

Application Reference Number:	4/23/2088/0F1
Application Type:	Full Planning Application
Application Address:	Land at Harras Road, Harras Park, Whitehaven.
Proposal	Proposed residential development for 23 dwellings including associated infrastructure and landscaping (Resubmission of 4/22/2135/0F1)
Applicant	John Swift Homes Ltd
Agent	Alpha Design
Valid Date	23 rd March 2023
Case Officer	Sarah Papaleo

Cumberland Area and Copeland Region

Parish: Whitehaven

Relevant Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013).

Reason for Determination by the Planning Committee

A major housing scheme for 23 units which lies outside of the designated development boundary for Whitehaven and is therefore a departure from the adopted Development Plan.

This is a resubmission of a previous scheme which was refused by the Members of the Copeland Planning Panel against Officer recommendation.

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

- 3 no. 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 she considers 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. Site and Location

- 1.1 This application relates to an area of land extending to 1.60 hectares which lies immediately to the north of Harras Road and is adjoined on its western boundary by the dwelling known as “Casa Mia”. It is located on the eastern edge of Whitehaven.
- 1.2 This greenfield site is currently used as agricultural land and is located contiguous to the settlement boundary for Whitehaven. The land is bound by an existing stone wall to the south which fronts onto Harras Road. There are no other physical boundaries which define its northern, eastern or western edges.
- 1.3 A number of modern dwellings lie on the opposite side of Harras Road to the south.
- 1.4 The site varies in levels across its length with a fall of approximately 15m from east to west.

2. Proposal

- 2.1 Full Planning Permission is sought for the erection of 23 dwellings on the site including the associated infrastructure and landscaping. The proposal includes 4 x 2 bedroomed properties, 9 x 3 bedroomed properties and 10 x 4 bedroomed properties. The proposal combines a mixture of single storey and two storey dwellings comprising detached, semi-detached and terraced properties. The dwellings will be arranged within 3 distinct groups focussed around cul-de-sacs.
- 2.2 The Applicant proposes that 3 of the 23 dwellings are affordable properties. These have been identified as the 2 bedroomed units on plots 6, 7 and 8.
- 2.3 The development will contain 7 different house types of varying sizes ranging from 2 to 4 bedrooms. They will be constructed from a range of materials including brick and render. All dwellings will have an oak front door and anthracite coloured Upvc windows and garage doors. Private driveways will be surfaced with Tegula pavements and tarmac.
- 2.4 Due to the sloping nature of the site it is proposed to form developable areas of the land by a cut and fill arrangement effectively stepping down Harras Road. This would involve engineering works to form retaining walls and associated structures between plots.

2.5A comprehensive landscaping scheme has been submitted including hard and soft treatments for private and shared areas. A 1.8m high timber fence will be utilised between properties with a timber post and stock proof fence along the north boundary with the agricultural field beyond.

2.6 Access will be taken from Harras Road using four separate openings into the site. Three of the new entrance points will serve the private cul de sacs. The fourth entrance will be used as a field access for the agricultural fields immediately to the north. There will be a total of 58 parking spaces provided as part of the development for use by the occupiers and any visitors.

2.7 A 2m wide footway is to be provided along the frontage of the scheme with proposed crossing points to the opposite side of Harras Road. Traffic calming measures including a chicane layout within the highway on Harras Road are proposed as part of this development.

2.8 The application is supported by the following information:

- Application Form;
- Site Location Plan;
- Dwelling Type Schedule;
- Dwelling Type A-G plans and elevations;
- External Material Schedule;
- Site Section;
- Landscape Layout;
- Access Appraisal;
- Ecological Report;
- Flood Risk Assessment and Drainage Strategy;
- Operation and Maintenance Plan for Sustainable Drainage Systems;
- Design and Access Statement;
- Landscape and Visual Appraisal;
- Heads of Terms;
- Trip Generation Letter;
- Cross Section and Street Scene.

3 Relevant Planning History

3.1 Outline application (with some matters reserved) for residential development consisting of nine serviced self-build plots was approved in March 2019 (application reference 4/18/2347/001 relates).

- 3.2 An application for the Approval of Reserved Matters relating to scale, layout and appearance for plot 1 (relating to planning permission 4/18/2347/0O1) was approved in January 2020 (application reference 4/19/2170/0R1 relates).
- 3.3 An application for the Approval of Reserved matters for a detached dwelling on plot 8 was approved in March 2020 (application reference 4/19/2305/0R1 relates).
- 3.4 An application for the Approval of Reserved Matters for detached dwelling on plot 9 was approved in March 2020 (application reference 4/19/2364/0R1 relates).
- 3.5 An application for the Approval of Reserved Matters for a detached house on plot 5 was approved in June 2020 (application reference 4/20/2024/0R1 relates).
- 3.6 An application for the Approval of Reserved Matters for a detached dormer bungalow on plot 6 was approved in March 2020 (application reference 4/20/2025/0R1 relates).
- 3.7 An application for the Approval of Reserved Matters relating to appearance and landscaping for plot 1 only and landscaping for the boundaries of the entire site was approved in August 2021 (application reference 4/21/2268/0R1 relates).
- 3.8 A proposed residential development for 23 dwellings including associated infrastructure and landscaping was refused March 2023 following consideration by the Copeland Planning Panel (application reference 4/22/2135/0F1 relates).

4 Consultation Responses

Whitehaven Town Council

The Council agreed that they continue to support the residents in their objections of these developments. In addition, the Ward Councillor has also written a separate letter of objection and has requested that he be able to address the Planning Committee with concerns regarding access, drainage, and overcrowding.

The Local Highway Authority

1st response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and note that it is an exact resubmission.

Therefore, our previous comments made to the previous application 4/22/2135/0F1 should still apply.

However, since the previous application, a Local Cycling and Walking Plan (LCWIP) has been developed for Whitehaven. This identifies Harass Road as one of the priority routes (WR5) and therefore the ambition is to provide a high quality walking and cycling infrastructure / route along this corridor from Moresby Parks Road to the Town Centre.

Detailed plans have not been developed yet and we are aware of many existing constraints to making this a fully compliant route (to LTN 1/20) but it is important that any new developments on this route do not further compromise the future delivery or quality of this route.

Therefore we are seeking a 3m wide LTN 1/20 compliant shared use footway to the frontage of the site on Harass Road. This should extend to the site boundaries with suitable set-backs at the various access junctions for raised crossings and also entry and exit points to the carriageway. The current plans do not show this footway (and previously we stated that a 2m wide footway should be provided on the frontage) but this 3m footway may require more significant changes to the site layout.

