

Planning Appeal Statement of Case – Land adjacent to Abbey Vale and School House, St Bees, Cumbria CA27 0DS

Proposal: Permission in Principle for residential development



Planning Application Reference 4/20/2357/PIP

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1.0 Introduction

- 1.1 This statement of case has been prepared in response to the refusal of planning application 4/20/2357/PIP for residential development on land adjacent to Abbey Vale and School House, St Bees.
- 1.2 The application was submitted as Permission in Principle, covering matters only relating to the principle of the development. The purpose of this statement is to set out the planning case in support of the development of the site.
- 1.3 Section 2 of this Statement will set out the site's context, Section 3 covers the proposed development, Section 4 relates to the planning history of the site and surroundings, Section 5 details the decision made by Copeland Borough Council, Section 6 will set out the planning policy context against which the application must be considered and undertakes a planning assessment of the proposed development, Section 7 cover the Permission in Principle application type and section 8 will draw together the conclusions.

2.0 The Site

- 2.1 The application related to an area of school curtilage land extending to 0.24 hectares which lies adjacent to St Bees School buildings. The development adjoins Abbey Vale to the northwest across the B5345, to the northeast it adjoins agricultural land within the School ownership, St Bees School House to the southeast and other School curtilage & buildings to the southwest.
- 2.2 The site has previously been developed by the School as a pitch and putt practice area and includes a building used for golf storage. The School owns and operates the Golf Course in the village adjacent to the beach. The area is now no longer used as all golf activities are on the golf course since the now reversed School closure in 2017. The topography of the land raises towards the northwest of this site and it is contained by hedgerows to the southwest and northwest boundaries, and stone walls to the northeast and southeast.
- 2.3 The application site is situated within the established boundary of the village. It is located within the Copeland Borough Council Settlement Boundary as adopted in 2004 and retained by the Council in June 2015 as part of the Copeland Local Plan 2013 – 2028. It is within close distance of the main village centre, which benefits from the services of a shop/post office, Primary School, Train Station, Priory Church, 4 pubs, a playpark, beach front, swimming pool and golf course.
- 2.4 It is located close to the Whitehaven settlement boundary (1.8miles away) and is therefore close to the local amenities of Whitehaven consisting of the West Cumberland Hospital, Senior Schools, supermarkets and shops. Whitehaven is the Main Service Centre in the Borough as detailed in the Copeland Local Plan.
- 2.5 The A595 which runs through Copeland can be joined 2.5miles from the site and provides easy access to both Sellafield and Whitehaven and continues north towards Carlisle, and Egremont and Sellafield to the south. The A595 links to the A66, 13 miles north of the site which connects to Penrith and Junction 40 of the M6 to the east.

- 2.6 In summary therefore, the site is situated within a long-established residential area that is within reach of the best range of facilities that the Borough can offer.
- 2.7 St Bees has a Conservation Area, which is adjacent to the south-eastern boundary of the site, and there are no Tree Preservation Order's on or directly adjacent to the site.
- 2.8 There are no Listed Building's on the site. The nearest Listed Building is Abbey Farmhouse which is a domestic property located 85m to the southwest of the application site. This however is not impacted in any way by the site however due to the topography and other School curtilage buildings which are located in between the two.



- 2.9 The site is located in an area that the Environment Agency Flood Map for Planning has noted as Flood Zone 1, and as such have a low probability of flooding.

3.0 The Proposed Development

- 3.1 The application was for Permission in Principle and therefore all details regarding access, scale, layout, landscaping and appearance of the residential development proposed on the site would be covered within a subsequent technical details consent.
- 3.2 While access is not a matter forming part of the application at this stage, the proposed dwellings would most likely utilise the frontage onto the B5345 which could direct serve all dwellings independently, as noted on the indicative layout.
- 3.3 Again while not forming part of the application, the proposed scale of the development would likely be in the form of 3 dwellings on the site as detailed in the indicative layout, which is what the site would be suitable for given the size and layout, and surrounding density of dwellings.
- 3.4 The indicative layout of the proposed development has the three properties all fronting onto the B5345, with access, parking and turning space. All would have garden areas to the southeast.

