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| <b>Application Reference Number:</b> | <b>4/20/2432/0F1</b>  |
| <b>Application Type:</b>             | Full Planning Application   |
| <b>Application Address:</b>          | Land at Howbank Farm and Former Orgill Infants School Site, Egremont. |
| <b>Proposal</b>                      | Residential development (105 dwellings in total).                     |
| <b>Applicant</b>                     | Gleeson Homes   |
| <b>Agent</b>                         | SRE Associates  |
| <b>Valid Date</b>                    | 19 <sup>th</sup> October 2020   |
| <b>Case Officer</b>                  | Chris Harrison  |

## **Cumberland Area and Region**

Copeland and Egremont

## **Relevant Development Plan**

Copeland Local Plan 2013-2028 (Adopted December 2013).  
Emerging Copeland Local Plan 2017-2038.

## **Reason for Determination by the Planning Committee**

The Application Site exceeds 2 hectares in area and exceeds 100 dwellings; therefore, it falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation.

## **Background**

This planning application was on the agenda for the meeting of the Planning Committee on the 31<sup>st</sup> January 2024; however, it was removed from the agenda following the submission of revised/additional information by the Applicant, which required re-consultation with the relevant statutory consultees, non-statutory consultees and neighbours/public.

The revised/additional information submitted by the Applicant seeks to resolve/address Reason for Refusal 3, Reason for Refusal 4 and Reason for Refusal 5 as detailed in the report prepared for the meeting of the Planning Committee on the 31<sup>st</sup> January 2024.

The additional information received comprised:

- A covering email/letter;
- A plot parking layout detail/example;
- A revised site layout plan; and,
- A Sequential Test Report.

This report is a new report and is not an addendum to the report prepared for the meeting of the Planning Committee on the 31<sup>st</sup> January 2024.

This report has been prepared on the basis of the revised/additional information submitted by the Applicant and the comments received from the required re-consultation with the relevant statutory consultees, non-statutory consultees and neighbours/public.

### **Recommendation:**

It is recommended that Members refuse the Full Planning Application for the reasons outlined at the end of the report.

## **1. Site and Location**

- 1.1 The Application Site relates to two sites within close proximity to each other in the settlement of Egremont, Cumbria.
- 1.2 The larger of the two sites is referenced as the How Bank Farm site and comprises 4.15 hectares (10.26 acres) of agricultural land. The site is irregular in shape and falls significantly from its northern boundary towards the south and the east. Tree planting exists to the south and east boundaries, some which have been removed to facilitate the creation of flood storage structures on Lower Whangs Beck. The site adjoins open fields to the north and to the east, with existing residential properties to south and west. The land is currently accessed from Chaucer Avenue
- 1.3 The smaller of the two sites is referenced as the Former Orgill School site and comprises 0.64 hectares (1.57 acres) former school site. The site is a cleared site that has most recently been used as a compound by the contractors completing the Skirting Beck and Whangs Beck Flood Risk Management Scheme. The site is regular in both shape and topography. The site is situated at the junction of Chaucer Avenue with Croadalla Avenue and is surrounded by existing residential development.
- 1.4 There are no conservation areas or listed buildings on or directly adjacent to the Application Site
- 1.5 The How Bank Farm site is principally located in Flood Zone 1, with part of the site access located in Flood Zone 3.
- 1.6 The Former Orgill School is located in a combination of Flood Zone 1, Flood Zone 2 and Flood Zone 3.
- 1.7 Skirting Beck and Whangs Beck Flood Risk Management Scheme has recently been completed in this area of Egremont. The scheme has involved constructing flood storage areas, with flood walls and flood embankments, at West Lakes Academy, the Falcon Club, How Bank Farm and at Whangs Beck Culvert. Improvements were also completed at Croadalla Avenue on Skirting Beck. Property resistance measures

have also been delivered to 36 properties across the town. The scheme seeks to reduce the flood risk to 220 properties.

- 1.8 Public Right of Way ref. FP406001 and FP406006 are located to the south and west of the How Bank Farm site and Public Right of Way ref. FP406007 is located to the east of the Former Orgill Infant School.

## **2. Proposal**

- 2.1 This application seeks Full Planning Permission for the erection of 105no. dwellings and associated infrastructure.
- 2.2 The proposed development comprises:
- 16no. 2 bed dwellings;
  - 65no. 3 bed dwellings; and,
  - 24no. 4+bed dwellings.
- 2.3 The dwellings comprise 4no. bungalows and 101no. two storey semi-detached and detached houses.
- 2.4 A total of 10% of the proposed dwellings are to meet the definition of affordable housing as outlined in the National Planning Policy Framework (NPPF). It is proposed that the dwellings are First Homes and delivered in accordance with the provisions and guidelines within the Planning Practice Guidance (PPG).
- 2.5 Access to the How Bank Farm site is proposed via a newly formed junction and spinal highway connecting to Baybarrow Road. The layout of this site incorporates a combination of frontage development to the spinal highway and a number of cul-de-sacs. Areas of formal and informal open space are incorporated within the layout, these include a large undeveloped area to the sloping land to the south, more formal recreational areas and drainage infrastructure.
- 2.6 Access to the How Bank Farm site is proposed via a newly formed junction and spinal highway connecting to Baybarrow Road. The layout of this site incorporates a combination of frontage development to the spinal highway and a number of cul-de-sacs. Areas of formal and informal open space are incorporated within the layout, these include a large undeveloped area to the sloping land to the south, more formal recreational areas and drainage infrastructure.
- 2.7 Access to the Former Orgill School site comprises a combination of driveways fronting onto Chaucer Avenue and Croadalla Avenue and the creation of a shared surface access from Croadalla Avenue. The layout incorporates active frontages to the highways and the open spaces. A drainage infrastructure pond is located within the open space to the south of the site.

- 2.8 A minimum of 2no. off highway parking spaces per dwelling are proposed in addition to which 42no. visitor parking spaces are included within the development layout.
- 2.9 It is proposed to finish the dwellings with brick to the elevations and concrete tiles to the roof structures. White uPVC windows and doors are proposed. The dwelling designs incorporate dormers and gables within the roof pattern to create a varied roofscape and add articulation/interest to the elevations.
- 2.10 A range of differing boundary treatments are proposed including timber fencing and facing brickwork walls.
- 2.11 It is proposed to drain surface water from the How Bank Farm via infiltration, supplemented by controlled discharge to Whangs Beck and Skirting Beck. It is proposed to drain surface water from the Former Orgill School site to the Skirting Beck culvert at a controlled rate.
- 2.12 It is proposed to discharge foul water to the existing public mains system.
- 2.13 The proposed layout, highway design and drainage design have been amended during the course of the application.

### **3. Separate Planning Application – How Bank Farm Site Access**

- 3.1 The Application Site does not include the land required for the access/junction with Baybarrow Road. The land required to deliver the access/junction is not wholly within the public highway and is partially in the ownership of Cumberland Council; therefore, the Applicant has submitted a separate Full Planning Application for the creation of this access – application ref. 4/23/2172/0F1.

### **4. Directly Relevant Planning Application History**

- 4.1 App. Ref. 4/19/2044/0F1 – Creation of three flood storage areas, landscaping and associated works – Land at How Bank Farm, Whangs Beck, Falcon Club, West Lakes Academy and West of Croadalla – Approved.

