

**Allerdale Borough Council**

**Planning Application FUL/2019/0246**

**Development Panel Report**

**Reference Number:** FUL/2019/0246  
**Valid Date:** 09/09/2019  
**Location:** Bramble Lane Cottage, Blencogo, Wigton CA7 0BZ  
**Applicant:** Mr Gordon Stalker  
**Proposal:** Resubmission of FUL/2019/0092 for the erection of two detached dwellings

**RECOMMENDATION**

**That members delegate approval and the ability to add an additional condition relating to broadband to the Planning and Building Control Manager.**

**1.0 Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
<b>Principle of Development</b>	The scale of the development is considered commensurate to the size and role of Blencogo as a Limited Growth Village. The site is directly adjacent to the built envelope and within walking distance of the facilities Blencogo offers e.g. the Village Hall.
<b>Landscape and Character</b>	Blencogo is linear in form and characterised by frontage development of housing predominantly on an east-west axis with some agrarian development behind this frontage. The development extends this linear form beyond the existing built envelope but not markedly so. Natural landscaping on the eastern boundary will ensure assimilation and that there is not an unacceptable intrusion into the countryside either in overall landscape impact terms and the impact from sensitive receptors such as the public right of way connecting to Waverbridge to the east.
<b>Highway safety</b>	On balance the proposed details are considered acceptable.

## **2.0 Proposal**

- 2.1 The application seeks full planning permission for 2 dwellings. The proposal involves the demolition of an existing outbuilding within the applicant's garden which is currently used for garaging as well as domestic storage.
- 2.2 Each dwelling is L-shaped in plan, two storeys in height and featuring attached garaging. The westernmost of the two would be attached to a new garage for the applicant's existing house, the garage doors facing west towards this dwelling.
- 2.3 Natural landscaping is proposed to the eastern boundary.
- 2.4 Vehicular and pedestrian access is proposed via an existing unmade track which connects to the adopted highway at the corner adjacent to the Village Hall.
- 2.5 The Plans for consideration are:-
- R.01 Plot 1
  - R.02 Plot 2
  - R.03 Site Plan
  - R.03a A2 Site Plan
  - R.04a A2 Location Plan

## **3.0 Site**

- 3.1 The site is at the eastern edge of Blencogo village. It is accessed off an unmade, unadopted track which is also public footpath 217002. It is rectangular in shape and extends to 1,283m<sup>2</sup>. Approximately 60% of this area (the western portion) is within the applicant's garden and is part occupied by an outbuilding/garage. The remaining 40% is part of a paddock owned by the applicant characterised by improved grassland and extending a further 95m eastwards from the site.
- 3.2 To the west is the applicant's single storey dwelling, converted from a red sandstone faced barn. To the south and southeast the land falls away gradually towards the River Waver and there are fields used for grazing and far reaching views afforded to the Lake District fells. To the north is the aforementioned unmade track and then further fields with the land rising gradually.

## **4.0 Relevant Planning History**

- 4.1 FUL/2019/0092 - Erection of four detached two storey dwellings. The application was refused on the 16<sup>th</sup> August 2019 for the following reason:-

"The proposal, by reason of its layout and scale, would relate poorly to the built form and character of the village of Blencogo and would form an intrusive and

incongruous extension into the surrounding open and rural landscape. As such, the proposal would have a significant adverse impact on the landscape and visual amenities of the locality, contrary to policies S1, S2, S4, S32 and S33 of the Allerdale Local Plan Part 1, 2014 and advice contained within the National Planning Policy Framework.”

- 4.2 It is noted that this application was for 4 dwellings rather than the 2 proposed now and projected a further 95m eastwards.

## **5.0 Representations**

### **Parish Council**

- 5.1 Bromfield Parish Council do not object to this application in principle, but do have the same, following concerns as per previous application No. FUL/2019/0092.
- a) Will these additional houses cause an added strain on the utilities, in particular the sewerage system which already has problems?
  - b) The track is currently used as access to land; will this be suitably constructed/adopted by highways?
  - c) The track is currently used as access to land; will this be suitably constructed/adopted by highways?
  - d) There is the question of ownership of the land between the Village Hall and the Play area and access to these areas on the application is vague.