Therefore the LHA cannot support the proposed layout and I welcome further discussions with the applicant on how the preferred layout to accommodate the future LCWIP proposals can be achieved.

2nd response

Since the previous response, it has come to our attention that the proposed (and previously agreed) traffic calming measures of raised tables is considered not to be acceptable, or not a preferred solution from a highways operation perspective.

Instead, the Local Highway Authority now recommend that speed reducing traffic calming is provided by a give-way chicanes consisting of two build-outs. These should be similar to those found on Lowca High Street with the give-way for down-hill traffic and priority for uphill traffic. The build-outs shall be designed with a gap against the road edge to allow for surface water to bypass the build-outs. The applicant can contact the Highways department for further details of the layout.

Please note that forward visibility of 60m needs to be provided on the approach and exit of these features so the chicanes need to be located towards the upper and lower limits of the site and away from driveways to prevent blocking of driveways. The LHA will provide further details but locations and arrangement of the chicanes, footway and crossing points with links to the southern footway need to be presented but we envisage a chicane at each end of the site.

Please also note that as stated in my original response, a footway on the site frontage is required to make this proposal acceptable in planning terms. The footway shall run along the whole site frontage and there should also be crossing points to link to the footway on the south side of the road. This footway need only be 2m wide however.

Further highway details / layout of the footway, crossings and off-site traffic calming works needs to be submitted before I can make a full response.

3rd response

I have reviewed Location Plan drawing 18/03/926-17 and note the two proposed pedestrian crossing locations. These are acceptable in principle, subject to suitable detailed design of the links to the existing footway with dropped kerbs, tactile paving etc.

Also, these crossing points should not be isolated points on the north side of the road with no connectivity between them. A 2m wide footway should be provided along the whole site frontage providing continuity and good crossing opportunities to the existing footway on the south side of the road to provide direct and convenient routes from all parts of the proposed development for eastbound and westbound trips and routes through the Highlands.

4th response

I note the revised landscape plan (Rev V08) shows a 2m wide footway along the site frontage as required. In conjunction with the proposed crossing points this will provide a safe and convenient footway and crossing facility for residents. However, depending on where the traffic calming features are located (detail to be submitted as part of the S278), additional crossings (if not incorporated into the chicane refuge) may be desirable.

In terms of visibility, I am satisfied that despite the type of traffic calming measures being altered (from raised table to priority chicanes) the visibility splays (and evidence) is still relevant. Therefore we will be seeking splays in accordance with drawing 784-B028221-TTE-00-XX_DR-O-C001-P02. The only recommendation I would add is that the site boundary hedges (especially to Plot 23) should be of a variety that allows for a narrow hedge or have enough width to grow out so that it does not readily encroach onto the footway thus compromising visibility.

I am satisfied that having reviewed the pedestrian crossing locations, there is satisfactory visibility splays achievable in both directions at both points from either side of the road.

The new frontage footway shall become part of the adopted highway and as such, the applicant shall enter into a S278 agreement with the local highway authority via which a full technical review of the layout and construction details of the traffic calming chicanes, footway, crossing points / changes to the southern footway and alterations to the highway drainage shall be provided for review.

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:

Conditions

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 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.

The development shall not commence until visibility splays providing clear visibility as stated below have been provided at the junctions of the access road with the 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 grow 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.

Western-most access

- 2.4m x 46m to the west (downhill)
- 2.4m x 58m to the east (uphill)

Other three accesses

- 2.4m x 42m to the west (downhill)
- 2.4m x 60m to the east (uphill)

Reason

In the interests of highway safety.

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

- 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

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. To support Local Transport Plan Policies: WS3, LD4

Prior to first occupation of any part of the development full design details of a scheme of traffic calming, site frontage footway and pedestrian crossing facilities on Harras Road shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

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.

Prior to the occupation of the first dwelling the traffic calming scheme, frontage footway and pedestrian crossings as agreed with the Highways Authority under section 278 of the Highways Act 1980, shall be constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).

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.

Local Lead Flood Authority

The principles of the FRA are accepted and it is noted that according to the mapping, there is low or very low risk of flooding to the site from any source. However, local knowledge which has been confirmed from a site visit suggests that surface water does flow across the surface and will represent a real flood risk to the site unless this is addressed and mitigation measures are included.

I note that it has been assumed that the whole site is positively drained utilising filter or cut-off drains, drains for retaining walls and one around the perimeter of the site as previously recommended by the LLFA. I am therefore satisfied with the general approach to draining the site. In the detailed design, the applicant should investigate the incorporation of kested hedges and/or swales to the site boundary as well as cut-off drains to help control off-site flows.

As for the strategy and compliance with the NPPF drainage destination hierarchy I am satisfied that infiltration is not suitable based on the soakaway testing, geology and local knowledge. therefore the proposal to discharge at an attenuated greenfield rate to the downstream watercourse is appropriate.

I am satisfied with the urban creep design factor of 10% to calculate storage but the climate change factor of 40% has been used and it should now be 50%. In the detailed submission this should be increased to 50%. I note the whole site has been used to calculate greenfield run-off rate to set the controlled discharge rate (total 11.8 l/s) and this is considered appropriate and robust in this instance. Since the land will be terraced and have filter drains and attenuation, the run-off rate to the downstream watercourse could even be less than the existing and therefore reduce the risk of downstream flooding.

I accept the need and use of geo-cellular crates in this instance although it is not the preference of the LLFA which prefer open or 'green' SUDS features such as swales, ponds or basins. Due to the space and gradient constraints, it is acknowledged that these features would not be practicable. However, it should be noted that the LHA will not adopt the roads if they have the tanks constructed beneath them due to maintenance risk and difficulty. The whole development will have to remain private unless a solution can be found where the tanks are out-with the Highway extents.

I note the inclusion of a hydrodynamic vortex separator which will adequately treat the surface run-off, albeit in a mechanical way rather than a basin or pond.

Conclusion

In summary, the LLFA has no objection to the proposals but will need further details and recommends that the following conditions are included in any consent granted:

Conditions

Prior to the commencement of any development, a detailed surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, inclusive of a maintenance schedule of how the scheme shall be managed after completion and an exceedance route diagram shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Strategy dated February 2022 proposing surface water discharging to the watercourse. The

development shall be completed, maintained and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

The Coal Authority

I have reviewed the site location plans and the proposals and supporting information available to view on the LPA website and can confirm that part of the application site falls within the defined Development High Risk Area.

