

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2253/001
2.	<b>Proposed Development:</b>	OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR RESIDENTIAL DEVELOPMENT FOLLOWING DEMOLITION OF FORMER FARMHOUSE
3.	<b>Location:</b>	HOLLOWDYKE FARM, FRIZINGTON ROAD, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to Hollowdyke Farm, situated off Frizington Road in Frizington. The site consists of farm buildings and the associated land which fronts directly onto Frizington Road and covers an area of approximately 1800 square metres. There are residential properties to the north and south and open fields to the west.</p> <p>The site is currently accessed directly from Frizington Road to the east.</p> <b>PROPOSAL</b>  <p>Outline Planning Permission is sought for the demolition of the existing farm buildings to allow the redevelopment of the site for residential purposes. All matters relating to scale, layout, access and landscaping have been reserved for future approval.</p> <p>The application is accompanied by a site location plan and a bat and bird survey. Additional</p>	

photographs were also submitted by the agent to provide a record of the existing buildings on the site that are planned to be demolished.

#### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications on this site.

#### **CONSULTATION RESPONSES**

##### Parish Council

No comments received

##### Cumbria Highways

The Highway Authority would have no objections to the principle of this development dependant on how many dwellings are proposed. We would ideally like to see a proposed layout plan for the site that includes parking and turning facilities. Although the proposed access is existing, this application would result in an intensification of use which would mean that we need to see on a plan that full visibility splays can be achieved. The A5086 operates a 30mph speed limit in this area and we therefore require splays of 60m measured in both directions down the road from the access. These splay shall not cross the centre line of the road and shall be measured from a point of 2.4m into the site from the boundary edge. They shall not exceed a height of 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. The latter dimension is used to ensure small children can be seen. Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicants ownership.

Assuming that this development will be for more than a single dwelling we would require the access to be a minimum of 4.1m in width. The Applicant may find Appendix 4 of the Cumbria Development Design Guide useful when designing the layout.

The Officer requested conditions be attached to any approval relating to visibility, the surfacing of the access, the height of boundary treatments, access gates, the gradient of the access drive and the construction of the access prior to the commencement of development.

Local Lead Flood Authority - The application form states that surface water will be drained to an existing watercourse. The applicant would need to demonstrate that they have followed the drainage hierarchy before concluding that this method is the most suitable for the site.

*The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:*

*1. into the ground (infiltration);*

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Depending on the scale of the development, we would expect to see that BRE365 tests have been carried out and the results showing that infiltration is not a suitable means of surface water drainage for this location.

The Officer requested conditions with regards to the provision of a full surface water drainage scheme.

#### United Utilities

No objections, subject to conditions relating to full details of foul and surface water drainage.

#### Flood and Coastal Defence Engineer

Initially requested further information as to how foul drainage will be disposed of and details of the surface water drainage to the existing watercourse. The Agent responded that "yes foul drainage is to the UU mains which runs below the site and serves all of Frizington. Surface water currently runs via existing land drains to Lingla Beck, it is an outline application so we would check the permeability of the ground using the hierarchy in the first instance, I suspect a developed footprint (hardstanding ) may be greater than current so would need some form of attenuation." The Engineer raised no objections to the proposal.

#### Historic Environment Officer

Requested photos of the existing buildings on site due to the historic nature of the farm. On receipt of these photographs, the Officer raised no objections but requested a condition to ensure that the investigations are undertaken and submitted to the LPA prior to demolition to provide a historical record of the buildings that are to be demolished.

#### Natural England

No comments to make on the application.

#### **Public Representation**

The application has been advertised by way of a site notice and neighbour notification letters issued to 5 no. properties.

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

#### **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 SS2 – Sustainable Housing Growth  
Policy SS3 – Housing Needs, Mix and Affordability  
Policy ENV1 – Flood Risk and Risk Management  
Policy ENV3 – Biodiversity and Geodiversity

#### 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  
Policy DM27 – Built Heritage and Archaeology

#### Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements  
HSG2 – New Housing Allocations  
Proposals Map including settlement boundaries.

