

Land at Harras Moor, Whitehaven

Planning Statement – Revision 3

Planning Application Reference: 4/18/2287/001

Outline application for residential development of up to 370 dwellings with access, associated open space and infrastructure

Client: Homes England
May 2022

**Document prepared on Behalf of Tetra Tech Environment Planning
Transport Limited. Registered in England number 03050297**

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Contents

1.	Introduction.....	1
2.	The Site and Surroundings	7
3.	The Proposal.....	10
4.	Planning Policy and Guidance	12
5.	Appraisal	20
6.	Conclusion.....	44

List of tables

Table 1: List of Supporting Documents.....	2
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List of figures

Figure 1: Application Site Boundary.....	7
Figure 2: Illustrative Masterplan.....	10

1. Introduction

- 1.1 This Planning Statement has been prepared to support an Outline Planning Application (the “Application”) for residential development of up to 370 houses with access, open space and associated infrastructure on land at Harras Moor, Whitehaven.
- 1.2 The Planning Statement has been updated from the original version submitted with the Application in 2018 to reflect the changes in the National Planning Policy Framework (NPPF), the emerging Local Plan, and updated technical work carried out by Homes England (the “Applicant”) to support the Application.
- 1.3 The Application is made in outline with all matters, except access, reserved for later consideration.
- 1.4 Whilst made in outline, the Application is accompanied by an Illustrative Layout (Ref. A090070-410 004 Rev E) which provides an indication of how the development of around 370 houses (including a contribution of on-site affordable provision), access junctions, drainage scheme, boundary treatments, landscaping, footpaths and public open space might be delivered on a greenfield site of around 23 hectares.
- 1.5 This Planning Statement provides a comprehensive summary of all relevant key information about the proposed development and assesses it in relation to relevant national and local planning policy and guidance.
- 1.6 In addition to this updated Planning Statement, the application is supported by the documents listed in Table 1. The items highlighted in green remain unchanged since the application was considered at Planning Panel on 18 September 2019, while the amber colour indicates updated reports and the red colour indicates additional reports submitted since that Panel meeting.

Document Name	Updated since September 2019?	Latest Revision	Document Date
Application forms	Unchanged	N/A	N/A
Planning Statement	Yes	Rev 3	May-22
Site Location Plan (Drawing No:A090070 410 001 Rev B)	Unchanged	Rev B	May-18
Illustrative Masterplan (Drawing No: A090070 003 Rev H)	Yes	Rev H	Apr-22
Illustrative Layout (Drawing No: A090070 004 Rev E)	Yes	Rev E	Feb-22
Indicative Phasing Plan (Drawing No A090070-007 Rev A)	Yes	Rev A	Apr-22
Parameters Plan	Yes	Rev C	Apr-22
Proposed Site Access Junction Option 1 (Drawing No A090070-P002)	Unchanged	-	Mar-18
Cross Section Pt 1	Unchanged	Rev A	Jun-18
Cross Section Pt 2	Unchanged	Rev A	Jun-18
Statement of Community Involvement	Unchanged	Rev 1	Jun-18
Noise Assessment	Unchanged	Issue 1	Jun-18
Design and Access Statement	Yes	Rev D	May-22
Arboricultural Impact Assessment (Outline Planning) Ref:5060.Eco.Harras.006	Unchanged	Rev 2	Jun-18
Flood Risk and Drainage Assessment	Updated	Rev C	Mar-21
Ecological Appraisal (Rev 2)	New	Rev 2	Sept-21
Report to Inform Habitat Regulations Assessment	New	Rev 1	Sept-21
Biodiversity Net Gain Assessment Rev 2	New	Rev 2	Mar-22
Habitat Management Plan Rev 2	New	Rev 2	May-22
Transport Assessment	Unchanged	Issue 3	Jun-18
Transport Assessment Addendum	Unchanged	Issue 2	Nov-18
Highways Technical Note 1	Unchanged	-	Mar-19
Highways Technical Note 2	Unchanged	-	April-19
Technical Response to Highways Matters	New	-	Oct-19
Proposed Site Access RSA - 191215-MH-Harras Rd RSA St 1 v1	New	Issue 1	Dec-19
Stage 1 Road Safety Audit – Audit Response	New	-	Jan 20
Technical Note 3: Improvements to Off-Site Roundabouts	New	Issue	Mar-21
Framework Travel Plan	Unchanged	Issue 3	Jun-18
Phase I Geo-Environmental Desk Study and Coal Mining Risk Assessment	Unchanged	Rev 2	May-18
Landscape and Visual Appraisal	Unchanged	Issue 3	May-18
Archaeology and Heritage Desk-Based Assessment	Unchanged	Revision 1	May-18
Geophysical Survey Report (Ref:MSN389)	Unchanged	Revision 2	Feb-19
Sport Mitigation Strategy	New	Rev 2	May-22

Table 1: List of Supporting Documents

Background to Homes England Buying the Site

- 1.7 Homes England purchased land at Harras Moor in three parcels from Copeland Borough Council (CBC) and Cumbria County Council (CCC) in 2017, following a request from both parties for support in the delivery of the residential site.

Pre-application (prior to June 2018)

- 1.8 Pre-Application consultation took place with Copeland Borough Council (CBC) before the outline planning application was submitted in June 2018. The Council confirmed at the time that the majority of the site had an extant residential Site Allocation.
- 1.9 The existing allocation referenced above continues to cover a large proportion of the Application site under Reference HA1 and HA2 of the adopted Copeland Borough Council Local Plan 2001-2016 'Saved Policies' document.
- 1.10 Pre-application public engagement was undertaken on Thursday 15th March 2018, where the views of the local community were sought and fed into the preparation of this outline planning application. A Statement of Community Involvement (SCI) was subsequently produced to accompany this outline planning application.

Determination Period to Date (June 2018 to current date)

- 1.11 The outline planning application has also been subject to public consultation. During the application period in the run up to the September 2019 Planning Panel meeting, and following that meeting, the Applicant has continued to engage with the relevant officers to address comments received on the application.
- 1.12 The responses from residents, statutory and non-statutory consultees were duly considered by officers who recommended the application for approval, subject to conditions. None of the statutory consultees raised any objections to the application at the time, including Highways England (now National Highways), CCC Highways, the Lead Local Flood Authority (LLFA) and County Archaeologist. They all confirmed that the proposals are acceptable.
- 1.13 Following consultation, the outline application was presented to Copeland's Planning Panel meeting on 18 September 2019, however the scheme was deferred due to Members being minded to refuse the application against officers' recommendation on highway safety grounds.

- 1.14 Since then, Homes England has worked with the Council and other stakeholders to address the concerns raised by Members at the September 2019 Planning Panel, as well as the additional objections received from Sport England, Natural England and the Woodland Trust following further re-consultation on the application in 2021.
- 1.15 The introduction of the Environment Act 2021 and a revised NPPF in 2021 have also prompted the need to give greater consideration to the retention of habitats and enhancement to biodiversity on-site.
- 1.16 This Planning Statement provides further detail on the positive steps taken by Homes England to work with the Council to revise the application and continue to propose a policy-compliant scheme.

Scheme Benefits

- 1.17 This Planning Statement will demonstrate that the proposal continues to propose a policy compliant scheme which conforms with the aspiration to provide sustainable development, as directed by the NPPF and acknowledged by the CBC officer recommendation for approval in 2019.
- 1.18 This Planning Statement will further demonstrate the economic, social and environmental benefits that the proposed development will bring to the community of Harras Moor, and the significant boost to current supply of deliverable housing in Whitehaven.
- 1.19 Benefits of the proposed development will include:

Economic Benefits

- The provision of up to 370 new homes that will attract and retain a growing and economically active workforce;
- Increased local household spend which will support local shops and services within Whitehaven and surrounding areas;
- Generation of significant investment through the construction process, including the creation of direct construction jobs and other jobs through indirectly associated business; and
- The provision of a New Homes Bonus to be reinvested in local services and the generation of Council Tax income for relevant local authorities.

Social Benefits

- Up to 370 new, high-quality homes that will significantly boost the supply of housing and help to sustain the Council's 5 Year Housing Land Supply and deliver against statutory annual housing targets for Copeland;
- Improved choice of homes for the local housing market available to meet different population needs including single bedroom homes and larger family homes;
- Provision of executive style homes for which there is an identified need;
- Provision of 15% (56 out of 370) on-site affordable homes to meet identified local need;
- Provision of 7.1ha of publicly accessible open space; and
- Contribution to the enhancement of nearby local sport facilities.

