

Allerdale Borough Council
Planning Application FUL/2019/0042

Development Panel Report

Reference Number: FUL/2019/0042
Valid Date: 27/02/2019
Location: Land to South of Ashfield Road South Workington
Applicant: Mr Kieron Moore Lovell Partnership
Proposal: Erection of 12 dwellings

RECOMMENDATION

That members delegate final approval and the ability to add additional conditions relating to drainage and internal highways layout, broadband and enhanced accessibility (internal layouts) to the Planning and Building Control Manager subject to the receipt of favourable comments from the County Highways Authority in relation to the drainage and internal highways layout matters.

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	It will contribute towards the Council's current 5 year supply of deliverable housing land. The development also constitutes a sustainable location for residential development. The principle of residential development at this location is deemed acceptable and the proposal is considered to be compliant with the provisions of policies S2, S3 and S5 of the Allerdale Local Plan (Part 1).
Scale, design and residential amenity	Officers are satisfied that acceptable levels of privacy and amenity could be achieved for both proposed and existing dwellings. This is in accordance with policies S2, S4 and S32 of the Allerdale Local Plan (Part 1).
Landscape and visual impact.	Belts of trees are located within the site and adjacent to the boundaries. However, there are no tree preservation orders. Officers conclude that the development would be incorporated into the wider

	<p>approved housing site permitted in outline under 2/2014/0857 with limited impact when viewed from outside the site.</p> <p>The proposal is compliant with the provisions of Policies S32 and S33 of the Allerdale Local Plan (Part 1).</p>
Highway issues	The technical highway details can be secured by planning condition.
Flood Risk and Drainage	The site is in flood zone 1 (least probability of flooding). Officers are satisfied that a suitable scheme for the management of foul drainage and surface water run-off from the site can be achieved, and this can be covered by Condition.

2.0 Introduction

- 2.1 This full application for 12 dwellings forms an extended developable area of the outline planning permission 2/2014/0857 and is associated with the pending reserved matters application RMA/2019/0002 for 255 dwellings for the Ashfield Road development (the preceding item on this agenda). These 12 units are in excess of the 255 units for phase 2 that were originally anticipated on this part of the site by the outline approval.

3.0 Proposal

- 3.1 The Plans for consideration are:-

1888 Amendment Letter 3.10.19
 1888-003B Demolition Plan 3.10.19
 28875-201 Zoning Plan Layout 3.10.19
 28875-615 - P10 Proposed External 3.10.19
 28875-680 - Proposed Retaining Wall layout 3.10.19
 Route of Build Rev B 3.10.19
 1888-500 Rev A- Metal Railing Detail
 1888-501 Rev A - Close Boarded Timber Fence Detail
 1888-502 Rev A - Masonry Wall Detail Type 1
 1888-503 Rev A - Masonry Wall Detail Type 2
 1888-505 Rev A - Retaining Wall with Fence Detail
 1888-506 Rev A - Gabion Wall details
 1888-001.1 - Ashfield Road - Location Plan - 12 units
 1888-010.1 Rev B - Proposed Site Layout - 12 units
 1888-011.1 Rev C Proposed Landscape Layout - 12 UNITS
 1888-012.1 Rev C - Proposed External Works Layout - 12 UNITS

1888-013.1 Rev A- Proposed Brick Type Key - 12 UNITS
1888-019 - Ashfield Road - Temporary Sales Arena
1888 - H - 1437-END-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 1412-101-01 - PLANNING – ELEVATIONS
1888 - H - 1246-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 1161-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 936-101-01 - PLANNING LAYOUT - REV A
1888 - H - 936-101-01 - PLANNING ELEVATIONS
1888 - H - 912-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 897-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 859-101-01 - PLANNING ELEVATIONS AND LAYOUT
28875-6020 -P4-PROPOSED DRAINAGE STRATEGY

