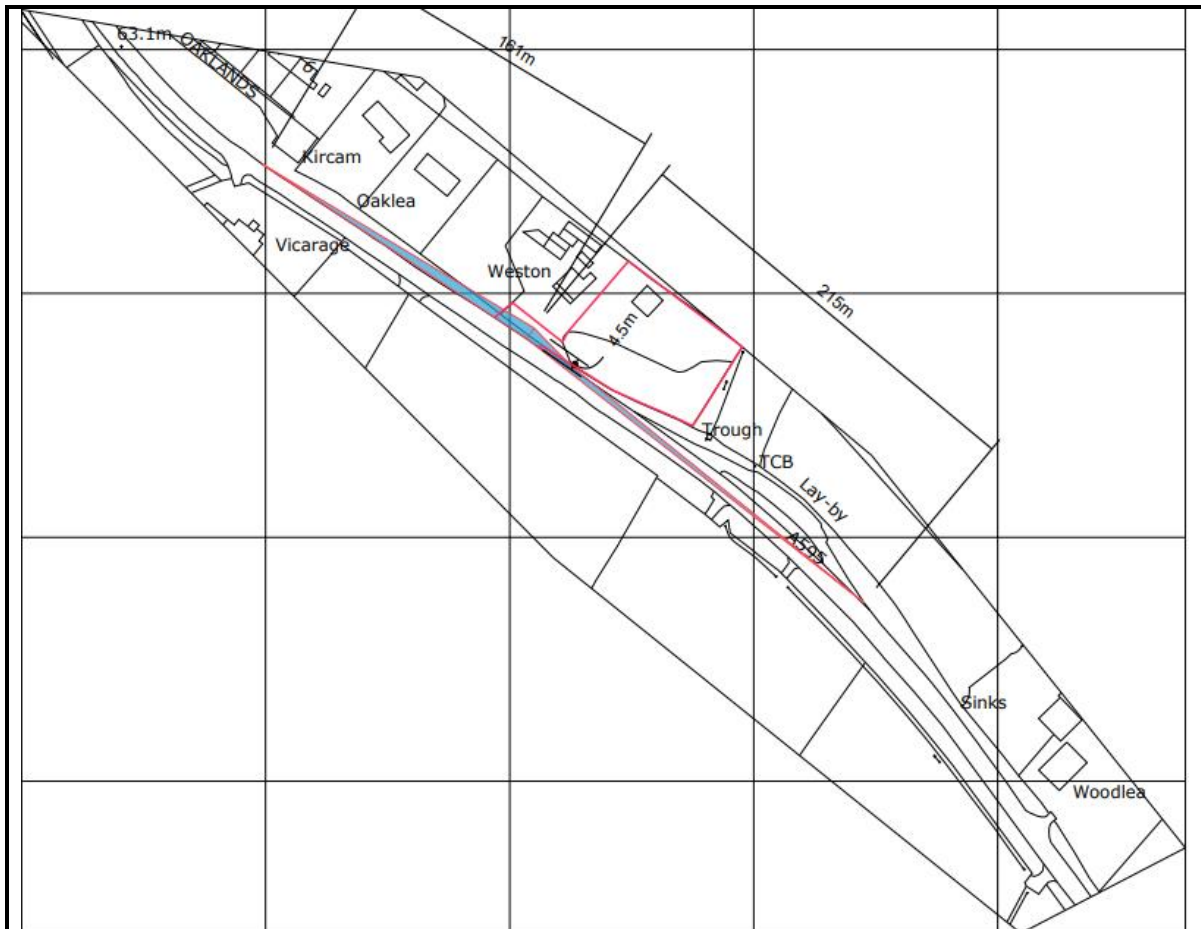


To: PLANNING PANEL

Development Management Section

Date of Meeting: 15/12/2021

Application Number:	4/21/2458/001
Application Type:	Outline : CBC
Applicant:	B Atkinson
Application Address:	WESTON, BECKERMET
Proposal	OUTLINE PLANNING PERMISSION (WITH ALL MATTERS RESERVED) FOR REDEVELOPMENT OF BUILDERS YARD TO RESIDENTIAL - AMENDED SCHEME FOR PREVIOUS APPLICATION 4/20/2461/001
Parish:	Haile
Recommendation Summary:	Refuse



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Reason for Determination by Planning Panel

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

Site and Location

The application site relates to a site located to the south east of the Hamlet known as Oaklands. The 0.22 hectare site lies adjacent to the detached property known as Weston, and currently comprises an existing builders yard and office forming the administrative base of Atkinson's, which currently employs 2 people as operations are being scaled down.

The site is accessed directly from the A595 and benefits from a number of mature trees, the majority of which are protected by TPO.

The site is located outside of any settlement boundary and is bounded to the north west by the existing residential dwelling, the north and east by open countryside, and the south west by the A595.