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- 3.5 The property will have a minimum of two in curtilage parking spaces, although plot could accommodate more parking for cars. The dwellings in the surrounding area are a range of detached, attached, single storey, two storey and three storey. The dwellings would most likely resemble some on Abbey Vale however, which are split level, due to the topography of the site.
- 3.6 The application site is considered well related to the existing residential developments to the northwest and southwest, the road network and it is considered that the development of the site in the proposed form is possible without having any adverse impact on residential amenity to the surrounding properties. The aim of the proposal is to provide development plots available for purchase on ground which is unused by the School.

4.0 Planning history

- 4.1 There are no previous planning history directly on the application site, or any relevant applications near to the site.

5.0 Planning Application Decision by Copeland Borough Council

- 5.1 The Planning Application was refused on 22nd October for the following reason:

“The Application Site comprises an open area of established trees and shrubs which make a positive contribution to the character of the settlement of St Bees, particularly in the elevated views on entry to the settlement from the B5345. The development would result in the loss of the open area and established trees and shrubs and would suburbanise the intrinsic rural character of the settlement entrance to its detriment. The development is therefore in conflict with the provisions of Policy ENV5 and Policy DM10 of the Copeland Local Plan 2013 - 2028, Criteria J of the Interim Housing Policy and Paragraph 127 of the NPPF.

The proposed development would fail to preserve or enhance the character or appearance of the St Bees Conservation Area by harming its setting. The development would harm the setting of the Grade II Listed Abbey Farmhouse and the non-designated heritage assets of the St Bees School. Applying the terminology of the NPPF, the resulting harm would be less- than- substantial; however, in overall terms, the public benefits arising from the development do not outweigh the identified heritage harms arising from the development. The development is in conflict with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013 -2028 and Paragraphs 184 – 202 of the NPPF.”

6.0 Planning Policy and its application to the proposed development

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 The Local Development Plan consists of policies within the Core Strategy and Development Management Policies DPD (December 2013). The policies in the following paragraphs are considered relevant to the proposed development.
- 6.3 As of the 9th May 2017, Copeland Borough Council announced that it cannot demonstrate a five-year supply of housing sites, with a supply of 2.3 years. Policies for the supply of housing

set out within the Copeland Local Plan 2013 – 2028 (Core Strategy and Development Management Policies) will no longer be deemed up-to-date; and these policies carry less than full weight in decision-making. As an update to this, in the decision to Planning Appeal Ref., the Planning Inspector stated that Copeland could at this point demonstrate a 3.2 year supply of housing sites, and therefore there is still not a five-year land supply in place and as such the Local Plan Policies continue to carry less weight. For reasons of clarity however, the Planning Policy section of this document included Policy text from the National Planning Policy Framework (NPPF as amended 2019), Copeland Local Plan, and the Copeland Borough Council Interim Housing Policy, which was created following the May 2017 statement regarding land supply, but is guidance and not an adopted Local Plan document.

6.4 Policy ENV4, regarding Heritage assets, states as follows:

‘The Council’s policy is to maximise the value of the Borough’s heritage assets by:

A Protecting listed buildings, conservation areas and other townscape and rural features considered to be of historic, archaeological or cultural value

B Supporting proposals for heritage led regeneration, ensuring that any listed buildings or other heritage assets are put to an appropriate, viable and sustainable use

C Strengthening the distinctive character of the Borough’s settlements, through the application of high quality urban design and architecture that respects this character and enhances the settings of listed buildings

Policy DM27 supports this policy, setting out the Council’s approach to development which affects built heritage and archaeology.’

6.5 The above is considered relevant in the applications determination. The proposed development is on land which is currently overgrown and unused previously developed curtilage land for the School. With an approved scheme for residential development, the land would be sold which will help fund their on-going maintenance to the 14 Listed Buildings they own, and numerous other non-designated heritage assets within their ownership in the village. This will help to protect the aforementioned Listed Buildings and the wider Conservation Area. In addition, it is noted that the right technical submission including housetypes could strengthen the village character if of appropriate high-quality design.

6.6 Policy ENV5 relates to the protection and enhancement of the Boroughs landscapes. It states:

‘The Borough’s landscapes will be protected and enhanced by:

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

B Where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site

C Supporting proposals which enhance the value of the Borough’s landscapes.’

