

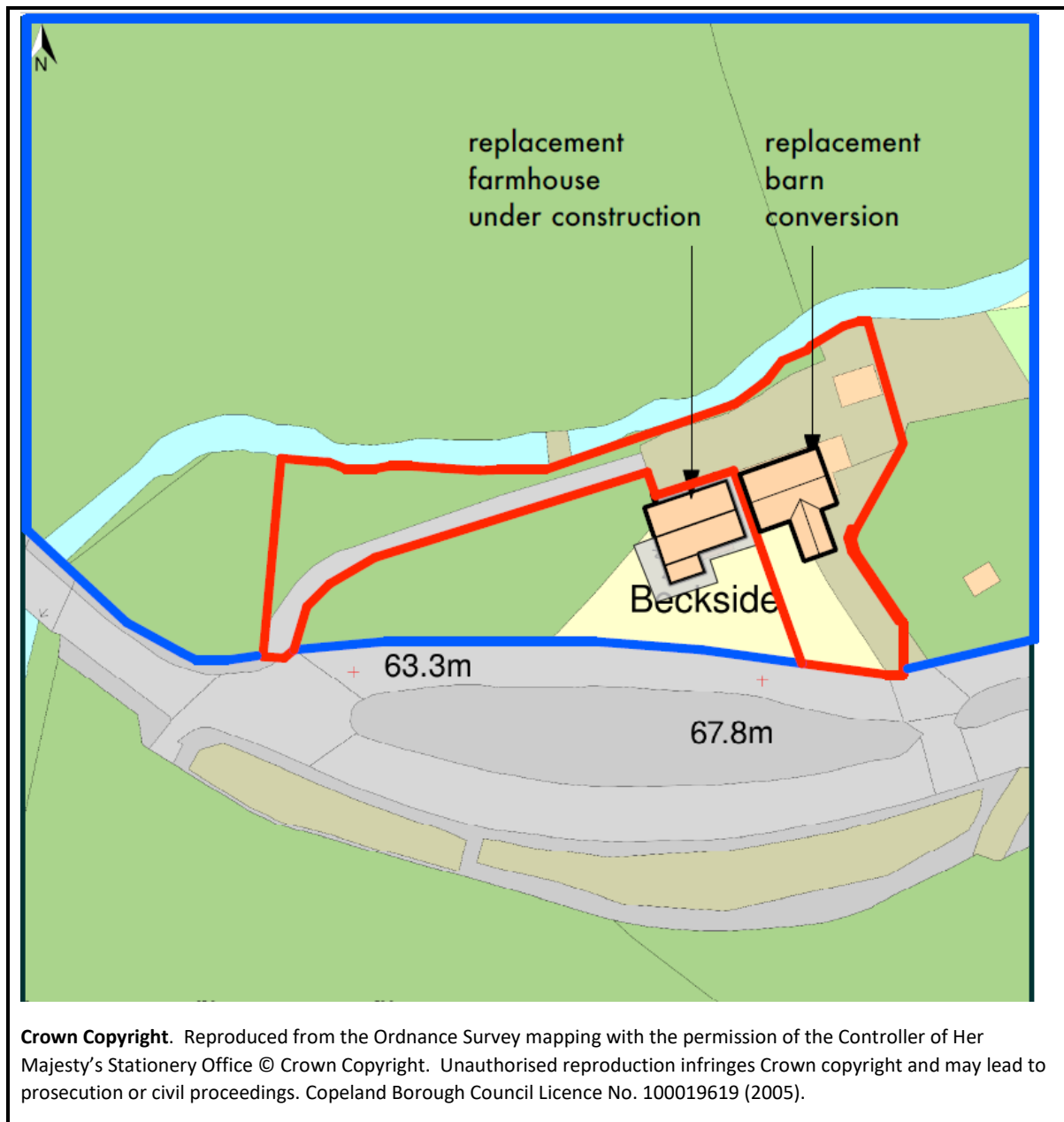


To: PLANNING PANEL

Development Control Section

Date of Meeting: 04/08/2021

Application Number:	4/21/2143/0F1
Application Type:	Full : CBC
Applicant:	Mr & Mrs Adams
Application Address:	BECKSIDE FARM, DISTINGTON
Proposal	DEMOLITION OF EXISTING BARN AND ERECTION OF DWELLING
Parish:	Distington
Recommendation Summary:	Approve (commence within 3 years)



Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the proposal is a departure from the adopted Copeland Local Plan 2013-2028.