Relevant Planning History

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

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

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

4/20/2461/001 – Outline planning permission for redevelopment of builders yard to residential up to 4 properties – Refused by Planning Panel

Proposal

This outline application seeks to establish the principle of developing the site for residential purposes. All matters relating to scale, appearance, access, and landscaping are reserved for future consideration. This application is a resubmission of the previous outline application at this site which was refused by Members of the Planning Panel in March 2021, however the red line for the application has been reduced and now only encompasses the builders yard and not the garden land of the existing dwelling, Weston.

Whilst all matters are reserved for subsequent approval, the submitted application form states that permission is now sought for the erection of two dwellings at this site. An indicative layout for the proposed dwellings has also been submitted to support this application, indicating that the proposed dwellings would be dormer style properties.

This application is accompanied by the following:

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

Consultation Responses

Haile Parish Council

No objections.

Highways England

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

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

I can confirm that the response made to the previous application (4/20/2461/001) should still apply.

Below is our comments previously made:

The proposed development accesses the A595 that is maintained by [National Highways]. We therefore do not have any comments to make other than advisory and your authority should consult [National Highways] for their recommendations.

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

Normally we would recommend that the access is at least 4.1m in width for the first 10m into the site from the highway however, the existing access appears to be of a good width to allow for two vehicles to pass one another.

The applicant should also provide a plan demonstrating the proposed surface water drainage methods.

United Utilities

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

Copeland Borough Council – Flood and Coastal Defence Engineer

2nd November 2021

With regards to the above application, I am raising an objection because it has not been demonstrated that the proposed development can be drained adequately.

Whilst, for an outline application, it would not be necessary to provide full details, it should be demonstrated that the proposed development can be drained.

Specific concerns are:

- The application does not state how foul sewage will be disposed of.
- The application states that surface water will be disposed of by means of the mains sewer, yet there are no mains sewers in the vicinity of the site.

Following on from the above, the applicant will need to consider the following:

- As there are no mains sewers in the vicinity of the site, sewage will need to be disposed of by means of a package treatment plant to comply with the general binding rules.
- Following the drainage hierarchy, the applicant needs to consider whether disposal by infiltration is feasible.
- If infiltration is not feasible, then the applicant needs to consider the option of disposal into a surface water body.

- As there is a watercourse immediately adjacent to the application boundary, this would be feasible, subject to permission from the land owner (if a third party) and consent to discharge from the LLFA.

I don't think it would be too difficult for the applicant to demonstrate that the proposed development can be adequately drained.

30th November 2021

Disposal of foul sewage via the package treatment plant will need to comply with the General Binding Rules.

Surface water disposal to follow the drainage hierarchy, which as stated below should be conditioned.

Objection now removed.

Copeland Borough Council – Strategic Planning Policy

No comments received.

Capita – Consultant Arboricultural Officer

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

Resilience Unit

No objections to the proposed works.

Public Representation

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

Planning Policy

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

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (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)

Emerging Copeland Local Plan (ECLP)

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

The main issues raised by this application relate to the principle of development, access to services and facilities, housing need, landscape and visual impacts, design & impact on residential amenity, access, parking and highway safety, drainage and flood risk, and trees.

Principle of Development

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

The application site is located within a small Hamlet, known as Oaklands. Policy ST2 of the Copeland Local Plan identifies Oaklands as 'outside settlement boundaries', and is therefore considered to be within open countryside. Policy ST2 of the Copeland Local Plan states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use. A proven requirement for the proposed development has not been demonstrated; therefore, the requirements of Policy ST2 of the Copeland Local Plan have not been achieved with this application.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

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

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

The ECLP has been drafted based upon an evidence base. The SHMA calculates a housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP

confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

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

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

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Access to Services and Facilities

Policy ST1 outlines the strategic development principles. The policy refers to good access to services and facilities for everyone, encouraging development which minimises carbon emissions, directing development away from greenfield site, minimising the need to travel and prioritising development in the main towns where there is previously developed land and infrastructure capacity.

The site is located within open countryside, with limited access to key services and facilities. The submitted Planning Statement for this application states that the site is located between Thornhill and Beckermest which provide the following facilities: primary school 0.78 miles from site, public house 0.67 miles away, nursery provision 0.58 miles away, village hall 1.02 miles away, church 1.1 miles away and retail located within Egremont 1.87 miles away. There are no facilities located within the immediate vicinity of the application site or within the Hamlet of Oaklands.

The site is positioned off the A595 and does not benefit from a footway. Whilst there are a number of services located within the village of Beckermest, there are no suitable safe walking routes between the village and the application site. The site also lies approximately 0.6 miles from the settlement of Thornhill, which provides a limited number of services, however again there is not a continuous pavement from the site to link the application site to this settlement. The nearest footpath link is located approximately 40m away from the application site on the opposite side of the A595, therefore there is not a safe direct walking link to any nearby settlements and the associated facilities. This footpath link also does not benefit from any street lighting and therefore would only be used within the daytime. On this basis, it is considered that the residents of the proposed development would be unlikely to walk or cycle to Thornhill or Beckermest, and would instead be likely to drive to larger settlements, such as Egremont where there are a full range of services and facilities available. It is therefore considered that the proposed development would encourage the use of unsustainable transport methods and would be unlikely that the development would contribute to supporting the existing rural services within Beckermest and Thornhill.