The Coal Authority's information indicates that the potential zone of influence of recorded off-site mine shaft 298518-001 encroaches marginally into the application site (the landscaped verge area adjacent to Harras Road).

However, the part of the site where the built development is proposed actually lies outside of the defined High Risk Area. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

Although the proposed development will be located outside the defined Development High Risk Area, as the site lies within an area where coal mining activity has taken place, it is requested that the following wording is included as an Informative Note on any planning permission granted:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority.

The Environment Agency

No response received.

United Utilities

Following our review of the submitted Flood Risk Assessment and Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

Condition – Foul and Surface Water Drainage

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy (ref K39108.FRA/001, Original Version, dated 25th Feb 20022). No surface water will be permitted to drain directly or indirectly into the public sewer.

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

Reason

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

Environmental Health

Further to the above planning application.

Although this is a resubmission of an earlier proposal, it is unchanged from an Environmental Health perspective. In that regard, the comments from the Environmental Health team remain as previously noted.

Following a desk top study and visit to the area, the Environmental Health team have no objections to this proposal subject to the following comments below.

During the site visit, it was noted that some surface coal deposits / waste were apparent but there are no records showing the land listed as potentially contaminated land or being a historical landfill.

There was former shallow and surface coal workings in the vicinity and it is presumed that the coal deposits may be associated with this historical activity.

The following planning conditions are therefore requested:

Construction Environmental Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved by in writing by the Council. The Plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to

- (a) Procedures for maintaining good public relations
- (b) Arrangements for liaison with the Councils Environmental Health Team

- (c) All works which are audible at the site boundary shall be carried out only between the following hours – 08.00 and 18.00 hours Monday to Friday / 08.00 and 13.00 hours Saturday / at no time on Sunday or Bank / Public Holidays
- (d) Deliveries to, and removal of plant. Equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise at the request by Police and / or Highways Authority.
- (e) Mitigation measures as defined in BS 5228 – 1: 2009 + A1: 2014 Code of Practice for noise and vibration control on construction and open sites shall be used to minimise noise and vibration disturbance from construction works.
- (f) Procedures for emergency deviation of the permitted working hours.
- (g) Practicable control measures for dust and other airborne pollutants.
- (h) Measures for controlling the use of site lighting whether required for site safety or security purposes.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

Land Affected by Contamination - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Strategic Housing

This is an application for permission to develop 23 units on a site adjacent to established housing close to the centre of Whitehaven, which has previously been used as agricultural land. Previous applications have been refused due to concerns around highway safety.

There is a proposal to provide three 2-bedroom affordable bungalows on the site alongside a market housing mix of one 2-bedroom, nine 3-bedroom and ten 4-bedroom units. The affordable units are proposed to be Build to Rent, at no more

than 80% local market rent. Whilst bungalows are popular and in demand, their higher sale and rental value can still make them unaffordable to many who require affordable housing, even at 80% of market prices, and so we would welcome a conversation about genuinely affordable rental levels.

The market housing proposed is considered a good mix and an offer that will appeal to a wide demographic. This area has had significant interest in terms of planning applications, most likely due to the appeal of its location close to the town centre and main highway.

In terms of the housing mix proposed we are supportive of this application.

We welcome the additional affordable unit in the new application, so that the overall proposal is for 3. The developer is proposing that these are Build to Rent units, at least 20% below the market rent for the area. Through this scheme market rent is assessed using the definition of the International Valuations Standard Committee as adopted by the Royal Institute of Chartered Surveyors. Further details regarding letting agreement parameters, management and service agreement and marketing agreement would need to be set out in section 106 agreement through the planning process, along with a requirement to provide the council with an annual statement.

Flood and Coastal Drainage Engineer

Flood Mapping

The Flood Map for Planning shows the proposed development lies in Flood Zone 1. Flood Zone 1 comprises land assessed as having a less than 0.1% annual probability of river or sea flooding.

All uses of land are appropriate in this zone.

For development proposals on sites comprising one hectare or above, the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effects of the new development on surface water run-off should be incorporated in a Flood Risk Assessment. This need only be brief unless the factors above or other local considerations require particular attention.

In this zone developers and Local Authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems.

The Flood Risk for Surface Water Map shows the proposed development lies in an area at a very low risk of surface water flooding.

Comments On Flood Risk Assessment & Drainage Strategy

As the area development site exceeds 1.0 hectares, a Flood Risk Assessment (FRA) is required.

The Flood Risk Assessment & Drainage Strategy (FRA&DS) confirms the flood risk, as previously stated and goes on to suggest that the very low surface water

flood risk is likely to be due to the steep sloping topography of the site. It also concludes that the site is not considered as being at significant risk from groundwater flooding, or other artificial sources of flooding.

In order to reduce downstream flood risk, consideration is given to drainage design and surface water disposal following the drainage hierarchy. Design is based on a 1 in 100 year storm with 40% climate change allowance and 10% urban creep of plot size.

Although in some localised parts of the site, infiltration was found to be suitable, it was highly variable across the site and given the physical constraints of the development, infiltration was deemed not to be suitable.

The watercourse within the development is the most appropriate means of surface water disposal and runoff will be stored and attenuated, with controlled discharge into the watercourse.

Consideration was also given to the SuDS components that could be incorporated into the development. Given the topography of the site, only geocellular attenuation tanks were deemed suitable.

To mitigate the potential risk of overland flows entering the site from higher land, it is proposed to incorporate a land drainage system along the northern and eastern boundaries of the site.

The proposed development will be terraced to tie in with the existing topography using the use of engineered slopes and retaining walls. Retaining walls will be positively drained with heel drains. Drawings show that land drainage systems will remain separate to the surface water system, but will discharge into the watercourse at the same point.

Surface water design has also considered exceedance and blockages. Design is conservation, with a higher runoff coefficient used than is the industry standard. Where possible, driveways and car parking areas will be designed to offer additional surface water storage, should the drainage system fail, or flood due to excessive rainfall. Finished floor levels and thresholds will be set above external levels and external footpaths will fall away from dwellings.

In the case of the geocellular storage, should there be problems, spills would occur at the lowest access cover around the properties, with the spills directed towards green areas and into the land drainage system through site design. A high level overflow in the flow control chamber would direct flows towards the existing highway.

