Allerdale Borough Council

Planning Application

Reference No: 2/2012/0411
Received: 25 May 2012

Proposed Development: Outline application for residential development with matters of estate layout, scale, appearance and landscaping reserved.

Location: Land West of Main Road
High Harrington
Workington

Applicant: Miss Janet Carruthers
Story Homes

Drawing Numbers:
- 000247.90.9.SL.LP - Rev A - Site Location Plan (amendment received 29/6/2012)
- 224 STO_101 Rev C - Illustrative Development Framework (Access Only) (amendment received 19/7/2012)
- 224 STO_100 Rev B - Outline Plan (Access Only) (amendment received 29/6/2012)
- SH102-1 - Topographic Survey
- SH102-2 - Topographic Survey
- SH103-3 - Topographic Survey
- DR1 - Transport Statement
- DR3 - Ecological Desk Study May 2012
- DR3A - Extended Phase 1 Habitat Survey July 2012 (amendment received 5/7/2012)
- DR4 - Odour Dispersion Modelling Statement February 2012
- DR5 - Archaeological Desk Based Assessment and Geophysical Survey Ref Y034/11
- DR7 - Noise Assessment Report
- DR8 - Phase 1 Geo-Environmental Ground Investigation Ref 2584
- DR9 - Flood Risk and Surface Water Drainage Assessment Ref NS/2584 May 2012
- Stage 1 Road Safety Audit Ref CS/054342-01-16 July 2012 (amendment received 20/8/2012)
- Stage 1 Road Safety Audit Technical Note Ref VACE/elc/ITM7095-003TN August 2012 (amendment received 20/8/2012)
- EMAIL dated 27/9/2012 regarding - confirmation of proposed outline application with matters reserved. (amendment received 27/9/2012)

Constraints:
Settlement Limit HS5
CZ1-CZ6
British Coal Area
Policies:

**Allerdale Local Plan, Adopted 1999 (Saved)**
- Policy CO22 - Protection of archaeological remains
- Policy E35 - Areas and features of nature conservation interests other than those of national and international conservation importance
- Policy EN1 - Minimising Travel
- Policy EN14 - Safeguarding Water Environment
- Policy EN25 - Protecting the open countryside
- Policy EN3 - Landscaping
- Policy EN32 - Protecting wildlife protected by law
- Policy EN37 - Protection of open land in urban areas
- Policy EN39 - Access for the disabled
- Policy H19 - Affordable housing outside the Lake District National Park
- Policy HS14 - Affordable/local needs housing on large sites
- Policy L1 - Provision of open space in housing development
- Policy CZ1-CZ5 – Development affecting the coastal zone.

**Allerdale Local Plan First Alteration, June 2006 (Saved)**
- Policy HS15 - Affordable/local needs housing outside settlements,
- Policy HS4 - New housing in open countryside
- Policy HS7 - Housing development on unallocated sites
- Policy HS8 - Housing design
- Policy HS9 - Infrastructure requirements for housing

**Cumbria and Lake District Joint Structure Plan 2001-2016 Adopted Plan April 2006 (Saved)**
- Policy ST4 - Major development proposals
- Policy ST5 - New development and key service centres outside the Lake District National Park
- Policy T30 - Transport assessments
- Policy TR11 - Provision for cyclists, Allerdale Local Plan, Adopted 1999 (Saved)
- Policy TR13 - Provision for pedestrians, Allerdale Local Plan, Adopted 1999 (Saved)

**National Planning Policy Framework March 2012**
Achieving sustainable development

**North West of England Plan Regional Spatial Strategy to 2021**
From a strategic point of view, the North West of England Regional Spatial Strategy is still currently part of the development plan and is a material planning consideration, although the Government has made clear their intentions that they may abolish at some point Regional Spatial Strategies and Saved Structure Plan Policies, following the enactment of the Localism Act 2011.
The Cumbria Community Strategy 2008–2028
Prepared by the Cumbria Strategic Partnership this strategy aims to create: safe; strong and inclusive communities; health and well being throughout life; a sustainable and prosperous economy; effective connections between people and places; and a world class environmental quality. The Community Strategy seeks to energise the county’s communities, health, economy, connections and environment over the next 10-20 years. It brings together aspirations and ambitions from a range of thematic and geographic strategies.