Site and Location

This application relates to the property known as Beckside Farm, located to the north of the road which runs from Distington towards Gilgarran.

The site is accessed from the west by a private access road taken from the lay by on the main road.

Proposal

Planning Permission is sought for the demolition of the existing stone barn that used to adjoin the main dwelling and its replacement with a new dwelling. The barn was granted planning permission for its conversion to form a single dwelling in 2018 but has since been mostly demolished due to it being structurally unsound.

The proposed two storey dwelling will have 2 bedrooms, a living room, kitchen, bathroom and utility room on the first floor and games room, plant room and garage on the ground floor. There is a change in levels across the site which falls from east to west. This change on levels will effectively ensure that the ground floor will be largely hidden when viewed from the main road to the south due to the topography.

The proposed dwelling will have a similar design to the barn that it will replace, maintaining small openings and double timber doors for the garage. The building will be faced externally with rendered walls under a pitched slate roof which includes four conservation style rooflights.

The application is accompanied by the following plans and documents:-

- Site Location Plan;
- Block Plan;
- Floor and Elevation Plans
- Planning Statement;
- Flood Risk Assessment;
- Heritage, Design and Access Statement;
- Survey for Bats, Barn Owls and Breeding Birds.

Relevant Planning Application History

Alterations and extensions to existing farmhouse, approved in March 2018 (application reference 4/18/2012/OF1 relates);

Conversion of vacant former barn/farm building to residential dwelling, approved in March 2018 (application reference 4/18/2014/OF1 relates);

Erection of a cabinet makers workshop and store with associated parking and forecourt service area, approved in August 2018 (application reference 4/18/2262/OF1 relates);

Demolition of farmhouse and replacement dwelling, approved in September 2020 (application reference 4/20/2181/OF1 relates).

Consultation Responses

Distington Parish Council

No objections.

Cumbria County Highways

It is understood that this application will follow the previous application 4/18/2014 where the Highway Authority raised no objections to the access arrangement other than suggesting that improvements were made. It would now appear that the applicant is proposing a new access route to the site. Please can you confirm that the proposed access to the West of the plan is the only access to this development as we would be unlikely to support a multiplicity of accesses.

The Applicant's Agent responded with the following:-

The plans I buy for OS mapping show the original access onto the lay-by and has not be re-coloured as part of the application. We do intend to apply for re-opening the original access subject to approval of the current application, this was omitted from this application specifically to remove any aspects that may trigger an objection. I don't believe under the current forms and application (this includes in the description) for a new access point so the highway comments can be discounted at this time.

Further to this information, Cumbria Highways responded with the following:-

The proposal to convert the existing barn into a dwelling that will be accessed via the existing western access to the site is considered acceptable to the Highway Authority. However as the driveway/access will be for shared use, it should be widened to a minimum of 4.1m for the first 10m into the site from the highway edge and a passing place shall be provided to allow two vehicles to pass one another. This is to avoid vehicles needing to wait or reverse onto the highway.

I can confirm the Highway Authority have no objections to the proposal.

Local Lead Flood Authority

The Environment Agency (EA) surface water maps indicate that the site is in flood zone 2 & 3. The applicant should consult with the Environment Agency regarding a flood risk assessment. The LLFA surface water map show flooding to the area and indicate 1 in 30 chance of occurring each year.

Environment Agency

No objections but that mitigation measures should be included within the development to reduce the impact of more extreme future flood events.