### **ABC Environmental Health**

- 5.2 Recommends that, due to the presence of infilled land onsite, the standard contaminated land conditions are attached to any approval.

### **Cumbria County Highways / LLFA**

- 5.3 The proposed dwellings will be on an un-adopted lane. However, public footpath 217002 will be abutting them. We refer to comments made by the Countryside Access team stating that the applicant will have to contact the relevant officer to organise a closure should this footpath be altered or obstructed in any way throughout the development process.
- 5.4 From a highway point of view, the Highway Authority and Lead Local Flood Authority have no objections to this proposal. However, Allerdale BC may wish to consider securing some improvement works to the private lane for easier access and egress to the dwellings. As Allerdale BC are aware, the rule of thumb is that, where a track gives access to more than 5 dwellings, then the track should be brought up to adoptable standards or the applicant should prove that the usage of the track will not pose an unacceptable hazard to existing users. It is CCC's view that this level of 5 dwellings has been reached.
- 5.5 The Authority also recommend conditions in relation to surface water drainage and the formation of visibility splays at the point of access.

## **Cumbria County Council Public Rights of Way**

- 5.6 The access track to the proposed development is also a public footpath (217002). The footpath must not be altered or obstructed before or after the development has been completed. If the footpath is to be temporarily obstructed then a formal temporary closure will be required; there is a 14 week lead in time for this process. The developer will need to ensure there is a private vehicular right of access to the proposed properties.

## **United Utilities**

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

## **Other representations**

- 5.8 The application has been advertised by press advert, site notice and neighbour letter. No representations have been received to date.

## **6.0 Environmental Impact Assessment**

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

## **7.0 Development Plan Policies**

### **Allerdale Local Plan 1999**

- 7.1 The site is outside of the saved settlement limits.

- 7.2 The following policies apply:-

Policy S1 - Presumption in favour of sustainable development

Policy S2 - Sustainable development principles

Policy S3 – Spatial strategy and growth

Policy S4 - Design principles

Policy S5 – Development principles

Policy S6f - Aspatria

Policy S7 - A Mixed and balanced Housing Market

Policy S29 – Flood Risk and Surface Water Drainage

Policy S32 - Safeguarding amenity

Policy S33 – Landscape

Policy S35 – Protecting and Enhancing Biodiversity and Geodiversity

Policy DM14 Standards of Good Design

## **8.0 Other material considerations**

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

8.1 The site is outside of the settlement limit for Blencogo.

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

8.2 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).

8.3 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**

8.4 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.

8.5 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.

## **9.0 Policy weighting**

9.1 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.

9.2 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).

- 9.3 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).
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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.

- 9.8 It is advised that the balance will change when Part 2 is adopted and assumes primacy alongside Part 1 of the Local Plan
- 9.9 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)). However, policy SA3 triggers are reached and afforded significant weight.

## **10.0 Assessment**

### **Principle of development**

- 10.1 Policy S3 of the Allerdale Local Plan (Part 1) sets out the framework for development across the area. In order to achieve sustainable growth it seeks to direct the majority of new growth to Workington, as the principal centre, together with other key and local service centres. Beyond this a limited amount of growth is expected to take place in a number of identified villages.
- 10.2 Blencogo is identified as a Limited Growth Villages in the settlement hierarchy. These villages are, together with Infill/Rounding Off Villages, expected to account for 6% of the overall growth during the Local Plan period (2011-2029). Policy S3 expects this growth to be inside settlements in Limited Growth Villages and commensurate in scale to the size of the village and the services that it offers.
- 10.3 It is acknowledged that Blencogo has limited services and facilities. There have been 11 dwellings granted since the start of the plan period; 7 at the western end of the village on the road to Bromfield, 2 to the east of the Village Hall, 1 adjoining the former New Inn and 1 to the rear of the main street on the north side of the village. There is also an outstanding planning application for 5 dwellings towards the south-western edge of the village. Granting the 2 dwellings under consideration here would result in 13 new dwellings since 2011 with a possible further 5 under consideration.
- 10.4 This is a balanced consideration. There are currently 75 dwellings in Blencogo.<sup>1</sup> This includes 8 of the 11 dwellings granted since 2011. Therefore, at the start of the Plan period there were 67 dwellings. 13 dwellings amounts to 19% growth at the halfway point of the Plan period, far more than the 6% growth envisaged for the period overall. However, there are a number of important points to consider here:-
- a) There is a need for housing to maintain the overall trajectories in Appendix 3 of the Local Plan Part 1.