### **5. Consultations and Representations**

**Egremont Town Council**

Welcome this new housing development however wish for the following concerns to be noted:

1. Appreciate the visibility splay included in the plan however they still have concerns that there is only one access for cars coming in and out which will lead to a noticeable increase in traffic in an area where there is a primary school and a play park.
2. Ask the developers to notify all suppliers, construction staff etc. to limit their speed to a maximum speed of 20 mph whilst in the area and especially due to the close proximity of the school and play park.
3. Developers are requested not to allow work vehicles on or off site during the peak school hours – 8.30am – 9.30am and 2.30pm – 4pm.
4. Ask that the developers inform residents in the immediate area and the Town Council of expected dates of when any abnormal loads are expected on the site.
5. Developers are requested to keep the roads in a clean condition using a road sweeper and wheel wash as a minimum.

The amendments do not change the application significantly enough to warrant anything else but support from the Town Council.

### **Natural England**

No comments.

### **United Utilities**

Following review of the submitted drainage scheme it is confirmed that whilst the strategy for the disposal of foul and surface water is acceptable in principle, there are elements of the detailed drainage design that might not be acceptable to United Utilities. These are: some plots appear to be lower than the proposed drainage runs which could put them at risk in the event of blockages; the proposed drainage may not be adoptable by United Utilities; and, it is not clear from the drawings where the foul water is connecting.

It is requested that the ultimate connection points to chartered public sewers are clearly shown on the drawings.

We request that the proposed drainage strategy is not approved until such time as all concerns are resolved.

Should planning permission be granted without resolution of all drainage concerns, we request imposition of the following planning conditions: a pre-commencement planning condition requiring submission, approval and implementation of a detailed drainage scheme; a planning condition requiring that foul and surface water shall be drained on separate

systems; and, a planning condition requiring submission, approval and implementation of a drainage management and maintenance scheme.

### **Arboricultural Consultant**

Recommend the inclusion of the following planning conditions:

- a pre-commencement planning condition requiring the submission, approval and implementation of an Arboricultural Method Statement including details of the necessary tree protection and any ground protection measures to minimise soil compaction and damage to the retained trees; and,
- a pre-commencement planning condition requiring the submission, approval and implementation of a detailed landscaping scheme.

### **Environment Agency**

#### *Flood Alleviation Scheme*

Initially objected to the development on the basis that the proposed highway access to the How Bank site presented a significant risk to the viability of the flood storage structures on Lower Whangs Beck. It was confirmed that the proposed access from the junction with Baybarrow Road would be in direct conflict with the intended location of a flood embankment.

Revised access details and technical information were subsequently submitted based on the substantially complete Whangs Beck Flood Alleviation Scheme.

In relation to the Orgill School Site additional dimensioned sections through the site showing the relative positions of the developed site levels, finished floor levels, subsurface position of the Main River culvert(s) and the “exceedance flow route through the easement” were requested to enable a clearer understanding of the proposal and associated flood risk.

Following a meeting between the Developer, Agent and consulting engineers to discuss the development, in particular the How Bank Farm development scheme, and its relationship with the Environment Agency's Whangs Beck improvement scheme and the submission of additional technical details, it has been confirmed that no objections exist in relation to conflict with the Flood Alleviation Scheme.

#### *Flood Risk*

It is confirmed that the FRA makes it clear that the access road from Baybarrow Road is at risk of flooding during the design flood event, when there would be overtopping of the lower Whangs Beck flood storage reservoir. The current design presumes the flows would pass over and across the road and footpath. The minimum flood flow velocities in such

an event are as stated as 1.3m/s, however, the FRA states that the velocities could be significantly higher and with potential damaging consequences, potentially washing away the road and footpath forming the site access road from Baybarrow Road.

In the design flood the FRA concludes that the velocities could be as great as 4.79 m/s. No information of depth and duration of flood flows over the road in the design flood event provided and no Hazard Rating analysis is undertaken using the methodology for calculating UK flood hazard rating as defined in the EA/ Defra research Flood Risk Assessment Guidance for New Development (FD2320) and the supporting Explanatory Note for FD2320 and FD2321.

As there is insufficient information in the FRA in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood event for the development proposals and we cannot advise whether the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services to confirm the adequacy of the evacuation proposals.

### *Sequential Test*

The Application Site includes land within Flood Zone 2 and Flood Zone 3.

The proposed development should be treated as development in Flood Zone 2/3 and as such subject to the Sequential Test.

It is for the local planning authority to determine whether or not the proposals satisfy the Sequential Test as defined in National Planning Policy Framework (NPPF) paragraph 158 and, where necessary, the requirements of the first part of the Exception Test as set out in paragraph 160. We will consider whether or not the proposals satisfy the requirements of the second part of the Exception Test.

It is acknowledged that The Environment Agency has conducted modelling which predicts future flood levels at the site once local flood alleviation schemes have been completed (included in Appendix D of the FRA). However, whilst it is likely that our flood maps will be updated in the future to reflect these changes, this will only be done after the as-built modelling and verification has been completed and any proposed changes to flood maps are deemed suitable. Until that point, any changes in the flood zones cannot be guaranteed, and planning decisions should not be based on assumed updates.

### **Cumberland Council – Countryside Access Team (PROW)**

Public Right of Way ref. FP406001 and FP406006 are located to the south and west of the How Bank Farm site and Public Right of Way ref. FP406007 is located to the east of the Former Orgill Infant School and

must not be altered or obstructed before or after the development has been completed.

If the footpath is to be temporarily obstructed then a formal temporary closure will be required.

### **Cumberland Council – Strategic Housing**

The proposed housing mix reflects the housing need identified in the Housing Needs Survey, in that smaller dwellings were required and fewer 4 bedroomed + dwellings.

Egremont is popular with people working at Sellafield and new housing will be attractive to professionals and families – those already in the area looking to upsize and those looking to move into the area.

The inclusion of 11no. affordable homes for sale on this development is in accordance with the provisions of the NPPF. These could be delivered as First Homes, which means that the dwellings would be for sale at 70% of the market value. This is greater than the 80% normally secured and is therefore welcomed, as many people still struggle to afford affordable housing even with a 20% discount in the sale price.

The suggested cost at 70% reduction would be no more than £117,995 (subject to annual review), against a given average of £140,537 across Copeland.

The Affordable Housing Statement proposes a one month nomination period for the Council; however, we would like this to be extended to 6 weeks in line with our discounted sale policy.

### **Cumbria Fire and Rescue Service**

No objections.

### **Cumberland Council – Local Education Authority**

#### *Primary Education*

After other developments in the area are taken into consideration there are insufficient places available in the catchment school Orgill Primary to accommodate the primary pupil yield of 35 from this development. The next nearest school is St Bridget's Catholic Primary School which has sufficient spaces.

An education contribution would not be required.

#### *Secondary Education*



There are insufficient places available in the catchment school West Lakes Academy to accommodate the secondary pupil yield of 22 from this development. The school is already oversubscribed and places are required by other developments in the area. The next nearest school is Whitehaven Academy which is over the walking threshold.

An education contribution of £601,040 (22 x £27,320) would be required.

Please note that this is a snapshot in time and there is a possibility that these numbers will change between now and the point at which a planning application may be approved.

There may be other potential developments that may affect these schools, but as they haven't been approved at this stage, have not been included in the calculations.

## **Cumberland Council - Highways**

### *Transport Assessment*

The site by its location provides convenient and good level of provision for walking into the service centre of Egremont, schools and there are local essential services (small convenience stores). Bus services are reasonable from Egremont Town Centre, but the walk to these stops is not ideal. There is a limited local bus service HB01 to Whitehaven to St Bees which stops right outside the development.

Access and parking provision are acceptable.

There are no accident clusters in the last 5 years in the vicinity.

It is accepted that the traffic impact (trips) from the two sites will not have a material impact on highway conditions on the local highway network.

