

Allerdale Borough Council

Planning Application

Development Panel Report

Reference Number **OUT/2022/0014**

Location: **Land rear of
Moor House
Marsh
Terrace
Ellenborough
Maryport**

Applicant: **Mr B Rogers**

Proposal: **Demolition of existing dwelling and re-development to provide part residential development and part allotments (outline with all matters reserved)**

Recommendation:

Approve, subject to conditions and the signing of a section 106 agreement to secure 10% affordable housing and provision of a Traffic Regulation Order

1. Summary

Issue	Conclusion
Principle of development	<p>The site falls within the existing settlement limits of Maryport and the scale of the housing proposal remains as previously approved (15 dwellings) is considered to be commensurate to the size and role of the town as a Key Service Centre. The site is surrounded predominantly by existing housing and therefore additional housing on this site would be a compatible use.</p> <p>The proposal will involve the development of predominantly greenfield land, which is sequentially less preferable to previously developed land. However, the allocation of housing land for Maryport includes mainly greenfield sites within the Allerdale Local Plan Part 2 and whilst there are small pockets of previously developed land within the town, the anticipated level of</p>

	<p>housing that Maryport is intended to deliver would exceed this. As such, the release of a greenfield site is considered to be acceptable.</p>
<p>Replacement Allotment Provision</p>	<p>The original proposal has been amended to include the provision of some allotments. This has followed a quantitative and qualitative assessment of the site by Officers which has established that 576sqm of land on site is presently in genuine allotment use. This provision would be secured by condition. On this basis, the health and wellbeing benefits of the existing use would be retained in the long term, albeit there is likely to be some short term disruption. The open space has limited amenity value in other respects. Subject to the replacement allotment provision, the scheme is considered to accord with the requirements of Policy S25.</p>
<p>Sustainability, Access and Parking</p>	<p>The site is considered to be in a sustainable location, with access to public transport and a range of amenities within reasonable walking distance.</p> <p>The proposal will involve the creation of a new access off the A594 and the Highways Authority have indicated that the previous provision of a Traffic Regulation Order is no longer required to secure the original visibility splays.</p> <p>No concerns have been raised as to any wider safety issues arising from an additional highway access at this location.</p> <p>Officers are satisfied that the scale of housing development proposed can accommodate any need for residual off street parking for the proposed housing, including the provision of displaced spaces for residents of Marsh Terrace, from the loss of on-street parking likely to arise from visibility splay requirements.</p> <p>On this basis, the proposal is considered to be acceptable in terms of the sustainability of the location, the provision of parking and highway safety.</p>
<p>Standard of Housing Environment</p>	<p>As the application has been submitted in outline with all matters reserved, it is not possible at this stage to determine the standard of housing environment for future occupiers. However, the indicative plan is considered sufficient to conclude that the site would be capable of accommodating up to 15 units that would be able to provide a good standard of housing environment in terms of privacy/outlook/outdoor space.</p>

<p>Housing Mix</p>	<p>The adequacy of the housing mix would be fully assessed at the reserved matters stage. The applicant has confirmed their willingness to provide for 10% affordable housing provision in accordance with policy SA3. This would need to be secured by s106 agreement along with the tenure mix, should Members be minded to approve the application. The size and positioning of these units within the scheme would be determined at the reserved matters stage.</p>
<p>Impact on Residential Amenity</p>	<p>As the application has been submitted in outline with all matters reserved, it is not possible at this stage to determine the standard of the development in terms of residential amenity at this stage. However, due to the significant change in levels in the vicinity of the site, it is considered appropriate to limit the number of units proposed to that shown on the indicative plan, to limit any dwellings adjacent to the northern boundary of the site to single storey only and to condition the submission of cross sections and existing and proposed floor levels as part of the reserved matters. Through these controls, it is considered that the amenity of neighbouring residents would be adequately protected.</p>
<p>Heritage Assets</p>	<p>The former Crown Inn to the eastern boundary of the site is a Grade II listed building and the proposal has the potential to impact on its setting. Given the historic use of the building, the open aspect frontage and orientation of this building to the A594 is considered the most important aspect of its setting.</p> <p>Whilst the full impact of the proposal on the setting of this listed building cannot be determined at this stage, it is considered that will careful consideration of placement, massing and levels, a scheme could be achieved that would not impact significantly on the setting of the heritage asset.</p>
<p>Ecology</p>	<p>Ecological interest is considered to be limited to the potential presence of bats, and any direct impacts are considered to be a low risk. An advisory note is considered to be sufficient in this case.</p>
<p>Trees</p>	<p>The proposal would involve some tree removal, none of which are considered worthy of a TPO. Landscaping of the site is a reserved matter and, at this stage, replacement tree planting can be secured.</p>
<p>Ground Conditions</p>	<p>Environmental Health recommends further site investigation due to past use of the site which can be secured by appropriate conditions. Further, a Construction Management Plan secures measures to monitor and protect adjacent properties from vibration damage during the build stage.</p>

Surface Water Drainage	The site is not at risk of flooding but flooding issues have been experienced along Gill Beck to the north. Conditions are recommended for the control, management and maintenance of a detailed drainage scheme.
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2. **Introduction**

- 2.1. The application has been brought before the development panel due to a change in recommendation to the highways provision relating to an application that was previously considered and approved by the development panel in 2019. The original application was called in by elected members.

