

**Date of Committee:** 21 January 2021

**Planning Application No:** 20/0027      **Date Received:** 17 January 2020

**OS Grid Ref:** 346661 545937      **Expiry Date:** 18 April 2020

**Parish:** Heskett in the Forest      **Ward:** Heskett

**Application Type:** Outline with all matters reserved

**Proposal:** Outline planning permission for the erection of up to 13 dwellings with all matters reserved

**Location:** Land South of Low Heskett Village Hall, Low Heskett

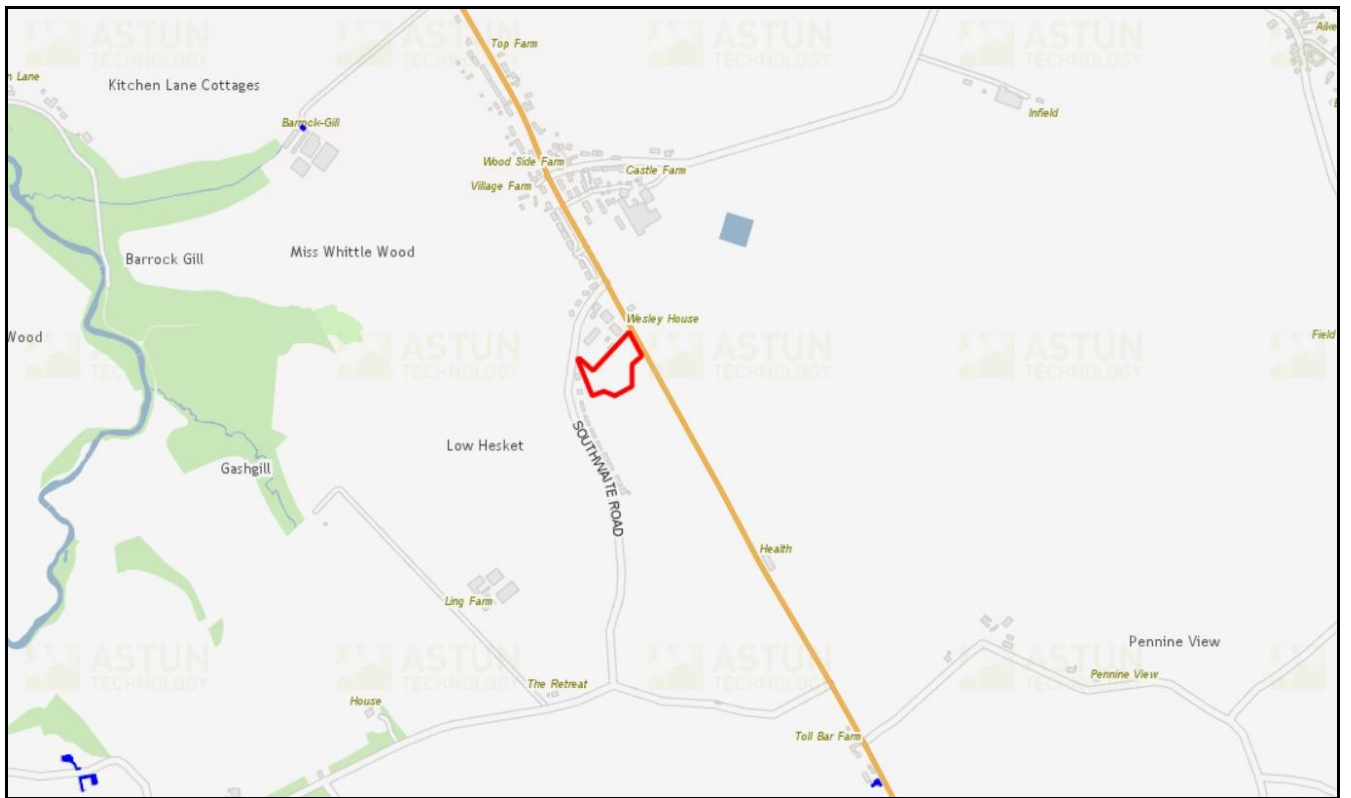
**Applicant:** Mr R Fiddler

**Agent:** Addis Town Planning

**Case Officer:** Rachel Lightfoot

**Reason for Referral:** The Parish Council object to the scheme and objectors have requested a right to speak.





## 1. Recommendation

That the application is granted subject to the completion of a s.106 legal agreement securing the following:

- a) 30% affordable housing;

And the following conditions;

### **Time Limit for Commencement**

1. Approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall not begin later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

2. The approval of the details of the access, scale, layout, external appearance of the buildings, drainage and the landscaping/boundary treatments of the site (called the 'Reserved Matters') shall be obtained from the Local Planning Authority prior to any development being commenced.

**Reason:** This permission is in outline only and is not accompanied by fully detailed plans.

### **Approved Plans**

3. The development hereby approved shall be undertaken in accordance with the application form dated 17 January 2020 and the following plans hereby approved:

- Location Plan, submitted 17 January 2020;
- Noise Assessment, dated 16 January 2020;
- Geophysical Survey, dated December 2020;
- Affordable Housing/Design and Access/Planning Statement, submitted 17 January 2020;
- Transport Statement, dated January 2020;
- Highways Notes, submitted 3 March 2020;
- Drainage Strategy, submitted 22 October 2020
- Operation and Maintenance Plan Surface Water Drainage, submitted 22 October 2020.

