

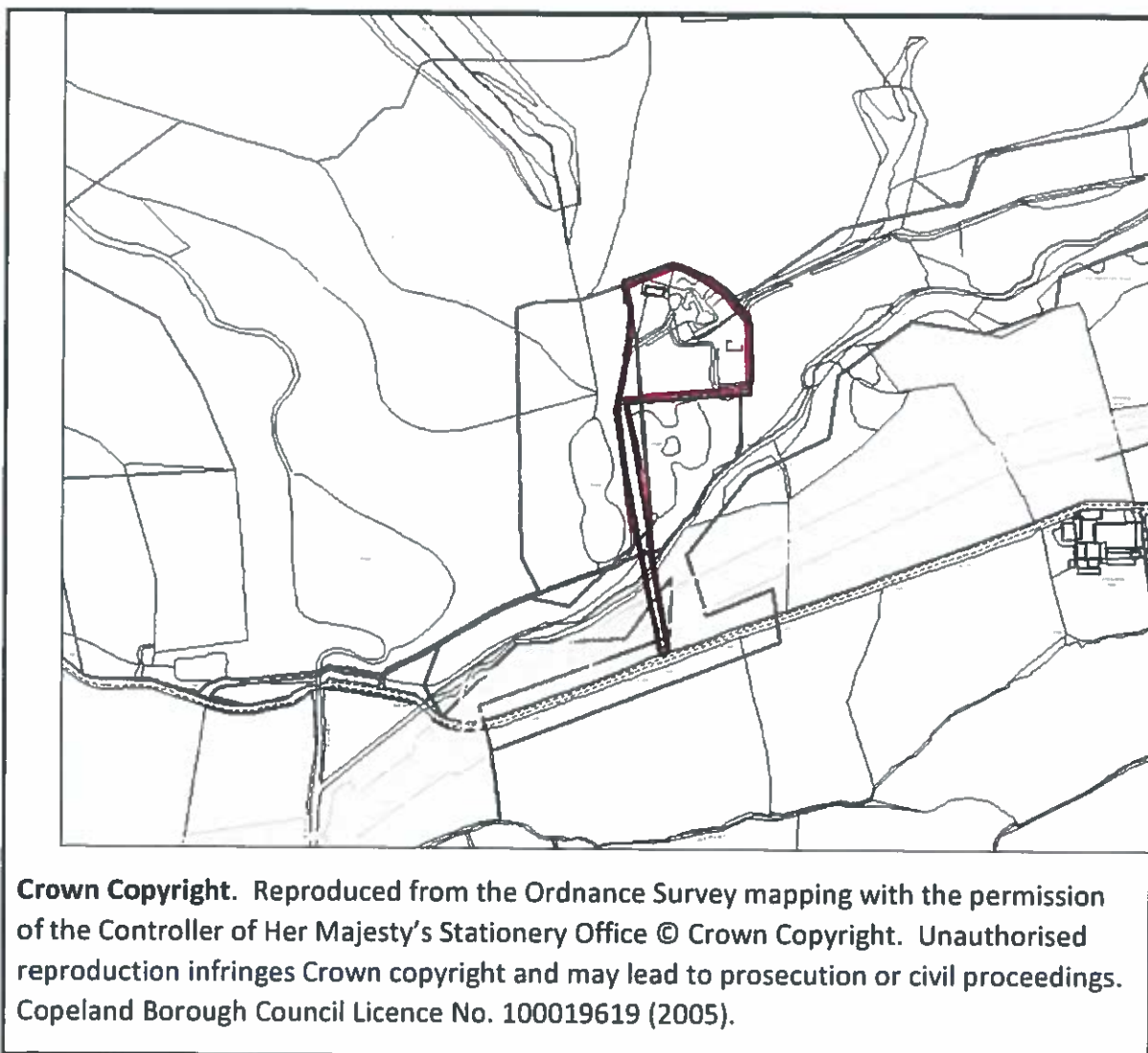


To: PLANNING PANEL

Development Control Section

Date of Meeting: 19/12/2018

| | |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Application Number: | 4/18/2403/001 |
| Application Type: | Outline : CBC |
| Applicant: | Cartmell and McNicholas |
| Application Address: | WEDDICAR HALL, WEDDICAR, CLEATOR MOOR |
| Proposal | OUTLINE APPLICATION FOR ERECTION OF 21 DWELLINGS ON THE SITE OF CONSENT 4/10/2065/0F1 WITH ACCESS AS APPROVED FOR THAT DEVELOPMENT |
| Parish: | Arlecdon and Frizington, Weddicar |
| Recommendation Summary: | Refuse |



Introduction

This application relates to an area of land extending to 2.4 hectares to the north of the Frizington road between Rheda Park and Whelpside. The site comprises a group of partially demolished buildings and the footprint of former buildings. The site is accessed via an unmade road from a minor road which links Whitehaven to Frizington.