The Cumbria Strategic Partnership Sub-Regional Spatial Strategy (SRSpS)
This document sets out the spatial framework. This enables actions that affect specific areas and locations to serve the delivery of the Community Strategy, and it provides the sub-regional spatial framework for the preparation of Local Development Frameworks in Cumbria.

Relevant Planning History:
None

Representations:
**Town Council** – No objection
**Natural England** – No objection in principle subject to ‘standing advice’ to decide if ‘there is a reasonable likelihood of protected species being present on the site and whether survey and mitigation measures have been met’
**Cumbria County Council** – No objection subject to the Local Planning Authority’s satisfaction that the proposals constitute sustainable development in accordance with the NPPF and local and national strategic housing policies. Appropriate commuted sums are recommended via a Section 106 Legal Agreement regarding affordable housing, education supplement and highway improvements. An additional point agrees the conditioning of more extensive ecological survey. No response has been received to the amended more comprehensive ecological report.
**Highway Authority** – No objections in principle. The Highway Authority has responded within the comprehensive report of CCC recommending appropriate highway conditions and improvements. A Travel Plan and Travel Bond for future review is recommended.
**United Utilities** – No objections in principle subject to their standing advice and disclaimers which can be provided as a ‘note to applicant’
**Allerdale Housing Services**. - A provision of affordable housing has been recommended in accordance with current Housing Needs Survey April 2012. Negotiations have discounted the need for one bedroom accommodation.
**Allerdale Environmental Protection** – Have responded to the
Phase 1 Desk Top Study for Contamination (no objection subject to safeguarding condition), Odour Assessment (no objection), Noise Assessment (no objection subject to mitigation by condition). No objection to the general issues with a recommended standard condition regarding a Construction Management Plan.

**Allerdale Access Officer** – No objection regarding disabled access.

**Fire and Rescue Service** – No objection in principle

**County Archaeologist** – No objections

**Cumbria Wildlife Trust** - Objection regarding the lack of a full ecological survey. No response has been received to the amended more comprehensive ecological report.

The application has been advertised on site and in the local press. Adjoining landowners have been notified. A ninety-eight signature petition and sixteen individual letters of objection have been received. Four letters of support have been received.

**Proposal**

Outline application for residential development with matters reserved except for the point of access from the public highway. The site area measures 2.73 ha and an illustrated layout relates makes provision for up to approximately 75 units of varying house types. As development beyond the Settlement Limit as defined in the current Allerdale local Plan Adopted (1999) Saved, The application is considered a departure and therefore subject to Development panel decision.

**The Site**

The application site is located to the south east of High Harrington, adjacent to Main Road, and Whins Farm. The site is beyond but adjoining the existing Settlement Limit of Workington. The single point of vehicular access is proposed directly from its frontage onto Main Road (A597).

Currently the site largely comprises a single field of grassland and pasture currently in agricultural use. The site is bounded by existing residential development to the north east and north west and by a working farm to the south east. Agricultural land extends to the south and west with woodland surrounding a narrow beck and line of a dismantled railway beyond.

**Planning History**

The site has been subject to a Screening Opinion (SCR/2011/0042) to assess the potential for any significant environmental impact from residential development that would require a formal Environmental Impact Assessment (EIA). The
screening of the proposals and the characteristics of the site resulted in the decision that an EIA was not required.

Policy Context.

As development beyond the Settlement Limit as defined in the current Allerdale local Plan Adopted (1999) Saved, The application is considered a departure and therefore subject to Development panel decision. Relevant local and national policy guidance is detailed below. The National Planning Policy Framework was published in March 2012 and the guidance must now be afforded significant weight.

