

Allerdale Borough Council

Planning Application VAR/2019/0025

Development Panel Report

Reference Number: VAR/2019/0025
Valid Date: 22/08/2019
Location: Land Off Strawberry How Road, Cockermouth
Applicant: Story Homes
Proposal: Non-compliance with condition 1 on planning approval 2/2018/0155 for amended house types and materials, foul drainage, boundary treatments, Construction Management Plan Laydown/Compound Areas, re-location of two Affordable Housing Units.

RECOMMENDATION

Approve, subject to conditions.

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The principle of the development has already been determined to be acceptable at the outline stage (2/2016/0670).
Affordable Housing	Proposals to change the tenure of 12 one bedroom flats have been withdrawn from the application.
Revised house types, boundary treatment changes, foul drainage changes, changes to materials, re-location of two affordable units within the site, amended CMP.	Following the submission of amended plans, the proposed alterations to the scheme approved under reserved matters application 2/2018/0155 are considered to be acceptable.

2.0 Introduction

2.1 This application was deferred at the last Development Panel to enable a site visit to be undertaken by members. The intended purpose of the site visit was to

assess the impact of the revised development on existing residents directly to the north of the northern boundary.

3.0 Proposal

3.1 The application seeks to make a number of amendments to the approved scheme under reserved matters application 2/2018/0155, by varying condition 1 which contained the approved drawings. Initially, the application sought to change 12 x one bedroom flats from discounted rent to discounted sale, but this proposed change has been withdrawn from the proposal and no change to the affordable housing provision secured under legal agreement is now sought.

3.2 Therefore this application seeks to secure the following changes:

- a) Revised house types to 144 plots of the originally approved 224 dwellings for Phase 2 (as identified on submitted comparison table, excluding change to plot 62, which will be retained as a Worthing house type as approved). Some changes to the house types proposed only relate to the house type name, some make only limited changes to the fenestration, whilst other changes are more notable, such as the replacement of dwelling types which partly use the roofspace, with full height two storey units or three storey units utilising the roofspace. Some changes to house types result in an increased depth/height.
- b) Amended boundary treatments to a limited number of areas.
- c) Amended ratio of stone/render/brick elevational treatments.
- d) All foul drainage to connect to Bellbrigg Lonning.
- e) Re-positioning of two affordable dwellings (for rent) from plots 124/125 to plots 26/27.
- f) Re-location of Laydown/Compound Areas within Construction Management Plan.

3.3 The Plans for consideration are:-

- Amended DWG SL20032.90.9.SL.RDS73 REV G - Site Layout 29.11.19
- Bin Store Layout – drawing number SL20032.90.9.2BSLs73 rev A received 22 Nov 2019
- Boundary Treatments – drawing number SL20032.90.9.BTs73 rev B received 27 Nov 2019
- Management Layout – drawing number SL20032.90.9.MLs73 rev F received 22 Nov 2019
- Hard surfaces – drawing number SL20032.90.9.2HSs73 rev B received 22 Nov 2019
- Footway signage plan – drawing number SL20032.90.9.FSP rev A received 22 Nov 2019
- Elevation Treatments – drawing number SL20032.90.9.ETs73 rev A received 22 Nov 2019
- Business Plan / CMP – drawing number SL20032.90.9.BPs73 rev C received 22 Nov 2019

- Detailed Layout – drawing number SL20032.90.9.DLs73 rev D received 22 Nov 2019
- Wilson House Type Booklet – drawing number Contents: Planning WLN-P-CON rev A, Planning Layout 1 drawing number WLN-PLP1 rev A, Planning Elevation 1/1 (front) WLN-PLE1/1 rev A, Planning Elevation 1/2 (Front) drawing number WLN-PLE1/2 rev A, Planning Elevation 1/3 (Front) drawing number WLN-PLE1/3 rev A, Planning Layout 2 (Corner) drawing number WLN-PLP2 rev A, Planning Elevation 2/1 (Corner) drawing number WLN-PLE2/1 rev A, Planning Elevation 2/3 (Corner) drawing number WLN-PLE2/3 rev A, Planning Elevation 2/4 (Corner) drawing number WLN-PLE2/4 rev A, received 22 Nov 2019
- Westbury House Type Booklet – drawing number Contents: Planning WES-STR-P-CON, Planning Layout 1 drawing number WES-PLP1, Planning Elevation 1/1 (front) WLN-PLE1/1 rev A, Planning Elevation 1/2 drawing number WES-STR/PLE1/2, received 22 Nov 2019
- RSL and Discounted properties drawing number SL20032.90.9.SL.RDs73 rev G, received 29th November 2019.
- PROW Strategy drawing number 20032.90.9.SL.PROWs73 rev B received 22 Nov 2019
- Parking Layout – drawing number SL20032.90.9.PLs73 rev A received 22 Nov 2019
- Boundary Details – 1800mm high fence BD-05 rev A, 1762mm High Brick Wall BD-15, 375/500mm trip rails BD-24, 1200mm High Railings BD-41, 1200mm High Netting Fence BD-52, 1800mm Brick Wall with Lapped Boarding drawing number BD-86 received 22 Nov 2019
- House Type Charlton
- Construction Method Statement Rev B August 2019
- Dwg 20032 - LOC s73 Site Location Plan
- Dwg C-GA-201 P6 External Works - Sheet 1 (awaiting update to reflect changes)
- Dwg C-GA-202 P6 External Works - Sheet 2(awaiting update to reflect changes)
- Dwg C-GA-203 P5 External Works - Sheet 3(awaiting update to reflect changes)
- Dwg C-GA-204 P5 External Works - Sheet 4(awaiting update to reflect changes)
- Dwg C-GA-400 P9 Proposed Drainage Strategy(awaiting update to reflect changes)
- Dwg C-GA-401 P6 Proposed Drainage Arrangement Sheet 1(awaiting update to reflect changes)
- Dwg C-GA-402 P6 Proposed Drainage Arrangement Sheet 2(awaiting update to reflect changes)
- Dwg C-GA-403 P7 Proposed Drainage Arrangement Sheet 3(awaiting update to reflect changes)
- Dwg C-GA-404 P7 Proposed Drainage Arrangement Sheet 4(awaiting update to reflect changes)
- Dwg C-GA-501 P6 SUDS Arrangement & Details
- Dwg C-P2A-GA-402 C1 Proposed Drainage Arrangement Sheet 2

