent for this application has therefore submitted plans removing the proposed footway from the south of the access road and has now included a 3m wide shared surface road along the north of the access road, which also extends north along Dalzell Street. The agent has also confirmed that the applicant owns the land around the pinch point which is causing highway concerns, there is however a third party who owns the small road frontage yard who has a right of way which will remain unaffected by the development. The retention of this third party access will be secured by an appropriately worded planning condition.

The Highway Authority has now confirmed that these amendments to the application are acceptable subject to conditions. The amended scheme will deliver a residential development which achieves a safe access and does not have any adverse impact on existing highway conditions.

Following detailed discussions with the Highway Authority the applicant has agreed to include a 3m wide shared path to the north of the access which will also extend north along Dalzell Street beyond the extent of the red line boundary for this application. The implementation of this path will be secured by appropriately worded planning conditions and would also be subject to a S278 Agreement with the Highway Authority. This together with the link to the existing cycleway will provide connectivity to existing Active Travel Routes.

Concerns have been raised by residents with regard to the impact of the development upon highway safety, however the revised scheme demonstrates that an access can be achieved to the satisfaction of the Highway Authority. The site has also been granted outline planning permission in 2017, therefore the principle of utilising the site for residential purposes and the introduction of additional car journeys has already been considered acceptable in this location.

It is therefore considered that, based on the amended plans for this application and the inclusion of any requested conditions, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

6.7 Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires 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, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any

compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

Concerns have been raised by residents with regard to the detrimental impact the development will have upon ecology, however Natural England have confirmed that they have no objections to the application.

A Preliminary Ecological Appraisal has been submitted in support of this planning application and provides an assessment of the ecological impacts of the development. The report concludes:

- It is not anticipated that the proposed works will have a negative impact on any statutory designated or other non-statutory sites;
- The woodland to the south of the site is considered to be the most ecologically valuable and should be retained. If this is not possible appropriate compensation / habitat creation measures may need to be implemented in order to mitigate for the loss of this habitat;
- The remaining onsite habitats are considered to be of low ecological value, however, the loss of these habitats will require mitigation / compensation in order to achieve the required 10% net gain;
- As the River Keekle is situated less than 10m from the site boundary, appropriate pollution prevention measures should be detailed within a Construction Environmental Management Plan secured via condition, should be implemented in order to protect this habitat from detrimental impacts as a result of the development;
- The protected/notable species associated with the site are bats, otters, red squirrels, birds, reptiles, amphibians, and terrestrial invertebrates.

The Preliminary Ecological Appraisal includes a scheme of mitigation prior to and during construction to prevent unacceptable impacts upon ecology arising from the development. These mitigation measures include works following lighting minimising precautions, no hazards left overnight, any trenches left overnight should include escape routes, additional assessment of the impact of the development on red squirrels, tree removal and ground works undertake outside of bird breeding season, and additional presence/absence surveys of ponds within the wider cattle field.

Appropriately worded planning conditions can be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures and additional surveys.

A baseline Biodiversity Net Gain Plan has also been submitted to support this application. The assessment indicates baseline values for the site (red line boundary) of 20.01 habitat units and 0.56 hedgerow units. This baseline report concludes that once a detailed development design and landscaping scheme has been finalised for the proposal it will be possible to run the full metric and calculate overall net gain/loss of the development and this will inform the area and condition of post-development habitats necessary to meet the 10% net gain requirement. This will be secured by an appropriately worded planning condition.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policies N1PU and N3PU of the Emerging Local Plan and the provisions of the NPPF.

6.8 Archaeology

Policy ENV4 and Policy DM27 of the Copeland Local Plan and Policy BE1PU and BE3PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

The Applicant has commissioned an archaeological evaluation of the Application Site. The evaluation results show that the archaeological potential for the site would appear to be limited and possibly non-existent. The Council's Historic Environment Officer has been consulted and has confirmed that the application does not raise any archaeological issues or concerns.

On this basis the proposal is considered to comply with Policies ENV4 and DM27 Copeland Local Plan, Policy BE1PU and BE3PU of the Emerging Local Plan, and the NPPF.

6.9 Ground Conditions

Policy ST1 of the Copeland Local Plan includes provisions requiring that new development addresses land contamination with appropriate remediation measures.

Policy DS6PU and Policy DS10PU of the Emerging Local Plan includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

A Geoenvironmental Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment) has been submitted to support this outline planning application. This report concludes that the development site as a whole is currently considered to represent a high geotechnical risk, with the following identified:

- Central and southern site area – moderate to high risk to proposed end users (ground contamination), and adjacent sites and controlled waters with respect to potential ground/ground water contamination
- Northern site area – low risk to potential end users (ground contamination) and low risk to adjacent sites and controlled waters with respect to potential ground/ground water contamination.
- A moderate to high risk is currently considered present of ground gas for the site as a whole.