Flood and Coastal Defence Engineer

As the proposed development is just outside Flood Zones 2 and 3, flood risk to the proposed development shouldn't be an issue.

As it is intended that the surface water discharges to a watercourse, this is presumably Distington Beck, a bit more info is required.

Distington Beck falls under the remit of the Environment Agency, the proposed new dwelling needs to be built at sufficient distance from the watercourse to allow access.

This was 8m in the past and I don't think it has changed.

There are a number of matters to clarify with surface water discharge:

- Is it intended to use existing drains and if so are these in suitable condition?
- If it is proposed to install a new surface water drainage system, has / will consent been / be obtained for the discharge (rate / volume) and outfall off the Environment Agency?
- Does the development increase the impermeable surface area?

The Agent responded with the following:

We have re-checked on site the relevant dimensions and the distance to the watercourse is just outside of the 8m distance from the watercourse therefore the build falls outside of the remit of the Environment Agency.

The existing surface water drains have been renewed in part where for the new build dwelling next door which is now complete, the outfall point into the beck is existing. The surface water drains have been inspected by Copeland Building Control.

The proposal sees no nett increase in hardstanding area therefore the proposal is like for like and no attenuation is required. The location of attenuation could only occur adjacent to the beck therefore in a flood event would be overcome and therefore it's purpose is redundant.

In response to this additional information the Flood and Coastal Drainage Engineer raised no objections to the proposed development.

Natural England

No comments.

United Utilities

No objections subject to conditions relating to surface water and foul water drainage.

Conservation Officer

- This is not best practice and shows a disregard for the remaining heritage, although it may have been justifiable when the building was standing and could be considered properly, given the undoubted difficulty of converting it to a high standard.
- The buildings were not listed and nor were they in a conservation area. They could have been considered non-designated heritage assets (at least the barn), though had been left in a poor condition. Conversion would have been challenging, but likely rewarding, and had been given permission in 2018.
- The outcome is disappointing, and the method used to arrive at it is disappointing, but I am not in a position to object to the proposed replacement house, which appears to be of an acceptable standard. The work has proceeded in a way that is questionable as regards commitment to Copeland Local Plan policies and NPPF 197. However, I believe the situation is too far devolved for any input or advice I could make to be useful.

Public Representation

The application has been advertised by way of a site notice and a neighbour notification letter issued to 1 no. property.

No consultation responses have been received as a result of this advertisement.

Planning Policies

Planning law requires 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 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 for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Conservation of Habitats and Species Regulations 2017

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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

Introduction

The main issues raised by this application are the appropriateness of the demolition of the existing barn, the principle of the dwelling in its place, the scale and design of the proposed dwelling, flood and drainage issues, access and ecology.

Demolition of the existing barn

The barn was substantially demolished in April 2021 due to concerns raised by the Applicant and confirmed by the Council's Building Control Team that the building was unsafe and created a risk to Health and Safety.

The barn benefits from an extant permission for its conversion to a dwelling which was approved in 2018. The barn was considered by the Conservation Officer to represent a non-designated heritage asset. Paragraph 197 of the NPPF seeks to ensure that consideration is made to these types of assets during the planning process. The NPPF encourages the re-use of existing buildings unless it is found that this option would be unviable. The barn has been unoccupied for a number of years and was in a poor state of repair. The rebuilding, alterations and modernisations required to bring the barn to a habitable standard were considerable and it is likely that it would not be a viable option. It is therefore accepted that the most sensible option for the Applicant is to demolish the existing barn and rebuild a dwelling which reflects the traditional character of the barn.

Principle of the development

As the barn was substantially demolished without having been converted to a dwelling prior to the submission of the application, the principle of the development is assessed in accordance with the housing policies within the adopted Copeland Local Plan and not as a replacement dwelling.

Policy ST2 of the Copeland Local Plan defines the areas of the Borough that are suitable for development. This site is situated outside any of the defined settlement boundaries, however lies in close proximity to the Local Centre of Distington, and as such, 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 to 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 November 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 Distington as a recognized settlement, reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP continues to identify the Application Site as outside but very close to the revised settlement boundary for Distington. 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 defined development boundary for Distington must be considered 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.

