

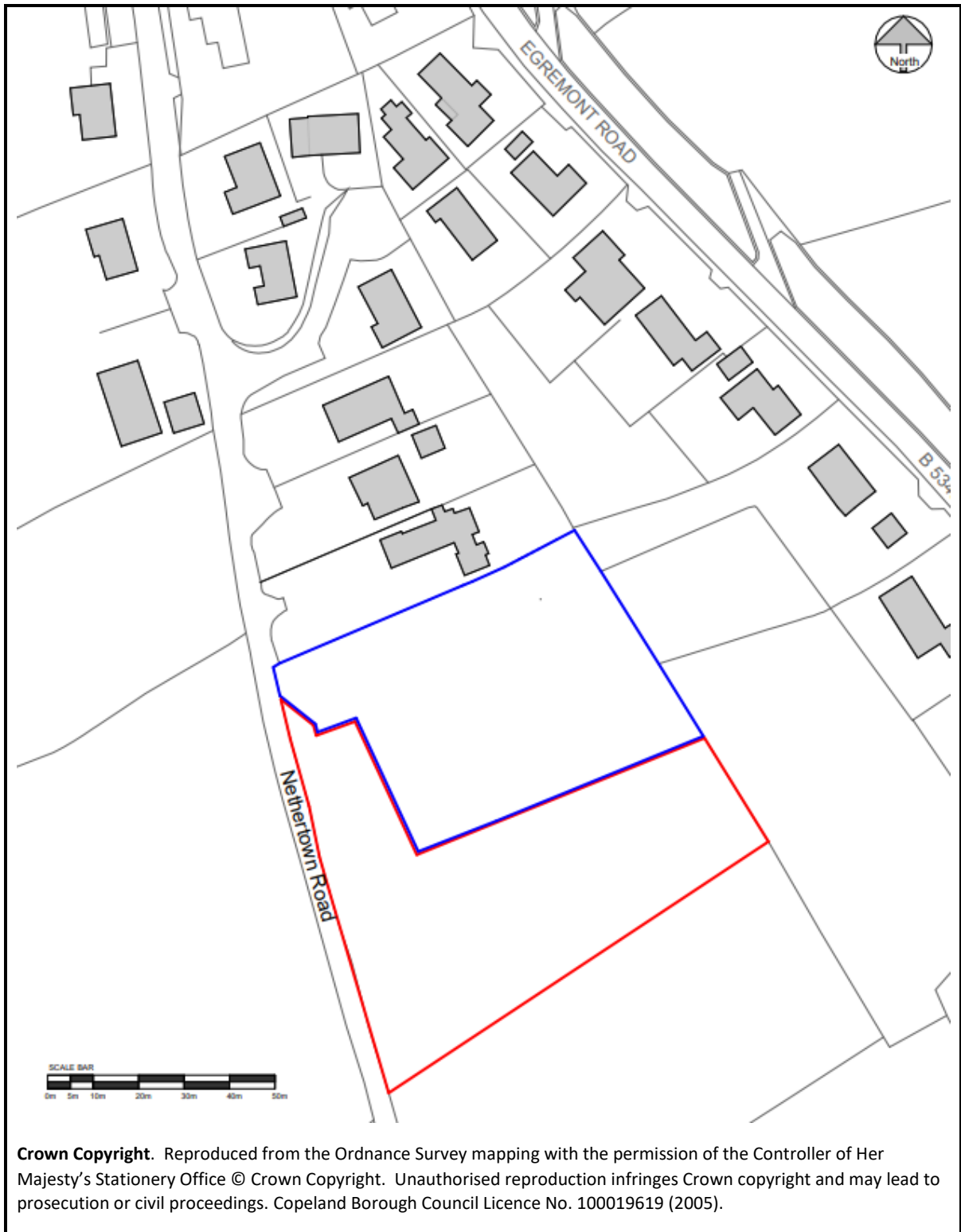


To: PLANNING PANEL

Development Management Section

Date of Meeting: 18/05/2022

Application Number:	4/21/2368/001
Application Type:	Outline : CBC
Applicant:	Sunshine Properties West Coast Ltd
Application Address:	LAND AT NETHERTOWN ROAD, ST BEES
Proposal	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT WITH ALL MATTERS RESERVED
Parish:	St. Bees
Recommendation Summary:	Approve in Outline (commence within 3 years)



Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel due to an objection from the Parish Council and due to the significant local interest in the application.