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the approved details.

### **Before the development is commenced**

4. The carriageway, footways, cycle paths etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. 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. 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.

5. Ramps shall be provided on each side of every junctions to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

6. Full details of the surface water drainage system and a maintenance schedule (identifying the responsible parties) shall be submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the approved schedule.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

7. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:
  - 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;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian);
  - Surface water management details during the construction phase.
8. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site including a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal shall also be completed.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

9. Prior to the commencement of development, a noise assessment carried out by a competent noise consultant to demonstrate that the proposed dwellings will achieve the following (with ventilation operating):

- Living Room 07:00 – 23:00 35 dB LAeq (16 hour)
- Dining Room/Area 07:00 – 23:00 40 dB LAeq (16 hour)
- Bedroom 07:00 – 23:00 35 dB LAeq (16 hour)
- Bedroom 23:00 – 07:00 30 dB LAeq (8 hour)
- Bedroom 23:00 – 07:00 45dB LAmax (not to be exceeded more than 10 times a night)
- Garden and Outdoor Amenity Areas: 07:00 – 23:00 50 dB LAeq (16 hour).

The noise assessment must follow the methodology referred to in BS8233 (or any successor BS) and the ProPG: Planning and Noise: New Residential Consultation Draft v1.1 2016 (or any subsequent document) to demonstrate that a good acoustic design has been followed throughout the process of building design, layout and siting. The Noise Assessment will be approved by the Local Planning Authority and mitigation measures required carried out in full.

**Reason:** To ensure that the scheme is safeguarded in respect of potential noise nuisance from the adjoining road.

10. Prior to the commencement of the development, a scheme of hard and soft landscape planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate aftercare and management plans. Thereafter, the development shall be undertaken in accordance with the approved scheme, with all planting undertaken within the first available planting season. Any trees or other plants which die or are removed within the first five years following the implementation of the approved scheme shall be replaced during the next planting season.

**Reason:** To protect the character and visual amenity of the area.

11. 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 unless otherwise agreed in writing by the Local Planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

None of the dwellings hereby approved shall be occupied until the approved surface water drainage scheme has been completed and made operational.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

### **Prior to Occupation**

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

**Reason:** In the interests of highway safety.

13. Any existing highway fence/wall shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with the details which have been submitted to the Local Planning Authority before the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.

**Reason:** In the interests of highway safety.

14. Prior to occupation of any of the hereby approved dwellings, details of the location, specification and routes of all footpaths to link the site to the nearest existing footpaths shall be submitted to and approved in writing by the Local Planning Authority then constructed and completed for use. Once approved, the details shall be implemented in full.

**Reason:** In the interests of pedestrian safety.

15. Prior to the construction beyond the substructure of any of the hereby approved dwellings, samples of external finishes for walls, roofs, windows, doors and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Once approved, these materials shall be utilised in the construction of the site.

**Reason:** In the interests of the character and amenity of the area.

### **Ongoing conditions**

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

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

17. Construction works shall be carried out only between 0800 – 1800 hours Mondays – Fridays; 0900 – 1300 hours on Saturdays and there shall be no activity on Sundays and Bank Holidays.

**Reason:** To safeguard the amenity of residents living nearby.

## **2. Proposal and Site Description**

### **2.1 Proposal**

- 2.1.1 The proposal seeks outline planning permission for a residential development on land to the south of Low Hesket Village Hall, Low Hesket. The application seeks permission for the development of up to 13 dwellings, all matters are reserved.
- 2.1.2 An indicative plan has been submitted which provides for 13 dwellings. This plan is indicative only and may not reflect the final numbers or form of any future application for reserved matters.
- 2.1.3 A single access for vehicles is proposed from the A6. Pedestrian access is proposed to be provided from the proposed development to the existing footway on Southwaite Road. These details may be subject to change when details are provided through a Reserved Matters application but demonstrate that the site can be appropriately accessed.
- 2.1.4 Updated documents and newly submitted plans/documents now comprise the following in support of the application;
- Design and Access, Affordable Housing and Planning Statement;
  - Drainage Strategy;
  - Indicative Site Layout;
  - Transport Statement;
  - Highway Notes on Highway Authority comments;
  - Visibility Splays Plan;
  - Location Plan;
  - Geophysical Survey; and
  - Noise Assessment.