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<sup>1</sup> Registered for Council Tax 23<sup>rd</sup> Jan 2020

- b) There is a presumption in favour of sustainable development and this includes housing outside of the 1999 settlement limits which are out of date and afforded little weight at this time.
- c) No consultees, except for the Parish Council have raised concerns with regard to the village infrastructure's ability to cope with further development. The Parish Council's assertions in relation to utilities are not supported by evidence. The utilities providers have raised no objections.
- d) The site is outside of the Part 2 settlement limit and it is accepted that this is now afforded significant weight, but this is outweighed by the need to deliver the housing in sustainable locations to meet the development trajectories as explained in points a) and b) above and the "Weighting" section of this report. Indeed, the tilted balance of the NPPF still applies.
- e) Housing growth is needed to sustain the village services and facilities. The village has lost its public house, The New Inn, but retains its Village Hall and the twice weekly 39 bus service to Wigton and Carlisle operated by Ellenvale Coaches.
- f) The majority of the site occupies land that is not greenfield and this is one of the closest sites to the facilities that the village retains e.g. the Village Hall and bus stops.

10.5 As such, subject to other site specific considerations, the principle of the development is considered acceptable.

### **Housing mix and balanced housing market**

10.6 Policy S7 of the Local Plan seeks to ensure that developments make a positive contribution to the overall housing mix.

10.7 Both of the proposed dwellings are two storey 4-bed types to be offered on the open market. The proposal is below the threshold for affordable housing cited in policy S8 so this is not a policy consideration.

10.8 In terms of mix, it is noted that the existing dwellings on the south side of the main street are predominantly characterised by bungalows. There is also a pair of red sandstone cottages with gabled dormers serving first floor accommodation as well as a smaller percentage of two storey houses. The older dwellings are mainly two storey in height. In this context, it is noted that the introduction of the two dwellings proposed would, to some extent, redress the balance back towards the historical bias of two storey dwellings. It would also provide family homes. As such the proposal is considered to accord with policy S7.

### **Design, visual amenity and landscape character**

10.9 Policy S4 of the Local Plan advises that high quality design is a key objective. It reminds us that good design relates not only to the appearance of a development but to how it functions within its location.

10.10 Policy S5 provides a series of criteria including that the site should not have significant amenity value and that development should be resisted if the site

makes a significant contribution to the character of the settlement in its undeveloped state. Indeed, criterion a) of the policy states that development should be of a scale and design that does not detract from the character of the settlement. Policy S33 also provides a series of criteria against which to assess the impact on landscape character.