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- 6.7 The Council has included the above in the reason for refusal, suggesting that the loss of the grassed area and unmanaged vegetation to the west of the site are a rural feature. It is noted though that this is actually developed land – it is a now redundant golf practice area with a building on it, and therefore not rural in its nature. It is also within the settlement boundary of St Bees, and has been for a considerable period. It is between the School Buildings (including a modern red sport centre building), and Abbey Vale, which is a 1980's major residential development, also constructed on former St Bees School land. Abbey Vale extends further upon to the skyline that this development, which will reduce any impact, as can be noted on the photograph below:



- 6.8 It is considered that the proposed development, being small scale, adjoining existing dwellings and being within a settlement boundary is not an inappropriate change to the landscape.
- 6.9 As mentioned elsewhere in this submission, Copeland Borough Council is currently consulting upon a Preferred Option Local Plan document. This includes a proposed extension to the settlement boundary for St Bees in this exact location, which would see further agricultural land to the north east included as part of the village boundary. This position is at divergence with the point that this site is the rural entrance to the village. The current position of the greenfield land outside of the village would be unlikely to encourage further development. The preferred position to include extra land in the boundary suggest the Council's Planning Policy position is to encourage further development in this area. This extension is detailed on the plan below:



- 6.10 Also within the recently release Local Plan documents, is a Copeland Landscape Settlement Study, which should be used to determine how the landscape policy in the Local Plan is interpreted. Within this document is a detailed appraisal of St Bees. This document is submitted as part of the appeal documents, but the text on St Bees in particular is noted below:

'St Bees

Key Characteristics and Qualities

Coastal settlement that follows the sides of the Pow Beck valley. A broad swathe of green space separates the two parts of the village and connects the valley landscape to the coast. In long views from south of Whitehaven the church tower is evident.

St Bees appears to nestle in the valley bottom, it's character defined by the high downland that surrounds the village. Skylines are generally undeveloped.

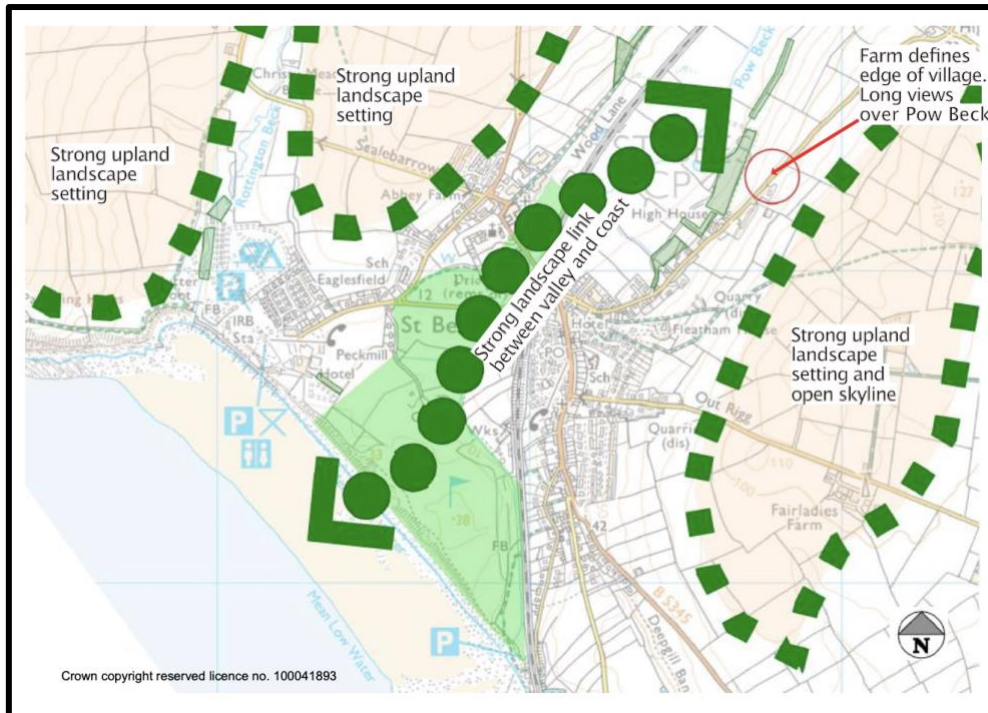
Holiday parks and new housing estate development are prominent in the northern part of the village. Originally confined to the valley bottom, more recent expansions have encroached on coastal slopes.