- Dwg SHSGP2A-WW-01 B Phase 2a Landscaping Plan(awaiting update to reflect changes)
- Dwg SHSGP2B-WW-01-A Phase 2b Landscaping Plan(awaiting update to reflect changes)
- Dwg SHSGP2B-WW-02-A Phase 2 Landscaping Plan(awaiting update to reflect changes)
- Dwg SHSGP2-WW-03 Sheet 1 of 3 Landscape Management Plan(awaiting update to reflect changes)
- Dwg SHSGP2-WW-03 Sheet 2 of 3 Landscape Management Plan(awaiting update to reflect changes)
- Dwg SHSGP2-WW-03 Sheet 3 of 3 Landscape Management Plan(awaiting update to reflect changes)
- Dwg SL20032 .90.9.SS Streetscene 1
- Dwg SL20032 .90.9.SS2 Streetscene 2
- Dwg SL20032 .90.9.SS3 Streetscene 3 amended plan received 12 December 2019
- Emmerson - A01 - Planning Drawings
- Fraser - A01 - Planning Drawings
- Garage - A01 - Planning Drawings
- Ground Investigation Report
- Harper- A01 - Planning Drawings
- Harrison - A01 - Planning Drawings
- Hewson - A01 - Planning Drawings
- House Type The Birch
- House Type The Cherry
- House Type The Hawthorn
- House Type The Sycamore
- Layton - A01 - Planning Drawings
- Masterton - A01 - Planning Drawings
- Pennington - A01 - Planning Drawings
- Sanderson - A01 - Planning Drawings
- Schedule of Finishes
- Spencer - A01 - Planning Drawings
- Construction Method Statement Rev B August 2019
- Incident Monitoring Plan Rev 1

3.4 The following plans have been transferred across from application 2/2018/0155, CON12018/0155 and CON2/2018/0155 following agreement from the applicant:

- C-D-001 External Construction Details – T6, Amended Plan received 20/05/2019
- C-P2A-GA-101 Surface Finishes & Kerbing Arrangement – T6 Amended Plan received 20/05/2019.
- C-P2A-GA-310 Carriageway & Drainage Longsections - Sheet 1 – T3
- Ground Gas Assessment Addendum Report, received 13/05/2019
- OLS-061901-01-Street Lighting – T3 Amended Plan received 20/05/2019 –
- C-P2A-GA-401 Proposed Drainage Arrangement – T4 REV C3 received 18/12/2019

- C-P2A-GA-501 SUDS Arrangement & Details – T5
- C-P2A-GA-610 Temporary SUDS Strategy - T4
- Amended Plan C-P2A-GA-038 Phase 2A Section 38 Agreement – T4, received 20/5/2019
- Strawberry Grange Ph2 - Material Samples
- Flood Risk Assessment Addendum produced by CK21 Ltd (referenced Rev A; dated April 2018).
- Updated Chapter 6A - Ecology.

4.0 Site

- 4.1 The application site relates to grazing land to the north of Tom Rudd Beck. It is bound by the beck and former railway line to the south, with Phase 1 housing and the cemetery beyond, housing to the north and west, and open grazing land to the east. The application site is almost rectangular in shape, with a spur of additional land extending to the north east, adjacent to Coniston Drive. The current application excludes a section of the Phase 2 site, positioned centrally and covering plots 189-210 and 218-224 identified on the original hybrid application. Changes to these plots have been secured via an application for Non-material amendments (AM/2018/0155).
- 4.2 Land levels change significantly across the site as they rise to the north from Tom Rudd Beck. Level changes extend from approx. 67m AOD to 89m AOD. Due to varying level changes, where existing properties lie next to the site boundaries, some properties will sit slightly elevated, such as at Buttermere Close, some will be on the level and some will sit below (Bellbrigg Lonning, Coniston Close, Loweswater Close).
- 4.3 The site is largely bound by hedgerows and domestic fencing to the north and west, with more mature planting/trees to the eastern boundary and to the south, albeit parts of the southern boundary are open. Works have now commenced on this part of the site. Two trees subject of Tree Preservation Orders (Ash and Oak) remain in situ and protected by fencing.
- 4.4 Public Right of Way 223003 crosses the site from Bellbrigg Lonning (adjacent No.36) to the adjoining field and heads east to Slate Fell. Stopping Up of this footway is subject of a separate application that is due for consideration by the Secretary of State in 2020.

5.0 Relevant Planning History

- 5.1 The following applications are considered relevant:-
- a) AM/2018/0155 – Non Material Amendment to application 2/2018/0155, relating to plots 189-210 and 218-224, approved.
 - b) 2/2018/0155 – Reserved Matters application for the erection of 224 dwellings (Phase 2) following approval 2/2016/0670, approved.