The relevant policies of the Allerdale Local Plan are considered to be in general conformity with the National Planning Policy Framework and can continue to carry some weight in the determination of applications.

National Planning Policy Framework (NPPF)

Planning Policy Statements have now been replaced by the planning guidance within the National Planning Policy Framework (NPPF), published March 2012.

The NPPF advises the purpose of the planning system is to contribute to the achievement of sustainable development which has 3 dimensions.

“These dimensions give rise to the need for the planning system to perform a number of roles:

- **‘an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.
The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts, should be refused unless other material considerations indicate otherwise. The NPPF does however provide considerable emphasis in the need to have an up-to-date plan in place and the weight that should be given to out-of-date plans.

At the heart of the NPPF is a presumption in favour of sustainable development. When considering planning applications this means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted”.

**Five Year land Supply**

A key objective of the NPPF is to deliver a wide choice of high quality homes.

Local planning authorities are required to identify a supply of specific deliverable sites sufficient to provide five years supply of housing against the identified housing requirement. Where there is a record of under delivery of housing, LPA’s need to provide a buffer of an additional 20% to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land.

Notwithstanding recent planning permissions at Stainburn and Clifton, and including the recent appeal decision relating to ‘The Fitz’ at Cockermouth. Allerdale does not have a 5 year supply of housing land. This is based on the requirements of Policy L4 of the North West of England Plan Regional Spatial Strategy to 2021 (RSS) which, at present, remains part of the Development Plan. Based on past delivery rates it is also necessary to take into account the need to provide an additional buffer of 20% as required by the NPPF.

**Principle of Development**

Historically on sites elsewhere, previous refusals of planning permission relied heavily on Policy HS4 of the Allerdale Local Plan (First Alteration) which restricts development outside the defined development limits. Whilst it is acknowledged the application site is
outside the development limits for Workington as currently defined, in the absence of a five year land supply and having regard to the provision of the NPPF. Policy HS4 cannot now be relied on to resist applications for residential development outside defined development limits. This was confirmed by the Inspector in the recent ‘Fitz’ appeal decision at Cockermouth.

It is therefore necessary to consider whether the proposal represents an appropriate and sustainable form of development.

Harrington forms part of Workington which is the Main Service Centre for the Allerdale B.C. area. The Cumbria and Lake District Joint Structure Plan 2001-2016 also defines Workington as as a ‘Key Service Centre’ in the saved and extended JSP Policy ST5.

Whilst the site is outside the current development limits, it is considered that as the site represents a logical extension of development of Harrington that it would not adversely impact on the character of the wider landscape.

It is therefore considered the proposals does not give rise to any fundamental conflict with the provisions of Local Plan Policy EN25 which seeks to safeguard against development that results in unacceptable harm to the landscape.

Likewise the proposal is not considered to be at odds with the NPPF which seeks recognition for the intrinsic character and beauty of the countryside.

Consideration of Alternative Sites

The application site lies outside the settlement boundary, and is undeveloped, or ‘greenfield’ land. Saved policy HS7 of the Allerdale Local Plan, First Alteration June 2006 seeks the sequential release of housing land, and will seek the development of appropriate previously developed land before approving the development of greenfield sites.

The NPPF however makes it clear “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”

Given the current lack of a five year land supply the presumption in favour of sustainable development must apply and policy HS7 cannot therefore be relied on to resist the development of ‘greenfield’ sites in favour of previously developed land. The development of this site must therefore be considered on its own merits having regard to the presumption in favour of sustainable development.
Prematurity

The question of ‘prematurity’ was addressed by the Inspector in relation to the recent ‘Fitz’ appeal decision at Cockermouth. In her decision letter the Inspector stated:

‘Whilst it is the Council’s position, which is supported by other objections, that the proposed development would undermine the development plan process, the Local Development Framework (LDF) has not even reached draft stage, so there is no plan to be undermined and thus the approach in paragraph 216 of the Framework is not engaged. The Planning System: General Principles sets out a similar approach. Clearly, allowing such a development would, if implemented, have an impact on the spatial distribution of housing. However, the Framework establishes, at paragraph 14, the approach to take where existing plans are out-of-date as already set out above. In this case, the Council’s approach of putting everything on hold until some undetermined future date is undermining the achievement of housing provision for which there is a well established need’..