Sensitivity

Skylines and open, upper slopes are characteristic of this rural coastal landscape. They are sensitive to development creeping up the valley sides.

The openness of the valley and its interconnectivity with the coast is sensitive to development that encroaches on the valley floor.'

- 6.11 The landscape map for St Bees is also copied below:



- 6.12 It is noted from the above text and map that the important landscapes within the village are the upland settings, and the green wedge of the valley bottom. In terms of sensitivity, the interpretation is that new development should be avoided in the valley bottom, which this is not, and on the village skyline, which this is not. It is therefore considered an appropriate location for new development in accordance with the Copeland Landscape Settlement document. This position is backed up by the amendment of the adjacent settlement development boundary which could allow further development in a location not contradictory to the above landscape appraisal.

Development Management Policies

Design

- 6.13 **Policy DM10** states:

'The Council will expect a high standard of design and the fostering of 'quality places'. Development proposals will be required to:

A Incorporate a complementary mix of uses, especially within or near town centres or at sites adjacent to public transport routes

B Respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through:

- i) An appropriate size and arrangement of development plots*
- ii) The appropriate provision, orientation, proportion, scale and massing of buildings*
- iii) Careful attention to the design of spaces between buildings, including provision for efficient and unobtrusive recycling and waste storage*

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iv) Careful selection and use of building materials which reflects local character and vernacular

C Incorporate existing features of interest including landscape, topography, local vernacular styles and building materials; and in doing so, have regard to the maintenance of biodiversity

D Address vulnerability to and fear of crime and anti-social behaviour by ensuring that the design, location and layout of all new development creates:

i) Clear distinctions between public and private spaces

ii) Overlooked routes and spaces within and on the edges of development

E Create and maintain reasonable standards of general amenity

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

6.14 It is considered that the above principles can be taken into account in any subsequent submission. To suggest that the submission cannot be prejudging any subsequent technical details consent. At this initial stage only the location, land use and scale are to be considered. The refusal including this policy is not appropriate as the Council can consider whether the scheme is a high-quality design at the further stage.

6.15 A recent planning appeal in Copeland within a settlement boundary on a comparably located site similarly quoted Policies ENV5 and DM10 in the reasons for refusal for a Permission in Principle, which was allowed (Ref: APP/Z0923/W/20/3246227).

6.16 **Policy DM27** states:

'A Development proposals which protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites and their settings will be supported. This will be particularly relevant in the case of:

i) Scheduled Ancient Monuments

ii) Conservation Areas

iii) Listed Buildings and structures

iv) Non-listed buildings and structures or landscape features of local heritage and archaeological value

v) Surface and below ground archaeological deposits

B Development proposals which have a significant adverse effect on a Scheduled Ancient Monument or its wider site or setting will not be permitted

C Development within Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the area and, where appropriate, views in and out of the area. The Council will pay particular attention to:

i) How new development respects the character of existing architecture and any historical associations, landscape features, open spaces, trees, walls and quality of townscape

ii) The impact of any proposed works to trees with regard to policy DM28

iii) The design of any proposals for new or altered shopfronts and / or signage, which should be an integral part of the design and avoid the use of internally illuminated signage

D Development which affects Listed Buildings or their setting will only be permitted where it:

i) Respects the architectural and historic character of the building

ii) Avoids any substantial or total demolition, or any demolition that is not related to proposed development affecting the building

iii) Does not have a significant adverse effect on the setting or important views of the building

iv) Involves a change of use to all or part of the listed building which contributes to the conservation and overall economic viability of the building, and where the use can be implemented without any adverse alterations to the building

E Any development proposal which is considered to affect an existing or potential site of archaeological importance will be required to be accompanied by an archaeological assessment. Where archaeological deposits are evident, below ground or on the surface, evidence should be recorded and where possible requires development proposals to be accessible to all users by providing convenient access into and through the site for pedestrians, cyclists and disabled people, access for emergency and service vehicles, meeting adopted car parking standards which reflect the needs of the Borough in its rural context. Where necessary the potential transport implications of development will be required to be supported by a Transport Assessment and a Travel Plan to manage any significant transport implications.'

