

Allerdale Borough Council
Planning Application FUL/2019/0160

Development Panel Report

Reference Number: FUL/2019/0160
Valid Date: 25/06/2019
Location: Verona Blitterlees Wigton
Applicant: Mr Steve Clark
Proposal: Application for construction of 5no. detached bungalows

UPDATE

This application was originally considered by Members on the 1st October 2019. A decision on the application was deferred pending further information in relation to flooding and surface water. This resulted from a request for further information from the Local Lead Flood Authority that had been received late in the processing of the application and differed in their approach to a previous application for housing at this site, when planning permission was granted in outline in 2017.

Subsequent to the deferral, a number of iterations of a Flood Risk Assessment and Drainage Strategy Report has been provided and consulted on. In April 2021, following direct liaison with the Local Lead Flood Authority at Cumbria County Council, Flood Risk Assessment and Drainage Strategy Report Version 4 was submitted, along with a revised set of site layout plans, and detailed drainage drawings to reflect that report. This further set of information has been the subject of re-consultation with the flood risk and drainage bodies, the Parish Councils and the public.

In June 2021, the Local Lead Flood Authority responded, confirming that this revised assessment and detailed plans were now acceptable. This is set out in more detail below – as the original report to Development Panel has been updated where necessary.

RECOMMENDATION

GRANT PERMISSION SUBJECT TO CONDITIONS

1 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	Planning permission has been granted for the site for five dwellings (ref. 2/2016/0727) during the current plan period, but this has now expired.

	<p>Therefore, the principle of the development has already been accepted under the current Development Plan.</p> <p>Blitterlees is a Limited Growth Village as defined in Policy S3 of the Allerdale Local Plan, (Part 1) and Limited Growth Villages are identified as suitable for small-scale development, in order to contribute approx. 6% of the overall housing supply for the Borough. The proposal is considered to be small scale, well related to the village, and of an appropriate density.</p> <p>Within the recently adopted Allerdale Local Plan Part 2, the site falls within the defined settlement limit of Blitterlees and is identified as a housing commitment. The principle of housing at this location is therefore considered to accord with Part 1, Policy S3, and Part 2 of the Plan.</p> <p>The proposal would bring benefits principally arising from the provision of additional housing to meet the needs of the Borough, as anticipated in the settlement hierarchy. Some associated economic benefits would arise for the construction industry. Limited adverse impacts have been identified and these adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole.</p>
Visual Impact	<p>The visual impacts of the development are considered to be acceptable. Blitterlees consists of a mix of house types and styles and the design of the single storey dwellings proposed is considered to be acceptable.</p>
Landscape Impact	<p>Given the large scale and wide open nature of this landscape subtype (Coastal Plain), this small scale encroachment is considered to be acceptable.</p>
Residential Amenity	<p>An acceptable relationship with</p>

	neighbouring properties is considered to be achieved.
Ecology	A survey has been provided which demonstrates that Great Crested Newts are unlikely to be affected by the proposal.
Drainage	<p>Localised flooding issues with the beck along the site frontage and standing water have been highlighted by representations received from the public.</p> <p>Subject to conditions, no concerns have been raised by the Environment Agency or United Utilities.</p> <p>The County Council as Local Lead Flood Authority has sought further information to substantiate local concerns. This additional information has now been provided to the satisfaction of the Local Lead Flood Authority and they raise no objection to the proposal subject to conditions to include securing of the flood risk and drainage details provided on the 23rd April 2021.</p>
Trees/Hedgerows	Following amended plans, no significant removal is required. A new hedgerow is proposed to the rear of the site that would compensate for any limited hedgerow removal to the site frontage.
Affordable Housing	No provision has been sought on the basis that the proposal is for less than 10 dwellings and the gross floor space for the five dwellings combined does not exceed 1000sqm.

2. **Introduction**

- 2.1 This application seeks full planning permission for the construction of five dwellings (bungalows).
- 2.2 The site has benefitted from outline planning permission for the same number of dwellings. This earlier application was approved by members of the Development Panel in February 2017 (2/2016/0727). A subsequent reserved matters application was made in relation to this earlier outline approval (RMA/2019/0003)

but was subsequently withdrawn because the site area denoted by the red line for the application was larger than the original outline approval, and changes were sought to the proposed layout of the scheme from those originally considered and approved.

- 2.3 To overcome these issues a full application was made. At the time of submission, the outline permission for the same development remained extant. However, during the course of the consideration of this application, that previous planning permission has expired. However, it remains a material consideration that the principle of housing at this location has been considered acceptable during the current plan period.

3. Proposal

- 3.1 Full planning permission is sought for the construction of 5no. detached bungalows.
- 3.2 The submitted plans indicates that the five dwellings would be provided in a linear form fronting the highway, the B5300. The proposed units would be single storey only. Each unit would have a front and rear garden with a private road running to the rear of the site, providing access and parking to the individual plots.
- 3.3 The access point is shown as the existing field access towards the northern boundary of the site.
- 3.4 The Plans for consideration are:-

19.1952.1A Existing
19.1952.5 Existing Site Plan
19.1952.5 Existing Site Sections
19.1952.2C Proposed Site Plan received 23rd April 2021.
C-0748-02 rev B Surface Water Catchments Layout received 23rd April 2021.
C-0748-01 rev C Outline Drainage Layout received 23rd April 2021.
C-0748-03 rev A FW Outfall Section, Road ConstructionDetails, SW Outfall Section received 23rd April 2021.
C-0748-04 Proposed Site Layout
Site Location Plan
19.1952.14 Plot 5, Proposed elevations, Type 2 Version 3
19.1952.12 Plot 3, Proposed elevations, Type 2 Version 2
19.1952.11 Plot 2, Proposed elevations, Type 1 Version 1
19.1952.10 Plot 1, Proposed elevations, Type 2 Version 1
19.1952.13 Plot 4, Proposed elevations, Type 1 Version 2
19.1952.7B Existing & Proposed Street Scene
19.1952.8 Proposed Ground Floor Plan V2
19.1952.3 Proposed Ground Floor Plan

Revised Flood Risk Assessment and Drainage Strategy Report Issue 4, Hamilton Technical Services, dated 29th March 2021, has also been provided.

