

DESIGN AND ACCESS STATEMENT AND PLANNING STATEMENT

LAND TO THE SOUTH OF ELIZABETH CRESCENT, WHITEHAVEN, CUMBRIA

Proposed Residential Development of up to 50 Dwellings

1.0 Introduction

1.1 This statement supports an outline application for the development of 50 dwellings on land adjacent to existing housing development on land to the south of Elizabeth Crescent, Whitehaven, Cumbria.

2.0 The Proposal

2.1 The application is a single rectangular field located on rising ground on the north eastern fringe of Whitehaven. The northern boundary of the site adjoins existing development of the Bay Vista estate,

2.2 A landscaping zone is proposed along the majority of the northern boundary. This will create a separation zone between existing development of Elizabeth Crescent and the proposed development. The proposed estate road runs east-west to accommodate the sloping nature of the site. The development is orientated approximately south to reflect the gradient of the site.

2.3 The site layout is indicative and will be subject to the submission of further design details for the reserved matters. It is anticipated that the site will provide a range of house types and sizes to meet local housing need. This includes two and three bedroom bungalows and three and four bedroom semi-detached and detached houses.

2.4 The indicative site layout and scale of the development and overall density is consistent with existing and adjacent surrounding areas. The

Indicative Site Layout Plan shows a satisfactory form of development which can be achieved and gives an indication of the size and scale of development and that this can be achieved to a satisfactory standard.

3.0 Site History

3.1 This application is a resubmission of Planning Application 4/17/2296/001 for the same development. Application 4/17/2296/001 was refused by the Council on the 6 July 2018 for the following reasons:

“(i) The proposed development would result in a significant intensification of the use of an already substandard junction onto Victoria Road, the scale of which would result in a severe impact on highway safety in the locality. As a consequence this proposal would be contrary to paragraph 32 of the National Planning Policy Framework and Policies ST1 and DM22 of the Adopted Copeland Local Plan.”

“(ii) The proposed development would be served by an unsatisfactory access route along Elizabeth Crescent which does not meet current design standards. This route due to its length, narrow width, sharp right angle bend, steep gradient inadequate road surface would be unsuitable to serve an additional 50 dwellings. The development would create unacceptable road safety issues which are in both the construction and operational phases of the development to the detriment of the amenities of the residents on the existing estate.”

3.2 Application 4/17/2296/001 was subject to an appeal which was determined on the 9 April 2019. In dismissing the Appeal the Planning Inspector

identified various areas of common ground and made findings in relation to the key issues relating to the proposed development. The issues on which the Inspector found common ground or made a definitive judgement can be summarised as follows:

- (i) That there are no issues in respect of the principle of residential development on the appeal site;
- (ii) The Council cannot demonstrate a 5 year supply of deliverable housing sites;
- (iii) The sole issue is whether the existing highway infrastructure in the vicinity of the appeal site provides a safe and suitable access to the site in terms of the junction arrangements, vertical and horizontal alignment of the carriageway, and the capacity and condition of the access route (paragraph 9).

3.3 It is therefore important to consider the Inspectors findings in relation to the issues relating to highway infrastructure and the junction arrangements. The Inspectors comments in relation to these issues are directly related to the Council's reasons for refusal.

3.4 The Inspector made findings in relation to Elizabeth Crescent and its suitability for providing access to the development. The issues are mainly addressed in paragraphs 18-21 of the Appeal Decision Letter. The Inspector appears to have addressed the issues set out in reason for refusal 2 and concluded that Rosemary Close and Elizabeth Crescent would provide a practical access route to the development site.

3.5 It appears that the sole issue which caused the Inspector to dismiss the Appeal was the junction arrangement onto Victoria Road. The Inspector identified the Manual for Streets 2 as the relevant policy document for considering the visibility at the junction. The Manual for Streets 2 advises that visibility should be based on the “recommended sight stopping distances but goes on to say that, unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily lead to a significant problem”. The Inspector concluded that the visibility to the west of the site was reasonable but the visibility to the east was notably short being truncated by a low stone wall and vegetation adjacent to the highway.

3.6 The Inspector concluded that from the proposal the dwellings would be similar to that of the existing houses. However, the Inspector considered that the proportion increase in the number of houses was incorrect and should be 60% not the 38% stated in the Transport Statement. The Inspector considered that this would result in significant increase in the number of vehicle movements through the junction.

3.7 The Inspector concluded on the basis of the increased vehicle movements he could not be certain that the junction would continue to operate safely whilst the visibility was below that recommended in the Manual for Streets.

4.0 Highway Issues

4.1 Following the Appeal Decision the Applicant has instructed a survey of the junction area and the preparation of a new Transport Statement supported by a Stage 1 Road Safety Audit. This has resulted in a proposal to undertake

improvements to the Victoria Road junction to facilitate the development and to improve highway safety for all road users.

4.2 The Transport Statement explains the existing arrangement. The information contained in the Transport Statement is consistent with the Inspectors Appeal Decision Letter. The Transport Statement sets the visibility from a 2.4m setback the visibility to the left is 55m and 40m to the right. The Inspector noted that visibility to the west is “reasonable” and to the east is “notably shorter”.

4.3 Various drawings have been prepared by third parties. One such drawing prepared by Atlantic Geomatics submitted by third parties in relation to the Appeal. This drawing showed visibility splays of 44m to the west and 31m to the east. It is uncertain how the visibility splay has been calculated.

4.4 Notwithstanding the actual existing visibility calculation the junction currently operates safely. From the information available from Cumbria Constabulary there have only been two slight injury accidents on Victoria Road since 2000 and none in the last 5 years. The Inspector addressed the information in relation to accidents in paragraph 14 of the Appeal Decision Letter. Therefore, despite the reduced visibility the junction currently operates safely.

4.5 The Transport Statement provides the recorded 85th percentile traffic speeds as 38.4mph eastbound and 34.1mph westbound. The visibility distance required is calculated from the Manual for Streets 2. This includes a calculation for the gradient of Victoria Road. The Manual for Street accepts that cars travelling uphill are likely to stop more quickly than vehicles travelling downhill.

The calculation is shown in Table 6.2 of the Transport Statement and gives a right (uphill) calculation of 57.0m and a left (downhill) of 55.6m.

4.6 It is proposed to modify the junction as shown on WYG drawing A102063/C001 to give a visibility of 57m to the east and 55.6m to the west. This is achieved by building out the curb on both sides of the junction to enable the give way line to be brought forward. This will result in a significant highway safety improvement for all road users. This work will be secured by an agreement with the Highway Authority under Section 278 of the Highways Act 1980. In order to ensure that the improvement works are secured before development is commenced the Applicant offers to enter into obligations under a S106 Agreement. Heads of Terms are included with this application.

4.7 Table 6.1 of the Transport Statement sets out the peak hour TRICS rates on the database. The maximum trip rate is estimated to be an additional 26 two way trips generated in the weekday peak hour. This approximately equates to one extra vehicle every two minutes twenty seconds.

4.8 The improvements to the Victoria Road junction will secure the visibility splays as calculated in accordance with the Manual for Streets. The junction improvement resolves the issue contained in the Inspector's Decision Letter and will significantly benefit all road users. Based on the Atlantic Geomatics drawing the visibility improvements will be substantial. As a material planning consideration significant weight should be given to the benefit derived undertaking improvements to the junction to achieve a standard of visibility compliant with the Manual for Streets 2.

5.0 Housing Supply

5.1 Copeland is experiencing a number of fundamental issues in relation to housing land supply. This includes the amount and type of housing available to meet specific needs. Failure to address these issues in a sustainable and positive manner will jeopardise the Council's strategic planning objectives.

5.2 On the 9 May 2017 Copeland Borough Council confirmed in a Report that the 5 years worth of housing land supply required to meet the borough's housing requirement could not be identified. Based on the report's findings current available housing land supply in the borough is sufficient to meet a period of 2 years and 3 months.

5.3 The available housing land is wholly inadequate to meet the requirements of Section 5 of the National Planning Policy Framework (NPPF) and the housing objectives contained in the Copeland Local Plan 2013-2028 (CLP). Paragraph 73 of the NPPF requires Planning Authorities to maintain a minimum of 5 years worth of housing land. The supply of specific deliverable sites should in addition include a buffer.

5.4 Due to the absence of a five year housing land supply the Council must consider planning applications on the basis of paragraph 11 of the NPPF. When making decisions in relation to new proposals the Council should deal with the proposals as follows:

(c) Approve development proposals that accord with the Development Plan without delay; or

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

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

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

5.5 Whilst the CLP was adopted in December 2013 the accompanying Site Allocations Document has not been formulated or adopted. In the absence of a Site Allocations Document the Council cannot approve sufficient development proposals to achieve a five year housing land supply solely in accordance with the Development Plan. This has now been accepted by the Council. The Council must now consider proposals for sustainable development against the policies contained in the NPPF .

5.6 The NPPF places emphasis on the delivery of developable sites. This site is immediately available for development. The Applicant reasonably considers that housing can be delivered on site in the short term. The Applicant has carried out extensive investigations which have not identified any constraints which would prohibit or delay development.

6.0 Interim Housing Policy (2017)

6.1 In response to the absence of a five year housing land supply the Council introduced an Interim Housing Policy on 9th May, 2017 (IHP). The Council accepts that housing land supply targets cannot be achieved entirely from applications which accord with the Development Plan. The Council accepts that it must encourage sustainable development to boost housing delivery. A decision making framework has been introduced to guide this process. A criteria has been introduced listing points A-L which will be relied upon as material planning considerations in the determination of planning applications. However, the Council must always be mindful of the policies contained in the NPPF.

6.2 It should be noted that this site is immediately adjacent to the settlement boundary for Whitehaven. Whitehaven is identified as the Key Service Centre for the borough. It is expected that land in and adjoining Whitehaven will provide a significant contribution towards housing land supply within the borough. In broad terms housing development within and around Whitehaven is considered to represent the most sustainable option for new housing development. This site has always scored highly when considered as a potential allocated housing site in the Copeland Local Plan. The site has scored highly in the Strategic Housing Land Assessment. Consequently the site was considered favourably for housing in the draft site allocation documents previously produced by the Council. The site relates well to the existing built form of Whitehaven and is a logical location for sustainable development.