### **2.2 Site Description**

- 2.2.1 The application site is currently agricultural land and generally a flat site. The surrounding development is generally residential with dwellings located along Southwaite Road. The dwellings are generally semi-detached with rendered elevations and slate roofs. To the north of the proposed development is the car park to Low Hesket Village Hall with a hedge delineating the different uses. In addition, there is an existing industrial site known as Blacksmith's Yard. To the west the site is bound by the A6 which is separated by a high hedge providing a good level of screening between the site and the main thoroughfare.
- 2.2.2 The site currently benefits from two agricultural accesses – one from the A6 and one from Southwaite Road.
- 2.2.3 The land has been considered in part previously under planning application reference 18/0863. This was an outline application for the erection of 5 residential dwellings with all matters reserved. This application was refused for the following reasons:
1. The proposed development has a detrimental impact on the form and character of the existing built environment, conflicting with Policy LS1, DEV5 and ENV2 of the Eden Local Plan and Chapter 12 of the NPPF.
  2. The applicant has not demonstrated whether or not the proposed dwellings would be subject to unacceptable levels of noise pollution resulting from the A6 and adjacent industrial units.

3. The applicant has not demonstrated whether or not the proposed dwellings would be subject to unacceptable road safety impacts.

2.2.4 The site is not subject to any formal ecological, historical or environmental designations and is located in a Flood Zone 1, being land at lower risk/vulnerability of flooding.

### 3. Consultees

#### 3.1 Statutory Consultees

3.2 The application was subject to consultation by way of the erection of a site notice and letters sent to neighbours.

| Consultee                                       | Response   |
|---|--|
| Cumbria County Council –Local Highway Authority | <p>Responded on 3 February 2020 and advised that their response remained the same as that provided a pre-application stage which was a recommendation of refusal.</p> <p><i>‘The Transport Statement provided suggests proposed access to provide a ghost lane. There is currently no footway at this location therefore all pedestrians from this site will need to cross the A6 to get onto a footway and potentially the removal of the lay-by to ensure that it is safe.</i></p> <p><i>The creation of an access at this location will if allowed, necessitate quite a bit of re-lining, moving the 40mph zone and potentially the removal of the lay-by to ensure that it is safe.</i></p> <p><i>The proposal would lead to the creation of an access on a stretch of classified highway were the main function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principle function and introduce a further point of possible traffic conflict to the detrimental of highway safety.</i></p> <p>The applicant provided further information in regards to highway matters which was responded to by Cumbria County Council on 30 March 2020. The Highway Authority comments are now as follows:</p> <p><i>The Transport Statement provided suggests proposed access to provide a ghost lane. There is currently no footway at this location, however it is proposed Pedestrian access to the site will be provided via a 1.2m wide footpath to connect the proposed dwellings with the existing footway on Southwaite Road. This footpath is shown in IPS architects drawing ps1214/12 rev B, included as Appendix A. The proposed vehicular site access drawing is provided as WYG drawing A115979-P002 rev B.</i></p> <p>The Highway then provide a number of conditions which they would want attached to any approval.</p> |
| Lead Local Flood Authority                      | <p>Responded on the 23 January 2020 and confirmed that the following additional information would be required:</p> <p><i>‘The Lead Local Flood Authority (LLFA) surface water map shows no flooding to the site and the Environment Agency (EA) surface water maps so not indicate that the site is in an area of risk.</i></p> <p><i>No drainage has been provided for both foul and surface water</i></p>  |



*drainage. The developer should demonstrate how they will deal with surface water discharge from the potential development site and measures taken to prevent surface water discharging onto the highway, public highway or onto neighbouring developments. The surface water drainage should not be greater than the already existing, if installing a soakaway we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property.*

*Trial tests to determine if the site carried out to BRE 365 standards is suitable to undertake infiltration techniques and details showing that any proposed attenuation structure etc. has the adequate capacity to deal with the volume of water running off the additional impermeable areas, if infiltration is not suitable for the proposed development then the applicant would need to provide detailed assessment, to account for a 1 in 100 year plus 40% storm event, a discharge equivalent to greenfield runoff for the site, discharge location and exceedance routes for the drainage. The developer needs to show that they will not increase the volume of water leaving the site which could potentially have a negative impact on existing developments downstream.*

*With the above in mind, I would have no alternative but to recommend refusal of the application.*

*Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of*

- a. site investigation / percolation tests*
- b. outline drainage details*
- c. outline drainage details*
- d. outline drainage calculations*
- e. details of who will maintain the drainage system*
- f. details of the exceedance routes*

*A Drainage Strategy was provided on 27 July 2020 and further comments were received from the LLFA:*

*Outline drainage has been submitted along with trial pit test and results carried out, however the application needs to calculate the Vp rate (time taken to infiltrate 1mm of rainfall) is for the soakaway. If they could provide this detail.*

*They then go on to show attenuation without providing any micro-drainage for the pipe network we would require the micro-drainage detail.*

*Until we're in receipt of this additional information I am unable to finalise my response.*

*Further information was then provided and discussions held with Lead Local Flood Authority who have provided the following response on 19 November 2020:*