- c) 2/2018/0496 - Stopping up a section of Public Right of Way 223003, decision pending.
- d) 2/2016/0670 - Variation of condition 2 relating to approved plans on planning approval 2/2014/0381. Approved.
- e) 2/2014/0381 - Hybrid planning application comprising a full planning application for 96 residential units incorporating landscaping, open space, access, highway works and a Blue wildlife biodiversity corridor including SUDS and the construction of a highway crossing over the Tom Rudd Beck, and an outline application for up to 224 residential units including open space, surface water attenuation, landscaping and access. Approved.

5.2 The above hybrid applications were subject to a legal agreement which secured the following:

- a) Affordable Housing Provision - specified and provided for Phase 1, 40% provision for Phase 2, plus 11 additional units carried forward from Phase 1. Tenure and type to be agreed. Provision before 70% occupation of any phase.
- b) Education Contribution - £265,000 prior to occupation of the 200th dwelling – to be used at All Saints C of E School.
- c) Offsite play provision contribution of £25,000 to upgrade Bellbrigg Lonning Play Area and or other provision in the immediate area before occupation of the 48th Dwelling (paid).
- d) SUDS Management – Phase 1 only.
- e) Safe route to school.
- f) Travel Plan Co-ordinator/Monitoring.
- g) Bus Service to be delivered on occupation of the 96th dwelling on the site and to continue for 5 years (agreed).
- h) A number of applications to discharge conditions relating to the various applications have also been considered by the Local Planning Authority. One such application is pending (CON2/2018/0155).

6.0 Representations

Cockermouth Town Council

6.1 Refusal – Three storey houses and location of compound unneighbourly.

Cumbria County Highways / LLFA

6.2 No objections

Fire Officer

6.3 No comments received.

ABC Housing Services

6.4 The response from Housing Services raises concern with the change of 12 one bedroom flats from discounted rent to discounted sale. This proposed change has subsequently been withdrawn from the application.

United Utilities

6.5 No objections.

Public Rights of Way Officer CCC

6.6 No objections or comments to make. Signposting plan noted.

Environment Agency

6.7 No objections to revisions.

Other representations

6.8 The application has been advertised by press advert, site notice and neighbour letter.

6.9 20 letters of representation have been received. A number of comments raise concerns with matters previously considered at the outline and reserved matters stage, or which relate to the PRoW, which is subject of a separate application. As these issues do not fall within the remit of this application, the representations have not been summarised. The comments raised relating to the variations to the approved plans are summarised as follows:

- a) Proposed change to rented flats not acceptable.
- b) Proposed change to position of site compound not acceptable, too close to existing houses and public footpath. Will cause noise and dust disturbance to residents of Buttermere Close.
- c) Changes to drainage could impact on Tom Rudd Beck capacity and velocity. Volume of water already causing erosion.
- d) Introduces three storey properties onto rear of Buttermere Close, this is a change from previous plans that showed two storey only, causing loss of light and privacy to existing houses and gardens, and loss of views.
- e) Flats should be changed to bungalows to meet the needs identified in Cockermouth.

- f) The replacement of stone and brick boundaries with fencing provides a less durable boundary, leaving liabilities for future owners and potential for degrading and disrepair.
- g) Cost cutting efforts to the detriment of the quality of the development.
- h) Amendments should not be considered until after the formal consideration of the Stopping Up of the footpath.
- i) Breaking down the site into Phases has meant it is now very difficult to assess whether 40% affordable housing is being delivered.
- j) Concerns regarding flooding and maintenance implications of a culvert adjacent 5 Coniston Crescent.
- k) Support for re-location of drainage away from Windmill Lane

7.0 Environmental Impact Assessment

- 7.1 The original hybrid application 2/2014/0381 was considered to be EIA development and an Environmental Statement accompanied the planning application.
- 7.2 The current application is considered to be a subsequent application with regards to the EIA Regulations 2017. A Statement of Compliance has been provided by the applicant for the proposed amendments.

8.0 Development Plan Policies

- 8.1 Policies within the Allerdale Local Plan Part 1 (2014) relevant to the amendments sought are:

Policy S4 - Design principles
 Policy S7 - A Mixed and Balanced Housing Market
 Policy S8 – Affordable Housing
 Policy S32 - Safeguarding amenity
 Policy S33 – Landscape
 Policy DM14 - Standards of Good Design

9.0 Other material considerations

Allerdale Local Plan Part 2 2018

- 9.1 The site is shown as a commitment within the revised settlement limits for Cockermouth and the development is annotated as a commitment rather than an allocation. The Plan does introduce new standards for housing but this is an application for reserved matters and not planning permission. Policies such as SA5 and SA33 are not considered relevant.

National Planning Policy Framework (NPPF) (2019)

9.2 Paragraph 213 advises that the weight afforded to development plan policies can vary according to their degree 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).

9.3 Paragraph 11 (d) states that:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

9.4 Paragraph 130 states:

“Local Planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to the approved details such as the materials used)”.

Allerdale Borough Council Plan 2019-2023

9.5 Tackling inequality - Helping to create more affordable housing where it is needed most across the Borough, for example through Community Land Trusts or using our own assets or land, and bringing empty properties into affordable.

9.6 Strengthening our economy - Supporting the development of more homes where they are needed by looking for opportunities to develop key worker housing for the health and nuclear sectors; and aspirational housing where appropriate in line with our Local Plan.

10.0 Policy weighting

10.1 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.