The site has a long history of industrial activity, with the land surrounding the site forming part of the Keekle Opencast site in the 1980's. The ponds on site formed part of the drainage system associated with the open cast site. Following completion of mining the land was restored to open fields, woodland and grazing land. As such the land appears highly rural in nature.

The site lies outside of the settlement boundary, with the River Keekle running adjacent to the site to the south. The land is low lying with limited visibility from adjacent public roads or footpaths.

There is limited development surrounding the site, to the east lies a farm, with Rheda Park beyond this. To the north lie dispersed farms. To the far west over 1.5 km beyond open fields lies Hensingham and the beginning of the Whitehaven built settlement. Approximately 2km to the south lies the nearest town of Cleator Moor.

Planning permission was previously approved in 2010 for the redevelopment of the site to form a holiday complex comprising 19 holiday lodges, a leisure facility and associated management accommodation. Access was also agreed as part of this application (application 4/10/2066/OF1 refers). This permission was subsequently renewed in 2013 (application 4/13/2148/OF1). The pre commencement conditions attached to this permission were subsequently discharged and a section of the new access was constructed. These works were deemed to comprise a start and as such this permission remains extant.

Proposal

This outline application seeks to establish the principle of developing the site for residential purposes with matters relating to layout, scale, appearance and landscaping reserved for subsequent approval. The position of the proposed new access from Frizington Road is considered as part of this application but relates to the previously approved scheme for holiday lodges on the site.

Although only in outline form, some details have been prepared to illustrate the general form of development and the density which could be achieved on the land. An indicative layout plan has been submitted with the application which details a development cluster of 21 units at a density of approximately 9 dwellings per hectare.

Properties are indicatively proposed as large detached family homes. Each property proposes spacious gardens containing driveways sufficient to park a number of vehicles.

At this stage no details of materials, pedestrian access or boundary treatments are offered.

The application is accompanied by the following information:-

- Site Location Plan
- Illustrative Site Layout Plan
- Phase 1 Desktop Report
- Updated Ecological Appraisal
- Flood Risk and Drainage Statement
- Design and Access and Planning Statement

Consultation Responses

Parish Council

Objection to the application on the following grounds:

- Poor access;
- Probable increase in traffic on inadequate roads;
- Isolated development with no amenities or bus route;
- Local wildlife impact;
- Development in countryside outside of settlement;
- Not an allocated housing site within the local plan.

Highways Officer (Cumbria County Council)

No objection subject to:

- Construction of the private road to adoptable stands to allow access service vehicles
- Provision of pedestrian access
- Highway improvements across the access bridges.

Local Lead Flood Authority (Cumbria County Council)

The access road is subject to flooding, mitigation measures should be utilised against the flooding of the road.

No properties should be located in flood zone 3a.

Mitigation measures should be installed as outlined within the drainage strategy.

Further information would be required in relation to drainage design.

United Utilities

No objection subject to the imposition of drainage conditions to be attached to any planning approval.

Environment Agency

Given the more vulnerable nature of the site in flood risk terms, the proposed development would be required to proceed in strict accordance with the submitted FRA and the mitigation measures identified. Conditions are proposed to ensure this occurs.

With regards to contaminated land, the previous use of the site as a paint and oil mill presents a risk of contamination which when disturbed through construction could pollute controlled waters. A planning condition relating to site remediation and management is proposed.

Natural England

No objection.

Strategic Planning Policy Team

The proposed site is a mix of brownfield and greenfield land comprising the residual buildings of Weddicar Hall and Mill, detached from the settlement boundary of Cleator Moor. The nearest post office located within the defined settlement boundary of Cleator Moor is some 2km away from the proposed site.

Criteria set out in Figure 3.2 of Policy ST2 (Spatial Development Strategy) of the Copeland Local Plan

2013-2028 Core Strategy and Development Management Policies DPD (Adopted 2013) sets out the type and scale of development that may be appropriate outside of settlement boundaries:

“Development providing homes to meet the defined needs of the population, with need for rural/non settlement location to be proven in each case”

Figure 3.3 demonstrates Housing Requirements by Settlement. The proposal represents development in the open countryside without defined need and is therefore contrary to Policy ST2 and Figures 3.2 and 3.3 of the adopted Copeland Local Plan 2013 -2028: Core Strategy.

However, as the Council cannot currently demonstrate a five year supply of deliverable housing sites Paragraph 11 of the National Planning Policy Framework (NPPF) and the application of the presumption in favour of sustainable development as outlined in Paragraph 8 of the NPPF comes into effect. Paragraph 9 of the NPPF states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, and in doing so should “take local circumstances into account, to reflect the character, needs and opportunities of each area.” To help with this process the Council adopted an Interim Housing Policy (IHP) in May 2017 that interprets sustainable development in the context of Copeland.

The Design and Access Statement (D&AS) that accompanies this application confirms that outline permission is sought for the erection of 21 dwellings, suggesting a mix of 4/5 bed homes and approval of means of access (previously approved on the site of consent 4/10/2065/0F1- holiday complex) The site covers an area of 2.4hectares.

