

**Allerdale Borough Council**

**Planning Application OUT/2019/0004**

**Development Panel Report**

**Reference Number:** OUT/2019/0004  
**Valid Date:** 28/01/2019  
**Location:** Birkby Lodge, Crosby, Maryport  
**Applicant:** Mr K Perkins  
**Proposal:** Outline application for residential development

**RECOMMENDATION**

**GRANT PERMISSION SUBJECT TO CONDITIONS**

**Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
Principle of Development	<p>The site is beyond any settlement limit but not 'isolated' and is considered well related to the village and the residential development adjacent that is under construction. The site is therefore considered well related and sustainable. The provision of small scale housing development of this type is appropriate for Crosby as a Limited Growth Village within the settlement hierarchy of the Local Plan and is therefore supported in principle.</p> <p>The development will contribute to housing delivery for the area and the Council's Five Year Land Supply. There is considered to be no demonstrable harm from the development and the 'tilted planning balance' falls in favour of the application with no significant or demonstrable impacts.</p>
Layout	<p>Pre-application advice was given to the applicant on this matter. A low density development was preferred in order to respect the rural, edge of settlement location and the landscape setting of the</p>

	<p>listed building. The layout has met the expectations of that advice.</p> <p>The layout offers 9 dwellings on large plots with an emphasis on an inward looking development bringing a sense of community and with the majority of existing trees retained and with additional planting.</p> <p>A focal point of open space is planned at the centre of the site.</p>
Landscaping/Trees	<p>A full landscaping scheme has been provided to detail all planting and tree removal and can be conditioned for implementation and retention.</p> <p>The applicant has submitted a comprehensive tree survey that identifies the Scots Pine, subject to a Tree Preservation Order, within the site as a less than perfect specimen in a "fair" condition with some imperfections in form, growth and with a limited life. The landscaping scheme proposes its removal as it would impact adversely upon the desired layout of the development site.</p> <p>A Beech tree is planned to replace it and achieve the same focal point at the centre of the site. Along with the other proposed new trees across the site, the loss of the Scots Pine has been compensated for appropriately and the sense of open parkland across the site has been retained and enhanced. The loss of the tree is therefore not considered a reason for refusal or amendment to the site layout and the landscaping scheme as a whole is considered acceptable.</p>
Heritage Assets	<p>The layout of low density housing, sympathetically landscaped, is considered acceptable as to respect the listed building and its setting. The house type designs that are reserved matters can also be achieved as to make a positive contribution with regard to scale, design, materials and vernacular detailing.</p>

	<p>In conclusion the proposals as a whole are not considered harmful to the listed building's appearance and its setting.</p> <p>The proximity to the Hadrian's Wall World Heritage Site is noted and the applicant's Heritage Statement highlights a long history of civilisation within the locality. As such, with regards to the findings of the Archaeological Study, further investigations are required by condition before development commences.</p> <p>As a built form of development on the edge of a settlement related to other buildings, there is considered no adverse impact on the wider historic setting of the landscape.</p>
<p>Access</p>	<p>An independent new access is to be formed fronting the A596. Visibility splays of 120 metres are achievable with the speed limit restriction of 40mph being a requirement at the front of the site. A relocation of the speed limit signs will be necessary by condition. The Highway Authority has accepted this in principle subject to further details.</p> <p>The Highway Authority has responded following the submission of amended details of the access. They have concluded that the details are satisfactory demonstrating achievable visibility splays with regard to the road traffic speed regulations. They request standard pre-commencement conditions regarding precise specification of the highway engineering works and implementation to safeguard highway safety.</p> <p>Adequate driveway and garage parking is proposed to meet parking standards.</p>
<p>Surface Water Drainage</p>	<p>Despite the objection from the Parish Council, a satisfactory solution can be reached regarding drainage. The strategy for attenuated discharge via an existing</p>

	field drain to Scad Beck is acceptable. The site is in flood zone 1 (least probability of flooding) and the Local Lead Flood Authority supports the strategy. Full details can be conditioned regarding the ultimate strategy, implementation and management.
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## **Proposal**

This is an outline planning application for residential development of 9 dwellings considering access, layout and landscaping. The scale and appearance of the proposed house types is a reserved matter as reported below.

The Plans for consideration are:-

DWG 01 Site location Plan  
 Dwg 02 Layout plan  
 Dwg 03 landscaping plan  
 Dwg 04 Landscaping schedule  
 Access Appraisal  
 A107822 Archaeological and Heritage Assessment  
 Dwg C001 Rev B Access Arrangements (amended plan 18/3/2019)  
 A107822 Drainage and Flood Risk Assessment  
 Drainage Outfall Plan (amended plan 18/3/2019)  
 EES18-104 Ecological Survey  
 A107822 Geo-Environmental Desk Top Study  
 EES18-104 Tree Survey

## **Site**

The site comprises undeveloped land with a roadside frontage and a mature hedge as a means of enclosure. A tree within the centre of the site is noted that has recently been assessed and made subject to a Tree Preservation Order. Other trees within the site and on the boundary are noted with a significant belt of trees on the northern boundary.

The host dwelling (listed building grade II) is sited beyond the belt of trees to the west.

The site fronts the A596 within a 60mph speed limit zone affecting part of the site frontage and subject to a traffic regulation for no overtaking and no stopping. An existing agricultural field access is noted on this frontage.

The site is beyond the settlement limit of the village but with an adjacent residential development under construction. Other scattered residential development detached from the body of the village is noted opposite.

### **Relevant Planning History**

The proposal was the subject of a pre-application enquiry (ref PPA/2018/0069)

### **Representations**

#### **Parish Council**

Reservations with regard to the loss of the Scots Pine tree and drainage to Scad Beck.

#### **ABC Environmental Health**

No reply to date.

#### **Cumbria County Council Highway Authority**

Recommend approval subject to conditions and a Section 278 Agreement for highway improvements

#### **Cumbria County Archaeologist**

No objection in principle subject to further site investigations.

#### **Historic England**

No objection in principle subject to further site investigations.

#### **Natural England**

No objections

**The application has been advertised by press advert, site notice and neighbour letters.**

One letter of representation has been received regarding outlook and general amenity.

## **Environmental Impact Assessment**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- The development does not fall within Schedule 1 or 2 and, as such, is not EIA development.

## **Duties**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

## **Development Plan Policies**

### **Allerdale Local Plan 1999**

Saved Settlement limits

### **Allerdale Local Plan (Part 1)**

S1 Presumption in Favour of Sustainable Development

S2 Sustainable Development Principles

S3 Spatial Strategy and Growth

S4 Design Principles

S5 Development Principles

S7 A Mixed and Balanced Housing Market

S8 Affordable Housing

S22 Transport Principles

S27 Heritage Assets

S28 Hadrian's Wall World Heritage Site

S29 Flood Risk and Surface water Drainage

S30 Reuse of Land

S32 Safeguarding Amenity

S33 Landscape

S35 Protecting and Enhancing Biodiversity and Geodiversity

DM14 Standards of Good Design

DM17 Trees, Hedgerows and Woodlands

## **Other material considerations**

### **Allerdale Borough Local Plan (Part 2) Submission Draft**

## **National Planning Policy Framework (NPPF) (2019)**

### **Allerdale Borough Council Plan:**

- Strengthening our economy - Supporting the development of new homes where they are needed.

### **Policy weighting**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan 1999 saved settlement limits and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy.

A material consideration is the provisions of the revised NPPF. Paragraph 213 of the revised NPPF (2019) advises that the weight afforded to development plan policies can vary according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The Allerdale Local Plan (Part 1) policies pre-date the revised NPPF and therefore full weight can only be afforded to those policies that are considered consistent with the revised NPPF. The majority of policies are considered to remain consistent. However, having regard to a further material consideration – the appeal decision for land at Great Broughton (PINs ref APP/G0908/W/17/3183948), it is considered that policies S3 and S5 of the Allerdale Borough Local Plan (Part 1) 2014 are out of date and can no longer carry full weight insofar as they relate to the application of the existing settlement limits which date from the 1999 Plan and housing numbers. This is relevant to the application of paragraph 11 (d) of the NPPF which is engaged when where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date.

Indeed, members are advised that in the context of the above, the application should only be refused if this is based upon reasoning relating to the setting of the listed building or where any adverse impacts from granting permission would significantly and demonstrably outweigh the benefits.

Whilst policies S3 and S5 are out of date in relation to the settlement limits, they are not considered to be out of date in all respects. Nor does it mean that other Local Plan Part 1 policies are out of date and should not be afforded substantial or full weight where they are consistent with the provisions of the NPPF 2019. In this instance, it is assessed that the settlement hierarchy within policy S3 can be afforded substantial weight given its consistency with the sustainability principles of the NPPF 2019 as can the criteria a) to f) of policy S5. Other policies within the Part 1 Local Plan maintain their full weight.

Paragraph 48 of the revised NPPF specifies that weight can be given to emerging plans according to their stage of preparation, the extent to which there are unresolved

objections and the degree of consistency with the Framework. The settlement limits in the Part 2 Local Plan are still subject to objections. The examination sessions for this part of the Local Plan have been completed (22<sup>nd</sup> May 2019) but the Inspector's report is still awaited.

## **Assessment:**

### **Principle of development**

The site is beyond the settlement limit of Crosby being a Limited Growth Village as defined in the Allerdale Local Plan (Part 1) under Policy S3. This policy defines the settlement hierarchy for residential development and housing growth for the Borough. Limited Growth Villages have been identified for appropriate small scale development.

It is accepted that the settlement limit is now "out of date," this being because the Council's Housing Strategy detailed in our 2014 Part 1 Local Plan is now within the medium term of the Plan period.

In this term housing was anticipated to come forward via housing allocations in Part 2 of the Local Plan. However, these have yet to come to fruition and, in advance of them, the Council needs land to come forward at sustainable locations beyond the saved settlement limits. Little weight is therefore afforded to the settlement limits and, indeed, policies S3 and S5 of Part 1 of the Local Plan insofar as they relate to these limits and housing numbers. In the absence of setting of the listed building being a reason for refusal (see below), the judgement is, therefore, based upon the "tilted balance" within the revised National Planning Policy Framework 2019. Effectively, any impacts need to be significantly and demonstrably adverse when assessed against the benefits of providing residential development to justify a refusal.

The site is beyond any settlement limit but not 'isolated' and is considered well related to the village and the residential development under construction. Crosscanonby St. John's Primary School is within 600m, the bus services served by the hourly Workington-Maryport-Wigton-Carlisle 300 service are 200m and the Stag Inn public house is within 1,100m. All are within the Department for Transport's acceptable walking distance taking into account gradients and available footway. There is a lit, segregated pedestrian footway on the south side of the A596 but, to achieve the required accessibility to the bus stops and the settlement's services and facilities, it is necessary to ensure the securing of a footway on the site side of the road to link to the extent of the existing footway. There is no signal controlled crossing of the A596 to enable crossing from the site to the school side of the road. However, there is a pedestrian refuge within close proximity.

The site is therefore considered well related and sustainable. The provision of small scale housing development is appropriate commensurate for Crosby as a Limited Growth Village within the settlement hierarchy and is therefore supported in principle.

### **Affordable Housing**

The matter of affordable housing provision has been considered with regard to Policy S8

of the Local Plan noting the more recent policy provided by the revised NPPF 2019. In view of the number of dwellings proposed, the nine units will not trigger the need for such affordable housing.

## **Access**

The proposals consider the access in detail as part of this application. An independent access from the A596 is planned.

The A596 fronting the site is 7.6m wide, divided into two lanes with a central hatched reserve. On the northern side there is a wide grass verge of 2.5m. On the southern side there is a 1.5m footway which provides a pedestrian link into the centre of the village.

The existing 40mph speed limit into the village is located approximately midway along the site frontage. As part of this application, it is proposed to relocate the 40mph zone approximately 55m to the south west, to encompass the whole of the development area to reduce traffic speeds passing the site. This is considered necessary in the interests of highway safety.

Additionally, it is proposed to introduce 'gateway' features at the start of the new 40mph zone to signal the extended entrance to the village and provide an attractive focal point for those entering Crosby from the south-west. This is welcomed and a benefit afforded weight in the overall consideration of the application.

A new simple priority junction is proposed to access the A596 in the location of the existing field gate access. The access will comprise a 4.8m wide road with 6m kerb radii and a 1m service strip. A section of 2m footway will be provided with a dropped kerb to provide a link to the footway of the adjacent development providing a convenient pedestrian link to the centre of the village.

A shared surface road will be provided within the site itself being 4.8m wide with a 2m service strip. A turning head will be provided at the northern extent of the development to allow the turning of refuse and emergency vehicles.

Parking will be provided in accordance with the parking standards set out in 'Parking Guidelines in Cumbria', these being:

- 2 bed houses – 2 spaces per unit;
- 3 and 4 bed houses – 2.5 spaces per unit;
- 5+ bed houses – 3 spaces per unit.

In relation to highway capacity, the proposed development of 9 units is likely to generate 5 additional two-way vehicle trips in the AM peak hour and 4 trips in the PM peak hour. It is considered that this is well within the local road network capacity, noting the direct access onto an "A" Class road, and will not cause any adverse issues in terms of highway safety.

The Highway Authority has responded following the submission of amended details of the access and do not object. They have concluded that the details as amended are satisfactory demonstrating achievable visibility splays with regard to the road traffic

speed regulations. They request standard pre-commencement conditions regarding precise specification of the highway engineering works and implementation to safeguard highway safety.

## **Heritage Assets**

Of some significance is the impact upon the host listed building and its setting. The setting is considered in a wider context, being on the outside periphery of the Hadrian's Wall World Heritage Site.

The list describes the building thus:-

“House. Early C19. Painted stucco on chamfered plinth. Hipped graduated greenslate roof, with overhanging eaves on shaped wooden brackets; stucco chimney stacks. 2 storeys, 3 bays. Panelled door with interlace overlite within prostyle Ionic porch. Sash windows with glazing bars, those on ground floor in round-headed recesses.”

The significance of the listed building relates to its external period features and vernacular detailing as an example of an early 19<sup>th</sup> century dwelling of some distinction in its rural setting.

Whilst being part of the existing grounds of Birkby Lodge, the development site is separated by mature woodland and cannot be seen due to significant tree coverage which will be unaffected by the development. The development will change the experience of the approach to the building from the A596 and, without the layout and landscaping proposed, the setting could be harmed. However, the proposal responds to this appropriately with the avenue planting to the Lodge and the landscaped low density development.

Functionally, it is also noted that, in the distant past, the application site was not associated with Birkby Lodge at all, and classed as common land.

The harm is considered to be significantly less than substantial and outweighed by the public benefits provided by the landscaping, footways and gateway feature to the village.

The proximity to the Hadrian's Wall World Heritage Site is noted and the applicant's heritage statement highlights a long history of civilisation within the locality. As such with regard to the findings of the Archaeological Study, further investigations are required by condition before development commences.

## **Layout/Design and Appearance/Landscaping**

As detailed above, the layout of the site has been provided for consideration at this outline stage to ensure an appropriate appearance and relationship with the listed building of Birkby Lodge and its surrounding area.

Pre-application advice was given to the applicant on this matter. A low density development was preferred to respect the rural, edge of settlement location and the landscaping of the grounds of the listed building.

The layout offers 9 dwellings on large plots with an emphasis on an inward looking development bringing a sense of community and with the majority of existing trees retained. Additional trees are planned in a formal manner to reflect the listed building and with the avoidance of over suburbanisation. The hedge and tree boundaries are to be strengthened to contain the site.

The Council's Supplementary Planning Guidance does not demand any formal open amenity space or play areas. The layout does, however, provide for a small central area of landscaped open space which is a benefit of the proposal. The village green of Crosby is also an acceptable walking distance with an equipped play park.

A full landscaping scheme has been provided to detail all planting and tree removal and can be conditioned for implementation and retention.

Of some significance and as an objection from the Parish Council, is the removal of the Scots Pine tree in the centre of the site. This tree has been made subject of a recent Tree Preservation Order with regard to its visual contribution.

The applicant has submitted a comprehensive tree survey that identifies this tree as a less than perfect specimen in a 'fair condition with some imperfections in form, growth and with a limited life.' Upon reflection, the Council concur with these findings, acknowledging that the TPO was made in response to the threat to its loss.

However, the applicant has now offered a replacement mature Beech to replace it and achieve the same focal point of the centre of the site. Along with the other proposed new trees across the site, the loss of the Scots Pine has been compensated for appropriately and the sense of open parkland across the site has been retained and enhanced. The loss of the tree is therefore not considered a reason for refusal or amendment to the site layout and Policy DM17 is considered satisfied.

### **Residential Amenity**

It is considered that the proposed layout allows for an acceptable level of mutual residential amenity. The development adjacent and under construction will not be adversely affected and there are no other residential properties affected. A neighbouring property opposite the site has commented on the loss of general outlook affecting residential amenity. Officers do not consider that this warrants refusal with living conditions unaffected.

### **Contamination**

The site is within the former British Coal Area (low risk). A Phase 1 geo-environmental desk top study has been provided. It concludes that the assessment has not identified any potential on site current or historical sources of contamination associated with the use of the site. For the avoidance of doubt and considering the scale and scope of development, Phase 2 Investigations are recommended by standard planning conditions.

### **Ecology**

As undeveloped land with trees and significant hedgerow boundaries, a Phase 1

Ecological Survey was required to support the application.

The report concludes that overall habitats on site are considered of low to local value, with the higher value habitats (hedgerows and trees) to be largely retained as part of the development. Given the implementation of the mitigation and landscaping strategy designed for the site, it is considered that no habitat or species will be significantly affected. Residual effects are highly unlikely to be significant at a population level for any species or habitat recorded or likely to be present on site.

Matters can be safeguarded with a standard condition to ensure the reported mitigation measures and good working practices.

## **Drainage**

Foul water is planned to the conveniently located foul water sewer.

A surface water drainage strategy has been provided by the applicant. The sustainable hierarchy of drainage has been considered. The site is deemed to be entirely permeable by the applicant but without any proven percolation tests. Additionally, the applicant has identified an existing land drain that outfalls to Scad Beck to the north west.

Considering the above, there are two options that can be used or combined to achieve sustainable surface water drainage to ground and/or watercourse. The applicant has confirmed his strategy with an amended plan showing an attenuated system to watercourse. The potential for a drainage swale and other means of attenuation to control and manage surface water and discharge rates is shown. There is clearly room within this low density development to accommodate such a drainage strategy. As such, despite the objection from the Parish Council, Officers are satisfied that a satisfactory solution can be reached regarding drainage. Full details can be conditioned regarding the ultimate strategy, implementation and management. The County Council Local Lead Flood Authority supports the strategy.

## **Local Financial Considerations**

Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from New Homes Bonus and Council Tax Revenue.

## **Conclusions**

As an edge of settlement site well related to the existing settlement pattern, the provision of housing is considered commensurate and acceptable for this Limited Growth recognised in the Local Plan. The development will contribute to housing delivery and the Council's Five Year Land Supply. There are no significant or demonstrable adverse impacts that outweigh the benefits. The tilted planning balance falls in favour of the application with no significant impacts.

**RECOMMENDATION**

**GRANT PERMISSION SUBJECT TO CONDITIONS**

## Annex 1

### CONDITIONS

#### Time Limit:

**1. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:**

- a) The expiration of 3 years from the date of the grant of this permission, or**
- b) The expiration of 2 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: In order to comply with Sections 91 and 92 of the Town and Country Planning Act 1990.