*Following discussions with the applicant further details have been provided within the drainage strategy to determine how the surface water flows across the site in its current state occur. The applicant has provided details based on an outline layout. It is recognised that much of this detail is likely to change. However, the applicant has demonstrated that a connection to the public*

|                              |  |
|------------------------------|--|
|                              | <p><i>sewer system can be achieved. United Utilities has raised no objections to this. As Lead Local Flood Authority, we advise that a detailed plan for any proposed surface water system will be required. Further attention and evidence will be required following detailed designed to ensure that the development is sustainable in terms of surface water drainage. This will be required to include details such as – how surface water entering the site will be managed, clear evidence that the hierarchy of discharge has been assessed, clear calculations, exceedance routes, maintenance plans etc.</i></p> <p><i>Therefore there is no objection to the granting of permission subject to the inclusion of a condition.</i></p>  |
| Historic Environment         | <p>Responded on 6 January 2020 and confirmed that records indicate that the site is in an area of archaeological potential. As such, it was recommended that a condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation be attached to any subsequent approval. A further response, received on the 20 April 2020 reiterated this condition be imposed on any subsequent grant of planning permission.</p>   |
| Natural England              | <p>Responded on 27 January 2020 and confirmed that they had no comments to make upon the application. The response confirmed that <i>'Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice'</i>. The response further confirmed that, <i>'Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment'</i>.</p> |
| United Utilities             | <p>Responded on 5 February 2020 and advised no objections subject to standard conditions in relation to surface water, foul water details and a maintenance plan for the appropriate adoption of sustainable drainage system elements and ongoing maintenance.</p> <p>This was reconfirmed in a response on 4 August 2020.</p>   |
| Environmental Health – Noise | <p>On 13 February 2020 the Environmental Health Officer (EHO) confirmed that,</p> <p><i>We have no issues with the application in principle. However, as this is an outline application and we do not yet have the details of the layout or internal layout of individual properties, we cannot assess whether the required noise standards for the site can be met. We therefore recommend a condition that at the details planning application stage, the applicant submits to the Local</i></p>   |

|                      |  |          |                   |                           |  |  |       |          |                   |                           |
|----------------------|--|----------|-------------------|---------------------------|--|--|-------|----------|-------------------|---------------------------|
|                      | <p><i>Planning Authority, in writing, a noise assessment by a competent noise consultant which demonstrates that the proposed properties can achieve the following with the ventilation operating:</i></p> <p><i>Living room 07:00-23:00 35dB Laeq (16 hour)</i></p> <p><i>Dining room/area 07:00-23:00 40dB Laeq (16 hour)</i></p> <p><i>Bedroom 07:00-23:00 35dB Laeq (16 hour)</i></p> <p><i>Bedroom 23:00 – 07:00 30dB Laeq (8 hour)</i></p> <p><i>Bedroom 23:00 – 07:00 45dB Lamax (not to be exceeded more than 10 times / night)</i></p> <p><i>Garden and Outdoor Amenity Areas: 50dB Laeq 16hr 0700hrs-2300hrs. The noise assessment will follow the methodology referred to in BS8233 and the ProPG: Planning and Noise: New Residential Development Consultations Draft v1.1 2016 to demonstrate that a good acoustic design has been followed throughout the process of building design, layout and siting. The noise assessment will need to be approved by the LPA</i></p>  |          |                   |                           |  |  |       |          |                   |                           |
| Policy               | Were consulted on 28 January 2020. No response has been received.  |          |                   |                           |  |  |       |          |                   |                           |
| Historic Environment | Responded on the 6 January 2020 and confirmed that records indicate that the site is in an area of archaeological potential. As such, it was recommended that a condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation be attached to any subsequent approval. A further response, received on the 20 April 2020 reiterated this condition be imposed on any subsequent grant of planning permission.  |          |                   |                           |  |  |       |          |                   |                           |
| Housing              | <p>Responded on 5 March 2020 and commented as follows:</p> <p><i>Assuming the development does not fall outside this Key Hub, as defined in Policy LS1 (if this is the case please let me know and I will amend my comments accordingly), on developments of 11 units and above, or more than 1,000 square meters of floor space, 30% affordable housing is required to be delivered on site.</i></p> <p><i>I note that the application (although outline) is for 13 dwellings including 3 affordable dwellings. I can confirm this affordable housing quantum conforms to Policy HS1.</i></p> <p><i>My comments regarding affordable housing need/demand are as follows:</i></p> <p><i>Drawing from the needs data from the Parish of Hesket and its neighbouring Parishes, analysis of Cumbria Choice (the Housing Register) reports:</i></p> <ul style="list-style-type: none"> <li><i>• Currently <b>34 active applicants</b> have listed the Parish of Hesket or one of its neighbouring Parishes as their first choice preference to live.</i></li> <li><i>• Property type wanted (applicants are able to state more than one preferred property type);</i></li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%; text-align: center;">House</td> <td style="width: 20%; text-align: center;">Bungalow</td> <td style="width: 20%; text-align: center;">Ground Floor Flat</td> <td style="width: 20%; text-align: center;">First Floor Flat or Above</td> </tr> </table> |          |                   |                           |  |  | House | Bungalow | Ground Floor Flat | First Floor Flat or Above |
|                      | House  | Bungalow | Ground Floor Flat | First Floor Flat or Above |  |  |       |          |                   |                           |