The applicant suggests that previous planning history on the site is relevant to this proposal. Previous permission approved in 2010 was a permission for a 20 -unit holiday complex and warden’s accommodation. A later permission approved in 2013 was to extend the time for the earlier permission.

Both permissions were approved prior to adoption of the Local Plan and the original permission was pre adoption of the National Planning Policy Framework (NPPF) The permission has not been implemented.

The applicant suggests that the design of the original permission for tourism gave a domestic scale to the development as opposed to a holiday park. Regardless of design the proposal was approved for the purpose of tourism thus assessment was made against relevant policy criteria for the identified purpose. This permission had the added comfort that planning conditions ensured that the development could only be used for holiday let accommodation as not considered appropriate for permanent residential use. I would therefore suggest that the previous planning history is not relevant in terms of assessing the latest proposal for residential development.

The proposal represents large scale development in the open countryside (21 units), and does not attempt to meet criterion set out in Policy ST2 by providing evidence that the proposal would meet the defined needs of the population, with need for rural/non settlement location. (Contrary to Policy ST2 and ENV5 and criteria A and K of the Interim Housing Policy (IHP))

The proposal does not suggest any inclusion of affordable units (Contrary to Policy SS3 (ii) and Criteria H of the IHP)

Set out within the D&AS is a list of distance to amenities and services with suggestion that the proposal constitutes sustainable development. The proposal is detached from any settlement boundary the nearest bus stop is stated as being 1km away from the site and the nearest primary school some 2km away. In my opinion the proposal does not constitute a sustainable form of development. (Contrary to Policy ST1 (B-vi,) Policy ST2 and Criteria B of the IHP)

The applicant suggests that the proposal is likely to be for mainly 4/5 bed homes, no evidence is provided in support of the application with regards to how the development would deliver significant and demonstrable economic, social, and environmental benefits. (Contrary to Criteria I of the IHP)

Reference is made to the proposal being a good way of re-using brownfield land and redundant buildings which is in accordance with Para 79 and 117 of the NPPF. My understanding is that much of the land is greenfield and that the existing buildings would be demolished if permission was allowed. Para 79 of the NPPF states that 'development of isolated homes in the countryside should be avoided unless particular criteria is met. The most relevant Criterion sites that 'the development would re-use redundant or disused buildings and enhance its immediate setting' I would therefore suggest that the proposal is not in accordance with Para 79 contrary to the suggestion within the applicants D&AS. Para 117 sets out criteria for the reuse of brownfield land in terms of provision of additional homes. Footnote 44 of the same states 'except where this would conflict with other policies in this Framework' I would suggest that the proposal would conflict with Paras 77, 78 and 79 as set out above.

The site falls within the 'Lowland' category 5 of the Cumbria Landscape Character Assessment (CLCA), Sub-Type 5a 'Ridge and Valley'. Recommendation with regards to development that falls within Sub-Type 5a includes:

- Discourage the further nucleation of the settlement pattern
- Conserve and enhance the traditional farm buildings within their own setting
- Ensure new development makes a contribution to the character of the area by respecting the form of villages.

I appreciate that the proposal is only at outline stage however I would suggest that development of this type is contrary to Policy ENV5 (A) Criteria L of the IHP.

In summary the main benefit cited by the applicant is the delivery of 21 executive homes, that will contribute to the supply of housing. When considering the assessment of the proposal under the tilted balance set out in Paragraph 11 of the NPPF 'The presumption in favour of sustainable development' it is considered that the impact of inappropriate development in the open countryside far outweighs the benefit of 21 additional dwellings that will not significantly boost the supply of homes (NPPF Para 59). The proposal does not represent sustainable development as required by the NPPF and is not supported by the Strategic Planning Team.

The development would constitute inappropriate development in the open countryside, the impacts of which far outweigh the benefit of 21 additional dwellings that will not significantly boost the supply of homes within the Borough. The proposal does not represent sustainable development as required by the NPPF and is not supported by the Strategic Planning Team.

Planning Policy

National Planning Policy

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It stresses that, in assessing and determining development proposals, sustainable development is a key element at the core of the planning system. Paragraph eight of the NPPF outlines that the planning system has three overarching objectives:

- a. **An Economic Objective** – To help develop a strong, responsive and competitive economy, by ensuring that a sufficient supply of the right type of land is available in the right places to support growth, innovation and improved productivity, whilst identifying and coordinating the provision of infrastructure nationwide;
- b. **A Social Objective** – To contribute to the creation of strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Developing a well-designed and safe built environment that reflect current and future needs will help to support current and future communities' health, social and cultural well-being;
- c. **An Environmental Objective** – To support and enhance the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources effectively, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 9 outlines that planning policies and decision-making should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Presumption in favour of sustainable development

The NPPF states that plans and decisions should apply a presumption in *“favour of sustainable development”* (paragraph 10). The NPPF supports planning applications which are in line with local development plans and local planning policy. Yet, the presumption in favour of sustainable development in the NPPF does not change the statutory status of the development plan as the starting point for decision making (paragraph 12).