There are no junctions that would be over-capacity due to the increase in trips.

Overall, the site is considered to be a sustainable location and the development and is not considered to have any material impact on Highway Conditions nor have an unacceptable impact on Road Safety.

### *Interim Travel Plan*

The Interim Travel Plan includes some good and desirable walking and cycling initiatives,. We also welcome the inclusion of travel packs to all residents. The plan includes the the necessary administration and monitoring proposals including the post of Travel Plan Coordinator. The

plan will run for 5 years which is the minimum required. The timescales for the surveys and monitoring are appropriate. The draft action plan is acceptable and we look forward to the submission of the first plan review.

A travel plan monitoring fee of £6,600 and measures to secure implementation of the Travel Plan is required to be secured via Section 106 Agreement.

### *Technical/Design Details*

#### *How Bank Farm Site*

The width of the Emergency Vehicle Access is 3m and the gradient is an average of 1:7.5. Whilst this is steeper than the recommendation in the CDDG, taking into account the natural topography and required use as an emergency service route, it is not practicable to slacken the gradient with a zig-zag route or example. Further details can be secured by way of a condition.

The revised plans now show suitable width footways, and / or service strips and margins.

The proposed layout still does not show the cul-de-sac extending to the red-line boundary. This could make future highway connections into the adjacent field at a future date if developed difficult. However, as there is one access to the adjacent field, this proposed arrangement does deliver an option.

The requirement for bin storage areas to serve Plots 45-47 can be secured via planning condition.

Whilst the overall parking provision is compliant, I still note that some houses appear to only have one off-street space which is not satisfactory.

A potential pedestrian link has been included in latest layout. Further details of the pedestrian link are required. The link should be constructed to CCC PROW standard and made via a Creation Order into a PROW footpath. It should be 2m wide. These details can be secured via planning condition.

#### *Orgill School Site*

The access road cannot be adopted due to lack of a service strip.

The turning arrangement for delivery vehicles needs to be demonstrated so that vehicles can enter and exit the access lane in a forward gear.

Parking provision is now acceptable on this site.

## **Cumberland Council - LLFA**

No drainage strategy has been supplied for either site, in order to understand any drainage proposed and its suitability a strategy needs to be provided, which should be designed to NSTS, follows the drainage hierarchy and considers the conclusions of the FRA's.

A contributing areas plan needs to be provided with references to the Surface Water Storage and run-off calculations to demonstrate that the correct controlled discharge rate and storage have been designed into the system including assumptions and proposed locations of the infiltration areas.

Sectional drawings detailing existing site levels in relation to developed site levels and include FFL's are required. The final landform and fenced area following the EA flood storage scheme may influence the proposed design and should be accommodated in the drawings.

A plan showing the exceedance routes is required and confirmation (within the drainage strategy) of the function of the swales to the west of the road.

Micro drainage calculations need to be supplied Climate Change calculations should be 50%. Urban Creep 10% and CV values to 1.

A maintenance schedule for systems that are to remain private or under the care of a management company.

The attenuation storage facilities on the How Bank Site appear to differ from report to the drawings. Are these cascading basins in sub-catchments 2 and 3?

Please explain and show on a plan the discharge destination / receptor for the sub-catchment onto Chaucer Avenue. It shows a headwall, but what does this flow into?

## **Cumberland Council - Flood and Coastal Defence Engineer**

The Flood Risk Assessments for each of the two parts of the development, were written before validation modelling of the Orgill Flood Alleviation Scheme was made available, if actually undertaken. Therefore, it contains a number of educated assumptions, based on best available information, which need to be verified once the validation modelling data is available.

No Drainage Strategy has been submitted for either of the two parts of the development, but drainage layout drawings haven been provided. These have been drawn by a different consultant to the

consultant producing the Flood Risk Assessments and there appears to be discrepancies between what is written in the documents and shown in the drawings.

There is a need therefore to align the Drainage Strategy and drawings with the Flood Risk Assessment for each part of the site, but this should be deferred until the validation modelling for Orgill Flood Alleviation Scheme has been made available by the Environment Agency.

## 5.1 **Representations**

The application has been advertised by way of site notices, a press notice and notification letters issued to neighbouring dwellings.

## 5.2 Representations have been received from six parties, these comprise four representations in objection and two in support.

### Members of the Public

The material planning issues raised comprise the following:

The adverse landscape impacts and the result impact on views from existing dwellings.

The impacts of additional traffic generated on the local highway network including during school pickup and drop off.

The development will place additional pressures on an area already at high risk of flooding.

The development will result in the disturbance of vermin during construction exacerbating the existing rat infestation issues on the estate.

The development would result in impacts on the bird life including barn owls which are a protected species.

There is not enough amenities now for current residents.

The highways are not sustainable for heavy traffic.

Lower Orgill is already a run-down area that and is not maintained. Building new private homes is not going to improve this issue.

Representations have been made regarding the legal ownership of the land; however, these are not a material planning consideration.

### 5.3 Cllr Sam Pollen

I have represented Egremont as a Councillor of both Copeland Borough Council and now Cumberland Council for 13 years. Throughout this time I have actively sought investment and regeneration for my town, and believe that we should have the same opportunities as other towns, to receive significant direct investment.

Egremont has some of the best schools in Cumberland, situated in a great location on the edge of the Lake District and next to the largest employer in Cumberland. People want to live here, but there is little new or modern housing stock compared to other towns in Cumberland. I've read the planning officer's report and noted on balance they recommend the application be refused.

Notwithstanding their report, I fully support the application and would urge my fellow councillors to vote to grant planning permission to ensure that Egremont benefits from:

- 105 modern energy efficient homes – all homes will have air source heat pumps rather than gas and be extremely energy efficient
- 11 Affordable homes
- £500,000 of s106 payments towards school places and much needed improvement our play areas, open spaces and sports pitches.
- £9m of direct investment in Egremont in building the homes and associated infrastructure

Unlike other communities, Egremont hasn't had enough housing. I hope members of the planning committee can support Egremont in receiving the investment that will ensure its best days are ahead of it.

## **6. Planning Policy**

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

### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### **Copeland Local Plan 2013-2028 (Adopted December 2013):**

#### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas:

Roles and Functions

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

#### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM28 – Protection of Trees

#### Copeland Local Plan 2001-2016 (LP) Saved Policies:

Policy HSG2 – New Housing Allocations

Policy TSP8 – Parking Requirements

### **Emerging Copeland Local Plan 2017 - 2038 (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28<sup>th</sup> March 2024.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

Policy DS1PU - Presumption in favour of Sustainable Development  
Policy DS2PU - Reducing the impacts of development on Climate Change  
Policy DS3PU - Settlement Hierarchy  
Policy DS4PU - Settlement Boundaries  
Policy DS5PU - Planning Obligations  
Policy DS6PU - Design and Development Standards  
Policy DS7PU - Hard and Soft Landscaping  
Policy DS8PU - Reducing Flood Risk  
Policy DS9PU - Sustainable Drainage  
Policy DS10PU - Soils, Contamination and Land Stability  
Policy DS11PU - Protecting Air Quality  
Policy H1PU - Improving the Housing Offer  
Policy H2PU - Housing Requirement  
Policy H3PU - Housing delivery  
Policy H4PU - Distribution of Housing  
Policy H5PU - Housing Allocations  
Policy H6PU - New Housing Development  
Policy H7PU - Housing Density and Mix  
Policy H8PU - Affordable Housing  
Policy SC1PU - Health and Wellbeing  
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic  
Policy N2PU - Local Nature Recovery Networks Strategic  
Policy N3PU - Biodiversity Net Gain  
Policy N5PU - Protection of Water Resources  
Policy N6PU - Landscape Protection  
Policy N9PU - Green Infrastructure  
Policy N10PU - Green Wedges  
Policy N11PU - Protected Green Spaces

Policy N12PU - Local Green Spaces  
Policy N13PU - Woodlands, Trees and Hedgerows  
Policy CO4PU - Sustainable Travel  
Policy CO5PU - Transport Hierarchy  
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

## 7. Other Material Planning Considerations

- 7.1 National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).  
Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).  
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

## 8. Assessment

### 8.1 Principle of Development

Policy ST2 of the CS identifies Egremont as a *Key Service Centre*.

