

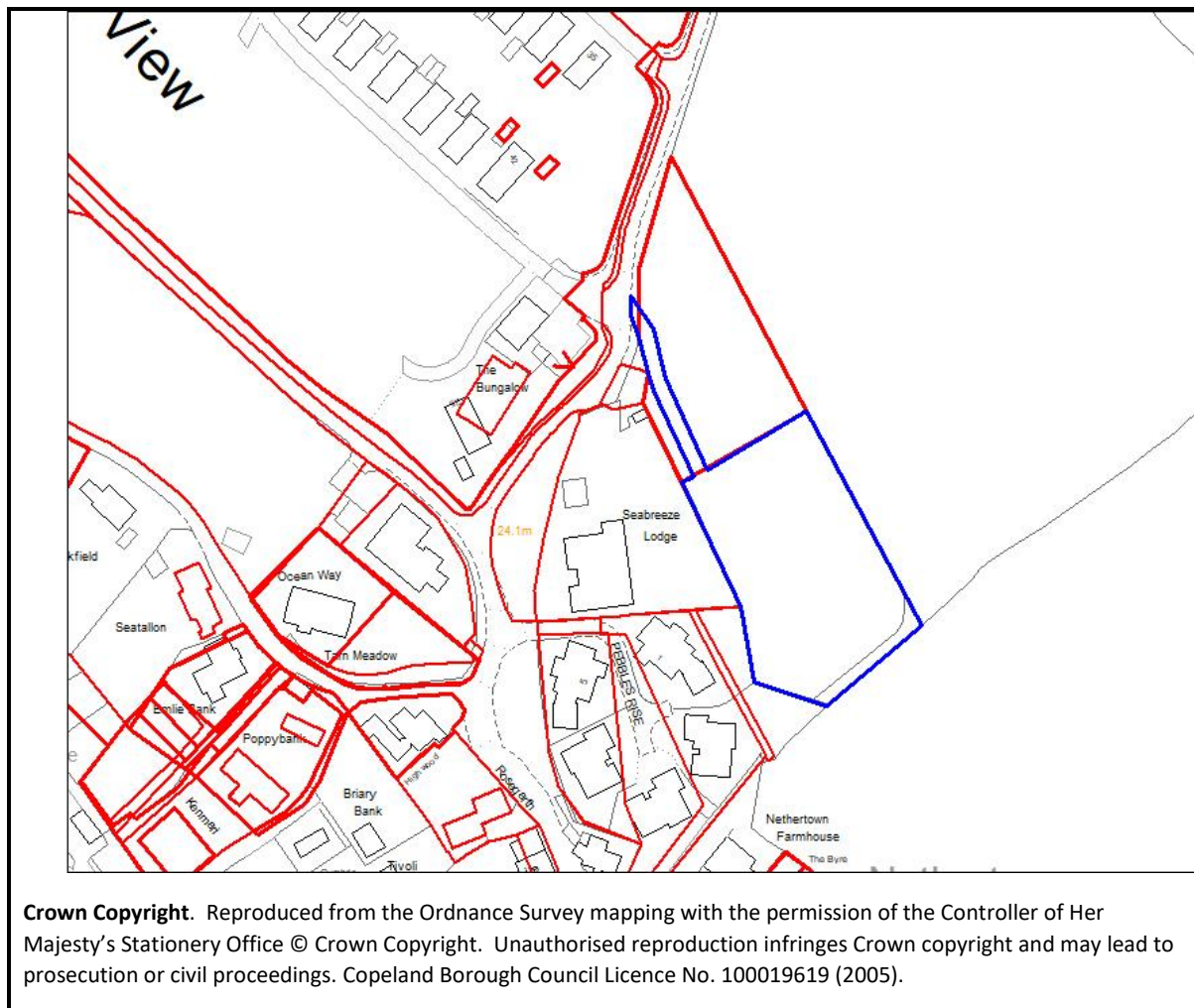


**To: PLANNING PANEL**

**Development Control Section**

**Date of Meeting: 03/03/2021**

<b>Application Number:</b>	4/20/2468/001
<b>Application Type:</b>	Outline : CBC
<b>Applicant:</b>	Mr Nigel Kay
<b>Application Address:</b>	LAND TO NORTH EAST OF SEABREEZE LODGE, NETHERTOWN, EGREMONT
<b>Proposal</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR 2 DWELLINGS INCLUDING APPROVAL OF ACCESS
<b>Parish:</b>	Lowside Quarter
<b>Recommendation Summary:</b>	Approve in Outline (commence within 3 years)



### Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the Parish Council have lodged an objection which is contrary to Officer recommendation.