3. **Proposal**

- 3.1. An outline planning application has been submitted for the demolition of an existing dwelling, and the re-development of the residential curtilage of this property and further land to the east, presently in use, in part, as allotments. The re-development would be part residential development and part re-provision of allotments. The application has been made in outline, with all matters reserved.
- 3.2. The site has been previously considered before development panel in outline with all matters reserved under 2/2018/0372 where members were minded to approve the application subject to a s106 agreement in relation to affordable dwellings and the implementation of a Traffic Regulation Order to secure visibility splays.
- 3.3. The site area and ground conditions remain unchanged from the previous approval dated 19 July 2019. No reserved matters application has been considered in relation to the original outline approval therefore the original outline application has lapsed. Officers are mindful of the fact that the main policy considerations are the same as the original proposal with a small number of amendments to the NPPF and the adoption of part 2 of the Allerdale Local Plan since the original application was determined.
- 3.4. Indicative plans under the original scheme demonstrated how the site could be re-developed. The design and access statement indicates that the application seeks to effectively “renew” what was previously approved. The indicative plans on 2018/0372 demonstrated that allotments measuring 576 sqm and 15 residential units could be accommodated on site.
- 3.5. Under the 2018 proposal a vehicular access off the A594 in a similar location to the existing access serving Moor House was considered with two pedestrian access points in addition to the main access, from Selina Terrace and Main Street being retained.

4. **Site**

- 4.1. The application site comprises of Moor House, a detached two storey dwelling with stone frontage of traditional appearance, and its residential curtilage which

is extensive. It also includes a parcel of land to the south west of Moor House that is partly used for traditional allotments, with other parts of the site overgrown and some plots used for other purposes, such as dog kennels, storage of building materials etc. An existing private driveway accesses Moor House from the A594 and a second vehicular access is used by allotment users off Main Road. Pedestrian routes are available into the allotment site from Main Road and Selina Terrace.

- 4.2. The Moor House curtilage contains a small number of mature trees to the frontage (Scots Pine), and a small number of fir trees to the rear garden. A number of outbuildings and garages exist to the side and rear of the dwelling, with much of the rear garden overgrown. Moor House also has a derelict structure attached to its western gable, which it is understood was a separate dwelling in the past. A high stone wall separates Moor House from Marsh Terrace.
- 4.3. The site lies within a residential area, with housing to all boundaries. The Crown Inn (former public House, now restaurant) lies to the eastern boundary, which is a listed building. Land levels rise up markedly to the south and, as a result, properties along Marsh and Robinson Terrace sit at a much lower ground level than the allotment land. Ground levels within the allotments are typically the equivalent of first floor windows or eaves level. Levels continue to rise to the south, with properties along Main Street at a higher ground level, albeit level changes here are not so marked.

5. **Relevant Planning History**

- 5.1. 2/2018/0372 – Outline for residential development – Approved

6. **Representations**

Maryport Town Council

- 6.1. No response to date

Environmental Health

- 6.2. Request noise mitigation measures for the adjacent public house. Recommend conditions relating to contaminated land and construction management.

County Highways/LLFA/LEA

- 6.3. Local Highway Authority and Lead Local Flood Authority Response: The application form states that this is a renewal of the previously approved outline application 2/2018/0372. Based on the information submitted with the current application, the final response from the LHA and LLFA would still apply to the current application
- 6.4. Local Education Authority response: No education contribution is required for primary or secondary schools as there are sufficient spaces within the catchment for both provisions.

- 6.5. Highways Authority additional response: Further to our comments on 17/06/2022 where we referred back to our response issued in 2018, this still applies. I would however like to amend the comments regarding the implementation of double yellow lines. They do not need to be laid for the full visibility splays, we would recommend they are laid for 10m across the site access and extending west to the extent of the site boundary. This will mean a reduced number of on-street parking spaces being removed.
- 6.6. A traffic regulation order will need to be in place prior to the works commencing and the developer will be expected to pay a sum of £6,000.0 which will cover the costs of this. The Highways Authority recommends conditions should planning permission be granted, relating to visibility, standard and delivery of roads/footways, a Construction Traffic Management Plan, measures to prevent surface water discharging onto the highway, and full surface water drainage details.

Fire Officer

- 6.7. No comments received.

United Utilities

- 6.8. No comments received

Cumbria Constabulary

- 6.9. No comments received

- 6.10. **Housing Services**

- 6.11. No comments

Other representations

- 6.12. The application has been advertised by press advert, site notice and neighbour letter.
- 6.13. 14 letters of objection have been received with 6 of these from 1 individual property, the comments are summarised as follows:

Traffic and parking comments

- Concerns related to the access on to the main road during construction and demolition stages
- Increase strain on existing highway
- Object to double yellow lines being introduced and displacement of parking on Marsh Terrace
- The TRO that supports this application has just been withdrawn by a Cumbria County Council.
- Concerns relating to the alteration of the TRO from 60m to 10m and implications of

highway safety

- Reducing the double yellow lines by over 80% from its original specification must be a compromise on public safety
 - The original splay lines for the TRO were extended to 60m due to the location of the junction adjacent to the junction to Gillbeck Farm creating a cross roads style junction increasing the junction danger.
 - Lack of evidence of a road safety assessment stages 1 or 2 to support the S278 or S38 application
 - The highways comments stating that the splay lines can be reduced to 10m, looking at the highways guidance TS3 supporting the S278 or S38 application the figure quoted of 10m does not appear in the TS3 standard for a 30mph road.
 - No road speed assessment has been undertaken
 - A previous speed assessment indicated cars were travelling 40mph along this stretch of road; however, were slowed down by parked vehicles on Marsh Terrace
 - Any disruption on A594 is always reflected by the one way system on Main Street in Ellenborough being used as a short cut therefore increasing the volume of traffic through the village.
 - Parking will encroach upon adjoining roads where parking is already oversubscribed
 - Insufficient parking for displaced vehicles
 - Concerns in relation to timing of alternative parking
 - Alternative parking inconveniently located
 - Potential abuse of alternative parking by properties not affected by the development
 - Management of parking spaces
 - Security and insurance issues relating to alternative parking
 - Would increase danger for existing residents using the parking on the main road
 - Taking the grass area for parking is not sensible or ethical
 - Blue badge holders will be able to park on the double yellow lines for up to 3 hours
 - Provision of disabled parking
 - Provision of alternative road safety measures i.e. speed bumps, zebra crossings, speed cameras or road narrowing
 - Creation of access road adjacent to existing property
 - Plans relating to parking and visibility are incorrect
 - Effects on school bus drop point
 - Cumbria Constabulary have previously been involved on the parking issues and they themselves have supported the current parking on the A594 has a viable means of slowing traffic
 - Adjoining residential areas are busy with pedestrians, including school children and many elderly people plus there is a children's play area and playing field and any increase in parking will further increase the risks of injury or death.
- **Other matters**
 - Allotments are more in keeping with the local established community.
 - The water table is of considerable concern as the development will cause considerable adverse changes to the water levels
 - Drainage issues
 - Effects of the development on wildlife
 - Asbestos is found on site