Water quality has been considered and treatment is proposed by means of a hydrodynamic vortex separator or similar.

It is not proposed to have the surface water system adopted, instead a third party maintenance company will be established by the developer. An Operation & Maintenance Plan for SuDS has been submitted with the application.

General Comments

Despite what the Flood Risk for Surface Water Map shows, the surrounding area is notoriously wet and boggy in places, although this does not necessarily mean that the site itself is.

Given the generic problems downslope with surface water, infiltration as a means of surface water disposal could increase other existing water problems, so would not be a favoured solution even if it was found to be suitable.

Suggested Conditions

The submissions supplied in support of the application include much of the information usually required to discharge conditions, so no conditions are suggested.

Summary

The submission comprehensively covers the flooding and drainage aspects required for the development and therefore from a flood risk and drainage aspect, I have no objection to the proposed development.

Public Representation

The application has been advertised by way of a press notice, site notice and neighbour notification letters issues to a number of residential properties within the locality of the site.

31 letters of objection have been received over 3 separate consultations periods raising the following concerns:

- The road is too narrow;
- The pathway is too narrow;
- The development will result in an increase in pedestrian and vehicle movements on Harras Road;
- Adverse impact on surrounding road networks;
- There are no new surveys or documents to support the new application;
- No action has been taken to address the previous refusal reasons;
- The re-application is a loss of integrity and the decision should have been appealed instead;
- The road requires re-surfacing;
- The drainage is not suitable;
- Traffic calming measures should be put in place;
- The cumulative effect of other applications needs to be considered on Harras Road;
- The road is dangerous as it is used as a rat run;
- The views from Burton High Close will be highly impacted;
- Light and noise pollution will have an effect on adjacent properties;
- Cars sometimes mount the pavement on Harras Road which is dangerous;
- This is a popular walking route to school and would create a safety risk;
- Speed monitoring should take place within Harras Moor;

- Adverse impact on wildlife including foraging deer;
- The low sunlight in the Winter makes the road hazardous for users;
- There is a collapsed mine shaft on the site.

5 Planning Policies

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

5.2 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.

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

Core Strategy (CS)

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 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 for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

5.4 Emerging Copeland Local Plan (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.

The following policies are relevant to this proposal:

- 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
- 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
- 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
- Strategic Policy CO2PU – Priority for improving Transport networks within Copeland
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

5.5 Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

6 Assessment

6.1 Principle of the Development

6.2 The application site lies within Whitehaven and is located directly adjoining the defined settlement boundary. Policy ST2 of the CS and DS3PU of the ELP identify Whitehaven as Copeland's Principal Town, where the majority of development should take place.

6.3 Policy SS1 of the CS states that the Council will work to make Copeland a more attractive place to build homes and to live in them, by allocating housing sites to meet local needs in locations attractive to house builders and requiring new development to be designed and built to a high standard.

6.4 Policy SS2 of the CS states that house building to meet the needs of the community and to accommodate growth will be provided for by: allocating sufficient land for new housing development to meet identified requirements

within the Borough; allocating land in accordance with the following housing targets: i) A baseline requirement, derived from projected household growth, of 230 dwellings per year ii) Provision for growth 30% above that, to 300 dwellings per year; seeking densities over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding areas as well as design considerations; and, seeking to achieve 50% of new housing development on previously developed sites.

- 6.5 The Core Strategy identifies the site as being outside of but adjoining the settlement boundary for Whitehaven. Sites outside of identified settlement boundaries are classed as being within the open countryside, meaning their development would be contrary to Policy ST2.
- 6.6 Policy ST2 of the CS and DS3PU of the ELP state that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including... housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.
- 6.7 Notwithstanding the above, the parts of Policy ST2 which refer to settlement boundaries policies in the CS must still be considered out of date, regardless of the housing land supply position. This is because the development of the Emerging Copeland Local Plan (ELP) has indicated that in order to meet the housing needs identified in the SHMA, development will be required outside of those boundaries over the Plan period. Given this, these parts of the policy are not considered to accord with the NPPF which requires local authorities to significantly boost housing land supply and can therefore be given little weight in the decision-making process, 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.
- 6.8 In February 2023, Copeland Borough Council produced an updated Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

- 6.9 Notwithstanding the above, the policies in the CS must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.
- 6.10 The Local Plan 2021-2038 Publication Draft (ELP) was submitted to the Planning Inspectorate in November 2022 and was subject to examination by the Planning Inspector during January to March 2023. Once formally adopted the ELP will replace the policies of the adopted Local Plan.
- 6.11 The ELP has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ELP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.
- 6.12 Policy HSG2 of the ELP allocates land for housing purposes.
- 6.13 Policy DS3PU of the ELP continues to identify Whitehaven as the Principal Town.
- 6.14 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.
- 6.15 Policy H1PU of the ELP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.
- 6.16 Policy H2PU of the ELP outlines the housing requirement is for a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2038 and that In order to plan positively and support employment growth over the Plan period, the Plan identifies a range of attractive allocated housing sites, which when combined with future windfall development, previous completions and extant permissions, will provide a minimum of 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.
- 6.17 Policy H4PU of the EP outlines that 40% of new housing development will be located within Whitehaven.
- 6.18 Policy H5PU of the ELP allocates land for housing purposes.
- 6.19 The Application Site is located beyond the defined settlement boundary of Whitehaven as identified in the CS; however, it is located within the revised

defined settlement boundary of Whitehaven as identified in the ELP where new housing development is supported.

- 6.20 Furthermore, there is an extant planning permission in place for the residential development of the site for a total of 9 dwellings which has established the principle of residential development in this location. This proposal would result in an increase in the scale and density of development on the site and would extend the development marginally beyond the site boundary established by the outline planning permission approved in 2019.

The principle of residential development on the site is therefore considered to be acceptable, due to the precedent set and its inclusion within the settlement boundary for Whitehaven within the ELP.

6.21 Housing Need and Delivery including Affordable Housing

- 6.22 Policy SS3 of the CS states that applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone. It is confirmed that development proposals will be assessed according to 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, focussing on Whitehaven and its fringes as a priority.

- 6.23 Policy H7PU of the ELP states that: developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet 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.

- 6.24 Policy H8PO of the ELP states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. Affordable housing should be provided in the tenure split –

- 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.