10.2 However, paragraph 212 of the National Planning Policy Framework (NPPF) 2019 advises that the policies in that Framework are material considerations which should be taken into account in dealing with application from the day of its publication. In this context it is noted that paragraph 213 of the revised NPPF (2019) advises that due weight should be given to the development plan policies

and this 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).

- 10.3 Policies relevant to the determination of this application are considered to be consistent with the provisions of the NPPF 2019, maintaining their full weight.
- 10.4 Finally, weight can also be afforded to emerging plans, that weight dependent on the stage of preparation, the extent of unresolved objections and consistency with the provisions of the NPPF 2019. Draft Part 2 of the Local Plan has now been through public examination by an Inspector, and Main Modifications have been published. The Inspector's Report has been received and the Plan has been found sound. It is therefore afforded significant weight as a material consideration. However, as explained in paragraph 9.1 the receipt of the Inspector's report does not materially change the balance of considerations for this application.

11.0 Assessment

Introduction

- 11.1 Section 73(2) of the 1990 Act states that "the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted." A reserved matters approval is part of the planning permission and section 73(2) applies to this application.
- 11.2 The options open to this Authority are:-
- A. If it is decided that approval should be granted subject to different conditions to those previously imposed or it should be granted unconditionally, then approval should be granted accordingly.
 - B. If it is decided that approval should be granted subject to the same conditions as previously imposed, then the s73 application should be refused.
- 11.3 Where an application under section 73 is granted, the effect is the issue of a new reserved matters approval, sitting alongside the original reserved matters, which remains intact and unamended
- 11.4 The review of the conditions assesses whether they are still necessary, written in a way that is precise and enforceable, whether they are relevant to the development and planning and reasonable in all other respects.

Provision of Affordable Housing

- 11.5 Changes to the tenure of 12 x 1 bedroom apartments from discounted rent to discounted sale have now been withdrawn from the current proposal. The only remaining change relating to the provision of affordable housing is the re-location of two two affordable 3 bed dwellings (for rent) from plots 124/125 to plots 26/27. This amendment is considered acceptable as it will reduce the extent of

affordable dwellings clustered to the western part of the development. In this respect the proposed change is considered to be acceptable, having regard to policy S8 of the Allerdale Local Plan Part 1.

Visual Impact

- 11.6 The proposal introduces a range of different house types that vary in the degree to which they differ from the previously approved scheme. In some cases the changes relate to the name of the house type only. Other changes relate to fenestration details. In other cases the change would be more notable. For example, house types such as the Chartwell or Knightsbridge, which contained part of the first floor in the roof space, are to be replaced by full two storey units such as the Hewson and Pennington. As a result of this change the massing of a number of plots will increase overall, due to the change to full two storey. In some house types, the roof ridge height is increased by approx.0.5m and the depth has increased slightly.
- 11.7 Plot changes where use of the roof space for the first floor is replaced by standard two storey housing are noted at Plots 1, 57, 58, 64, 70, 71, 75 to the eastern boundary, Plots 79 and 80 adjoining Buttermere Close, and Plots 8, 10, 11,17, 44, 51, 52, 55, 109, 151, 153, 154, 211, 214, 217 (internal to the scheme).
- 11.8 A house type that utilises the roofspace for a second floor is also noted to 11 plots where the Layton house type is proposed. The previously approved layout plan indicated ten plots where the Weybridge house type would utilise the roofspace to create development over three floors.
- 11.9 As a result of these changes, cumulatively, the massing of the development overall will be greater than the scheme previously approved. However, having regard to the size of the development and its context, particularly noting housing to the east, and housing to the west on rising land, it is considered that the visual impacts of these proposed changes would not be significantly greater than those that have already been considered and accepted as part of the approved scheme.
- 11.10 The proposal seeks a change to the ratio split between the intended materials across the site, which are a mix of brick, render and stone for the proposed houses. The scheme will remain predominantly brick, with a number of brick and render combinations, some with stone or stone feature frontages and some in only render. Whilst there is a reduction in the use of stone, the mix as amended is considered to be acceptable and will ensure that the alternate use of materials assists in providing visual relief to what is a large housing development.
- 11.11 A number of changes have been proposed to the type of boundary treatments in some locations and the materials proposed for some boundary treatments in other locations. In most cases these relate to the replacement of stone or brick walls with fencing.
- 11.12 Concerns were raised with a number of the proposed boundary treatment changes, particularly where these will be prominent in the street scene and/or

adjoin public footpaths, as generally timber fencing will not deliver the quality of finish that would be provided by stone or brick, particularly as timber fencing can deteriorate in condition over time. Therefore amendments have been provided to the boundary treatments that address these concerns. These changes primarily relate to the use of brick and not fencing adjacent to the site entrance from Bellbrigg Lonning and the use of part fencing with brick piers within the site where boundary treatments are required for significant lengths. The amended details are considered to be acceptable.

- 11.13 Overall, the visual impacts of the proposal are considered to be acceptable and the proposal will maintain a good standard of design and materials.