- Presence of mine shafts
- Potential noise pollution, overlooking and privacy issues from residential properties
- Disruption from noise, air pollution, site traffic from the construction stage
- Stability of properties during construction
- De-stabilisation of surrounding properties from ground works/development of the site. Retaining wall between 12 Marsh Terrace and Moorside House with an overhang of 18" inches and increasing, which was previously the gable end for Moor Cottage, the ground level on Moor House is approximately 2 meters higher on the adjacent side of Moor House
- No provision of lighting within the site
- Lack of information on site security during construction
- Effects on retaining and gable walls
- Position of parking and turning in front of existing living room window would cause lack of privacy, increased air pollution and noise and disturbance at night time
- The plans show a provision for 62 additional parking spaces which would give almost constant increase in noise levels both during the day and in the evenings.
- Provision of electric charge points
- Devaluation of property

7. Duties

- 7.1. Does the site affect the setting of a listed building? No
- 7.2. Is the site within a designated conservation area? No
- 7.3. Is the development likely to have a significant effect upon a Natura 2000 designation?
No

8. Environmental Impact Assessment

- 8.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development is neither within Schedule 1 nor 2 and, as such, is not EIA development.

9. Development Plan Policies

9.1. Allerdale Local Plan (Part 1) (2014)

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 S6 – Area Based
 Policy S7 - A mixed and balanced housing market
 Policy S8 – Affordable Housing
 Policy S21 – Developer contributions
 Policy S22 - Transport principles
 Policy S24 – Green Infrastructure
 Policy S25 – Sports, Leisure and Open Space
 Policy S27 – Heritage Assets

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 S36 – Air, Water and Soil Quality
Policy DM12 – Sustainable Construction
Policy DM14 - Standards of Good Design
Policy DM17 – Trees, Hedgerow and Woodland

9.2. **Allerdale Borough Local Plan (Part 2) (2020)**

Policy SA3 – Affordable Housing
Policy SA5 – Housing Standards
Policy SA6 – Housing Delivery
Policy SA33 – Broadband
Policy SA51 – Amenity Greenspace
Policy SA52 – Green Infrastructure

10. **Other material considerations**

National Planning Policy Framework (NPPF) (2021)

Council Strategy 2020-2030

Maryport Plan

11. **Policy weighting**

11.1. 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 (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

12. **Assessment:**

Principle of development

12.1. 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. Policy S5 sets out the development principles for proposals within settlements in the hierarchy.

12.2. Maryport is defined within the settlement hierarchy as a Key Service Centre and it is anticipated that Key Service Centres will see large scale housing growth, some of which is anticipated through windfall sites such as the application site. Within the

current Plan period, Maryport has seen only a limited number of housing applications despite its designation as a Key Service Centre. As such, whilst only a small scale proposal for up to 15 units (and replacement allotments), the scheme would make a positive contribution to providing new housing within the town. The scheme falls within the existing settlement limits of Maryport within the Allerdale Local Plan Part 2. The location of the proposal within an existing Key Service Centre is therefore compatible with policies S3 and S5.

- 12.3. Policy S30 seeks a sequential approach to the release of land for housing, directing development firstly to land which has been previously developed. The revised NPPF establishes that both allotments and residential gardens (which in combination form this application site) are not considered to be previously developed land. However, in considering the allocation of new housing sites within Maryport as part of the preparation of the Allerdale Local Plan Part 2, it has been necessary to allocate greenfield land, due to a lack of previously developed land within the town. As such, it is considered that the release of greenfield land is acceptable in this instance. The loss of this residential curtilage would not impact significantly on the character of the area at this location as the site is surrounded by relatively high density housing with much smaller curtilages.
- 12.4. Policies S25 and S26 of the Allerdale Local Plan Part 1 seek to protect open spaces and wider green infrastructure where it makes a positive contribution to health and wellbeing and the social and environmental strands of sustainable development. The proposal would see the loss of an established allotment site, which forms approximately two thirds of the application site, but the proposal would include for re-provision. Whilst this will be discussed in more detail below, in summary, a qualitative and quantitative assessment has been made of the extent to which the existing site is being used for traditional 'allotment' uses (as opposed to other uses such as the keeping of dogs, builders yard/materials storage etc), and the amended proposal provides for an equal qualitative replacement of this allotment area on the indicative plans.
- 12.5. As the application has been submitted in outline only with all matters reserved, it is also proposed that this re-provision of allotment space of not less than 576sqm would be secured by condition as under the previous approval. Whilst it will be a smaller area in total, it will provide like for like replacement in terms of the area on site presently used as traditional allotment land.
- 12.6. The scale of the housing proposal (15 dwellings) is considered to be commensurate to the size and role of the town as a Key Service Centre. The site is surrounded predominantly by existing housing and therefore additional housing on this site would be a compatible use. As such, the principle of new housing is considered to be acceptable having regard to Policy S3, S30 and DM16 of the Allerdale Local Plan (Part 1).

