

ADDENDUM REPORT – PLANNING PANEL MEETING – 17TH MARCH 2021

Application Number:	4/20/2043/001
Application Address:	Land at Trumpet Road, Cleator Moor.
Proposal:	Outline Application for Residential Development for 11no. Dwellings Including Access (Resubmission).

Summary of Meeting of Planning Panel Held on 17th February 2021

At the meeting of the Planning Panel, Members received a detail report and presentation from their Planning Officers; heard representations from members of the public in objection; and, heard representations from a Landscape Architect, Transport Consultant and the Agent in support.

Following their consideration of the Outline Planning Application, Members voted 4-3 against the recommendation of the Planning Officers.

In accordance with the adopted Constitution of Copeland Borough Council, as Members were minded to refuse Outline Planning Permission against the recommendation of the Planning Officers, the determination of the Outline Planning Application was deferred until the next meeting of the Planning Panel.

The deferral is to allow for further advice to be prepared by Officers to assist Members in their decision making, with particular regard to the reasons cited by Members for their initial minded to refuse decision on the 17th February 2021.

The reasons cited by Members on the 17th February 2021 are summarised below:

- The Application Site comprises a greenfield when other brownfield development sites exist within Cleator Moor.
- The need for the proposed development.
- The impact of the development on highway safety.
- Impact of the development on views from the dwellings on Trumpet Road.
- The landscape and visual impacts of the development.
- Planning Balance - The impacts of the development being sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development.

Each of the above matters are considered in turn below:

Greenfield and Not Brownfield Development;

Policy SS2 of the Copeland Local Plan 2013-2028 seeks to achieve 50% of new housing development on previously developed 'brownfield' sites.

Whilst there is a clear preference for the redevelopment of previously developed 'brownfield' sites for new housing development, the provisions of Policy SS2 acknowledge that it is not possible to deliver all new housing development on such land, hence citing a target of 50% only and does not exclude development on greenfield sites.

The fact that the Application Site comprises a greenfield site does not preclude its development for new housing.

The greenfield nature of the Application Site should be given only limited weight in the planning balance and does not comprise a justifiable reason on its own for the refusal of Outline Planning Permission.

The Need for the Proposed Development;

In respect of housing need, the Copeland Strategic Housing Market Assessment 2019 (SHMA) states: *"it is concluded that the OAN (just for the planning authority area) sits in the range from 140 to 200 dwellings per annum*

A figure at the top end...relies on achieving the highest of the economic forecasts and there is clear uncertainty about future economic growth. Evidence of past delivery would also suggest that a housing requirement at the top end of the range might be difficult to achieve.

To be clear, it can be concluded that the OAN (for the planning authority area) to support demographic change, the general economy and affordable housing provision is for 140 dwellings per annum."

The OAN in the SHMA is informing the housing targets in the Emerging Copeland Local Plan and demonstrates a clear need for additional housing within the Borough.

Cleator Moor falls within Whitehaven Housing Market Area (HMA) of the SHMA.

The SMHA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows.

Policy SS3 of the Copeland Local Plan 2013-2028 states:

Development proposals will be assessed according to how well they meet the identified need and aspiration 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 the market areas, in line with evidence in provided in the SHMA

iii. Establishing a supply of 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.

The proposed development comprises the erection of 11no. market homes that will contribute towards to the overall need for new housing development in Cleator Moor and the wider Borough.

The illustrative site layout plan and supporting documentation outlines that the proposed dwellings are likely to comprise market family homes.

Impact on Highway Safety;

Reason 3 for the refusal of Application Ref. 4/18/2326/001 related to the provision of insufficient information to demonstrate that the traffic generation from the development would not result in detrimental impacts on the capacity and safe functioning of the public highway.

The Applicant has commissioned their Transport Consultant to prepare further information and evidence in response to Refusal Reason 3.

Access Junction

An access plan has been submitted demonstrating the ability to develop an access to the Application Site achieving visibility splays of 2.4m x 120m.

The visibility splays requirements have been calculated based upon the known vehicle speeds on the A5086 and not the speed limit for the highway.

The visibility splays demonstrated meet the standards required for a 40mph road as defined in the Cumbria Development Design Guide.

Traffic Generation

The Transport Consultant has reviewed the traffic survey information prepared in November 2017 and traffic survey information prepared in support of the Transport Assessment for the nearby former Kangol factory site in November 2018. It is concluded that the conclusions of the two surveys are similar and therefore remain valid.

The Transport Consultant has confirmed that the Transport Assessment for the park and ride development on the nearby former Kangol factory site concludes the following traffic movements on the A5086 Trumped Road post development:

- AM Peak Hour: 448 vehicles
- PM Peak Hour: 530 vehicles

It is confirmed based on the TRICS database, which provides national information and evidence on trip generation from development, that the proposed development of 11 homes is likely to generate 6 additional vehicle movements in both the AM and PM peak hours. That is on average 1 car every 10 minutes and which will have a negligible impact upon the safe operation of the A5086 given the existing level of traffic flows.

It is stated that the Transport Assessment for the nearby former Kangol factory site considered the traffic impact at the site access junction and at four other junctions, including the A5086 Trumpet Road/ B5292 Ennerdale Road junction to the north of the Trumpet Road site and was approved indicating that the additional flows from that development were acceptable.