- 10.11 It is recalled that the previous application was considered to relate poorly to the built form and character of Blencogo and formed an intrusive and incongruous extension into the surrounding open and rural landscape. This stance has not changed. The built form of the village does have a linear form on an east-west alignment, but it is clear where that envelope is contained at either end of the village. Specifically, with some villages the ratio of built frontage to open gaps changes as one approaches the village edge; the transition being gradual. However, in Blencogo there is a continuous line of development that extends from the western edge of the settlement all the way across to the application site at the eastern edge. The refused scheme therefore would have projected incongruously a further 100m into open countryside beyond the existing contained village. The landscape harm arising would have been particularly marked due to the existence of sensitive receptors affording views of the landscape within which that application site sat. This not only included the Public Right of Way abutting the northern boundary but the more distant receptors on public highways (including the A596) to the southwest of the River Waver.
- 10.12 The current application is materially different in a number of respects. It is much smaller in area and, unlike the refused scheme, utilises the applicant's existing garden for the majority of the site. It also includes the demolition of an existing outbuilding which is rather challenging in its architectural style to the existing landscape and village character; its removal from the streetscene is a welcome inclusion within the scheme and a benefit afforded weight in the overall balance.
- 10.13 The use of the applicant's garden means that the projection eastwards beyond the existing envelope of the village is a comparatively modest 17m. Given that the length of the village on this axis is approximately 830m, this distance is not considered to be significant and, visually and in landscape character terms, the development would still appear as part of the existing village envelope and not constitute a projection into the countryside of any significance. Indeed, with the removal of the existing building it is considered that the proposal offers an enhancement to the village edge and negligible landscape harm. It will assimilate into the village streetscape and read as part of the defined built settlement within the wider open landscape when viewed from receptors such as the A596.
- 10.14 The enhancement is derived from the design and specification of the two dwellings. It is noted that traditional gabled forms are proposed, the overall mass disaggregated by the use of L-shaped footprints. The positioning of the two buildings enclosing an area on three sides references traditional agrarian layouts. Although two detached buildings, they are sufficiently close to read, in silhouette, as a single range not dissimilar to a threshing barn, with the lower garage projections referencing cartsheds flanking a crewyard. The agrarian references extend to some of the elevations; there are full height openings with a similar profile to barn doors. There are also some features redolent of nineteenth

century farmhouses; windows have the same dimensions and glazing bar positions as traditional two-over-two vertical sliding sashes. A mix of stone and render is also proposed. This specification and design ensures assimilation and accordance with policies S4 and S5. However, it is considered necessary to control the exact materials proposed; the application form prescribes “stone and render” and more precision is required. Red sandstone prevails in the area and so this would be preferred. Likewise with the window frames, timber would be preferred but plastic could be acceptable if the windows were sashes rather than casements and the application of the glazing bars was sensitively implemented.

- 10.15 The accordance with policy S33 is dependent on the provision of the proposed hedgerow adjoining the eastern boundary of the site and its subsequent management and retention. This can be the subject of a condition. Permitting the development without this hedge would result in a hard edge to the new settlement boundary which is considered inappropriate to the visibility of this edge from the Public Right of Way in winter. The same reasoning justifies the retention of the hedge to the northern boundary of plot 2 except for the removal of approximately 3m to allow for the new vehicular and pedestrian access to be formed.
- 10.16 Finally due to the sensitive edge of settlement location and visibility from the aforementioned publicly accessible receptors and the need to maintain the quality of the proposal throughout the lifetime of the development, it is necessary to withdraw permitted development rights for means of enclosure for the southern and eastern boundaries as well as for incidental outbuildings, material alterations and extensions. This can be secured by condition.

### **Highway safety and Public Right of Way**

- 10.17 The means of access into the site is via unmade road. The Parish Council have questioned its suitability to serve the two dwellings proposed. The County Highways Authority have also alerted officers to the “rule of thumb” that, for 5 dwellings or more, the adoption of the highway should be considered. There are currently 3 dwellings served by the track, the applicant’s and two further houses between theirs and the Village Hall. The rule of thumb trigger has therefore been reached. However, although the applicant has right of access he has no control over the track i.e. no ability to upgrade it to an adoptable standard.
- 10.18 The track is clearly of the width to accommodate the vehicular access required for the two dwellings and to permit safe passage of pedestrians along the public footpath without being endangered by moving vehicles. It also enables farm traffic accessing land to the east to safely pass residential traffic. Furthermore, the track is straight with excellent visibility for traffic exiting the proposed plots, along the track itself and at the junction with the adopted highway. The main issue is, therefore, the surface which is substantially below standard for adoption.
- 11.19 This is a fine balanced matter. It is the officer’s opinion that, given that the only substandard element is the surface and the development is very modest, the impact of the additional two dwellings will be negligible especially as a proportion of existing vehicular traffic generated by visitors to the Village Hall.