Replacement Allotment Provision

- 12.7. Policies S25 and S26 of the Allerdale Local Plan Part 1 seek to protect open spaces and wider green infrastructure where it makes a positive contribution to health and wellbeing, and to the social and environmental strands of sustainable development. 'Allotment land' is specified for consideration in both of these policies and is a use that can positively contribute to health and wellbeing, which is a key priority for the

Council.

- 12.8. Policies SA51 and SA52 of the Allerdale Local Plan Part 2 are also relevant to the proposal. Policy SA51 seeks to re-affirm the protection of open space afforded by Policy S25 where that open space has amenity value. Proposals which significantly impact on that value will not be supported. Policy SA52 of the ALP Part 2 requires that major development strengthens existing green infrastructure and the policies map identifies land that is considered to contribute to the green infrastructure of the Borough. That part of the site presently containing allotments has been designated as 'Green Infrastructure on the proposal map for Maryport.
- 12.9. Albeit, private land, the Council's Open Space Strategy 2014 includes the allotment land which forms part of the application site (ref. Main Street – 283). The same Strategy identifies that, whilst the allotment provision in Allerdale is above the national average, there is a waiting list at nearly every allotment site in the District, suggesting demand is not being met by supply. Maryport Town Council has confirmed that, in relation to the allotment sites they manage, there was a waiting list of 46, as of October 2018. Nearly all sites (with the exception of Salterbeck Road Workington) are assessed as high for quality and value. The Strategy suggests that such sites should be protected and that there will be a need for additional allotment provision up to 2029 in Maryport.
- 12.10. Given this evidence base and the requirements of policies S25 and S26 during the course of the 2018 application, a quantitative and qualitative assessment of the existing allotments was undertaken by Officers of the Council. This quantified the area of land in use as genuine allotments, on the basis that some parts of the allotment site were not in use and some parts were being used for other activities, such as the keeping of dogs and a builder's yard. This assessment concluded that 576sqm of the site is being used as allotment land and that the equivalent provision would need to be included in any re-development. As the application has been made in outline, it is proposed that this re-provision of allotment space of not less than 576sqm would be secured by planning condition.
- 12.11. The amenity value of the site is limited to the social inclusion and wellbeing benefits arising from the provision of the allotments themselves. The site is considered to have little amenity value in other respects, such as visually or ecologically. There is some permeability through the site and this could be retained through any re-development. The indicative layout demonstrates that pedestrian access could be retained from Main Street, Selina Terrace and onto the A594.
- 12.12. Subject to the suggested conditions therefore, the re-development of the site for residential and allotment use is considered to be acceptable in relation to policies S25, S26, SA51 and SA52 of the ALP parts 1 and 2. It is considered that the proposal will maintain the present value of this existing green infrastructure and open space asset.

Sustainability, Access and Parking

- 12.13. Policies S2 and S22 of the ALP (Part 1) seek to ensure that new development is located in areas that help to reduce journey times, have safe and convenient access to public transport, improve travel choice and reduce the need to travel by private motor vehicles.

- 12.14. These policies accord with the NPPF which seek to ensure sustainable transport modes are maximised and development is safe and accessible. Policy S5 requires that new development includes acceptable arrangements for car parking and access. Paragraph 111 of the NPPF states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 12.15. The Institution of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' (2000) considers acceptable walking distances for planning and evaluation purposes and indicates that for commuting/school a distance of 500m is desirable, 1000m is acceptable and 2000m is the preferred maximum. For other journeys (such as shops), 400m is desirable, 800m is acceptable and 1200m is the preferred maximum.
- 12.16. The site lies approx. 1.3km from the main thoroughfares of Senhouse Street and Curzon Street and 1.2km from Maryport Railway Station. There is a bus stop located adjacent to the site frontage onto the A594 which is served by a regular bus service connecting to the town and to Workington and Whitehaven, with a further service (albeit less regular) connecting to Cockermouth. Other facilities, such as schools, churches and corner shops are available at closer proximity in Netherton, at approx. 700m. As such, the site is considered to be in a sustainable location on the basis that the services and facilities of this Key Service Centre are within reasonable walking distance, including regular bus services and regular rail services to Workington and Carlisle.
- 12.17. The surrounding highway network provides adequate paved and lit facilities for pedestrians connecting to the town centre and public transport. National Cycle Route 72 (Cumbrian Coastal route and Hadrian's Cycleway) all pass through the town and are accessible from the site. On this basis, the proposal is considered to be accessible by a range of options other than the private car, and sustainable, in accordance with policies S2 and S22 of the ALP (Part 1).
- 12.18. Whilst no public footpaths run through the site, it was noted that informal footpaths extend into the site from Selina Terrace and Main Street. The existence of these routes were raised with the applicant through the 2018 application and appropriate measures by way of condition maintains these routes and connects them to the A594, thereby improving permeability through the site. This permeability of the site would need to be secured at the detailed stage. Cumbria Constabulary raised issue of surveillance of such routes under the 2018 application and there still remains scope at the detailed design stage to improve surveillance of such routes over and above the existing by the orientation of the proposed housing and the inclusion of windows to gables, etc.
- 12.19. With regards to any residual need for parking, the application has been submitted in outline with all matters reserved. No unit numbers for the housing have been specified in the description of development. An indicative layout on the 2018 application and section 9 of the application form provides for 15 dwellings which would have associated in curtilage parking, an allotment space with two designated parking areas and additional parking spaces for residents of Marsh Terrace, to compensate for the loss of on street parking that is likely to arise from the formation of a new access off the A594. There is no change to the site and therefore officers are of the opinion that

the original indicative plans are relevant when considering this proposal.