Paragraph 33 of the NPPF sets out the need for local plan policies to be reviewed *“at least once every five years”*, accommodating changing circumstances and national policy. This considers the desire to achieve the renewed housing provision requirement.

Determining applications

Paragraph 47 of the NPPF outlines that applications for planning permission should be determined in accordance with the local development plan, unless material considerations indicate otherwise. Decisions should be made as quickly as possible, and within statutory timescales.

Delivering a sufficient supply of homes

To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. (paragraph 59).

Assessing housing need

Paragraph 60 states that strategic policies should be based upon a local housing need assessment, conducted using the standard method in national planning guidance. This should be completed unless exceptional circumstances that justify an alternative approach are identified.

Paragraph 61 states that policies should identify the size, type and tenure of homes required for different groups in the community to ensure the correct type of housing is developed to meet the demand.

Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (paragraph 62.) Where a major housing development is proposed, at least 10% of the homes to be available should be classed as affordable housing (paragraph 64).

Maintaining supply and delivery

To address the gap between the number of homes approved and the number of homes delivered, 'The Housing Delivery Test; draft measurement rule' sets out a new measurement for determining the actual delivery of housing through calculating the housing delivered and the proposed housing in the future (paragraph 75).

Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, or against their local housing need where the strategic plan is more than five years old (paragraph 74).

Rural Housing

Paragraph 77 sets out that in rural areas planning policies should be responsive to local circumstances and support housing developments that reflect local needs. LPAs should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.

To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 79 clarifies that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

Promoting sustainable transport

Paragraph 102 of the NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential development impacts can be identified, opportunities to promote new and existing active and public transport corridors can be developed and the environmental impact of traffic and transport infrastructure can be considered. The NPPF encourages local planning authorities to actively manage patterns of growth in support of these objectives (paragraph 103).

Achieving well-designed places

Planning policies and decisions should support the creation of high quality buildings and places (paragraph 124). Plans are expected to set out a clear design vision and expectation, so that applicants have as much certainty as possible about what is likely to be acceptable. Local authorities should work with local communities to develop an understanding and evaluation of each area's defining characteristics, what their needs are and what should be done to help deliver these needs.

Local authorities are encouraged to consider design quality throughout the evolution and assessment of individual proposals, infrastructure projects and development projects (paragraph 128).

Paragraph 130 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, considering any local design standards or supplementary planning documents.

Meeting the challenge of climate change, flooding and coastal change

The planning system should support the transition to a low carbon economy by changing climate and consider the full account of flood risk and coastal change. Helping to shape places in ways which contribute to the reduction of greenhouse gas emission, the resilience and reuse of existing resources should be improved, the conversion of existing buildings and the development of renewable and low carbon energy and associated infrastructure (paragraph 148)

Planning for climate change

Paragraph 149 of the NPPF states that a proactive approach to mitigating and adapting to climate change should be implemented, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and reducing the risk of overheating from rising temperatures.

Planning and flood risk

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where

development is necessary, the development should be made safe for its lifetime without increasing flood risk elsewhere (paragraph 155).

Paragraph 156 of the NPPF specifies that strategic policies should consider cumulative impacts instead of only the flood risk impact of individual development sites.

Conserving and enhancing the natural environment

Paragraph 170 of the NPPF states that planning policies and decisions should conserve and enhance local environments by protecting and enhancing valued landscapes, recognise the value of the countryside, maintain the positive spaces, minimise negative impacts on biodiversity, prevent new and existing development which damages the community and remediate despoiled, derelict and contaminated land.

Ground conditions and pollution

Paragraph 178 states that planning policies and decisions should ensure that a site is suitable for its proposed use taking into account its current condition and contamination levels, after remediation it should not be considered contaminated land and adequate site investigation has been completed.

Local Plan Policies

The Local Development Framework Core Strategy and Development Management Policies DPD (known as the Copeland Local Plan 2013-2028) was adopted by the Council in December 2013. It now replaces the majority of the policies within the former Copeland Local Plan 2001-2016.

Policy ST1 of the core strategy sets out the fundamental principles that will achieve sustainable development. Among other things it seeks to ensure that development creates a residential offer which meets the needs and aspirations of the boroughs housing markets and is focused on previously developed land away from greenfield sites.

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. It sets out that development in the open countryside will be 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.

Policy SS1 seeks to improve the housing offer across the borough.

Policy SS2 seeks to achieve sustainable housing growth by focussing new housing development within accessible locations to meet the needs of the community.

Policy SS3 requires developers to demonstrate the provision of a balanced mix of housing types.

Policy SS5 promotes the provision and access to open space and green infrastructure.

Policy ENV 1 sets out an approach to ensure that new build development is not prejudiced by flood risk. Any risk should be managed appropriately.

Policy ENV 3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy ENV5 relates to the protection and enhancement of the Borough's landscapes. It seeks to ensure that landscapes are protected from inappropriate change through unsympathetic development.

Policy T1 requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system.