Members will also have benefitted from a site visit prior to the determination of the application following a request from the Parish Council.

The Site

The application site relates to an area of agricultural land which fronts onto Nethertown Road, on the southern edge of St Bees. The sloping site covers an area of 0.37 hectares, and adjoins the development site which was approved under outline planning application reference 4/20/2491/001 to the north in March 2021. Nethertown Road lies immediately to the west with residential properties to the east and open countryside to the south. The properties located to the east of the application site are set at a higher level than both the application site and the existing properties on Nethertown Road.

Relevant Planning History

4/20/2491/001 – Outline application for residential development – Approved on adjoining site.

Proposal

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

Whilst all matters are reserved for subsequent approval, an indicative layout plan has been submitted with this application to show how the site could accommodate two detached dwellings. The indicative layout also indicates that the development would utilise the frontage onto Nethertown Road as an access point, with each plot benefiting from parking and turning spaces. The entrance point would also provide access to the adjoining site which was granted outline planning permission (ref: 4/20/2491/001) for up to three dwelling in March 2021 by Members of the Planning Panel.

This application is accompanied by the following:

- Location Plan;
- An Indicative Site Plan;
- Location Map;
- Indicative Site Section;
- Planning Statement;
- Preliminary Ecological Appraisal;
- An Access Appraisal.

Consultation Responses

St Bees Parish Council

22nd September 2021

The Parish Council wishes to express its opposition to this application in the strongest possible terms. The Council believes that linear development of this type, which extends the

village southwards along a narrow country lane, is entirely inappropriate. The Parish Council objected to the previous application for three properties on the site, which was subsequently approved by CBC, and continues to oppose any further development on the site. The site is outside the settlement boundary which has been in place for many years and is outside the settlement boundary proposed in the new draft Local Plan 2021 – 38. We accept that the old Local Plan is now out of date but the new Local Plan is in the final stages of preparation before going to full council for approval. As the proposed settlement boundary is unchanged from the previous Local Plan, the Parish Council believe that the two together should carry greater weight in considering new application for development. The view of the Parish Council is that it would be unreasonable and illogical to approve further development outside the proposed settlement boundary at this stage.

The drawings indicated that the site entrance will be 25m from the entrance to Southrigg. The report by WYG shows that the road is only 205mm at this point with no pavements or lighting. The road is frequently used by walkers and cyclists and further traffic from a new development will only add to the dangers. The report from WGY on the behalf of the applicant gives the results of a traffic survey undertaken between 3rd and 9th August 2022. However, this does not represent a typical period. Over the summer of 2020 many people were continuing to work from home due to the Covid situation, so commuter traffic to and from Sellafield was much less than normal and this undermines the viability of the study.

The planning statement contained within the application states in para 5.13 that the site will not be prejudiced by flood risk. However, the drainage report contained within the application 4/21/2369/OR1 states on page 9 that there is a high probability of surface water flooding to the area where the two new properties are to be sited, The Environment Agency map indicates the extent and range of surface water flooding and shows the range of risk between medium and high.

1st December 2021

Thank you for forwarding details of the amended application. The Parish Council has considered this carefully and notes that the amendments do not address the concerns outlined in our earlier letter of 21 September. The Parish Council remains opposed to this application for further development of this site on three main grounds:

1. The Settlement Boundary

The site is outside the settlement boundary which has been in place for many years and is outside the settlement boundary proposed in the new draft Local Plan. In approving the first application for this site, limited weight was given to both the old Local Plan which is out of date and the draft new Local Plan which was still in the course of preparation. However, the new Local Plan is now further advanced and is about to go before full council for approval. The Parish Council believes that the draft Local Plan should now be given greater weight in considering this new application for development.

The Council believes that linear development of this type, which extends the village southwards along a narrow county land is entirely inappropriate. The Parish Council objected to the previous application for three properties on the site, which was subsequently approved by CBC, and continues to oppose any further development on the site. Having established the principle of development by the previous application for three dwellings, the applicant is now applying for permission for additional development. Such incremental applications can avoid the requirements relevant to an application for a larger development. If this application is approved, further application may yet follow for this site.