- 12.20. On street parking is limited on the A594 and, therefore, it is considered appropriate to ensure that adequate parking can be achieved on site. Officers are satisfied that the indicative plan demonstrated that the site could accommodate up to 15 units, with the necessary on-site parking provision, as well as any displaced parking from the frontage of Marsh Terrace (the Highways Authority has indicated that the access and visibility splays are likely to require double yellow lines to the west, removing a number of parking spaces, albeit this is subject to a road safety audit). It is considered appropriate to limit, by condition, the number of housing units proposed to 15 in this case because additional unit numbers could potentially have adverse impacts in terms of parking requirements and in turn, highway safety and no information has been provided to the contrary.
- 12.21. Final details as to the layout, parking provision etc. would be determined at the reserved matters stage.
- 12.22. Albeit reserved for subsequent approval, the proposed development will require a new access to be formed off the A594, where presently there is only a private driveway serving Moor House. A number of representations raise concern with a further access at this location, due to the close proximity of other junctions off the A594 at Gillbeck Place (directly opposite) and Main Street to the east (approx. 50m), the busy nature of the highway and the restricted nature of it, due to parked cars. The first response from the Highways Authority indicated that the response on the 2018 application was still relevant to the application with the requirement of a 60m visibility splay and double yellow lines to protect the splays.
- 12.23. Given there has been issues with proceeding with the TRO to install the double yellow lines for a distance of 60m, the highways authority have revised their advice to allow the provision of double yellow lines and have indicated that "They do not need to be laid for the full visibility splays, we would recommend they are laid for 10m across the site access and extending west to the extent of the site boundary. This will mean a reduced number of on-street parking spaces being removed." This would be secured by a new traffic regulation order under the s106.
- 12.24. Further discussions have been undertaken with the highways authority in relation to the parking of vehicles within the visibility splays in terms of additional risks and highway safety in line with the paragraph 111 of the NPPF (outlined above).
- 12.25. In terms of the layout allowing parked cars within the visibility splays when looking left out of the junction access would aid in slowing vehicles coming down the hill with the speed of traffic coming up the hill being slower. The visibility looking to the right is considered to be adequate and with the first 10m protected with double yellow lines, it will give enough distance to pull out slowly with the ability to see if there is any approaching traffic from the left. Drivers will be able to assess the road conditions and make a decision whether to fully pull out and turn left or right;
- 12.26. The highways authority have looked at accident data and have no records of any injury accidents to the carriage way to the front of the site with one accident related to the junction to the east which would not have been impacted from the additional access.

- 12.27. With the introduction of 10m of double yellow lines this will prevent parking within 10m of the junction which will comply with the provisions of the Highway Code.
- 12.28. Overall, the highways authority indicate that the reduction to the required distance of double yellow lines would not have any significant highways implications and would pose a low risk of accidents due to relatively low speeds and low degree of conflict due to low traffic flows (primarily from the access), and thus a corresponding low or very low impact on road safety. The highways authority concludes that the layout could not be described as having an unacceptable impact on highway safety.
- 12.29. Based on the advice of the Highways Authority and subject to the recommended conditions, the proposal is considered to be acceptable in relation to policies S2, S5 and S22 of the ALP (Part 1) and the advice contained within the NPPF.

Standard of Housing Environment

- 12.30. Policy S4 requires that new developments function well, ensuring suitable standards of access and amenity and Policy DM14 supports this. As the application has been submitted in outline with all matters reserved, it is not possible at this stage to determine the standard of housing environment of future occupiers. However, the site would be capable of accommodating up to 15 units that would be capable of providing a good standard of housing environment in terms of privacy/outlook/outdoor space etc.
- 12.31. To the eastern boundary of the site is the former Crown Inn, now in use as an Indian restaurant. There is the potential for the proposed development to be affected by noise and odour from these premises.
- 12.32. Following clarification on the original application that the public house has now changed use to a restaurant, Environmental Health recommended, a condition should be utilised to secure the submission of a suitable assessment of this issue, to inform any reserved matters application. The outcome of this assessment may impact on the layout of the development, but as all matters are reserved, this approach is considered to be acceptable. Officers consider that this is still relevant to the resubmission.

Mix of Housing

- 12.33. Policy S7 of the ALP (Part 1) seeks to achieve an appropriate mix of housing and Policy SA3 seeks to achieve a percentage of affordable units, where a certain threshold is exceeded.
- 12.34. As the application has been submitted in outline with all matters reserved, it is not possible at this stage to determine the appropriateness of the housing mix. However, it is likely to be a mix of 2, 3 and 4 bedroom houses and bungalows. The housing mix could be fully assessed at the reserved matters stage, should permission be granted.
- 12.35. The applicant has confirmed their willingness to provide for 10% affordable housing provision in accordance with policy SA3. This would need to be secured by s106 agreement along with the tenure mix, should Members be minded to approve the application. The size and positioning of these units within the scheme would be determined at the reserved matters stage. The affordable provision shall include one

First Homes property with an additional discounted sale unit. Given the change in policy and adoption of Part 2 of the ALP this is a lower provision than the earlier outline.