Residential amenity

- 11.14 Initially the proposed amendments sought to modify the house type at plot 62, which presents a side elevation to 20 Coniston Avenue. This neighbouring plot is considered sensitive due to the change in levels at the rear of the property and shallow depth of the garden. This amended house type has been withdrawn and Plot 62 will remain as approved.
- 11.15 As indicated above, a number of house types proposed are the Layton, which accommodates a second storey in the roof space. Four of these house types would be positioned towards the northern boundary, backing onto Buttermere Close, three of which were indicated on the previously approved detailed layout plan. Where these house types are located, separation distances exceeding 21m will be retained. Proposed levels are generally at or within 0.2m of the existing levels and, in some instances, they are below. Section FF demonstrates the relationship between 22 Buttermere Close and the proposed Layton house type on plot 82. Generally, the layout and scale of the proposed housing along the northern boundary remains acceptable and would not result in a significant adverse impact on the residential amenity of existing residents, albeit it is acknowledged that the approved change from open fields to a housing estate will be negative.
- 11.16 The submitted Construction Management Plan Rev C indicates a change in location for the proposed compound, laydown and construction parking area for the earlier phase of the build. This area would remain positioned to the eastern portion of the site, but would be located further north than previously approved. At its closest point to the northern boundary, the approved location of the compounds was approx. 60m. The revised plan shows the separation distance reduced to 40m. This is considered to remain an acceptable separation distance given the other conditions in place, such as for hours of working.
- 11.17 Members of the Development Panel are reminded that Part 4, Class A of the General Permitted Development Order provides permitted development rights for buildings, works, plant and machinery on land required temporarily and in connection with and for the duration of operations being (or to be carried out) on that land for which planning permission has been granted. Therefore, there will be such buildings, works, plant and machinery in place within the Phase 2 part of

the site which are beyond the controls of the planning permission and not subject to this current application.

Flooding and Drainage

- 11.18 The amended details relate to foul drainage only and amend the scheme to a single foul drainage point on Bellbrigg Lonning. United Utilities raise no concerns in this respect and, therefore, this aspect of the scheme is considered to be acceptable. The offsite works in the vicinity of the Council's play area, across the lane that connects Bellbrigg Lonning to the Cemetery, have already been undertaken by United Utilities. These works were undertaken by United Utilities using permitted development rights.
- 11.19 The existing reserved matters approval was subject to conditions relating to flood risk mitigation and drainage. The topography of the site and the significant change from a green field to developed land means that the surface water runoff dynamics will change dramatically. The changes introduced by this application do not materially change the impact but, nevertheless, conditions are still required (as with the existing approval) to ensure compliance with the submitted strategy and mitigation measures. The conditions relating to these matters are therefore retained.

Ecology

- 11.20 As with drainage, the development of this greenfield will result in significant change to the ecological character of the site. The application includes the Statement of Compliance under the EIA Regulations (see paragraph 10.22). The recommendations and mitigation measures contained within the updated Chapter 6A – Ecology are still necessary and the condition is repeated as is the need for lighting responding to the sensitivities of bats and silt management to prevent pollution of waters and, specifically, Tom Rudd Beck.

Secure by Design

- 11.21 Proposed changes to the house type on Plot 57 raised concerns that there would be a reduced level of surveillance of the footpath link to Slate Fell at the eastern extent of the site and the internal footpath that extends south from this link. Amended plans have been provided which relocate the detached garage serving this plot away from the footpath so that a suitable condition can be re-imposed which seeks additional window openings within the east facing gable elevations of this plot. As such the same level of surveillance is achieved as the previously approved scheme.

Environmental Impact Assessment (EIA)

- 11.22 As cited in section 6 of this report, the original planning permission for residential development (Phases 1 and 2) was considered to be EIA development. The current proposal is considered to be a subsequent application under the EIA Regulations 2017 and has been accompanied by a Statement of Compliance prepared by the applicant. This considers the amended scheme in light of the

conclusions drawn in relation to the original topics covered within the Environmental Statement (ES). The Statement of Compliance concludes that the proposal would not have a material impact greater than that anticipated by the original ES.

11.23 As indicated above, in Officer's opinion the proposed changes to a number of the house types are considered likely to increase the massing of the development cumulatively but, having regard to the size of the development and its context, it is considered that the visual impacts of these proposed changes would not be significantly greater than those that have already been considered and accepted, as part of the approved scheme. In relation to landscape and visual impact, the conclusions of the ES were that the likely significant effects would be Major/Moderate in the localised area, and these conclusions are considered reasonable for the scheme as amended.

Local financial considerations

11.24 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.

12.0 Conclusions

12.1 Having regard to the relevant policies of the Local Plan Part 1, and advice contained within the NPPF, the proposed amendments to the reserved matters approval 2/2018/0155 are considered to be acceptable, subject to the inclusion of the same conditions as previously attached to this permission – amended where appropriate to reflect those that have already been discharged through the submission of acceptable details.

RECOMMENDATION

Approve, subject to conditions.

NB. Condition 1 will require update following receipt of a number of drainage and engineering drawings required to reflect the amendments sought during the processing of the application (relating to house types/housing tenure etc). These plans are due for submission and will be updated via the late list.

Annex 1

CONDITIONS

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

- Amended DWG SL20032.90.9.SL.RDS73 REV G - Site Layout 29.11.19
- Bin Store Layout – drawing number SL20032.90.9.2BSLs73 rev A received 22 Nov 2019
- Boundary Treatments – drawing number SL20032.90.9.BTs73 rev B received 27 Nov 2019
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- Dwg 20032 - LOC s73 Site Location Plan