#### In Accordance:

**2. The development hereby permitted shall be carried out in accordance with the following plans:**

**DWG 01 Site location plan**

**DWG 02 Layout plan**

**DWG 03 landscaping plan**

**DWG 04 Landscaping schedule**

**Access Appraisal**

**A107822 Archaeological and Heritage Assessment**

**DWG C001 Rev B Access Arrangements (amended plan 18/3/2019)**

**A107822 Drainage and Flood Risk Assessment**

**Drainage Outfall Plan (amended plan 18/3/2019)**

**EES18-104 Ecological Survey**

**A107822 Geo-Environmental Desk Top Study**

**EES18-104 Tree Survey**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

**3. The development shall be undertaken only in full accordance with the recommendations and mitigation measures within the submitted Ecological Survey EES18-104 and EES18-104 Tree Survey.**

Reason: In the interests of the safeguarding and management of arboricultural interests and in the interests of general biodiversity.

**Pre-commencement conditions:**

**4. Before any development commences details of the scale and appearance (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.**

Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (Development Management Procedure) Order 2015.

**5. Any application for reserved matters of scale shall include plans showing the following:**

- a) Cross sections through the site;**
- b) Details of existing and proposed ground levels;**
- c) Proposed finished floor levels of buildings;**
- d) Levels of any paths, drives, garages and parking areas;**

**and the development shall be carried out in accordance with the details so approved.**

Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.

**6. The carriageway, footways, footpaths, cycleways etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.**

Reason: To ensure a minimum standard of construction in the interests of highway safety.

**7. Before development commences, details of a highway 'gateway feature', as shown on plan ref C001 Rev B, incorporating additional and relocated signage that enforces local speed limit restrictions to support the achievable visibility splays, shall be provided and approved in writing by the Local Planning Authority. The works shall be implemented before the development commences in conjunction with a Section 278 Agreement with the local Highway Authority.**

Reason: In the interests of highway safety

**8. The development shall not commence until visibility splays shown on the approved plans providing clear visibility of 120 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the County highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.**

Reason: In the interests of highway safety.

**9. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.**

Reason: In the interests of highway safety and environmental management.

**10. Before development commences, further details of the surface water drainage system including system management and maintenance shall be provided to the Local Planning Authority and approved in writing. 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. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated December 2018 proposing surface water discharging to the culvert (or other sustainable strategy). The development shall be completed, maintained and managed in accordance with the approved details.**

Reason: In order to achieve a satisfactory sustainable drainage system to manage and minimise the risk of flooding and pollution.

**11. With regard to condition 10, no development shall commence until an adequate condition survey of the culverted watercourse downstream of the discharge point, to where the system becomes de-culverted has been provided to the Local Planning Authority and approved in writing. Any defects shall be remediated prior to works commencing.**

Reason: To safeguard against the threat of flooding beyond the development site.

**12. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to the commencement.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**13. Should land affected by contamination be identified under the desktop study following site investigations, which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**14. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.**

**This written scheme will include the following components:**

- i. An archaeological evaluation;**
- ii. An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;**
- iii. Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.**

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

**15. No development shall commence until details for the parking of vehicles and storage of plant and materials associated with the construction phase shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction phase.**

Reason: In the interests of highway safety.

**Post-commencement/Pre use commencing conditions:**

**16. All planting, seeding or turfing comprised within the approved landscaping scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

**17. With regard to condition 6, prior to occupation of any dwelling hereby permitted, footways shall be provided that link continuously and conveniently to the nearest existing footway fronting the A596, the details of said footways to be submitted to and approved in writing by the local planning authority.**

Reason: In the interests of pedestrian and highway safety.

**18. No dwelling shall be occupied until the following has been completed:-**

- a) The vehicular highway up to but not including the wearing course.
- b) The on-plot parking and turning areas.

**The wearing course shall be completed before occupation of the last dwelling. All access and or parking provision shall be retained for the lifetime of the development.**

Reason: To ensure a minimum standard of access and parking provision when the development is brought into use in the interests of highway safety and general residential amenity.