2. Flooding & Drainage Issues

The planning statement contained within the application states that the site will not be prejudiced by flood risk. However, the drainage report commissioned by the applicant and contained within the application 4/21/2369/OR1 states on page 9 that there is a high probability of surface water flooding to the area where the two new properties are to be sited. The Environment Agency map indicates the extent and range of surface water flooding and show the range of risk is between medium and high.

The recent prolonged period of wet weather has demonstrated that this is not simply a theoretical risk. There has been extensive flooding of the area where the new properties would be built with a deep pool of water over an area of approx. 20, by 40m which has taken many days to drain away. It is evident that water is draining onto the development site from Egremont Road. Not only would the proposed new properties on the site be at significant risk of flooding but other properties on Nethertown Road and Sea Mill Land would be at added risk if the site is developed. The applicant states that the drainage of surface water would be dealt with as a reserved matter but it is very difficult to see how any drainage system could be designed to remove this flood risk. The frequency of heavy and prolonged rain is increasing as the climate changes to this can no longer be regarded as a rare occasional event. It would be contrary to established policy to allow development in areas subject to flooding or which would add to the flood risk for other properties.

3. Highway Issues

The site entrance will be from a narrow single track road which is only 2.5m wide at this point with no pavements or lighting. The application includes a report from WYG which gives the results of a traffic survey undertaken between 3rd and 9th August 2022. This does not represent a typical period. Over the summer of 2020 many people were continuing to work from home due to the Covid situation, so commuter traffic to and from Sellafield was much less than normal and the traffic volume and speeds in the survey are unlikely to be typical.

The site is very close to the start of the 30mph restriction for traffic entering the village from the south. The report does not explain where the counters were placed, and therefore whether the measurements reflect the stopping distance of traffic approaching the exit from the proposed development at increased speeds from outside the nearby 30mph restriction. The planning statement states that the highways report provides an assurance that suitable visibility splay can be provided. However, the limitation of the survey undermines the validity of the conclusion.

The Parish Council has serious concerns about the safety of pedestrians and cyclists using this road. There is no pavement or lighting and it is simply not possible for a large vehicles to pass a pedestrian with a pushchair safely and a cyclist was recently knocked off her bike by a large van on this section of road. The dangers will be exacerbated by vehicles turning in and out of the new development. There are examples elsewhere in St Bees of developments taking place with no requirement to provide a pavement and the failure to deal with these issues at the planning stage continues to cause safety concerns. As an example, CCC has recently undertaken an expensive scheme to address the lack of pavement at one location in the village. The road was widened in front of the existing properties on Nethertown Road where they were built and it would surely be appropriate for the Highways Authority to require a similar widening of the road in this case to protect pedestrians.

Although detailed highways matter would be considered as a reserved matter, there are real concerns about how large vehicle such as refuse vehicular and delivery lorries will be able to manoeuvre into and out of the site. The Parish Council would wish to see turning space within the public highway rather than on private land to ensure long term access. If large vehicles are unable to turn the next crossroad is at the Couderton junction approx. 1.5 miles further south and there is concerns that drivers would attempt the dangerous manoeuvre of revering back along Nethertown Road to avoid the lengthy diversion.

Cumbria County Council – Cumbria Highways & LLFA

13th September 2021

This proposed small development of Two detached dwellings replicates and extends the current layout and arrangement of houses on the north side of Nethertown Road. I note that this is a low speed and narrow rural road with an 85th %ile speed of 22.5mph with no footway, but no recorded accidents in the last 5 years according to our database.

The additional traffic likely to be generated by the proposal will not have a material impact on highway conditions, but the sustainability of the site needs to be considered. Although the site is on the outskirts of the village and there are no footways on Nethertown Road I note that it is only 0.5 miles to the centre of the village, its facilities and school. I consider that it is not unreasonable for walking journeys especially since there is a footway on the B5345 and the visibility along

Nethertown Road is good. It is considered not necessary to provide a footway along the frontage as there is no connectivity available to the west and a footway would urbanise the location further and the increased width and lack of inconsistency of provision could impact on highway conditions.