- Dwg C-GA-201 P6 External Works - Sheet 1 (awaiting update to reflect changes)
- Dwg C-GA-202 P6 External Works - Sheet 2(awaiting update to reflect changes)
- Dwg C-GA-203 P5 External Works - Sheet 3(awaiting update to reflect changes)
- Dwg C-GA-204 P5 External Works - Sheet 4(awaiting update to reflect changes)
- Dwg C-GA-400 P9 Proposed Drainage Strategy(awaiting update to reflect changes)
- Dwg C-GA-401 P6 Proposed Drainage Arrangement Sheet 1(awaiting update to reflect changes)
- Dwg C-GA-402 P6 Proposed Drainage Arrangement Sheet 2(awaiting update to reflect changes)
- Dwg C-GA-403 P7 Proposed Drainage Arrangement Sheet 3(awaiting update to reflect changes)
- Dwg C-GA-404 P7 Proposed Drainage Arrangement Sheet 4(awaiting update to reflect changes)
- Dwg C-GA-501 P6 SUDS Arrangement & Details
- Dwg C-P2A-GA-402 C1 Proposed Drainage Arrangement Sheet 2
- Dwg SHSGP2A-WW-01 B Phase 2a Landscaping Plan(awaiting update to reflect changes)
- Dwg SHSGP2B-WW-01-A Phase 2b Landscaping Plan(awaiting update to reflect changes)
- Dwg SHSGP2B-WW-02-A Phase 2 Landscaping Plan(awaiting update to reflect changes)
- Dwg SHSGP2-WW-03 Sheet 1 of 3 Landscape Management Plan(awaiting update to reflect changes)
- Dwg SHSGP2-WW-03 Sheet 2 of 3 Landscape Management Plan(awaiting update to reflect changes)
- Dwg SHSGP2-WW-03 Sheet 3 of 3 Landscape Management Plan(awaiting update to reflect changes)
- Dwg SL20032 .90.9.SS Streetscene 1
- Dwg SL20032 .90.9.SS2 Streetscene 2
- Dwg SL20032 .90.9.SS3 Streetscene 3 amended plan received 12 December 2019
- Emmerson - A01 - Planning Drawings
- Fraser - A01 - Planning Drawings
- Garage - A01 - Planning Drawings
- Ground Investigation Report
- Harper- A01 - Planning Drawings
- Harrison - A01 - Planning Drawings
- Hewson - A01 - Planning Drawings
- House Type The Birch
- House Type The Cherry
- House Type The Hawthorn
- House Type The Sycamore
- Layton - A01 - Planning Drawings

- Masterton - A01 - Planning Drawings
- Pennington - A01 - Planning Drawings
- Sanderson - A01 - Planning Drawings
- Schedule of Finishes
- Spencer - A01 - Planning Drawings
- Construction Method Statement Rev B August 2019
- Incident Monitoring Plan Rev 1
- C-D-001 External Construction Details – T6, Amended Plan received 20/05/2019
- C-P2A-GA-101 Surface Finishes & Kerbing Arrangement – T6 Amended Plan received 20/05/2019.
- C-P2A-GA-310 Carriageway & Drainage Longsections - Sheet 1 – T3
- Ground Gas Assessment Addendum Report, received 13/05/2019
- OLS-061901-01-Street Lighting – T3 Amended Plan received 20/05/2019
- C-P2A-GA-401 Proposed Drainage Arrangement – T4 REV C3 received 18/12/2019
- C-P2A-GA-501 SUDS Arrangement & Details – T5
- C-P2A-GA-610 Temporary SUDS Strategy - T4
- Amended Plan C-P2A-GA-038 Phase 2A Section 38 Agreement – T4, received 20/5/2019
- Strawberry Grange Ph2 - Material Samples

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.

2. **The development hereby permitted shall be completed in accordance with the recommendations and mitigation measures contained within the Flood Risk Assessment Addendum produced by CK21 Ltd (referenced Rev A; dated April 2018).**

Reason: To ensure a satisfactory means of surface water drainage and to minimise the risk of flooding from the development, in compliance with the National Planning Policy Framework and Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

3. **The development hereby permitted shall be completed in accordance with the recommendations and mitigation measures contained within the updated Chapter 6A - Ecology.**

Reason: To minimise the impacts of the development on the ecological interests of the site in compliance with the National Planning Policy Framework, and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. **Any permanent lighting installed within Phase 2a shall be in accordance with OLS-061901-01-Street Lighting – T3, and shall be retained as approved for the lifetime of the development.**

Reason: To minimise the impacts of the development on the ecological interests of the site in compliance with the National Planning Policy Framework, and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 5. No further phase of the development (following Phase 2a as shown on OLS-061901-01-Street Lighting – T3) shall commence until a bat-sensitive lighting scheme has been submitted to and approved in writing by the Local Planning Authority for that phase, including the construction phase. Any temporary or permanent lighting installed at the site shall be in accordance with the approved details and where permanent, shall be retained for the lifetime of the development.**

Reason: To minimise the impacts of the development on the ecological interests of the site in compliance with the National Planning Policy Framework, and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 6. The approved measures contained within the Silt Management and Incident Monitoring Plan Rev 1 shall be fully implemented and maintained at all times during the construction phase of the development. The Silt Management and Incident Monitoring Plan shall be adhered to for the duration of the construction phase.**

Reason: To prevent pollution of the water environment and to minimise the impacts of the development on the ecological interests of the adjacent water environment in compliance with the National Planning Policy Framework, and Policies S35 and S36 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 7. The construction of Phase 2a of the development hereby approved (as defined on drawing Amended DWG SL20032.90.9.SL.RDS73 REV G - Site Layout 29.11.19) shall be undertaken in accordance with Construction Method Statement Rev B August 2019, and Business Plan / CMP – drawing number SL20032.90.9.BPs73 rev C received 22 Nov 2019.**

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 8. No subsequent phase of the development hereby permitted (following Phase 2a as defined on drawing Amended DWG SL20032.90.9.SL.RDS73 REV G - Site Layout 29.11.19) shall commence until an updated Construction Management Plan specific to those phases has been submitted and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:**
 - a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off site parking, turning and compound areas;**

- b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.**
- c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
- d) A written procedure for dealing with complaints regarding the construction or demolition;**
- e) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- f) Programme of work for Demolition and Construction phase;**
- g) Hours of working and deliveries;**
- h) Highway signage/ Haulage routes. T**

The approved statement shall be adhered to throughout the duration of the development.