- 6.17 With regards to the above, the decision notice particularly refers to Abbey Farmhouse, and the non-designated heritage assets of the School. It is stated that the development would harm the setting of the Grade II Listed Abbey Farmhouse. Below is a photo from the road frontage of the proposed application site:



The gable elevation and roof line of Abbey Farmhouse is central in the above photo, and the dwellings of Abbey Vale are to the right.

- 6.18 The photo below is from the gable elevation of Abbey Farmhouse. This site is behind the vegetation (all of which will remain if the application was approved) and the red hut building, which is central in the photo.



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Principle – National Planning Policy Framework (“NPPF”) (as revised February 2019)

- 6.19 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that sustainable development has three objectives social, economic and environmental.

- 6.20 The social and economic are as follows:

*“a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being. “*

It is noted in the above that a central aim of the NPPF is to ensure that the right type of land is available in the right areas, to ensure that the correct housing is available to meet the needs of present generations.

- 6.21 Paragraph 11 covers the issue of the application of the presumption in favour of sustainable development.

*“For **decision-taking** this means:*

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

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

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

- 6.22 Paragraph 49 in the revised NPPF now states “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission.”

- 6.23 Paragraph 61 states that “*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*”

- 6.24 At present, Copeland Borough Council is unable to demonstrate a five-year supply of housing land. Paragraph 67 of the NPPF states that Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should

identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

Therefore, housing applications should be considered in the context of sustainable development and relevant policies for the supply of housing are considered to be out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The settlement development boundary location dictates that this is a sustainable location.

- 6.25 Paragraph 73 of the NPPF covers maintaining supply and delivery of housing. This states Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the planned supply.
- 6.26 Paragraph 102 is regarding promoting sustainable transport, which is relevant to this proposal. *"Opportunities to promote walking, cycling and public transport use are identified and pursued."* This continues in paragraph 103 stating *"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."* As previously noted, this site is located within a sustainable village, with access to principal settlement in the Borough via the train station. The site then benefits from the Whitehaven services such as the West Cumberland Hospital, Westlakes Science Park, schools, churches, supermarkets & shops.
- 6.27 Paragraph 127 has been included by Copeland in the reason for refusal. This states as follows:
- 'Planning policies and decisions should ensure that developments:*
- 'a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

6.28 The above text is replicated by Policy ENV5 and DM10 covered in paragraphs 6.6 – 6.16 above.

6.29 Paragraph 184 – 202 of the National Planning Policy Framework have also been listed on the decision notice inclusive, despite some paragraphs not being relevant to the application. All paragraphs are included below for clarity.

6.30 Paragraph 184 states:

'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'

6.31 The above is not queried.

6.32 Paragraph 185 states:

'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

c) the desirability of new development making a positive contribution to local character and distinctiveness; and

d) opportunities to draw on the contribution made by the historic environment to the character of a place.'

6.33 The above is noted, and it is considered that the Copeland Local Plan includes Policy ENV4 and DM27 to guide development in accordance with the above wording.

6.34 Paragraph 186 states:

'When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'

6.35 St Bees is already designed as a Conservation Area, and the application does not seek to amend that designation, so this does not appear relevant.

6.36 Paragraph 187 states:

'Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:

- 1. a) assess the significance of heritage assets and the contribution they make to their environment; and*
- 2. b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.'*

6.37 During the course of the application and in the decision notice or delegated planning report, Copeland Borough Council have not mentioned a historic environment record, nor is one mentioned or available on their website. There is no Local List of Heritage Assets in the Borough.

6.38 Paragraph 188 states:

'Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.'

6.39 As mentioned above, Copeland has not referred to any historic environment information in the course of the application. With regards to policy-making, the Council is currently consulting upon a Preferred Options draft Local Plan for the period 2017 – 2035. This states that the Council is producing a suite of Heritage Impact Assessments to inform the Local Plan Site Allocation process. It follows this statement with wording that the Council is considering the production of a Local List of non-heritage assets. Therefore, further information will possibly be available in the future, but is not current in place for decision making.

6.40 Paragraph 189 states:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their

significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

6.41 While the above is noted, Copeland, as the LPA, did not require any submission in relation to the heritage assets during the course of the application. This is considered that it would logically form part of the technical details consent submission, as the exact nature of the proposed development would have been established.