6.25 The Application Site is located within the Whitehaven Housing Market Area (HMA) in the SHMA. The SHMA suggests a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is stated that the Council should also consider the role of bungalows.

6.26 The proposal submitted includes a mix of bungalows, semi-detached and detached single and double storey units. These include the provision of 2, 3 and 4 bedroomed homes with 3 x 2 bedroomed affordable units on the site. The addition of bungalows is welcomed as there is a general shortage of this type of unit across the Borough. The site provides a balanced mix of dwelling types that will respond to market requirements and the needs of the Borough.

6.27 The Applicant is proposing that 3 of the units are affordable, giving a 13.04% share. The affordable units are to be offered at discounted rent at 80% market rent in accordance with the guidance set out in the NPPF. A Planning Obligation is proposed to secure the delivery of the affordable housing proposed.

6.28 The Site clearly holds the potential to deliver a mix of housing that accords with the need identified within the SHMA and the requirements of Policy SS3 of the CS and Policy H7PU and H8PU of the ELP. The Council's Housing Strategy and Inclusion Officer is broadly supportive of the application.

6.29 Scale, Layout and Design

6.30 Policies DM10, DM11 and DM12 of the CS and DS6PU and H6PU of the ELP seek to ensure that development is of an appropriate scale and layout so as to protect the overall character of the area and amenity of the surrounding occupiers.

6.31 The proposal is for 23 dwellings to be situated on large plots and with various ridge heights, ranging from bungalows to two storey dwellings. The plots are large to accommodate executive type dwellings whilst retaining space for reasonable sized gardens and parking and turning facilities. In this context, the lower density is considered to be acceptable as the plots will provide a soft edge to the settlement.

6.32 The character of the built form in this area is linear development fronting onto Harras Road. These dwellings are all detached, are set parallel to the road and have large gardens. The proposed development will alter this character, with dwellings set 4 deep towards the west of the site extending into the open fields to the north. This will result in gable elevations facing Harras Road. The scale of the development proposed is more extensive

than previously approved extending past the existing building line to the north of the site.

6.33 The design of the dwellings is modern with the use of brick and render which is characteristic of this part of Whitehaven. The proposed scheme comprises a total of 7 dwelling types, each including feature projecting gables and a vertical emphasis enhanced by the window fenestration. The dwellings, although mixed, tie together to form a cohesive development, reflective of the local characteristics and vernacular of Whitehaven. Although modern in appearance the design of the dwellings is considered to be acceptable and the material palette proposed comprises the use of high-quality materials in accordance with policies DM10, DM11 and DM12 of the Copeland Local Plan and Policies DS6PU and H6PU of the Emerging Local Plan.

6.34 Whilst the details relating to the dwelling design and scale are considered to be acceptable, the layout is at variance to the built form in this part of Whitehaven.

6.35 Settlement Character, Landscape and Visual Impact

6.36 Policy ENV5 of the CS 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.

6.37 Policy N6PU of the ELP states that the borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of the borough's 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.

6.38 The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the Site as being located within an area of landscape classified as Sub-type 5d Urban Fringe. The guidelines for development include protecting countryside areas from sporadic and peripheral development through the local plans and the requirement for careful siting of any new development in non-prominent locations. It advises that housing

development should be integrated with soft landscaping in order to help it to integrate and green corridors should be maintained.

6.39 The Copeland Landscape Settlement Study November 2021 identifies that the Application Site as being in an area of Character Type 5D Urban Fringe. This study states that Harras Moor is a prominent open hillside that connects residential areas to surrounding countryside and helps to define the edge of Whitehaven.

6.40 In terms of sensitivity the document acknowledges that open green spaces and fields close to settlement edges are sensitive to unsympathetic development.

6.41 Notwithstanding the previous planning permission for 9 dwellings on the site it is at present greenfield and used as agricultural land, other than a small section that has been developed to form an access. It lies opposite to the modern Highlands housing estate and is adjoined on its eastern boundary by an existing linear row of dwellings. The land to the west is open fields. There is an existing stone wall fronting Harras Road, but little other landscape character.

6.42 The previously approved scheme was for 9 dwellings. The current application seeks permission for 23 dwellings and covers a slightly larger site area. The proposal creates an arrangement of 3 groups of dwellings off Harras Road.

6.43 The Applicant submitted a Landscape and Visual Appraisal to support the application. This concludes the following:

- There would be some loss of localised openness;
- The undulating landform allows some longer views, but Whitehaven has widespread residential development located on higher ground;
- The introduction of the proposed landscaping would help to assimilate the proposals into the landscape;
- There are few existing site features due to the agricultural nature of the site;
- The visual effects for the surrounding Public Rights of Way would be moderate or minor;
- The views from the road are considered to be less sensitive due to their use by vehicles;
- The proposed scheme would provide slightly less adverse impact than the approved scheme due to the reduced height of the properties.

6.44 The proposal would significantly change the character of the immediate site and overall character of the west side of Harras Road. Given the location close to the existing built form, it is not considered that this impact would be severe, however there would be an impact. Introducing a built form to this site would add dwellings in the context of other residential

properties to the south and east, however, due to the overall scale of the development and proposed layout which shows rows of dwellings sited at 90 degrees to the road which does not conform with the linear form which is characteristic of the built form on this side of Harras Road. This would result in an adverse impact on the settlement character in this part of Whitehaven.

6.45 The Cumbria Landscape Character Toolkit suggests measures of mitigation where development is to take place and recommends that planting should be encouraged. It is suggested that the planting of feature trees can enhance the landscape and provide screening where necessary to maintain the soft edge of the development. Comprehensive plans to show the site heavily landscaped have been submitted as part of this application, showing how planting will be utilised to help screen key aspects of the development. The western and eastern extremes of the site will be tree lined, with heavy planting between the rear boundaries of the adjoining dwellings and the retained agricultural access road situated in the eastern portion of the development.

6.46 Furthermore, the existing stone wall bordering Harras Road will be retained in sections, with hedging between to frame the site. As the wall is not of historic importance its partial loss is considered to be appropriate.

6.47 A bridleway to the north east of the site runs north to south and a footpath to the west runs east to west. Both are a significant distance away from the site, however the proposed dwellings are likely to be visible from these public viewpoints. The development protrudes to the north, past the building line of the linear development to the east and therefore the impact is likely to be noticeable. The main viewpoints are to the west towards the Whitehaven coast and, due to the topography of the site, the impact will reduce further away due to the sloping land downhill. Views from the footpath at the bottom of the hill will be largely unaffected when looking west, with the dwellings viewed in context with the existing built form when looking east.