7.0 Delivering High Quality Homes

7.1 The Core Strategy of the Copeland Local Plan seeks to ensure that Copeland has a balanced housing market which meets the needs of the community and provides places where people want to live. In order to meet these needs the housing market must be balanced and existing adverse issues addressed.

7.2 The Copeland housing market is dominated by older terraced type housing. Also, Copeland is the most affordable borough in England with lower house prices compared to average.

7.3 The choice of house types has been carefully selected to meet local housing needs and to balance the housing market. A significant number of the proposed housing are family sized homes. Also, a significant number of bungalows have been included to meet a need that has been specifically identified for single storey housing. The site is located within this popular area of northern Whitehaven making the site attractive to potential purchasers. However, the site has the ability to deliver a range of housing prices affordable in the context of the local housing market.

8.0 Environmental Risk Assessment

8.1 The application is accompanied by a Phase I Desktop Study in relation to environmental risk. Furthermore, a Mining Report has been undertaken in relation to the site.

8.2 The Desktop Study concludes that there is a moderate geotechnical risk and that further ground investigations should be undertaken. The Applicant

agrees to a suitable planning condition to require ground investigations to be undertaken appropriate to the proposed development submitted under reserved matters.

8.3 The Mining Report identifies past mining activity in the vicinity of the site but does not reveal any past workings on site. The ground investigations proposed as part of the Environmental Risk Assessment will provide a further safeguard to any risks associated with past mining. This is a suitable issue to be dealt with by way of a planning condition.

9.0 Ecology

9.1 The Ecological Appraisal submitted with the application confirms that development will not impact on protected species and species of conservation concern. The site is considered to be of low conservation value.

9.2 In addition a Tree and Hedge Survey has been undertaken. No trees are proposed to be removed as a result of the development. A short section of hedgerow will be removed at the highway connection point to Elizabeth Crescent. The hedgerow is not an important hedgerow in terms of Hedgerow Regulations. The Tree and Hedge Survey sets out appropriate mitigation which the Applicant agrees to undertake. The Report provides advice regarding the reduction or removal of hedgerow as part of the scheme and how it is undertaken in an appropriate manner.

10.0 Landscape and Visual Appraisal

10.1 The application is accompanied by a detailed Landscape and Visual Appraisal. The landscape and Visual Appraisal has been undertaken with

reference to the guidelines for Landscape and Visual Impact Assessment (Third Edition 2013), by the Landscape Institute and the Institute for Environmental Management and Assessment. The Appraisal considers the landscape effects in relation to three primary landscapes, the Wider Agricultural Landscape, the North Whitehaven Residential Townscape and the Central Whitehaven Townscape. The effect on these landscape groups fall within the lower categories of sensitivity and the proposal is not considered to generate any significant adverse landscape effects. The Appraisal concludes that the development will be acceptable in the context of this site on the edge of Whitehaven.

11.0 Flood Risk and Drainage

11.1 The site is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy. The site is located within Flood Zone 1. In terms of flood risk Flood Zone 1 is suitable for all types of development.

11.2 Surface water runoff will be attenuated on site with a controlled discharge to an existing water course at greenfield runoff rates with an allowance for climate change. Due to the sloping nature of the site it is proposed to install cut off drains along the southern boundary to intercept overland flows towards Victoria Road. In addition, it is proposed to replace a section of pipe which has been identified as being in a state of disrepair. This pipe is located on land within the Applicants control and will be replaced prior to development being commenced. The installation of cut off drains and the repair of existing infrastructure represents a betterment.

11.3 This application is submitted in outline and the final design of the surface water system be reserved by planning conditions for subsequent approval.

12.0 Conclusion

12.1 The Planning Inspectors Appeal Decision Letter dated 9 April 2019 narrowed the issues in relation to the development of this site. The Council cannot demonstrate a 5 year supply of deliverable housing sites. The presumption in favour of development in paragraph 11 of the NPPF must be considered.

12.2 The Inspector found that the route along Elizabeth Crescent was generally acceptable in terms of its width, surface and gradient. Elizabeth Crescent is an existing adopted highway and there is no evidence that demonstrates the route is unsuitable to carry additional vehicle movements generated by the proposed development.

12.3 The only outstanding issue to be addressed is the visibility at the junction of Rosemary Close with Victoria Road. This proposal will secure significantly improved visibility and safety at the junction. This improved visibility will comply with the guidance contained within the Manual for Streets 2. The improved visibility is sufficient to deal with the moderate increase in traffic flows through the junction generated from the proposed development. In addition, it will secure a highway safety improvement for all road users.

12.4 The sole issue outstanding from the previous application has been addressed in full. The proposal to undertake highway improvement works

constitutes a planning benefit which should be given significant weight in the context of the planning balance.