

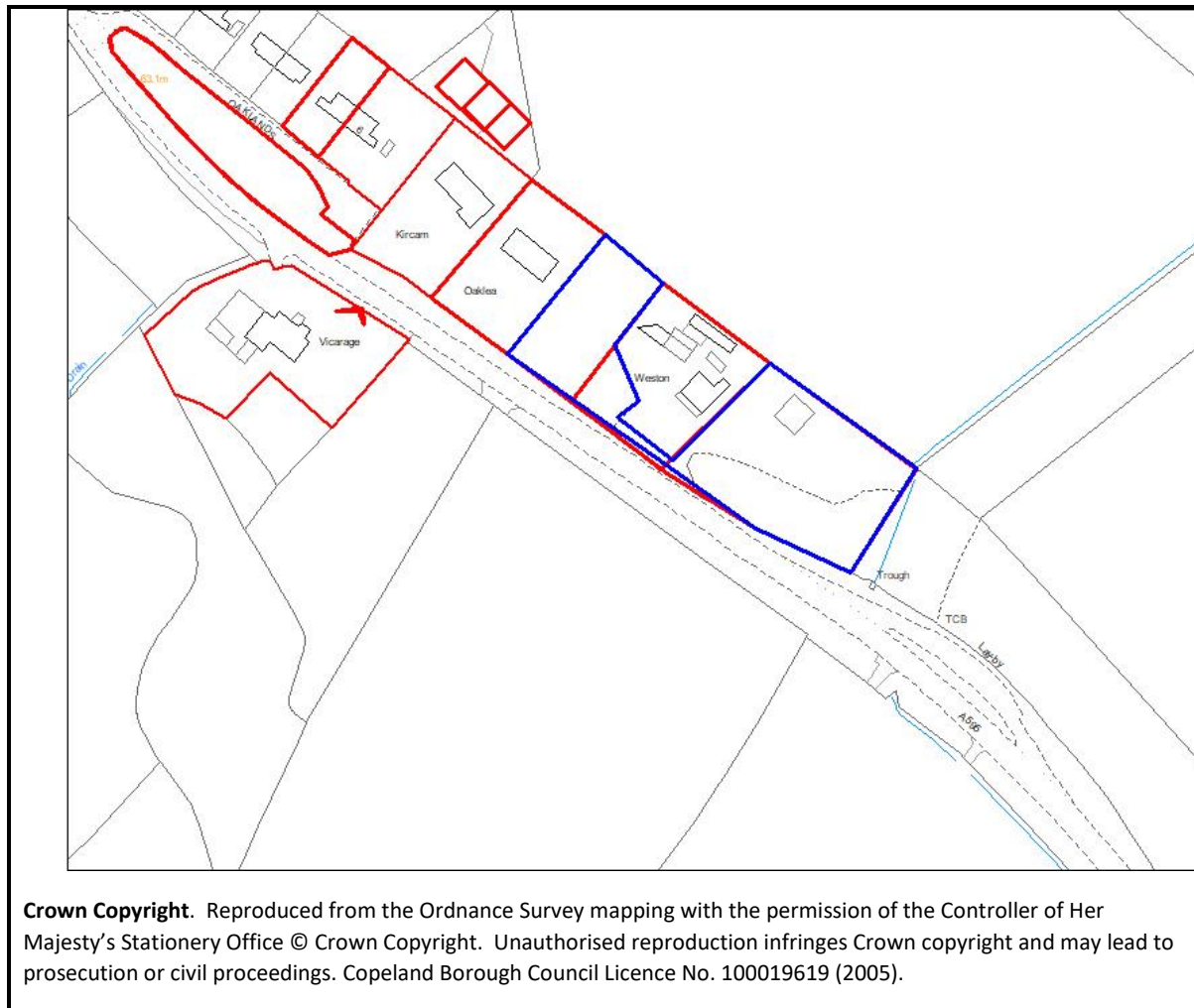


To: PLANNING PANEL

Development Control Section

Date of Meeting: 03/03/2021

Application Number:	4/20/2461/001
Application Type:	Outline : CBC
Applicant:	Mr B Atkinson
Application Address:	WESTON, BECKERMET
Proposal	OUTLINE PLANNING PERMISSION FOR REDEVELOPMENT OF BUILDERS YARD TO RESIDENTIAL FOR UP TO 4 PROPERTIES
Parish:	Haile
Recommendation Summary:	Refuse



Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the Parish Council have determined to support this application which is contrary to Officer recommendation.