Although the Council are now consulting on the ‘preferred options’ for the Local Plan Core Strategy the draft plan has not yet been submitted to the Secretary of State and the ‘preferred options’ can be given very little, if any, weight in the consideration of planning applications. In view of the Inspectors conclusions detailed above it is considered a reasons for refusal on the grounds of prematurity cannot be sustained.

The site is not allocated in the saved Allerdale Local Plan for any particular use, and is outside but adjacent to the current defined settlement limits of Workington. It lies within the Coastal Zone as defined in the Saved Allerdale Local Plan, and is included in Allerdale Borough Council’s Strategic Housing Land Availability Assessment (SHLAA).

Access

The proposed vehicular access from Main Road is sited as to achieve the necessary visibility splays and designed to serve an appropriate estate road for a development of this type. Despite objection regarding highway safety and local traffic conditions, the Highway Authority has responded as part of a comprehensive assessment by the County Council and raises no objections subject to conditions and highway improvements and traffic calming along Main Road. Pedestrian access through the site is proposed along the estate road with a public right of way through the site retained to provide further pedestrian connectivity. The public right of way is to be improved and diverted which will be
subject to a Diversion Order at a later stage. The principle of this diversion is acceptable.

**Residential Amenity**

A number of properties on Main Road, Springfield Ave and Kiln Green Ave have rear elevations and gardens facing the proposed site. Despite some objection from adjacent residents the illustrative layout and separation distances appear to avoid any un-neighbourliness. The means of enclosure and the choice and distribution of house types subject to a Reserved matters application will address any possible issues of impact upon residential amenity.

**Section 106 Legal Agreement.**

With regard to the number of dwellings proposed and the characteristics of the infrastructure and servicing of the site, a Section 106 Legal Agreement (Section 106) is required to secure a number of matters as follows.

**Affordable Housing**

Policy H19 of the Structure Plan dictates the need for 20% affordable housing to meet proven local need where 10 or more dwellings are proposed in urban areas.

Allerdale Housing Services has recommended a proportion of affordable housing including house type and tenure in accordance with the most up to date Housing Needs Survey April 2012. The required 20% of the total units proposed amounts to 15 dwellings of varying house types for social rent. After some discussion it has been resolved that the requirement for one bedroom accommodation is not appropriate for a residential development such as this with regard to the suburban location and lower density site layout. It is considered that a more strategic approach is required to provide for any growing need for this type of one bedroom accommodation. The applicant has agreed in principle to the provision of affordable housing for social rent which can be secured by means of a Section 106.

**Education Supplement**

Cumbria County Council has recognised the increase in pupil numbers that will have an impact upon the school attendance at the nearby Beckstone Primary School where capacity will be exceeded. A commuted financial sum is to be negotiated as a contribution to either provide additional classroom space or provide alternative transport provision to other nearby schools. The applicant has agreed in principle to the requirement for this
commuted sum (to be negotiated) which can be secured by means of a Section 106.

Highway Improvements/Travel Bond

The Highway Authority has conditioned a number of issues regarding highway safety and traffic calming measures on Main Road and in the vicinity; including improvement to the existing public right of way through the site. Such highway improvements are to be secured via a Section 106.

In order to assess and monitor the impact of traffic following the development of the site, a Travel Plan is also required by condition that will require regular monitoring and update. In that respect a commuted financial sum is required via a Section 106 to secure such a review.