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)  
Copeland Housing Strategy 2019  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).

#### 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

As this is an outline application with all matters reserved for subsequent approval. This proposal only seeks to determine the principle of residential development on the site.

### Principle of development

The site falls within the existing settlement boundary for Frizington and is situated within an existing residential area. It is brownfield land, having previously been used for agricultural use. Policies ST2, SS1, SS2 and SS3 seek to allow new dwellings. Frizington is designated as a Local Centre within the Borough where development is encouraged within the defined limits of the settlement and where it can create a good offer to meet the needs of local residents.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing where 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 74); 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, the 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 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 CS and LP must be considered out of date.

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

The ECLP has been drafted based upon an evidence base of documents which includes a Strategic Housing Market Assessment (SHMA). The SHMA calculates the housing need in Copeland over the plan period of 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. Policy ST2 also does not accord with the NPPF which requires local planning authorities to significantly boost housing delivery.

In the context of the above, Paragraph 11 of the NPPF is engaged and the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

In applying the provisions of Paragraph 11:

- the Application Site comprises a parcel of land that is located within the settlement boundary of a Local Service Centre, a location that is considered a sustainable location for new residential development;
- the proposed development would assist in significantly boosting housing supply to meet the identified need for housing within Frizington and the wider Borough as detailed in Policy ST2 of the CS;
- the proposed development site is appropriate in size and character to the Local Centre of Frizington in accordance with the spatial objectives of Policy ST2 and ST2 of the CS;
- the Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Frizington. Many of the identified services are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspiration for Frizington to become a thriving place; and,
- Sustainable travel options exist within the vicinity of the site as required by Policy DM22 of the CS.

On this basis, the principal of development is considered to be acceptable and in accordance with local planning policies and the guidance set out in the NPPF.

#### Proposed demolition

The proposal involves the demolition of a number of farm buildings on the site, including the farm house and various barns. The County's Historic Environment Officer requested photographs of the inside of the buildings to ensure that no historical features would be lost during the demolition as the farm is marked on 18<sup>th</sup> Century maps. Comprehensive photographs were provided by the Applicant which showed that all of the buildings are in a very poor state of repair. The majority of the slate roofing was removed approximately 40 years ago and replaced with corrugated sheeting and the external walls were lowered after a storm collapsed some of the buildings. The Historical Officer agreed that the buildings are in a very poor state and requested that the buildings be recorded prior to demolition, but externally only due to concerns around safety. This would comprise a photographic record and a sketch drawing of the front elevation.

The Officer requested that this information be secured by a suitably worded planning condition which requires submission and approval prior to any demolition works being undertaken.

#### Ecology

Due to the buildings having been vacant for many years, a bat and bird survey was requested in order to ensure there would be no harm to protected species during the demolition. The report suggests that no signs of bats were seen on or entering the site. It is the surveyor's opinion that bats are not using the site. With regards to birds, there were numerous barn owl pellets throughout the byres

although none were recent, and were estimated to be over two months old. There were also scattered, adult moulted feathers and whitewash in this area. There was a dead, decomposing adult barn owl on the floor in the middle section of the byres. There were old pellets and some old, barn owl down feathers in the chimney of the house 4-5 years old which would indicate historic use of this area as a nest site for barn owls. There was no evidence of recent (within the last 4-5 years) use of the site by barn owls as a nest site.

it has been recommended that great care must be taken when work commences and any evidence of bats or birds must be reported.

Natural England were consulted on the application and raised no comments.

Overall, it is considered that the buildings are suitable for demolition, subject to a condition to ensure that they are externally recorded.

#### Design, Layout and Settlement Character

The site is of sufficient size to accommodate residential development and there is a reasonable prospect of being able to arrange development that meets the separation guidelines set out in Policy DM12 of the Local Plan. Any new development would also be required to respect local character and form.

All details relating to design and scale have been reserved for future approval and would be assessed at the Reserved Matters Application stage.