Policy ER10 outlines support for appropriate tourism development which accords with the principles of sustainable development and does not compromise the special qualities and character of allocated Tourism Opportunity Sites, the area surrounding them or public access thereto, in the Ehen/Keekle Valleys.

Development Management Policies

The Development Management policies are set out to provide further detail on how the Core Strategy will be implemented. The following policies are relevant to this development:-

Policy DM10 requires new development to be of a high standard of design to enable the fostering of 'quality places'. In doing so development should respond positively to the character of the site and it's immediate and wider setting, paying careful attention to scale, massing and arrangement. Likewise, development should create and maintain reasonable standards of general amenity.

Policy DM 11 requires housing to be developed in accordance with sustainable development standards

Policy DM12 sets out specific design standards for new residential development, including the need to retain appropriate separation distances.

DM22 related to accessible development, ensuring that new development is accessible to all users ensuring that its responds positively to existing movement patterns in the area.

Policy DM24 seeks to ensure that new development is not at unacceptable risk of flooding and appropriate mitigation measures should be provided where necessary.

Policy DM25 seeks to ensure that new development protects nature conservation, habitats and protected species.

Policy DM 26 seeks to ensure that new development proposals do not have an adverse impact on the landscape of the Borough.

Copeland Local Plan 2011-2016

A number of policies are 'saved' from the Copeland Local Plan, which are proposed to be replaced by emerging policy once adopted.

Policy TSM 2 promotes Tourism Opportunity Sites; Proposals for large scale tourist development, so long as they accord with the principles of sustainable design set out in Policies DEV6 and DEV7 and do not compromise the qualities and character of the surrounding area.

The Ehen and Keekle Valleys are allocated as TOS2 promoting development associated with urban fringe leisure and recreational use.

Copeland Site Allocations and Policies Plan (SAPP)

The next stage of the Local Plan preparation process is to allocate land for future development for the next 15 years.

The Site Allocations and Policies Plan will demonstrate how the adopted Core Strategy will be delivered, whilst also identifying areas protected from development. Together with the adopted Core Strategy and Development Management Policies it will provide the basis for determining planning applications

The SAPP will achieve this with a suite of site specific policies followed by the proposed options for land allocations. Once adopted they will replace the remaining allocations 'saved' from the Copeland Local Plan 2001-2016.

The site allocations consultation took place in 2015. Whilst this document only presents a range of possibilities in terms of development opportunities for the borough, it does provide some initial assessment of the available sites that have been put forward.

The plan outlines the Ehen and Keekle Valleys as a Tourism Opportunity Site. It proposed Policy SA7 which outlines the special character of these areas, ensuring that they are respected and maintained. The policy states that development for 'open market' residential or general business use will not be acceptable.

It allocates the site as TOS2, tranquil areas. The Ehen valley area is very close to the Lake District National Park and activity within these areas should preserve that character and encourage its appreciation. Housing development, other than that specifically needed (as envisaged under Core Strategy policy ST2C), is unlikely to be acceptable, including eastward expansion on the edge of Cleator Moor.

Low intensity tourist accommodation, such as small cabin-style clusters or camp sites, and self-catering or bed and breakfast provision on farmsteads, would be acceptable in principle

within the TOS subject to not impacting unfavourably on the quiet character of the environment.

Interim Housing Policy

As of the 9th May 2017, the Council announced that it cannot demonstrate a five-year supply of housing sites. Policies for the supply of housing set out within the Copeland Local Plan 2013 – 2028 (Core Strategy and Development Management Policies) will no longer be deemed up-to-date; and these policies carry less than full weight in decision-making.

The Copeland Local Plan remains the starting point for considering planning applications and proposals that conform with the Local Plan should be approved. If a proposal does not conform with the Core Strategy then the Preferred Options Site Allocations and Policies Plan and Interim Housing Policy should be considered in the planning balance, along with all other material planning considerations.

An Interim Housing Policy has been produced for Copeland. Whilst the adoption of the Interim Housing Policy falls outside of the statutory development plan, it will however be relied upon as a material consideration in the determination of planning applications.

Applications that are in accordance with the development plan will continue to be supported, however, in addition to the development plan and other material considerations, proposals for residential development which are contiguous to the development boundary, or the existing built form of a settlement, will be considered against specific criteria, as outlined below:

A. The scale of proposed development must be appropriate to the size, character and role of the settlement. In deciding whether the scale is appropriate, account will be taken of the cumulative impact of completions and permissions for the settlement concerned.

B. The level of services and facilities in the settlement, as defined in the Village Services Survey (2017). To encourage sustainable development, preference will be given to schemes which are contiguous to settlements that have the greatest concentration of facilities and services. Information provided by applicants which seeks to update the survey will be a material consideration.

C. Proposed development should not have a significant adverse impact on the capacity and safety of the highway and transport network.

D. Individual and cumulative impacts of development on infrastructure capacity (for example: education, health provision, surface water management, adult social care), and landscape character should be mitigated.

E. Proposed development should create safe and accessible environments that offer good access via a range of transport modes. Sites where it is possible to walk easily to a range of facilities will be considered more sustainable than sites that are further away and which would make car journeys more likely.