**19. Should a remediation scheme be required under condition 13, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**

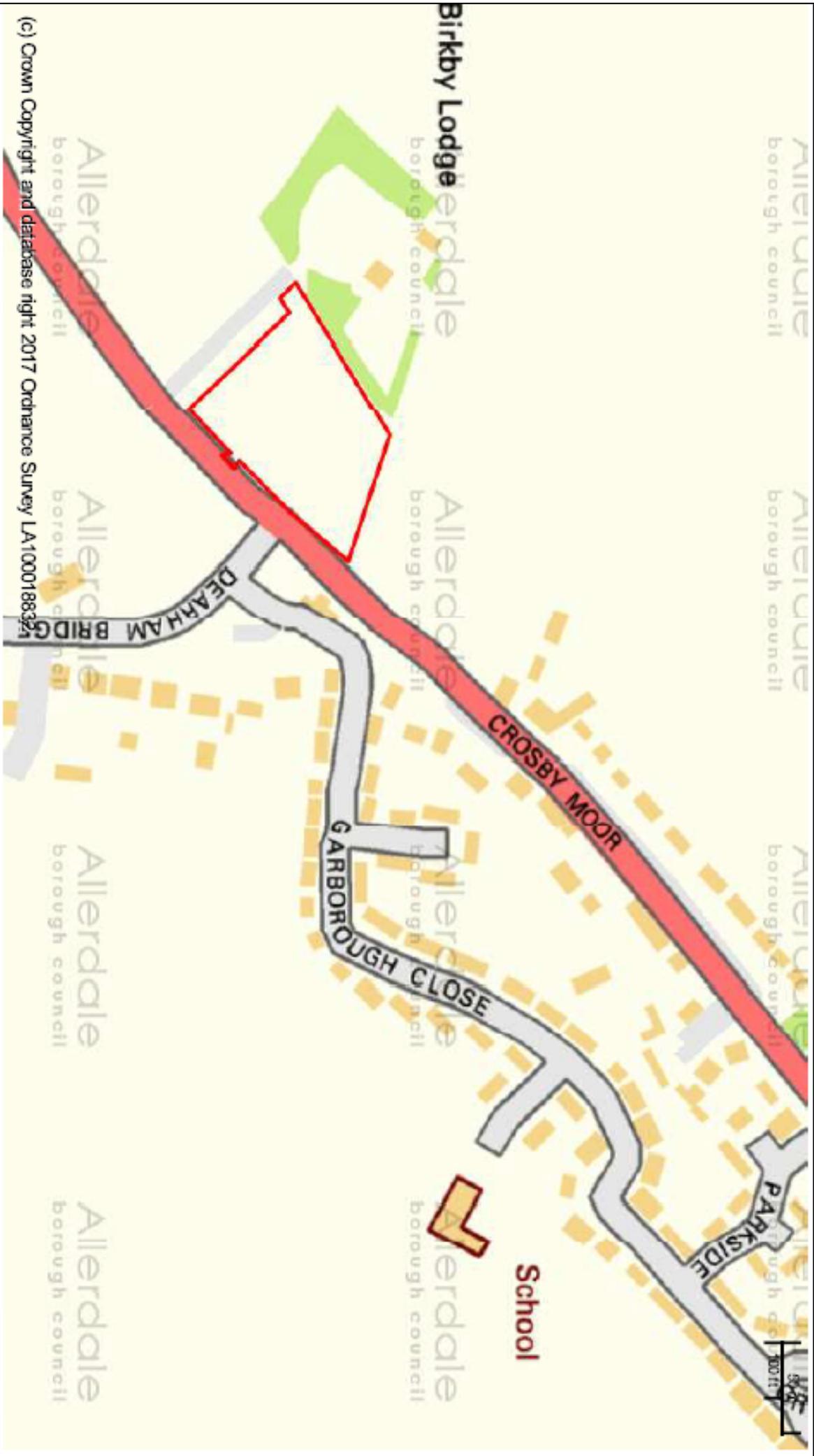
Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.**

