



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2392/OG1
2.	Proposed Development:	REMOVAL OF CONDITION 1 (OCCUPANCY CONDITION) OF PLANNING APPROVAL 4/14/2492/OF1
3.	Location:	ENNERDALE VIEW, BIRKS ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report.
7.	<p>Report:</p> <p>Site and Location:</p> <p>The Application Site comprises the property known as Ennerdale View, Birks Road, Cleator Moor.</p> <p>Direct Planning Application History</p> <p>4/01/0312/0 - Outline application for the erection of single, dwelling – Withdrawn.</p> <p>4/01/0815/0 - Erection of single dwelling – Approved.</p> <p>4/04/2214/0 - Five bedroomed detached dwelling – Approved.</p> <p>4/12/2297/OF1 - Variation of condition 3 of outline approval 4/01/0815, erection of single dwelling (occupancy restriction) – Approved.</p> <p>4/14/2492/OF1 - Variation of condition 1 of planning permission 4/12/2297/Of1 to include additional parish – Approved.</p> <p>Proposal:</p> <p>This application under Section 73 of the TCPA 1990 (as amended) seeks to remove Planning Condition 1 of Planning Application Ref. 4/14/2492/OF1, which states the following:</p>	

1. *The occupation of the dwelling shall be limited to a person living or solely or mainly working, or last working, within the parishes of Cleator Moor, Weddicar, Arlecdon and Frizington, Haile, Egremont, Ennerdale and Kinniside, St. Bees and Beckermest with Thornhill locality, or a widow or widower of such a person, and to any resident dependants.*

Reason

The Local Planning Authority would not be prepared to accept the unrestricted occupation of this dwelling site except for occupation by persons living and working within the locality.

Consultee:	Nature of Response:
Parish Council	No comments received.
Neighbour Responses:	
The application has been advertised by way of neighbour notification letters sent to two neighbouring dwellings and an application site notice.	
No representations have been received.	

Development plan policies:

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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles
Policy ST2 – Spatial Development Strategy
Policy SS1 – Improving the Housing Offer
Policy SS2 – Sustainable Housing Growth
Policy SS3 – Housing Needs, Mix and Affordability

Copeland Local Plan 2001-2016 (LP):

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
Interim Housing Policy (IHP).
Emerging Copeland Local Plan (ECLP).

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

Assessment:

Principle;

Policy ST2 of the CS identifies Cleator Moor as a Key Service Centre.

Policy ST2 seeks to support appropriately scaled housing development within the defined settlement boundaries of Key Services Centres.

Policy ST2 of the CS states that outside of the defined settlement boundaries, development is restricted 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.*

The Application Site is located out with the settlement boundary for Cleator Moor as defined in Policy ST2 of the CS; however, following the approval of application ref, 4/16/2315/001, the Application Site is now located within an approved unfettered residential development which is currently under construction. The approved residential development and Application Site when complete will read and function as part of the developed extent of Cleator Moor.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); 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.

Copeland Borough Council is currently unable to demonstrate a five year supply of housing land; therefore, the provisions of the presumption in favour of sustainable development outlined in Paragraph 11 of the NPPF must be applied in the determination of this application.

In applying the presumption in favour of sustainable development detailed in Paragraph 11, the policies of the Development Plan which are most important for determining the application are to be

considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In the context of the provisions of Paragraph 11, the defined development boundary for Cleator Moor must be considered out of date.

In applying the provisions of Paragraph 11, in relation to any new build dwelling on the Application Site:

- it would assist in a small way in boosting housing supply to meet the identified need for housing in Cleator Moor and the wider Borough;
- it would be appropriate in scale to the designation of the Cleator Moor as a Key Service Centre in accordance with the spatial objectives of Policy ST2 of the CS and the requirements of Criterion A of the IHC;
- it would be located in close and convenient proximity to the services and employment opportunities located within Cleator Moor for which the settlement has been designated as a Key Service Centre in Policy ST2 of the CS. The proposed development would support existing services and thus the aspiration of retaining these services and achieves the requirements of Criteria B and D of the IHP; and,
- sustainable travel options would exist within the vicinity of the settlement as per the provisions of Policy DM22 of the DMP.

In the context of the above, the principle of a market led dwelling on the Application Site would now be acceptable.

In the Planning Condition 1 of Planning Application Ref. 4/14/2492/0F1 limiting the occupation of the dwelling to local qualifying persons, no longer serves a useful planning purpose.

The Planning Balance;

Whilst located beyond the adopted settlement boundary of Cleator Moor, the Application Site is well related to the developed extent of the settlement as developing; therefore, the principle of unfettered residential development is considered to accord with the provisions of the Development Plan relating to residential development when taken as a whole.

In addition to the above, the principle of unfettered residential development on the Application Site

	<p>finds support under the provisions of the IHP and the NPPF.</p> <p>In the context of the above, Planning Condition 1 of Planning Application Ref. 4/14/2492/0F1 that limits the occupation of the dwelling to local qualifying persons, no longer serves a useful planning purpose and can be removed.</p>	
8.	<p>Recommendation: Approve</p>	
9.	<p>Condition(s): None required.</p>	
Case Officer: Chris Harrison		Date : 16 th November 2020
Authorising Officer: N.J. Hayhurst		Date : 20/11/2020
Dedicated responses to:-		