F. Proposed development sites that fall within Flood Risk Zone 3a and 3b, as defined by Environment Agency's latest data, will be discounted unless robust evidence can prove that the flood zoning for the site is incorrect, or that there is a robust mitigation plan signed off by the Environment Agency.

G. Proposed development should not have an adverse impact on the Lake District National Park, and should demonstrate how they conserve or enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park, or its setting.

H. Proposed development should, subject to viability, include a proportion of affordable housing which makes the maximum contribution to meeting identified needs in that market area.

I. Proposed development for Executive Housing will be supported where it delivers significant and demonstrable economic, social, and environmental benefits.

J. Proposed development should be of a high-quality design, enhancing local distinctiveness; and, where relevant, respecting the rural character of the settlement.

K. Proposed development should not result in significant intrusion into the open countryside, or result in any settlements merging.

L. Proposed development should not result in significant and demonstrable harm to the landscape character of Copeland, and applicants should have regard to those landscape areas as defined in the Cumbria Landscape Guidance and Toolkit (2011), or any subsequent update.

M. Major developments should be supported by a masterplan (to include a phasing scheme), which will demonstrate what proportion of development will be deliverable within the five-year supply period relevant to the date of determination of the planning application.

The lack of five-year housing land supply means that local plan policies related to the supply of housing are out-of-date and carry less weight. This also introduces paragraph 11 of the National Planning Policy Framework (NPPF) 2018 into the decision-making process.

Paragraph 11 states that, for decision-taking, where some policies of the development plan may be out-of-date the LPA should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

Assessment

The main issue raised by this application is whether the application site forms a suitable location for residential development having regard to national and local planning policy.

The application site lies in an area of open countryside which is isolated from the nearest main settlements of Frizington and Cleator Moor.

The NPPF aims to promote sustainable rural development that enhances or maintains the vitality of rural communities. In paragraph 79 the NPPF specifically seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. None of the circumstances described in paragraph 79 of the Framework apply in this case and therefore new residential development in this location should not be supported.

Policy ST2 of the Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies DPD 2013 (the Local Plan) sets out a spatial development strategy for the borough. Part c) of the Policy restricts development outside the defined settlement boundaries to that which has a proven requirement for such a location including housing that meets a local need.

The applicant has not provided any evidence to demonstrate that the proposal would meet a local need. On this basis the application would be in conflict with Policy ST2.

As the Council does not currently have a 5 year supply of deliverable housing land, the Housing policies of the Local Plan are out of date and carry less weight in the decision making process. In response to this position, in May 2017 the Council published an Interim Housing Policy to encourage sustainable development and boost housing delivery. This guidance states that residential development proposals contiguous to the development boundary or the existing built form of a settlement will be considered against a number of criteria.

The application site is located in open countryside and is isolated from any existing settlement. Criterion B of the IHP encourages sustainable development especially schemes located contiguous to settlements that have the greatest concentration of services and facilities.

Whilst the applicant has provided details of the nearest local facilities, outlined within 2km of the site, it is accepted that there are no services within immediate proximity of the site. The nearest bus provision is considered to be over 1km away. Access to the site is via minor roads and country lanes which do not have a separated pedestrian walkway. The nearest dedicated cycleway is 2km from the site. Whilst there are some public rights of way adjacent to the site, it is not considered that these routes provide clear, direct access to local services.

A list of the nearest services by distance is provided below:

- Primary/Infant School - over 2km Hensingham;
- Secondary schools- over 1.5km St Benedicts and Whitehaven;
- Leisure facilities - over 1.5km Copeland Pool;
- Hospital -over 2km;

- Surgery over 2km- Frizington;
- Post office – over 2km Cleator Moor.

Due to the lack of public transport, future residents would be reliant on the private car. The application proposal is not in an accessible location and it is considered that access to services from the site is extremely limited, beyond distances which those residing in 'family homes' could reasonably be expected to walk to and from. Furthermore, the lack of pavement on direct access routes results in the only safe access to services via vehicle. The proposed development is therefore considered to be contrary to Policy ST2 and the relevant criteria of the Interim Housing Policy. It would also fail to meet the environmental objective of sustainable development as set out in paragraph 8 of the NPPF.

Other Material Considerations

Tourism Opportunity Sites

The site lies within an area allocated within the local plan supporting sustainable tourism development. The Ehen and Keekle Valleys are very close to the Lake District World Heritage Site and National Park and activities in these valleys should seek to preserve its character.

Policy ER10 of the Core Strategy outlines support for appropriate tourism development which accords with the principles of sustainable development and does not compromise the special qualities and character of allocated Tourism Opportunity Sites, the area surrounding them or public access thereto, in the Ehen / Keekle Valleys.

As outlined within the sections above, initial site assessments for potential land allocations took place in 2015 as part of the Site Allocations and Policies Plan (SAPP). The plan seeks to introduce Policy SA7 which outlines the special character of the Ehen and Keekle Valleys, ensuring that they are respected and maintained. The policy states that development for 'open market' residential or general business use will not be acceptable.