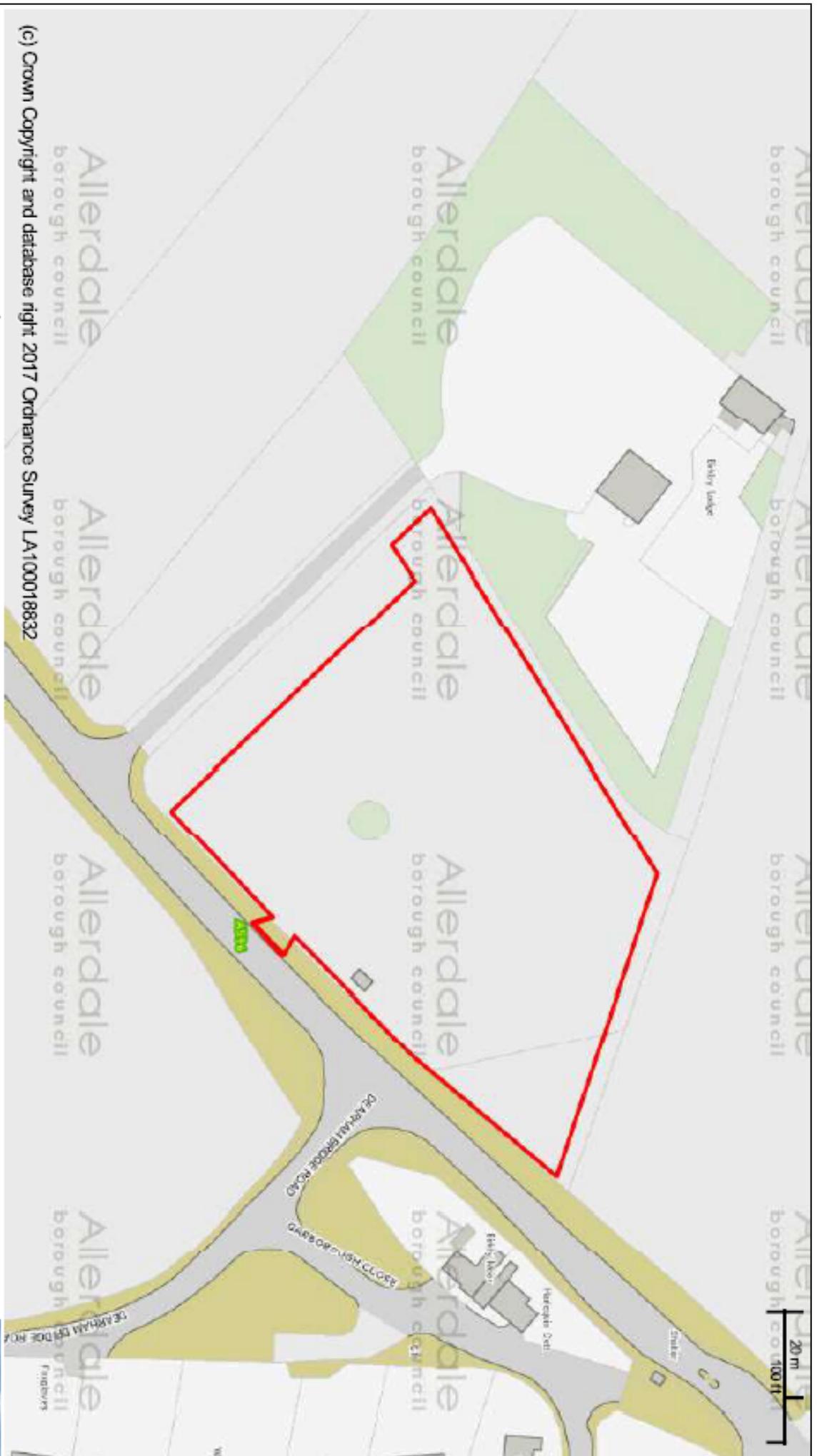
Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

### **Advisory Note**

The applicant/developer is reminded of the need to contact Cumbria County Council Highway Authority for a Section 278 Agreement for highway works that are essential in order to achieve the access visibility condition of this planning approval.



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