4. Site

- 4.1 The proposal relates to part of an agricultural field located to the north of the settlement of Blitterlees and to the east of the main road to Silloth (the B5300). The site extends to 0.66ha, is flat and used as grazing land. To the front of the site with the highway there is a grass verge which varies in width, a beck which runs to the full frontage and to the southern boundary of the site, and a hedgerow. To the south a small cluster of trees separate the site from existing housing. Housing also exists opposite the site to the west. Land to the north and east is open, undeveloped fields, also consisting of flat, grazing land.

5. Relevant Planning History

- 5.1 OUT/2016/0727 - Outline planning application for 5 no dwellings (with layout and scale to be considered at the outline stage). Approved 7th February 2017.
- 5.2 RMA/2019/0003 - Reserved matters application for construction of 5no. detached bungalows with access, appearance and landscaping considered following outline approval 2/2016/0727. Withdrawn.

6. Representations

Silloth Town Council

- 6.1 8th July 2019 – Recommend approval.
30th September 2020 – Whilst the Council notes concerns of residents, this is an amendment and there is not a lot the Council can do other than accept it.

Holme Low Parish Council

- 6.2 15th July 2019 - Objection on grounds of:
- a) Access and visibility are not good along this stretch of road, particularly as there is a blind bend towards the Beckfoot end of the road which is a concern. Visibility would need to be improved to ensure the safety of vehicles accessing the site.
 - b) The land is unsuitable for building on as it is often under water during the wetter months of the year. After heavy rainfall the road often floods due to the beck overflowing. Parts of the beck have not been cleaned out in over 40 years which contributes to the problem.

- c) Drainage is another concern. All of the houses are piped into the main sewer which is pumped to the Blitterlees pumping station and then to the Airfield which is already overloaded as it is, without additional demand on the system.

20th March 2020 - Maintain objection.

26th July 2020 - Maintain objection.

5th October 2020 – Maintain objection.

ABC Environmental Health

- 6.3 No objection.

Cumbria County Highways/LLFA

- 6.4 Original Response - Note that the site is shown as being in flood zone 1, with a low risk of flooding and minimal chance of infiltration resulting in overland flows to the watercourse. It is also noted that several of the locals have raised the fact that the site has been known to flood under conditions of heavy rain fall. This point needs to be investigated to establish what risk this could pose for the new houses. If this can be substantiated, then the surface water drainage for the site should be reassessed further. If not, then it is recommend that the application should be approved subject to the conditions being included in any notice of consent that include: Traffic Management Plan, highway construction and lighting details with timing of provision, and a full scheme for surface water drainage. The latter shall include consideration of overland flow from the adjacent fields, together with an identified exceedance route, these need to be included in the sites drainage design. Road Safety Audits Stages 1 & 2 need to be submitted as part of the submission of details for conditions relating to road details.

7th January 2020 - Insufficient information relating to local flooding issues

30th March 2020 – Insufficient information relating to local flooding issues.

17th July 2020 – Further information requested relating to:

- 1) Site investigation for ground conditions was not tested in accordance of BRE365. (Design guide requirements) Proper tests are required to show what the water table level is in this area, it needs to be established to ascertain the suitability of the type of water storage system to be used with regards infiltration and buoyancy.
- 2) The invert level of the outlet to the watercourse appears to be at the bed of the stream, I wonder how effective any flap would be in stopping any back flow.
- 3) Exceedance routeing of flood water needs to be identified across the site together with over land flow routeing too.
- 4) The drainage strategy proposes widening of the watercourse yet this does not appear to be included on the layout plan.
- 5) The cross sections provided do not show the road levels in relation to the development and the road levels provided appear different to that shown on OS layers and lidar data for the area. The ground level survey needs rechecked.

February 2021 – FRA required to address the following:

- Discrepancy on storage volumes displayed on initial layout details to more detailed drawings later in the document
- Volume calculations that give how storage has been sized has not been included along with the micro drainage details.
- More details of the impervious storage tank rapping to prevent ground water infiltration. Lack of cut off drainage from remaining field not being developed to prevent overland flows encroaching on the new development. Including garden drainage and discharges to the main river. Consideration to kisted hedge with the cut off drainage.
- Consideration to a more sustainable approach for the access road to the use of Type C permeable paving.
- Provision of new cross sections to show ground floor levels in relation to the main river and existing topography of the site.
- Drainage details to improve final discharge to the main river with separate Headwall downstream of site access.
- Culvert condition of existing site access needs provided to show it is adequate to remain as access to the new development.

6.5 Final Response - No objections subject to conditions. The latest submission has addressed the issues concerns previously raised in February 2021.

Fire Officer

6.6 No comments received.

Environment Agency

6.7 Original response – No objection. Blitterlees beck is a main river and any works within 8 metres of the main river may require the prior written consent of the Environment Agency. The grant of planning permission does not guarantee that an Environmental Permit will be given.