Locally Equipped Area for Play/Open Space

With respect to Policy L1 of The Allerdale Local Plan Adopted 1999 (Saved), the development has exceeded the threshold in number of dwellings that demands the need for a locally equipped area for play. This can be conditioned at this stage and its implementation and maintenance secured by a Section 106.

Drainage Attenuation

The surface water drainage proposed requires attenuation within the site to manage and control discharge. Such attenuation tanks and associated equipment will require ongoing maintenance. This can be conditioned for further details and secured via a Section 106.

Odour/Noise

An odour assessment has been provided by the applicant regarding the possible nuisance from the nearby slurry pit at Whins Farm adjacent to the site. A separation distance of 40 metres between the nearest housing plot boundary and the source of odour has been judged by Allerdale Environmental Protection to be acceptable.

A noise assessment has also been provided that concludes that traffic noise from the adjacent Main Road (A597) and disturbance from general farm activity is not unreasonably harmful to residential amenity. The report concluded that the seven of the nearest plots adjacent to the Main Road require some attenuation due to possible excessive noise levels. Standard double glazing is considered appropriate but with the provision of an acoustic means of enclosure.
As a safeguarding measure in the interest of visual and general residential amenity including noise and odour, it is proposed that appropriate means of enclosure including landscaping be implemented to form a barrier between the development, the road and the farm buildings.

Ecology/Archaeology

An ecological report has been provided and subsequently amended in response to the concerns of Cumbria Wildlife Trust and Cumbria County Council. This extended report now fully examines the site identifying the potential habitats of coniferous woodland, scrub, hedgerow, improved grassland, ditch, stone wall and adjacent land. Specific species including breeding birds, red squirrels, reptiles, bats and badgers have been discussed with regards to these habitats. The report concludes that the site is of low value wildlife habitat with only common species of flora including hawthorn and nettle. In that respect there is no significant loss of habitat with provision of such habitat in the wider area. Any nesting birds or squirrel drays discovered during vegetation clearance prior to development of the site can be managed under the provisions of the Wildlife and Countryside Act without a planning condition. As a measure to promote biodiversity, a note to applicant regarding bat and bird boxes incorporated into the development is considered appropriate in line with the ecologist’s report.

The County Archaeologist has reported no objections in response to the Archaeological Report submitted by the applicant.

Contamination

A Phase 1 Desk Top Study regarding past contamination has been submitted. This has concluded no significant findings. Allerdale Environmental Protection has no objections with an appropriate safeguarding condition regarding any contamination that may be found during construction.

Drainage.

A qualified drainage report has been provided in consultation with United Utilities. Foul water drainage is proposed to the main sewer. Of more interest is that of surface water drainage which has been comprehensively dealt with within the drainage report. Surface water is proposed via a channel to the nearby watercourse. The run off is to be managed with attenuation tanks within the site; with the discharge rates compatible with that existing on this greenfield site minimising impact upon the nearby watercourse. The report concludes no adverse impact upon local drainage conditions is expected and the details and maintenance
of the attenuation system can be conditioned and secured for the future via a Section 106. The report confirms that there is no flood risk and the site is not in a designated flood zone.

United Utilities has responded with no objections in principle. They have recommended conditions regarding surface water drainage and with additional comments that are more appropriate as a 'note to applicant'.

Reserved Matters

This outline application considers the principle of development and the point of access only. In that respect the Reserved Matters of layout, design and appearance and landscaping are for further consideration at a later stage. However, the illustrative layout clearly demonstrates that a satisfactory standard of development can be achieved.

Representations

The responses from statutory consultees have been fully addressed above.

Representations from the general public has been received. The ninety-eight signature petition and sixteen letters of objection comment upon highway safety, loss of residential amenity, loss of wildlife habitat, sequential test for other previously developed sites, school capacity and drainage. These issues have been discussed within the body of the report and the objections are not considered valid reasons for refusal. Four letters of support have been received accepting the development as contributing to the housing supply and sustainability of Harrington.