Reason: Having regard to the layout of the proposed scheme and the proximity to existing residents, the updated CEMP for Phase 2 is considered necessary in the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 9. For phase 2a of the development (as defined on drawing Amended DWG SL20032.90.9.SL.RDS73 REV G - Site Layout 29.11.19), the carriageways, footways, footpaths, cycleways etc shall be designed and constructed, drained and lit in accordance with the approved plans, before the development of that phase is complete, and before the development of any new phase commences.**

Reason: To ensure a minimum standard of construction to those internal roads detailed as part of the layout of Phase 2, in the interests of highway safety.

- 10. The carriageways, footways, footpaths, cycleways etc for all subsequent phases (following Phase 2a), shall be designed and constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/ cross sections, shall be submitted for phase 2 to the Local Planning Authority for approval before work commences on that phase. No work shall be commenced on that phase until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All works so approved shall be constructed before the development of that phase is complete and before the development of any new phase commences.**

Reason: To ensure a minimum standard of construction to those internal roads detailed as part of the layout of Phase 2, in the interests of highway safety.

- 11. For Phase 2A of the development hereby approved (as defined on drawing Amended DWG SL20032.90.9.SL.RDS73 REV G - Site Layout 29.11.19), all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be constructed in accordance with the approved plans prior to that phase of the development being completed, and shall be maintained operational at all times thereafter.**

Reason: To ensure that the detailed layout for Phase 2 incorporates appropriate measures to control surface water, in the interests of highway safety.

- 12. For any subsequent phase of development (following Phase 2a), 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 the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational at all times thereafter.**

Reason: To ensure that the detailed layout for Phase 2 incorporates appropriate measures to control surface water, in the interests of highway safety.

- 13. Notwithstanding the submitted plans, the estate railings proposed across those parts of the development site boundary that adjoin the cul de sac heads of Coniston Drive and Ullswater Drive shall not extend across the proposed footpath links and will prohibit vehicular access. No new fencing shall be erected at any time within the site to obstruct these pedestrian links.**

Reason: To allow for pedestrian permeability through the site to adjoining land, in accordance with Policy S4 of the Allerdale Local Plan Part 1 and advice contained within the NPPF (2018).

- 14. The proposed footpath link up to Coniston Drive (adjacent Plot 62) shall be laid up to the boundary of the site and any existing fencing within the site boundary shall be removed for the width of the footpath link prior to the occupation of Plot 62. The link shall thereafter be retained.**

Reason: To facilitate pedestrian permeability through the site to adjoining land, in accordance with Policy S4 of the Allerdale Local Plan Part 1 and advice contained within the NPPF (2018).

- 15. The dwellings hereby permitted shall be constructed in accordance with the brick, sandstone, render and roofing materials samples provided in document 'Strawberry Grange Ph2 - Material Samples'. Only the materials so approved shall be used in the development as approved.**

Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and

Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

16. **A scheme for the phased delivery of all planting, seeding or turfing comprised within the approved landscaping scheme shall be submitted to the Local Planning Authority for approval in writing prior to the construction of any dwelling above ground floor level. The development shall be completed in accordance with the approved delivery scheme. Should any trees or plants which within a period of 5 years from the completion of that phase 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. **A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwellinghouse. The development shall thereafter be maintained at all times in accordance with the approved management plan.**

Reason: To ensure the long term maintenance and management of public open space within the residential estate.

18. **No development shall commence on plots 51 - 57, 58 - 92, plots 100 - 105, 113 - 122, or on the proposed highway beyond plot 50 unless and until a footpath Stopping Up Order for Public Right of Way 223003 has been made and confirmed by the LPA or the Secretary of State for its full length where it crosses the application.**

Reason: To ensure that the development does not obstruct PROW 223003 which presently crosses the site.

19. **Should a Stopping Up Order for Public Right of Way 223003 (where it crosses the application site) be made and confirmed by the LPA or the Secretary of State, a temporary permissive pedestrian footpath shall be made available for immediate public use through the site from Bellbrigg Lonning in the west (adjacent to 36 Bellbrigg Lonning) to PROW 223003 at the eastern boundary, until such time as the permanent permissive route through the site as shown on drawings PROW Strategy Rev A, received on the 3rd January 2019, is made available for use along its entire length. The temporary footpath route shall either follow the alignment of PROW 223003 as presently exists across the site, or the temporary route as shown on Business Plan / CMP – drawing number SL20032.90.9.BPs73 rev C received 22 Nov 2019.**

Reason: To ensure that a permissive pedestrian footpath through the site connecting Bellbrigg Lonning to PROW 223003 is retained and at all times.

20. **Prior to the stopping up of PROW 223003 where it crosses the site, a detailed Footpath Management Plan shall be submitted to and approved in writing by**

the Local Planning Authority. The Footpath Management Plan shall detail how the temporary permissive footpath through the site from Bellbrigg Lonning in the west (adjacent to 36 Bellbrigg Lonning) to PRow 223003 at the eastern boundary as specified in condition 17 will be managed through all phases of the construction of the development, including details of any temporary closures, signage and notification to the public. The development shall be completed only in accordance with the approved Footpath Management Plan.

Reason: To ensure that any closure of the temporary permissive footpath is minimised, that sufficient notice and publicity is provided to the public and that the safety of pedestrians is duly considered.