18th October 2019 – Information provided showing evidence of flooding on site. In absence of FRA, raise objection to the proposal.

8th January 2020 – Maintain objection, FRA not included within Drainage Strategy.

20th March 2020 – Note FRA Issue 1. Maintain objection. FRA fails to:

1. Reach any satisfactory conclusion in the relation to the potential mechanisms for flooding affecting the site, either now or over the lifetime of the proposed development as result of climate change.
2. Recommend any principal flood risk mitigation measure to manage risks to people and property over the lifetime of the development. This would include defining a design flood level to inform any built in mitigation e.g. recommendations for safe Finished Floor Levels of the proposed new properties in m AOD.
3. Assess the impact of the proposed surface water drainage scheme into the main river.

4. Assess the likelihood of proposals increasing flood risk elsewhere, and propose mitigation to prevent this.
Revised FRA required.

6th July 2020 – Note revised FRA and drainage drawings provided June 2020. Points raised in letter of 20 March 2020 satisfactorily addressed and remove objection. Development must proceed in strict accordance with the FRA and the mitigation measures identified. Advisory note relating to requirements for an Environmental Permit. Note the concerns relating to surface water flooding, but this is outside the remit of the EA, should be directed to the LLFA for consideration.

24th September 2020 – Reviewed the revised FRA. Further to response in July 2020, EA is no longer a statutory consultee on surface water aspects of development. Note a Flood Risk Activity Permit was issued to Cumbria County council on 29th Jan 2020 for dredging to widen the watercourse channel within the vicinity of the site.

April 2021 – No further comments to make.

United Utilities

6.8 First response:

No objection subject to conditions; that foul and surface water be drained on separate systems, submission of a surface water drainage scheme, and submission of a surface water drainage management and maintenance scheme.

Response of the 8th November 2019

Note the request of the Environment Agency for a Flood Risk Assessment. This will trigger a requirement to update foul and surface water drainage details and finished floor levels.

Response 26th February 2020

Note EA maintain objection, welcome site of revised FRA and additional drainage details.

Response 17th March 2020

Should the Environment Agency remove their objection following receipt of FRA, further details of drainage design required as well as exceedance routes.

Response of 15th July 2020

Insufficient drainage information provided.

Response of 16th October 2020:

Note that FRA provided and EA removed objection. Detailed drainage design required for low-lying sites such as this, where the ground level of the site appears to be below the ground level at the point where the drainage connects to the public sewer, care should be taken to ensure that the property is not at an increased risk of sewer surcharge. Note the technical drainage design details

provided. Includes details for the inclusion of a non-return valve to protect the development against the risk of sewer surcharge. The updated Flood Risk Assessment also includes a foul water outfall section (plan reference C-0748-03 dated 11.09.2020), which shows the details of how the on-site foul water sewer will cross underneath the existing watercourse adjacent to the site before connecting with the existing combined sewer.

System will not be adopted by United Utilities, will need to consider risks of the potential impact of infiltration into the proposed on-site drainage as a result of the high water table and at the point where the proposed foul sewer crosses underneath the existing watercourse.

We also wish to note the risk of floatation as a result of the high water table.

Whilst the proposed on-site drainage system would not be adoptable by United Utilities, when designing the construction detail for the proposed on-site drainage systems, the designer should consider, mitigate and manage the risks of infiltration and floatation and any risks presented by crossing underneath the watercourse. This is reflected in our below recommended informative for inclusion on the decision notice.

The submitted Flood Risk Assessment refers to a flood relief scheme at Paragraph 4.23 that will be provided at the location of the flooding incident. The details of this flood relief scheme have not been provided. Given the ongoing flooding and maintenance issues associated with the watercourse, which is not a matter for which United Utilities has responsibility, we recommend that the Local Planning Authority considers this further with other flood risk management authorities namely the Lead Local Flood Authority and the EA. We would recommend that you also consider with them whether there is a need for a management and maintenance regime for the adjacent watercourse and the on-site drainage system which will remain private. Updated Flood Risk Assessment must constitute an approved document. Condition recommended that drainage details accord with FRA submitted and detailed drainage plans provided.

Cumbria Wildlife

6.9 No comments received.

Individual/Other representations

6.10 The application was originally advertised by press advert, site notice and neighbour letter.

6.11 10 letters of representation were originally received prior to the application being drafted for Development Panel's consideration in October 2019. These comments are summarised as follows:

- a) Reference to a number of inaccuracies and contentions to other commercial development in the submission documents.

- b) This is green belt/agricultural land, which should be retained as such.
- c) Harm to the rural nature of the hamlet.
- d) The Blitterlees River, known as the beck, runs parallel to the main road and serves as the village boundary. It often overflows during periods of heavy rain. Existing drains are unable to cope with any overflow and lawn is frequently waterlogged throughout the winter. The bend in the road at Stanwix corner is often submerged under standing water after a deluge of rain. How could any additional water output from five more houses be efficiently absorbed? Local people are very aware that the proposed building land is already very marshy and vulnerable to flooding.
- e) The proposal for removal of excess surface water is by means of a soakaway. The water table at Blitterlees is extremely high. A soakaway would not be an effective means of water removal and could increase the existing potential for flooding.
- f) Genuine need? Number of unsold properties in the area. Harvest Park properties not selling.
- g) The beck is not maintained so beck bottom has risen and water is slow moving so that older land drains no longer work. Part of a wider network of drainage problems.
- h) Removal of hedges and trees will exacerbate the problem.
- i) A response is required to the points raised by the County Council on the Reserved Matters application relating to technical drainage and access issues that need to be resolved.
- j) Blitterlees is a limited growth village. The plan states that, in limited growth villages, a limited level of development will be supported in order to help retain the vitality of these communities. Should this application be approved then this development of 5 houses, on top of the recent granting of a further development of 4 houses in Blitterlees, would be a 18% increase on properties in Blitterlees, surely that contravenes that limited growth village definition of only allowing small scale development to take place.
- k) Blitterlees, as an area, is made up of a mix of traditional housing and cottages. It is a shame that small villages like Blitterlees are likely to lose their individual character just to meet housing targets that don't even apply to Blitterlees, turning them unnecessarily into suburbs of neighbouring settlements.
- l) Proposed consistent and identical housing design does not reflect the diverse nature of Blitterlees.