|                              |  |    |    |   |   |
|------------------------------|--|----|----|---|---|
|                              | No. of Applicants  | 25 | 11 | 2 | 1 |
|                              | <ul style="list-style-type: none"> <li>Further evidence of demand/need for affordable Discounted Sale dwellings is also apparent through data from the Councils Homeseekers Register, this reports <b>13 households actively seeking discounted market sale housing</b> within the Parish of Hesket and neighbouring Parishes.</li> </ul> <p>Based on the above needs/demand data I can confirm there is an affordable housing need within the Parish of Hesket and neighbouring Parishes and as such I would be supportive of affordable housing in this location.</p> <p>I note within the Affordable Housing Statement the applicant indicates a preference for the affordable tenure to be discounted sale housing. Given the numbers involved and village location I would be supportive of this tenure type, provided it be secured through the S106 process and the developer sells these properties to eligible purchasers approved by the Council (through the Council's Discounted Sale Policy and Procedures/Homeseekers Register) at a 40% discount from the open market value; I appreciate however this may be best finalised at the reserved matters stage.</p> <p>Should the outline application be approved I would be happy to discuss the most appropriate size, type and tenure for the affordable properties prior to any reserved matters application.</p> |    |    |   |   |
| Minerals and Waste Authority | Responded on 28 January 2020 and confirmed no objection.   |    |    |   |   |

#### 4. Parish Council/Meeting Response

| Town Council/Meeting | Object | Support | No Response | No objection |
|----------------------|--------|---------|-------------|--------------|
| Hesket in the Forest | ✓      |         |             |              |

4.1 On the 22 February 2020 the Parish Council confirmed that, 'Hesket Parish Council would like to support the objections of residential of the Parish on the following material grounds:

- **Highways issues**
  - Access to the site – proximity to existing entrances; proximity to start of 40mph zone; proximity of layby used by lorries overnight; traffic considerations for southbound traffic.
  - Footpath – the proposed footpath onto Southwaite Road is too narrow for both farm vehicle access and foot traffic.
  - Traffic survey – does not give a full account of road usage, due to increased traffic volume in summer months.
- **Physical infrastructure**
  - Capacity of existing drainage, which is already subject to flooding/overflow.

- **Social Facilities**
  - *High Hesket Primary School is already full to capacity, as is Caldew Secondary School.*
  - *Should the development go ahead, travel provision would need to be considered for both primary and secondary pupils.*
- **Financial considerations**
  - *An education contribution could also be sought.*
  - *Low Hesket village has no play facilities for young people. Residents have been seeking a suitable site for such for some time. If the development were approved, could land and/or a financial contribution be attached as a condition?*

*Please also see attached correspondence from residents.*

*In addition, the Affordable Housing Statement states the following:*

*Planning policy required that 30% of new houses on schemes of 11 or more are secured as affordable house. The Proposal includes three of the 13 units as affordable houses which when rounded down equates to 23%. The provision of four affordable houses (43%) would exceed the policy requirements of 30%.*

*There is an error in the calculation used here, as 30% of 13 is in fact 3.9, meaning the provision of 4 affordable homes would in fact be 30.8% not 43% as stated. We would therefore request that should the application be approved, four affordable homes be designated as such, in line with planning policy.*

*As this application is designated to go forward to committee, I would be grateful if you could advise me of the date of the committee meeting, as residents have expressed an interest in attending'.*

## 5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on site on the 19 February 2020. A press notice was also published in the Herald on the 15 February 2020. Due to the applicant varying the scheme and providing additional information, a further consultation took place on the 15 April 2020 with neighbours being notified on the 16 April 2020.

|                                       |    |                                      |   |
|---------------------------------------|----|--------------------------------------|---|
| <b>No of Neighbours Consulted</b>     | 34 | <b>No of letters of support</b>      | 0 |
| <b>No of Representations Received</b> | 12 | <b>No of neutral representations</b> | 4 |
| <b>No of objection letters</b>        | 12 |                                      |   |

- 5.2 It is not possible to relay in full the objections made by responders but they are summarised below:

- Highway safety concerns;
- Lack of footpath connection;
- Local infrastructure is already strained in terms of doctors and schools;
- Local sewage infrastructure cannot take further strain;
- Proposal may increase flooding issues in the village;
- Potential to have an adverse impact on the adjacent businesses;

- Potential to have an adverse impact on the adjacent Village Hall in relation to noise complaints.

## 6. Relevant Planning History

| Application No | Description                         | Outcome |
|----------------|-------------------------------------|---------|
| 18/0863        | Outline application for 5 Dwellings | Refused |

## 7. Policy Context

### 7.1 Development Plan

#### Eden Local Plan 2014-2032:

The specific policies considered relevant in the determination of this particular application are as follows;

- Policy LS1: Locational Strategy;
- Policy LS2: Housing Targets and Distribution;
- Policy DEV1: General Approach to New Development;
- Policy DEV2: Water Management and Flood Risk;
- Policy DEV3: Transport, Accessibility and Rights of Way;
- Policy DEV5: Design of New Development;
- Policy ENV1: Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity;
- Policy HS1: Affordable Housing;
- Policy HS5: Accessible and Adaptable Homes.