The layout and detailed design of the development should address the following points, with reference to the Cumbria Development Design Guide for the appropriate standards:

- a compliant shared or individual private driveway(s);
- parking provision and turning arrangements;
- servicing arrangements (refuse and van deliveries);

- measures to prevent surface water run-off running onto the road from the driveway(s);
- consideration of permeable materials for all driveways and parking areas;
- position of any driveway gates (must open inwards and be set back at least 5m);
- construction traffic management plan;

Lead Local Flood Authority

It is noted that the site is in Flood Zone 1 area and not shown to be at risk at any forms of flood risk. Whilst the application form states that the surface water strategy will discharge water to a soakaway, which deals with the water as near to source as possible, there is no supporting information or evidence to demonstrate that the surface water and flood risk is managed appropriately.

However, due to the scale and location of the development, and overall low flood risk the LLFA is satisfied with the proposal in principle. Further information including infiltration testing and a full surface water strategy will be required in due course.

Conclusion

I can confirm that the Highway Authority and Lead Local Flood Authority has no objections to the proposal, subject to the inclusion of conditions relating to the design, construction, and drainage of footways, visibility splays, surface water discharging onto highway, construction traffic management plans, and surface water drainage scheme.

27th April 2022

I can confirm that the response made to the previous application should still apply.

United Utilities

26th April 2021

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.

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.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

1st September 2021

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.

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.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

19th October 2021

No further comments to add to original response.

16th November 2021

No further comments to add to original response.

Copeland Borough Council – Flood and Coastal Defence Engineer

2nd September 2021

The submission doesn't state how foul sewage is to be disposed of, so can you please ask what is proposed.

The UU layer on the GIS system does not show an adopted foul sewer in the immediate vicinity of the site.

The surface water is to be disposed of by means of a soakaway, which is the preferred method of disposal.

At this time there is no evidence to show that disposal of surface water by means of infiltration is feasible, so the applicant needs to make sure that there are alternative means of surface water disposal for the site, should this not be feasible.

14th October 2021

I've received further information for the above planning application for consultation.

However, this fails to answer the queries from my original response set out below.

The submission doesn't state how foul sewage is to be disposed of, so can you please ask what is proposed.

The UU layer on the GIS system does not show an adopted foul sewer in the immediate vicinity of the site.

The surface water is to be disposed of by means of a soakaway, which is the preferred method of disposal.

At this time there is no evidence to show that disposal of surface water by means of infiltration is feasible, so the applicant needs to make sure that there are alternative means of surface water disposal for the site, should this not be feasible.

19th October 2021

The additional information is fine at this time for the outline application.

I can now confirm, no objection.

18th November 2021

Just to confirm that I have no comments to make on the additional and amended information submitted.

Natural England

31st August 2021

No comments to make on this application.

21st October 2021

No comments to make on this application.

25th November 2021

No comments to make on this application.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to thirty-eight properties.

Sixteen letters of objection were received in relation to this application which raise the following comments:

- I repeat my concerns expressed previously, when the application for the first three dwelling on this development was submitted.
- We were led to believe that permission would only be for three dwellings this is now increased by two. This is further development by stealth.
- Will more plots be added?
- Previous approval yet to be built.
- Nethertown Road is a quiet single-track road, therefore use of heavy construction vehicles is of great concern.
- The road is not built for this type of traffic. It has previously collapsed and has been underpinned to cope with existing traffic.
- It is not wide enough for two cars to pass.
- As a resident of Nethertown Road the disruption, congestion and noise that this will cause is disturbing.
- What measures will be put in place to mitigate against potential damage caused by heavy construction traffic to Nethertown Road which impacts on normal access to my property.
- Access to this road is essential for residents and the emergency services.
- Where was the traffic survey carried out? If placed at the entrance to the site, they would not give a true picture of the traffic along this road to existing houses.
- The development would result in a 50% increase in cars along this road.
- Already busy road from Sellafield traffic this will add to problem.
- Exit of Nethertown Road onto Egremont Road is difficult and dangerous due to lack of visibility. This has been raised with Highways with no results.
- This junction is not fit for large vehicles.
- Increased traffic means more danger for other road users including walkers, and cyclists.
- No pavements.
- These houses are not wanted in the village.
- Drainage appears to be by soakaways. Geology of this area is strange and results in flooding of the site and road. Natural underground water course and drainage appear not to be as would be anticipated.
- The sewer system will be put under pressure and will increase probability of floods and blockages.
- Existing systems are old and not capable of taking more capacity.
- This is cause villagers issues.
- The Village Plan agreed some years ago limits where developments can go within the village these now appear to count for nothing.
- Development on greenfield land. Development of brownfield sites should be encouraged in the village.