- 8.2 Policy ST2 of the CS states that Key Service Centres are to support moderate levels of the development reflecting the respective scale and function of these smaller towns and contribute to the regeneration of their town centres.

- 8.3 Policy ST2 seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

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

- 8.5 Policy SS2 of the CS states that *house building to meet the needs of the community and to accommodate growth will be provided for by: allocating sufficient land for new housing development to meet identified requirements within the Borough; allocating land in accordance with the following housing targets: i) A baseline requirement, derived from projected household growth, of 230 dwellings per year ii) Provision for*



*growth 30% above that, to 300 dwellings per year; seeking densities over 30 dwellings per hectare, with detailed density requirements determined in relation to the character and sustainability of the surrounding areas as well as design considerations; and, seeking to achieve 50% of new housing development on previously developed sites.*

- 8.6 Policy HSG2 of the LP allocates land for housing purposes.
- 8.7 Policy DS3PU of the ELP continues to identify Egremont as a Key Service Centre due to its self-sufficiency providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare and role as service hubs for nearby villages. It is stated that the focus will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.
- 8.8 Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that *development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise*. It is stated that to ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases: where the proposal is for housing and: the site is well related to and directly adjoins the settlement boundary of a town or Local Service Centre; and b) the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and c) the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or there has been previous under-delivery of housing against the requirement for 3 years or more or the proposal is for a specific type of housing supported by Policies H15PU (rural exception sites for affordable housing delivery), H16PU (essential dwellings for rural workers) or H17PU (conversion of rural buildings to residential use).
- 8.9 MM13 proposes modification of wording of the Policy DS4PU. The modification changes the criteria in relation to developments outside of settlement boundaries from sites related to and directly adjoins the settlement boundary of a town or Local Service Centre to adjoins an identified settlement boundary. This does not change the approach or provisions of this policy so far as it relates to Egremont but opens the provisions to the lower order settlements within the hierarchy also.
- 8.10 Policy H1PU of the ELP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: *allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is*

*identified through an annual Five-Year Housing Land Supply Position Statement.*

- 8.11 Policy H2PU of the ELP outlines the *housing requirement is for a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2038 and that In order to plan positively and support employment growth over the Plan period, the Plan identifies a range of attractive allocated housing sites, which when combined with future windfall development, previous completions and extant permissions, will provide a minimum of 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.*
- 8.12 MM60 proposes modification of Policy H2PU to reference a requirement is for a minimum of 2,628 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2039 and that this figure will be used when calculating the five-year supply of deliverable housing sites in the Plan area. A modification is also proposed that amends the reference to a minimum of 3,400 dwellings to 3,600 dwellings. This reflects the additional year of the plan but does not change the housing strategy.
- 8.13 Policy H4PU of the ELP outlines that 30% of new housing development will be located within the three Key Service Centres of Cleator Moor, Egremont and Millom.
- 8.14 MM62 proposes modification of Policy H4PU to update the dwellings to be delivered in each settlement tier. This reflects the additional year of the plan, but does not change the housing strategy, which continues to propose 30% delivery in Key Service Centres.
- 8.15 Policy H5PU of the ELP allocates land for housing purposes.
- 8.16 Policy N11PU of the ELP states that the Local Plan Proposals Map identifies *Protected Green spaces which are of a high quality and/or value. Development proposals that enhance Protected Green Spaces will be supported where they accord with the Development Plan. The loss of such Protected Green Spaces will be resisted unless equivalent replacement provision of the same or better quality is provided within the same settlement. Proposals to develop other green spaces, including play areas and allotments not identified on the Proposals Map, should also comply with this policy where there is evidence that they are of value to the community.*
- 8.17 The proposed development is of a type and scale that aligns with the designation of Egremont as a Key Service Centre within the CS and ELP.
- 8.18 The Application Site is located beyond the defined settlement boundary of Egremont as identified in the CS and ELP.

- 8.19 The Application Site is not allocated for housing development in the LP, CS or ELP.
- 8.20 In February 2023, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.
- 8.21 The development comprises a market led new build housing development and does not therefore comprise an exception site for affordable housing, an essential dwelling for a rural worker or the conversion of a rural building.
- 8.22 The former Orgill School Site is not allocated as green space in the LP; however, it is allocated as a protected green space in the ELP. The Open Space Assessment identifies the site as having a high quality score, but low value score and that the site should be allocated if value can be enhanced. The proposed development retains a large area of the site as amenity space containing drainage infrastructure which would enhance the value of the space and would deliver additional amenity space on the How Bank Farm site.

#### Housing Need and Housing Mix

- 8.23 Policy SS3 of the CS states that *applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone*. It is confirmed that *development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority*.
- 8.24 Policy H7PU of the ELP states that: *developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date*

*evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date.*

- 8.25 MM68 proposes modification of Policy H7PU to seek prioritisation of previously developed land where possible and that alternative more up-to-date evidence in relation to local housing need will be considered where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date in full or in part.
- 8.26 Policy H8PO of the ELP states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF 2019 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. Affordable housing should be provided in the tenure split - 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.
- 8.27 MM69, MM70 and MM71 propose modification of Policy H8PO to require on sites of 10 units or more (or of 0.5ha or more in size), or on sites of 5 units or more within the Whitehaven Rural sub-area, at least 10% of the homes provided should be affordable as defined in the NPPF 2021 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF or any document superseding it. This is to reflect the fact that the Local Plan Viability Assessment has identified that viability is likely to be a constraint to delivery on a number of allocated housing sites and to ensure that affordable housing delivery is maximised on sites that are viable. It is identified that a viability assessment will be required to justify the provision of less than 10% affordable housing and that more the 10% affordable housing will be sought where the viability assessment identifies that this is deliverable. It is proposed to amend the tenure split of the affordable housing delivery to: 25% First Homes; 15% discounted market sales housing, starter homes or other affordable home ownership and 60% affordable or social rented.
- 8.28 The density of the proposed development is broadly comparable if slightly lower than that of the surrounding development, which comprises blocks of terraced homes. The surrounding development is linear form and arrangement and incorporates limited private garden spaces and large areas of public open space delivering the perception of a lower density of development.
- 8.29 The Application Site is located within the Whitehaven Housing Market Area (HMA) in the SHMA. The SHMA suggests a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%)

semi-detached and detached dwellings. It is stated that the Council should also consider the role of bungalows.