Site and Location

The application relates to a site, known as “Weston”, which is located to the south east of the Hamlet known as “Oaklands”. The site covers an area of 0.34 hectare and currently comprises the detached dwelling Weston, and an existing builders yard and office forming the administrative base of Atkinsons Builders who currently employ 8 people.

The site is accessed directly from the A595 and benefits from a number of mature trees, the majority of which are protected by Tree Preservation Orders (TPO). The site is located outside of any settlement boundary and is bounded to the north west by an existing residential dwelling, to the east by open countryside, and to the south by the A595.

Proposal

This outline application seeks to establish the principle of developing the site for residential purposes for up to four dwellings. All matters relating to layout, scale, appearance, access and landscaping are reserved for future consideration.

Whilst all matters are reserved for subsequent approval, an indicative layout plan has been submitted with this application to show how the site could accommodate four detached dwellings. The indicative layout shows that three of the detached dwellings will be located to the south east of the detached dwelling, Weston, which currently accommodates the existing business use. A further detached dwelling is proposed to the north west of the dwelling.

It is anticipated that all four dwellings will be dormer style properties.

This application is accompanied by the following documentation:

- Location Plan;
- An Indicative Site Plan;
- Indicative Floor Plans;
- Planning Statement.

Relevant Planning Application History

4/09/2355/0 – Remove 4 cypress trees and 3 acer trees protected by a TPO – Approved

4/04/2725/0 – Relocation of building business – Approved

4/90/0259/0 – Outline for bungalow - Refused

Consultation Responses

Haile Parish Council

Whilst Haile and Wilton Parish Council support this application in principle, the Parish Council would be more comfortable with 3 properties. This may change once the detailed planning application is submitted.

Highways England

Highways England recommend that conditions should be attached to any planning permission that may be granted at this site.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

The proposed development accesses the A595 which is maintained by Highways England. Cumbria Highways therefore do not have any comments to make other than advisory remarks and your authority should consult Highways England for their recommendations.

Cumbria Highways would like to point out the importance of on-site parking and turning as reversing onto the A595 would not be acceptable. Assuming, that each of the proposed dwellings will be 3no. bedrooms then they suggest that a minimum of two parking spaces per dwelling are provided with adequate space for turning provided with the inclusion of inter-visibility between each of the dwellings on site as per the guidance supplied in the Cumbria Development Design Guide.

Normally Cumbria Highways would recommend that the access is at least 4.1m in width for the first 10m into the site from the highway, however, the existing access appears to be of a good width to allow for two vehicles to pass one another. The applicant should also provide a plan demonstrating the proposed surface water drainage methods.

United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Copeland Borough Council – Flood and Coastal Defence Engineer

No objections to the proposed development.

Copeland Borough Council – Strategic Planning Policy

Core Strategy and Development Management policies 2013

The Planning Statement acknowledges that the site forms part of the hamlet of Oakland, outside of the settlement boundaries, and is separate from the Key Service Centres and Local Centres identified in the hierarchy in Policy ST2 of the Core Strategy. Sites outside of defined settlement boundaries are classed as being within the open countryside, meaning that development of the site would be contrary to Policy ST2. Development in these areas is limited to that which meets the defined needs of the local population (such as Rural Exception Sites), which needs to be proven in all cases.

The parts of the Policy which refer to the settlement boundaries (identified on the Core Strategy Proposals Map) are considered to be “*out-of-date*”, regardless of the housing land supply position. This is because the development of the emerging Local Plan has indicated that in order to meet housing needs identified in the SHMA, development will be required outside of those boundaries over the Plan period. Given this, these parts of the policy are not considered to accord with the NPPF which requires local authorities to *significantly boost* housing land supply and can therefore be given little weight.