- m) Attractive open views across the site to Lakeland Fells.
- n) Refuse collection will potentially cause a hazard.
- o) Development with restricted visibility on such a busy road would be reckless.

6.11 Since deferral, a number of re-consultations have been undertaken in response to the submission of additional information. Five further responses are noted which pre-date the final re-consultation. The comments received are summarised as follows:

1. United Utilities and Environment Agency have subsequently raised concerns with the scheme and the drainage reports provided to date are not a Flood Risk Assessment and do not address concerns.
2. Recent works have been carried out adjacent to the watercourse alongside the proposed site, but these works were to reinforce the road surface which was subsiding into the watercourse, a situation that was serious risk to road traffic users. The works involved cleaning a small section of the watercourse, reinforcing the road, and installing a curb to prevent further erosion of the verge.
3. The watercourse has not been restored, or regraded and understanding is that Highways have no intention of doing any further works to the watercourse at this location. Paragraph 4.29 states that the restoration works apparently being carried out will enable the watercourse, which is classed as Main River, to perform its primary functions as it did in former years and should make a very significant reduction in the extent of flooding in Blitterlees in future years. Indeed it is an obligation on the owners of the watercourse to carry out these works and to maintain the flows through the system. This paragraph is totally misleading and is suggesting everything is in hand to address the significant issues raised around flooding in this application, when the reality is that the situation is no further forward than the last time the matter was discussed by the development panel 12 months ago.
4. Further information fails to provide a categorical solution to the drainage and flooding problems arising from this site.
5. Reiterate that the beck overflows regularly, flooding from surface water in the predominant problem. Misleading categorisation of low risk in the submitted reports.
6. Sewers overflowing in heavy rainfall is a health hazard.

6.12 From the last round of neighbour consultations, two further letters of objection have been received and are summarised as follows:

1. Much of the section 'Assessment of Potential flood Risks' is misleading and inaccurate. I can only reiterate that the beck regularly overflows on to the site generally, (though not exclusively), in winter during prolonged and heavy rainfall. When the ground becomes waterlogged the site is the first area of the field to become flooded.
2. The photograph showing the contents of the sewer spilling from one of the cast iron manhole covers located in the B5300 road

indicates that this is a health hazard, which could be exacerbated by this development. This is not an isolated incident but a regular occurrence.

3. Nowhere in these paragraphs is the condition of the site described, which I guarantee would be underwater since the ground was waterlogged and there was standing water wherever flooding regularly occurs
4. Re-iterate that no work has been or is being carried out to upgrade culverted sections of the watercourse or to restore and regrade parts of the open sections of the watercourse. The entire watercourse has not been restored or regraded, and there is no evidence that this is about to take place any time soon.
5. During the last winter months on several occasions the water course was full and over flowing the top of the beck, a normal occurrence following periods of heavy rain. As there is no flow whatsoever on the watercourse, and there is unlikely to be unless the entire length of it is cleaned out, which covers a distance of approximately 2 miles, much of which is underground, this overflow is likely to continue.
6. Real concern is what happens to all the water when the beck is overflowing and the attenuation tanks are full and begin to discharge? Even if the beck is dredged and widened adjacent to the site, it has already been established that downstream remains in need of clearing and that remains the crux of the matter.
7. Submission of technical drawings outlining how the significant flooding that occurs on this site will be addressed is fine, but the fundamental flaw in this application is that the watercourse for which all this additional water will be dispersed into is not fit for purpose. Without a major investment in upgrading it along its entire length a flood risk will continue to occur to the B5300 through Blitterlees, and to the properties adjacent to it.
8. I am far from happy the way this planning application has been handled. The drainage scheme presented at the outline planning stage was completely useless and despite photographs of the flooding being submitted and letters from many residents regarding this issue together with many other valid points raised it was recommended the application be approved. Permission should never have been granted based on the unworkable drainage scheme alone.
9. Our local Allerdale Borough Councillor informed me shortly after that meeting that the Planning Officer had told him "it doesn't matter what anybody says, it is going ahead". Apart from being unprofessional and raising questions of motive, what is the point of the planning department requesting residents' views on the development since they are going to be ignored?
10. For the last twenty months the planning department has bent over backwards to accommodate this planning application. I presume this fifth effort from Hamilton Technical Services is now be put forward to the Development Panel and approved. Under the

circumstances, I am seriously considering making a formal complaint against the Planning Officer.

- 6.13 One letter of support has been received from Cllr Markley, supporting additional housing.

7. 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. Duties

- 8.1 Regulation 9 of the Conservation of Habitats and Species Regulations 2017 requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions, particularly when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts or otters.