The eastern part of the application site is also identified as being located within a coal referral zone. The Phase 1 report states that there is potential risk to the proposed development at this site from shallow coal (and iron ore) mining. The report also states that unrecorded mining features may exist within the application site and vigilance should be maintained during site preparation works.

The report therefore recommends that Phase 2: Ground Investigation works should be undertaken to ensure the “geohazards” identified are appropriately assessment to ensure the appropriateness of the site for the proposed end use prior to commencing redevelopment/construction. The report also recommends that a “watching brief” and “observational technique” be applied to this site to ensure that if ground conditions appear to vary from those identified within this investigation report then advice should be sought from a suitably qualified and experienced Engineering Geologist, Geotechnical or Geo-Environmental Engineer. Appropriately worded planning conditions can be attached to any decision notice to ensure the development is carried out as per the recommendations within this report and the additional surveys are carried out at the appropriate stages.

The Environment Agency have offered no objections to this application. They have confirmed that the submitted desk survey demonstrates that it will be possible to manage the risk posed to controlled waters by the proposed development, however further detail is required before the development is undertaken. On this basis they have requested the inclusion of a pre commencement condition requiring the submission of a remedial strategy for the site.

The Council’s Environmental Health Team have also offered no objections to the application although they have requested conditions to ensure the phase 2 investigations are undertaken prior to works commencing, full radon protection measure are built into the design of the proposed dwellings, a construction environmental management plan is submitted and approved before works commence on site to deal with any noise, vibration and dust emission from the site, and to restrict the site to standard construction hours. Appropriately worded planning conditions can be attached to this planning permission to secure these details, however, it is considered that radon protection measures would be dealt with through the building control process, therefore this condition is not required on any planning permission.

Whist the Coal Authority have confirmed that the eastern part of the site lies within an area of recorded shallow coal mining which could affect public safety and surface stability for the proposed development, they have offered no objections to the application subject to the inclusion of conditions. The proposed conditions will secure intrusive site investigations and remedial works prior to commencement of works, and the submission of a signed declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development prior to occupation of the site.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policy ST1 of the Copeland Local Plan, Policies DS6PU and Policy DS10PU of the Emerging Local Plan and the provisions of the NPPF.

6.10 The Planning Balance

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant

development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In February 2023, Copeland Borough Council produced a Five-Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the Copeland Local Plan must still be considered out of date and only some weight be given to their content as far as they are consistent with the provisions of the NPPF.

The Emerging Local Plan will, once adopted, replace the policies of the adopted Copeland Local Plan. The Emerging Local Plan has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment 2021 (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 146 dwellings per annum. The ELP identifies that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries and allocations identified in the Copeland Local Plan. This is given significant weight.

In applying the provisions of Paragraph 11, the site would assist in significantly boosting housing supply and delivery to meet the identified need for housing within the Borough as sought in both the Copeland Local Plan and Emerging Local Plan. As the application is outline form only, no details have been provided with regard to the proposed housing mix, however the Council's Strategic Housing Team have provided guidance with regard to the mix required within this site. The agent for this application has also agreed to enter into a S106 agreement to secure 10% affordable housing at this site. The size and type of the affordable home ownership properties shall be agreed as part of any submission for the approval of reserved matters for this scheme. This is given significant weight.

The proposed development comprising the erection of up to 65 no. dwellings is appropriate in size and character to Moor Row and would enable future housing needs to be met are supported in the Emerging Local Plan. This is given significant weight.

Within the Copeland Local Plan, the majority of the application site is located within the existing settlement boundary for Moor Row, however, the northern part of the site is located outside of the designated boundary. The development is considered to be a small extension to the northern edge of the settlement and therefore would comply with the requirements of Policy ST2 of the Local Plan. The application site is located within the extended settlement boundary for Moor Row within the Emerging Local Plan. The principle for development this site for residential purposes has previously

been established in 2017 when outline planning permission was granted on the land subject to this current application. This is given significant weight.

The application site is located in close and convenient proximity to a wide range of services, employment opportunities and transport links including access to the adjacent cycleway/footpath. The proposed development will support existing services and the aspirations for growth in the Borough.

Based upon the advice of the relevant consultees, the proposed development will not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe subject to the planning conditions and contributions proposed.

The development would not result in unacceptable impacts in respect of residential amenity, ecology, land contamination, flood risk and drainage subject to the planning conditions proposed.