3.2 The proposed housing mix is as follows:

- 9 x 3 bed units
- 3 x 4 bed units

4.0 Site

- 4.1 The application site lies approximately 2km south of Workington town centre in the Moorclose / Westfield area and to the southern side of Ashfield Road South. The site is currently undeveloped greenfield land that is generally flat. It is enveloped by the application site for the reserved matters, beyond which are belts of trees located within the site and adjacent to the boundaries. The residential area of Chaucer Road is located beyond phases 1 and 2 to the east, with rear gardens of the properties on Ellerbeck Close plus open farm land beyond phase 2 to the south. The playing fields and sports' area associated with the Moorclose Campus are situated further to the west. A public right of way runs to the south of phase 2 along Eller Beck.
- 4.2 Overhead high voltage cables that had made part of the site undevelopable for safety reasons are now to be diverted underground and, as a consequence, it is proposed that the previously un-developable strip of land, that was frozen by their presence, is brought into the development proposal in a way that will allow a better and more sustainable use for the land.

5.0 Relevant Planning History

- 5.1 The outline permission for 290 dwellings (ref 2/2014/0857) was granted subject to conditions and a section 106 agreement on 29th September 2017. The section 106 requires:
- An education contribution of £60,255 (Five primary pupils) agreed by Cumbria County Council's education department.
 - Affordable housing provision of 15%.
 - A phased approach with no public open space, affordable or education contributions within the first phase.

- The development to be implemented in a phased programme with the delivery of affordable housing at the back end. This second phase development, in its layout, has a requirement to accommodate affordable housing units and public open space.

5.2 The permission encompassed both phases 1 and 2, the former comprising of 35 dwellings and, as referenced above, under construction. The area within phase 2 covered by the overhead lines was, as detailed in paragraph 4.2 of this report, considered undevelopable and the capacity of the overall site was lowered as a result.

6.0 Representations

Workington Town Council

6.1 FUL/2019/0042 and RMA/2019/0002 were considered in conjunction with each other. The committee considered the design of the site and felt it would benefit from more open green space and that the addition of the twelve new units would be detrimental to that aim. In addition, they expressed concerns about the removal of trees and would seek assurances that this process would be properly managed and trees replaced as necessary. The committee also seeks assurances about the drainage of the site and how this will impact the nearby beck. The traffic assessment is from 2014 and therefore needs to be updated before being properly considered. The committee felt that the design of the buildings, contrary to the design aim, actually appear very uniform and would benefit from more variation. Recommend refusal

ABC Environmental Health

6.2 Refer to the requirements of the outline permission which will need to be repeated for this full application i.e the recommendations of the Geo-Environmental Interpretive Report ,WYG, Nov 2014 including further consultation and investigation of mine shaft location and the requirement for ground gas monitoring, will need to be implemented.

Cumbria County Highways/Lead Local Flood Authority

Highways

6.3 Final comments awaited.

Drainage

6.4 Final comments awaited

United Utilities

6.5 No objections subject to planning conditions relating to foul and surface water drainage.

Access officer

- 6.6 No comment.

Natural England

- 6.7 No comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which the Council can use to assess impacts on protected species. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which the Council can use to assess any impacts on ancient woodland.
- The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. Advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

ABC Housing officer

- 6.8 This application is for additional units in the development at Ashfield Road South. These units have been included in the calculation of affordable provision in application RMA/2019/0002 and therefore Housing Policy has no comment to make on this application.

Other representations

- 6.9 The application has been advertised by press advert, site notice and neighbour letter.
- 6.10 5 letters of objections have been received setting out the following:
- Why the need for so many new houses in Workington, will there be demolition, who will live in them, where are the jobs and the extra facilities?
 - Concerns regarding traffic along Ashfield Road and nearby junctions and danger of accidents and mini roundabouts needed at Moorclose shops and the Travellers' Rest and an increase in the amount of the double yellow lines along Ashfield road.
 - Concern on the impact on wildlife, there is a significant population of threatened red squirrels and birds, to include common garden species, tree sparrows, siskin, redpoll, great spotted woodpecker, tawny owl and sparrow hawk. The grass areas support wintering thrushes, particularly flocks of field fare and redwing and mistle thrush.

- Concern about effect of dwellings adjacent to properties on Ellerbeck Close with regard to scale and flooding;
- Concern about surface water to Ellerbeck which, in turn, will carry more silt into Harrington reservoir on which thousands of pounds have recently been spent on a clean-up.
- Concern regarding flooding on Ellerbeck Close.