Emerging Local Plan 2017-2035

The Council's Preferred Options Draft of the Local Plan has recently undergone a consultation period. The relationship between the site and the draft settlement boundaries remains the same in the emerging Local Plan 2017-2035.

The emerging Local Plan is however at an early, informal stage and there are unresolved objections to the relevant policies (including the proposed settlement hierarchy). Given this, the policies within the draft can be given very little weight at this stage.

Housing Provision

The development would provide a small number of rural market homes, however it is not clear how these would reflect local needs as no reference has been made to the Strategic Housing Market Assessment or Housing Needs Study in the application. The application does not state that the homes will be provided for local occupancy.

In November 2029, the Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure.

Access to facilities and services

As previously mentioned, the site is situated in the open countryside, with limited access to key services and facilities. Whilst there are a number of services in neighbouring Beckermat, as listed in the Planning Statement, there is no suitable, safe walking route between them and the application site.

The site lies approximately 0.6 miles away from the settlement of Thornhill, and there appears to be a continuous pavement. However, this is poorly lit, and therefore likely to only be used during the day. There are also limited services in Thornhill, with one village shop/ post office approximately 0.9 miles from the application site. Given this, it is unlikely that residents of the proposed dwellings would visit Thornhill, and would instead be likely to opt for driving to larger settlements such as Egremont. Therefore it is unlikely that development of this site would contribute to supporting the existing rural settlements of Beckermat and Thornhill.

Given the site's isolated location, away from services, development would be contrary to the following NPPF paragraphs:

- Paragraph 78 as it is unlikely to enhance or maintain the vitality of rural communities given the poor pedestrian connections to services within neighbouring villages and the likelihood that residents would drive to nearby towns for amenities.
- Paragraph 79, which states the development of isolated homes in the open countryside should be avoided unless certain circumstances apply.

Development of brownfield land

Paragraph 17 of the NPPF states that planning should "*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*". Further to this, policies ST1 and SS2 outline the requirement for 50% of new housing development to be provided on brownfield sites. This proposal would contribute towards achieving this target.

Loss of existing employment

The development would result in the loss of 1,690sqm 'B' use employment floor space, and the resultant loss of 8 jobs. This has potential for negative impacts on the local economy. The applicant has not commented on the future of the current commercial use or provided evidence to justify the loss of a rural employment site. Whilst the site is not allocated for employment (primarily due to its size), the NPPF paragraph 80 states that "*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*" It is not clear whether wider opportunities for alternative commercial uses on the site have been sought.

The Planning Statement states that a residential use would be a better neighbour to adjacent residential properties, however the impact of the existing commercial use on the amenities of neighbours would have been taken into account, and deemed to be acceptable, when the application for the commercial use was approved in 2004. The impact of any alternative, future commercial use would be taken into account at application stage, where consideration would be given to NPPF paragraph 84.

Traffic concerns

It is anticipated that 4 additional dwellings could result in approximately 8 additional cars on the site, in addition to visitors and deliveries. The rural nature of the site and limited public transport accessibility means that development would be heavily reliant on cars for day to day activities. The level of existing traffic from the building yard is unclear. Full consideration ought to be given to the change in traffic movements, and the impact this could have on climate change, prior to decision making.

Previous appeal decisions

In June 2019, an appeal was dismissed for planning application 4/18/2477/001 in the settlement of Lamplugh on the grounds that: "*The delivery of three additional dwellings within the Borough would not significantly and demonstrably outweigh the isolated nature of the proposed site with respect to services and facilities and its reliance on private car.*"

A further appeal in Lamplugh, application 4/19/2262/PIP was also dismissed in September 2020, again, on the basis of reduced accessibility to key services and facilities. This also refers to the lack of footpaths and adequate street lighting, further restricting accessibility.