### **Effect on privacy and residential amenity of adjacent properties**

- 10.20 Policies S2, S4, S32 and DM14 seek to ensure that new development secures a satisfactory standard of amenity for existing and future residents.
- 10.21 The only dwelling that could be affected by the proposal in terms of overlooking or overshadowing would be the applicant's own dwelling. The easternmost of the two proposed houses is separated from this existing dwelling by the other plot. Amenity impact arising from this easternmost dwelling is therefore not an issue.
- 10.22 With regards to plot 1, the westernmost of the two proposed dwellings, it is noted that the plans carefully site this footprint over 4m away from the boundary with the retained garden of the applicant's dwelling. The latter also retains an unobstructed south and southwesterly outlook from its rear elevation and private rear garden. Furthermore, the proposed elevation facing this existing dwelling is clearly secondary in nature with only very oblique angled views afforded from the main habitable windows on the rear elevation into the applicant's private amenity space. No views would be possible into the applicant's house.
- 10.23 The plot ratios i.e. the proportion of each plot occupied by the footprint of the dwellings, are considered acceptable. Both of these family homes have an appropriate degree of private outdoor amenity space in addition to that to be used for the parking and manoeuvring of cars. There is scope for some degree of overlooking from first floor windows to and from each of the proposed dwellings but this is not direct. Furthermore, the weight afforded to this consideration, given these are both proposed dwellings, is not such that the matter would warrant the refusal of permission.
- 10.24 There is the potential for some noise and disturbance to neighbouring properties during the construction phase of the development as well as dust arising from construction vehicles accessing the site along the unmade track. The dust is not considered to be an issue material to the determination of this application or, indeed, a matter that requires mitigation. This is a modest scheme of just 2 dwellings. Other dwellings beyond the Village Hall are not considered to be affected. Hours of construction are considered to be an appropriate safeguard of amenity, including no working on Sundays and Bank/Public Holidays.

### **Drainage and Flooding**

- 10.25 Policy S2 and S29 of the Local Plan seek to minimise the risk to people and property as a result of flooding and ensure that development would not increase the risk of flooding elsewhere. Similarly, paragraph 155 of the NPPF directs development away from areas of highest risk through the implementation of the sequential test. Where development is necessary, a Flood Risk Assessment is required to ensure that the development is safe, without increasing flood risk elsewhere.

- 10.26 The application site within Flood Zone 1 on the Environment Agency Flood Risk maps. Planning Practise Guidance (PPG) classifies residential development as a 'more vulnerable' use and sequentially land in flood zone 1 should be developed first. The development is therefore at a low risk of flooding and the site passes the sequential test. Given that the development is entirely in flood zone 1 and the site is below the site size thresholds required for a FRA, this document has not been submitted.
- 10.27 Policy S29 also states that developers should separate surface water from foul drainage to remove pressure on foul drainage system and that all new developments seek to incorporate Sustainable Drainage Systems (SuDS) in preference to discharge to local watercourses or the main sewer. The application form and supporting statement both confirm that foul sewage will be discharged to the mains sewer. They also state that sustainable drainage techniques will be used to drain the land. The applicant has adjoining farmland in their control to facilitate this but it is necessary for further details to be provided prior to development commencing. This can be secured by condition.

### **Ecological Impact**

- 10.28 Policies S2 and S35 seek to promote sustainable development whilst protecting and enhancing biodiversity within the Plan area.
- 10.29 The site is within domestic curtilage and species poor improved grassland. The short section of hedge to be removed is species poor and amounting to just 3m in length. The existing building on site is of a construction that does not provide potential habitat for protected species.

### **Land contamination**

- 10.30 Policies S2, S30 and S36 of the Allerdale Local Plan seeks to ensure that proposals to develop land that is potentially contaminated and/or unstable are subject to appropriate assessment and, where necessary, remediation works. The protection of water and soil quality from pollution and contamination is also a key policy objective.
- 10.31 The Council's Environmental Protection team have assessed the proposal and raise no objections to the proposed development subject to the imposition of pre-commencement conditions due to the existence of historic landfill. The potential for contaminants that cannot be mitigated is such that this matter can be addressed by conditions and it would be unreasonable to withhold the determination of the application. On this basis, officers consider that the proposed development complies with the requirements of Policies S2, S35 and S36.