- 8.30 The proposed development comprises principally 77% two and three bedroom dwellings and 23% 4 bedroom dwellings, which is in close alignment with the provisions of the SHMA.
- 8.31 A total of 10% of the proposed dwellings are to meet the definition of affordable housing as outlined in the NPPF. It is proposed that the dwellings are First Homes that are delivered in accordance with the provisions and guidelines within the Planning Practice Guidance (PPG). First Homes are sold at 70% of the open market value of the dwellings. The suggested cost at 70% reduction would be no more than £117,995 (subject to annual review) against a given average of £140,537 across Copeland.
- 8.32 The number of affordable dwellings aligns with the provisions of Policy H8PO of the ELP.
- 8.33 The proposed tenure split is in conflict with the provisions of Policy H8PO of the ELP; however, given the high number of social rented dwellings within this area and the known issues with people accessing affordable housing even with a 20% discount in the sale price, the proposals are considered acceptable.
- 8.34 The Strategic Housing Manager has confirmed support for the housing mix proposed and affordable housing provision.
- 8.35 A Section 106 Agreement will be required to secure the delivery of the affordable housing in accordance with the NPPF and the provisions and guidelines within the PPG.

### Landscape

- 8.36 Policy ENV5 of the CS states that the *Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.*
- 8.37 Policy DM26 of the DMP 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.

- 8.38 Policy N6PU of the ELP states that *the borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of the borough's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value.* It is stated that *proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit (CLCGT) at the earliest stage.*
- 8.39 MM97 proposes modification of Policy N6PU to require that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment, the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment from the earliest stage. This strengthens the role of this documentation in the assessment of planning merits.
- 8.40 The How Bank Farm site lies within Landscape Type 5: Lowland (LT5) and Landscape Sub Type 5b: Low Farmland (LST5b) defined in the CLCGT. The Orgill School site is within the urban area of Egremont.
- 8.41 The key characteristics of LST5b and evident within the study area are: undulating and rolling topography; intensely farmed agricultural pasture dominates; patchy areas of woodland provide contrast to the pasture; woodland is uncommon west towards the coast; fields are large and rectangular; and, hedges, hedgerow trees and fences bound fields and crisscross up and over the rolling landscape.
- 8.42 The Copeland Landscape Settlement Study (CLSS) places How Bank Farm site within Character Type: 5B Low Farmland and Area of Local Character 5Bi Egremont Low Farmland. The Orgill School site is within the urban area of Egremont.
- 8.43 The key characteristics of 5Bi identified in Part 2 of the CLSS and evident within the study area are: landform: rolling landform, high plateau above Egremont; land use: agriculture, predominantly pasture; landcover: improved and semi-improved pasture; field pattern: large, regular, straight sided field, long, straight roads follow field boundaries; hedgerow boundaries with some hedgerow trees; vegetation: hedgerow trees and sparse woodland; scale: large scale and open landscape; perceptual character: long distance, expansive, wide views to the fells. The characteristics of this area considered to be sensitive to the proposed development include: openness sensitive to skyline development and

traditional, sparsely settled farming character sensitive to unsympathetic settlement expansion.

- 8.44 The capacity of this Area of Local Character to accommodate change is considered together with the following mitigation potential: consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside; reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features; ensure new development respects the historic form and scale of settlements and farmsteads; avoid skyline development on outskirts of Egremont that is not well related to the existing built form of the town; and fragmented housing or industrial development is not compatible with the landscape character.
- 8.45 Part 3 of the CLSS considers landscape character assessment and sensitivity assessment can be used to help develop development plans for individual settlements, including Egremont. Key characteristics of Egremont include: development westwards has risen up towards the farmland slopes that encircle the town; and the slopes provide Egremont with a farmed, rural setting that contributes to its market town character. The hillside setting of the town is considered to be sensitive to development that further encroaches on the skyline. A Landscape and Visual Appraisal Report (LVA) has been prepared in support of the planning application.
- 8.46 The LVA concludes that the effects of the proposed development at completion on landscape features in would be slight and adverse reflecting minimal losses and retention and enhancement of existing features such as hedgerows. After 15 years the effects would remain as slight but become beneficial as new tree and shrub planting in both areas, and gapping up of hedgerows matures.
- 8.47 In respect of the impact of the landscape character, the LVA concludes that openness of the area is considered to be sensitive to skyline development and that the proposed development would impact on the skyline in the views of residents at home in properties on the northern edge of the residential area of Orgill. It is concluded that in views from the wider landscape to the east of Egremont the proposed development would sit below Orgill and land allocated for housing in the ELP on the high plateau above and to the west of Egremont and so would not interrupt the skyline in these views.
- 8.48 The LVA considers that the effects on landscape character as result of the proposed development would be slight and adverse. It is concluded that there would be a long- term effect on the How Bank Farm site and its immediate surrounds as a result of the permanent change in character from a green field to a housing development. However, the extent of the effect on the wider character of the surrounding landscape would be

limited by boundary vegetation, topographic enclosure and new tree and shrub planting.

- 8.49 In terms of visual impacts, it is concluded that the visual envelope of the How Bank Farm site is generally limited by a combination of undulating and rolling topography, intervening vegetation and the settlement edge of Egremont to the south and east. It is stated that where views of the development would be experienced they would be in the context of existing housing. The only notable visual effects of the proposed development at completion and after 15 years would be on visual receptors within 0.5km.
- 8.50 Moderate and adverse effects are identified for some residents at home in Chaucer Avenue; some residents at home in properties on the eastern edge of Orgill; and, users of local public footpaths including parts of 406001 and 406006
- 8.51 The LVA concludes that the development will result in major visual changes that will result in moderate and adverse impacts in short range views and receptors.
- 8.52 It is identified that from dwellings on elevated ground to the northeast north, northeast and east northeast of Egremont is judged to be slight and neutral reflecting the fit of the proposed development with the built form settlement edge. The proposed development would form a perceptible but not enhancing or detracting feature within the views of visual receptors with medium sensitivity to a change in their views.
- 8.53 It is identified that from dwellings on elevated ground to the east southeast, south east and south east south of Egremont is judged to be slight and adverse as the proposed development extends into an open field and beyond woodland which defines the settlement edge. The proposed development would form a perceptible but not enhancing or detracting feature within the views of visual receptors with medium sensitivity to a change in their views.
- 8.54 It is identified that for users of the PRoW there would be a moderate visual change due to a noticeable change in the view, a moderate proportion of the view occupied by the proposed development and the loss of a substantial part of a distant view to fells in the Lake district National Park.
- 8.55 It is identified that of effect of the proposed development at completion on views of motorists using Orgill Road and Chaucer Avenue is judged to be moderate-slight and adverse. The proposed development would be prominent in transient views of visual receptors with medium-low sensitivity to a change in their views and there would be a noticeable deterioration in the existing view. It is stated that on maturity of the planting the impact would reduce to moderate-slight and neutral.



## Design

- 8.56 Policy SS1 of the CS seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.
- 8.57 Policy DM10 of the DMP expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.
- 8.58 Policy DM12 of the DMP outlines the requirements of the provision of open space and play provision.
- 8.59 Policy DS6PU of the ELP requires all new development to meet high-quality standards of design. These standards include: create and enhance locally distinctive places, use good quality materials that reflect the local character, include high quality and useful open spaces, adopt active travel principles, create opportunities for social interaction, comprise effective use of land whilst maintaining amenity and maximising solar gain.
- 8.60 MM16 proposes modification of Policy DS6 to introduce an expectation that all new development to meet high-quality standards of design standards which contribute positively to the health and well-being of occupiers residents, that provide safe, accessible and convenient pedestrian and cycling routes that encourage walking and cycling based on Active Design principles and connect the development provide connections to existing walking and cycling routes where possible and that developers must take a comprehensive and co-ordinated approach to development by respecting existing site constraints including utilities infrastructure on site.
- 8.61 Policy H6PU of the ELP requires that the design, layout, scale and appearance of housing development is appropriate to the locality and that development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character (including the impact upon the setting of the Lake District National Park and the Heritage Coast and its setting where appropriate). Its is required that the layout promotes active travel, linking new development with existing footpaths and cycleways, where possible.
- 8.62 MM67 proposes modification of Policy H6PU for clarity only.
- 8.63 The proposed layouts have been designed with reference to the shape and form of the respective sites.