The application site has distinct similarities with both of these dismissed appeals, with particular regard the poor connectivity of the proposed developments to shops and services.

Rural exception site

The application appears to be for market housing. Policy SS3 of the Copeland Core Strategy states that outside of the settlements listed in the settlement hierarchy, housing development will be supported only on rural exception sites that meet certain criteria listed

in paragraph 5.4.6. Should the applicant wish to bring forward the site as a rural exception site it is recommended that they engage in pre-application discussions with the Council first.

Summary

The Council can now demonstrate a five year supply of deliverable housing sites as identified in the Housing Land Supply Position Paper 2020, however as stated above one of the most important policies relating to the application is partly out-of-date, albeit for a different reason. The tilted balance is therefore engaged.

Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- I. *“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*
- II. *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.”*

The Strategic Planning Team considers that there are a number of adverse impacts associated with the development. These include conflict with the NPPF and previous local appeal decisions, the relatively isolated location and increased reliance on the private car and the impact on the rural economy through the loss of an employment site. It is considered that these impacts significantly and demonstrably outweigh the benefits of development, which comprise the provision of a small number of homes in an isolated location and potential improvements to the amenities of neighbouring residents through the loss of commercial use. We are therefore unable to support the application as it stands.

Capita – Consultant Arboricultural Officer

The site is currently used as a builders yard. It is a rectangular area of land surrounded by trees and hedges with a number of trees internal to the site. No arboricultural information has been provided with the outline application. Therefore, should the application prove acceptable, a condition requiring detailed arboricultural information must be attached to the decision letter.

Resilience Unit

No comments received.

Public Representation

This application was advertised by way of site notice and neighbour notification letters issued to three residential properties. No comments have been received in relation to this statutory notification procedure.

Planning Policy

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

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

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

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan:

The emerging Copeland Local Plan 2017-2035 was recently subject to a Preferred Options Consultation which ended on 30th November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

The primary issues relevant to the determination of this application are:

- The principle of the development;
- Access to services and facilities;
- Housing need;
- Landscape and visual impacts;
- Design & impact on residential amenity;
- Access, parking and highway safety;
- Drainage and Flood Risk;
- Trees.

Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

The application site is located within a small Hamlet, known as Oaklands. Policy ST2 of the Copeland Local Plan identified Oaklands as 'outside settlement boundaries'. Policy ST2 of the Copeland Local Plan 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. A proven requirement for

the proposed development has not been demonstrated; therefore, the requirements of Policy ST2 of the Copeland Local Plan have not been achieved with this application.

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 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.

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

Notwithstanding the above, the policies in the Local Plan must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.

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

The ECLP has been drafted based upon an evidence base. The SHMA calculates a housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

The ECLP continues to identify Oaklands as within open countryside, as it is not considered to be a sustainable location. Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, as the document is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, the identified conflict can be given little weight at present.

In the context of the provisions of Paragraph 11, the Council's defined settlement boundaries are considered to be out of date. Paragraph 11 of the NPPF sets out that planning permission should 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.

Access to Services and Facilities

Policy ST1 outlines the strategic development principles. The policy refers to good access to services and facilities for everyone, encouraging development which minimises carbon

emissions, directing development away from greenfield site, minimising the need to travel and prioritising development in the main towns where there is previously developed land and infrastructure capacity.

The site is located within open countryside, with limited access to key services and facilities. The submitted Planning Statement for this application states that the site is located between Thornhill and Beckermets which provide the following facilities: primary school 0.78 miles from site, public house 0.68 miles away, nursery provision 0.58 miles away, village hall 1.02 miles away, church 1.1 miles away and retail located within Egremont 1.87 miles away. There are no facilities located within the immediate vicinity of the application site or within the Hamlet of Oaklands.