Summary

As a well related edge of settlement site, the proposed development is considered sustainable and acceptable in compliance with current local and national policy guidelines. The dwellings will contribute significantly and strategically to the shortfall in the future housing supply for the area and can be supported. The development is considered to have no significant impact upon visual and residential amenity of the locality and the open countryside and landscape character is not unreasonably harmed.

Financial Implications

There are financial implications to the Council regarding the new homes bonus scheme with financial commitments for the applicant/developer regarding the commuted sums to secure the
obligations within the Section 106 Agreement.

Benefits to others include the Highway Authority for infrastructure improvements with wider community benefit, local affordable housing providing discounted housing provision for local people. Furthermore CCC will gain from the commuted education sum as will the local community.

**Recommendation**

On balance the proposals are acceptable and can be approved in accordance with current Local Plan policies screened alongside the objectives of the National Planning Policy Framework March 2012. The outline approval will be subject to a Section 106 Agreement with regard to the matters described above of affordable housing, education supplement, highway improvements, travel bond, locally equipped area for play and surface water drainage attenuation.

**Recommendation:** Approved

**Conditions/ Reasons:**

1. Approval of details of the layout, scale and appearance of the building(s) and the landscaping of the site (thereafter called the ‘reserved matters’) shall be obtained in writing from the Local Planning Authority before the development is commenced.
   Reason: To enable the Local Planning Authority to assess all the details of the development.

2. The development hereby permitted shall be carried out in accordance with the following plans:
   - 000247.90.9.SL.LP - Rev A - Site Location Plan (amendment received 29/6/2012)
   - 224 STO_101 Rev C - Illustrative Development Framework (amendment received 19/7/2012)
   - 224 STO_100 Rev B - Outline Plan (amendment received 29/6/2012)
   - SH102-1 - Topographic Survey
   - SH102-2 - Topographic Survey
   - SH103-3 - Topographic Survey
   - DR1 - Transport Statement May 2012
   - DR3 - Ecological Desk Study May 2012
   - DR3A - Extended Phase 1 Habitat Survey July 2012 (amendment received 5/7/2012)
   - DR4 - Odour Dispersion Modelling Statement February 2012
   - DR5 - Archaeological Desk Based Assessment and Geophysical Survey Ref Y034/11
   - DR7 - Noise Assessment Report
Dr8 - Phase 1 Geo-Environmental Ground Investigation Ref 2584
Dr9 - Flood Risk and Surface Water Drainage Assessment Ref NS/2584 May 2012
Stage 1 Road Safety Audit Ref CS/054342-01-16 July 2012 (amendment received 20/8/2012)
Stage 1 Road Safety Audit Technical Note Ref VACE/elc/ITM7095-003TN August 2012 (amendment received 20/8/2012)
EMAIL dated 27/9/2012 regarding - confirmation of proposed outline application with matters reserved. (amendment received 27/9/2012)
Reason: In order to ensure a satisfactory standard of development.

3. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates: a) The expiration of three years from the date of the grant of this permission, or b) The expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The details required by the reserved matters shall include a layout that retains a 40 metre separation distance between the extremity of any housing plot and the nearest source of odour being the existing slurry pit at Whins Farm adjacent to the development site.
Reason - To minimise the impact of odour in the interests of residential amenity in accordance with Policy EN7 of the Allerdale Local Plan Adopted 1999 (Saved).

5. The carriageway, footways, footpaths, cycleways 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. No work shall be commenced until a full specification has been approved. 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 commence until the traffic calming works described within Stage 1 Road Safety Audit Ref CS/054342-01-16 July 2012 and Stage 1 Road Safety Audit Technical Note Ref VACE/elc/ITM7095-003TN August 2012 are complete to the satisfaction of the Planning Authority, in consultation with the Highway
Authority.
Reason: In the interests of highway safety

7. **No dwelling shall be occupied until improvements are made to FP 262004. These improvements to be agreed with the Local Planning Authority prior to any works starting on site**
   Reason: In the interests of highway safety, accessibility and to aid in the delivery of sustainable transport objectives.