9. Development Plan Policies

Allerdale Local Plan (Part 1)

- 9.1 The following policies are considered to apply:-

Policy DM14 - Standards of Good Design
Policy DM16 - Sequential Test for Previously Developed Land
Policy DM17 - Trees, hedgerows and woodland
Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles
Policy S22 - Transport principles
Policy S29 - Flood Risk and Surface Water Drainage
Policy S3 - Spatial Strategy and Growth
Policy S32 - Safeguarding amenity
Policy S33 – Landscape
Policy S35 - Protecting and enhancing biodiversity and geodiversity
Policy S4 - Design principles
Policy S5 - Development Principles
Policy S7 - A mixed and balanced housing market
Policy S8 - Affordable Housing

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

Allerdale Local Plan (Part 2)

- 9.2 The site falls within the defined settlement limit for Blitterlees and is noted as a 'Housing Commitment' on the maps.

No additional policies of Part 2 are considered to be relevant.

<https://www.allerdale.gov.uk/en/siteallocations/>

10. Other material considerations

National Planning Policy Framework (Feb 2019)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Allerdale Council Strategy 2020 - 2030

The details of this document can be viewed here:

<https://www.allerdale.gov.uk/en/about-council/council-strategy-2020-2030/>

11. Policy weighting

- 11.1 Notwithstanding any duties identified above, 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 Allerdale Borough Local Plan (Part 1) 2014 and Part 2 (2020) have primacy.
- 11.2 In this instance there are no material considerations which would result in a decision not being made in accordance with the development plan. Some weight is given to the site's planning history but this is not overbearing weight.

12. Assessment

Principle of Development

- 12.1 Blitterlees is a Limited Growth Village as defined in Policy S3 of the Allerdale Local Plan, (Part 1) and new housing is restricted to small-scale development within the designated settlement boundary. Blitterlees, along with other Limited Growth Villages and Infill Rounding Off Villages, is proposed to accommodate 6% of the 5,471 net additional dwellings identified by policy S3 over the plan period.
- 12.3 The Allerdale Local Plan Part 2 has been adopted since this application was last considered at Development Panel. The proposal site lies within the adopted settlement limit for Blitterlees. Five dwellings are considered to be small scale

and as development within the defined settlement limit, the principle of housing at this location is considered to accord with policy S3 of the Allerdale Local Plan, (Part 1).

- 12.3 There are no known brownfield sites within the settlement of Blitterlees and, therefore, the sequential testing requirements of policy DM16 are considered to be met. Whilst representations refer to the large brownfield site being developed at Harvest Park in Silloth (former Fison's site), within the housing strategy and Policy S3, the rural villages including Blitterlees are intended to accommodate additional small scale housing development to meet the overall need. Therefore, it is not considered appropriate to refuse this greenfield site on the basis that brownfield land exists at Silloth. This approach would not be consistent with the Allerdale Local Plan.
- 12.5 Whilst the previous planning permission for five dwellings at this location has now expired, the decision to approve housing at this location was taken within the current Plan period and this remains a material consideration of weight to support the application also.

Landscape and Visual Impact

- 12.6 The site does not fall within the Solway Coast Area of Outstanding Natural Beauty (AONB).
- 12.7 The site falls within Landscape Category 2c – Coastal Plain and the wider surroundings to the north and east are characterised by flat, coastal plain with large fields, intersected by shallow rivers and watercourses, with scarce field cover. Land to the west beyond the B5300 falls within Landscape Category 2d – Coastal Urban Fringe, also low lying flat land, with urban influences linked to tourism development, and transport routes.
- 12.8 The proposal will extend the built form of the village into an undeveloped part of the coastal plain and will be seen within the context/backdrop of the existing village. Given the scale of this wide open and flat landscape, which extends considerably to the north and east of the site, this encroachment is not considered to have any significant impact on the wider landscape character and is therefore considered acceptable in regard to policy S33 of the Allerdale Local Plan Part 1.
- 12.9 As discussed above, the proposal will follow the linear pattern of development of Blitterlees and the proposal is considered to be of a scale appropriate to the size of the settlement. Single storey development would fit with the character of the village, which is a mix of single and two storey development, traditional and modern. The density of the development is considered to reflect that of the village.
- 12.10 Whilst the proposal will alter the open aspect of the site for visual receptors, the low density of development and the backdrop of the village to the south and east would ensure that the wider visual impacts of the development are acceptable. Adequate separation between the proposed units would allow views to be retained through the site.
- 12.11 Amended plans have been provided to reduce the symmetry of design for the individual dwellings, following some concerns raised by objectors that five identical bungalows would not reflect the character of Blitterlees, which predominantly consists of a wide range and mix of housing styles. This variation

in design has been secured through a wider mix and arrangement of materials, and variations in roof design and window design. As a result of the amendments, the level of symmetry in the design of the units has reduced, to better reflect the character of the village.

- 12.12 Further to these amended plans, the proposal is considered to be acceptable in relation to policies S4 and DM14 of the Allerdale Local Plan Part 1.

Residential amenity

- 12.13 Separation distances exceeding 30m would be achieved with existing development opposite the site. This is considered to be sufficient to ensure that the proposal would not result in unacceptable levels of overlooking, overshadowing or overbearing impact.
- 12.14 The proposal would be separated from housing to the south by an existing small coppice of trees and therefore this relationship is considered to be acceptable.
- 12.15 The proposal is not considered to result in any significant level of harm to residential amenity and is considered to be acceptable in this regard, in accordance with policy S32 of the Allerdale Local Plan.