The plan allocates the site as TOS2, tranquil areas, requiring that activity within these areas should preserve that character of the Lake District and encourage its appreciation. Housing development, other than that specifically needed (as envisaged under Core Strategy policy ST2C), is considered unlikely to be acceptable.

This policy is a continuation of saved policy TSM2 of the Copeland Local Plan which supports development associated with urban fringe leisure and recreational use of the Ehen / Keekle valleys.

The applicant outlines the recent planning history on the site as being relevant to this application, in particular application number 4/10/2066/OF1 which was approved and comprised a 20-unit holiday complex plus wardens accommodation. He argues that this

proposal intends to utilise the same footprint as the previously approved scheme and would also follow the theme of using traditional forms of construction.

The previously approved development was approved on the grounds of proposed tourism development within a Tourism Opportunity Site, lying within the area known as the Ehen and Keekle Valleys, where tourism opportunities are actively promoted on economic grounds.

As this application relates to open market housing and non-tourism development, it is not considered to provide benefit to the economy in the same way as the previously approved development. The proposal would not, therefore, meet the criteria outlined for Tourism Opportunity Sites in relation to the council's aspiration to enhance its place-bound tourism assets and visitor accommodation in order to contribute to the wider economic sustainability of the borough as set out in Policy ER10 of the Local Plan. It would also fail to meet the economic objective of sustainable development as set out in paragraph 8 of the NPPF.

Visual Amenity and Design

The scale of the development proposed, however, whilst an indicative arrangement would be viewed as a 'mini-housing estate' and would therefore be considered out of character with the rural, agricultural nature of the site and its immediate surroundings. The design, density and layout, again whilst indicative, has not considered the character or quality of the surrounding landscape and has sought to squeeze a significant number of properties onto the site, along the lines of an urban or urban fringe style development which is incongruous with its surroundings and open landscape setting.

Geo-environmental Impact

A Phase 1: Desk Top Study was undertaken for the site to assess the geological and environmental sensitivity of the development area and the surrounding environs.

This report summarises the following:

- The site is currently considered to pose a high geotechnical risk;
- The site is currently considered to pose a low to moderate risk to the proposed end users from ground contamination;
- The site is currently considered to pose a very low to low risk to the surrounding environment and controlled waters with respect to potential contamination;
- A moderate to high risk is currently considered with respect to ground gas.

A programme of Phase 2 Ground Investigation works would be required to fully characterise the ground/groundwater conditions and ground gas regime below the site. This could be conditioned on any positive planning approval.

A detailed desk-based coal mining risk assessment is recommended to determine the risk to the proposed development from shallow unrecorded mine works and to determine the locations of any deep excavations on site. This could also be conditioned on any positive planning approval.

Highway Impact

Vehicular and pedestrian accesses are proposed via an existing highway with a new road proposed from the public highway east of Dub Bridge. This access was previously approved within the context of the holiday development and development commenced as agreed with the LPA. The road to the development is proposed to be private, including a new bridge over Dub Beck, to be maintained via a resident management company.

The proposed development is not expected to generate levels of traffic which would have a material impact on the operation of the local road network. The Highway Authority have not raised any objections to the submitted details.

Flood Risk and Drainage

The site predominantly lies within Flood Zone 1 and as it exceeds one hectare in size a Flood Risk Assessment has been produced for the scheme.

Based on the proposed development site being predominantly in Flood Zone 1 it is not at risk of flooding from sea or watercourse. However the southeast corner of the site is possibly in Flood Zone 3 in relation to the nearby Dub Beck. The FRA specifies that flood resilient construction techniques could be used in relation to plots 11 and 12 which lie closest to the beck and at the lowest ground level access the site including the use of concrete floors/hardstandings and robust masonry/concrete substructure with waterproof membranes, installing electrical plant at raised levels and using suitable water-resistant materials where appropriate.

Access to the site is intended via a new entrance at the public highway, onto a new section of road including a bridge over Dub Beck. The bridge level over Dub Beck would be required to be no lower than 78.35m AOD in order to prevent flooding of the access road. The estimated dry weather flow level in Dub Beck at this point is estimated to be 76.0m AOD. Considering bridge design, providing this takes the form of clear span construction, taking into account potential flood levels, and minimising the risk of blockages due to large waterborne objects, access/egress is unlikely to be restricted.

There is no sewerage network within connecting proximity to the site. Foul water is, therefore, proposed via an independent system comprising of a modern treatment plan with either effluent discharge to ground or watercourse/ponds. The final system would be subject to confirmation of soil conditions and the requirements of the local authority/Environment Agency.

Archaeology

The applicant has provided an archaeological desk-based assessment and archaeological building assessment as part of this application. A site walkover was also undertaken.

The site is the location of the former Weddicar Hall, owned by John Steele and sold to the Lowther family to allow consolidation of coal interests. Weddicar Mill was also located on site, a corn mill powered by two water wheels, later superseded by an oil and paint mill in the 1800's.