6.48 The site lies on the urban fringe and due to its proximity to the existing built up area, some of the visual impact will be reduced as the site will be viewed in context with the surrounding dwellings. It is, however considered that there will be an overall detrimental effect to the wider landscape character and openness of the agricultural fields to the north.

6.49 The impact on both the landscape and settlement character have to be considered as part of the wider planning balance when assessing this proposal.

6.50 Residential Amenity

6.51 Policy ST1 of the CS includes provisions requiring that development provides or safeguards good levels of residential amenity and security.

6.52 Policy H6PU of the ELP requires that in respect of new housing development, an acceptable level of amenity is provided for future residents

and maintained for existing neighbouring residents in terms of sun lighting and daylighting.

6.53 Policy DS6PU of the ELP includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.

6.54 The submitted layout and separation distances with existing residential properties will ensure that any adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not be significant.

6.55 It is inevitable that any residential development is likely to result in some adverse impacts upon residential amenity during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management and construction traffic management.

6.56 Access and Highway Safety

6.57 Policy DM22 of the DMP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.

6.58 In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

6.59 The National Planning Policy Framework provides significant guidance in relation to transport and highways impact.

6.60 Paragraph 105 states that: significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

6.61 Paragraph 111 states that: development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.62 Vehicular and pedestrian access are proposed from Harras Road, with 3 accesses in total to serve the dwellings. The existing field access is to remain to the east of the site. The previous outline application on the site (4/18/2347/001) included full details of access and this included 8 separate access points onto Harras Road, with traffic calming measures proposed to include speed tables within the main highway.

6.63 Harras Road is an unclassified road with a current speed restriction of 30mph. An Access Appraisal including speed surveys undertaken by a Transport Consultant was submitted to support the application. The following details from the application were noted:

- A reserved area for access into the field to the north of the development site is proposed to be 4.8m in width and to the standards for a secondary street. The Cumbria Development Design Guide considers that this access can serve up to 50 homes and with space for a footway on either side. At present, this will serve the existing agricultural access only.
- Visibility splays to the east of the site to serve 2 shared accesses and one private driveway are required to be 2.4m x 59.9m uphill and 2.4m x 41.5m downhill. Based on the speed data for the west of the site, the visibility requirements are 2.4m x 58.3m looking uphill and 2.4m x 45.9m looking downhill. These splays are achievable for the site.

6.64 Due to local concern regarding the speed of vehicles using Harras Road, it is proposed to retain the previously approved traffic calming measures for the area in order to reduce vehicle speeds, however, the Highways Department have requested that these be changed from speed tables to a chicane layout. The submitted information was considered by the Highway Authority and there were no objections raised subject to the following:

- The visibility splays must be provided and constructed prior to the commencement of the development;
- A construction management plan must be submitted and approved;
- The carriageways should be constructed prior to the occupation of the dwellings;
- A S278 application will be required to secure the traffic calming measures within the highway boundary.

6.65 Concerns have been raised by local residents regarding the speed and volume of traffic which use Harras Road. It is considered that the traffic calming measures are likely to improve the road for all of the surrounding residents, whilst the addition of new accesses will also naturally slow the traffic flow.

6.66 The initial response received from the Highway Authority raised the aspiration for the addition of a 3m wide stretch of pavement. The Officer stated that this would be required to be delivered by way of a S278 agreement to be completed prior to the first occupation of the dwellings. Whilst this requirement was challenged by the Agent for the application, an agreement was made for a 2m wide pavement on the frontage of the development and crossing points to the opposite side of Harras Road.

6.67 The issues of highway safety on Harras Road and the effect of the proposal on the operation of the surrounding network were recently considered by a Planning Inspector in relation to a large scale housing development of up to 370 dwellings at Harras Moor, Whitehaven. The Inspector concluded that the proposals, which included a new vehicular

access onto Harras Road, would not give rise to unacceptable effects on highway or pedestrian safety. The additional traffic will not increase the risk of crashes on the surrounding highway network.

6.68 With regards to the effect on the operation of the surrounding highways network the Planning Inspector considered the impact of additional traffic movements on Harras Road, especially at the Park View underpass which local opposition claimed was unsuitable to accommodate additional traffic. She concluded that there was no evidence of congestion at this point on the network and the expected increase in peak hour flows is not predicted to make any significant difference to the way in which the underpass currently operates. Consequently, the Inspector concluded that, subject to securing improvements to the two junctions of Main Street/Cleator Moor Road and the A595/Egremont Road/Homewood Road, the proposal would not cause significant residual impacts on the operation of the surrounding road network, including Harras Road. She also considered that the proposals put forward by the applicant to secure improvements to the Park View underpass and junction were required and a condition was attached to the planning permission to secure these works within the highway.

6.69 This appeal decision is a material planning consideration in the determination of this planning application.

6.70 On the basis of the above, the proposed access arrangement would be in accordance with policies T1, DM12 and DM22 of the Copeland Local Plan, Policy CO2PU of the emerging local plan and the Cumbria Design Guide and is therefore considered acceptable.

6.68 Coal Mining/Ground Conditions

6.69 Policy ST1 of the CS includes provisions requiring that new development addresses land contamination with appropriate remediation measures.

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

6.71 The site is located in a Coal Mining Standing Advice area, therefore a Coal Mining Risk Assessment report is not required. As part of the previously approved application, the site was analysed and a mine shaft was identified to the north of the site. The position of the mine shaft has informed the proposed plot layout and it is considered that the site is at a low risk of any issues in the development area. A consultation response was received from The Coal Authority raising no objections to the proposal as only a very small portion of the site falls within the defined Development High Risk Area and the development area will remain unaffected by this. The Coal Authority requested that standing advice be given should approval be granted.

6.72 The Council's Environmental Health Officer raised no objections to the proposal, subject to the submission of a Construction Management Plan and the reporting of any discovered contamination during construction.

6.73 Flood Risk and Drainage

6.74 Policy DM11 of CS and Policy DS9PU of the ELP requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

6.75 Policy DM24 of the CS and Policy DS8PU of the ELP seek 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.

6.76 The site lies within flood zone 1 and as the development area exceeds one hectare in size a Flood Risk Assessment is required for the scheme.