6.42 Paragraph 190 states:

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

6.43 Again while the above is noted, Copeland, as the LPA, did not require any submission in relation to the heritage assets during the course of the application. The proposed submission includes an indicative layout only as required by the Permission in Principle process. Again, any detailed assessment on the impact of the heritage assets would logically form part of the technical details consent submission, as the exact nature of the proposed development would have been established.

6.44 Paragraph 191 states:

'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

6.45 This is not relevant to the proposal as the site does not contain a heritage asset, therefore there is no neglect or damage to a heritage asset. Conversely, the proposal actually supports heritage assets under the landowner's control. They own many other heritage assets in the village and the sale of this land for residential development would allow further funds to be spent on their buildings and their upkeep and retention.

6.46 Paragraph 192 states:

'In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.'

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6.47 Again, the proposal is considered to have a positive impact that would sustain and enhance the remaining heritage assets in the applicant's ownership. It is also considered that the application will put the land to a viable use, as the land is redundant from the previous use and will not be brought back into any use in the future for the School.

6.48 Paragraph 193 states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

6.49 This proposal does not directly involve the conservation of a heritage asset, as the site does not contain any assets. As mentioned above however, the sale of this site for residential development will actually positively contribute to the conservation of other heritage assets in the village.

6.50 Paragraph 194 states:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

6.51 It is noted from the decision notice that the Council considered the harm to be less than substantial, so in accordance with the above, the proposed is not in the category of needing to be considered exceptional or wholly exceptional. In addition, it does not alter or cause destruction to a heritage asset, and it is debated whether this site is within the setting of the Grade II Listed Abbey Farmhouse which is mentioned in the decision notice.

6.52 Paragraph 195 states:

'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.'

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- 6.53 It is noted that the above paragraph is regarding ‘substantial harm or total loss’, which again is not relevant to this application. I am of the opinion that any harm to heritage assets would not be substantial or total, and the Council as Local Planning Authority also have this opinion noting in the decision notice that the harm to heritage assets is ‘less than substantial’ in the terminology of the NPPF.
- 6.54 Paragraph 196 states:
- ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*
- 6.55 Using the wording of the Copeland Borough Council Decision Notice, the harm is less than substantial, so this is the most appropriate NPPF paragraph. The public benefits include additional housing development in a LPA that cannot currently demonstrate a five year housing land supply, and therefore new development should be encouraged. In addition, the re-use of redundant previously developed land within a settlement development boundary is considered a highly appropriate location for new residential development. Finally, the sale of this land will help to fund the future maintenance of other nearby designated and non-designated heritage assets. It is therefore concluded that the balance should be in favour of approval.
- 6.56 Paragraph 197 states:
- ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*
- 6.57 As the LPA has noted in the decision notice, the proposed harm to the St Bees School buildings as non-designated heritage assets is considered to be less than substantial in their opinion. In addition, the St Bees School Board and Trustees have considered the impact of developing this site on their land and buildings to be retained long term and are of the opinion that this is not significant. As the owners of many designed and non-designated heritage assets, this decision has been thoroughly considered. Finally, the finances of a residential land sale of this site, would further fund the maintenance work on the many other buildings, as mentioned elsewhere in this document.
- 6.58 Paragraph 198 states:
- ‘Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.’*
- 6.59 The above is not relevant as it is not seeking permission for the loss of whole or part of a heritage asset.
- 6.60 Paragraph 199 states:

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

6.61 The above is not relevant as it is not seeking permission for the loss of whole or part of a heritage asset.

6.62 Paragraph 200 states:

'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

6.63 The above is considered only partially relevant to the determination of the application. This is an opportunity to provide new development (not in, but adjacent to, a Conservation Area), in a sustainable location in a Local Planning Authority that cannot currently demonstrate a five year housing land supply, which is why in accordance with the above this is an opportunity to support additional development.

6.64 Paragraph 201 states:

'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.'

6.65 The above paragraph is not considered relevant to the proposal given that the site is not within the St Bees Conservation Area, nor does it involve the loss of a building. In the terms of the first sentence however, even though it is outside of the Conservation Area, the proposed application site is not considered to contribute to its significance.

6.66 Paragraph 202 states:

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'

6.67 The proposed planning application has not been submitted directly as a proposal for enabling development. However, it is again stressed that the finances of a residential land sale of this site, would further fund the maintenance work on the many other buildings, as mentioned elsewhere in this document.

Copeland Borough Council's Interim Housing Policy (2017)

- 6.68 Copeland Borough Council's Interim Housing Policy (2017) sets out the Council's current approach to determining planning applications for residential development in the absence of a 5-year supply of housing and up-to-date policies relating to housing in a Local Plan. This states that:

"The Council will continue to support applications that are in accordance with the development plan. However, in order to encourage sustainable development and boost housing delivery, a decision-making framework for planning applications that may not be fully in accordance with the development plan has been set out.

The Council will (in addition to the development plan and other material considerations) consider residential development proposals contiguous to the development boundary, or the existing built form of a settlement, against each of the following criteria:

- A. The scale of proposed development must be appropriate to the size, character and role of the settlement. In deciding whether the scale is appropriate, account will be taken of the cumulative impact of completions and permissions for the settlement concerned;
- B. The level of services and facilities in the settlement, as defined in the Village Services Survey (2017). To encourage sustainable development, preference will be given to schemes which are contiguous to settlements that have the greatest concentration of facilities and services. Information provided by applicants which seeks to update the survey will be a material consideration;
- C. Proposed development should not have a significant adverse impact on the capacity and safety of the highway network;
- D. Individual and cumulative impacts of development on infrastructure capacity (for example education, health provision, surface water management, adult social care), and landscape character should be mitigated.
- E. Proposed development should create safe and accessible environments that offer good access via a range of transport modes. Sites where it is possible to walk easily to a range of facilities will be considered more sustainable than sites that are further away and which would make car journeys more likely;
- F. Proposed development sites that fall within Flood Risk Zone 3a and 3b, as defined by Environment Agency's latest data, will be discounted unless robust evidence can prove that the flood zoning for the site is incorrect, or that there is a robust mitigation plan signed off by the Environment Agency;
- G. Proposed development should not have an adverse impact on the Lake District National Park, and should demonstrate how they conserve or enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park, or its setting;
- H. Proposed development should, subject to viability, include a proportion of affordable housing which makes the maximum contribution to meeting identified needs in that market area;

I. Proposed development for Executive Housing will be supported where it delivers significant and demonstrable economic, social, and environmental benefits;

J. Proposed development should be of a high-quality design, enhancing local distinctiveness; and, where relevant, respecting the rural character of the settlement;

K. Proposed development should not result in significant intrusion into the open countryside, or result in any settlements merging;

L. Proposed development should not result in significant and demonstrable harm to the landscape character of Copeland, and applicants should have regard to those landscape areas as defined in the Cumbria Landscape Guidance and Toolkit (2011), or any subsequent update;

M. Major developments should be supported by a masterplan (to include a phasing scheme), which will demonstrate what proportion of development will be deliverable within the five-year supply period relevant to the date of determination of the planning application.

6.69 It is considered that the Interim Housing Policy has been met by the proposal, however the Council has determined that the proposal does not meet criterion J.

6.70 It is considered that this point has been thoroughly covered previously in this document. However, for clarity, the Council is suggesting that the development could not be of high quality, which can only be considered in the technical details consent submission.

7.0 Permission in Principle

7.1 The gov.uk guidance on the Permission in Principle states '*The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.*'

7.2 The above points are similarly covered in the Interim Housing Policy, but for clarity:

- Location: The site is within the St Bees settlement boundary, and therefore is in a suitable location.

- Land use: The site is adjacent to the Abbey Vale residential estate, and St Bees School buildings, within a Local Service Centre. Residential is therefore a suitable land use.

- Amount of development: The application has an indicative layout which shows 3 dwellings. This is a suitable number of properties on this size of site and is appropriate in the context of the size of St Bees village as a whole.

8.0 Conclusion

- 8.1 The proposed development provides the opportunity for additional dwellings on a site that is considered suitable for residential use.
- 8.2 The land is currently unused previously developed curtilage land for the School.
- 8.3 While the technical issues will be address by a subsequent submission, the proposed development can be sensitively designed to take into account the site characteristics, surroundings, wider location and separation distances.
- 8.4 It is contended therefore that the proposed development is acceptable and is in accordance with both national and local planning policy, and therefore should be approved.

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