- The development is outside the settlement boundary for the village and is not included within the local plan.
- The tranquillity of Nethertown Road will be spoiled forever.
- Unsympathetic to the village.
- St Bees is a lovely seaside village but will soon be known as a commuter town.
- The ribbon development opens up the excuse to just keep building.
- Development is only for financial gain.
- Loss of ancient agricultural land to allow further irreversible damage to our village which is wrong and unacceptable.
- Stop the slow creep of damage and destruction.
- The development will go beyond the natural limits of the settlement.
- Deep Gyll Bank is located to the rear of the site and is designated as an area of great landscape and scientific value. The environmental survey does not acknowledge the surrounding landscape value of this site and adjacent woodland.
- Wildlife in this woodland has also been ignored.
- There is a vehicle access to Deep Gyll Bank which will be blocked.
- The development site together with the steep bank to the east is a unique glacial feature which has been undisturbed since the last ice age. It has been recognised as unique landscape.
- There is no requirement for this type of housing in St Bees.
- Not the answer to affordable housing requirements.
- Increase in CO2 emission as children will be driven to school.

Thirty-nine letters of support have been received in relation to this application which raise the following comments:

- I unsuccessfully tried to buy one of the first three plots on the first phase of this development. These plots are exactly what I am looking for and would love the opportunity to buy and build my dream home in a fantastic village I have lived for 32 years.
- St Bees needs more new developments as there is a huge shortage of good big houses.
- High demand for executive housing in the village. Lack of opportunity to move up housing ladder in the village.
- I hope this and other development are approved giving people a chance to build their dream home.
- Great for St Bees and community.
- Great views. Perfect location.
- Opportunity for the area to step into modern day living.
- St Bees is sought after area.
- The development will not have any negative impact on the village itself.
- The development will attract people to the village and support the local economy.
- The development would enhance this location.
- The location is 'out of the way' so will not spoil the look and feel of the village as some other proposed locations might.

- The development will not impact on other people and will blend into the existing property line.
- Creation of work for local builders.
- I live in the village and as there is a national housing shortage, we shouldn't allow NIMBY attitude to become the prominent voice from a minority of people.
- Five plots would look much better than three and would naturally reach the boundary of the village as per the houses on Egremont Road.
- The first three plots have gone to existing St Bees residents, I hope this is the same for these two dwellings.
- The development includes off street parking which is a problem in St Bees.

Further to the submission of amended plans all neighbours, objectors and supporter of the application were reconsulted on this application.

Seven letters of objection were received in relation to this application which raise the following comments:

- Previous comments should be taken into account.
- Submitted documents are inaccurate.
- The road is narrow and not structurally sound enough to withstand the heavy traffic during the build.
- The highway department should consider widening the road before the application is determined.
- The road has previously collapsed and required diversion for several months.
- Access needed for elderly, delivery, emergency services, etc.
- Additional congestion on road.
- Road popular with walkers, cyclists, etc .
- It is an unspoilt road with minimum traffic and a peaceful setting.
- Traffic survey undertaken when most of the country was working from home or on furlough.
- Traffic survey takes no account of walkers or other road users. This should be undertaken again to reflect all.
- Previous accident between bike and car.
- Will access to existing homes be restricted?
- The drainage system is not sufficient for the new dwellings.
- The site is at risk of flooding not as stated within application. This contradicts the drainage report submitted as part of the reserved matters application for the adjacent site.
- Site currently floods.
- The development will be located over the area that currently floods.
- Soakaways are proposed however further investigations of this will be needed. It is unlikely that this will be a viable option.
- The author of the DSR, A L Daines & Partners state clearly that further investigations are necessary to support the foul water drainage strategy and as we now know the

field in question has surface water flooding issues. This further demonstrates the applicants have not met the necessary conditions asked of them.