- 8.64 In relation to the Orgill School Site, the layout includes a strong development block incorporating active frontages to the highways and the open space with a combination of driveways fronting onto Chaucer Avenue and Croadalla Avenue the shared surface access from Croadalla Avenue. The layout is in alignment and in keeping with the development to the development on Croadalla Avenue and Smithfield Road. The development is at odds with the character of the development on Milton Road etc. to the west; however, given the reverse arrangement of these properties and their limited interest, this is not considered to represent a betterment.
- 8.65 The layout of the How Bank Farm site incorporates a combination of frontage development to the spinal highway and a number of cul-de-sacs. Areas of formal and informal open space are incorporated within the layout, these include a large area of undeveloped area to the sloping land to the south, more formal recreational areas and areas accommodating drainage infrastructure. The layout of the development delivers a form of development that is acceptable in relation to the site in isolation; however, the development does not relate well to the existing development and character in this area of Egremont, which has an extremely strong linear and terraced/tiered character that follows and works with the form and character of the local landform. The eastern element of the site incorporates some terracing/tiering; however, this progresses into a large linear cul de sac.
- 8.66 Limited information has been provided in relation to levels.
- 8.67 The proposed dwellings comprise standard developer house types. A limited pallet of materials is proposed that are not wholly in appropriate in the context.
- 8.68 The proposed development has been designed with some legibility. The layout does not include a defined hierarchy of streets and spaces but includes linkages that following the desire lines of users to areas of the wider locality and incorporates some focal features that assist with way finding. The routes through the site incorporate footways and will encourage active travel.
- 8.69 The proposed development includes a number of both strategic and informal public open spaces located throughout the development. The open spaces serve as both formal and informal community/play spaces and linkages through the development.
- 8,70 Once the proposed scheme of landscaping is established, it will deliver some strategic screening and will tie into the surrounding woodland planting  
The proposed development exceeds the open space requirements of Policy DM12 of the LP, which requires the provision of 0.4ha of public open space for every 200 dwellings.

- 8,71 Policy DM12 requires that in groups of family housing a minimum of 100m<sup>2</sup> of children's play space should be provided at the rate of one play space per 30/40 dwellings.
- 8,72 A planning condition is required to secure details of respective play spaces.
- 8,73 A comprehensive scheme of landscaping is proposed. New planting is proposed to both the site peripheries/boundaries, open spaces and along the highway frontages.

### Flood Risk and Drainage

- 8.74 Policy DM11 of CS and Policy DS9PU of the ELP requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 8,75 Policy DM24 of the CS and Policy DS8PU of the ELP seek that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 8.76 MM19 proposes modification of Policy DS9PU to require that new development must incorporate sustainable drainage systems unless it can be demonstrated that this is not appropriate.
- 8,77 MM19 proposes modification of Policy DS8PU to require that flood risk is reduced and mitigated in Copeland through the application of the defined criteria including a) Directing development to allocated sites outside areas of flood risk where possible; unless it can be demonstrated that it would provide wider sustainable benefits outweighing the flood risk and that the development would be safe for its lifetime without increasing flood risk elsewhere.
- 8,88 A site specific Flood Risk Assessment (FRA) has been prepared in support of the planning application.
- 8.89 *Sequential Test*

The Former Orgill Infant School site is located in a combination of Flood Zone 1, Flood Zone 2 and Flood Zone 3. Dwellings are proposed within Flood Zone 2 on the Former Orgill School site.

The How Bank Farm site is principally located in Flood Zone 1, with part of the site access located in Flood Zone 3. Whilst the access to the How Bank Farm site is not technically within the Application Site, the site access is an integral element of the development, without which it could not be delivered.

The proposed development is a more vulnerable use and would be located within Flood Zones 2 and 3; therefore, the Sequential Test and Exception Test are applicable to the development as a whole.

The Application Site is not allocated for development in the LP or the ELP; therefore, no sequential testing of the Application Site has been completed at the plan making stage.

The appropriate geographic area for sequential test is considered to comprise the developed extent of Egremont given that the development will contribute towards housing need within the settlement and wider regeneration objections.

Comparator sites are considered to comprise sites with a comparable development capacity.

For a site to be considered reasonably available, the site should lie within the defined geographic area, is with the defined comparator threshold, can accommodate the general requirements of the development proposals and is, in principle, in conformity with the development plan and material planning considerations. Sites are considered not reasonably available if accommodating an existing use unless a planning permission exists to extinguish that use or it has a planning permission for a similar development that is likely to be implemented.

Given the Former Orgill Infant School site and the How Bank Farm site are both located within or require access through Flood Zone 2 and Flood Zone 3, a Sequential Test of the entire development is required.

The Applicant has submitted a development specific Sequential Test in relation to the Orgill Scholl site which demonstrates that demonstrates that there are no sequentially preferable locations to accommodate the development; however, there is no consideration of the development as a whole.

The ELP proposes the allocation of Site HEG1 - Land north of Ashlea Road for residential development. This site has a capacity of 108 dwellings and is located within Flood Zone 1, which is sequentially preferable. This site is not known to be unavailable.

#### 8.90 *Flood Risk*

The Environment Agency has reviewed the proposals from a flood risk perspective.

It has been confirmed that the development will not increase flood risk elsewhere and is not in conflict with the Skirting Beck and Whangs Beck Flood Risk Management Scheme.

It is however concluded that there is insufficient information in the FRA in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood event for the development proposals to advise whether the access to the How Bank Farm site is safe, or the proposals acceptable in this regard. It is confirmed that their preference and recommendation would be that alternative or additional vehicular access is provided.

#### 8.91 *Exception Test*

If the Sequential Test shows that it isn't possible to use an alternative site, it is necessary to complete an Exception Test if the development is: highly vulnerable and in flood zone 2; essential infrastructure in flood zone 3a or 3b; or, more vulnerable in flood zone 3a.

The Exception Test is required to demonstrate that: development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and, the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

An element of the Orgill School site is located within Flood Zone 3. The access to the How Bank Farm site is not technically within the Application Site, the site access is located in Flood Zone 3 and is an integral element of the development, without which it could not be delivered. It is therefore considered that the Exception Test is applicable.

The Applicant has prepared and submitted an Exception Test.

In relation to the first part of the Exception Test, the Applicant details the significant economic and social benefits to the development, which it is deemed provide wider sustainability benefits to the community that outweigh flood risk.

In relation to the second part of the Exception Test, reference is made to the submitted Flood Risk Assessment showing the proposed development will be safe for its lifetime and will not increase flood risk elsewhere. It is clear from the consultation response from the Environment Agency that the access road from Baybarrow Road is at risk of flooding during the design flood event, when there would be overtopping of the lower Whangs Beck flood storage reservoir and that there is insufficient information in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood event for the development proposals to advise whether the access is safe, or the proposals acceptable in this regard.

It is not therefore reasonably possible to conclude that the requirements of the Exception Test are met.

## 8.92 *Drainage*

A Drainage Strategy not been prepared in support of the planning application; however, a drainage scheme has been prepared in relation to both sites.

The LLFA have been consulted and have confirmed that insufficient information has been submitted to demonstrate that the proposed drainage scheme is acceptable and have highlighted inconsistencies between the drainage scheme and submitted Flood Risk Assessment.