### Site and Location

This application site relates to an area of land on the north east edge of Nethertown, adjacent to the existing caravan park Lakeland View. The site covers an area of 0.26 hectares and is currently used as domestic curtilage ancillary to the detached property known as Seabreeze Lodge which is located to the east. The land is bounded to the west by existing residential properties and to the east and south by open countryside. To the north of the site is an area of the domestic curtilage which was granted outline planning permission (ref: 4/18/2465/001) in March 2019 for three dwellings include the access position.

## **Proposal**

This outline application seeks to establish the principle of developing the site for residential purposes for two dwellings. Although all matters relating to layout, scale, appearance, and landscaping are reserved for future consideration, the application does include full details of the proposed access.

The submitted location plan shows how the site will be accessed via a shared surface road which will extend from the access junction with the public highway previously approved under outline planning approval 4/18/2465/001. An indicative layout has also been submitted to show how two dwellings could be accommodated within this site and within the context for the adjacent site totalling five dwellings in this location. The supporting Planning Statement indicates that the proposed dwellings will be single storey with dormer style rooms in the roofspace, to align with the principles established under the previous approval at the adjacent site.

This application is accompanied by the following:

- Location Plan;
- An Existing Site Plan;
- An Indicative Site Plan & Site Section C-C;
- An Indicative Landscape Structure Plan;
- Design and Access Statement.

## **Relevant Planning Application History**

4/18/2465/001 – Outline for 3 dwellings including access position – Approved on adjacent site.

## **Consultation Responses**

### Lowside Quarter Parish Council

Lowside Quarter Parish Council object to the development proposed in the above planning application on grounds of the infrastructure of the village not being capable of sustaining additional properties. In particular the rainwater run-off from this development will only add to the flooding which occurs outside the property Ocean Way every time there is sufficient rainfall. The additional rainwater run-off from this considerable tarmac/paved area for these properties will, due to the raised location relative to the road, only add to an already existing problem with consistent flooding even with gullies installed on this development.

### Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

The two proposed dwelling in addition to the three previously approved under 4/18/2465/001 will mean that the development is still under the threshold that would require it to be built to an adoptable standard. Cumbria County Council have advised that

their response to 4/18/2465/001 should be applied to this application with the addition of the conditions relating to construction of the approved access.

Previous comments from Cumbria County Council:

Cumbria Highways

No objections subject to the inclusion of conditions relating to visibility splays, the access road, existing boundaries, surface water and parking/turning.

Local Lead Flood Authority

The LLFA do not have any records of flooding on this site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

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. United Utilities have therefore requested conditions relating to surface and foul water drainage.

Copeland Borough Council – Strategic Planning Policy

**Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies Document**

The application site falls outside any settlement boundary identified within the Core Strategy's Settlement Hierarchy, Figure 3.2. The site is therefore classed as being in an open countryside location.

The main policy relating to the application is Policy ST2 (Spatial Development Strategy).

Criteria set out in Figure 3.2 of Policy ST2 sets out the type and scale of development that may be appropriate outside of settlement boundaries:

*“Development providing homes to meet the defined needs of the population, with need for rural/non settlement location to be proven in each case (see 3.5-16-19)”*

Figure 3.3 demonstrates Housing Requirements by Settlement. The proposal represents development outside of the settlement boundary without defined need (the proposal appears to be for market housing and not limited to local needs) and is therefore contrary to Policy ST2 and Figures 3.2 and 3.3.

The parts of the policy that refer to the settlement boundaries are however out of date and can therefore be given limited weight. This is because the development of the emerging Local Plan has highlighted that extensions to the boundaries will be required to meet identified housing needs.

## **Draft Local Plan 2017-2035**

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

The emerging Local Plan identifies Nethertown as an Other Rural Village and identifies a settlement boundary around the village. The site is outside but directly adjoins the proposed settlement boundary and would therefore continue to be classed as being in an open countryside location.

The village's classification as an Other Rural Village is based on an assessment of services within the village and public transport connections to larger settlements. It is anticipated that the 9 "Other Rural Villages" listed in the Plan would provide 108 dwellings in total between them over the emerging plan period.