The site is positioned off the A595 without a footway. Whilst there are a number of services in the village of Beckermets, there are no suitable safe walking routes between the village and the application site which would discourage pedestrian movements. The site also lies approximately 0.6 miles from the settlement of Thornhill, which provides a limited number of services, however there is not a continuous pavement from the site to link the development to this settlement. The nearest pavement link is located approximately 40m away on the opposite side of the A595, therefore there is not a safe direct walking link to nearby settlements. This footpath link is poorly lit and therefore would only reasonably be used during the day. On this basis, it is considered that the residents of the proposed development would be unlikely to walk or cycle to Thornhill and would instead be likely to drive to larger settlements, such as Egremont to access everyday facilities and services. It is therefore considered that the proposed development would encourage the use of unsustainable transport methods and it would therefore be unlikely that the development would contribute to supporting the existing rural services within Beckermets and Thornhill. This would be contrary to paragraph 78 of the NPPF.

On this basis the site is not considered to be located within a sustainable location for the purposes of Policy ST1.

Paragraph 79 of the NPPF advises against the development of isolated homes in the countryside. The word isolated is not defined within the Framework but according to the Court of Appeal *‘the word “isolated” in the phrase “isolated home in the countryside”, simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, “isolated” in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand’*. With regard to proximity to other housing, the site is not physically isolated as there are other dwellings in the vicinity. However, due to the lack of facilities within the immediate locality, the spread of services and facilities around the nearest settlements, and the limited opportunities for travel other than by motor vehicle, the proposed dwellings would be considered isolated from services and facilities and would therefore not comply with the provisions of the NPPF.

Housing Need

Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the SHMA.

Oakland falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SMHA suggest a particular focus on the delivery of three bedroom houses, semidetached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The illustrative site layout plan and supporting documentation outlines that the proposed dwellings are likely to comprise of market homes. No indication of how the development will meet the needs of the Housing Market Area is provided.

Landscape and Visual Impacts

Policy ENV5 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.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: 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 criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place 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, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

The application site comprises an area of 0.34 hectares, which is currently occupied by the detached dwelling Weston and the existing builders yard and office forming the administrative base of Atkinsons Builders. The site is accessed directly from and is visible from the A595, but is well screened by a number of existing trees, the majority of which are protected by TPO.

The site directly adjoins the existing properties within the Hamlet of Oaklands. The proposed development would comprise an extension to the existing development form which would reflect the existing character of the area and would extend the linear form of the Hamlet. The development would therefore be viewed as part of the existing building group which would lessen its impact within the locality. As the proposal would develop an area of land that lies within a row of existing buildings the development would not result in major intrusion into the open countryside. It is also well screened by the existing trees on the site. On this basis the development is not considered to have significant harm on the overall landscape.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that the site could be developed in a form that respects the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with policies ST1 and ENV5 of the Copeland Local Plan and provision of the NPPF.

Design and Impact on Residential Amenity

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

The application site lies adjacent to residential properties to the north west, with the existing dwelling known as Weston located within the middle of the application site. Although all matters are reserved for future approval the application is accompanied by an indicative layout plan which demonstrates that four dwellings could be accommodated on the site which reasonably allow for adequate separation distances to be achieved between facing elevations of the proposed and existing dwellings as required by Policy DM12 of the Local Plan. The indicative layout also shows that the proposed dwellings will be set back within the proposed plots, away from the adjacent A595, to reflect the existing built form of Oaklands. This will help to mitigate against any impact of the development on neighbouring properties.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that a development layout is deliverable with interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking. The requirements of Policy DM12 of the Local Plan are considered achievable.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of

the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The application has been submitted in outline form only, with all matters relating to access reserved for subsequent approvals. The application indicates that access will be achieved via the existing access from the A595 which currently serves the existing dwelling and employment use.

As the proposed access to the development is from the A595 both Highways England and Cumbria Highways have been consulted on this application. Highways England have requested a number of conditions relating to the submission of a Construction plan Working Method Statement, and restriction of drainage, should the application be approved. As the A595 is maintained by Highways England, Cumbria Highways comments are advisory only. Cumbria Highways have not objected to the development but have provided guidance on parking, turning, and inter-visibility. They have also offered no objections to the use of the existing access as it appears to be of a good width to allow for two vehicles to pass one another.