Ecology

- 12.16 Policy S35 of the Allerdale Local Plan and advice contained within the NPPF requires that new development should in the first instance, avoid harm to biodiversity. Where this is not possible, any harm should be mitigated. As a last resort, any significant harm should be compensated for.
- 12.17 The site forms part of a larger field used for grazing, with a traditional hedge and some small trees to the frontage. Blitterlees beck runs to the front of the site with the highway. The proposal has been amended to retain the majority of the hedgerow to the front, albeit some small trees are proposed for removal. These small trees are not considered to be worthy of protection. A further native hedgerow and additional planting is indicated on the amended layout plan and a condition is recommended, should planning permission be granted, for the submission of a detailed landscaping scheme to secure this. Whilst the proposal will result in an increase in hardsurfacing across the site arising from the building footprint, parking and access road, this loss of grazing land cannot be avoided, but can be appropriately compensated for by the proposed hedgerow and landscaping that is likely to be more diverse than the grassed field.
- 12.18 The application submission includes the same Ecological Appraisal submitted for the previously approved application, which considers the potential for the development to impact on Great Crested Newts. The survey report indicated that all waterbodies within 500m of the site were considered at the time and concluded that Great Crested Newts were not likely to be present following site inspection, habitat suitability scoring and environmental DNA analysis. The report recommends further survey effort if the scheme is significantly delayed or site conditions change.
- 12.19 Whilst the report dates from 2016, conditions at the site have not significantly altered and therefore it is considered unlikely that the proposal will have any significant impact on this protected species. It is the developer's responsibility to ensure that the proposal, if approved, does not impact on protected species and an advisory note is recommended in this respect.

- 12.20 In addition to the Great Crested Newt, Natterjack Toads, also a European protected species (EPS) have been recorded in the locality. However, the habitat suitable for this species are the coastal dunes to the west of the B5300. The ecologist has therefore previously confirmed that no survey effort was considered necessary at this site for this species.
- 12.21 The proposal is considered unlikely to result in any harm to protected species. It is considered that the proposal will not result in significant harm to biodiversity. The proposal avoids harm to the hedgerow to the site frontage and the proposed new native hedgerow to the rear boundary and additional planting within the scheme, will be sufficient to compensate for the loss of the site from grazing land to residential land, in accordance with policies S35 and DM17, and advice contained within the NPPF.

Flood Risk and Drainage

- 12.22 Policy S29 of the Allerdale Local Plan seeks to ensure that new development is directed away from areas of higher flood risk and that it does not increase flood risk to others, through a sustainable approach to surface water drainage.
- 12.23 A Drainage Strategy Report was originally provided with the application, which indicated that ground conditions are not suitable for soakaways and therefore an attenuated discharge into the adjacent watercourse was proposed. Attenuation tanks are indicated under the shared driveway.
- 12.24 The Environment Agency indicates that the beck running along the site frontage is classified as a main river. The site itself is allocated as Flood Zone 1 on the EA maps. Maps showing surface water flooding potential indicate that the beck and a narrow strip of land immediately adjacent to the beck has a higher chance of flood risk, but the remainder of the site is at low risk.
- 12.25 No concerns were originally raised with the proposal by the Environment Agency or United Utilities, subject to conditions including a detailed drainage scheme to be submitted for approval, to include attenuated run-off rates, and management and maintenance of the drainage system.
- 12.26 Prior to the application being considered by Members in October 2019, the County Council as Lead Local Flood Authority (LLFA) provided a response to the proposal, highlighting the representations from the public, which raised issues with localised flooding at the site during heavy rainfall. Some Members will recall that members of the public provided photographic evidence of this as part of their presentations to members at the Panel meeting itself. The LLFA considered that these points needed to be investigated further to establish what risk this could pose for the new houses. If this was substantiated, then they advised that the surface water drainage for the site should be reassessed further. If not, then it was recommend that the application should be approved subject to the conditions being included in any notice of consent that include: A full scheme for surface water drainage, a Traffic Management Plan, highway construction and lighting details with timing of provision.
- 12.27 Having considered this response and the information presented, Members took the decision to defer the application in October 2019, to allow this issue to be investigated and considered further. Subsequently, having been sent the photographic evidence of localised flooding at the site directly by members of the public, the Environment Agency formally objected to the application.

12.28 As will be seen from the 'Representations' section above, a number of re-consultations have been triggered with the statutory consultees for drainage and flood risk over the last 20 months, as numerous iterations of the Drainage Strategy including Flood Risk Assessment, and detailed drainage plans have been provided. Over this period, the Environment Agency, United Utilities and the Local lead Flood Authority have all sought additional information, which has culminated in the submission of the amended documents noted at section 3.4 above.

