

Allerdale Borough Council

Planning Application OUT/2019/0031

Development Panel Report

Reference Number: OUT/2019/0031
Valid Date: 09/09/2019
Location: Proposed Residential Development Meadow Bank
Oughterside
Applicant: Mr Lister
Proposal: Outline application for residential development of up
to 25 dwellings (resubmission of 2/2014/0690)

RECOMMENDATION

A. That the decision to grant permission subject to conditions be delegated to the Planning and Building Control Manager upon the signing of a section 106 agreement securing 6 affordable housing units on the site and £4,020 for the upgrade of existing off-site provision for children and young people in the village.

B. Members delegate the ability to add additional conditions relating to broadband and enhanced accessibility (internal layouts) to the Planning and Building Control Manager.

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The scale of the development is considered commensurate to the size and role of Prospect as a Local Service Centre. The site is directly adjacent to the built envelope and within walking distance of the facilities Prospect and Oughterside offer and the strategic bus route.
Highway safety	Access is not reserved for subsequent approval. The proposed highway arrangements are considered acceptable. The Highways Authority have no objections.
Affordable housing	The proposed development would provide 3 affordable housing units on the site. This equates to 10% and fulfils the Part 2 Local Plan policy requirements.

2.0 Introduction

- 2.1 The application came before this Panel in November 2019 and members resolved to grant planning permission subject to conditions and a Section 106 agreement.
- 2.2 The decision has not been issued to date whilst the S106 was been finalised. The Council needs to take into considerations any material changes that arise throughout the application process. In this case, the Council have received the Inspectors decision for the Part 2 Local plan and this has implications with regards to the affordable housing provision, enhanced accessibility (Building Regulations Part M) and Broadband.

3.0 Proposal

- 3.1 The application seeks outline planning permission for the erection of up to 25 dwellings on a 0.84 ha site located on the edge of the settlement of Prospect. All matters are reserved apart from access.
- 3.2 Therefore this application seeks only to establish the acceptability of the principle of residential development on the site and the means of access.
- 3.3 The Plans for consideration are:-

Location Plan rev A
C001 Proposed Site Access Junction
Flood Risk Assessment
Phase 1 Desk Top Study Report
Preliminary Ecological Appraisal
- 3.4 The application is being reported to the meeting as the applicant is an Allerdale Borough councillor.

4.0 Site

- 4.1 The site constitutes agricultural land located on the southern edge of the village of Prospect, which is outside of, but directly adjacent to, the current saved settlement limit. To the north is residential housing at Meadow Bank, to the west is agricultural land in the ownership of the applicant and to the east is the highway with agricultural grazing land beyond. To the south is further agricultural land which abuts the village of Oughterside. The site levels are uneven, slightly falling from Meadow Bank before rising to the south of the site.
- 4.2 The site has direct frontage with the principal thoroughfare running between the settlements of Prospect and Oughterside.

5.0 Relevant Planning History

- 5.1 2/2014/0690 - Outline planning permission was granted for a residential development of up to 25 dwellings on the proposal site. Works have not commenced on this application and the permission expired on the 03 October 2019.

6.0 Representations

Parish Council

- 6.1 No reply to date

ABC Environmental Health

- 6.2 Environmental Health have no objections to the proposed development. However, recommend conditions are attached relating to contamination and Construction Management.

Cumbria County Highways / LLFA

Highway response

- 6.3 A new 30mph speed limit has been imposed on the C2023 since the previous application on this site. It is unclear whether vehicle speeds have reduced due to this, we must therefore recommend the previously recommended highway conditions are applied to any notice of consent that may be issued. Please note these have been amended to fit the present application.
- 6.4 The applicant may wish to conduct a further speed survey at the point of access to determine whether this feature is still necessary.

Lead Local Flood Authority Response

- 6.5 The ground Investigation Report references possible trapped groundwater due to the assumed clay ground conditions. Neither the Flood Risk Assessment nor aforementioned report provide any ground tests to determine the actual conditions. Whilst it is likely clay, evidence should be submitted to prove this and infiltration tests conducted to BRE standards. We trust this matter can be dealt with during any reserved matters.
- 6.6 Suitable drainage in line with NPPF guidance should be considered at the first instance during site design to ensure suitable space is available for surface water treatment, such as detention basins, ponds, swales etc. should permeable paving be unsuitable.

6.7 We would raise no objections in both regards subject to conditions.

Fire Officer

6.8 The Fire Authority has no objections to this application.

6.9 Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

Cumbria Wildlife Trust

6.10 No reply to date.

Minerals & Waste CCC

6.11 The site falls within a Minerals Safeguarding Area for Brick Clay and partially within the MSA for Sand and Gravel. It is anticipated that additional sand and gravel resources will be required before the end of the Plan period (2030), especially in the south and west of the county.