The proposed development would provide a small number of market homes which would help meet rural housing needs, 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 2020, 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. The proposal, being outside the draft settlement boundary, is contrary to draft Policy DS3PO as the site is not connected to the village by a safe pedestrian route and the Council can demonstrate a 5 year supply. However as the Plan is at an early stage and there are outstanding objections to the relevant policies it can be given little weight at present.

## **NPPF**

The NPPF requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is one such consideration.

The NPPF includes a presumption in favour of sustainable development with paragraph 11 stating that:

*"For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) 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:*

*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."*

Criteria d is relevant as the parts of Policy ST2 relating to settlement boundaries are out of date and therefore the tilted balance is engaged. Given this, consideration should be given to whether criteria di or dii above are triggered.

Paragraph 78 of the NPPF states that *"to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality and viability of rural communities."*

Paragraph 79 continues by stating that *"Planning Policies and decisions should avoid the development of isolated homes in the countryside"* unless certain circumstances apply.

### **Access to services**

One of the key considerations is therefore whether the development would represent an isolated form of development, and therefore be contrary to the NPPF. The term "isolated" has been considered in numerous appeals.

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 is currently identified as open countryside. The Local Plan 2017-2035 recognises that Nethertown has a limited number of services including a rail connection to St Bees and Whitehaven, a local employer and café/restaurant, and in light of this the village is proposed to be an "Other Rural Village" to which a limited amount of development will be directed over the emerging Plan period. As stated above, the site is however outside the draft settlement boundary.

The application site is located within 0.5 miles of the station which links the village to St Bees and Whitehaven (along Nethertown Rd). Trains are however relatively infrequent (with not all services passing through the station stopping here) and there is no pavement between the site and the station.

The site is adjacent to a recently approved development as stated in the Design and Access Statement. However at the time of the approval the Council was unable to demonstrate a 5 year supply of deliverable housing sites.

### **Summary**

The application is contrary to Core Strategy Policy ST2 and emerging Local Plan Policy DS3PO, although the weight which can be given to parts of ST2 and the emerging Policy is limited as set out above.

An assessment should be made as to whether the development constitutes isolated development and if so, conflicts with NPPF paragraph 79.

When carrying out the tilted balance under paragraph 11 of the NPPF, the adverse impacts caused by such conflicts should be considered and if they do not significantly or demonstrably outweigh the benefits of the proposal then the application should be approved.

If the application is approved, any reserved matters application should demonstrate a development of high quality design, enhancing local distinctiveness that respects the character of the settlement of Nethertown. The applicant should also demonstrate at that stage that they have considered housing needs in the SHMA and housing needs study and that the chosen house types and tenures are the most appropriate for the area.

#### Natural England

No comments to make on this application.

#### Resilience Unit

No objections.

#### Public Representation

This application was advertised by way of site notice, press notice and neighbour notification letters issued to twenty 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

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 (ECLP):

The emerging Copeland Local Plan 2017-2035 was recently the 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 & facilities;
- Housing need;
- Settlement character, landscape impact and visual impact
- Design and impact on residential amenity;
- Flood risk and the achievement of satisfactory drainage;
- Access, parking and highway safety.

### 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.

Nethertown is a small village located outside of any settlement boundary identified within Policy ST2 of the Copeland Local Plan. The site lies to the north of the village and is directly adjoining the existing built form of the area. As the application site is located outside of any settlement boundary the proposal is in conflict with Policy ST2. 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.

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 seeks to identify Nethertown as an 'Other Rural Village', given the level of services available within the area. The ECLP states that limited development within these areas would enable future housing need to be met and support existing local services. The ECLP continues to identify the Application Site as outside but directly adjoining the current proposed development boundary for Nethertown. 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.

The site lies on the northern edge of the built up area of Nethertown, and is considered to be within walking distance of the key local services which includes a café restaurant, a nursery, open space, a train station, a post box, and a phone box. The site lies adjacent to a site which was granted outline planning permission in 2019 when the Council were unable to provide a five year land supply.

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.

In applying the provisions of paragraph 11:

- The site would assist in increasing housing supply to meet the identified need for housing within the Borough;
- The proposed development comprising the erection of two dwelling is appropriate in size to the existing village of Nethertown and would create a small extension to the previous outline approval of three dwellings at the adjacent site;
- The site adjoins the existing built form on the northern edge of Nethertown;
- The Site is located in close proximity to the services located within Nethertown. The proposed development will support existing services and thus the aspiration of retaining these services;

- Some sustainable travel options exist within the vicinity, including Nethertown Train Station, as per the provisions of Policy DM22 of the Local Plan.