The site lies on the north eastern edge of the built up area of Distington, and is considered to be within walking distance from the wide range local services within the town. The route is approximately 400m in total and can be navigated on surfaced pavements throughout and the majority of which are street lit.

In applying the provisions of paragraph 11:

- The site would assist in boosting housing supply to meet the identified need for housing in the Borough;
- The proposed development comprising the erection of a single dwelling which is appropriate in size to the designation of Distington as a Local Centre in accordance with the spatial objectives of Policy ST2;
- The site is close to the existing settlement boundary and is located adjacent to the existing built form on the north eastern edge of Distington;
- The Site is located in close and convenient proximity to the services and employment opportunities located within Distington. The proposed development will support existing services;

Sustainable travel options exist within the vicinity, including cycle routes and bus services, as per the provisions of Policy DM22 of the Local Plan.

Scale and Design

The proposed dwelling is of a similar scale and footprint to the former barn. Concerns were raised with the Architect with regards to the overall height of the dwelling in relation to the barn previously in situ and the adjacent dwelling. The Architect provided a plan to show the elevation of the barn and the proposed dwelling in comparison to each other. Although the new dwelling will be around 0.5m higher than the previous structure, it still has a lower eaves and overall height than the adjacent dwelling therefore maintaining its appearance as a subservient building to the main dwelling within the building group. Due to the topography of the land, the dwelling will be set below the existing road level and therefore not highly visible from public viewpoints. It has been designed to fit into the existing sloping landscape and take advantage of the natural screening. It is considered that the scale of the proposed dwelling and massing in comparison to the adjacent dwelling is acceptable and will provide a coherent building group.

The footprint remains largely the same with the addition of a 5.7m x 4.6m extension on the south of the property which is to be utilized as a living room. The extension will have little impact on the dwelling overall with it being single storey and utilizing a pitched roof. It is likely to be seen in context with the southerly projection on the adjacent dwelling.

The proposed materials have been chosen to reflect the local vernacular, with bandings around the windows and the use of slate on the roof, which will be the most visible feature from the surrounding public viewpoints.

The Conservation Officer considered that the barn was a non-designated heritage asset and commented his disappointment that the building was not retained and converted. However the Officer recognized that the conversion would have been likely to be difficult given the poor condition of the barn and therefore did not object to the proposal.

Overall, it is considered that the proposal complies with Policy DM10 of the Copeland Local Plan in relation to its appearance, scale and design which respond to the character of the site.

Flooding and Drainage

The proposed dwelling is situated within flood zone 1, with the adjoining land in zones 2 and 3. As a result, the Environment Agency (EA) were consulted on the application. The Environment Agency raised no objections to the proposal but considered that the site should be protected against climate change and that mitigation measures should be included within the development in order to protect the dwelling from flooding in the future. The EA also offered various advice to the Applicant with regards to safe access and egress in a flood, flood warnings and environmental permits. This information can be included as an informative.

With regards to surface water drainage, Copeland's Flood and Coastal Defence Engineer recommended that the outfall to Distington Beck should be consented by the Environment

Agency. The Agent responded that the surface water will be drained to the renewed drains shared by the adjacent dwelling which have been checked by Copeland's Building Control team. As the proposal will see no net increase in hardstanding, it is considered that the existing situation will not materially change. The Flood and Coastal Defence Engineer raised no objections to the proposed development on this basis.

United Utilities have requested that Foul and Surface Water be drained on separate systems and that a full surface water drainage plan be submitted and approved prior to the commencement of development. Conditions can be imposed on any approval to secure this request.