6.12 The proposed development is on the edge of a settlement, adjacent other residential development. Mineral extraction on or close to the application site would therefore not be environmentally acceptable. The safeguarding area for Brick Clay extends across a significant area of surrounding open land so the proposal will not prevent access to this mineral resource for extraction in the future. The safeguarding area for Sand & Gravel is a much smaller area and the application site encroaches into it slightly. Given the proximity to existing residential development extraction would not be acceptable in this location.

6.13 CCC as minerals planning authority therefore does not object to this application.

Cumbria Constabulary

6.14 No reply to date.

ABC Housing Services

6.15 The Allerdale Local Plan (2014) Policy S8 requires 25% affordable provision on this development. The tenure split of affordable provision should also be in line with this policy, and with current NNPf requirements.

6.16 The primary source of evidence of affordable needs is the 2016 housing study. The evidence is that the need for affordable housing in Oughterside & Allerby and its adjoining parishes of Aspatria, Crosscanonby, Gilcrux, Hayton & Mealo and Plumbland is mainly for one bedroom properties for general needs housing (flats, houses and bungalows). There is a smaller evidenced need for two bedroom and four bedroom general needs properties.

- 6.17 Additional information from Choice Lettings (CBL) shows that in Oughterside & Allerby and its adjoining parishes over during 2018/19 and 2019/20 to date, demand for social housing has been highest for one and two bed bungalows, and two bed houses.
- 6.18 It is expected that both sets of evidence will be used when developers present their affordable housing delivery.

United Utilities

- 6.19 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.

West Cumbria Bus Users Group

- 6.20 No reply to date.

Other representations

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

7.0 Environmental Impact Assessment

- 7.1 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.

8.0 Development Plan Policies

Allerdale Local Plan 1999

- 8.1 The site is outside of the saved settlement limits.
- 8.2 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 S8 - Affordable Housing
Policy S21 – Developer Contributions

Policy S22 – Transport Principles
Policy S29 – Flood Risk and Surface Water Drainage
Policy S30 – Reuse of Land
Policy S32 - Safeguarding amenity
Policy S33 – Landscape
Policy S35 – Protecting and Enhancing Biodiversity and Geodiversity
Policy DM14 Standards of Good Design

9.0 Other material considerations

Allerdale Borough Local Plan (Part 2) Submission

9.1 The site is to be included within the proposed revised settlement limit for Prospect. The following policies other policies are considered relevant:-

Policy SA2 Settlement Boundaries
Policy SA3 Affordable Housing
Policy SA5 Housing Standards
PolicySA33 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 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 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.

9.5 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.

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 policies in that Framework are material consideration which should be taken into account in dealing with the 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 applications are out of date, granting permission unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; 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 (the tilted balance).
- 10.4 A further material consideration is the appeal decision for land at Little Broughton (PINs ref APP/GO908/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 the 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 the 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 in Part 1 are afforded full weight.

- 10.6 Weight can also be afforded to emerging plans as material consideration, that weight dependant on the stage of preparation, the extent of unresolved objections 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.

11.0 Assessment

Principle of development

- 11.1 Policy S3 of the Allerdale Local Plan (Part 1), (adopted July 2014) (ALP) 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.
- 11.2 Prospect is identified as a Local Service Centre in the settlement hierarchy and it is anticipated that Local Service Centres will see small scale housing growth. Subject to certain criteria, Policy S5 indicates that new development will be concentrated within the physical limits of such locations, providing the scale of the development proposed is commensurate to the size of the settlement and reflects its position within the hierarchy overall.
- 11.3 The site falls outside of the saved (1999) settlement limit of Prospect. The Broughton appeal referenced above clarified that these settlements are considered to be out of date and afforded little weight.
- 11.4 The site lies within the revised settlement limits as defined within Part 2 of the Local Plan. As detailed in the weighting section, until these limits are adopted, the weight afforded to them is outweighed by the overall need to maintain supply to meet the Local Plan Part 1 trajectories. The NPPF indicates that housing allocation should be considered in the context of the presumption in favour of sustainable development. With the strategic housing supply policies out of date, the provisions of paragraph 11 of the NPPF are engaged.

- 11.5 Prospect is required to maintain its role as a Local Service Centre to support the range of services it offers throughout the adopted Local Plan period.
- 11.6 Considering the services available in both Prospect and Oughterside, the development of this site would be capable of contributing to the ongoing sustainability of the area. The site is located close to a bus route that follows the A596. The village offers a range of facilities within walking distance of the site which include a school. The site has an existing footpath link that joins the site with both the settlement of prospect and Oughterside.
- 11.7 The site is therefore considered to constitute a sustainable location, close to the amenities of the settlements of both Prospect and Oughterside with good connections to its surroundings.