Notwithstanding the above, whilst it would be preferable to receive a detailed drainage scheme supported by a Drainage Strategy at this stage, these details can reasonably be secured via the imposition of a suspensive planning condition requiring the submission, approval and delivery of the drainage scheme and the imposition of a pre-occupation planning condition securing a maintenance and management scheme for any drainage scheme.

## Ecology and Arboriculture

- 8.93 Policy ENV3 of the CS and Policy N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1PU of the ELP defines a mitigation hierarchy.
- 8.94 Policy N3PU of the ELP requires that *all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU.* It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.
- 8.95 MMP94 proposes modification of Policy N3PU to provide clarity and alignment of the policy with the provisions of the Environment Act 2021 and any documents which may supersede it.
- 8.96 A Preliminary Ecological Assessment of the How Bank Farm site has been prepared in support of the planning application.
- 8.97 No information has been provided in relation to the Orgill School site; however, the site has limited interest owed to its previous use and interim use as a compound by the contractors completing the Skirting Beck and Whangs Beck Flood Risk Management Scheme.
- 8.98 The results and findings from the Assessment concludes that there are no significant ecological constraints to the development of the site. It is confirmed that the development will not result in adverse impacts upon

any designated sites. It is confirmed that the loss of hedgerows will result in a minor adverse ecological impact at the local scale due to potential disruption of bat flightlines along this hedgerow. It is recommended that to mitigate any adverse impacts on bat flightlines a hedgerow is planted along those sections of the northern site boundary which do not currently have hedgerows and the hedgerow along the northern end of the southern field is very gappy and these gaps should be planted up with native shrub species.

- 8.99 A planning condition is required to secure inclusion of the mitigation measures within the any proposed planting scheme and both its implementation and retention.
- 8.100 The Applicant has not undertaken a Biodiversity Net Gain Assessment of the Application Site at this stage.
- 8.101 Given the scale and nature of the proposed development is considered that the achievement of a biodiversity net gain of 10% as required by Policy N3PU of the ELP is likely to be achievable on the Application Site with the potential for some limited off site works if not wholly deliverable on the Application Site. A planning condition is required to secure a Biodiversity Net Gain Assessment and its delivery. Arboricultural Impact Assessments have been prepared in support of the planning application.
- 8.102 In relation to the Orgill School site, it is stated that that all trees and hedgerows on the site fall within Category C – Low Quality and do not merit any long terms retention. It is concluded that the trees and hedgerow require removal for site remediation and the construction of the proposed dwellings and that replanting proposals will permit the delivery of a scheme that will not conflict now or the in future with the proposed development and the associated services.
- 8.103 In relation to the How Bank Farm site, it is stated that that all trees and hedgerows on and adjacent to the site fall within Category B, Moderate Quality, Category C – Low Quality and Category U – Poor Quality. It is confirmed that to undertake the construction of the access, proposed road network and new dwellings, no trees require removal; however, one Category C hedgerow and two , Category U hedgerows will require removal. It is stated that the loss of these poor quality hedgerows at some distance from public areas outside the site will have a negligible impact upon the visual amenities afforded to the local environment. Management recommendations are outlined in relation to the retained trees that are on third party land, which includes some removal. The requirement for an Arboricultural Method Statement and the Tree Protection Plan is identified and recommendation made regarding its content to prevent impacts upon the retained treescape.
- 8.104 The Councils Arboricultural Consultant has reviewed the Arboricultural Impact Assessments and recommended the inclusion of planning

conditions securing an Arboricultural Method Statement and detailed landscaping scheme.

### Ground Conditions

- 8.105 Policy ST1 of the CS includes provisions requiring that new development addresses land contamination with appropriate remediation measures.
- 8.106 Policy DS6PU and Policy DS10PU of the ELP includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 8.107 MMP94 proposes modification of Policy DS10PU to provide clarity in relation to the role of Coal Mining Risk Assessments.
- 8.108 A Preliminary Review and Phase 2 Geoenvironmental Appraisal (GA) for the Orgill School site and Ground Gas Monitoring Information (GGMI) for the How Bank Farm site have been submitted in support of the Full Planning Application.
- 8.109 In relation to the Orgill School site the investigations identified a localised hotspot of contamination that will require the impacted soil to be stripped and placed in an area of non-sensitivity (such as beneath hardstand) to remove the exposure pathway to future site users. It is concluded the site poses a very low risk to the controlled water receptors and that ground gas protection measures and radon protection measures are not required. It is identified that the site is not located in an area of historic coal mine workings or ground instability and the risk of future subsidence is considered to be very low. An iron ore mine was historically located to the north of the site, however, this area has since been redeveloped for residential use.
- 8.110 In relation to the How Bank Farm site, the ground comprises agricultural land since the mid 1800s. A dam and associated reservoir/ pond are recorded immediately south of the site in the early 1900s, with the pond extending into the south-west of the site. The pond is not recorded by the mid 1900s; possibly as a consequence of natural infilling behind the dam. It is concluded that the site could be considered to fall within Characteristic Situation (CS) 1 as defined in BS8485, for which no specific precautions are considered necessary for the protection of proposed residential properties in relation to ground gas and is located within an area where no additional gas protection measures are required for protection of proposed new buildings from the ingress of radon gas.
- 8.111 Environment Agency have been consulted and raise no objection.
- 8.112 No comments were received from Environmental Health.
- 8.113 The details submitted in support of the planning application provides confidence that it will be possible to suitably manage the ground risks.



- 8.114 A planning condition will be required to secure implantation of the implementation of the recommendation of the GA and GGMI.
- 8.115 A planning condition is also required to control works and secure remediation of any unexpected contamination identified during construction.

### Highways

- 8.116 Policy DM22 of the LP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.
- 8.117 In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.
- 8.118 MM115 and MM16 proposes modification of Policy CO7PU to remove reference to the promotion of vehicles that facilitate car sharing and to remove the requirement to deliver electric vehicle charging infrastructure.
- 8.119 A Transport Assessment and Interim Travel Plan have been prepared in support of the Full Planning Application.
- 8.120 Cumberland Council – Highways have been consulted in relation to the development. It has been confirmed that site is considered to be a sustainable location and the development and is not considered to have any material impact on Highway Conditions nor have an unacceptable impact on Road Safety.
- 8.121 It is confirmed that the Interim Travel Plan includes some good and desirable walking and cycling initiatives and the inclusion of travel packs to all residents is welcomed. It is confirmed that the plan includes the necessary administration and monitoring proposals including the post of Travel Plan Coordinator, that the plan will run for 5 years which is the minimum required and that the timescales for the surveys and monitoring are appropriate. A Section 106 Agreement is required to secure the required monitoring fee of £6,600 and measures to secure implementation of the Travel Plan.
- 8.122 Notwithstanding the above, there remain a number of technical and design issues relating to the layout of the development that have been identified by Cumberland Council – Highways which are outstanding and unresolved.
- 8.123 These issues relate to the incorporation of single off-street spaces at certain dwellings which is not satisfactory and it not being demonstrated that delivery vehicles can enter and exit the access the Orgill School Site in a forward gear.

## Residential Amenity

- 8.124 Policy ST1 of the LP includes provisions requiring that development provides or safeguards good levels of residential amenity and security.
- 8.125 Policy DM12 of the LP outlines minimum distance standards for new residential development.
- 8.126 Policy H6PU of the ELP requires that in respect of new housing development, an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlight and daylight.
- 8.127 Policy DS6PU of the ELP includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.
- 8.128 Given the form and layout of the proposed, adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not result.
- 8.129 The proposed development will result in some adverse impacts upon residential amenity of the surrounding areas during the construction period. Planning conditions are proposed to limit the hours of construction and to impose suitable controls in relation to construction management.