Overall, it is considered that the submitted details of the potential access comply with Policies T1 and DM22 of the Copeland Local Plan and provisions of the NPPF.

Drainage and Flood Risk

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

Although the application site is located within Flood Zone 1, the Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon this application.

As the application is in outline form only, the agent for this application has indicated that the site will be drained to the main sewer. Whilst no objections have been received to the development from Statutory Consultees, it is stated that in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. This detail could be secured through an appropriately worded planning condition should the application be approved. This detail will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Trees

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

The application is located within a site which includes a number of well-established trees, the majority of which are protected by Tree Preservation Orders. As this is an outline application a tree survey has not been submitted. The agent for the application has however stated that the retained trees are as shown on the indicative plans for the application and the only ones that require removal are within the garden of the existing dwelling. Furthermore, as the proposal is in outline form the applicant does not have any firm designs but all dwellings have been indicated to be located outside of the mature tree canopies.

The Council's Arboricultural Consultant has been consulted on this application. No objections have been submitted however it is stated that if the application is to be approved a condition required detailed arboricultural information must be secured.

Subject to the imposition of appropriate planning conditions as set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.

Loss of Employment Premises

The development would result in the loss of 1,690sqm 'B' use employment floor space, and the resultant loss of 8 jobs. This has potential for negative impacts on the local economy. The applicant has not commented on the future of the current commercial use or provided evidence to justify the loss of a rural employment site. Whilst the site is not allocated for employment (primarily due to its size), paragraph 80 of the NPPF states that "*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*" It is not clear whether wider opportunities for alternative commercial uses on the site have been sought.

The Planning Statement submitted with the application states that a residential use would be a better neighbour to adjacent residential properties. This issue was fully considered and deemed to be acceptable, when the application for the commercial use was approved in 2004. No issues have been raised by the occupiers of the adjoining properties since the commercial use of the site commenced and so limited weight is attached to this issue.

Planning Balance

The application site is located 'outside settlement boundaries' as defined in Policy ST2 of the Copeland Local Plan.

For the reasons outlined, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- 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
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposed development is in clear conflict with the provisions of Policy ST2 of the Local Plan with regard to the location of the development 'outside the settlement boundaries'; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

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

Although the development would be considered to provide a minor increase in the housing supply within the Borough, and would not be considered to have any significant landscape or highway impacts, by virtue of its location the application site is considered to be isolated from services and any sustainable transport links. The development is therefore considered to be located within an unsustainable location in relation to services and its reliance on unsustainable transport methods, and therefore would not comply with paragraph 11 of the NPPF. A proven requirement for the proposed development has not been demonstrated.

Conclusion

On balance, whilst there are some limited benefits of the proposal these are not considered to significantly and demonstrably outweigh the identified environmental harm of a residential development located where there would be a need to travel by private car. The proposed development would not be in a suitable location for a residential development when assessed against the policies in the NPPF taken as a whole. On this basis the proposal is considered to be an unacceptable form of unsustainable development.

Recommendation:-

Refuse

Reason for Refusal

The Site is located in the hamlet of Oaklands in an area of open countryside. The proposal comprises a small scale residential development on an existing employment site and no need for the development or justification for the loss of the employment use has been demonstrated. Community facilities in the general wider vicinity of the Site are limited. Access to services from the Site is also limited being beyond distances which residents could reasonably be expected to walk or cycle. There are no footways directly linking the application Site to the available services. Given the disparate spread of the services and facilities and lack of sustainable transport links, travel by more sustainable methods would be unlikely to offer a feasible alternative to the private car. The minor benefits that could result from a small housing development in this location would not be sufficient to outweigh this harm, especially as the housing is without justification. As such it would not represent sustainable development as required in the NPPF.

The proposal is therefore contrary to policies ST1, ST2 and SS3 of the Copeland Local Plan 2013-2028 and Paragraphs 8, 9, 79, and Paragraph 80 and Part 9 of the National Planning Policy Framework.

Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.