8. **The development shall not commence until the visibility splays shown on Drawing no IMT7095-GA-001 (Appendix B Transport Statement May 2012) is provided. These splays should provide clear visibility down the centre of the access road and the nearside channel line of the major road 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, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.**
   Reason: In the interests of highway safety.

9. **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.

10. **The whole of each of the access areas bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.**
    Reason: In the interests of highway safety.

11. **Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.**
    Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.
12. Within 6 months of the development (or any part thereof) being occupied, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the start of any construction works of any subsequent phases starting.

Reason: To aid in the delivery of sustainable transport objectives.

13. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives.

14. PROW (Footpath) number 262004 lies adjacent to/runs through the site, and the Applicant must ensure that no unauthorised obstruction to the footpath occurs during, or after the completion of the site works.

Reason: In the interests of pedestrian access and safety.

15. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

(a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;

(b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.

(c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.

(d) Mitigation measures to ensure that no harm is caused to protected species during construction.

(e) A written procedure for dealing with complaints regarding the construction or demolition;

(f) Measures to control the emissions of dust and dirt during construction and demolition;

(g) Programme of work for Demolition and Construction phase;

(h) Hours of working and deliveries;

(i) Details of lighting to be used on site.
The approved statement shall be adhered to throughout the duration of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties, in compliance with Policy EN6 of the Allerdale Local Plan, Adopted 1999 (Saved).

16. Details of the siting, height and type of all means of enclosure (including acoustic wall/fencing to roadside plots as recommended in the Noise Assessment Report January 2012 ) shall be submitted to and approved by the Local Planning Authority before development commences. Any such means of enclosure shall be constructed prior to the approved building 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 in the interests of noise abatement and general residential amenity in accordance with Policies HS8 of the Allerdale Local Plan First Alteration June 2006 (Saved) and Policy EN7 of the Allerdale Local Plan Adopted 1999 (Saved).

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 Policy EN9 of the Allerdale Local Plan (Saved).

18. Prior to the commencement of works, details of the surface water drainage works, including any attenuation measures to demonstrate no greater run-off rate than the existing greenfield site plus 20% to allow for climate change shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any of the dwellinghouses hereby approved.
Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding, in compliance with Policy EN14 of the Allerdale Local Plan, Adopted 1999.
(Saved) and Policy HS9 of the Allerdale Local Plan, First Alterations June 2006 (Saved).

19. No residential development shall commence until full details of the layout of the Local Area of Play/locally equipped area of play have been submitted to and approved in writing by the Local Planning Authority. The Local Area of Play shall be fully implemented prior to the occupation of the sixteenth dwellinghouse on the site. Reason: To ensure the satisfactory provision of open space in accordance with Policy L1 of the Allerdale Local Plan, Adopted 1999 (Saved) and Policy HS8 of the Allerdale Local Plan, First Alterations June 2006 (Saved).

20. Before development commences, details of all noise mitigation proposals for those properties highlighted within page 16 of 24 of the Noise Assessment Report January 2012 shall be provided to and approved by the Local Planning Authority prior to occupation of the dwellings. The approved details shall be fully implemented as approved prior to the occupation of each respective dwelling.
   Reason - In the interests of residential amenity in accordance with Policy EN7 of the Allerdale Local Plan Adopted 1999 (Saved)

Notes to Applicant: Coal Authority/Mining standard (housing)
The content of the letter received from United Utilities Ref DC/12/2526 is brought to the attention of the applicant/developer. In the interests of biodiversity the developer is encouraged to incorporate a variety of bird and bat boxes within the development. The applicant/developer is reminded that a Section 278 agreement will be required regarding the traffic calming measures to the public highway.