Environmental Benefits

- Each phase of development will include a landscaping scheme and habitat management scheme which will ensure the enhancement of existing retained habitat and the creation of new habitats on-site;
- Provision of wildlife corridors designed to link the site with surrounding ecological areas;
- Contribution to off-site habitat enhancement to ensure biodiversity net gain;
- The implementation of a strong network of footpaths and greenspaces providing active travel routes across the site;
- Provision of extensive wildlife buffers designed to protect the adjacent ancient woodland of Midgley Wood;
- Retention of key habitats for local species and the introduction of open water ponds and the opening up of existing culverts to enhance aquatic habitats;
- The scheme will reduce the risk of flooding downstream of the application site in extreme rainfall events through the introduction of flow control measures and managed sustainable drainage features; and
- Provision of street trees along the central spine road.

The Applicant

- 1.20 Homes England acquired the whole site from Cumbria County Council (CCC) and Copeland Borough Council (CBC) in 2017 with the core purpose of facilitating the delivery of housing on the site as the Government's housing accelerator. Homes England has the appetite, influence, expertise and resources to drive positive market change. By releasing more land to developers who want to make a difference, Homes

England is making possible the new homes England needs, helping to improve neighbourhoods, grow communities and transform the housing market.

- 1.21 Since acquisition of the site Homes England has and continues to work with CBC, CCC, residents and a range of stakeholders to agree an appropriate and implementable approach to delivery; one that de-risks and unlocks the land for future residential development in line with local priorities. Homes England works locally in individual communities to help meet local priorities and its investment helps to unlock land and to build around half of all new homes built in England each year. It also helps to increase local growth by creating jobs and supporting businesses.
- 1.22 Given one of Homes England's objectives is to support smaller builders and small and medium-sized enterprises (SME's) in addition to major housebuilders, it is likely that a number of reserved matter applications will be submitted to CBC by one or more preferred developers on a phased basis. Homes England will remain involved throughout this process and will continue to liaise with CBC and relevant partners to ensure that the developer(s) are carefully selected and able to deliver the site to the highest standards of design quality, in accordance with local priorities and to agreed timescales.

2. The Site and Surroundings

- 2.1 The application site, which covers a total of 23 hectares of land, is located to the south west of Harras Moor in Whitehaven which is the 'principal town' within the CBC settlement hierarchy.
- 2.2 The site is an area of greenfield land which has historically, been used for agricultural grazing purposes, with a small portion of the northern extent of the site being formerly used as a quarry. There is also a disused playing field in the east of the site.
- 2.3 The site is bound directly to the north by the residential estate of the Highlands and to the south by the residential area of Hillcrest and Loop Road. To the north east of the site is Harras Road, beyond which is land that has obtained outline planning permission for around 110 dwellings under references 4-16-2415-001 and 4-16-2416-001.
- 2.4 To the west of the site is the Red Lonning Industrial Estate located off Red Lonning Road, beyond which is the Whitehaven Golf Club.

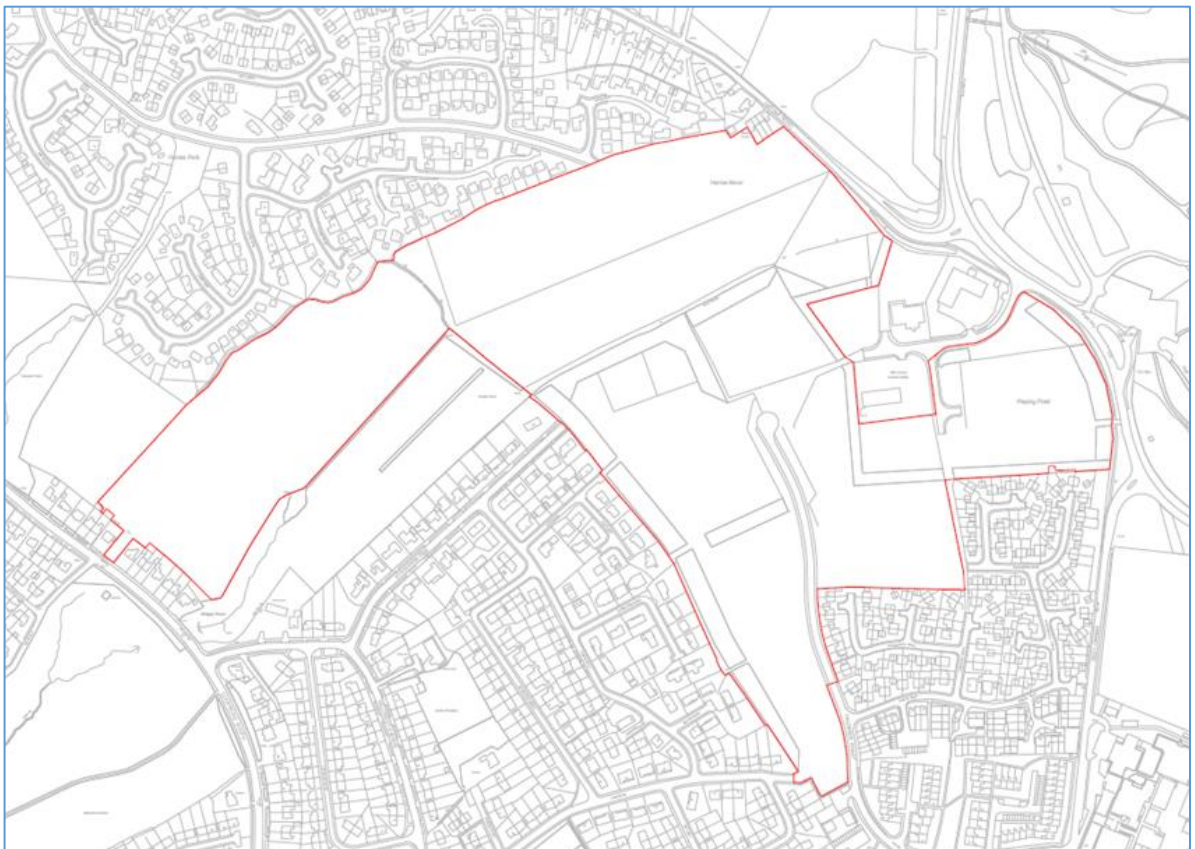


Figure 1: Application Site Boundary

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- 2.5 The topography of the land rises steeply from the Loop Road South (A595) in the west up to Harras Road, levelling out in line with the Caldbeck Road entrance into the site. The site benefits from distant views out to the Solway Firth and St Bees Head at the crest of this hill.
- 2.6 The site is identified within the Cumbria Landscape Character Guidance Toolkit (CLCGT) map as being predominantly sub type category 5d (Urban Fringe).
- 2.7 The site is located within the Whitehaven main town settlement boundary and benefits from easy access to a wide range of community facilities within the town including shops, schools, churches, sports facilities and public transport. The site also benefits from being within walking distance of a number of facilities in the locality of Hensingham which includes the town's two secondary schools, primary schools and the regional hospital, as well as a range of local shops, public houses and other services.
- 2.8 Midgley Wood is a partially designated Ancient Woodland located immediately south of the site (in separate ownership) running down to the Loop Road, beyond which it continues to the west. Midgley Gill watercourse runs within the woodland.
- 2.9 A small portion of the site to the north was the location of the former Standing Stones quarry, which has been infilled for some years.
- 2.10 The site is located within Flood Zone 1 and is not at risk of flooding. The site is not the subject of any formal or informal ecological, historical or landscape designations.

Character of the Surrounding Area

- 2.11 Whitehaven is a Georgian town, situated on the west coast of Cumbria and was one of the first post-renaissance planned towns in the UK. The Town's built heritage has been based upon a legacy of shipping and mining industries, both of which have now declined.
- 2.12 Outside of Whitehaven Town Centre, the town is surrounded by a number of residential developments set into various hillsides.
- 2.13 The application site is surrounded, primarily, by residential development built over various decades since the 1930s. The residential development which runs along the frontage of Loop Road South is mostly made up of inter-war style semi-detached properties, many of which have been altered and extended.

- 2.14 To the south of the site, the Hillcrest residential estate has a broad range of house styles and sizes, with no one style being prevalent.
- 2.15 To the north of the site, the Highlands estate forms the most recent residential development in this area, being constructed by Persimmon Homes in the 1990s. The houses within the Highlands range from 2-bedroom link properties to substantial 5-bedroom executive homes.

3. The Proposal

- 3.1 The application seeks outline planning permission (with access) for the development of up to 370 residential dwellings on land between Harras Road, Caldbeck Road and Loop Road South, Whitehaven.
- 3.2 Whilst the proposal is made in outline, it is envisaged that the development will comprise a broad mix of house types, with the provision of 15% on-site affordable housing in accordance with the Council's adopted Local Plan.
- 3.3 Vehicular access to the site will be provided at two points via Harras Road and Caldbeck Road which will connect to form a primary spine road serving the site as a whole. The vehicular access points are indicated in red on Figure 2. From this spine road, a clear street hierarchy comprising principal streets through to local single-sided private drives will be provided. This street pattern will provide a clear response to the site's natural topography and will reduce the need for interventions such as extensive retaining walls.