Highway safety and vehicular access

- 11.8 The means of access into the site is to be considered as part of this outline application. The 'Proposed Site Access Junction' plan (drawing no. C001) specifies that access would be gained directly from the principal thoroughfare running between Prospect and Oughterside (C2023). To create adequate sight lines (60m northbound and 60m southbound), the access point is located towards the centre of the site frontage to the adjacent adopted highway.
- 11.9 A new 30mph speed limit has recently been imposed on the C2023. There is now no requirement for the applicant to relocate the speed signs. Given this relocation and that the site is now within the mandatory 30mph zone, the Highways Authority's requirement for speed surveys is completely unreasonable.

Effect on privacy and residential amenity of adjacent properties

- 11.10 Policies S2, S4, S32 and DM14 seek to ensure that new development secures a satisfactory standard of amenity for existing and future residents.
- 11.11 This application seeks outline approval only and matters of layout, scale, landscaping and appearance are reserved for subsequent approval. Therefore in considering potential impacts on privacy and residential amenity at this stage, the local planning authority must be sufficiently assured that the site could be developed while achieving acceptable levels of privacy and amenity for both proposed and existing dwellings.
- 11.12 Officers are satisfied that spatially an acceptable development can be achieved in terms of the standard of housing for future occupiers on this site, while not adversely affecting the residential amenity of surrounding neighbouring properties.
- 11.13 There will be some noise and disturbance to neighbouring properties during the construction phase of the development. However, this impact can be controlled

under a planning condition to minimise disturbance and safeguard residential amenity.

- 11.14 Officers conclude that an acceptable scheme in terms of layout and design could be achieved and therefore the requirements of Policies S2, S4, S32 and DM14 can be met.

Drainage and Flooding

- 11.15 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.
- 11.16 The applicant has submitted a Flood Risk Assessment (FRA) which looked at the implications of the proposed development in relation to flood risk and surface water management.
- 11.17 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 development first. The development is therefore at a low risk of flooding and the site passes the sequential test.
- 11.18 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.
- 11.19 Details submitted with the planning application advise that infiltration is not likely on the site and, therefore, the surface water is proposed to be taken to Salterwath Beck to the south of the site within the applicant's ownership, and attenuation proposals will ensure that the run-off profile remains as if the site was in its greenfield state.
- 11.20 The Lead Local Flood Authority highlight that the Ground Investigation report reference possible trapped groundwater due to the assumed clay ground conditions. Neither the FRA nor the aforementioned report provide any ground tests to determine the actual conditions. Whilst it is likely to be clay, evidence should be submitted to prove this and infiltration tests conducted to BRE standards. However it is considered this matter can be dealt with by condition.
- 11.21 United Utilities raise no objections subject to conditions requiring surface water draining in the most sustainable way.

11.22 Officers are satisfied that an appropriate drainage scheme in line with the hierarchy of drainage options can be achieved on site. Therefore, officers are satisfied that the objectives of Policy S29 can be fulfilled.

Ecological Impact

11.23 Policies S2 and S35 seek to promote sustainable development whilst protecting and enhancing biodiversity within the Plan area.

11.24 The applicant has submitted a Preliminary Ecological Appraisal. To enable the development a short section of roadside hedge will be removed create the access. This cannot be avoided; there is no alternative. Additional planting within the site can compensate for this minimal loss. The survey identified potential impacts to breeding birds and other mammals. However, detailed mitigation measures have been proposed and, if these are followed, the report concludes that the proposed works will have no significant impact on designated sites or legally protected species.

11.25 In terms of biodiversity the proposal is considered to provide some enhancement and complies with policies S2 and S35.

Provision of affordable housing

11.26 Policy SA3 of the Local Plan Part 2 seeks to maximise the delivery of affordable housing across the Plan Area. It requires sites over 10 dwellings to deliver 10% affordable housing within Prospect and also states that it is to be provided on-site unless there are exceptional circumstances for not doing so.

11.27 The applicant has complied with this policy requirement, confirming 3 of the 25 proposed dwellings being offered for Affordable Housing. The applicant has agreed to enter into a Section 106 Agreement regarding this provision. The provision of these and their affordability in perpetuity would be secured by a Section 106 agreement.

Facilities for children and young people

11.28 In accordance with the Council's Supplementary Planning Document the applicant is proposing to provide a financial contribution to the Parish Council for the upgrade of existing off-site provision for children and young people in the village. The formula is No. units x 1.34m² x £120 = £4,020 for 25 dwellings. This would be secured via a S106 agreement.

Land contamination

11.29 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.

11.30 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 relating to the implementation of ground Investigation works. On this basis, officers consider that the proposed development complies with the requirements of Policies S2, S35 and S36.