## Education

- 8.130 The How Bank site covers an area of 4.2 hectares and for 90 dwellings. The Orgill School site covers an area of 0.6 hectares for 15 dwellings.
- 8.131 The combined dwelling mix has been provided as 16 x 2 bedroom houses, 65 x 3 bed and 24 x 4 bed. The dwelling-led model has been applied which theoretically estimates a yield of 57 children: 35 primary and 22 secondary pupils.
- 8.132 The catchment schools for this development are Orgill Primary School (0.6 and 0.3 miles) and West Lakes Academy (1.3 and 0.8 miles). The next nearest primary school to the development is St Bridget's Catholic School (0.8 and 0.4 miles) and the next nearest secondary school is Whitehaven Academy (5.3 and 4.5 miles) which is over the walking threshold.
- 8.133 Office of National Statistics pupil yield data for Cumbria has been used to calculate yield according to the number and type of housing in a development. The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are two developments affecting the primary school used for this assessment

and fifteen for secondary schools. The table below shows the primary and secondary catchment schools, the nearest primary schools and the developments that will affect them.

8.134 *Primary Education*

After other developments in the area are taken into consideration there are insufficient places available in the catchment school Orgill Primary to accommodate the primary pupil yield of 35 from this development. The next nearest school is St Bridget's Catholic Primary School which has sufficient spaces.

8.135 *Secondary Education*

There are insufficient places available in the catchment school West Lakes Academy to accommodate the secondary pupil yield of 22 from this development. The school is already oversubscribed and places are required by other developments in the area. The next nearest school is Whitehaven Academy which is over the walking threshold.

An education contribution of £601,040 (22 x £27,320) would be required. Please note that this is a snapshot in time and there is a possibility that these numbers will change between now and the point at which a planning application may be approved.

There may be other potential developments that may affect these schools, but as they haven't been approved at this stage, have not been included in the calculations.

## **9. The Planning Balance**

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

9.2 In February 2023, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

The ELP will, once adopted, replace the policies of the adopted CS. The ELP has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment 2021

(SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 146 dwellings per annum. The ELP identifies that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries and allocations identified in the CS and includes development boundaries and allocations sites for residential development that will permit delivery of the identified housing need in accordance with the sustainable development strategy proposed.

- 9.3 On this basis, the policies in the CS in relation to housing delivery must be considered out of date and only limited weight be given their content as far as they are consistent with the provisions of the NPPF.
- 9.4 Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.
- 9.5 The proposed development is of a type and scale that aligns with the designation of Egremont as a Key Service Centre within the CS and ELP. The Application Site is located in close and convenient proximity to a wide range of services, employment opportunities and transport links, a small number of which are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspirations for growth in the Borough. This is given great weight.
- 9.6 The Application Site is located beyond the defined settlement boundary of Egremont as identified in the CS and ELP and is not allocated for housing development in the LP, CS or ELP. The development comprises a market led new build housing development and does not therefore comprise an exception site for affordable housing, an essential dwelling for a rural worker or the conversion of a rural building as are supported outside of the defined settlement boundaries. This is given great weight.
- 9.7 The proposed development by virtue of its location, scale and developed form does not respond positively to the character of the site and the immediate and wider setting or enhance local distinctiveness and will result in adverse impacts upon the local landscape character and localised views from within and adjacent to Egremont. This is given significant weight.
- 9.8 The proposed development is located within defined Flood Zones 1, 2 and 3. The proposed development is a more vulnerable use and would be located within Flood Zones 2 and 3; therefore, the Sequential Test and Exception Test are applicable to the development. The applicant has failed to provide sufficient information to demonstrate that the Sequential

Test and Exception Test have been passed to the satisfaction of the Local Planning Authority. This is given significant weight.

9.9 There are a small number of technical highway design details within the development that do not accord with the provision of the Cumbria Development Design Guide. This is given some weight.

9.10 Notwithstanding the above, it must be acknowledged that the development would assist in boosting housing supply and delivery to meet the identified need for housing within the Borough as sought in both the CS and ELP. The proposals are supported in terms of supply and housing mix by the Copeland Housing Officer. This is given great weight.

9.11 In overall terms, it is considered that the direct conflicts with the provisions of ELP, the adverse local landscape character and visual impacts of the development, failure to demonstrate that the Sequential Test and Exception Test have been passed and the identified technical highway issues are sufficiently harmful to significantly and demonstrably outweigh the benefits of the development.

## **Recommendation**

It is recommended that Members refuse the Full Planning Application for the following reasons:-

### **Reasons For Refusal**

1. The proposed development comprises a market led residential development located on a site outside of the settlement boundary of Egremont in direct conflict with the provisions of Policy DS3PU, Policy DS4PU and Policy H4PU of the emerging Copeland Local Plan 2017-2038.
2. The proposed development by virtue of its location, scale and developed form does not respond positively to the character of the site and the immediate and wider setting or enhance local distinctiveness and will result in adverse impacts upon the local landscape character and localised views from within and adjacent to Egremont in conflict with the provisions of Policy ENV5, Policy DM26 and Policy DM10 of the Copeland Local Plan 2013-2028 and Policy H6PU and Policy N6PU of the emerging Copeland Local Plan 2017-2038.
3. The Former Orgill Infant School site is located in a combination of Flood Zone 1, Flood Zone 2 and Flood Zone 3. Dwellings are proposed within Flood Zone 2 on the Former Orgill School site. The How Bank Farm site is principally located in Flood Zone 1, with part of the site access located in Flood Zone 3. Whilst the access to the How Bank Farm site is not technically within the Application Site, the site access is an integral element of the development, without which it could not be delivered. The proposed development is a more vulnerable use and would be located within Flood Zones 2 and 3; therefore, the Sequential Test and Exception Test are applicable to the development as a whole. The Sequential Test and Exception Test have not been passed to the satisfaction of the Local Planning Authority in conflict with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028 and Policy CO4PU and Policy CO5PU of the emerging Copeland Local Plan 2017-2038.
4. The proposed development fails to demonstrate that adequate turning provision is proposed to the access from Croadalla Avenue and inadequate parking provision is proposed in relation to Plot 55 in conflict with the provisions of Policy ST1, Policy DM12 and Policy DM22 of the Copeland Local Plan 2013-2028 and Policy CO2PU and Policy DS6PU of the emerging Copeland Local Plan 2017-2038.

**Appendix 1 – Application Plans**

**Site Context Plan**



**Site Location Plan**





# Site Layout Plan

## FORMER ORGILL INFANTS SCHOOL, EGREMONT



| LEGEND   |                                  |
|----------|----------------------------------|
| [Symbol] | Proposed Residential Development |
| [Symbol] | Proposed Commercial Development  |
| [Symbol] | Proposed Public Open Space       |
| [Symbol] | Proposed Green Infrastructure    |
| [Symbol] | Proposed Infrastructure          |
| [Symbol] | Proposed Landscaping             |
| [Symbol] | Proposed Parking                 |
| [Symbol] | Proposed Cycleways               |
| [Symbol] | Proposed Footpaths               |
| [Symbol] | Proposed Fencing                 |
| [Symbol] | Proposed Retaining Walls         |
| [Symbol] | Proposed Drainage                |
| [Symbol] | Proposed Utilities               |
| [Symbol] | Proposed Other                   |

## HOW BANK FARM, EGREMONT

GLEBEON HOUSING & REGENERATION

PLANNING LAYOUT

HOW BANK FARM & FORMER ORGILL INFANTS SCHOOL, EGREMONT

SCALE: 1:1000

DATE: 15/05/2024

PROJECT NO: 111

**TWENTYFO**