### 7.2 National Planning Policy Framework February 2019:

- Chapter 2 - Achieving sustainable development.
- Chapter 4 - Decision-making.
- Chapter 5 - Delivering a sufficient supply of homes.
- Chapter 11 - Making effective use of land.
- Chapter 12 - Achieving well designed places.
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 - Conserving and enhancing the natural environment.

### 7.3 Supplementary Planning Documents:

- Housing (2010)
- Housing (2020)

#### National Design Guide (2019)

The policies detailed above are the most relevant policies relating to this application.

## 8. Planning Assessment

### 8.1 Key/Main Planning Issues

- Principle of development
- Character and appearance of the settlement and locality

- Residential Amenity
- Highway Safety
- Drainage
- Other matters

## **8.2 Principle**

- 8.2.1 The application site considered to lie within the settlement of Low Hesket. Low Hesket is classed as a Key Hub under Policy LS1 of the Eden Local Plan. Key Hubs are identified as locations which are: *'the focus for development to sustain local services appropriate to the scale of the village and its hinterland including new housing'*. A percentage of developments no greater than 10% increase in the size of the settlement is noted as being appropriate and any development must respect the historic character and form of the village.
- 8.2.2 As a Key Hub, it is considered appropriate to place development within Low Hesket (which joins with High Hesket to form the Key Hub). The proposed development would yield a maximum of 13 new properties. According to StreetCheck, there are 144 dwellings in Low Hesket, the increase of 13 dwellings would be an increase of approximately 9%. The quantum proposed is therefore within the parameters permitted by Policy LS1.
- 8.2.3 Policy DEV1 entitled 'General Approach to New Development' states that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'*. Policy LS1 is considered to be in accordance with the aims and objectives of the NPPF.
- 8.2.4 This scheme is therefore considered to accord with the aims and intentions of the Locational Strategy within Policy LS1 given it is a would result in an increase of less than 10% in the overall size of the settlement which is designated as a Key Hub and therefore expected to accept an appropriately sized development proposals.
- 8.2.5 It is considered that the proposal can be considered to represent sustainable development in this instance (in terms of location) given it is a housing development in the settlement considered by the Local Plan to be a sustainable location within the district.
- 8.2.6 As such, it is considered that the principle of the development is acceptable and compliant with Policies LS1 and DEV1 of the Eden Local Plan.

## **8.3 Design, Scale and Landscape**

- 8.3.1 Policy DEV5 of the Local Plan, entitled 'Design of New Development' requires development to demonstrate a clear understanding of the form and character of the district's built and natural environment.
- 8.3.2 The Policy states, *'New development will be required to demonstrate that it meets each of the following criteria:*
- *Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area.*
  - *Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity.*
  - *Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.*
  - *Optimises the potential use of the site and avoids overlooking.*

- *Protects the amenity of the existing residents and business occupiers and provides an acceptable amenity for future occupiers.*
- *Use quality materials which complement or enhance local surroundings.*
- *Protects features and characteristics of local importance.*
- *Provides adequate space for the storage, collection and recycling of waste.*
- *Can be easily accessed and used by all, regardless of age and disability'.*

8.3.3 Paragraph 127 of the National Planning Policy Framework (NPPF) states that, *'Planning policies and decisions should ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

8.3.4 The previous application was for a smaller site which was considered to be poorly related to the existing dwellings and have a negative impact on the character of the existing built environment. As a smaller site it is considered that the previous site would have been a piecemeal and incongruous addition to the settlement. The larger site provides for a more considered scheme which allows the scheme to integrate better into the landscape and provide for a more appropriate edge to the settlement pattern. In addition, this application now benefits from an indicative layout which demonstrates how a development could appropriately address the links to the settlement. This is in accordance with the pre-application advice which was offered by the Planning Service.

8.3.5 It is considered that views into the site from the A6 can be appropriately ameliorated by hedgerow landscaping which is already in place supplemented by appropriate landscaping at the site entrance. When viewed from Southwaite Road, development will be viewed through existing built development, consideration will need to be given to ensure an appropriate boundary treatment to views which are particularly open should any application for reserved matters be made. The site is not within a designated landscape or sensitive location. It is not noted as public open space or an important open space within the Eden Local Plan. The landscape impacts would be no wider than local.

8.3.6 As all matters are reserved, it is not possible to comment on the design of any properties, whilst a two storey and single storey option have been shown, these should not be considered a pre-cursor any development which may take place on the site.

8.3.7 At an increase of approximately 9% it is considered that the scale of the development is appropriate to the scale of the locality being a recognised Key Hub and the services which are available within it.