Impact on Residential Amenity

- 12.36. Policy S32 of the ALP (Part 1) seeks to ensure that new development does not have a significant adverse impact on the amenity of existing residents.
- 12.37. There are existing residential properties to all boundaries of the site, with the exception of the former Crown Inn. Due to the local topography, terraced properties along Marsh Terrace, Robinson's Terrace and Marsh Villa are at a significantly lower ground level, with properties to the south at a higher level. The existing ground level of the site is generally exceeding first floor level on these terraces to the north and is approaching eaves level. Again, as the application has been submitted in outline with all matters reserved, it is not possible at this stage to fully determine the impact of the proposal on residential amenity.
- 12.38. Officers are satisfied that the proposed 15 units could be accommodated without causing harm to the amenity of neighbouring residents. It is also considered appropriate to condition that any units proposed adjacent to the northern boundary of the site shall be restricted to single storey only. Any greater scale of development is likely to have an unacceptable impact on outlook of residents to the north.
- 12.39. Any reserved matters application would need to be supported by cross sections through the site and those properties to the north to demonstrate that, even with the restriction to single storey, adequate separation distances were achieved, which may need to exceed the standard 21metres for back to back elevations. Officers would also expect to see a form of development that limited any large gables ends facing onto this boundary, with hipped roof designs potentially to further reducing any imposing scale or massing.
- 12.40. Subject to the recommended conditions and through the careful consideration of the scheme at the reserved matters stage, it is considered that the residential amenity of neighbouring properties could be adequately protected.
- 12.41. The creation of the necessary access to the proposal is likely to result in the loss of a small amount of on street parking along the A594 adjacent to Marsh Terrace, however this will be at a reduced amount than the earlier approval; however, this will be determined by the required visibility splays and the formation of the access itself (the exact loss is to be confirmed by Safety Audit).
- 12.42. As indicated above, the proposal includes for the re-provision of alternative parking provisions within the application site. This alternative parking provision would be at a greater distance from these properties on Marsh Terrace than the existing on street parking. As such, it would be less conveniently located. However, the off street parking provision would offer some benefits in terms of safety for people accessing and egressing the car on a busy main road and the potential for damage to these vehicles from passing cars, buses and lorries. Further, there is the potential for these parking bays to be designated spaces, whereas on street parking is not.
- 12.43. Officers are of the view that the parking provision for existing residents would have

both positive and negative impacts but that overall the harm to the convenience of residents would not be sufficient reasons to refuse the application, subject to a Grampian condition and s106 Agreement to secure the delivery of alternative parking within the site.

- 12.44. These off site works within the adopted highway would not be within the control of the applicant and would require a Traffic Regulation Order. The delivery of the changes through a TRO is not guaranteed, but it is considered in this case, that there is a reasonable prospect of delivery. Therefore a 'Grampian' style condition is considered appropriate. Such conditions require the necessary works to be secured before a particular development or use can take place.
- 12.45. This approach follows guidance within the National Planning Policy Guidance which states that, 'Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission'.

Heritage Assets

- 12.46. Policy S27 of the ALP Part 1 seek to conserve and enhance heritage assets within the Plan area in accordance with their level of significance, reflecting advice within the revised NPPF.
- 12.47. The application site lies adjacent to the former Crown Inn, which is a Grade II listed building. There are no other heritage assets within the locality.
- 12.48. The listing for the former Crown Inn states:
- 'Early C19. 2 storeys in sandstone with double span slate roof. 3 windows in stone surrounds. Stone pilasters at ends. Hung sashes with glazing bars. 2 windows to ground floor flank entry with modern wood porch. 1 modern window to right in stone surround, and modern brick entry. Attached storage premises of 2 storeys with a hoist door to the 1st floor'.
- 12.49. The former Crown Inn has the appearance of a traditional inn and it is assumed therefore that this was its original use, albeit limited information has been obtainable. This assumption is supported by its location on the main thoroughfare between the settlements of Maryport and Cockermouth and the orientation of the inn as it presents itself onto the road, with an open aspect and wide open space to its frontage, to attract and accommodate passing trade. Historically therefore, it is considered to be this presentation of the inn to the main road and its open aspect towards the east that forms the more important element of its setting. The building itself has been subject to some later additions to its front and side elevations towards the A594. No private land is currently available to the rear of the Inn. It has not been established if this has always been the case, but the presence of a stone wall to the boundary with Moor House suggests that the Inn has not benefitted from curtilage to the rear.

12.50. The proposal would not impact on the more historically important frontage setting of the former Inn. The proposal would introduce development potentially to the north east along the A594 and at the rear. Providing adequate separation distances are achieved, and floor levels/massing of any new builds are carefully considered at the reserved matters stage, then it is considered that a form of development could be secured that would not encroach onto or dominate this building inappropriately, thereby safeguarding the setting of this listed building acceptably, in accordance with policy S27 of the ALP Part 1 and section 66 of the Act. In this regard, it is summarised that there is less than substantial harm to the setting of the listed building and the noted benefits of the sites re- development and the provision of additional homes to re-inforce the residential character of the area and support its existing services, would outweigh that harm.

Ecology

12.51. Policy S35 of the ALP (Part 1) seeks to protect and enhance ecological interest.

12.52. No Phase 1 Habitat Survey or additional survey information have been provided with the application. The present use of the site as allotments and residential garden is not considered to offer any significant biodiversity interest other than the potential for bats within buildings or mature trees and birds. Having considered the buildings and trees on site, Moor House, whilst appearing of 19th century construction, appears to be well maintained, with no obvious damage or deterioration of the roof or external walls that would allow for bat ingress to the roof. There is considered to be relatively low potential for bats to be using the site in large numbers, and therefore the proposed demolition of this building is unlikely to impact significantly on bats. However as representations note the presence of bats in the locality, an advisory note is considered appropriate referencing the need for a licence from Natural England to undertake any work that may impact on a protected species.

12.53. Mature trees on site are limited to a small number of large conifers adjacent to the site frontage. Given the proximity of these trees to the A594 and the associated noise and lighting, they are considered unlikely to be used by bats. However, the same advisory note is considered appropriate in this respect.

Trees

12.54. Policy DM17 of the ALP Part 1 seeks to protect existing trees where they are considered important to the community or contribute positively to the character of the area or nature conservation.