6.77 A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. This concludes that the site is not considered to be significantly at risk of flooding from surface water or groundwater. Ground investigations undertaken have shown that the ground conditions have varying levels of permeability and therefore infiltration based drainage systems are not considered to be suitable for the development of the site. Due to the topography of the site, which falls steeply from east to west, the proposed system is for attenuation using 3 attenuation tanks with individual controls restricting discharge at a rate of 11.8l/s to the existing watercourse located at the southwestern corner of the site development boundary. The surface water will be treated to remove any sediments, oils and floatables prior to draining.

6.78 Foul water will be discharged by gravity to the existing combined sewer located in Harras Road. The Applicant has gained an agreement in principle from United Utilities for this connection.

6.79 No objections were raised to the proposal from either the Local Lead Flood Authority, United Utilities or the Council's Flood and Coastal Drainage Engineer. Given that the drainage for the site has been approved previously under the previous outline planning application, it is not expected that the drainage will provide an insurmountable issue.

6.80 Local concerns have been raised with regards to local surface water flooding issues. These are noted and it is anticipated that the provision of a drainage and attenuation scheme for the site will help to alleviate these issues.

6.81 It is considered that the development would satisfy the aims and objectives of the relevant paragraphs of the NPPF as well as policies ST1, ENV1, DM11 and DM24 of the Copeland Local Plan and policies DS8PU and DS9PU of the emerging Local Plan.

6.82 Ecology and Landscaping

6.83 Policy ENV3 of the CS and Policy N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1PU of the ELP defines a mitigation hierarchy.

6.84 Policy N3PU of the ELP 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.

6.85 An Ecological Report was submitted in support of the planning application. The results and findings of the Assessment conclude that the development site is low in conservation value and is considered to pose a low risk to protected species and important habitats. It is expected that there will be no impacts and therefore no mitigation is required.

6.86 A comprehensive landscape layout including details of proposed native trees and hedging was submitted. This shows heavy planting on boundaries and the use of clusters of trees to shield the development. The landscaping layout details some gentle re-grading to lift the levels, with strategic planting to accentuate the rise in topography therefore drawing the eye away from the dwellings and softening the impact of the development. The use of a timber post and stock proof wire netting fence on the northern boundary will help the transition from urban to rural.

6.87 Overall, the site is low in conservation value. The proposed landscaping will help to increase the biodiversity of the site.

7. The Planning Balance and Conclusion

7.1 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.

7.2 In early 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.

- 7.3 Notwithstanding the above, the policies in the CS must still be considered out of date and only some weight be given their content as far as they are consistent with the provisions of the NPPF.
- 7.4 The ELP will, once adopted, replace the policies of the adopted CS. The ELP 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 CS. This is given significant weight.
- 7.5 The site is included within the revised defined settlement boundary for Whitehaven within the ELP. This is given moderate weight.
- 7.6 The proposed site would assist in boosting housing supply and delivery to meet the identified need for housing within the Borough as sought in both the CS and ELP. The proposals are supported in terms of supply and housing mix by the Copeland Housing Officer. This is given significant weight.
- 7.7 The proposal is located adjacent to the existing settlement boundary for Whitehaven. Whitehaven is designated under Policy ST2 of the CS and DS3PU of the ELP as the Principal Town where the majority of development should be focussed. It is considered to be a sustainable location.
- 7.8 The principle of developing this site for residential purposes was established in 2019 when outline planning permission was granted for the erection of 9 dwellings. Subsequent Reserved Matters have been approved and works have started to implement the development and, therefore it remains extant. .
- 7.9 On the basis of the above, the development of this site is considered to be acceptable and is afforded significant weight.
- 7.10 This proposal seeks permission to develop the site to provide 23 dwellings. The scale is more extensive and covers a slightly larger site area than previously approved. The proposed layout which shows the dwellings orientated with their gables facing the road frontage is not consistent with the built form within the locality which is characterised by linear forms of development. It will have some adverse impact on settlement character. This is given moderate weight.
- 7.11 The design of the dwellings is considered to be of a high standard and accords with the aspirations of the Local Plan and Emerging Local Plan to create distinctive places. This is given moderate weight.

- 7.12 The development will result in some adverse local landscape and visual impacts although these impacts are unlikely to be more significant than that which would result from the previously approved scheme. The site lies on the urban fringe and will be seen in the context of the adjacent housing developments. Extensive landscaping is proposed which will help to soften and reduce the visual impact over time as it becomes established. It will also provide some benefits in terms of biodiversity. These considerations are apportioned moderate weight in the planning balance.
- 7.13 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 as set out in the NPPF.
- 7.14 This scheme offers the opportunity to secure traffic calming measures within the highway on Harras Road which will be of benefit in reducing vehicle speeds along this stretch of highway and therefore this is given significant weight within the planning balance. A planning condition is proposed, and any traffic calming will be implemented under a Section 278 Agreement.
- 7.15 The recent appeal decision relating to a nearby site at Harras Moor which considered the impact of highway safety and the effects of additional traffic on the road network, including Harras Road is a material consideration in the assessment of this proposal and is afforded significant weight.
- 7.16 Based on the advice of the relevant consultees adequate provision can be made for drainage which should help to alleviate highlighted localised issues.
- 7.16 In overall terms, the adverse local landscape and visual impacts of the development or the impacts on settlement character are not sufficiently harmful to significantly and demonstrably outweigh the benefits of the development.

Recommendation:

Subject to a section 106 planning obligation being entered into securing the delivery of

- 3 no. 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 she considers 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

Standard Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

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

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

Application form, received 24th March 2023;

Location Plan, scale 1:2500, drawing number 18/03/926-01b) received 24th March 2023;

Dwelling Type Schedule, reference 20/10/983-DS, received 24th March 2023;

Dwelling Type A Plans and Elevations, scale 1:100, drawing number 18/03/926-08a), received 24th March 2023;

Dwelling Type B Plans and Elevations, scale 1:100, drawing number 18/03/926-09a), received 24th March 2023;

Dwelling Type C Plans and Elevations, scale 1:100, drawing number 18/03/926-10c), received 24th March 2023;

Dwelling Type D Plans and Elevations, scale 1:100, drawing number 18/03/926-11a), received 24th March 2023;

Dwelling Type E Plans and Elevations, scale 1:100, drawing number 18/03/926-12, received 24th March 2023;

Dwelling Types F and G Plans and Elevations, scale 1:100, drawing number 18/03/926-14a), received 24th March 2023;