Figure 2: Illustrative Masterplan

- 3.4 Pedestrian connections to Loop Road South, Highlands and to other adjacent residential streets to the east and west of the site will be retained and additionally provided to ensure the site is integrated with neighboring areas.
- 3.5 The proposals incorporate a rich landscaping and biodiversity management strategy which will include 7.1 ha of publicly accessible open space split between formal play areas, wildlife buffers and corridors and an enhanced planting scheme which will strengthen existing woodland within the site as well as ensuring the protection of the woodland outside the site.
- 3.6 A sustainable drainage system (SuDS) will serve the site for the management of surface water and the enhancement of biodiversity, which will ultimately discharge to Midgey Gill and Bedlam Gill at a rate no greater than existing greenfield run off plus climate change allowances as agreed with the Lead Local Flood Authority (LLFA).
- 3.7 Whist being made in outline, at this preliminary stage it is envisaged that the site will be developed in phases, such as those indicatively shown on the Illustrative Phasing Plan (A090070-410-007) Revision A.

4. Planning Policy and Guidance

- 4.1 The NPPF was published in March 2012 and since submission of the outline application has been updated in July 2018, February 2019, and July 2021. It consolidates national planning policy guidance (including all previous Planning Policy Statements), and the document is a material consideration in the determination of all planning applications.

Achieving Sustainable Development

- 4.2 At the heart of the Framework is the “*presumption in favour of sustainable development*” to ensure that development is pursued in a positive manner through both plan-making and decision taking. Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.3 The NPPF states that there are three interrelated and overarching objectives for achieving sustainable development:
- *An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - *A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
 - *An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (Paragraph 8).*
- 4.4 In relation to plan making and decision taking the NPPF sets out clear direction on how the presumption in favour of sustainable development should be applied. It states:

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date 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.” (Paragraph 11)*

- 4.5 When assessing planning applications, the NPPF requires that Local Planning Authorities (LPAs) approach decisions in a positive and creative way. It states:

“They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.” (Paragraph 38)

Determining applications

- 4.6 The NPPF reiterates that Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed with the applicant in writing. (Paragraph 47).
- 4.7 *“Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)". (Paragraph 48)

- 4.8 The NPPF states that arguments that applications are premature to an emerging development plan are unlikely to justify refusal of a planning application other than in limited circumstances (Paragraph 49).

Planning conditions and obligations

- 4.9 The NPPF states that LPAs must consider whether otherwise unacceptable developments could be made acceptable through the use of conditions or planning obligations, however, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (Paragraph 55).

- 4.10 In Paragraph 56 it also states that:

"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification."

Delivering a sufficient supply of homes

- 4.11 In relation to the development of housing, paragraph 60 of the NPPF places great emphasis on ensuring that housing numbers are significantly boosted. It states:

"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay." (Paragraph 60)

- 4.12 Paragraph 61 states *"that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance.*

- 4.13 Paragraph 65 states that when dealing with major residential developments:

“decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups” (Paragraph 65).

- 4.14 As part of the Government’s drive to ensure that housing delivery is boosted, the NPPF in Paragraph 74 directs LPA’s to:

“identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.”

- 4.15 Paragraph 74 also sets out the level of buffer that should be applied depending on the Council’s track record on housing delivery.

- 4.16 In order to monitor LPAs delivery of housing, the Government has introduced the Housing Delivery Test. The Housing Delivery Test is an annual measurement of housing delivery in the area of relevant plan-making authorities with decision making powers. The NPPF states:

“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.” (Paragraph 76).

- 4.17 The NPPF provides guidance on other matters relating to new housing development which should be taken into consideration during the design evolution of schemes and in the assessment of their associated environmental impacts.

Promoting healthy and safe communities

- 4.18 Chapter 8 of the NPPF focusses on promoting healthy and safe communities. Paragraph 92 states that

*“planning decisions should aim to achieve healthy, inclusive and safe places which:
a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example street*

layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*
(Paragraph 92)

Promoting sustainable transport

- 4.19 Chapter 9 of the NPPF relates to transport considerations, with Paragraph 104 setting out that transport issues should be considered from the earliest stages of development proposals to ensure that the potential impacts of development on the transport network can be addressed, that opportunities for public and active transport are pursued and any environmental impacts of traffic and transport infrastructure can be assessed.
- 4.20 Paragraphs 110 to 113 address the consideration of development proposals in respect to transport. The Framework establishes that all developments generating significant movement should be supported by a Transport Statement or Transport Assessment. It is also set out that account should be taken of whether safe and suitable access can be achieved, that consideration is provided to the take up of opportunities for sustainable modes of transport and that any significant impacts can be mitigated to an acceptable degree.
- 4.21 Paragraph 111 goes on to identify:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” (Paragraph 109)

Achieving well-designed places

- 4.22 Chapter 12 of the NPPF seeks to achieve well designed buildings and places. Paragraph 126 advocates that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process*

should achieve.” It also specifies that good design is a key aspect of sustainable development, that it helps to create better places to live and work in and that it helps make development acceptable to communities.

- 4.23 The 2021 update to the NPPF also introduced the requirement to ensure that new streets are tree-lined and opportunities are taken to incorporate trees elsewhere in developments. (Paragraph 131)

Meeting the challenge of climate change, flooding and coastal change

- 4.24 Regarding flood risk, Paragraph 159 seeks to direct development away from areas which are at the highest risk of flooding.
- 4.25 Paragraph 167 sets out that, in the determination of planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that, where appropriate, planning applications should be supported by a site-specific flood risk assessment.
- 4.26 Paragraph 169 specifies that major developments should incorporate sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. These systems should take account of advice from the Lead Local Flood Authority (LLFA); have appropriate proposed minimum operating standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and have multifunctional benefits, where possible.

Conserving and enhancing the natural environment

- 4.27 Chapter 15 of the NPPF addresses the conservation and enhancement of the natural environment, with Paragraph 174 setting out that planning decisions should enhance the local environment through means including:
- Minimising impacts on and providing net gains for biodiversity; and
 - Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, noise pollution or land instability.
- 4.28 The presumption in favour of sustainable development will not apply where a project is likely to have a significant effect on a habitat site unless an appropriate assessment has been carried out and concluded that the project will not adversely affect the integrity of the habitat site. (Paragraph 182)

Development Plan

- 4.29 The Development Plan for Copeland consists of policies within the Copeland Borough Council Core Strategy and Development Management Policies DPD (Adopted in December 2013), commonly known as the Core Strategy (CS), and a number of policies “saved” from the Copeland Local Plan 2001-2016.
- 4.30 It is considered that the most relevant policies found within the CS in relation to this proposal are as follows:
- ST1 Strategic Development Principles;
 - ST2 Spatial Development Strategy;
 - ST4 Providing Infrastructure;
 - ER7 Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions;
 - SS1 Improving the Housing Offer;
 - SS2 Sustainable Housing Growth;
 - SS3 Housing Need, Mix and Affordability;
 - SS5 Provision and Access to Open Space and Green Infrastructure;
 - T1 Improve Accessibility and Transport;
 - ENV1 Flood Risk and Risk Management;
 - ENV3 Biodiversity and Geodiversity;
 - ENV5 Protecting and Enhancing the Borough’s Landscapes;
 - DM10 Achieving Quality of Place;
 - DM11 Sustainable Development Standards;
 - DM12 Standards for New Residential Development;
 - DM22 Accessible Developments; and
 - DM24 Development Proposals and Flood Risk.
- 4.31 The CS does not contain sites allocated by the Council for future development, or updated settlement boundaries.
- 4.32 The site allocations that still form part of the current adopted Local Plan are contained in the Copeland Borough Council Local Plan 2001-2016 ‘Saved Policies’ document. A large proportion of the application site is currently allocated for residential development under Reference HA1 and HA2 of this document. Accordingly, this should be given significant weight in assessing the application in a positive manner.
- 4.33 Additionally, the following ‘Saved Policies’ remain relevant to the assessment of the current planning application:

- HSG2 New Housing Allocations; and
- TSP8 Parking Requirements.