12.55. The conifers to the site frontage are large and are a notable feature in the locality. However, applying a TEMPO assessment, they are not considered to be worthy of a Tree Preservation Order, nor are any other trees within the rear of the site. Landscaping of the site will be considered as a reserved matter and at this stage it will be possible to secure an appropriate landscaping scheme for the site, including any replacement planting for those to be removed.

Ground Conditions/Stability

12.56. Policy S30 of the ALP Part 1 requires that, for proposals where there is a risk of

potential onsite contamination or ground stability, it must be subject to appropriate assessment by a suitably qualified person to the current British standards.

- 12.57. The original application in 2018 was supported by a Phase 1 Desk Top Study, which included a Coal Authority Coal Mining Report. Whilst the latter did not record any mining or opencast activity at the site, five mine shaft entries are noted within close proximity to the site. The site is therefore considered to be potentially at risk from unrecorded shallow mine workings, not a direct structural risk, but possible through mine gas migrations.
- 12.58. Some contamination risk was also identified from historic uses. The report therefore recommends full Phase 2 Site Investigations, including exploratory boreholes and any necessary remediation, along with gas monitoring.
- 12.59. Subject to appropriate conditions, the Council's Environmental Health section has recommended specific conditions to address the risks identified.
- 12.60. A number of residents also raise concerns relating to impacts on stability of adjoining properties, particularly a high stone wall that presently forms the boundary between the site and 12 Marsh Terrace. The Council's Environmental Health section has recommended specific condition for a Construction Management Plan, which includes for the monitoring of damage from vibration during construction. Further to the need for additional site investigation identified above arising predominantly from former coal workings, there is no other evidence to suggest that the ground is significantly unstable. These conditions are therefore considered suitable and based on the advice of the Council's Environmental Health section, it is considered that the requirements of Policy S30 are met.
- 12.61. Separate protections to private property may be available through the Party Wall Act.

Flood Risk and Drainage

- 12.62. Policy S29 of the Allerdale Local Plan Part 1 requires that developments should be avoided in locations that would be at risk of flooding or where it would increase the level of flooding elsewhere.
- 12.63. The site lies within flood zone 1, which is at the lowest probability of flooding. However, there are noted concerns with flooding issues to the north at Gill Beck. It will be necessary for the development to manage flood risk to others by attenuating surface water run-off to the existing rate. No detailed drainage information has been provided with the application, but it is considered that this matter can be appropriately secured by conditions to secure a means of surface water drainage and attenuation, and for its maintenance and management.

Other Issues:

- 12.64. It is noted that a number of private accesses appear to exist to the rear of properties on Main Street and Marsh Terrace, Robinson Terrace and Marsh Villa. Albeit, the retention of private rights is not a planning matter, the issue has been highlighted to the applicant so that any lawful rights can be accommodated into the scheme to be finalised at the reserved matters stage.

13. Local Financial Considerations

- 13.1. 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.

Conclusion

- 13.2. In principle, the development is considered to be acceptable and has an extant outline approval. It provides for an additional 15 residential units within the existing settlement of Maryport, which is a Key Service Centre, intended to accommodate a significant level of new housing development. The scale of the development insofar as it relates to unit numbers, is considered to be compatible with the size of the settlement.
- 13.3. The proposal includes for the re-provision of allotment land within the re-development of a quantity equivalent to that being lost, following assessment of the area of land on site which is presently in use for genuine allotment purposes, in accordance with policy S25 of the ALP Part 1.
- 13.4. The proposal is considered to be located within a sustainable location, with access to local shops and amenities and public transport. A new access would be formed off the A594 which is a busy road, however, the Highways Authority has raised no objections in this respect. It is considered that up to 15 units could be achieved on site whilst securing appropriate parking provision for future occupiers and the provision of displaced spaces from the frontage of Marsh Terrace.
- 13.5. The benefits of the proposal would principally arise from the construction of 15 houses within a Key Service Centre and therefore a sustainable location, along with the delivery of a small number of affordable housing units, and the associate social and economic benefits associated with the construction of new housing. Adverse impacts of the proposal are likely to arise from the inconvenience caused to existing allotment users presently on site, due to re-location and rationalising of the allotment units within the re- development. This will be on a temporary basis only. Further inconvenience for existing residents would result from the re-positioning of any existing on street parking within the site for residents of Marsh Terrace, albeit there are some benefits arising from this also in terms of safe access/egress to parked cars on a busy main road.
- 13.6. Subject to the recommended conditions as previously approved with further submission of additional details of scale, layout, appearance, landscaping and access at the reserved matters stage, it is considered that matters relating to residential amenity, standard of housing environment, heritage assets, ground conditions and drainage are addressed, or can be adequately addressed at the reserved matters stage. The proposal is therefore considered to be acceptable having regard to the relevant policies of the ALP Part 1 and 2 and advice contained within the NPPF 2021. Any adverse impacts of the proposal are not considered to be significant, and would be outweighed by the benefits of the proposal.

Annex 1

Time Limit:

1. **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 3 years from the date of the grant of this permission, or**
 - (b) **The expiration of 2 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 Sections 91 and 92 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:**

5147-02 Rev C - Location Plan

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

Pre-commencement conditions:

3. **Before any development commences details of the layout, scale and appearance, access and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.**

Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (Development Management Procedure) Order 2015.

4. **No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to the commencement.**

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

5. **Should land affected by contamination be identified following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The**

scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

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

6. Construction Management Plan:

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) 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.**
- (b) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
- (c) A written procedure for dealing with complaints regarding the construction or demolition;**
- (d) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- (e) Programme of work for Demolition and Construction phase;**
- (f) Hours of working and deliveries;**
- (g) 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 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.

7. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- (a) pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;**
- (b) details of proposed crossings of the highway verge;**
- (c) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;**
- (d) cleaning of site entrances and the adjacent public highway;**

- (e) details of proposed wheel washing facilities;
 - (f) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - (g) construction vehicle routing;
 - (h) the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - (i) surface water management details during the construction phase
- Reason: In the interests of highway safety.

8. **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 development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.**

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

9. **No development shall commence until a detailed assessment of noise and odour emanating from the adjacent restaurant at the former Crown Inn, Main Street, Maryport, has been submitted for approval in writing by the Local Planning Authority. The report shall be carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines. The aim of the report will be to establish whether any proposed housing could potentially be impacted by noise and odour and a scheme of mitigation measures to alleviate any unacceptable impacts. The approved scheme of mitigation shall be implemented prior to the beneficial occupation of the dwellinghouses hereby approved and shall be permanently retained thereafter.**

Reason: To ensure an acceptable standard of housing environment in accordance with policy S4 of the Allerdale Local Plan (Part 1), Adopted July 2014.

10. **Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. 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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.**

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, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. **Any application for reserved matters of scale and/or layout shall include plans showing the following:**

- (a) **Cross sections through the site, including the relationship of proposal to off site properties to the northern, southern and eastern boundaries of 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.

- 12. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a schedule of works for the managed replacement of the existing allotments on site. The development (Including the construction phase) shall be undertaken only in accordance with the approved details.**

Reason: To ensure the replacement allotment provision is delivered in a safe and timely manner, in accordance with Policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 13. The carriageways, footways, footpaths, cycleways etc shall be designed and constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/ cross sections, shall be submitted to the Local Planning Authority for approval before work commences. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All 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.

- 14. Any application for reserved matters of layout shall include plans showing the provision of allocated parking spaces for residents of Marsh Terrace of a number that is the same as or exceeds that number identified to be lost due to creation of the new access and associated visibility requirements. A detailed scheme for the temporary and permanent arrangements for the provision of these parking spaces during the construction phase and once the development is completed, shall be submitted to the Local Planning Authority for approval in writing before the development commences. The approved scheme shall be adhered to at all times during the construction phase and the permanent arrangements shall be provided as approved and retained and made available for use for the lifetime of the development.**

Reason: To ensure adequate alternative parking provision is made available to compensate for that parking provision on street that will require removal as a result of the development in the interests of highway safety and residential amenity, in accordance with policies S5, S22 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 15. The development shall not commence until:**

(1) Visibility splays providing visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel 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 2015 (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.

(2) Measures have been put in place on the County highway to ensure that parking on street within the visibility splays is restricted.

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.

Post-commencement/Pre use commencing conditions:

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

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

- 17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.**

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

- 18. No development shall be occupied until the details of future drainage management and maintenance are agreed in writing with the Local Planning Authority. The development shall thereafter be maintained and managed at all times in accordance with the approved details.**

Reason: To ensure that the surface water system continues to function as

designed.

- 19. 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 by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.**

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

- 20. Details of the siting, height and type of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling(s) or the use of the allotments commencing. Any such means of enclosure shall be constructed prior to the approved development being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed or replaced 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 safeguard the amenity of neighbouring properties.

- 21. Any areas of parking or open space within the approved layout and landscaping scheme that do not fall within private domestic gardens or curtilages shall be maintained at all times in accordance with a Landscape Management Plan that has been submitted to and approved in writing by the Local Planning Authority before any dwellings hereby approved are brought into use.**

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

- 22. No dwellings shall be occupied until the estate road, including footways and cycleways 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 of the occupiers of residential units hereby approved.

- 23. The dwellings/land use hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan and have been made available for use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.**

Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

- 24. Prior to the first occupation of each dwelling, details for that dwelling shall be submitted to and approved in writing by the local planning**

authority of either:-

- a) Evidence that the applicant will provide onsite access to broadband infrastructure providers during the construction process to allow the providers to install the necessary broadband infrastructure; or
- b) Evidence, following contact with broadband infrastructure providers, that it is not practicably or viably possible to install broadband infrastructure to achieve superfast (as defined by Government standards) fibre broadband connectivity.

Reason: To seek to secure sustainable superfast (as defined by Government standards) fibre broadband connectivity in accordance with policy SA33 of the Allerdale Local Plan Part 2.

Other:

- 25. **Any new housing adjacent to or adjoining the northern boundary of the site shall be limited to single storey only.**
Reason: It is considered that development shall be limited to single storey in this location taking into account the site conditions, levels and character of the surrounding area, in compliance with the National Planning Policy Framework and Policy S4, S5 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 26. **The development hereby permitted shall be limited to the construction of 15 dwellinghouses only.**
Reason: No information has been provided to demonstrate that a greater number of residential units could be provided on site without having a significant adverse impact on the locality by way of residential amenity and standard of housing environment, in accordance with policies S4, S32 and DM14 of the Allerdale Local Plan Part 1.
- 27. **The development hereby approved shall provide for a minimum of 576sqm of land to be laid out for use as allotments.**
Reason: To ensure an adequate replacement allotment provision in accordance with Policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 28. **All planting, seeding or turfing comprised within any approved landscaping 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.
- 29. **Foul and surface water shall be drained on separate systems.**
Reason: To secure proper drainage and manage the risk of flooding and pollution.

Advisory Note – Noise and Odour

The Noise and Odour Assessment required by condition 9 will be required to inform the layout and design of the proposed housing. The Local Planning Authority would therefore advise that this document be prepared and submitted for approval with any reserved matters application seeking approval of layout.

Advisory Note – Bats

All British bats and their roosts are protected by law under the provisions of the Wildlife and Countryside Act 1981 (as amended) and they should therefore always be taken into account when any work is being done on buildings which are known to be used by bats or have potential as bat roosts. Should bats be found on site you are advised to cease works and contact Natural England for further advice.