Access and Highway Safety

The existing access to the west of the site which is taken from the existing layby will be maintained to serve the proposed dwelling. The Highways Authority have raised no objections to the proposal but have suggested that the Applicant should consider making some improvements to the access gateway to make it safer. It was considered that the access should be widened to a minimum of 4.1m for the first 10m into the site from the highway edge and that a passing place should be provided to allow two vehicles to pass one another. In commenting on the previous application for the adjacent dwelling in 2020, the Highways Authority advised that these works were only a suggestion as the access is existing and will not lead to an increase in use. As this was the case with the previous application, it is not considered necessary to impose a condition for these works in this case. This information can be added as an informative to any approval, in order to allow the Applicant to carry out the works should they so wish.

There is suitable parking provision surrounding the site to serve the scale of the development proposed. Overall, it is considered that the proposal incorporates satisfactory access and parking facilities and complies with Policy DM22 of the Copeland Local Plan.

Bats, Barn Owls and Breeding Birds

Although a large proportion of the barn has been demolished, the walls remain and therefore a bat and bird survey has been submitted in order to ensure that these protected species are considered as part of the demolition. The bat and owl survey concludes that there was no evidence of bats roosting within the building. Any harm to bats or protected birds would be an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 and it is presumed that the Applicant considered these species prior to the initial demolition.

Planning Balance

Although it is disappointing to lose the traditional barn, a justification has been submitted and the poor structural condition of the building was confirmed by the Councils Building Control team who felt that it is considered that it posed a significant risk to health and safety.

The application site is located outside of the settlement boundary for Distington 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 the settlement boundary for Distington; 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 policy 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 lies close to the settlement boundary and within easy walking distance, on a largely lit pavement to the village centre and services. The dwelling will assist in boosting housing supply within Copeland, is of an appropriate scale for the location, will support the retention of existing services locally, and benefits from sustainable travel options in accordance with the spatial objectives of the Local Plan and in accordance with Paragraph 11 of the NPPF. The proposed dwelling is of an acceptable scale, design and appearance and responds positively to the character of the site. It is unlikely to have a detrimental impact on the surrounding area, being small scale and sited to respect the character and built form of this edge of the settlement. The development is considered to be a replacement of the barn on the site and would be viewed in context with the existing dwelling at Beckside Farm.

Conclusion

On balance, whilst some conflicts are identified these are minor and 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 supporting local services when assessed against the policies in the NPPF taken as a whole.

Recommendation:-

Approve (commence within 3 years)

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

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

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Site Location Plan, scale 1:1250, received 29th March 2021;

Block Plan, scale 1:500, received 29th March 2021;

As proposed elevations, scale 1:100, drawing number 22D, received 24th May 2021;

Proposed floor plans and elevations, scale 1:100, drawing number 20C, received 29th March 2021;

Proposed floor plans, scale 1:100, drawing number 21C, received 29th March 2021;

Design and Access Statement, Revision A: 10 May 2021, written by Green Swallow, received 29th March 2021;

Survey for Bats, Barn Owls and Breeding Birds, written by Steve Wake, received 29th March 2021;

Flood Risk Assessment, written by Stuart Woodall, received 29th March 2021;

Planning Statement, written by SRE Associates, received 29th March 2021.

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

3. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

4. Prior to their first use on the dwelling hereby approved, full details of the materials to be used on the external surfaces must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

Other conditions

5. Foul and surface water must be drained on separate systems.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, 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 and in accordance with Policy DM10 of the Copeland Local Plan.

7. The development must implement all the mitigation and compensation measures set out in the Survey for Bats, Barn Owls and Breeding Birds, prepared by Steve Wake, received 29th March 2021 and submitted as part of the planning application.

Reason

To protect the ecological interests evident on the site and in accordance with policies ENV3 and DM25 of the Copeland Local Plan.

Informatives

1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2) The Highway Authority recommends that as the driveway/access will be for shared use and it should therefore be widened to a minimum of 4.1m for the first 10m into the site from the highway edge. A passing place should be provided to allow two vehicles to pass one another. This is to avoid vehicles needing to wait or reverse onto the highway.

3) The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

4) The development is directly adjacent to the designated main river Distington Beck. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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.