12.29 The following points from the revised Flood Risk Assessment and Drainage Strategy Report Issue 4, Hamilton Technical Services, dated 29th March 2021, are noted:

- Notes localised flooding concerns and comments that a scheme of upgrading the culverted sections of the watercourse, has commenced and may be completed by the time this revised report is issued. This should enable a great improvement and restoration of the capacity of the local drainage systems to convey flows away from Blitterlees.
- Works appear to be being carried out to restore and regrade parts of the existing open sections of the local watercourse also.
- Surface water is proposed to discharge to the adjacent beck. The proposed surface water drainage system will have a restricted rate of discharge to the watercourse, controlled by a Hydro-brake system with a design flow characteristic of 4.0 l/s maximum during all storm events up to a 1 in 100 Yr 600minute event. A climate change allowance is included in the design calculations, set at a 40% increase in rainfall over the lifetime of the development. Two attenuation tanks are included within the surface drainage and along with the storage volume available in the system pipework and chambers will provide a storage volume of 80 CuM. The system is also designed to contain all flows without exceedance being created.
- Foul water will connect to the sewer. The outfall to the public sewer will include a "non-return" vale to prevent backing up of the public system into the onsite private drains.
- This valve will ensure that in the event of flooding emanating from the public sewer system no effluent will be allowed to flow "back" into the site drains. The cover level of the sewer manhole in the B5300 is shown at 7.180m AOD and the finished floor levels of the new dwellings will be set at 7.72m AOD. This ensures the new dwellings have a freeboard of 540mm when compared to the sewer cover level and the properties will be fully protected from flooding from the public sewers.
- Based on a maximum allowable run-off rate, from the developed site, of 4.0 l/s and a climate change allowance of 40% rainfall increase, a required attenuation volume of between 61 and 101 CuM. The new surface water drainage system will have a restricted maximum design outflow characteristic of 4.0 l/s through the Hydro-brake unit. The system will include two attenuation tanks providing 51.68 m³ and 38.0 m³ giving a total attenuation volume on site of 99.9 m³ inclusive of pipework and chambers.
- Calculations show a significant reduction in the discharge rates from the site of 10% during a 2 Yr event, rising to approximately 45% during a 30

Yr event and to 55% during a 100 Yr event. Additionally there will be no surface flooding during these events and no risk of flooding on site or to surrounding properties.

- It is proposed to set the finished floor levels of the new dwellings at 7.72m AOD and to regrade the site to new finished ground levels sloping from approximately 7.70m AOD along the eastern edge down to the existing bank levels along the watercourse to the western and southern boundaries. Finished ground levels around the new dwellings will be set at around 7.50m AOD which a 220mm freeboard around the footprint of the buildings.
- The lowest point on the site perimeter on completion of the development will be at the site access where the finished ground level will be 7.42m AOD. Should the watercourse become overloaded for any reason and cause water to back up within the ditch adjacent to the site, excess flows would exit the site at the site entrance and the maximum flood water level would be approximately 7.45 - 7.47m AOD leaving a safe freeboard round the dwellings of 250mm or more.
- A “French” drain will be installed along the eastern side of the new access road to intercept overland flows and direct these around the edge of the site to outfall into the watercourse. A new hedge line is also to be planted along the eastern site boundary and consideration will be given to creating a “kisted” hedge line to further restrict overland flows that could enter the site.
- The new access road will be constructed using fully porous macadam surfacing. A secondary under-drain will be installed along the western edge of the roadway to collect rainwater after it has soaked into the road structure. These under-drains will be connected into the sites main drainage and attenuation system.
- The measures detailed above will keep the dwellings free of the ingress of any flood water and will allow safe entry and exit from the properties via the rear driveways and access road for residents and any emergency service vehicles or personnel.
- The developer proposes, through agreement and with the permission of the Environment Agency, to carry out any works necessary to clean or restore the watercourse adjacent to the development by removing accumulated silt and debris, restoring the original profile of the channel both cross sectionally and longitudinally and cleaning out the short culvert below the access road. This culvert will be CCTV surveyed to ascertain its structural and operational status and any necessary repairs will be carried out at the time of the construction of the site access road.

12.30 In response to these various stages of consultation, the Environment Agency, United Utilities and finally the Local lead Flood Authority, have all confirmed no objection to the proposal, having reviewed the revised information provided and subject to conditions that secure the mitigation measures and principles of the Flood Risk Assessment and the detailed technical drainage drawings.

12.31 Whilst Officers note that, understandably, residents remain concerned by the proposal and issues with localised flooding and the potential to exacerbate this, the technical advice of the Environment Agency, United Utilities and the Local Lead Flood Authority is that the proposal can now be considered for approval

subject to conditions. It is based on this advice that Officers consider the proposal to be acceptable having regard to policy S29 of the Allerdale Local Plan Part 1, subject to inclusion of conditions as requested by those consultees.

Affordable Housing Provision

- 12.32 Affordable housing policy has been amended through the adoption of Part 2 of the Allerdale Local Plan. Policy SA3 requires provision of an element of affordable housing where 10 dwellings are proposed or the cumulative floorspace exceeds 1000sqm. The proposals do not exceed these thresholds and therefore it is not necessary to seek a proposition of 'affordable' housing as part of the development.

Heritage

- 12.33 At the last meeting of the Development Panel, questions were raised as to the presence of an 18th Century cottage that could potentially be impacted by the proposal. Officers have re-checked the Council's mapping system and can confirm that there are no listed buildings within the vicinity of the site.
- 12.34 There is a traditional dwelling to the south of the site, which has a detached single storey stone outbuilding to the side, with corrugated roof. These structures are not listed and whilst traditional in construction and appearance, do not appear to be elevated above other traditional buildings in the locality, sufficient to warrant local listing. Regardless of their status, these traditional buildings are positioned amongst modern dwellings. As such, modern development already forms an established part of their setting and therefore additional housing at the application site is not considered likely to have any greater impact on the setting of local traditional buildings than those that presently exist. The same applies to traditional buildings to the opposite side of the road, which are interspersed with modern housing.
- 12.35 No concerns are therefore raised in relation to Policy S27.

Local Financial Considerations

- 12.36 Having regard to S70 (2) of the Town and Country Planning Act the proposal has possible financial implications in terms of the New Homes Bonus and Council Tax Revenue.