### **Broadband**

- 10.32 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.

### **Local financial considerations**

10.33 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.

### **11.0 Conclusions**

11.1 Having regard to the relevant policies of the Local Plan Part 1, and advice contained within the NPPF, the proposal is considered to be acceptable. The benefits of the development outweigh the impacts which are neither significant nor demonstrable.

### **RECOMMENDATION**

**That members delegate approval and the ability to add an additional condition relating to broadband to the Planning and Building Control Manager.**

## **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:**

**R.01 Plot 1  
R.02 Plot 2  
R.03 Site Plan  
R.03a A2 Site Plan  
R.04a A2 Location Plan**

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**

- 3. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:**
  - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;**
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and**
  - (iii) A timetable for its implementation.**

**The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.**

**The approved scheme shall be fully implemented prior to the occupation of any of the dwellinghouses hereby approved.**

Reason : A sustainable drainage system has been specified in the application and can be achieved in principle but no details have been provided. Sustainable proper drainage is required to manage the risk of flooding and pollution and to accord with the principles of sustainability in compliance with the National Planning Policy Framework and Policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 4. No development approved by this permission shall commence until a desktop study has been submitted to and approved by the Local Planning Authority. Should the preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all necessary site investigation works within the site boundary must be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.**

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

- 5. Should land affected by contamination be identified under the desktop study condition 4 following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

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

#### **During development and prior to occupation**

- 6. Should a remediation scheme be required under condition 5, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**

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

7. **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.

8. **No dwelling shall be occupied until the approved access, parking and manoeuvring facilities for that dwelling shown on drawing a R.03a A2 Site Plan are fully constructed. These approved facilities shall be retained for the lifetime of the development.**

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.

9. **No development above the ground floor finished floor level of either dwelling shall commence until the external facing materials for that dwelling above that level have been submitted to and approved in writing by the local planning authority. The dwellings shall be constructed using the approved facing materials. For the avoidance of doubt the materials subject to approval are the facing stone, mortar, external cills and lintels, external doors, external door frames, external window frames, rainwater goods and roof covering.**

Reason: To ensure that the appearance of the dwellings is appropriate in this edge of settlement location adjoining a sensitive visual receptor to accord with policy S33 of the Allerdale Local Plan 2014 Part 1 and due to the lack of detail about external materials within the application submission.

10. **Before first occupation of either of the dwellings details of the hedge to be planted on the eastern boundary of the site shall be submitted to the local planning authority. The details shall also include a management regime for the maintenance of the hedge for the lifetime of the development. The hedge shall be planted in accordance with these details prior to the occupation of either dwelling approved and maintained thereafter in accordance with the approved management regime for the lifetime of the development.**

Reason: To ensure that the appearance of the dwellings is appropriate in this edge of settlement location adjoining a sensitive visual receptor to accord with policy S33 of the Allerdale Local Plan 2014 Part 1 and due to the lack of detail about external materials within the application submission.

- 11. No construction activity associated with the approved development shall take place outside of the hours 07:30-18:00hrs Mon to Friday (excluding Bank and Public Holidays) and 08:30-13:00hrs Saturdays.**

Reason: In the interests of the residential amenity of the occupiers of the three dwellings between the application site and the Village Hall and to accord with policy S32 of the Allerdale Local Plan 2014 Part 1.

### Other

- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A to E (inclusive) of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions given the edge of settlement location and visibility from sensitive visual receptors including the public footpath to the north and east and the A596 to the south and to accord with policy S33 of the Allerdale Local Plan 2014 Part 1.

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Class A of Part 2 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions given the edge of settlement location and visibility from sensitive visual receptors including the public footpath to the north and east and the A596 to the south and to accord with policy S33 of the Allerdale Local Plan 2014 Part 1.