It is concluded that: acceptable visibility splays are demonstrated; the level of increase in vehicle movements arising from the development is less than the typical day-to-day variation in traffic flows on the A5096 and could reasonably be described as negligible; and, given the proposed access junction has very little traffic on the minor arm and the A5086 flows are not so high that queuing would be expected.

Cumbria County Council – Highways have been consulted on the proposed development and have confirmed that there are no objections to the proposed development from a highways point of view subject to the imposition of planning conditions.

Pedestrian linkages are proposed to the existing pedestrian footways located within the vicinity of the Site.

Whilst the matter of layout is reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that an acceptable level of vehicle parking spaces and turning provision can be accommodated to serve the development.

Planning conditions are proposed in respect of the achievement/retention of the visibility splays and details of carriageway construction to ensure that the development is acceptable in planning terms.

The planning conditions suggested by the Highway Authority in respect of use of the approved access only; provision of ramps to the footways; surfacing of access drives; provision of access gates; highway drainage; and, reserved matters requirements are not justified or necessary given the status of Trumpet Road as a classified road; the outline nature of this application; and, the inclusion of other planning conditions that secure the necessary details.

Paragraph 109 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Based upon the additional information commissioned and submitted by the Applicant and the assessment completed by Cumbria County Council, the development would not result in

an unacceptable impact on highway safety and the residual cumulative impacts of the development on the road network would not be severe.

The development does not therefore meet the test for refusal of the Outline Planning Application on highway grounds in this case.

Impact On Views From The Dwellings On Trumpet Road;

The impact of development on private views from a domestic dwelling is not a material planning consideration that can be given weight in the determination of a planning application.

Landscape and Visual Impacts Being Sufficiently Harmful To Significantly And Demonstrably Outweigh The Identified Benefits Of The Development;

A Landscape and Visual Appraisal (LVA) has been prepared in support of the Outline Planning Application by a Chartered Member of the Landscape Institute as per the provisions of the Guidelines for Landscape and Visual Impact Assessment (Third Edition 2013).

Reason 1 and Reason 2 for the refusal of Application Ref. 4/18/2326/001 related to landscape and visual impacts.

The Applicant has commissioned a Landscape Architect to prepare further information and evidence in response to Refusal Reason 1 and Refusal Reason 2.

The conclusions of the Landscape Architect are outlined fully in the Planning Panel report prepared for the meeting on the 17th February 2021.

Policy ENV5 of the Copeland Local Plan 2013-2028 states:

The Borough's landscapes will be protected and enhanced by:

A Protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area

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

C Supporting proposals which enhance the value of the Borough's landscapes

Policy DM10 of the Copeland Local Plan 2013-2028 states:

The Council will expect a high standard of design and the fostering of 'quality places'.

Development proposals will be required to:

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

The provisions of Policy ENV5 and Policy DM10 are in broad alignment with the provisions of the NPPF, which also identifies a requirement to protect and enhance valued landscapes and that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

The applicable test in this case is not to refuse planning permission if landscape character and visual impacts of any magnitude occur, but to refuse planning permission if the development will threaten or detract from the distinctive characteristics of that particular area. Support exists for development where the benefits of the development outweigh the potential harm and mitigation is used to minimise the impact of a development on the landscape.

There is a conflict between the proposed development and elements of both Policy ENV5 and Policy DM10, given that the development will result in some adverse impacts upon the distinctive character of the landscape and the settlement character of Cleator Moor and Cleator.

The Landscape Architect is in agreement that impacts will result; however, concludes that these would be localised and so their magnitude not would be unacceptable and that harmful impacts on the Lake District National Park would also not result.

Paragraph 11 requires that the the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF 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 the NPPF taken as a whole.

In this instance, it is considered that the identified conflicts with Policy ENV5 and Policy DM10 are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development.

Summary and Conclusion

The planning application must be determined in accordance with the provisions of the Development Plan unless other material planning considerations dictate otherwise.

For the reasons outlined in the main report, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date.

No impacts to protect areas or assets of particular importance in conflict with the provisions of the NPPF have been identified which warrant refusal.

In the context of the above, the planning balance is engaged and it is required that planning permission is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposed development is in clear conflict with the provisions of Policy ST2 of the CS with regard to the location out with the settlement boundary for Cleator Moor; however, only limited weight can be given to this conflict in decision taking.

The Site is also located within the Ehen/Keekle Valleys Tourism Opportunity Site in conflict with the provisions of Policy ER10 of the CS which is also given limited weight.

As the ECLP is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, this can be given little weight at present.

Notwithstanding the additional evidence submitted by the Applicant, it remains considered that some adverse impacts upon the character of the landscape and settlement character will result in conflict with the provisions of Policies ENV5, DM26 and DM22 and Paragraphs 108, 109 and 170 of the NPPF. These impacts are however localised.

In overall terms, whilst conflicts are identified it is considered that these conflicts are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which include: the provision of housing to meet the needs of the settlement/borough; boosting the economy of the settlement/borough including the provision of jobs during construction; and, supporting local services when assessed against the policies in the NPPF taken as a whole.

For the reasons set out above Officers maintain their original recommendation that Outline Planning Permission be approved subject to the planning conditions outlined.