7.0 Environmental Impact Assessment

- 7.1 With regards to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the development does not fall within Schedule 1 nor 2 and, as such, is not EIA development.

8.0 Development Plan Policies

Allerdale Local Plan 1999

- 8.1 The site is within the saved settlement limits (as part of the WKHS1 allocation)

Allerdale Local Plan (Part 1)

- 8.2 The following policies are considered relevant:-

Policy S2 - Sustainable development principles
 Policy S3 - Spatial Strategy and Growth
 Policy S4 - Design principles
 Policy S5 - Development principles
 Policy S7 - A mixed and balanced housing market
 Policy S27 - Heritage assets
 Policy S29 - Flood Risk and Surface Water Drainage
 Policy S32 - Safeguarding amenity
 Policy S33 - Landscape
 Policy S34 - Development in the Solway Coast Area of Outstanding Natural Beauty
 Policy S35 - Protecting and Enhancing Biodiversity and Geodiversity
 Policy DM14 - Standards of Good Design
 Policy DM17 - Trees, hedgerows and woodland

9.0 Other material considerations

Allerdale Borough Local Plan (Part 2) Submission Draft

- 9.1 The site is shown as a commitment in the Plan within the settlement limits. The following policies are considered relevant:-

SA5 - Housing Standards
 SA33 - Broadband

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 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).

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.”

Allerdale Borough Council Plan 2019-2023:

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

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 applications from the day of its publication. In this context it is noted that paragraph 213 of the NPPF 2019 advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

10.3 Paragraph 11 of the NPPF also advises that, where the development plan policies which are most important for determining the application are out-of-date, permission should be granted 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

- i. 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 (the tilted balance).
- 10.4 A further material consideration is the appeal decision for land at Little Broughton (PINs ref APP/G0908/W/17/3183948) which specifically addressed the weighting afforded to development plan policies in the context of paragraphs 215 and 14 of the former NPPF. In brief, as a result of this appeal decision, it is accepted that development needs to come forward beyond settlement limits during this mid-term of the Local Plan's period to meet the trajectories detailed in Appendix 3 of the Plan. This is because, by this time, significant delivery was assumed to be derived from Part 2 allocations. This has not been the case, hence windfalls beyond settlement limits are necessary, there not being land inside the limits to come forward as windfalls to meet the trajectories. As such policies S3 and S5 are out of date in relation to the settlement limits and are only afforded limited weight and paragraph 11 of the NPPF is engaged.
- 10.5 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. Other relevant policies within Part 1 are afforded full weight.
- 10.6 Weight can also be afforded to emerging plans as a material consideration, that weight dependent on the stage of preparation, the extent of unresolved objections and consistency with the provisions of the NPPF 2019. The Inspector's Report for Part 2 of the Local Plan has now been received with the Inspector finding the modified plan sound. As such, significant weight can be afforded to the Plan as a material consideration.
- 10.7 Whilst Part 2 is afforded significant weight, there is still the need to deliver the Part 1 Local Plan's housing supply trajectory. As Part 1 is part of the development plan and takes primacy and the trajectories are afforded full weight, the overall balance is still firmly tilted to supporting sustainable housing to deliver the planned growth given that such development cannot be delivered within the development plan settlement limits derived from the 1999 Plan (sustainability measured against the provisions of the other development plan policies and the NPPF). This balance is set by paragraph 11 of the NPPF and the overall presumption in favour of sustainable development.
- 10.8 It is advised that the balance will change when Part 2 is adopted and assumes primacy alongside Part 1 of the Local Plan
- 10.9 With regards to other Part 2 policies, it is noted that the development falls below the modified policy SA5 threshold for the provision of optional Building Regulations pertaining to access (Part M4(2) and M4(3)).