The development will result in some adverse local landscape and visual impacts, however, part of the site has previously been developed for commercial purposes. The proposed development will act as an extension to the existing settlement and whilst there is some separation from the main built form of the village the previous residential approval at this site has established the principle for altering the character of the area. It is however considered that appropriate landscaping can be implemented in order to mitigate and limit the impacts of this development. This is given moderate weight.

On balance, whilst conflicts are identified in terms of the visual impacts of the development, it is considered that these are collectively not significantly harmful to significantly and demonstrably outweigh the identified benefits of the development.

Recommendation

Subject to a Section 106 Planning Obligation being entered into securing:

- the delivery of the required 10% affordable dwellings;

planning permission be granted subject to the conditions outlined in Appendix 1, with the Assistant Director of Thriving Place and Investment being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

If the section 106 planning obligation is not entered within 6 months of the date of this Planning Committee or any other extension of the determination period mutually agreed with the Applicant, delegate authority to the Assistant Director of Thriving Place and Investment to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured.

Appendix 1

List of Conditions and Reasons

Defining The Permission

1. The layout, scale, appearance, and landscaping must be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- 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.

3. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-

- Location Plan (Amended), Scale 1:1250, Drawing No: 27/07/1026-01a), received by the Local Planning Authority on the 27th June 2023.
- Application Site Boundary, Dwg No: M3570-PA-02-V1, received by the Local Planning Authority on the 29th June 2023.
- Revised Access Junction Plan, Scale 1:500 & 1:1000, Number 0001, Revision P08, received by the Local Planning Authority on the 9th September 2023

- Flood Risk Assessment & Outline Drainage Strategy, Prepared by R G Parkins October 2022, Ref: K39568.FRA/001, received by the Local Planning Authority on the 16th March 2023.
- Revised Road Safety Audit Stage 1, Prepared by Tetra Tech September 2023, Report No: NS22/788/RSA1, received by the Local Planning Authority on the 09th September 2023.
- Revised Designers Response to Revised S1 RSA, Prepared by Tetra Tech dated 08th September 2023, Ref: 784-B041101-ISSUE 3, received by the Local Planning Authority on the 9th September 2023.
- Transport Statement Revision 3, Prepared by Tetra Tech dated 07th August 2023, Ref: 784-B041101, received by the Local Planning Authority on the 9th September 2023.
- Planning Design and Access Statement, received by the Local Planning Authority on the 16th March 2023.
- Biodiversity Baseline, Prepared by Environmental Solutions Ltd September 2022, Ref: JN00551/D02, received by the Local Planning Authority on the 16th March 2023.
- Preliminary Ground Investigation Report, Prepared by GEO Environment Engineering August 2022, Project No: GEO2022-5470, received by the Local Planning Authority on the 16th March 2023.
- Landscape and Visual Appraisal, Prepared by Barnes Walker, Ref: M3570-LVA-22.11-V1, received by the Local Planning Authority on the 16th March 2023.
- Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by GEO Environmental Engineering August 2022, received by the Local Planning Authority on the 16th March 2023.
- Preliminary Ecological Appraisal, Prepared by Environmental Solutions Ltd September 2022, Report Reference: JN00551/D01, received by the Local Planning Authority on the 16th March 2023.
- Tree Constraints Report, Prepared by Treescapes Consultancy Ltd October 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Front Pages and Summary, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Text, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Plates, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Figures 1-7, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- Email from Agent, received by the Local Planning Authority on the 27th June 2023.

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.

4. This permission gives outline approval for a maximum of sixty-five dwellings only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

Pre-Commencement Conditions:

Drainage

5. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - iii) Levels of the proposed systems including proposed ground and finished floor levels in AOD;
 - iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - v) Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Highways

6. Prior to the commencement of each phase of development detailed specifications of carriageways, footways, footpaths, cycleways forming part of that phase shall be submitted to and approved in writing by the local planning authority unless detailed specifications of carriageways, footways, footpaths, cycleways have previously been submitted to and approved in writing by the local planning authority for the whole site.

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Visibility Splays

7. The development shall not commence until visibility splays shown on Revised Access Junction Plan, Drawing Number 0001/Revision P08 have been provided at the junction of the access road with the county highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to 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 to grown within the visibility splay which obstruct the visibility splays.