- Large amounts of excavation or filling required.
- Original proposal inaccurate as it did not correctly describe access, village borders, speed restrictions and dry stone boundary wall.
- Disappointed that residents viewed have been ignored.
- The development will not fit in aesthetically with the nearby housing or local village.
- Unacceptable visual impact and village infrastructure not able to cope.
- The village boundary will need to be extended to accommodate these dwellings.
- this application is to build on land outside of the existing St Bees settlement boundary and moreover outside of the revised village settlement boundary which is currently in the final stages of CBC approval.
- Building homes for families negatively changes the composition of the area.
- The prime minister accounted in a speech that beautiful homes should in future be built only on brownfield sites in places where homes make sense. This should be considered for this application.
- Development blocks access to land to rear.

Four letters of support have been received in relation to this application which raise the following comments:

- The village would benefit from new homes.
- I disagree with the comments from the Parish Council. They are very negative and they never seem to have anything positive to say when embracing change that will benefit the village in the long term.
- We need more projects like this in the local area.
- Eco friendly home.
- Great views.
- Gives people chance to design own home.
- Private and set back from road.
- Interest from local people and those wanting to move back to the village.
- Quiet road with hardly any traffic
- Boost for local economy and local tradesmen.
- Adding to the local community will create footfall in the village that will use local amenities.
- Beautiful family homes.

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 (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

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

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:-

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Assessment

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

- The principle of the development;

- Housing need;
- Settlement character, landscape impact and visual impact;
- Design and impact on residential amenity;
- Flood risk and the achievement of satisfactory drainage;
- The impact of the development on highway safety;
- Ecology.

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.

St Bees is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

The application lies outside of the designated settlement boundary for St Bees, 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 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 emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

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 St Bees as a Local Service Centre 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 directly adjoining the revised development boundary for St Bees. Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, as 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 St Bees 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 southern edge of the built-up area of St Bees, and the development site which was approved under outline planning application reference 4/20/2491/001. The site is considered to be within walking from the local services within the village which includes a primary school, nursery, Church, pubs, post office, shops, and community facilities.

In applying the provisions of paragraph 11:

- The site would assist in boosting housing supply to meet the identified need for housing in St Bees and the wider Borough;

- The proposed development comprising the erection of two dwelling is appropriate in size to the designation of St Bees as a Local Centre in accordance with the spatial objectives of Policy ST2;
- The site lies to the south of the existing settlement boundary and is located adjacent to the development site adjoining the existing built form on the southern edge of St Bees;
- The Site is located in close and convenient proximity to the services and employment opportunities located within St Bees for which the settlement has been designated as a Local Centre in Policy ST2 of the Local Plan. The proposed development will support existing services and thus the aspiration of retaining these services;
- Some sustainable travel options exist within the vicinity, including St Bees Train Station and Hadrain's Cycleway, as per the provisions of Policy DM22 of the Local Plan.

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.

St Bees 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 St Bees; however, does not include provision for affordable housing to meet the identified need in accordance with the provisions of Policy SS3 of CS and Paragraph 61 of the NPPF.

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 to the south of St Bees directly adjoining the development site granted outline planning permission by Members of the Planning Panel in March 2021. It adjoins the edge of the built up area of St Bees, adjacent to a number of existing dwellings. The land contributes positively to the character of St Bees with particular regard to the approach to the settlement from the east.

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 agricultural land located to the south of St Bees. This area of St Bees is characterised by detached dwellings fronting onto Nethertown Road. The proposed development would comprise an extension of the existing developed form of the settlement and the adjoining development site to the south, which would reflect the existing character of the area and would extend the linear form of the settlement and previously approved extension to the settlement. The development would be considered a further edge of settlement extension, however the proposed site does not extend beyond the dwelling located at a higher level on Egremont Road, therefore the development can be considered to round off this part of the settlement. The development would be viewed against the backdrop of these existing properties, and those granted permission within the adjoining development site, therefore the impacts are lessened.

The development is not considered to result in major intrusion into the open countryside, and due to the existing landscape features the development is not considered to have significant harm on the overall landscape. The sloping nature of the site and the natural dip along its southern edge will also help screen the development and also give a defined edge. Additional landscaping, which would be detailed within any subsequent reserved matters applications, will also help to lessen the impact on the character and appearance of the development.