External Material Schedule (23 dwellings), reference 18/03/926-EMS, received 24th March 2023;

Site Section, scale 1:500, drawing number 18/03/926-07a), received 24th March 2023;

Site Location Plan – Enlarged, scale 1:500, drawing number 18/03/926-17, received 3rd July 2023;

Landscape Layout, scale 1:500, drawing number M3450-PA-01-V08, received 3rd July 2023;

Access Appraisal, reference 784-B028221 Revision, received 24th March 2023;

Ecological Appraisal, dated March 2022, written by Whistling Beetle Ecological Consultants Limited, received 24th March 2023;

Flood Risk Assessment and Drainage Strategy, reference K39108.FRA/001, received 24th March 2023;

Operation and Maintenance Plan for Sustainable Drainage Systems, reference K39108.OM/002, received 24th March 2023;

Design and Access Statement, received 20th April 2023;

Landscape and Visual Appraisal, reference M3450-LVA-22.06-V3, received 24th March 2023;

Street Scene, scale 1:500, drawing number 18/03/926-15a), received 24th March 2023;

Trip Generation Letter, written by Tetra Tech, reference 784-B028221, received 29th April 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.

Pre-commencement Conditions

3. Prior to the commencement of any development, the carriageway, footways, footpaths and cycleways must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval. No work must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Cumbria Design Guide. Any such 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 and in accordance with Policy DM22 of the Copeland Local Plan.

4. The development must not commence until visibility splays as shown on Drawing 784-B028221-TTE-00-XX_DR-O-C001-P0 have been provided at the junction of the access roads 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 will be erected, parked or placed and no trees, bushes or other plants will be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before any development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

5. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:
- details of proposed crossings of the highway verge;
 - details of 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 (site must be accessed from the east)
 - 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)
 - specific measures to manage and limit the impact on St James school on Wellington Row, [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. In accordance with Policy DM22 of the Copeland Local Plan.

6. Prior to the commencement of any development, a detailed surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, inclusive of a maintenance schedule of how the scheme shall be managed after completion and an exceedance route diagram must be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water will discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval must also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Strategy dated February 2022 proposing surface water discharging to the watercourse.

The development must be completed, maintained and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding

7. No development must commence until a construction surface water management plan has been submitted to and agreed in writing with the local planning authority. Any approved details must be implemented prior to the commencement of the development and must be retained as such at all times thereafter.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

8. No development must take place until a site specific Construction Environmental Management Plan has been submitted to and approved by in writing by the Local Planning Authority. The Plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to:

(a) Procedures for maintaining good public relations

(b) Arrangements for liaison with the Councils Environmental Health Team

(c) All works which are audible at the site boundary shall be carried out only between the following hours – 08.00 and 18.00 hours Monday to Friday / 08.00 and 13.00 hours Saturday / at no time on Sunday or Bank / Public Holidays

(d) Deliveries to, and removal of plant. Equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise at the request by Police and / or Highways Authority.

(e) Mitigation measures as defined in BS 5228 – 1: 2009 + A1: 2014 Code of Practice for noise and vibration control on construction and open sites shall be used to minimise noise and vibration disturbance from construction works.

(f) Procedures for emergency deviation of the permitted working hours.

(g) Practicable control measures for dust and other airborne pollutants.

(h) Measures for controlling the use of site lighting whether required for site safety or security purposes.

Reason

In the interests of the amenities of surrounding occupiers during the construction

Prior To Use Condition

9. Prior to the first use of the construction access authorised by this permission full design details of a scheme of traffic calming, site frontage footway and pedestrian crossing facilities on Harras Road must be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details must form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

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.

10. Prior to the occupation of the first dwelling the traffic calming scheme, frontage footway and pedestrian crossings as agreed with the Highways Authority under section 278 of the Highways Act 1980, must be constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).

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.

Pre-superstructure Condition

11. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

Other Conditions

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. In accordance with Policy ST1 of the Copeland Local Plan.

13. All hard and soft landscape works must be carried out in accordance with the details illustrated on the Landscape Layout Plan, drawing number M3450-PA-01-V08, received 3rd July 2023, prepared by Barnes Walker. The works must be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely

damaged or diseased within five years of their planting must be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

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

Informative Notes

1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2) For the avoidance of doubt, the Traffic calming measures will require suitable lighting and signing and should be detailed in a suitably worded legal agreement with the Local Highway Authority. This agreement will include technical details, commuted sum.

Appendix 2 - Copy of the plans/drawings

Site Location Plan



a. **What is the main purpose of this report?**
 The purpose of this report is to provide a comprehensive overview of the project's progress, challenges, and achievements, and to recommend a course of action for the future.

b. **What are the key findings of the report?**
 The key findings of the report are that the project has made significant progress in the areas of research, development, and testing, but that there are still a number of challenges that need to be addressed.

c. **What are the recommendations of the report?**
 The recommendations of the report are that the project should continue to focus on research and development, and that it should also pay attention to the areas of testing and deployment.

d. **What are the conclusions of the report?**
 The conclusions of the report are that the project has the potential to be a successful one, but that it will require continued effort and resources.

e. **What are the next steps?**
 The next steps are to continue the research and development work, and to begin testing and deployment of the project.

f. **What are the risks?**
 The risks of the project are that it may not be successful, or that it may be delayed.

g. **What are the benefits?**
 The benefits of the project are that it will provide a new product or service, and that it will create jobs.

h. **What are the costs?**
 The costs of the project are that it will require a significant amount of money and resources.

i. **What are the stakeholders?**
 The stakeholders of the project are the people who are involved in the project, including the project manager, the team, and the customers.

j. **What are the deliverables?**
 The deliverables of the project are the products or services that are produced by the project.

k. **What are the milestones?**
 The milestones of the project are the key events or achievements that mark the progress of the project.

l. **What are the metrics?**
 The metrics of the project are the measures of performance that are used to track the progress of the project.

m. **What are the risks?**
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r. **What are the milestones?**
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s. **What are the metrics?**
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t. **What are the risks?**
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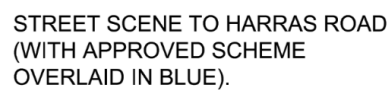
v. **What are the costs?**
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w. **What are the stakeholders?**
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x. **What are the deliverables?**
 The deliverables of the project are the products or services that are produced by the project.

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 The milestones of the project are the key events or achievements that mark the progress of the project.

z. **What are the metrics?**
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House Types



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION