

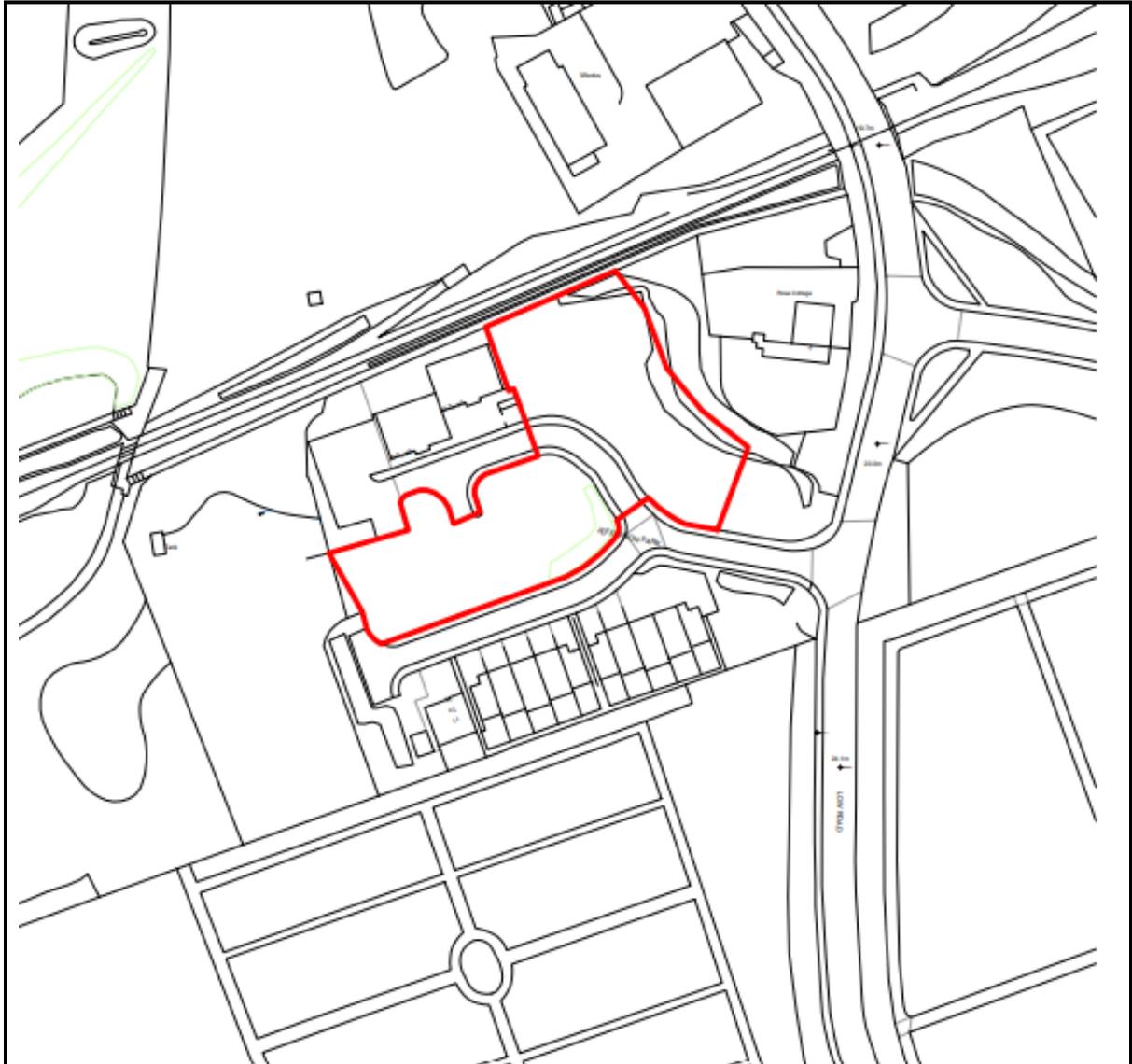


To: PLANNING PANEL

Development Management Section

Date of Meeting: 24/11/2021

Application Number:	4/21/2339/0F1
Application Type:	Full : CBC
Applicant:	Home Group
Application Address:	JEFFERSON PARK, WHITEHAVEN
Proposal	CONSTRUCTION OF 14 DWELLINGS FOR AFFORDABLE RENT AND ASSOCIATED INFRASTRUCTURE, PARKING AND LANDSCAPING
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel as the Planning and Place Manager considers it to be of sufficient importance in planning terms to refer to the Planning Panel for determination.

Site and Location

This application relates to land at Jefferson Park.

Outline planning permission was originally granted for the redevelopment of the site for residential use in 1998 (application reference 4/98/0311/0 relates). A subsequent

application for the erection of 48 dwellings was approved in 2007 (application reference 4/06/2681/0 relates). Phase one of the development comprising 24 units has been complete.

The Application Site covers an area of 0.32 hectares and includes land to the west of Rose Cottage and the undeveloped areas on the site between the existing estate road and the 24 dwellings that were erected under phase one.

Jefferson Park is accessed directly from Low Road and is adjoined by the cemetery to the south and open fields to the north and west.

Proposal

This application seeks full planning permission for the erection of 14 dwellings on the site for affordable rent, including the associated infrastructure, parking and landscaping. It would effectively complete the development that was granted planning permission in 2007.

The main group of dwellings proposed are to be arranged in the form of two terraced blocks in the centre of the site. Three pairs of semi-detached units will also occupy the space on the north eastern edge of the site. Each dwelling will comprise an open plan kitchen/diner, WC and living room on the ground floor and two bedrooms and a bathroom on the first floor.

Externally the dwellings will be faced with a combination of clay facing brick, K-render with feature brick detailing between the windows and a dark grey cedar cladding. The roofs will be covered with anthracite coloured tiles and the windows and doors will be anthracite UPVC.

Access will remain as existing, with a total of 21 residents car parking spaces and 3 visitor bays proposed to serve the development.

The application has been accompanied by the following documents:

- Site Location Plan;
- Block Plan;
- Site Plan;
- Floor Plans and Elevations;
- Materials and Boundary plan;
- Site Sections;
- House Types;
- External Materials Schedule;
- Topographical Information;
- Phase 1 and II Geo-Environmental Site Investigation;
- Preliminary Ecological Appraisal;
- Coal Mining Risk Assessment;
- Flood Risk Assessment and Drainage Strategy Phase 2;
- Operation and Maintenance Plan for Sustainable Drainage Systems Phase 2;

- Affordable Housing Statement;
- Transport Statement;
- Pre-development Arboricultural Report;
- Reptile survey;
- Design and Access Statement.

Consultation Responses

Whitehaven Town Council

No objections.

Cumbria Highways Department

First Response

Application 4/06/2681 was approved for 48no. dwellings where access arrangement, drainage, parking and turning were agreed. Since the approval of this application 24 of the 48 houses have been built and the additional 14 proposed here will not mean an expansion of the previously approved residential development site.

The access and parking arrangements have been constructed since the application in 2006 and we recommend that the developer contacts the Local Highway Authority to discuss formal adoption of the site.

It has been noted that the proposed parking for the level of development is slightly below our usual requirements but, as stated within the Transport Statement, we appreciate that there is regular and accessible means of public transport that provide travel to and from the site. The LHA have no concerns with the proposed level of off-street parking.

We have two minor concerns regarding the arrangement of the parking however. Outside Plots 4 & 5 the parking forecourt appears to be 5m wide where this should be altered to allow a 6m forecourt. This will enable vehicles to manoeuvre in and out of the spaces.

The second concern that we have is the position of space 14 shown on Drawing Number 205. We feel that this is too close to the bend in the road leading to the junction and believe that visibility here will be compromised. We recommend that this space is moved so that is further away from this bend to ensure safe accessibility.

The LHA are not yet in a position where we could make a recommendation of no objections to this application. We would be better placed to do this upon receipt of further information as noted:

- Revises the forecourt for parking outside of Plots 4 & 5;
- Revises the parking arrangement for Plots 13 & 14 to relocated bay '14' away from the bend in the road to aid visibility and ensure safety.

Second Response

It is understood that no further information has been provided address the Highway aspects of this application. The Local Highway Authority comments on 19/08/21 should still be applied.

Third Response

Application 4/06/2681 was approved for 48no. Dwellings where access arrangement, drainage, parking and turning were agreed. Since the approval of this application 24 of the 48 houses have been built and the additional 14 proposed here will not mean an expansion of the previously approved residential development site.

The access and parking arrangements have been constructed since the application in 2006 and we recommend that the developer contacts the Local Highway Authority to discuss formal adoption of the site. It has been noted that the proposed parking for the level of development is slightly below our usual requirements but, as stated within the Transport Statement, we appreciate that there is regular and accessible means of public transport that provide travel to and from the site. The LHA have no concerns with the proposed level of off-street parking.

Our previous response on 19/08/2021 raised concerns regarding the forecourt for vehicles being able to manoeuvre in and out of the parking spaces provided for plots 4 & 5 and visibility of the access junction from bay 14. Drawing number 202 has since been submitted addressing these concerns and is now considered acceptable to the LHA.

Local Lead Flood Authority

First Response

It has been noted that the application form and the drainage plan contradict one another. The application form states that surface water will be discharged to the main sewerage system and the drainage plan (Drawing No. 100) demonstrates that underground attenuation tanks will be installed and they will then feed into the existing culverted watercourse. The LLFA would request that a detailed drainage strategy is submitted that clarifies the proposed means of surface water drainage. If the developer is proposing a continuation of the drainage strategy that was approved under the 2006 application then we would request that full details of that are submitted.

Before connecting the surface water to the culverted watercourse, the LLFA would like to ensure that there will not be an increased flood risk elsewhere as a result of this should any damage be caused or the culvert does not have the capacity to support this. We would therefore strongly suggest that the culvert is fully inspected and surveyed along with CCTV surveys before and after development to ensure that the culvert can account for this increased use.

The LLFA are not yet in a position where we could make a recommendation of no objections to this application. We recommend that the developer submits a full drainage strategy.

Second Response

It is noted from Page 10 of the FRA that there is a section of pipework that is damaged in the existing carriageway. The applicant's drainage engineers have suggested that this is repaired during the construction works of the development whilst also repairing the land drain from the cemetery. The LLFA note that there is a trash-screen for a culvert that is routed through the site. The maintenance of the trash-screen will fall to the developer and should be listed on the maintenance schedule. It is understood that this could fall under 'Remedial Actions' which is currently listed on the maintenance schedule but we feel the maintenance of the trash-screens needs to be specifically listed to avoid doubt.

The engineers have stated that repairs to the damaged pipes can be carried out during construction. I therefore recommend that the condition below is included with any permission you might grant.

1. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should also include mitigation measures where it is deemed the improvements are required.

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

Third Response

It is noted from Page 10 of the FRA that there is a section of pipework that is damaged in the existing carriageway. The applicant's drainage engineers have suggested that this is repaired during the construction works of the development whilst also repairing the land drain from the cemetery. The details submitted on Operation & Maintenance Plan for Sustainable Drainage Systems Revision A are now acceptable to the LLFA.

The engineers have stated that repairs to the damaged pipes can be carried out during construction. I therefore recommend that a condition to provide this is included with any permission you might grant.

There have been no means of water treatment proposed before it connects to the existing system. The LLFA would be minded to suggest that permeable paving is used on the driveways for the properties as it would treat the water before it enters the pipe and also act as attenuation.

United Utilities

First Response

No objections subject to conditions relating to the provision of a full surface water drainage plan, foul and surface water to be drained on separate systems and the management of the drainage scheme.

Second Response

Following our review of the submitted drawing of Indicative Drainage Layout and Level Information, ref: K38379-100 dated 02/07/2021, proposing surface water discharging into watercourse, we can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design. With this in mind, we request a condition to provide a full surface water drainage scheme prior to the commencement of development.

Third Response

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

Condition 1 – Foul and surface water

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing K38379 - 100, Rev 0 - Dated 02.07.2021 which was prepared by RGPARKNS. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason

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

Environment Agency

No objections subject to a condition requiring the submission of a remediation strategy to deal with the risks of contamination.

Flood and Coastal Defence Engineer

First Response

In common with many applications the submissions contradict each other.

The application states that surface water will be disposed of to the main sewer, yet the Indicative Drainage Layout shows that it will be discharge via attenuation tanks into the culverted watercourse that runs through Jefferson Park.

Given that the geotechnical report states that soakaway drainage will be highly unlikely, this would be the most appropriate means of surface water disposal, although there are concerns that offsite the culvert has not been fully surveyed to ascertain its condition.

Indications are that the surface water drainage is to remain private, and if so, confirmation of the long term maintainer (presumably Home Group) is needed.

It would appear that a Drainage Strategy Report has been completed to determine the size of the attenuation tanks and the restricted flow rates from the tank, but one has not been submitted.

Is it possible to ask about a Drainage Strategy Report?

Agent Response

To answer the more specific points mentioned in the email, I can confirm that drainage via infiltration (soakaways) is not a viable option for this site due to the existing ground conditions and it was intended that surface water runoff from the proposed new development areas would be positively drained and attenuated, with controlled discharge to the existing culverted watercourse running through Jefferson Park. It was also assumed that the proposed surface water drainage system would remain private in line with the existing site drainage. Home Group will take on responsibility for maintaining this.

Second Response

- Flood mapping shows the site in Flood Zone 1 and the properties are considered as being at a low risk of surface water flooding, with a low probability of the road suffering surface water flooding.
- However, the flood risk from blocking of the trash screen on the culvert upstream of the culvert is unlikely to have been mapped, so there is possibly a higher risk than mapped. This is really a maintenance issue for the riparian owner, which is probably Home Group, to ensure that the trash screen is regularly cleared of debris.
- The drainage hierarchy has been followed, with infiltration being discounted and therefore the next best option of discharge to watercourse is proposed. This is via the culverted section that runs through the site.
- The surface water design is based on a 1 in 100 year event with a 40% climate change allowance and an urban creep allowance and the system uses geocellular storage.
- The surface water system is to remain private and maintained by Home Group and a maintenance plan has been submitted.

Based on the information provided, I have no objection to the proposed development.

The Coal Authority

No objections subject to conditions relating to site investigations and a declaration that the site has been made safe.

Environmental Health

Based on the information submitted with the above application, Environmental Health support in principle the application and have no objections. The Coal Authority consultation

response details conditions and has provided an informative on the regulatory requirements.

However with the note of potential for disruption and concerns raised by the Coal Authority we therefore request the following conditions:

- Demonstrate to the local planning authority the current gas regime on site and follow Ciria 665, undertaking monitoring for a minimum of 3 months with at least 1 measurement below 1000 millibars
- Provide a full and detailed specification for the consolidation of abandoned mine workings to the local planning authority
- All external lighting shall meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011)
- All HGV deliveries to the site shall be carried out solely between the hours of 09:00 and 17:00 Monday to Friday. There shall be no HGV deliveries on Saturdays, Sundays and Bank Holidays
- No idling or waiting by deliveries to prevent noise nuisance
- Conditions for operating hours for construction from Environmental Health are 08:00 – 18:00 Monday – Friday, 08:00 -13:00 Saturdays and no operation on Saturday or Bank Holidays.
- The Construction management plan must cover dust emissions, noise and vibration and identify remedial action to prevent nuisance from dust, noise and vibration
- A contact telephone number must be provided for members of the public to report any concerns/complaints

Natural England

No comments to make.

Footpaths Officer - Cumbria County Council Rights of Way

A PROW (public footpath/bridleway/byway) number 43101 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Council Consultant Arborist (Capita)

A Pre-development Arboricultural Report, which includes an arboricultural impact assessment of the scheme has been provided as part of the submission documents for the proposed development.

The report highlights a number of trees on site which will have to be removed to implement the proposal. These trees have been identified as being of low quality and their removal can be mitigated by suitable replacement planting.

There will be some impact on the retained trees from the development and this needs to be minimised. This can be achieved by means of a robustly worded arboricultural method

statement which can be secured by way of a condition attached to the decision notice, should the proposal be acceptable.

The proposed hard landscaping is shown on the Boundary and Materials Plan and is acceptable. Some indications of the proposed soft landscaping are set out in the Design and Access Statement and in the Boundary and Materials Plan but is not detailed. A suitable high quality soft landscaping scheme that mitigates the loss of the trees and provides net-gain in accordance with the National Planning Policy Framework can be secured by condition.

Conditions requiring a detailed soft landscaping scheme, and a robustly worded arboricultural method statement must be attached to the decision letter should the application prove acceptable. Both the landscaping scheme and method statement must be agreed in writing by the Local Planning Authority prior to commencement of development on site.

Copeland Strategic Housing Manager

This is an application from Home Group, the largest social housing provider in Copeland, to develop 14 x 2-bedroom dwellings on an existing site in Whitehaven where 24 homes have already been completed (in 2012).

The original application intended for the remainder of the dwellings to be flats, but permission is now sought for these to be replaced by 2-bedroom dwellings, based on the view that there is limited demand for further flats.

A significant amount of the social housing stock owned by Home Group is 3 bedroomed and no longer suitable due to benefit restrictions and lack of demand, so we support the development of 2-bedroomed dwellings on this site. The current SHMA indicates a need for more 2-bedroomed dwellings, and this is supported by the applicants' own data.

There is considerable need for additional affordable housing across the borough, from existing and newly forming households, and this will bring modern, family housing to a popular area of Whitehaven, where similar housing has already been established.

Our Housing Strategy (2018-2023) prioritises provision of sufficient affordable housing, through working with registered provider partners to regenerate and reconfigure the social housing mix, and this is a key development helping to address the over-supply of 3 bed properties and under supply of smaller homes.

The location of these dwellings will be popular, due to the proximity of Whitehaven Town Centre as well as local amenities and the design is intended to support safe, inclusive communities which is also a key part of our Housing Strategy.

We do know that there is a need for 1-bedroom flats in the Whitehaven area but some of the demand will be met by the development by Home Group in the town centre due to come online later this year and so we would support the change to 2 bed dwellings within this application.

We are supportive of this application.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 36 no. properties.

5 local residents raised concerns with the development including the following:

- Ecology will be destroyed;
- The housing need is not addressed by the application;
- Original application included bungalows, but none are proposed by this application;
- The green where children play will be lost;
- The roads are not wide enough for the existing traffic and concerns that construction traffic will make access difficult;
- Drainage effect on existing properties as the estate has issues with flooding;
- Loss of privacy/overlooking concerns;
- Loss of light;
- Noise from the construction and effects on existing occupants.

Planning Policies

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

Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

HSG2 – New Housing Allocations

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

National Planning Practice Guidance (PPG)

National Design Guide (NDG)

Manual for Streets

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

Cumbria Development Design Guide (CDDG).

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Housing Strategy 2019

Copeland Borough-Wide Housing Needs Survey 2020

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

The main issues raised by this application are the principle of development, housing need, layout, scale and design, ecology, trees, highway safety, drainage and ground conditions. These are considered below.

Principle of the development

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3 of the Copeland Local Plan 2013-2028 seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the

defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

This site has already had the benefit of planning permission in the past which has established the principle of developing the land for residential purposes. The site lies within the settlement boundary for Whitehaven, the Principal town within the Borough. Its development for housing is consistent with the strategic development principles set out in Policies ST1 and ST2 of the LP.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In November 2020, the Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS and LP must be considered out of date.

Consultation on the Local Plan 2017-2035 Preferred Options Draft (ECLP) ended in December 2020. The ECLP will, once adopted, replace the Core Strategy.

The ECLP has been drafted based upon an evidence base of documents which includes a Strategic Housing Market Assessment (SHMA). The SHMA calculates the housing need in Copeland over the plan period of 2017-2035 of 140 dwellings per annum.

The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS. Policy ST2 also does not accord with the NPPF which requires local planning authorities to significantly boost housing delivery.

In the context of the above, Paragraph 11 of the NPPF is engaged and 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 applying the provisions of Paragraph 11:

- the Application Site comprises a parcel of land that is within the settlement boundary of Whitehaven in a location that is considered a sustainable location for new residential development;
- the proposed development would assist in significantly boosting housing supply to meet the identified need for affordable housing within Whitehaven and the wider Borough as detailed in Policy ST2 of the CS;
- the proposed development comprising the erection of 14 dwellings would complete the existing development at Jefferson Park and is appropriate in size and character to the Principal Centre of Whitehaven in accordance with the spatial objectives of Policy ST2 and ST2 of the CS;
- the Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Whitehaven, many of which are located within walking distance of the Application Site.
- Sustainable travel options exist within the vicinity of the site

Housing Need and Housing Mix

Policy SS3 of the LP states that applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone. It is confirmed that development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 Update (SHMA).

The submitted Affordable Housing Statement details that the scheme is 100% affordable and will provide 14 affordable rented dwellings. The scheme will be supplied by a registered social landlord and partly funded by Homes England. On this basis there is not requirement for a Section 106 agreement to bring the affordable homes forward.

The Applicant, Home Group, have stated that they are experiencing a demand for 2 bedroomed properties within Whitehaven and that the majority of their existing stock is 3 bedroomed houses. It is anticipated that the provision of 2 bedroomed properties will allow smaller families and those looking for their first tenancy to manage a home in a stable community.

The Council's Strategic Housing Team strongly support the application. The current SHMA indicates a need for more 2-bedroomed dwellings and for additional affordable housing Borough wide. The Housing Strategy (2013 – 2028) prioritises the provision of sufficient affordable housing and seeks to reconfigure the social housing mix, addressing the over-supply of 3 bedroomed properties.

On this basis the proposal for 2 bedroomed affordable rental properties is welcomed and is in accordance with Policies SS1, SS2 and SS3 of the Local Plan. The applicant is a registered social landlord and the scheme will benefit from funding support by Homes England which will secure the delivery of this scheme.

Layout, Scale and Design

Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

The layout and scale of the development is considered to be appropriate given the constraints of the land in terms of its configuration, gradient and the relationship to the existing dwellings and access road. Each dwelling includes a satisfactory rear amenity space which can be used for bin storage.

All facing elevations comply with the minimum separation distances expected to maintain privacy and ensure there is no overlooking.

Attempts have been made to break up the massing of the development by the use of 3 pairs of semi-detached properties, and two terraced blocks. Plots 13 and 14 have been orientated to face the road on the approach into Jefferson Park in order to create an attractive and welcoming entrance into the estate. The orientation of plots 4-8 will also form a strong frontage and help to define an area of open space which will help to soften the development.

Parking has been provided to the front of plots 9-14, with the remaining parking arranged in a parking court to serve the other properties. This will ensure that the development is not dominated by parked vehicles. Soft landscaping has been proposed on the edges and between the parking bays in order to help screen and soften the hard surfacing.

The use of a varied palette of external facing materials will help to break up the frontage of the development and provide an attractive and modern appearance which will enhance the existing housing estate.

Concerns have been raised from local residents with respect to the loss of the current open space that is located within the centre of the site as it provides an area for children to play on. This land was approved for housing in previously approved scheme and has not been designated as a formal play space for children, therefore any informal use cannot be guaranteed for local residents.

The submitted details are considered to be in accordance with Policies DM10, DM11 and DM12 of the Local Plan relating to layout scale and design.

Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The Application was originally submitted without any information relating to the existing ecology on the site and objections were received from local residents raising concerns with regards to this. As a result, a Preliminary Ecological Appraisal and Reptile Survey was requested and supplied by the Applicant.

The Preliminary Ecological Appraisal concluded that there were no internationally, domestically or locally designated sites that were within a proximity that would impact upon the proposed development. With regards to specific species, the report concludes as follows:

- The risk of bat roosts occurring within the works area is 'nil'. The site itself is unlikely to be of significance to foraging or commuting bats in the wider area. There is some limited potential for bats using the woodland edge habitat to the north and west for foraging and commuting but considering the site in the context of its current usage and its surroundings, the risk of disturbing individual bats is therefore considered to be 'negligible'.
- The risk of great crested newts occurring on site is considered to be 'nil' and consequently the risk of great crested newts being affected by the proposed works is also considered to be 'nil'.
- The risk of otter being affected by the proposed works is considered to be 'nil'.
- The risk of badger being affected by the proposed works is considered to be 'nil'.
- Portions of the site offer suitable reptile habitat which may be occupied by common reptiles (common lizards and / or slow worms). If common reptiles do occur on site, they would certainly be affected by the proposed works. The risk of harm to common reptiles is currently unknown - further survey effort is recommended to confirm presence / likely absence of reptiles.
- The risk of breeding birds being affected by the proposed works is considered to be 'low'. No further survey effort is deemed to be necessary, but mitigation measures should be observed to remove the risk of breeding birds being affected during site clearance.
- The risk of red squirrels being affected by the proposed works is considered to be 'negligible' and no further survey effort is recommended, however, in recognition of the fact that red squirrels do occur in the vicinity, measures should be observed to remove the risk to red squirrels during site clearance.
- 'Other mammals', including burrow dwelling species may occur on site. There is a risk that 'other mammals' will be affected by the proposed works.
- The risk of invasive non-native species currently growing on site being spread within or beyond the site boundary is currently considered to be 'high'. Any disturbance of rhizomes is likely to result in the plant being spread either within the site boundary or beyond the site boundary if contaminated material is transported from the site.

The generic risk of invasive non-native species being introduced to the site and then spread within or beyond the site boundary is considered to be 'low'.

As a result of these findings, the following mitigation is recommended:

- Vegetation clearance should occur outside of the bird nesting season (March - August).
- If any vegetation clearance must occur during the bird breeding season, a breeding bird survey must be conducted immediately prior to vegetation clearance commencing. Should evidence of active nest sites (or dependant young) be identified, no work will be possible until the nest can be confirmed as no longer active or the young have fledged and / or moved out of the works area. This should be conducted by a suitably experienced ecologist.
- A checking survey must be conducted immediately prior to vegetation clearance commencing. Should evidence of red squirrel dens / dreys be identified, no work will be possible until the den / drey can be confirmed as no longer active. This should be conducted by a suitably experienced ecologist.
- All plant operatives will be vigilant for mammal burrows. If burrows are discovered, no plant will operate within 5m of any burrow entrance until an experienced ecologist can confirm if the burrow is active. If burrows are found to be active, measures will be taken to exclude mammals before works in the area may proceed.
- The identified stand of Japanese knotweed on the western boundary should be subject to herbicidal treatment designed to eradicate this species from within 10m of the site boundary. This should commence as soon as possible and continue until no new above ground re-growth is observed over a 2 year period.
- Until the identified stand of Japanese knotweed has been completely eradicated (and no new re-growth observed for 2 years), there should be no excavation within 10m of the extant above ground growth.
- All plant and equipment (including boots and hand tools) will be washed to remove any mud or debris, allowed to dry and remain dry for a period of 48hrs prior to being delivered to site.
- All loose aggregates delivered to site must be clean and free from contamination with seeds or vegetative material from invasive non-native species and certified as such by the supplier.
- All top soil delivered to site must be clean and free from contamination with seeds or vegetative material from invasive non-native species and certified as such by the supplier. Imported top-soil should conform to Section N.6.4.5 of BS 3882:1994; The British Standard for Topsoil.
- All plant and equipment (including boots and hand tools) will be thoroughly washed to remove any mud or debris prior to being removed from the site.

Furthermore, a reptile study was undertaken due to the potential for their presence onsite and the possible direct harm created by the development. Based on the results of seven repeat survey visits conducted during the optimal reptile survey period and in optimal weather conditions, it was concluded that reptiles are likely to be absent from the site and

there are therefore no predicted impacts to common reptiles during the development nor operational phases.

Due to the number of mitigation measures advised in the Preliminary Ecological Appraisal, it is considered reasonable to impose a suitably worded planning condition on any approval to ensure that these measures are implemented prior to the clearing of the site. Subject to this condition the proposals are considered to accord with Policies ST1, ENV3 and DM25 of the Copeland Local Plan

Landscaping and Trees

Policy DM26 of the LP requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species. The Council will require landscaping schemes to be maintained for a minimum of five years.

The submitted pre-development Arboricultural Report highlights a number of trees on site which will have to be removed. These trees have been identified as being of low quality and their removal can be mitigated by suitable replacement planting. There will be some impact on the retained trees which can be minimized by the developer following the guidance contained in BS 5837 (2012).

The areas identified for proposed hard and soft landscaping appear to be acceptable in principle but insufficient detail has been provided to allow a full assessment. The Council's consultant Arborist (Capita) has recommended that an Arboricultural Method Statement and a soft landscaping scheme should be submitted to the Local Planning Authority prior to the commencement of works in order to ensure that the trees which are to be retained are adequately protected, that the loss of trees is mitigated by replacement planting and net-gain can be provided in accordance with the NPPF. These can be secured by appropriately worded planning conditions.

Provided that the conditioned information is supplied and approved and all mitigation measures implemented, it is considered that the proposal will comply with Policies ENV3, DM25, DM26 and DM28 of the Copeland Local Plan.

Access, Parking and Highway Safety

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

The development proposes a total of 21 resident parking spaces and 3 visitor bays, totally 24 spaces. The spaces are easily accessible from Jefferson Park and there is sufficient space for entering, turning and exiting in a forward gear. This provision of parking is considered to be acceptable as the site is located on the outskirts of Whitehaven with public transport links nearby and the town is within walking distance.

The Highway Authority raised concerns with the width of the car parking court and requested that it be amended to ensure that the parking bays are 6m in length and that the parking for plot 14 is relocated away from the bend on the entrance to Jefferson Park. These revisions were undertaken and the Highway Authority has confirmed that it has no further objections.

Concerns were raised by local residents that the existing access roads are not wide enough to serve the existing dwellings and that the situation will be worsened by the new development proposed. The road network was built in 2012 as part of the previous planning approval to an adoptable standard. The Highways Authority has suggested that the Applicant contact them in order to have the roads formally adopted. On this basis, it is considered that the roads are of a standard sufficient to serve a total of 38 dwellings on the site as proposed.

Public right of way number 431061 runs to the north of the site but will be unaffected by the proposal. An informative is proposed as part of any approval to ensure that it is not obstructed during or after the development.

Overall, it is considered that the details comply with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

Drainage and Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

A Flood Risk and Drainage Assessment was submitted during the application process, which concludes that the site is unsuitable for infiltration, therefore attenuation and drainage through the existing culverted watercourse is the most appropriate form of drainage proposal. Whilst the Local Lead Flood Authority have requested that the culvert be surveyed for suitability for this drainage proposal this has not been possible during the application process. It is therefore considered that a suitably worded planning condition is imposed on any approval to ensure that these investigations are undertaken.

The system will be maintained by Home Group for the lifetime of the development in accordance with the submitted maintenance and management plan.

Foul water is to be drained on a separate system.

Overall, it is considered that, subject to the proposed planning conditions requiring the provision of the outstanding information, a suitable drainage scheme is achievable which would ensure compliance with Policies ENV1 and DM24 of the Copeland Local Plan.

Ground Conditions

The NPPF under paragraph 183 requires sites to be suitable for their proposed use taking into account ground conditions and any risks arising from land instability and contamination, including any proposals for mitigation and remediation.

The proposed site lies on a development referral area for historic mining operations and therefore a Geo-Environmental Site Investigation report was submitted as part of the planning application. This report concludes that compressible ground and subsidence hazards have been identified associated with historical shallow mine workings in the locality for which there are no records of stabilization. In response to this report the Coal Authority have requested planning conditions to ensure that the developer provides further intrusive site investigations, any required remedial works and a signed statement to confirm the stability of the site, prior to any occupation of the dwellings.

The Council's GIS system identifies the site as an area of potentially contaminated land. The Site Investigation Report submitted confirms that asbestos was encountered in a number of Made Ground samples and that further investigations would be required to determine the concentrations and remedial strategy required. No risk to controlled water or from ground gas was discovered. On this basis the Environment Agency have requested a suitably worded planning condition to ensure that this risk is investigated and dealt with prior to the commencement of the development.

Subject to planning conditions the proposal will comply with Policy ST1 of the Copeland Local Plan and paragraphs 183 and 184 of the NPPF.

Planning Balance

For the reasons outlined above, 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 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.

The proposed site has previously benefitted from planning permission for residential development and is situated within the settlement boundary for Whitehaven. The site is located on the outskirts of Whitehaven with public transport links nearby and the town is within walking distance so is considered sustainable.

This proposal would significantly boost the housing supply to meet the identified need for affordable housing within Whitehaven and the wider Borough. The proposed mix of housing accords with the mix detailed in Policy SS3 and the SHMA and would provide 14 affordable units that would be managed by a RSL.

The scale, design and layout is considered to be acceptable and will provide an attractive and modern appearance which will complete the Jefferson Park estate.

Issues relating to ecology, landscaping, parking, drainage and ground conditions have been fully considered and suitably worded planning conditions suggested in order to ensure that full information is received and approved prior to the commencement of works, with mitigation measures implemented where applicable.

All objections to the proposal have been considered and addressed.

In overall terms the benefits of the proposal would significantly outweigh any harm when assessed against the policies in the NPPF taken as a whole.

Recommendation:-

Approve subject to the following conditions:-

Conditions

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

Reason

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

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

Site Location Plan, scale 1:1250, drawing number 101, received 22nd July 2021;

Block Plan, scale 1:200, drawing number 201, received 22nd July 2021;

Site Plan, scale 1:200, drawing number 202, received 14th September 2021;

HT01 Floor Plans and Elevations, scale 1:100, drawing number 203, received 22nd July 2021;

HT01 Floor Plans and Elevations, scale 1:100, drawing number 204, received 22nd July 2021;

Materials and Boundary plan, scale 1:200, drawing number 205, received 22nd July 2021;

Site Sections, scale 1:200, drawing number 206, received 22nd July 2021;

House Types, scale 1:100, drawing number 207, received 22nd July 2021;

External Materials Schedule, drawing number 001, received 22nd July 2021;

Topographical Information, scale 1:200, drawing number 102, received 22nd July 2021;

Phase 1 and II Geo-Environmental Site Investigation, written by E3P, received 22nd July 2021;

Preliminary Ecological Appraisal, written by Hesketh Ecology, received 14th September 2021;

Coal Mining Risk Assessment, written by E3P, received 14th September 2021;
Flood Risk Assessment and Drainage Strategy Phase 2, written by RG Parkins, received 14th September 2021;
Operation and Maintenance Plan for Sustainable Drainage Systems Phase 2, written by RG Parkins, received 8th November 2021;
Affordable Housing Statement, received 22nd July 2021;
Transport Statement, written by Modal Highway Consultants Limited, received 22nd July 2021;
Pre-development Arboricultural Report, written by Treescapes Consultancy Ltd, received 22nd July 2021;
Design and Access Statement, written by Home Group, received 22nd July 2021.

Reason

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

Pre-commencement Conditions

3. No development must commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason

To ensure that land stability is ensured in accordance with Policy ST1 of the Copeland Local Plan.

4. Prior to the commencement of development, a full and detailed specification for the consolidation of abandoned mine workings must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the stability of the land, in accordance with Policy ST1 of the Copeland Local Plan.

5. Prior to the commencement of works, the current gas regime on site following Ciria 665, undertaking monitoring for a minimum of 3 months with at least 1 measurement below 1000 millibars must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the site is suitable for residential development in accordance with Policy ST1 of the Copeland Local Plan.

6. No development approved by this planning permission must commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme must be implemented as approved and maintained as such at all times thereafter.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policy ST1 of the Copeland Local Plan.

7. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should also include mitigation measures where it is deemed the improvements are required.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

8. Prior to the commencement of development, a construction management plan must be submitted to and approved in writing by the Local Planning Authority.

This must include the following as a minimum:

- All HGV deliveries to the site must be carried out solely between the hours of 09:00 and 17:00 Monday to Friday. There must be no HGV deliveries on Saturdays, Sundays and Bank Holidays;
- No idling or waiting by deliveries to prevent noise nuisance;
- Construction operating hours must not exceed 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturdays and no operation on Sunday or Bank Holidays;
- Dust emissions, noise and vibration levels and remedial action to prevent nuisance from dust, noise and vibration;
- A contact telephone number for members of the public to report any concerns or complaints.

Reason

To safeguard the amenity of the existing occupants on Jefferson Park and in accordance with Policy ST1 of the Copeland Local Plan.

9. Prior to the commencement of the development hereby approved, a detailed soft landscaping plan must be submitted to and approved in writing by the Local Planning Authority. Any approved landscaping must be implemented according to the approved plans and retained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM26 of the Copeland Local Plan.

10. Prior to the commencement of development, an Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. All details approved must be implemented and retained as such at all times thereafter.

Reason

To ensure a satisfactory appearance and method in accordance with Policy DM26 of the Copeland Local Plan.

Pre-occupation Condition

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

Reason

To safeguard the amenities of occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

Other Conditions

12. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011) and be retained as such at all times thereafter.

Reason

To ensure the amenity of all occupants in accordance with Policy ST1 of the Copeland Local Plan.

13. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing K38379 - 100, Rev 0 - Dated 02.07.2021 which was prepared by RGPARKNS. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority. No surface water will be permitted to drain directly or indirectly into the public sewer. The development must be completed in accordance with the approved details.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

14. The development must be constructed, maintained and managed in accordance with the Operation and Maintenance Plan for Sustainable Drainage Systems, written by R.G. Parkins, received 14th September 2021 for the lifetime of the use of the site.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

15. All recommendations and mitigations set out in the Preliminary Ecological Appraisal, written by Hesketh Ecology, received 14th September 2021 must be considered and implemented at all times during the site clearance and ongoing development.

Reason

To ensure the protection of all species and possible species on site and in accordance with Policy ENV3 of the Copeland Local Plan.

Informatives

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can

be obtained from: www.groundstability.com <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

2. A PROW (public footpath/bridleway/byway) number 43101 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.