11.0 Assessment

Principle

- 11.1 The site is within the settlement boundary for Workington and is allocated as a housing allocation under WKHS1 of the Allerdale Local Plan 1999 and under Allerdale Local Plan Part 1 adopted July 2019.
- 11.2 This full application for 12 dwellings forms an extended developable area of the outline planning approval 2/2014/0857 and is associated with the pending reserved matters application RMA/2019/0002 for 255 dwellings for the Ashfield Road development (which relates to scale, layout, appearance and landscaping). These 12 units are in excess of the 255 units for phase 2 that were originally anticipated on this part of the site by the outline permission and the principle must be considered.
- 11.3 The site is within the settlement limits as defined in both the development plan and emerging local plan but members are referred to the Weighting section of this report for an explanation as to why these limits are not afforded overriding weight.
- 11.4 Given the sustainability of the site location, this is a site that could be permitted when applying the tilted balance if there are not demonstrable and significant impacts that outweigh the benefits of providing these dwellings. In applying this balance, officers acknowledge the significant benefits towards maintaining housing supply derived from 12 dwellings and the fact that location is surrounded by the phase 2 site. In the officer's opinion the sustainability of the location cannot be questioned.

Relationship with the reserved matters application

- 11.5 It is apparent that the applicant intends to develop these 12 dwellings and those applied for under the reserved matters application as one homogenous development. If this approach is not adopted then the development of this application site independently is problematic. In this regard, if the resolution by members for the reserved matters (considered as the previous item on this agenda) is not approval, officers will possibly provide updated verbal advice and a new recommendation with regards to this matter. Furthermore, it is considered necessary and reasonable to agree how this site is developed as part of the wider development within the applicant's control and a condition is recommended to secure the phasing of the delivery of these dwellings.

Affordable housing

- 11.6 The legal agreement for the outline permission secured a 15% provision for affordable housing out of the 290 units. The separate Mandale Phase 1 development for the first 35 units of the reserved matters did not include any affordable housing. There are no affordable homes proposed as part of this 12 unit application but provision has been made in the reserved matters application of 255 units to allow for 46 units which is 15% of the overall 302 units being

developed (290 + 12). This is reasonable as otherwise, taken in isolation, the need for on-site provision for these 12 dwellings would be 1 unit. Small clusters distributed around phase 2 is a better solution for a balanced and mixed community.

Design, layout, character and visual amenity

- 11.7 Good design relates not only to the appearance of a development but how it functions within the location and how it contributes to sustainable development. As with the reserved matters, the dwellings are simply detailed with brick elevations and artstone window cills in key frontage locations. Front doors and garage doors are in GRP and will be coloured. Window frames and fascia boards are in white and gutters, rainwater pipes and soil stacks are in black PVCu. This is not vernacular detailing but the surrounding character is of late twentieth century and early twenty-first century suburbia, none of which pays any reference to West Cumbrian historic forms and design. Indeed, to introduce such traditional forms and design references onto this site would be discordant and inappropriate.
- 11.8 All of the new houses will be provided with gardens to the front and the rear. These are generally quite generous in size and some are irregularly shaped with slight terracing to compensate for the levels on site. These gardens will be grassed in preparation for landscaping by their owners, with front gardens providing a small amount of shrub planting and key location / corner plots receiving larger treatments and tree planting. Overall there is a legible and appropriate amount of public, semi-private and private amenity space, albeit the site relies on off-site areas of usable public space within phase 2 to meet policy requirements.

Highways and Parking

- 11.9 As already detailed in this report, the site is within a sustainable location within walking distance of a number of services and facilities. Nevertheless, it is inevitable that there will be vehicular movements generated by the proposal. Members will have noted that concerns have been expressed by residents about the impact of traffic on local roads. At the time of writing, the County Council have not issued their final comments. Nevertheless, it is opined that these 12 dwellings will not have a significant additional impact over and above the 290 already granted. The impact is not likely to be severe which is the test set out in the NPPF.
- 11.10 The development provides for an acceptable level of off road car parking in accordance with the County's standard. It does rely on access via a spine road shared with the reserved matters proposal. Technical highway details can be secured by planning condition as the land to the existing adopted highway (Ashfield Road) including that necessary for visibility splays, is within the applicant's control.
- 11.11 The scheme is deemed to accord with policies S2, S4 and DM4 of the Local Plan Part 1.