Weddicar Hall is considered to be of interest due to its agricultural and industrial heritage, due to local production of goods before national capital-based markets. The hall is also of interest due to its quality of design as a house of architectural pretensions.

Buildings two (partially derelict stone building) and four (partially derelict stone building, possible tower), as surveyed, appear to possess architectural details which may be from late medieval or post-medieval periods. It is possible these structures formed the early hall and chapel.

Building 5 (partially derelict former barn), as surveyed, also possesses architectural elements possibly from the 1600's.

The assessment is proposed to be lodged at Whitehaven Museum to ensure that an archaeological record of the site is preserved.

Ecology

An Ecological Appraisal has been undertaken, based upon the previous application for the site. The consultant ecologist confirmed that the ecology reports to accompany Planning Application reference 4/10/2066/0F1 are considered still valid and relevant to the development consent granted under this application. Further survey at this present time is considered unlikely to provide additional significant information.

The conditions relating to protected species and the protection of existing trees and hedgerows that were imposed on the previous planning permission are still appropriate to this development and could be conditioned as part of an ecological management plan for the site, should it be considered favourably.

Benefits

Paragraph 11 of the NPPF requires any adverse impacts to be weighed against the benefits that a scheme would produce.

The provision of 21 houses would only make a modest contribution to the supply and delivery of housing within the Borough. Although there would be some economic benefits

this would be mainly limited to the construction phase which would only be apparent on a temporary basis. Consequently little weight can be attached to this benefit.

The applicant's agent has outlined that there is a need for executive homes in the borough to accommodate future residents to rebalance the housing market and take account of the future investment in the borough. No evidence has been provided to substantiate this case or explain why this site is suitable to accommodate this form of housing.

Planning balance

The site is located in open countryside. The proposed development would be contrary to Policy ST2 of the Copeland Local Plan. The isolated location of the site away from any nearby settlements would result in future occupants being reliant on the private car to access services and facilities. The proposal would therefore not form a sustainable location for development and would conflict with paragraph 79 of the NPPF.

The Council's lack of a 5 year supply of housing land means that the housing policies within the Local Plan are out of date in line with paragraph 11 of the NPPF. Paragraph 11 sets out a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

Although the development of the site for residential development would contribute to the supply of housing in the borough, this development is for a modest number of units and so this contribution would be limited. The applicant has not substantiated a case for any housing need in the locality. In any event the need for high quality executive homes does not lend support to residential development in an unsuitable rural location. Any economic benefits would be modest and would only be in evidence during the limited construction phase.

Overall the environmental harm of a residential development located where there would be a need to travel by private car would significantly and demonstrably outweigh the limited economic and social benefits of the scheme when assessed against the policies of the NPPF taken as a whole. Consequently the proposed development would not form sustainable development in the terms of the NPPF and should be strongly resisted.

Conclusions

The proposed development would not be in a suitable location for residential development. The proposal would be in conflict with the spatial strategy for the borough set down in Policy ST2 of the Copeland Local Plan, the guidance set out in the Interim Housing Policy or the sustainable rural development objectives of paragraph 79 of the NPPF. On this basis the proposal is considered to be an unacceptable form of unsustainable development.

Recommendation:-

Refuse

Reasons for Refusal

1. The application site is in an area of open countryside proposes away from existing settlements in an unsustainable location. The site offers limited opportunity for public transport with access to services from the site extremely limited, beyond distances which residents could reasonably be expected to walk. There are no pedestrian walkways on direct access routes from the site which would result in the only safe access to services being via vehicle. The modest benefits that could result from a small housing development in this location would not be sufficient to outweigh this harm, especially as the housing is without justification. As such it would not represent sustainable development as required in the NPPF.

The proposal is therefore contrary to policies ST1, ST2 and SS3 of the Copeland Local Plan 2013-2028, criterion B, E and I of the Interim Housing Policy and contrary to the objectives of paragraphs 8, 9, 79, 102 and 108 of the National Planning Policy Framework (2018).

2. The scale of the development proposed is considered out of character with the rural, agricultural nature of the site and its immediate surroundings. The density of the proposed development has not considered the character and quality of the surrounding landscape and has sought to squeeze a significant number of properties on to the site, along the lines of an urban or urban fringe style development which is incongruous with its surroundings. The landscape and visual effects associated with the scale of development on the application site are considered to be unacceptable in the context of the site within open countryside and would represent inappropriate development in landscape and visual terms. The development is therefore considered to be contrary to policies ST1, DM11, and DM26 of the Copeland Local Plan and criterion A, J, K and L of the Interim Housing Policy.
3. The proposed development is considered to be contrary to policy ER10 of the Copeland Local Plan promoting non-tourism uses within an area allocated for tourism opportunities. The proposal fails to meet the criteria outlined for Tourism Opportunity Sites in relation to the council's aspiration to enhance its place-bound tourism assets and visitor accommodation in order to contribute to the wider economic sustainability of the borough.

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.