4.34 In line with Paragraph 213 of the NPPF the existing local policies listed above *should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).* (Paragraph 213)

Emerging Local Plan

- 4.35 Copeland Borough Council is currently preparing a revised Local Plan which will replace the Core Strategy and saved policies. The Council has recently concluded its public consultation on the Publication Draft Local Plan (March 2022) and is currently reviewing the responses received.
- 4.36 The current Emerging Local Plan policies can only be attributed very limited weight given the early stage of the plan making process (in accordance with Paragraph 48 of the NPPF). It is, however, worth noting the progress of the emerging Local Plan for two reasons in particular.
- 4.37 Firstly, the evidence base for the Emerging Local Plan, most notably the Strategic Housing Market Assessment (SHMA) of 2021 has significantly affected the Council's housing land supply position. This will be discussed in more detail in Chapter 5 of this statement, but in short it advocates a much smaller annual minimum housing target of circa 140 dwellings per year when compared with the 230 dwellings per year in the adopted Core Strategy.
- 4.38 Secondly, the Council has also completed a number of public consultations through this Emerging Local Plan preparation process, which have included the Council's proposal that the application site be wholly allocated for residential development. That included the 2015 Preferred Options consultation, as well as the most recent Publication Draft consultation concluded in March 2022 which indicates the Council's continued support for allocating the application site for housing to deliver 370 dwellings.

5. Appraisal

Principle of Development

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with an up to date Development Plan unless material considerations indicate otherwise.
- 5.2 Whitehaven is identified as CBC's largest and principal town. Policy ST2 sets out the Council's spatial strategy and states:

"Development in the Borough should be distributed in accordance with the following principles:

B: Concentration: development will be located in the Borough's settlements at an appropriate scale, within defined settlement boundaries, in accordance with the Borough's settlement hierarchy as set out in Figure 3.2:

- i) Focusing the largest scale development and regeneration on Whitehaven and the important development opportunities there."*

- 5.3 In setting out appropriate scale and type of development within the spatial strategy, the Council has identified a settlement hierarchy in Figure 3.2 of the CS which, for the Whitehaven area, states:

"Housing. Allocations in the form of estate-scale development where appropriate and continuing initiatives for large scale housing renewal. This could involve extensions to the town's settlement boundary. Infill and windfall housing. Larger sites will require a proportion of affordable housing."

- 5.4 The proposal offers a large estate-scale development which is located wholly within the existing settlement boundary of Whitehaven and is therefore in accordance with CS Policy ST2.
- 5.5 The CS sets out other strategic policies which specifically relate to the development of new housing.
- 5.6 CS Policy SS1 (Improving the Housing Offer) states:

"The Council will work to make Copeland a more attractive place to build homes and to live in them, by:

A. 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.”

5.7 The proposed development is situated in the popular residential location of Whitehaven and is therefore considered to be an attractive prospect for future developers and entirely deliverable. Notably, Homes England has received interest in the site from a number of local and regional housebuilders since the outline planning application was first submitted to CBC for approval.

5.8 CS Policy SS2 (Sustainable Housing Growth) states:

B. “House building to meet the needs of the community and to accommodate growth will be provided for by:

a) Allocating sufficient land for new housing development to meet identified requirements within the Borough :

b) 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

c) Seeking densities of over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding area as well as design considerations

d) Seeking to achieve 50% of new housing development on previously developed ‘brownfield’ sites”

5.9 The adopted housing target for Copeland is 230 dwellings per year. In the eight years since the Core Strategy was adopted in 2013, the annual completions averaged 130 homes. Therefore, even without the provision for growth (30% uplift) there was an average annual under delivery of 100 dwellings per year.

5.10 The Council now considers this policy to be out of date and is instead relying on the annual baseline housing need figure of 146 dwellings per year (derived from the latest SHMA, dated October 2021) when calculating its housing supply position. Even with this significantly reduced baseline housing target, the average annual housing

completions from the previous years is still below the new baseline target. Being able to accommodate up to 370 dwellings, the application site will play a vital role in ensuring that the Council can deliver against its annual housing targets and maintain a sufficient supply of housing through the Plan Period.

- 5.11 The revised NPPF retains the emphasis on the presumption in favour of sustainable development and Paragraph 11 is clear that development proposals that accord with an up to date Development Plan should be approved without delay. Where relevant planning policies are out of date the application should be approved unless the adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**.
- 5.12 This outline planning application is in accordance with the adopted Local Plan policies as the site already has a significant residential allocation under the saved policies from the previous Local Plan, and it is located within the settlement boundary of the largest settlement in the Borough where the largest scale of development should be focussed in accordance with the Core Strategy.
- 5.13 Should the Council and Members of the Planning Panel believe Policy SS2 and the saved site allocation is out of date, then the provisions of NPPF Paragraph 11 would apply as set out above. Either way, it is clear that the principle of the development is supported by adopted national and local planning policy.
- 5.14 In January 2015 the Council published the CBC Local Plan 'Site Allocations and Policies Plan Preferred Options' document. The majority of the site was identified as 'Possible Housing Allocation' for residential development of up to 450 units under references WH1 and WH2, and pre-application discussions prior to submission of the application confirmed the Council intend to retain this allocation going forward within the emerging CBC Local Plan.
- 5.15 The site continues to be identified for residential development in the emerging Local Plan. The Copeland Local Plan 2017-2035 Preferred Options document, which was subject to public consultation at the end of 2020, proposed the site as a residential allocation with an indicative yield of 370 dwellings (site reference: HWH2 – 'Red Lonning and Harras Moor') under Policy H5PO – 'Housing Allocations'.
- 5.16 As set out in Section 4, the Publication Draft Local Plan consulted on up to March 2022 continues to propose the allocation of the site for residential development for 370 dwellings. This is set out in proposed policy H5PU and the site reference is HWH2.

- 5.17 The indicative site capacity of 370 dwellings referenced in the Emerging Plan has been informed by the extensive technical work undertaken as part of this application and through representation of the site submitted in November 2020 which has given due regard to the site characteristics and constraints, along with its suitability, availability and achievability for development within the new Local Plan.
- 5.18 The proposed development would provide a significant contribution to the housing delivery and housing land supply in the Borough and, as a site previously identified by the Council as a sustainable location, it therefore supports the aspirations of Policy SS2 as well as conforming with the *presumption in favour of sustainable development*. Its continued allocation and critical role in the Borough's housing delivery plans is recognised in the emerging Local Plan.
- 5.19 In respect of all matters addressed above, it is clear that the principle of the proposed residential development is acceptable.

Housing Need and Mix

- 5.20 CS Policy SS3 (Housing Needs, Mix and Affordability) sets out the Council's requirement that new housing development should provide a broad mix of housing to deliver a range and choice of homes to meet the Borough's identified need.
- 5.21 The policy states:

“Development proposals will be assessed according to how well they meet the identified needs and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment, by:

- i Creating a more balanced mix of housing types and tenure within that market area, in line with the evidence provided in the SHMA;*
- ii Including a proportion of affordable housing which makes the maximum contribution (consistent with maintaining the viability of the development) to meeting identified needs in that market area;*
- iii Establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority and also giving particular attention to the three smaller towns;*
- iv Ensuring that housing meets special needs, for example those of older people, where there is a genuine and proven need and demand in a particular locality;*
- v Providing housing for specific groups where there is housing need, including temporary workforce, agricultural workers and key workers.”*

- 5.22 In relation to the identified housing need within the Borough, the most recently published evidence base document is the Housing Needs Assessment Report 2020 which summarises the findings of the 2019 SHMA and identifies housing needs in different parts of the Borough. The type and mix of housing required within the Borough is set out in Chapter 9 of the SHMA. The key messages are that:
- approximately 75% of market housing should be 2 to 3 bedroom family dwellings with a low demand for 1 bedroom properties in this sector (5% or less) and the remaining 15 to 20% should be provided as 4 bedroom or bigger properties;
 - majority of affordable home ownership should also focus on 2 to 3-bedroom family dwellings (75% to 85%), with a slightly bigger demand for 1-bedroom properties (10-15%) and lesser demand for 4+ bedroom properties (5-10%); and
 - there is a slightly greater demand for 1-bedroom dwellings in the affordable rented sector (20-25%), with 65-75% 2 to 3-bedroom family dwellings, and 5-10% 4+bedroom properties.
- 5.23 Whilst being submitted as an outline application the proposed development indicatively offers a broad mix of house types which will be attractive to a range of residential requirements and reflects the aspirations set out in Policy SS3 to include for some executive housing as well.
- 5.24 The Illustrative Layout Plan (A900070-410 004 Rev E) shows a development comprising a range of 1, 2, 3, 4 and 5 bedroomed properties comprising a mixture of detached, semi-detached, and terraced houses, as well as apartments. The exact mix of housing will be finalised at reserved matters stage.
- 5.25 The Illustrative Layout Plan also sets out how the different house types will be located across each phase in a non-uniform pattern allowing for a diverse and well balanced new residential development.
- 5.26 The applicant will provide 15% of new homes in affordable tenures, in accordance with Policy SS3 and informed by discussions with officers of the Council.
- 5.27 The final tenure of affordable housing will be informed through the site's disposal to the market and subsequent discussions with Council officers through the reserved matters application process.
- 5.28 In line with the current requirements set out in the NPPF, it is envisaged that at least 10% of the new homes on the site will be affordable home ownership products.

- 5.29 In respect of the above it is considered that the proposed development accords with Policy SS3 in that it will provide for a broad mix of housing types to meet a range of identified needs and aspirations, with the potential to include larger family homes.

Layout and Design Principles

- 5.30 Whilst being made in outline, this application is accompanied by an Illustrative Masterplan (Drawing No: A090070 003 Rev H), Illustrative Layout Plan (Drawing No: A090070 004 Rev E), and Illustrative Phasing Plan (Drawing No A090070-007 Rev A). These plans have been informed by a detailed analysis of the site's constraints and parameters which are set out within the accompanying Design and Access Statement.
- 5.31 CS Policy DM10 sets out the Council's requirements for new development to be of a high standard of design, setting out a number of criteria by which all applications will be assessed. Developers will be required to:
- "A Incorporate a complementary mix of uses, especially within or near town centres or at sites adjacent to public transport routes;*
 - B Respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through:*
 - i) An appropriate size and arrangement of development plots*
 - ii) The appropriate provision, orientation, proportion, scale and massing of buildings*
 - iii) Careful attention to the design of spaces between buildings, including provision for efficient and unobtrusive recycling and waste storage*
 - iv) Careful selection and use of building materials which reflects local character and vernacular*
 - C Incorporate existing features of interest including landscape, topography, local vernacular styles and building materials; and in doing so, have regard to the maintenance of biodiversity*
 - D Address vulnerability to and fear of crime and anti-social behaviour by ensuring that the design, location and layout of all new development creates:*
 - i) Clear distinctions between public and private spaces*
 - ii) Overlooked routes and spaces within and on the edges of development*
 - E Create and maintain reasonable standards of general amenity*

F Incorporate new works of art as part of development schemes where appropriate”

5.32 In relation to the constraints and analysis which have guided the Illustrative Masterplan, the following design principles have been addressed:

Place Making

5.33 The proposed development can provide:

- Strong gateways and arrival points from the surrounding area;
- Distinctive sweeping streets and lanes, working with the terrain across the site and with changes in direction that add interest and slow traffic;
- Tree lined spine road and additional tree planting in green spaces;
- Sequential views out over Whitehaven towards the coast, changing as the view travels down through the site; and
- Strong green corridors and edges to the development overlooked by good quality development frontages. All green spaces will be overlooked.

Connectivity

5.34 The site can provide a high level of permeability, connecting different residential areas together through a network of footpaths, providing benefits for residents outside the development proposal.

- The primary vehicle route between Harras Road and Caldbeck Road provides access to and through the site;
- Pedestrian connections are proposed through the development and new public open space to Loop Road South and Highlands. The updated illustrative layout emphasises further potential pedestrian connectivity through to the industrial estate, Winchester Drive and High Grove;
- A clear street hierarchy is proposed: moving from principal streets through to local single sided private drives fronting green spaces and green corridors.

Density

5.35 The Council's standard density requirement is 30 dwellings per hectare, as set out in Policy S22 of the Core Strategy. The supporting text to Policy SS2 in Paragraph 5.3.11 states that lower densities may be acceptable with specific justification.

- 5.36 Although made in outline, it is important that the development of this site is influenced by the landscape and environmental context rather than a pre-determined target.
- 5.37 The gross site area of the application site is approximately 23ha. The developable areas within the site are reduced by the need to allow for retained ecology (including woodlands) and infrastructure such as roads, footpaths, public open space and drainage attenuation. This means that only 62% of the site is available for residential development. Accounting for this, the Net Developable Area (NDA) for the site is considered to be circa 14.2ha which equates to approximately 26 dwellings per hectare (370 dwellings divided by the NDA of 14.2ha).
- 5.38 The illustrative masterplan shows how 370 homes can be accommodated, including an appropriate mix of housing types. This matches the Council's own expectations for the number of homes the development can deliver. The following justification is provided in relation to the net density of development proposed:
- Site levels: This is a challenging, sloping site where high density development would be both inappropriate and difficult to deliver. Density will be guided by site levels and will reduce significantly where levels are steeper.
 - Retained infrastructure: The site includes retained woodland belts and ecological features which limit the size and shape of development parcels; the masterplan seeks to respond to these features positively, which reduces the development density on site;
 - Surrounding context: Density will reflect surrounding residential areas so that existing residents in the area will see development of similar density to their own neighbourhoods within the proposed development.

Topography and Street Pattern

- 5.39 A significant constraint of the site is the topography which slopes steeply upwards from west to east. The proposed development will therefore work with the natural features of the site, utilising the hill to create a distinctive sense of place.
- The illustrative street pattern is a clear response to the site terrain and reflects the need to create streets of an acceptable gradient for adoption by the highway authority. The design also reduces the need for extensive retaining walls;
 - Spaces will be designed with levels in mind, to ensure public open spaces are useable to residents of the scheme; and

- Strong views through and across the scheme, maximising the distinctive views towards the sea from the higher ground.

Landscape Character

- 5.40 A full Landscape and Visual Appraisal (LVApp) accompanies this planning application. The LVApp provides an assessment of the effects of the proposed development on the local landscape. The design of the proposed development and the identification of mitigation measures incorporated within the design to minimise adverse effects, is informed by the findings of the assessment process as it has progressed throughout the preparation of the application.
- 5.41 The site predominantly comprises parcels of semi-improved and rough grassland used for grazing horses and livestock, with areas of grassland separated by bands of mature planting.
- 5.42 A key feature of the site identified in the LVApp is the belts of mature deciduous woodland within the site and on the site perimeters. The existing woodland assists in integrating the site into the wider landscape and is considered typical of the local landscape character. The presence of the woodland also screens views into the site from many locations.
- 5.43 The LVApp identifies a number of receptors which may be impacted by the proposed development. The sensitivity of the landscape receptors is judged by considering their value, assessed against a baseline, and their susceptibility to the changes arising from the proposed development. The resulting conclusions in relation to landscape impact range between negligible effects, moderate adverse effects and minor adverse effects.
- 5.44 In relation to the visual effects of the development experienced by nearby residents, the results range from negligible or no effect to major adverse effect, depending on the proximity of the residents to the new development and the level of screening which is either existing or will be introduced through the development. Those residents who will experience a permanent change in their outlook are considered to have the potential for a major adverse effect.
- 5.45 As a site which has been predominantly allocated by CBC for residential development in the past, and has been identified once more as proposed for allocation in the emerging Local Plan, it is accepted that the Council has already weighed landscape impact in the balance of planning considerations and has deemed the development of this site as acceptable.

5.46 CS Policy ENV5 (Protecting and Enhancing the Borough's Landscapes) states that:

“B. 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.”

5.47 The proposed development offers a high quality landscaping scheme which utilises the natural features and topography of the site in combination with the retention and enhancement of assets contributing to biodiversity to create a development which is truly landscape led. The retained and enhanced areas of woodland will ensure the development integrates with the green character of this site.

5.48 It is therefore considered that the benefits of the development are significant and are compliant with Policy ENV5.

Ecology and Biodiversity and Landscaping Plans (Including trees and hedgerows)

5.49 An Extended Phase 1 Ecological Survey and associated surveys have been undertaken and accompany this application. A follow up Ecological Appraisal was carried out in 2021 to confirm that the habitat conditions on the site remain similar to that when the application was last reported to the Planning Panel in 2019.

5.50 St Bees Site of Special Scientific Interest (SSSI) is located 1.7 km south-west from site. The proposed development site does not fall within the IRZ of this SSSI for the residential development category.

5.51 The Solway Firth SPA is located 1.7 km west of the site and the River Ehen is located 5.3 km south-east from site. The Ecological Assessment report recommended that a Report to Inform the Habitat Regulations Assessment Screening (HRA Stage 1) should be prepared to identify any likely significant effects upon European designated sites, either alone or in combination with other plans or projects.

5.52 A Shadow Habitat Regulations Assessment was completed in 2021 and subsequently reviewed by Natural England. Natural England confirmed that they are satisfied with the conclusion of the submitted Habitats Regulations Assessment (HRA) that there will be no impact on the site integrity of the Solway Firth SPA subject to mitigation. This should include the provision of homeowner packs and additional signage which can be secured by planning condition.

- 5.53 There are no locally designated sites within the application boundary. There are five locally designated sites within 1km of the site including three County Wildlife Sites, one Local Geological Site and one Site of Invertebrate Significance.
- 5.54 Midgey Wood is directly adjacent to the application boundary. It is partially designated an Ancient Woodland and in private ownership with the canopy and understory of the trees being readily visible from the site. Where adjacent to the Ancient Woodland, an undeveloped buffer of a minimum width of 15m from the woodland edge should be retained in accordance with Natural England guidance.
- 5.55 The Woodland Trust raised an objection to the application during re-consultation undertaken in 2021, requesting that a buffer of 20m be provided to the Ancient Woodland. The Applicant has subsequently updated the illustrative layout to increase the buffer accordingly even though we do not agree that the increase above the 15m Natural Guidance is justified. This buffer area will form part of the site's open space and is shown as green infrastructure on the Illustrative Masterplan. The detailed site layout and stand-off should be assessed as part of the reserved matters planning application(s).
- 5.56 The site is dominated by areas of grassland, with varying degrees of marshiness and botanical diversity. A number of the fields are edged with shelter belts of plantation woodland. A number of areas of the site were initially identified as having the potential to support protected or priority species including bats, badgers, red squirrels, amphibians, breeding and wintering birds. A series of surveys has now been undertaken, the results of which accompany this application.
- 5.57 The updated extended phase 1 habitat survey (2021) includes a ground-based assessment of trees within the site for bat roosts by an appropriately licenced ecologist. This included trees that would be affected by the proposed road crossing. No bat roosts were identified and the trees in question were generally too immature to develop features that support roosts.
- 5.58 The Illustrative Masterplan demonstrates that, apart from specific road crossings which are less than 10m wide, there will be no loss of woodland canopy. Thus, no adverse effects are likely to arise on commuting patterns of bats which may roost in properties or woodlands near the site, and no further bat activity surveys are necessary prior to determination of the outline Application.
- 5.59 A review of the surrounding area identified 5 ponds within 250m of the site. There are also small areas of standing water on site, including ephemerally wet ditches and a

flush. The waterbodies on site are unsuitable for breeding of newts but will support common toads and other amphibians. It is confirmed that there is no evidence that Great Crested Newts are present in the area, nor do they present a constraint on development. The Ecology Mitigation plan within the Design and Access Statement indicates how aquatic and woodland habitats of value to toads and other amphibians will be retained, and the accompanying Habitat Management Plan proposes that some of the SuDS within the site will be designed as open-water ponds, enhancing biodiversity.

- 5.60 It is confirmed therefore that the proposed development will have no implications in respect of any European Protected Species.
- 5.61 In respect of UK protected and priority species, field surveys to date have not indicated the presence of red squirrels or badgers within the site itself.
- 5.62 The initial ecological survey indicated that there were some signs in a wet flush area that could have been made by feeding water voles. The updated 2021 Ecological Appraisal concludes that it is very unlikely that water voles are present on the site. The justification include:
- the droppings collected in 2018 were sent for the eDNA analysis and returned inconclusive results;
 - targeted further water vole surveys conducted by TEP in 2018 also did not find any conclusive evidence of this species on site;
 - the 2021 survey again did not find any evidence of water vole;
 - the site did not provide suitable habitat which is typically required for water voles; and
 - the water vole has very limited distribution in Cumbria with no known current (post 2000) populations in West Cumbria and the core distribution area located in the North Pennines (The Cumbria Evidence Base Information, 2010).
- 5.63 Based on the above the potential presence of water vole can be discounted and no further survey work for water vole is required.
- 5.64 The Ecological Appraisal sets out a number of recommendations for maintaining and building the ecological evidence base through the development process, which is envisaged to take place in phases, following individual reserved matters applications. These further surveys will monitor the use of the site by any protected and priority species and, where appropriate, identify the requirement for either overarching or site-specific measures to ensure any potentially significant impacts are either avoided or appropriately mitigated. This approach can be secured by condition by the Council.

- 5.65 From the surveys undertaken to date, it is considered that there are no ecological issues that would prevent the development of the site. It is acknowledged that the recently introduced requirement for biodiversity net gain will have further implications for the outline application and subsequent reserved matters application(s). In this regard the Applicant has undertaken two sets biodiversity net gain assessment (BNG) of the site.
- 5.66 Following the initial BNG assessment, it was decided to amend the illustrative layout plan (and Master Plan accordingly) to minimise the loss of the most significant habitats on the site and to maximise the enhancement of biodiversity features such as grass and woodland.
- 5.67 In addition, the applicant has commissioned a Habitat Management Plan which will inform the subsequent reserved matters applications and sets the framework for future detailed proposals for enhancing and maintaining proposed and retained habitats.
- 5.68 The combination of changes to the Masterplan and habitat enhancements included in the Habitat Management Plan has reduced the proposed loss of habitat units to 48.53, down from a 91.23-unit loss. This is a betterment of over 30% from the original submission. In addition to that additional hedgerow planting is proposed that will more than double the current hedgerow units on the site. This is set out in more detail in the BNG Assessment and Habitat Management Plan submitted with the application but in summary the proposals include:
- retention of higher quality grassland areas (where possible);
 - retention of an additional existing woodland area to provide enhanced green connectivity through the site;
 - provision of additional tree planting, including a new woodland area;
 - new hedgerow planting and enhancement of Hedgerow 3;
 - enhancement of retained grassland and woodland areas; and
 - four of the SUDS areas to be created as open water ponds.
- 5.69 Even with the additional retention and enhancement of biodiversity features on-site as listed above it has not been possible to get to a biodiversity net zero position with on-site mitigation proposals due to the sheer size of this greenfield site.
- 5.70 The updated proposals will significantly reduce the impact on the biodiversity on the site, whilst introducing many beneficial interventions, not just on ecological grounds. This should be weighed in the planning balance and demonstrates that the applicant has made a concerted effort to address ecology matters on the site.

- 5.71 The Applicant is willing to provide a commuted sum for off-site habitat creation or enhancement to achieve a biodiversity net gain position in line with the NPPF.

Access and Transport

- 5.72 This is an outline application with all detailed matters reserved for future consideration apart from the proposed site access, which needs to be determined as part of this application.
- 5.73 The proposed development will be served via two vehicular accesses, one onto Harras Road to the northeast, and one joining Caldbeck Road. The proposed junctions will be 5.5m wide with visibility splays of 2.4m x 63m which has been agreed with the Highways Authority as acceptable based upon traffic speed surveys carried out. Each access will include a 2m footpath on each side which will service the internal layout of the development.
- 5.74 Appropriate access can be provided to each property for, emergency services, deliveries and refuse collections via an internal road network that will be connected to the main road network from the two vehicular access points referenced above. These matters will be dealt with in detail as part of any Reserved Matters planning application.
- 5.75 Whilst being made in outline we can confirm that the development can provide adequate parking in accordance with the parking standards set out in 'Parking Guidelines in Cumbria' and Saved Policy STP8 from the Copeland Local Plan 2001 to 2016. The layout of the proposed development will also ensure that pedestrian access and connectivity is given priority and will encourage sustainable movement patterns.
- 5.76 A Framework Travel Plan has been submitted with the application to further encourage sustainable movement patterns. The Travel plan has already been deemed to be acceptable by CBC Council. It was proposed to be secured by Condition 3 of the Planning Panel Report in September 2019. The draft S106 Agreement also includes a Travel Plan monitoring fee to make sure that the Council has sufficient resources in place to monitor the successful implementation of the Travel Plan.
- 5.77 The application is accompanied by a full Transport Assessment (TA). A number of further technical notes have also been issued to the Council and County Council Highways in response to concerns raised by residents and Members during the planning application. This will be discussed further below.

- 5.78 A Transport Assessment Addendum was submitted in November 2018 and Highways Technical Note 1 was submitted in March 2019 to address additional matters raised by officers and statutory consultees.
- 5.79 CCC Highways and Highways England subsequently confirmed that they were satisfied that the highways impacts were duly considered and raised no objections to the application, subject to planning conditions.
- 5.80 The application was presented at Planning Panel on 18 September 2019 with a recommendation for approval. Despite no objections being raised by CCC Highways or Highways England, Members of the Planning Panel raised concerns with the development on highway safety and traffic grounds and proposed the development be refused. As this was contrary to Officers recommendations the application was deferred in line with the Council's protocol.
- 5.81 To give due regard to the concerns raised by Members, the Council instructed an independent review of the Applicant's highways reports. This review was carried out by the transport consultancy Arup. The draft findings of this independent review was circulated to Members and a meeting held on the 13th of November 2019 where a representative from Arup presented the findings of the review to Members and then the Members discussed the highways implications in detail with the representative from Arup.
- 5.82 The independent review found that the scope of the assessment was sufficiently detailed and was consistent with best practice. It stated that Highways England and CCC Highways had been engaged in scoping the report. Furthermore, the methodology and data used for assessing traffic and highway safety impacts were found to be appropriate.
- 5.83 The two access points proposed for the site was also confirmed to be appropriate for the scale of development proposed.
- 5.84 The independent review by Arup therefore came to the same conclusion as the Applicant's highway consultant, CCC Highways Officers, CBC Planning Officers, and Highways England in that the development will not lead to unacceptable highways impacts and therefore there are no justified highways grounds for refusing the application.

- 5.85 The applicant has also nonetheless undertaken additional work to address the concerns raised by Members at the Planning Panel meeting held 18th September 2019 and following the Peer Review. This includes:
- Technical Response to Highways Matters (Dated 7 October 2019);
 - Road safety audit (Ref:191215-MH-Harras Rd RSA St 1 v1, December 2019) and the Audit Response (January 2020) for the proposed new junction onto Harras Road;
 - Technical Note 3: Improvements to Off-Site Roundabouts. (March 2021); and
 - Review of bus services.
- 5.86 Responding to the question of whether a bus operator could be funded to provide a public service from the site, Homes England has assessed accessibility of the site in line with Chartered Institution of Highways and Transportation (CIHT) Guidelines for the Planning of Public Transport for Development. The site is served by a regular bus service that provides good connections to surrounding areas including Whitehaven town centre. This service (no.31) can be caught within a 700-metre walk from the centre of the site, with half hourly frequency on weekdays and Saturdays.
- 5.87 The TA and supporting highway technical notes have undertaken a full review of the local highway network in relation to the potential development of this site for up to 370 dwellings, which included detailed modelling exercises of all nearby junctions and roads likely to be affected. All but two junctions would continue to operate within capacity post development, even without any highways mitigation works.
- 5.88 The two junctions that are identified as likely to operate above capacity post development are:
- Main Street/Cleator Moor Road mini roundabout; and
 - A595 Egremont Road/Homewood Road roundabout.
- 5.89 It should be noted that both these junctions would operate above capacity by 2028 even without the proposed development. The Applicant is proposing off-site highway improvements to the above junctions as agreed with Highways England (now National Highways) and CCC Highways. The preliminary design details of the proposed improvements is set out in **Technical Note 3** and can be secured through planning conditions and Section 278 Highways agreements under the Highways Act, or commuted sum in the S106 agreement.
- 5.90 Technical Note 3 also sets out the projected reduction in queuing traffic once the mitigation has been completed. The results show that the mitigation measures will significantly reduce queues and delays in 2028 to the extent that it will operate much

better than the existing layout without the development. So, overall the development will provide net benefit to both the roundabouts listed in Paragraph 5.76 above.

- 5.91 There have been no changes in material highways considerations since the application was presented at Committee on 18 September 2019 that would warrant coming to a different conclusion to that reached by the Applicant's highways consultant, CCC Highways, Highways England (now national Highways), CBC Planning, and Arup, who all consider the development to be acceptable on highway grounds.
- 5.92 It should be noted that the test set out in the NPPF is that development should only be refused on Highway grounds if there would be severe highways impacts. As set out earlier in this report and in the Transport Assessment, the proposed off-site improvements at the two roundabouts listed in Paragraph 5.72 will improve the operation of those roundabouts rather than have a detrimental impact.
- 5.93 The proposed development is therefore considered to be in accordance with the requirements of CS Policy DM22 (Accessible Developments) and the NPPF.
- 5.94 The Publication Draft Local Plan consulted on up to March 2022 sets out the Council's aspirations for contributions for highway improvement works in the Harras Moor area, within its supporting Infrastructure Delivery Plan (IDP). Whilst limited weight can be given to the emerging Local Plan and its evidence base at this time, Homes England has made representations to confirm they are willing to engage with the Council on how suitable highways mitigation for their scheme can be secured and has previously indicated that its preference would be to make a commuted sum contribution rather than have Grampian conditions imposed for the improvement of the off-site roundabouts.
- 5.95 The detailed and site specific transport assessment work that has been carried out as part of this planning application (and which has been independently verified) provides a more robust assessment of the level of off-site highways works that would be justified, rather than the high level study that has informed the IDP.

Flood Risk and Drainage

- 5.96 Drainage and flood risk were two of the main areas of concern raised by residents and Whitehaven Town Council during the original planning application consultation. In October 2020 the Applicant, Homes England, carried out remedial works to the field drain to the rear of the properties on Loop Road South to clear blockages and generally improve natural surface water run off of the existing greenfield site. These works were unrelated to the proposed development, however, the works are likely to have improved

the drainage of the land immediately to the north of these properties and subsequently reduce surface water run-off into residential gardens on Loop Road South.

- 5.97 These works were carried out to address reported historical issues with surface water drainage rather than forming part of the drainage proposals for the application. The proposed drainage strategy is also considered likely to provide betterment for existing neighbouring residents by providing dedicated and maintained catchments and routing for surface water from the site.
- 5.98 This application is accompanied by a full Flood Risk Assessment and Drainage Strategy (Revision C) which was updated in March 2021.
- 5.99 The proposed development is located within Flood Zone 1 which the Environment Agency define as an area having less than 0.1% annual probability of river or sea flooding and is therefore at the lowest risk of flooding. This is therefore considered to be a low risk in terms of flooding.
- 5.100 The DEFRA Non-Statutory Technical Standards for Sustainable Drainage requires that the rate of surface runoff from greenfield sites must not exceed the runoff rate from the predeveloped greenfield site. Therefore, on site attenuation will be provided within the application site to make sure that the proposed surface water drainage system does not exacerbate flood risk outside of the extent of the proposed development for all storm events up to and including the 1 in 100 plus 40% allowance for climate change storm event.
- 5.101 This approach to on-site attenuation means the flow of surface water from the site will be slowed down, thus reducing the peak flows that may currently occur, and therefore reducing flood risk downstream.
- 5.102 One of the primary objectives of the proposed surface water strategy for the site will be to enhance the overland flow of water in order to create new blue corridors within the development. By suitable design and additional planting, it is proposed to enhance the existing ecology and biodiversity of these watercourses, whilst at the same time managing the surface water run-off of the site. In addition, and where possible, small weirs will also be installed along the lengths of the watercourse to provide localised wetland areas and to slow the velocity of the main channel flow.
- 5.103 Additionally, it is proposed to enhance the existing watercourses in the north eastern part of the site by opening these up and regrading and improving channels, as they are currently poorly defined.

- 5.104 In relation to surface water discharge it is proposed to divide the site into two surface water drainage catchments, to the east and west of the site. The eastern catchment will drain to the culverted watercourse under Balmoral Road (discharging into Bedlam Gill), whereas the western catchment will drain into Midgey Gill, either via a culvert under the A595 or via third party land at Midgey Wood. Discharge rates into these watercourses will be restricted to the greenfield rate of the impermeable areas of the site plus an allowance for climate change and has already been agreed with the LLFA.
- 5.105 This strategy enables the delivery of a phased development as it provides several attenuation features that can be constructed as the phases progress.
- 5.106 While being made in outline, the proposed development will include a variety of SuDS techniques such as swales and detention basins to ensure that discharge rates are limited to greenfield levels.
- 5.107 The principles of the drainage strategy and discharge rates have been discussed with the Local Lead Flood Authority and agreed in principle. The amended outline drainage strategy sets out two options for draining the western catchment, as set out in Paragraph 5.79 above, to provide greater flexibility for the proposed drainage of the site. The specific design detail and adoption options are to be agreed at the subsequent detailed design stage in the reserved matters applications.
- 5.108 Consultation has also been undertaken with United Utilities at pre-application stage and during the application and they have agreed the principles above, subject to details being provided at Reserved Matters stage.
- 5.109 In relation to foul water discharge, it is proposed to divide the site into a number of foul water catchments that will drain to the existing United Utilities sewer network. This has already been agreed in principle with United Utilities and no third party land is required to make the proposed connections.

Noise and Local Amenity

- 5.110 This application is accompanied by a comprehensive Noise survey in relation to the potential for the development to cause, or be affected by any sources of noise pollution, in particularly the Red Lonning Industrial Estate which has a number of heavy industrial businesses operating within it and the busy Loop Road South / A595 trunk road.

- 5.111 The results of the report conclude that the proposed development is not expected to have an adverse impact on the health or quality of life of either existing local residents, or future residents of the development.
- 5.112 Common design features of new modern homes such as standard double glazing and ventilation points will be adequate to ensure appropriate amenity levels are secured. As a further good practice measure, the Illustrative Layout and Masterplan show a stand-off zone between the proposed houses and the A595 (Loop Road South) and the Red Lonning Industrial Estate. Properties are also orientated in such a manner that private garden areas are orientated away from noise generating sources. The amended illustrative layout also now includes a raised noise bund along the southwest boundary of the industrial estate. Woodland planting can be provided on top of the bund to help screen the buildings and contribute to biodiversity enhancement. Other barriers in the form of close boarded fences can also be introduced at the detailed design phase to further minimise noise in external amenity areas if required.
- 5.113 In respect of the above, it is evident that the proposed development will have no adverse effect on local amenity with respect to potential noise pollution.

Ground Conditions

- 5.114 A full Preliminary Environmental Risk Assessment (PERA) has been carried out on the site and the report accompanies this application.
- 5.115 A small quarry known as 'Standing Stones Quarry' was historically located at the eastern end of the site, and this appears to have been infilled. As a precautionary measure the illustrative layout is not proposing any housing on the specific location of the former quarry. A number of mounds have also been identified which have the potential to contain waste from the former quarries on site.
- 5.116 The PERA sets out that the site is capable of being remediated for residential use and also provides comfort that the risk to controlled water could be suitably mitigated. Neither the Council nor the Environment Agency has raised any objections, subject to conditions.
- 5.117 In relation to former mining activities on site, there has historically been working coal seams beneath the central and eastern parts of the site. It is reported to be unlikely that the former works would cause settlement issues, however, it is recommended that a ground investigation be carried out to confirm this assessment and determine what, if any, remedial measures are required.

5.118 Condition 10 of the Panel Report of 18 September 2019 prescribes that a detailed site investigation and remediation strategy be submitted prior to the commencement of the development. The Applicant has no objection to the condition proposed.

Archaeology

5.119 A full Archaeological Appraisal accompanies this planning application which assessed all potential assets of historical significance within, or nearby, the site which may be impacted upon by the proposed development.

5.120 The Assessment determined that there are no designated assets recorded within the application site and three undesignated assets present, these being two former quarries and the possible location of a Bronze Age stone circle.

5.121 The potential for further unrecorded assets is deemed to be of low probability and it is not anticipated that there will be any detrimental impacts upon any designated heritage asset.

5.122 A Geophysical Survey Report was submitted in March 2019 to supplement the Archaeological Appraisal. These reports were reviewed by CCC Historic Environment Officer who raised no objections to the application, noting that the character of the assets identified in Paragraph 5.116 above are not significant enough to warrant their preservation on site.

5.123 A condition for the implementation of a scheme of archaeological investigation and recording is proposed. The proposed condition, Condition 16 on the Planning Panel report from 18 September 2019, is accepted by the Applicant.

Loss of Playing Pitch

5.124 As stated earlier in the report, Sport England objected to the loss of a disused playing pitch on the application site. The use of the pitch, a small football pitch, ceased well in advance of Homes England purchasing the site in 2017. The pitch is now completely overgrown having not been maintained or used for over 5 years.

5.125 Extensive discussions have been held with Sport England subsequently to discuss the options for the site. Sport England in consultation with CBC concur that the retention of the pitch in situ is not ideal given the over-supply of similar pitches within the local area as identified within CBC's Playing Pitch Strategy (PPS). Several alternatives for re-provision or the enhancement of sport facilities elsewhere have been considered.

These are set out in detail in the Sport Mitigation Strategy (2022) that is now included in the submission pack.

- 5.126 The accompanying Sport Mitigation Strategy proposes that the preferred option for re-provision of the pitch would be to make a commuted sum contribution to the Council which could then be assigned to a deliverable alternative sport enhancement project off-site. Two potential projects have been identified following a review of recommendations within the Council's Playing Pitch Strategy. Enhancement to the pitch at Moresby Rugby Union Club, or the proposed new sand-based pitch at Whitehaven Academy to accommodate hockey use.
- 5.127 The Applicant has agreed to make a financial contribution of £100,000 to mitigate the loss of the defunct playing pitch on the application site. This is based on the cost of the scheme for upgrading the drainage of the playing pitch at Moresby Rugby Club, as set out in the Agronomist Report by STRI. The latter is appended to the Sport Mitigation Strategy. This amount is also the indicative cost of providing a new playing pitch of equivalent size to the one on the application site.
- 5.128 The final decision on which scheme to commit the proposed contribution to is subject to further discussions with the Council and Sport England. An updated position will be reported to the Planning Panel to ensure transparency in decision making.

Infrastructure and Developer Contributions

- 5.129 CS Policy ST4 (Providing Infrastructure) sets out the Council's commitment to ensuring that necessary infrastructure is available to meet the needs of the community in the context of any forthcoming development.
- 5.130 The proposed development will provide 15% affordable units to be provided on site in accordance with Policy SS3 of the CS. The type and tenure of the units will be negotiated during the reserved matters application process and in consultation with the Council's housing needs officer, and having regard to the NPPF requirement for at least 10% of units to be provided as affordable home ownership product.
- 5.131 A quantum of at least 7.1 ha of publicly accessible open space (POS) will be provided on site and the developer will be required to maintain this provision in line with the details to be submitted and agreed by the Council in accordance with the S106 legal agreement.

5.132 Policy DM12 of the CS sets out the requirement for green infrastructure provision on new residential development:

“A minimum of 0.4ha of public space for every 200 dwellings pro-rata on developments of 10 or more dwellings, and in groups of family housing a minimum of 100m² of children’s play space should be provided at the rate of one play space per 30/40 dwellings.”

5.133 The minimum requirement for a scheme of 370 dwellings would therefore be 0.74 hectares. The proposed 7.1 hectares of green infrastructure will include accessible open spaces which will meet the requirements set out in Policy DM12 of the CS. The illustrative layout shows a larger central play area of circa 1,600m² that could be used as a Neighbourhood Equipped Area of Play (NEAP) and a series of smaller open spaces dotted throughout the site which could be used as Local Areas of Play (LAPs). The minimum space requirement for a LAP is 100m², which is in line with the Council’s adopted policy. This is a significant benefit for future residents and the wider community. The proposals now also include significant biodiversity enhancements as part of the green infrastructure.

5.134 In addition to the affordable housing and open space provision to be committed onsite through this development proposal, financial contributions towards off-site habitat creation (or enhancement) and travel plan monitoring will be secured by S106.

5.135 The current agreed position with the Local Highway Authority, Copeland Council Officers and National Highways is that off-site highway improvements will be secured by planning conditions and Section 278 agreement under the Highways Act. As set out earlier in the report the Applicant remains supportive of the notion to secure the appropriate highway mitigation package as a proportionate commuted sum in the S106 instead.

5.136 The Applicant is willing to offer a commuted sum of £100,000 towards the enhancement of one of two off-site sports facilities, as identified in the Sports Mitigation Strategy, to compensate for the loss of the disused playing pitch on the site.

5.137 The proposed financial contributions outlined above will meet the tests as set out in CIL Regulation 122 as updated in the 2011 and 2019 Regulations. Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

5.138 If the Council were to request any further contributions over and above those listed above, they will need to ensure said contributions will meet the three CIL tests as well.

6. Conclusion

- 6.1 CBC has confirmed during pre-application discussions and the current planning application that the proposed development is in conformity with the existing Development Plan, and has subsequently recommended the application for approval in its Planning Panel Report of September 2019. At that stage, no objections were received from statutory consultees. The updated elements of the outline application remain in accordance with the Development Plan and with the updated NPPF. The outline planning application is therefore acceptable in principle.
- 6.2 With regards to this application, whilst being made in outline, it has been demonstrated that the proposed development is appropriate in relation to:
- Scale and layout;
 - Housing mix and density;
 - Access and sustainable travel;
 - Ecology and Biodiversity;
 - Flood risk and drainage; and
 - Ground conditions and archaeology.
- 6.3 There has been extensive deliberation on the highway impacts associated with the development. The assessment of impacts have been independently verified and there were no objections from any of the statutory bodies who advise on highways matters. Regardless of this, the applicant has continued to engage and work with the Council to provide further information and responses to the concerns raised by Members.
- 6.4 The proposal provides the opportunity to deliver a sustainably located housing development on a strategic site which is well related to the built form of Whitehaven and its immediate surroundings, and will provide valuable high quality homes to meet a broad range of local needs, including a policy-compliant level of affordable housing on site.
- 6.5 The application also proposes the provision of a very significant area of public open space which will provide a network of green corridors through the site and which will be made available for use by the wider community, offering substantial health benefits.
- 6.6 It is clear that the proposed development accords with the objectives of the NPPF and extant policies within the CBC Core Strategy.

- 6.7 If, contrary to the views expressed in this statement, any harm were alleged to occur as a consequence of the development, the extent of the harm would have to be weighed against the overwhelming policy support in favour of boosting the supply of high quality housing, which is a matter which is given significant weight in policy terms.
- 6.8 In all of the matters addressed within this planning application, it is evident that the proposed development accords with relevant national and local planning policy and planning permission should be forthcoming.