Broadband

11.31 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

11.32 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).

11.33 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 5 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

11.33 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.

Other matters

11.34 It is noted that the Fire Officer has suggest that due consideration should be given to the provision of sprinkler systems within the new homes. Members are

advised that fire safety is as matter for Building Regulations and also that this is an outline planning application where no details of the dwellings' layouts and appearance are known. Nevertheless, a note will be added to any permission granted.

12.0 Conclusions

- 12.1 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, subject to conditions and the signing of a S106 agreement. The benefits of the development which include the provision of open market dwellings and 6 affordable dwelling, a financial contribution to upgrade the play equipment at the nearby play area and the minor economical benefits to jobs through the construction of the dwellings outweigh the impacts which are neither significant nor demonstrable.

RECOMMENDATION

- A. That the decision to grant permission subject to conditions be delegated to the Planning and Building Control Manager upon the signing of a section 106 agreement securing 6 affordable housing units on the site and £4,020 for the upgrade of existing off-site provision for children and young people in the village.**
- B. Members delegate the ability to add additional conditions relating to broadband and enhanced accessibility (internal layouts) to the Planning and Building Control Manager.**

Annex 1

CONDITIONS

Reserved matters submission

- 1. Before any works commence, details of the layout, scale and appearance, and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.**

Reason: To enable the Local Planning Authority to assess all the details of the development.

- 2. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:**
 - a) The expiration of three years from the date of the grant of this permission, or**
 - b) The expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: In order to comply with the requirements of Section 92 of The Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3. Any application for 'reserved matters' of layout shall include plans showing the following:**
 - a) Cross sections through the site;**
 - b) Details of existing and proposed ground levels;**
 - c) Proposed finished floor levels of buildings;**
 - d) Levels of any paths, drives, garages and parking areas;****and the development shall be carried out in accordance with the details so approved.**

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

- 4. The layout Reserved Matters Application(s) for the site shall include details showing the provision within each plot for the parking of vehicles commensurate with the Cumbria Parking Standards. No dwelling shall be occupied until the approved facilities for that dwelling are fully constructed. These approved facilities shall be retained and capable of use when the development is commenced and shall not be removed or altered without the prior consent of the Local Planning Authority.**

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.

- 5. The Reserved Matters Application for landscaping shall be accompanied by a landscape scheme for hedgerow and planting along the southern boundary, and replacement of any section of the hedgerow along the eastern boundary required to be removed as part of the formation of the access to the site. This scheme shall be approved in writing by the Local Planning Authority and implemented thereafter in accordance with the approved details and prior to first occupation of the first dwelling.**

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.

- 6. The Reserved Matter Application for appearance shall demonstrate that 20% of the overall scheme will be designed and constructed to meet the requirements set out in optional Building Requirement M4(2) (or any equivalent standard should these regulations be subsequently reviewed).**

Reason: In order to comply with Policy SA5 of the Allerdale Local Plan Part 2.

Accordance with plans

- 7. The development hereby permitted shall be carried out in accordance with the following plans:
Location Plan rev A
C001 Proposed Site Access Junction
Flood Risk Assessment
Phase 1 Desk Top Study Report
Preliminary Ecological Appraisal**

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

- 8. The carriageway, footways and footpaths shall be designed, constructed, drained and lit (including such infill lighting as may be required between the systems in Prospect and Oughterside to support a speed restriction) 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 other than site clearance and site investigations 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.

- 9. The development shall not commence until visibility splays providing clear visibility of 60 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure or object of any kind shall be erected or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splays which exceed 1 metre in height and obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.**

Reason : To ensure a satisfactory means of access for the development in the interests of highway safety.

- 9. 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 dwellings hereby approved.

Reason : To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in compliance with the National Planning Policy Framework and Policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 10. All necessary site investigation works highlighted by the GEO Environmental Engineering Phase 1 Desk Top Study within the site boundary must be undertaken to establish the degree 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 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.

- 11. Should land affected by contamination be identified under the desk top study under condition 10 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.

- 12. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
- a) Traffic Management Plan to include all traffic associated with the development, including the parking and turning facilities and off-street compound staff traffic;**
 - 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;**
 - f) Programme of work for Demolition and Construction phase;**
 - g) Hours of working and deliveries;**
 - h) 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 Highway safety, and the amenity of the occupiers of neighbouring properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 13. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for site offices/material storage and the parking of vehicles/plant engaged in the construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until the completion of the construction works.**

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

Before development first use

- 14. Should a remediation scheme be required under condition 11, 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.

Other

- 15. 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.

- 16. Foul and surface water shall be drained on separate systems.**

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 S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Advisory

- 1. Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.**



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