8.3.8 In accordance with the discussion above, the proposal is considered compliant with the NPPF, Policy LS1 and DEV5.



## **8.4 Impact on the living conditions/amenity of neighbouring uses**

8.4.1 The nearest residential dwellings to the site are noted to be located on Southwaite Road which lies to the west of the site. Within the Local Plan, existing and future amenity of occupants of dwellings is considered in Policy DEV5 of the Local Plan, entitled 'Design of New Development' (referred to above) which states, '*New development will be required to demonstrate that it meets each of the following criteria:*

- *Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area.*
- *Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity.*
- *Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.*
- *Optimises the potential use of the site and avoids overlooking.*
- *Protects the amenity of the existing residents and business occupiers and provides an acceptable amenity for future occupiers.*
- *Use quality materials which complement or enhance local surroundings.*
- *Protects features and characteristics of local importance.*
- *Provides adequate space for the storage, collection and recycling of waste.*
- *Can be easily accessed and used by all, regardless of age and disability'.*

8.4.2 The Housing SPD (2010) recommends that there is a separation distance of 21 metres between principal windows and 13 metres between a main elevation and a blank gable wall. These are noted to be recommendations but if achieved, should help protect the amenity of existing occupants of dwellings as well as future occupiers of any development.

8.4.3 In relation to such separation distances, the site is considered to be able to comply with these recommendations. There is sufficient room within the site to provide appropriate separation distances to the nearest residential dwellings and preserve their residential amenity.

8.4.4 The Environmental Health team have been consulted on the application particularly in relation to the impacts of noise from the adjacent non-residential uses.

8.4.5 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution (including noise) and mitigate and reduce to a minimum potential adverse impacts from noise. Paragraph 182 makes it clear that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It is down to the developer to ensure there is suitable mitigation in any development.

8.4.6 In relation to noise, the Council's Environmental Health department has been consulted. As there is not a fully designed scheme in place, it is not possible to fully consider the impacts on the amenity of any future residents of the dwellings if approved. The primary noise source is the nearby A6 public highway. Therefore a condition will be applied which will guide the information necessary to accompany the application and the sound levels which will have to be achieved. There are no objections from the Council's Environmental Health Department subject to the imposition of the condition as requested.

8.4.7 Consequently, the scheme is considered acceptable in terms of noise and complies with Policy DEV5 and the NPPF in that the development would not be likely to result in any adverse impacts upon the amenity of existing neighbouring dwellings or any future occupiers of the proposed dwellings.

## **8.5 Drainage, Flooding and Pollution**

8.5.1 The application site is located within a Flood Zone 1, being land at lower risk/vulnerability of flooding. In principle, such locations would therefore be considered to represent suitable locations for development proposals such as this in terms of drainage, flooding and pollution. Policy DEV2 of the Local Plan, entitled 'Water Management and Flood Risk' confirms that '*new development*' should '*meet the sequential approach to development in flood risk areas*'.

8.5.2 The Policy confirms that '*new development must incorporate sustainable drainage systems (SUDs), where practicable, to manage surface water run-off. All applications for major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority. Surface water should be discharged in the following order of priority:*

1. *To an adequate soakaway or some other form of infiltration system.*
2. *By an attenuated discharge to a watercourse.*
3. *By an attenuated discharge to a public surface water sewer.*
4. *By an attenuated discharge to a public combined sewer.*

*Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network'.*

8.5.3 Chapter 14 of the NPPF entitled 'Planning for Climate Change' confirms in paragraph 155 that, '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*'.

8.5.4 The initial response from the Lead Local Flood Authority (LLFA) confirmed that the applicant needed to demonstrate further, the intended drainage strategy. To that end, additional information has been provided.

8.5.5 The LLFA have subsequently confirmed that the details are sufficient for the current stage of outline planning permission, noting that detailed surface water drainage plans will be developed at a Reserved Matters stage once details of the layout and house types are finalised to enable a drainage plan to be drawn up. Such drainage will be secured through the imposition of appropriate conditions to be satisfactorily discharged prior to the commencement of the development if approved.

8.5.6 United Utilities confirmed that they have no objection to the development subject to the imposition of appropriate conditions.

8.5.7 On the basis of the responses provided by the Lead Local Flood Authority and United Utilities it is considered that the scheme accords with Policy DEV2 of the Local Plan and would not have any significant detrimental impacts in terms of drainage and flooding.

## **8.6 Highway Impacts**

- 8.6.1 Policy DEV3 of the Eden Local Plan, entitled 'Transport, Accessibility and Rights of Way' states that 'development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people'. As an outline application, the provided information is simply to demonstrate that access can be gained.
- 8.6.2 Paragraph 109 of the NPPF affirms that '*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*'.
- 8.6.3 The Local Highway Authority has reviewed the information submitted by the applicant, in particular the Transport Statement, and considered that there is still information required in terms of more specific detail of the highway design, this would be provided at a later Reserved Matters stage. Nevertheless, they have also confirmed that such would be acceptable to be secured by conditions.
- 8.6.4 Some objectors have raised concern over the potential impacts on the local highway network and how this may compromise road safety. These concerns are understood. However, in their consideration of such a scheme, the Local Highway Authority take into account the potential road safety impacts.
- 8.6.5 It is clear from the response provided that the Local Highway Authority do not consider that such significant highway impacts would occur if this development were approved and implemented. As such, the consideration as to whether the scheme would be contrary to Policy DEV3 and result in a significant impact is clear. No such impact is considered likely on the basis of the Local Highway Authority response and as such it is not considered reasonable to conclude that such an impact would result if the development were approved.
- 8.6.6 On that basis, the scheme is considered acceptable in terms of Highway Impacts and can be supported and would not be contrary to Policy DEV3.