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

Design and Impact on Residential Amenity

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

The application includes indicative details of the proposed layout only with details of the 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 set back within the plots, away from the road, to reflect the existing built form along Nethertown Road. This will help to mitigate against any impact of the development on neighbouring properties. Given the significantly elevated position of the existing dwelling to the east of the site on Egremont Road, the proposed development at this site is considered to have minimal impact on these properties and their amenity. It is also considered that suitable boundary treatments can be secured as part of this permission to minimise its potential impact. Details of the 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.

Whilst the application site is located within Flood Zone 1 the views of the Council's Flood and Coastal Defence Engineer, the Lead Local Flood Authority and United Utilities have been sought as part of the consultation process.

Although the application is in outline form only, the adjacent development site which was granted outline planning permission is now subject to a reserved matters application which includes a drainage strategy. It is therefore proposed that if this reserved matters application on the adjacent site is approved the drainage strategy will be extended to this site. This strategy indicated that all foul water from the development will be drained by a new system and discharged into the existing public sewer to the north of the site along Nethertown Road. Surface water will be dealt with through a combination of permeable

paving and below ground infiltration soakaways. No objections have been received from any Statutory Consultees on this matter however it has been indicated that 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. In line with these comments relevant conditions are proposed to ensure an adequate drainage system at the site and to ensure a surface water drainage scheme is secured based on the hierarchy of drainage options in the NPPF is submitted to and approved by the Local Planning Authority prior to commencement of works.

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.

Although submitted in outline form the application indicates that the development would utilise the frontage onto Nethertown Road as an access point, with each plot benefiting from parking and turning spaces. The entrance point would also provide access to the adjoining site which was granted outline planning permission (ref: 4/20/2491/001) for up to three dwelling in March 2021 by Members of the Planning Panel.

Concerns have been raised by local residents and the Parish Council with regard to the additional traffic and the impact on highway safety given the narrow width of Nethertown Road. Cumbria Highways however have offered no objections to this proposal. The Highway Authority note that the proposed development is small in scale which replicates and extends the current layout and arrangement of houses on the north side of Nethertown Road. It is confirmed that the additional traffic likely to be generated by the proposal will not have a material impact on highway conditions. Whilst Nethertown Road has no footways however the Highway Authority note that it is only 0.5 miles to the centre of the village which is considered a reasonable for walking journeys, it is therefore not considered necessary to provide a footway along to frontage of the development as there is no connectivity available to the west and a footway would urbanise the location further and the increased width and lack of inconsistency of provision could impact on highway conditions. Cumbria Highways have raised no objections to the individual access points for each proposed dwelling but have commented that a single shared driveway could be possible at this site.

This proposed small development of Two detached dwellings replicates and extends the current layout and arrangement of houses on the north side of Nethertown Road. This is a low speed and narrow rural road with an 85th %ile speed of 22.5mph with no footway, but no recorded accidents in the last 5 years according to our database.

Cumbria Highways have requested a number of conditions including the provision of adequate visibility splays, surface water discharge into the highway, and the requirement for a construction management plan. However, as this is an outline application with all matters reserved for future approval issues relating to the proposed access and footways cannot be conditioned as part of this application and will be addressed as part of any subsequent applications for this site. As concerns have been raised from the Parish Council and local residents with regard to drainage issues and the suitability of the highway for construction vehicles it is deemed appropriate to include the conditions requested by Cumbria Highways requiring a Construction Management Plan and details of measures to prevent surface water discharging onto the highway.

Overall, it is considered that the submitted details comply with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible form of development.

Ecology

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

A Preliminary Ecological Survey has been submitted in support of this planning application and provides an assessment of the ecological impacts of the development. The report concludes:

- No internationally designated sites exist within a 2km radius of the site and therefore no potential impacts to any internationally designated sites are anticipated.
- No potential impacts to any domestically designated sites are anticipated.
- Due to the proximity of locally designated sites, it is concluded that the proposed development will not impact upon any locally designated site.
- The risk of bat roosts occurring within the works area is 'nil'. The site is unlikely to be of significance to foraging or commuting bats in the wider area and the risk to bats is therefore considered to be 'nil'.
- Great crested newts have been confirmed as 'absent' from the pond via an eDNA test. The risk of great crested newts being affected by the proposed works is therefore 'nil'.
- The risk of otters, badgers, red squirrels and other mammals being affected by the proposed works is considered to be 'nil'.
- The risk of reptiles being affected by the proposed works is considered to be 'nil'.
- The risk of breeding birds being affected by the proposed works is considered to be 'negligible'.
- The risk of invasive non-native species currently growing on site being spread within or beyond the site boundary is currently considered to be 'nil'. The generic risk of invasive non-native species being introduced to the site and then spread within or beyond the site boundary is considered to be 'low'.