- 21. Prior to development commencing on the permissive footpath route hereby approved, details of the design of the 'motif' to be inlaid within the permissive footpath route shall be submitted to the Local Planning Authority for approval in writing. The approved motif shall be inlaid within the permissive footpath route as approved and in accordance with the locations specified on drawing, Amended Plan SH Footway Signage Plan 22.11.2019, and shall be maintained and retained thereafter for the lifetime of the development.**

Reason: To secure the outstanding detail for the permissive route and to ensure the route achieves a good standard of design.

- 22. Within 1 month of the construction of the permissive footpath, the signage shown on drawing 'Amended Plan SH Footway Signage Plan 22.11.2019', shall be erected as approved and shall be maintained and retained thereafter for the lifetime of the development.**

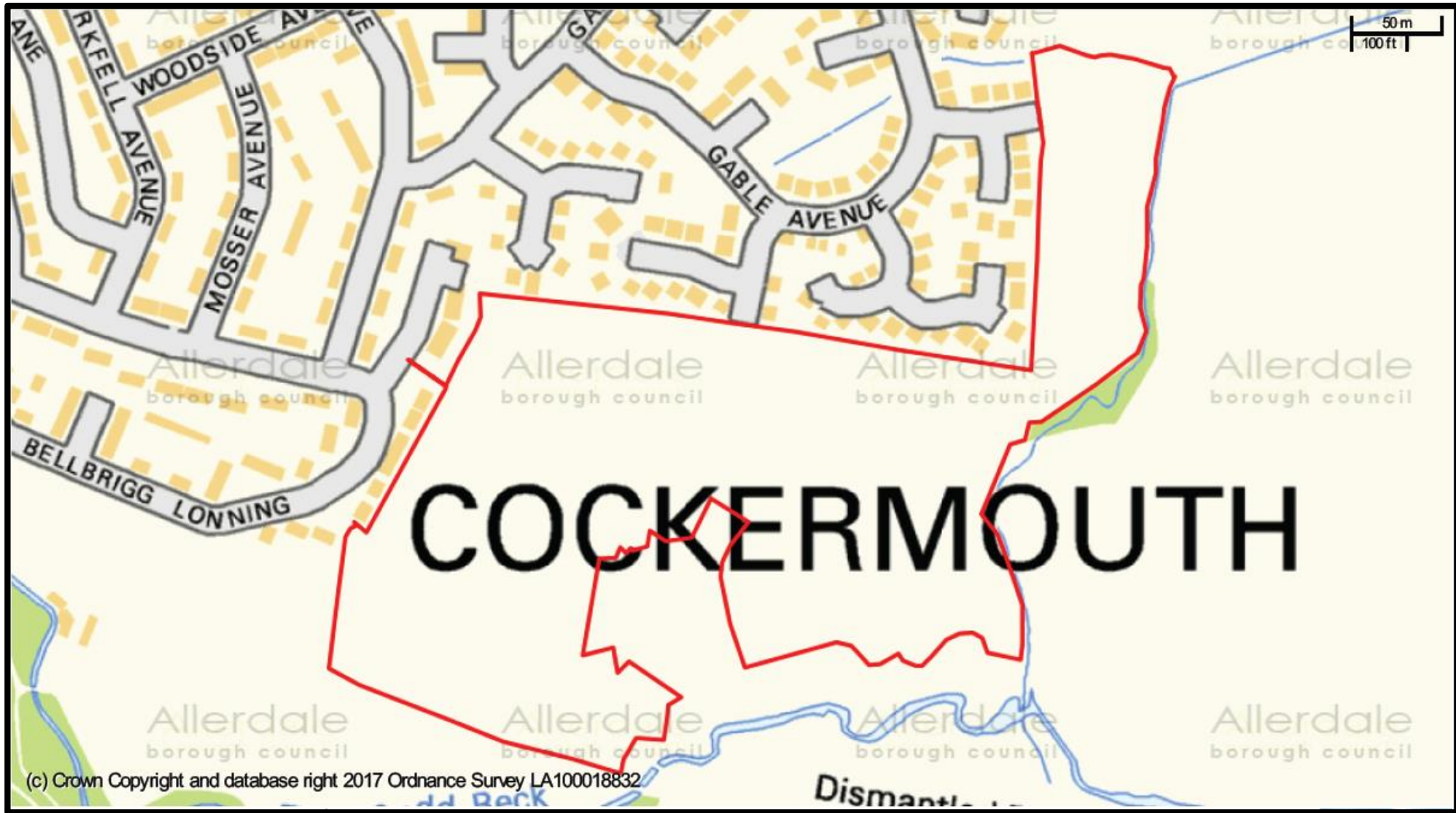
Reason: To ensure that the permissive footpath through the site connecting to PRow 223003 is adequately signposted.

- 23. Notwithstanding the approved plans, revised house types shall be submitted to the Local Planning Authority for approval in writing for plots 30,57,23, 24, 5, 6, 71 and 74, which shall include additional window openings to the side elevations that serve to increase natural surveillance of the eastern footpath and/or internal roads. The development shall be completed only in accordance with the approved details.**

Reason: To ensure an appropriate level of natural surveillance to public routes to improve security and safety across the site, in accordance with policies S4 and DM14 of the Allerdale Local Plan Part 1.

- 24. A management plan, including management responsibilities and maintenance schedule for the permanent permissive footpath through the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse. The footway shall thereafter be maintained at all times in accordance with the approved management plan.**

Reason: To ensure the long term maintenance and management of the permanent permissive footpath in the event that it is not formally adopted.



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