Flood Risk and Drainage

- 11.12 The site is within Flood Zone 1 which is the zone at least probability of flooding and sequentially the preferred location for more vulnerable uses such as the dwelling proposed.
- 11.13 Since the original outline's Flood Risk Assessment (FRA) document was written the overall development site has been split into two distinct phases and is being built out as separate developments. It is noted Workington Town Council have expressed concern regarding the drainage strategy. The original proposal indicated that Phase 1 would drain through Phase 2. However, due to build out timing, phase 1 has since sought alternative surface water outfalls. As such, Phase 1 will not form part of the Phase 2 drainage network. Phase 2, as addressed under RMA/2019/0002, comprises the western part of the site with an area of approximately 9.74 hectares, and the surface water drainage strategy considers a total of 267 nos. plots and associated highways & drainage infrastructure (that is 255 units for phase 2 and the 12 units as part of this full application).
- 11.14 It is proposed to discharge 5 l/s surface water into an existing diverted water course which runs east to west through the northern part of the site, and 6 l/s discharged direct to the ordinary watercourse (Eller Beck). Outfall locations are shown within the Proposed Drainage Strategy. The Eller Beck discharge is controlled by an open swale and downstream brake which are included in the revised reserved matters layout details for the 255 dwellings. The above split of discharges reflects the requirements of the Outline Planning Permission's condition 25, which states that the maximum allowable discharge rate from the impermeable areas of the development site shall be restricted to the pre-development greenfield runoff rate (Q_{bar}) of 7 litres per second per ha. This means that runoff from the site will never exceed the annual anticipated peak from the undeveloped site.
- 11.15 The drainage for the proposed development is designed in accordance with current best practice to provide adequate capacity not to flood for a 1 in 30 year storm event and flood water generated from a 1 in 100 year plus climate change storm event will be contained within areas on site so as not to cause damage to buildings, essential services or adjoining developments and services. The scheme is considered to accord with Policy S29 Flood Risk and Surface Water Drainage.

Trees and landscape

- 11.16 As part of the wider development for phase 2 an amended tree survey was undertaken. The survey area consists of a series of recent plantations all of which appear to be less than 30 years old. Some of the plantations are of a significant size such as G1 and some appear off site such as G2/3 but which overhang the area under consideration. With regard to the development site for these 12 dwellings, an area of trees known as G8 will experience some loss as a result of this development, including Sycamore, Alder, Ash, Willow, Mountain

Ash, Pine, Lime, Norway maple, Hazel and Cherry. This is a plantation of mixed species growing in a contained group. All the trees are relatively recently planted and unmanaged. Their loss is not considered to be significant and compensatory planting is proposed. Indeed, the removal of trees and their replacement with suitably sustainable species provides an opportunity to ensure further longer term visual amenity is added to the immediate and wider landscape and this can be secured by planning condition. The tree report sets out that replacement planting is to be reinforced by using Fastigate forms of trees. Fastigate forms can reach 10-30m and with only small canopy spreads of 2-4m allowing some green component in even the tightest urban situation.

- 11.17 On balance the proposal is considered to accord with policy DM17 of the Local Plan.

Ecology

- 11.18 An additional bat roost assessment has been received in addition to the ecology reports provided in 2/2014/0857. The purpose of this report was to establish the potential of the trees to offer shelter and / or roost facilities to protected species. No field signs (animals, droppings, feeding remains, urine or fur staining, audible squeaking) were found to be present and no habitat was found that is considered to be suitable for bat roosting or shelter. In summary the trees have been assessed as having negligible ecological value to roosting bats.
- 11.19 Although no nesting birds (or abandoned nests) were found, a precautionary breeding bird survey shall be required in the active breeding bird season (March to October) to check for breeding birds prior to commencement. Mitigation with regard to protected species can be secured by planning condition.
- 11.20 The scheme is deemed to accord with Allerdale Local Plan Part 1 Policy S35 – Protecting and Enhancing Biodiversity and Geodiversity which seeks to protect and enhance key ecological habitats and wildlife corridors and protects important trees.