Based on these conclusions the following impacts have been identified:

- Breeding Birds - Disturbance/destruction of active nest sites and harm to nesting birds.
- 'Other Mammals' - Harm to burrow dwelling mammals
- Invasive Non-Native Species - Spread of invasive non-native species on/off site.

The following mitigation measures/recommendations are therefore made as part of this survey:

- Vegetation clearance and/or demolition of the western boundary wall to create access should occur outside of the bird nesting season.
- If any vegetation clearance and/or demolition of the western boundary wall must occur during the bird breeding season, a breeding bird survey must be conducted immediately prior to vegetation clearance commencing. Should evidence of active nest sites (or dependant young) be identified, no work will be possible until the nest can be confirmed as no longer active or the young have fledged and/or moved out of the works area.
- All plant operatives will be vigilant for mammal burrows. If burrows are discovered, no plant will operate within 5m of any burrow entrance until an experienced ecologist can confirm if the burrow is active. If burrows are found to be active, measures will be taken to exclude mammals before works in the area may proceed.
- Any plant or equipment used on site during the construction phase must be washed so as to remove any mud or debris (which may contain viable vegetative material or seeds) before being delivered to the site.
- All materials delivered to site will be clean and free from contamination with seeds or vegetative material from invasive non-native species.

Appropriately worded planning conditions will be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures.

Whilst concerns have been raised with regard to the submitted information for this application and the detrimental impact the development will have upon ecology, Natural England have confirmed that they have no objections to this application.

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

Planning Balance

The application site is located outside of the settlement boundary for St Bees 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 St Bees; 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.

The ECLP continues to identify St Bees as a Local Service Centre reflective of the number and type of services it contains and identifies a settlement boundary around the village. The ECLP continues to identify the Application Site as outside the revised development boundary for St Bees. Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, as there are outstanding objections to the relevant policies applicable to this development, the identified conflict can be given little weight at present.

The development will assist in boosting housing supply within St Bees, is of an appropriate scale for the Local Centre, will support the retention of existing services locally, and benefits from some limited sustainable travel options 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 south of the village, the small scale proposal has been designed to extend the previously approved small extension to the south of the village and to respect the character and built form of this area of the settlement. The development is considered an extension to the settlement and adjoining development site, rounding off this southern part of the village, and would be viewed against the existing built form of St Bees, limiting its impacts.

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 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 Map (Amended), Scale 1:1250, Drawing No: 008, received by the Local Planning Authority on the 8th November 2021.
- Location Plan (Amended), Scale 1:1250, Drawing No: 006, received by the Local Planning Authority on the 8th November 2021.
- Access Appraisal, Prepared by WYG November 2020, received by the Local Planning Authority on the 16th August 2021.
- Preliminary Ecology Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 16th August 2021.
- Planning Statement, received by the Local Planning Authority on the 16th August 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. Before development commences full details of the foul and surface water drainage scheme 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 the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

5. 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 (inclusive of how the scheme shall be managed after completion) must 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.

SUDS and especially surface features such as rain gardens, swales and basins that provide amenity and treatment benefits to deal with water 'naturally' shall be prioritised in the design.

The development must be completed, maintained and managed 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.

6. 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 interests of highway safety and environmental management in accordance with Policy T1 and DM22 of the Copeland Local Plan.

7. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning authority. The CTMP must include details of:
 - Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - Cleaning of site entrances and the adjacent public highway;
 - Details of proposed wheel washing facilities;
 - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

Other Conditions

8. Foul and surface water shall be drained on separate systems. Foul water should be draining to the public sewer and surface water draining in the most sustainable way.

Reason

To 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.

9. This permission gives outline approval for a maximum of two 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.

10. The development must implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecology Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 16th August 2021'. The development must be carried out in accordance with the approved document at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan.

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.