The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Highway Drainage

8. Prior to the commencement of development a scheme must be submitted to and approved in writing by the Local Planning Authority to ensure the existing highway gully on Dalzell Street is connected into the proposed surface water drainage scheme for the development hereby approved. Prior to the occupation of the proposed development the scheme must be completed in accordance with the approved details and retained thereafter for the lifetimes of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Contamination Assessment

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by the Local Planning Authority. This strategy must include the following components:
 - 1) A site investigation scheme, including a Phase 2 Ground Investigation Report and watching brief, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - 2) The results of the site investigation and the detailed risk assessment referred to in (1) 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.
 - 3) 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 (2) 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 written consent of the Local Planning Authority. The scheme must be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Coal Mining

10. No development approved by this planning permission must commence on this site until:

- a) A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works must be carried out in accordance with authoritative UK guidance and must be submitted to and approved in writing to the Local Planning Authority before remedial works are undertaken. The development must proceed in accordance with the approved details at all times thereafter.

Reason

This is in order to ensure the safety and stability of the development, in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Arboricultural Method Statement

11. Prior to the commencement of development, an Arboricultural Method Statement, which includes adequate tree protection measures, must be submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be implemented in full prior to and during construction activity on the site.

Reason

This is in order to ensure the safety and stability of the development, in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Landscaping

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of

enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details and retained at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

13. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include a specification for new trees and shrubs, a detailed planting design, details for its implementation and a five-year maintenance scheme. Development must be carried out in accordance with the approved schedule at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

Construction Environmental Management Plan

14. Before development commences, a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority in accordance with the approved document 'Preliminary Ecological Appraisal, Prepared by Environmental Solutions Ltd September 2022, Report Reference: JN00551/D01, received by the Local Planning Authority on the 16th March 2023'. The development must be carried out in accordance with the approved details at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan 2013 – 2028.

Construction Management Plan

15. Before development commences, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include provide details of dust emissions, noise, and vibration, and must identify remedial action to prevent nuisance. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

16. Prior to the commencement of each phase of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority unless a CTMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Phasing

17. Prior to the commencement of each phase of the development details of a Phasing Plan for the development shall be submitted to and approved in writing by the Local Planning Authority unless a Phasing Plan has previously been submitted to and approved in writing by the local planning authority for the whole site.

The Phasing Plan will provide the following information;

- The boundary of the land within that phase, previous and subsequent phases;
- The number of market dwellings in that phase; and,
- The number of affordable dwellings in that phase.

Reason

To ensure a high level of design quality and minimise impacts upon neighbouring residents in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

Active Travel

18. Prior to the commencement of each phase of development a detailed Access and Movement Parameters Plan (AMPP) shall be submitted to and approved in writing by the local planning authority unless a AMPP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The AMPP will demonstrate how links to existing Active Travel Routes are to be provided and how connections to any future Active Travel Routes are to be safeguarded on or through the Application Site to/between:

- The NCN Route 72 to the south of the application site,
- Dalzell Street.

The reserved matters shall be designed to be compatible with the approved Access and Movement Parameters Plan.

Reason

To ensure adequate provision is made for the provision and safeguarding of active travel connections in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Prior to Occupation Conditions:

Sustainable Drainage

19. Prior to the first occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Coal Mining Legacy

- 20. Prior to first occupation of the development hereby approved, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to and approved in writing by the Local Planning Authority. This document must confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

This is in order to ensure the safety and stability of the development, in accordance in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Other Conditions:

Flood Risk

- 21. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document “Flood Risk Assessment & Outline Drainage Strategy, Prepared by R G Parkins October 2022, Ref: K39568.FRA/001, received by the Local Planning Authority on the 16th March 2023”, and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Ecology

22. The development must implement all of the mitigation and compensation measures set out in the approved documents:

- Preliminary Ecological Appraisal, Prepared by Environmental Solutions Ltd September 2022, Report Reference: JN00551/D01, received by the Local Planning Authority on the 16th March 2023.
- Biodiversity Baseline, Prepared by Environmental Solutions Ltd September 2022, Ref: JN00551/D02, received by the Local Planning Authority on the 16th March 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

Contamination

23. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by GEO Environmental Engineering August 2022, received by the Local Planning Authority on the 16th March 2023. All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Construction Hours

24. Construction site operating hours must only take place between the following hours:

- 08:00am to 18:00pm Monday to Friday; and
- 08:00am to 13:00 Saturdays

No construction works shall take place at any time on Sundays or Bank Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Right of Way

25. The existing right of way to the commercial site located outside of the red line boundary for this application must be retained at all times. Any alterations to the existing access arrangements for this site must be agreed in writing by the Local Planning Authority and retained as per the approved details at all times thereafter.

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Highways

26. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Appendix 2 – Application Plans

Site Location Plan





Landscape Parameters Plan



Revised Access Arrangements Plan