### Access to Services and Facilities/isolate

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 emerging Local Plan identifies Nethertown as an “Other Rural Village” and identifies a settlement boundary around the village. The site is outside but directly adjoins the proposed settlement boundary. The village’s classification as an Other Rural Village is based on an assessment of services within the village and public transport connections to larger settlements.

The site lies on the northern edge of the built up area of Nethertown, and is considered to be within walking distance of the existing local services which includes a café restaurant, a nursery, open space, a train station, a post box, and a phone box. The site is therefore considered to be located within a sustainable location for the purposes of Policy ST1.

Paragraph 79 of the NPPF advises that isolate homes in the countryside should be avoided. 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 isolated as there are other dwellings in the vicinity. Due to the number of existing services within walking distance of the site, as identified within the Copeland Village Services Survey 2019, and the location of the train station which provides links to the larger settlements the site is not considered to be isolated in terms of services and facilities. Although there may some reliance on cars from the site the nearby train station provides sustainable transport links, therefore the proposed additional housing will help to support the retention of key services within the area in line with paragraphs 83 and 84 of the NPPF which supports a prosperous and rural economy

### 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.

Nethertown 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.

The proposed development has the potential to assist in providing a greater balance of market housing stock within the Borough and will create additional bungalows, therefore meeting an identified housing need in accordance with the provisions of Policy SS3 of CS. No affordable housing is proposed in accordance with the provisions of Paragraph 63 of the NPPF which sets out that the provision for affordable housing should not be sought for residential developments that are less than 10 units.

#### Settlement Character, Landscape Impact and Visual Impact

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 application site comprises of undeveloped land that lies on the edge of the built up area of Nethertown, adjacent to a number of existing dwellings. The land contributes positively to the character of Nethertown with particular regard to the approach to the settlement from the north east. The site is located at an elevated position along the main road into the village.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 4 'Coastal Sandstone'. The Key Characteristics of the land comprise: coastal sandstone cliffs, sandstone rolling hills and plateaus, large open fields, prominent hedge banks bound pastoral fields, small woodland blocks along valley sides, and exposed coastal edge moving to intimate and enclosed farmland inland.

The Guidelines for development include: strengthen definition between town and country by using extensive buffer planting to screen the built up areas and reduce the impact of industry, improve visual containment of caravan parks close to the coast with landscape works and discourage further large scale developments, such as wind energy, in prominent coastal locations, conserve and enhance the traditional farm buildings and features within their own setting, and reduce the impact of any new buildings by careful siting and design.

The site comprises an area of land on the north east edge of Nethertown, directly adjoining the existing built form and residential dwellings, and lies adjacent to the existing caravan park "Lakeland View". The land is currently used as domestic curtilage ancillary to the

detached property known as Seabreeze Lodge and lies directly adjacent to a site which was granted outline planning permission for three detached dwellings. This area of Nethertown is characterised by detached dwellings. The proposed development would comprise an extension to the previously approved outline scheme on the adjoining land, and would comprise a small extension to the existing developed form of the settlement to the north east. This would reflect the existing character of the area and would not extend beyond the large caravan park on the opposite side of the village. The development would therefore be viewed against the backdrop of these existing properties and would effectively round off this part of the village.

Given the elevated nature of the site the applicant has stated that as per the previous outline permission on the adjacent site, the proposed dwellings will be limited to single storey with use of the roof space. This detail can be secured through an appropriately worded planning condition as per the previous outline application. On this basis, the development is therefore not considered to result in a major intrusion into the open countryside, and is not considered to have significantly harmful impact 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 manner that respects the form, density and character of the existing developments within the immediate locality. Additional planting, which is shown on the submitted indicative landscaping plan and would be secured as part of subsequent reserved matters application, would also help to mitigate the visual impacts of the development. 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 west, open countryside to the east and south, and the site which has previously been granted outline planning permission. The application includes indicative details of the proposed layout only with details of the layout, scale and appearance of the dwellings reserved for subsequent approval at the Reserved Matters stage. As submitted the proposed plot layout does 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 an extension to the layout of the previous outline permission, with the proposed dwellings formed around a single access road into the site. An indicative landscape scheme has been submitted as part of this current application, however full details of the planting and boundary treatment would be submitted at the reserved matters planning stage.

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.