The site is therefore not considered to be located within a sustainable location for the purposes of Policy ST1.

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

Housing Need

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

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

The SMHA suggests that there is a slightly lower proportion of market home needed to be 3 bedroomed due to the large current stock of this size, and a greater need for 1 bedroomed rented affordable units. It also identifies a need for bungalows and affordable housing delivering smaller family homes.

The supporting documentation for this application outlines that the proposed dwellings are likely to comprise of market homes. No indication of how the development will meet the needs of the Housing Market Area is provided.

Landscape and Visual Impacts

Policy ENV5 states that the Borough’s landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough’s landscapes.

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

The application site comprises an area of 0.22 hectares, which lies adjacent to the detached property known as Weston, and currently comprises an existing builders yard and office

forming the administrative base of Atkinsons. The site is accessed directly from and is visible from the A595, but is well screened by a number of existing trees, the majority of which are protected by TPO.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

The site currently comprises of brownfield land which currently serves an existing employment use. The site directly adjoins the existing property, Weston, located to the south east of the Hamlet of Oaklands. The proposed development would therefore be considered to comprise an extension to the existing developed form of the Hamlet, which would reflect the existing character of the area and would extend the linear form of the area. The development would therefore be viewed against the backdrop of these existing properties which would lessen its impacts. As the proposal would develop an area which is currently viewed as part of the built form, the development is not considered to result in major intrusion into the open countryside, and given the existing screening the development is not considered to have significant harm on the overall landscape.

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

Design and Impact on Residential Amenity

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

The application site lies adjacent to the existing residential property known as Weston. The application indicates that the site will be developed for two dormer style dwellings, however

details of the layout, scale, and appearance of the residential development are reserved for subsequent approval at the Reserved Matters stage. It is considered that the site could be developed for two dwelling, meeting the required separation distances and reflecting the existing built form of Oaklands. It is also considered that suitable boundary treatments can be secured as part of this permission to minimise the potential impact on the existing dwellings.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, it is considered that the site can be developed for a residential development which meets the required separation distances and would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking. The requirements of Policy DM12 of the Local Plan are considered achievable.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

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

As the proposed access to the development is from the A595 both Highways England and Cumbria Highways have been consulted on this application. Highways England have offered no objections to the proposal but have requested the inclusion of a condition relating to drainage should the application be approved. As the A595 is maintained by Highways England, Cumbria Highways comments are advisory only. Cumbria Highways have no objected to the development but have provided guidance on parking, turning, and inter-visibility. They have also offered no objections to the use of the existing access as it appears to be a good width to allow for two vehicles to pass one another.

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

Drainage and Flood Risk

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

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

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

Trees

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

The application is located within a site which includes a number of well-established trees, the majority of which have been protected by Tree Preservation Orders. As this is an outline application a tree survey has not been submitted. The Council's Arboricultural Consultant has been consulted on this application. No objections have been submitted however it is stated that if the application is to be approved a condition required detailed arboricultural information must be secured.

Subject to the 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 comprises brownfield land which is located 'outside settlement boundaries' as defined in Policy ST2 of the Copeland Local Plan.

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

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

Although the development would contribute to the housing supply within the Borough this would be modest due to the scale of the development proposed (2 units). No details have been provided to demonstrate how the proposal would meet the current housing need. Any benefits that arise would be minor and would result mainly from the limited construction phase. Benefits to existing services would also be limited due to the location of the site away from the main settlements.

The site could be developed in a way that would not have any significant impacts on residential amenity, landscape or highway safety.

Overall, by virtue of its location, the application site is considered to be isolated from services and any sustainable transport links. The development is therefore considered to be located within an unsustainable location in relation to services and its reliance on unsustainable transport methods, and therefore would not comply with paragraph 11 of the NPPF.

Conclusion

On balance, whilst there are some limited benefits that would result from the development of this site these are not considered to significantly and demonstrably outweigh the adverse impacts of the proposal in relation to its unsatisfactory location and the identified environmental harm of a residential development located where there would be a reliance on private car journeys. The proposed development would not be in a suitable location for a residential development when assessed against the policies in the NPPF taken as a whole. On this basis the proposal is considered to be an unacceptable form of unsustainable development.

Recommendation:-

Refuse

Reason for Refusal

The application site is located within the Hamlet of Oaklands, which is identified as open countryside. The proposed development seeks to develop the existing brownfield site for residential purposes, however a need for a development of this nature to be located outside of the Borough's recognised settlements has not been demonstrated. Access to community facilities in the vicinity of the site area is limited. Access to key services from the site is also limited and there are no footways directly linking the application site to the available services. Given the spread of the services and facilities, and lack of sustainable transport links the development is likely to rely on the need to travel by private car. The proposal is therefore contrary to Policies ST1, ST2, SS3 of the Copeland Local Plan, and Paragraphs 8, 9, 11, 79, and Part 9 of the National Planning Policy Framework.

Statement

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