Contamination and Coal mining

- 11.21 There are no mineshaft locations within the red edge boundary of this application. Matters relating to contamination can be dealt with by planning conditions.

Archaeology and heritage

- 11.22 An archaeological condition was applied to the outline approval 2/2014/0857 that requires further investigation of the site as the development progresses. It is considered this condition is relevant to this full application.

Broadband

- 11.23 Modified policy SA33 of the Part 2 Local Plan advises that proposals for commercial development and for new residential development of 2 or more

dwellings must demonstrate how they have liaised with broadband infrastructure providers, who will install the necessary broadband infrastructure during the construction process in order to achieve superfast (as defined by Government standards) fibre broadband connectivity. The policy is now afforded significant weight as a material consideration after being found sound by the Local Plan Inspector. It is not considered that this policy is particularly onerous and would not involve the provision of, say fibre optic cable, by the developer themselves. In this regard, it is fully acknowledged that such a requirement would prejudice the viability and, therefore, the deliverability of the development. At this stage officers ask members to delegate the ability to attach a condition to meet the policy, with such a condition meeting the test of reasonableness.

Enhanced Part M Building Regulations

- 11.24 As members will be aware, the planning system cannot be used to secure requirements covered by other non-planning legislation. However, Part M of the Building Regulations contains a clause which permits enhanced standards for access into and around a dwelling to be secured at the Building Control stage if it is required by a planning condition. These enhanced requirements are set out in parts M4(2) and M4(3).
- 11.25 Policy SA5 of the Part 2 Local Plan is now afforded significant weight. It requires, for developments of 10 units or more, 20% of the dwellings to be designed and constructed to meet the requirements set out in M4(2) (or any national equivalent standard should these regulations be subsequently reviewed). This equates to 2 dwellings in this instance. This may require a minor tweak to the internal layout of two dwellings and members are advised that this can be covered by a condition of the approval. Members are asked to delegate the ability to impose this additional condition to officers.

Local Financial Considerations

- 11.26 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 This scheme seeks an additional 12 dwellings to an outline housing development that was approved for up to 290 dwellings 2/2014/0857. Significant benefit is afforded to the provision of these extra dwellings. The scheme has satisfactorily addressed matters relating to impacts on the highway, parking, drainage, and amenity. The adverse impacts are, subject to conditions, not significant or demonstrable.

RECOMMENDATION

That members delegate final approval and the ability to add additional conditions relating to drainage and internal highways layout, broadband and enhanced accessibility (internal layouts) to the Planning and Building Control Manager subject to the receipt of favourable comments from the County Highways Authority in relation to the drainage and internal highways layout matters.

Annex 1

CONDITIONS

Time Limit:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In Accordance:

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

888 Design and Access statement- 12 UNITS
1888 Amendment Letter 3.10.19
1888-003B Demolition Plan 3.10.19
28875-201 Zoning Plan Layout 3.10.19
28875-615 - P10 Proposed External 3.10.19
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28875-6020 -P4-PROPOSED DRAINAGE STRATEGY
28875_FRA Addendum Report
28875_FRA Addendum_Appendix A
28875_FRA Addendum_Appendix B
Preliminary Ecological Assessment - LE12021002
Extended Phase 1 Habitat Survey - PEAAshfieldRdV1

Amended Arboricultural Impact Assessment 10.9.2019
Amended Tree Survey and Constraints Report 10.9.2019
Amended Bat Roost Assessment Preliminary Root Feature Inspection in Trees dated 30.8.19
Desk Study Report - Phase 1 - LE12021-001
Desk Study - Mining Report - 58553068_1
Desk Study - Geological Mining Setting - LE12021-003
Archaeological Assessment - CS. NO00028

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.