13. Balance and conclusions

- 13.1 Blitterlees is a Limited Growth Village as defined in Policy S3 of the Allerdale Local Plan, (Part 1) and Limited Growth Villages are identified as suitable for small-scale development within existing settlement limits, in order to contribute approx. 6% of the overall housing supply for the Borough. The proposal is considered to be small scale, well related to the village, and of an appropriate density. The proposal falls within the defined settlement limit of Blitterlees.
- 13.2 The proposal would bring benefits principally arising from the provision of additional housing to meet the needs of the Borough, as anticipated in the

settlement hierarchy. Some associated economic benefits would arise for the construction industry. Limited adverse impacts have been identified above and these adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole.

RECOMMENDATION

GRANT PERMISSION SUBJECT TO CONDITIONS

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 in accordance with the following plans:
19.1952.2C Proposed Site Plan received 23rd April 2021.
C-0748-02 rev B Surface Water Catchments Layout received 23rd April 2021.
C-0748-01 rev C Outline Drainage Layout received 23rd April 2021.
C-0748-03 rev A FW Outfall Section, Road ConstructionDetails, SW Outfall Section received 23rd April 2021.
C-0748-04 Proposed Site Layout
Site Location Plan
19.1952.14 Plot 5, Proposed elevations, Type 2 Version 3
19.1952.12 Plot 3, Proposed elevations, Type 2 Version 2
19.1952.11 Plot 2, Proposed elevations, Type 1 Version 1
19.1952.10 Plot 1, Proposed elevations, Type 2 Version 1
19.1952.13 Plot 4, Proposed elevations, Type 1 Version 2
19.1952.7B Existing & Proposed Street Scene
19.1952.8 Proposed Ground Floor Plan V2
19.1952.3 Proposed Ground Floor Plan
Flood Risk Assessment and Drainage Strategy Report Issue 4, Hamilton Technical Services, dated 29th March 2021.

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

3. The development hereby approved shall be implemented solely in accordance with the approved foul and surface water drainage details as shown on drawings 19.1952.2C Proposed Site Plan, C-0748-02 rev B Surface Water Catchments Layout, C-0748-01 rev C Outline Drainage Layout, C-0748-03 rev A FW Outfall Section, Road ConstructionDetails, SW Outfall Section and C-0748-04 Proposed Site Layout, and the principles and mitigation measures set out within Flood Risk Assessment and Drainage Strategy Report Issue 4, Hamilton Technical Services, dated 29th March, prior to the development being completed and before occupation of any dwelling. The approved measures shall be maintained operational at all times thereafter.

Reason: To minimise flood risk and pollution and in the interests of securing appropriate drainage measures for the site in accordance with policy S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Pre-commencement conditions:

4. Construction Management Plan:

No development shall take place until a Construction Management Plan 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 site and staff traffic, off site parking, turning and compound areas;**
- b) **Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.**
- c) **Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
- d) **A written procedure for dealing with complaints regarding the construction or demolition;**
- e) **Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- f) **Programme of work for Construction phase;**
- g) **Hours of working and deliveries;**
- h) **Details of lighting to be used on site;**
- i) **Highway signage/ Haulage routes.**

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

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

- 5. The carriageway, footways, footpaths, ramps etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. The highway design details shall be informed by Road**

Safety Audits Stages 1 & 2 and ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. No work shall be commenced until a full specification has been approved and any works so approved shall be constructed before the development is complete.

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

- 6. The development shall not be brought into use until visibility splays providing clear visibility of 2.4 metres x 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 which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.**

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 7. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted and approved by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:**

a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and

b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development, in accordance with policies S21, S29, S32 and S36 of the Allerdale Local Plan 2014.

Post-commencement/Pre use commencing conditions:

- 8. No part of the development hereby permitted shall be constructed above ground floor level until details of all external and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Only the materials so approved shall be used in the development as approved. The mix of render and brick materials shall be completed in accordance with the details provided on amended drawing 19.1952B Existing and Proposed Street Scene, 13-9-19.**

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

- 9. No part of the development hereby permitted shall be built above ground floor level until there has been submitted to and approved by the Local Planning Authority a full scheme of hard and soft landscaping which shall include indications of all existing trees, hedges and shrubs on the site, and details of those to be retained, together with measures for the protection in the course of development. The submitted landscaping plan shall accord with Amended Dwg 19.1952.2B Proposed Site Plan, 1-8-19 insofar as it specifies trees and hedgerow to be retained and a new native hedge to the eastern boundary of the site. All planting, seeding or turfing comprised within the approved 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.

- 10. The means of enclosure for the site shall be erected in accordance with Amended Dwg 19.1952.2C Proposed Site Plan, received 23rd April 2021, unless otherwise agreed in writing by the Local Planning Authority. The means of enclosure shall be constructed prior to the approved dwellings being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and protect the privacy of occupiers.

- 11. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.**

Reason: To ensure that the access roads are defined and laid out at an early stage. To support Local Transport Plan Policies: LD5, LD7, LD8

12. No dwellings shall be occupied until the estate road including footways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety.

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

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

Other:

14. Foul drainage shall be disposed of to the adopted Public Sewerage system.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of pollution in accordance with policies S32 and S36 of the Allerdale Local Plan 2014.

Advisory Notes

Protected species – Great Crested Newt.

Send applicant full responses from Environment Agency 6th July 2020, United Utilities 16th October 2020 and Cumbria County Council June 2021.