#### Highway safety

No information has been submitted to show how the site will be accessed or how off street parking will be provided, however the only feasible access would be directly from Frizington Road. No details of the access have been submitted at this stage, however it is likely that there will be sufficient visibility in both directions to serve a modest residential development. The Highways Authority requested a number of conditions relating to access, parking, boundary treatments and access gates. As the application does not seek determination of access and parking detail, it is considered that these conditions cannot be included on this outline application, however the Applicant has been made aware of the information required by the Highways Department.

The proposal is therefore considered compliant with Policies ST1 and DM22 of the local plan and considered to be satisfactory in this respect, with full details to be assessed at the reserved matters stage.

#### Drainage

The Application Site is located within Flood Zone 1.

The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not shown to be liable to surface water flooding.

Indicative details of the drainage for the site were included within the application, clarifying that it is proposed to dispose of surface water to a watercourse and foul water to the existing public main system.

The Applicant has not provided evidence to discount the use of infiltration drainage; however, it is clear that a means of surface water drainage is deliverable. No objections have been raised from United Utilities, the Council's Flood and Coastal Defence Engineer or the Local Lead Flood Authority.

A planning condition is therefore proposed requiring the submission, approval and implementation of a detailed scheme for the disposal of surface water in accordance with the national drainage hierarchy and a planning condition is proposed requiring the that foul and surface water be drained on separate systems.

#### The Planning Balance

For the reasons outlined above, 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:

- 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 Application Site comprises a parcel of land that lies within the settlement boundary of a Local Centre that is considered a sustainable location for new residential development.

The proposed development would assist in significantly boosting housing supply to meet the identified need for housing within Frizington and the wider Borough and the site is capable of accommodating a modest scale of development that would be appropriate in size and character to the Local Centre of Frizington.

The Application Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Frizington. Many of the identified services are located within walking distance of the Application Site. The proposed development will support existing services and thus the aspiration for Frizington to become a thriving place.

Sustainable travel options exist within the vicinity of the site.

The proposed development would result in the loss of the existing buildings on the Application Site which comprise non-designated heritage assets. These will require recording prior to demolition.



	<p>No issues are raised in terms of ecology and issues relating to highway safety, amenity and drainage can be adequately dealt with by suitably worded planning conditions.</p> <p>In overall terms, little harm is identified and this is not sufficient to significantly and demonstrably outweigh the identified benefits of the development when assessed against the policies in the NPPF taken as a whole.</p>
8.	<p><b>Recommendation:</b> Approve in Outline (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The layout, scale, appearance, means of access thereto and landscaping must be as may be approved by the Local Planning Authority.</li> </ol> <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>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:- <ol style="list-style-type: none"> <li>a) The expiration of THREE years from the date of this permission</li> </ol> <p>Or</p> <ol style="list-style-type: none"> <li>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.</li> </ol> <p>Reason</p> <p>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.</p> </li> <li>3. 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: -</li> </ol>

Site Location Plan and Block Plan, scales 1:1250 and 1:500, received 1<sup>st</sup> June 2021;  
Protected Species Survey: Bats and Barn Owls, written by John Temple, received 22<sup>nd</sup>  
September 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

4. 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.

5. Prior to the carrying out of any demolition work the existing buildings affected by the proposed development must be recorded in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Within 2 months of the commencement of construction works a digital copy of the resultant report must be furnished to the Local Planning Authority.

The report must include a photographic record of the buildings exterior and a sketch drawing of their east elevation as a minimum.

Reason

To ensure that a permanent record is made of the buildings of historical significance prior to their demolition as part of the proposed development and in accordance with Policy DM27 of the Copeland Local Plan.

Other Condition

6. 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.

**Informative**

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](http://www.gov.uk/government/organisations/the-coal-authority)

**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.

**Case Officer: Sarah Papaleo**

**Date : 13/10/2021**

**Authorising Officer: N.J. Hayhurst**

**Date : 15/10/2021**

**Dedicated responses to:- N/A**