Pre-commencement conditions:

- 3. The carriageway, footways and footpaths shall be designed, 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 any part of the development hereby permitted is commenced. 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 completed.**

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

- 4. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to through the construction period. The Plan shall include the following:**

a) Traffic Management Plan to include:

- i. All traffic associated with the development, including site and staff traffic.**
- ii. The means of access for construction traffic.**
- iii. The loading and unloading of plant and materials.**
- iv. The storage of plant and materials used in constructing the development**
- v. Wheel washing facilities**

b) Procedure to monitor and mitigate noise and vibration from the construction 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) Mitigation measures to ensure that no harm is caused to protected species during construction.**
- e) A written procedure for dealing with complaints regarding the construction or demolition.**
- f) Measures to control the emissions of dust and dirt during construction.**
- g) Programme of work for the Construction phase.**
- h) Hours of working and deliveries.**
- i) Details of lighting to be used on site.**

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

Reason: In the interests of the amenity of the occupiers of neighbouring properties and to secure appropriate mitigation of ecology interests on the site, in compliance with Policies S32 and S35 of the Allerdale Local Plan (Part 1) Adopted July 2014.

- 5. Prior to the commencement of development, a plan shall be submitted for the prior approval by the Local Planning Authority reserving adequate land for site offices/stores, secure compounds, including adequate land for the parking/turning of vehicles/plant, engaged in the construction operations associated with the development hereby approved. Such land, including the vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.**

Reason: To minimise inconvenience and danger to road users, in compliance with Policies S2, S5, S22 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 6. 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 shall include the following components :**

- a) An archaeological evaluation;**
- b) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;**

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.

- 7. Prior to commencement of development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.**

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014

- 8. No development approved by this permission shall commence until all necessary site investigation works within the site boundary are carried out, as identified in the Interim Geo-Environmental Report (WYG, November 2014 & Phase 1 Desk Study Report, Wardell Armstrong, November 2014), to confirm the need for remedial works to treat the mine entries and areas of shallow mine workings and to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health.**

Reason: To ensure the safety and stability of the proposed development and 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.

- 9. No development shall commence until details of the phasing of the delivery of the dwellings hereby approved in the context of the wider development approved by planning permission 2/2014/0857 have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with these approved details.**

Reason: To ensure a timely delivery of the development within the wider housing area approved in the interests of visual amenity and to accord with policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 10. No development shall commence until detailed designs have been submitted to and approved in writing by the local planning authority of the highway connection from the development to the existing adopted highway (Ashfield Road South). The details shall include what surface stage the connection will be completed to prior to the occupation of any of the dwellings approved as well as the visibility splays for the junction onto Ashfield Road South and at the access to the development. The development shall be completed in accordance with these approved details.**

Reason: In the interests of highway safety and to accord policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Post-commencement/Pre use commencing conditions:

- 11. The approved boundary treatments as shown in drawings: 1888-501 Rev A - Ashfield Road - Close Boarded Timber Fence Detail; 1888-502 Rev A - Ashfield Road - Masonry Wall Detail Type; 11888-503 Rev A- Ashfield Road - Masonry Wall Detail Type; 21888-012.1 Rev C- Ashfield Road- Proposed External Works Layout - 12 UNITS shall be completed before the buildings they enclose are first occupied. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 12. Prior to occupation, the landscaping scheme shall be carried out in accordance with drawing 1888-011.1 Rev C- Ashfield Road- Proposed Landscape Layout - 12 UNITS. All planting, seeding or turfing comprised within the 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, in compliance with the National Planning Policy Framework and Policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 14. No dwelling shall be occupied until any parking spaces, garages and turning areas associated with them have been provided in accordance with the approved details as shown on drawing 1888.010.1 Rev B Proposed Site Layout - 12 units. The parking and turning areas provided shall not be used for any purpose other than the parking and turning of vehicles.**

Reason: To ensure that proper access and parking provision is made and retained for use in relation to the development, in compliance with the National Planning Policy Framework and Policy S22 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Other

- 15. Should land affected by mine working and / or contamination be identified under the site investigation works under condition 8 be found 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 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.

16. Should a remediation scheme be required under condition 15, 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 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.

17. 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.

18. The development shall be implemented in accordance with the mitigation measures outlined in the preliminary Ecological Appraisal (Wardell Armstrong – August 2014) and Amended Bat Roost Assessment 10.9.2019.

Reason: To safeguard the habitat of wildlife in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1) Adopted July 2014.

19. Only foul drainage shall be connected to the public sewer.

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Advisory Note

Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>





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