## **8.7 Affordable Housing**

- 8.7.1 The Eden Local Plan confirms the requirements for affordable housing contributions. Policy HS1, entitled, 'Affordable Housing' confirms that '*the council will seek to secure the provision of 30% of all new housing as affordable homes on schemes with 11 or more units where the on-site contribution does not equate precisely to a whole number of units, the contribution will be rounded down to the nearest unit*'.
- 8.7.2 In this instance the applicant has offered 3 units, if any subsequent Reserved Matters application proposed 13 dwellings, which is considered acceptable and in accordance with Policy HS1. As the application is in outline, it is appropriate to require the reserved matters to achieve 30% in accordance with policy and this would be secured through the completion of a Section 106 Legal Agreement.
- 8.7.3 The units provided would be discounted sale housing. This consists of housing sold at a 40% discount from open market. Give the numbers involved and the location within a village, this is again agreed as appropriate by the Council's Housing Development Officer.
- 8.7.4 As the scheme provides for 30% of housing to be affordable, the scheme is considered to comply with Policy HS1 of the Eden Local Plan.

## **8.8 Impact on the historic environment**

- 8.8.1 Within the Local Plan, Policy ENV10, entitled 'The Historic Environment' states that *'where a development proposal affecting an archaeological site is acceptable in principle, the council will ensure preservation of the remains in situ as a preferred solution. Where in situ preservation is not justified, the development will be required to make adequate provision for excavation and recording before or during development'*.
- 8.8.2 The Policy continues, *'Development proposal that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits. The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden's non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record'*.
- 8.8.3 Paragraph 192 of the National Planning Policy Framework states that, *'In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

It is noted that the application site is not located within the setting of any Listed Buildings or within a Conservation Area.

- 8.8.4 No objections have been raised to the application by Cumbria County Council's Historic Environment Officer. However, they have noted that the site is located in an area of archaeological potential. As such, a condition was requested to be imposed on any subsequent planning permission which would require a programme of archaeological works to be completed prior to any works being carried out on site.
- 8.8.5 This approach would ensure that the site is appropriately assessed for its actual archaeological value whilst still allowing the site to be developed subsequently.
- 8.8.6 Accordingly, it is considered that the proposed development would not result in any adverse impacts upon the historic environment or upon any heritage assets, with this condition attached to any subsequent grant of permission and it being implemented. Therefore the proposal is considered compliant with Policy ENV10.

## **8.9 Impact on the natural environment (species/habitats)**

- 8.9.1 Policy ENV1 of the Local Plan, entitled 'Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity' confirms that *'new development will be required to avoid any net loss of biodiversity, and where possible enhance existing assets. Should emerging proposals identify potential impacts upon designated sites, regard should be given to the objectives for each of the hierarchy of sites'*.
- 8.9.2 Chapter 15 of the National Planning Policy Framework (NPPF) entitled 'Conserving and enhancing the natural environment' confirms the national guidance on such matters. In this instance, it is noted that the application site is not located within a designated landscape nor a site designated by any ecological or habitat designation.

8.9.3 Hedgerows are proposed for retention. However, impacts in terms of biodiversity will be considered at a later date through any Reserved Matters application which will include details in relation to planting and additional biodiversity measures.

8.9.4 On the basis that the scheme does not affect any protected spaces, and that further details will be provided through a detailed application, the scheme is considered to accord with Policy ENV1.

## **8.10 Social infrastructure**

8.10.1 Comments have been received in relation to the impact on schools and doctors' surgeries etc. The application is below the level at which education contributions are sought. The settlement is identified within the Local Plan as Key Hub as there is access to a range of services. The proposed development is considered of an appropriate scale for the settlement level.

## **9. New Homes Bonus**

9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a 'material consideration' in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

## **10. Implications**

### **10.1 Legal Implications**

10.1.1 The following matters have been considered but no issues are judged to arise.

### **10.2 Equality and Diversity**

10.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

### **10.3 Environment**

10.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

### **10.4 Crime and Disorder**

10.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

### **10.5 Children**

10.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

### **10.6 Human Rights**

10.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

## 11. Conclusion

- 11.1 The proposal has been subject to discussions in regards to highway access and safety in order to ensure that it can be appropriately accessed. The site is within the settlement of Low Hesket which, along with High Hesket, forms a Key Hub in the Local Plan where housing appropriate to the settlement is considered acceptable.
- 11.2 It is considered that the proposal can be considered to represent sustainable development in this instance (in terms of location) given it is a housing development in the settlement considered by the Local Plan to be a sustainable location within the district.
- 11.3 The application is made in outline and therefore detailed matters are not for current consideration, given there are no other significant, material reasons to the contrary, the application is recommended for approval.

Oliver Shimell  
Assistant Director Planning and Economic Development

|   |            |
|---|------------|
| Checked by or on behalf of the Monitoring Officer | 06.01.2020 |
|---|------------|

**Background Papers:** Planning File 20/0027