#### Flood Risk and the Achievement of Satisfactory Drainage

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

The application site is located within Flood Zone 1, however 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 had indicated that foul water from the site will be drained to the main sewer and surface water will be dealt with by soakaways. The Parish Council have objected to this development due to inadequate infrastructure in the village and the increased risk of flooding. No objections have been received to this application from any statutory consultees, however it has been indicated that the site should be drained on a separate systems. In line with these comments relevant conditions are proposed to ensure an adequate drainage system can be secured to serve the site and to ensure a surface water drainage scheme is achievable based on the hierarchy of drainage options set out in the NPPF. These details should be secured prior to commencement of works on the site.

The imposition of these conditions 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.

#### 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, however full details of the proposed access have been included within the application. The submitted location plan for this application shows how the site will be accessed via a shared surface road which will extend from the access junction with the public highway approved under outline planning approval 4/18/2465/001.

Cumbria Highways have confirmed that the two proposed dwelling in addition to the three previously approved under 4/18/2465/001 will mean that the development is still under the

threshold that would require it to be built to an adoptable standard. As per their response to the previous outline application Cumbria Highways have no objections to the proposed development subject to the inclusions of conditions relating to visibility splays, the access road, existing boundaries, surface water, parking/turning, and the construction of the approved access. It is therefore considered that the inclusion of the requested conditions and the due to the small scale nature of the development, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan and provisions of the NPPF.

#### 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 outside of any settlement boundary; 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.

The development will assist in increasing housing supply within the Borough, is of an appropriate scale for the village, and will support the retention of existing services locally. Although the site will have some reliance on cars, the development would benefit from some sustainable travel options linking the site with larger settlements in accordance with the spatial objectives of the Local Plan. Whilst the development, by virtue of its location, would have some impacts on the existing character of the northern edge of the village, the small scale proposal has been designed to respect the character and built form of this area of the settlement. The development is considered to represent a small extension to the village, and would be viewed against and round off the existing built form of Nethertown, limiting its impacts. The site has been designed to extend the previous outline planning approval of three dwellings at the adjacent site which was approved when the Council could not demonstrate a five year land supply. The addition of two dwelling set further back from the road, is not considered to have a significantly detrimental harm on the overall area.

## Conclusion

On balance, whilst conflicts are identified it is considered that these are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which would include the provision of housing in a sustainable location, and the supporting local services when assessed against the policies in the NPPF taken as a whole.

## **Recommendation:-**

Approve in Outline subject to the following conditions.

## **Conditions**

### Standard Conditions

1. The layout, scale, appearance, access and landscaping must be approved by the Local Planning Authority.

#### Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

#### Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.



3. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-

- Location Plan, Scale 1:1250, Drawing No 18/07/935, received by the Local Planning Authority on the 19<sup>th</sup> November 2020.
- Existing Site Plan, Scale 1:500, Drawing No 18/07/935/-02, received by the Local Planning Authority on the 19<sup>th</sup> November 2020.
- Design and Access Statement (Amended), received by the Local Planning Authority on the 16<sup>th</sup> December 2020.

#### Reason

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

#### Pre Commencement Conditions

4. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development must be completed in accordance with the approved details.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

5. The development must not commence until visibility splays providing clear visibility of 20.3m into Northern site and 21.7 metres into Southern site measured 2.4metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which

obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

6. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

7. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

8. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028

9. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere, in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

#### Prior to Occupation

10. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, must be submitted to the Local Planning Authority for approval. The development must not be brought into use until any such details have been approved and the turning space constructed. The turning space must not thereafter be used for any other purpose.

##### Reason

To ensure that provision is made for vehicle turning within the site and in the interests of highway safety.

11. The use of the development by construction traffic must not be commenced until the access has been formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

##### Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

12. The surfacing of the access road shall extend for at least 5.0meters inside the site, as measured from the highway boundary prior to the occupation of any of the dwellings and shall be carried out in accordance with details of construction which have been submitted to and approved by the Local Planning Authority. The access road shall be constructed in accordance with a specification approved by the Local Planning Authority.

##### Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

#### Other Conditions

13. Foul and surface water shall be drained on separate systems.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

14. This permission gives outline approval for a maximum of three dwellings only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings / buildings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity in accordance with Policy ST1, ENV5, DM10 and DM26 of the Copeland Local Plan.

16. No buildings on any part of the development hereby permitted shall exceed one storey in height. This does not preclude the use of the roof space as habitable accommodation.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

**Informative:**

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the

applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

### **Statement**

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