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Report from the Head of Development Management to Development Control Committee

Application number: 7/2024/2123

Application type: Full Planning application

Applicant: Mr Atkinson

Location: Land at High Coledale, Braithwaite, Keswick

Grid reference: 322902, 523225

Proposal: Proposed development of 2no. affordable dwellings

Report prepared by: Phil Nicholls, Area Planner

Report agreed by: Andrew Smith, Head of Development Management

Recommendation: REFUSE

1 About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).

- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.
- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

- 2.1 The application the subject of this report was referred to Development Control Committee on 6th November 2024, and members voted to approve the application subject the signing of the Section 106 agreement. This Section 106 agreement was never signed and we have been informed that the prospective developer has pulled out, and solicitors told to cease works on drafting the legal agreement. This has been the case for at least the past 6 months.
- 2.2 The report below has been updated to reflect this change in circumstance.
- 2.3 Planning permission is sought for 2no. affordable dwellings at the top end of Coledale Road, Braithwaite. The site is a narrow strip of land west of Coledale Cottage which contains an agricultural access and track, beyond which are fields and open access land leading to Grisedale Pike and other fells.
- 2.4 There have been two previous applications on the site, one sought permission for two local needs dwellings (ref: 7/2021/2350), the other for a single local needs dwelling (ref: 7/2022/2288). Both applications were withdrawn.

- 2.5 A further permission of relevance is approval for a single local needs dwelling within the garden of Coledale Cottage, directly to the east of the application site (ref: 7/2020/2023).

3 Representations

- 3.1 Above Derwent Parish Council – No objection. Affordable housing and a need within the parish for affordable housing. Requirement for S106 to confirm the affordable housing.
- 3.2 Local Highway Authority – Recommend refusal on the basis that the roads serving the proposed development are inadequate by reason of insufficient width to accommodate the likely increase in traffic.
- 3.3 United Utilities – No comments beyond standing advice relating to the surface water drainage hierarchy and protection of assets.
- 3.4 Natural England – The BNG mitigation site area overlaps the neighbouring SSSI boundary. No development including BNG mitigation should be undertaken within the SSSI boundary as this could result in the loss and damage of land. In addition more information is required in order to determine the significance of the impacts on the neighbouring designated sites. The following information is required:
- A Construction Environmental Management Plan will need to be secured through condition to detail the pollution prevention measures that will be implemented during the works.
 - The LPA needs to determine whether the applicant has provided sufficient evidence to show that the drainage field meets Annex F.
- 3.5 Housing Team – Cumberland – The 2022 Local Housing Needs Assessments identifies affordable housing need in the area. Affordable housing provision in the LDNP is needed to allow local households to remain in the area and continue to contribute to their community. Therefore, the housing team support this application.

3.6 23 letters of representation have been received to the application. 15 letters are in support of the application and 8 object, including a representation from Friends of the Lake District. The representations are summarised below.

3.7 Letters of support:

- The proposals will provide much needed affordable housing for the local community allowing a local person to stay in the area.
- There is a well-known housing shortage in the area and there are too many holiday lets.
- The proposed design of the dwelling ensures that the scheme has the least amount of visual intrusion.
- The provision of local, affordable housing will support the local economy and businesses.
- The additional vehicles to this minor back road is inconsequential when considering the road's location and the volume of tourist traffic, event traffic (running, cycling events etc) that far exceeds any additional vehicle movements that would be created.
- The impact of the house would be no greater than permission approved for the detached house next door.
- The proposed scheme would have much less visual impact than the larger housing scheme recently approved alongside the A66.
- The small site is of little agricultural merit.

3.8 Letters of objection:

- The previous two applications on the site were withdrawn as they were determined to be unsuitable. The proposals do not change these conclusions in any significant way.
- The proposals will be visible from surrounding vantage points and will have an adverse impact on the character of the area.
- The limit of the garden curtilage presents a clear and rational boundary to the settlement, any development beyond this would result in an unacceptable incursion into the open countryside.
- The development will be close to Coledale Cottage and will impact on its living conditions.

- The neighbouring approval was contained within an existing garden which this site is not.
- The proposal goes against the National Park's and World Heritage site's stated aims of preserving the Lake District's scenery.
- The lane is narrow and busy and unsuitable for additional traffic.
- An independent study of the foul water drainage strategy should be commissioned to ascertain its effectiveness.
- The provision of affordable houses can and is being accommodated in other areas in Braithwaite with much less impact on landscape.
- Allowing this development would set a very dangerous precedent making it extremely difficult to refuse further development in the same and adjacent fields all the way down to the Coledale Beck.

4 Development plan policies and other relevant guidance

4.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:

- Policy 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 04: Biodiversity and geodiversity
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development
- Policy 07: Historic environment
- Policy 15: Housing
- Policy 20: Renewable and low carbon energy

- Design Code Supplementary Planning Document
- Biodiversity Supplementary Planning Document
- Landscape Character Assessment Supplementary Planning Document

- 4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.
- 4.4 Braithwaite Village Plan 2015 – General discussion on the housing need with the Village.

5 Main issues and assessment

- 5.1 The main issues in this assessment are:
- Principle
 - Character and appearance of the area
 - Impact on neighbouring properties
 - Highways and access
 - Nature conservation
 - Biodiversity net gain
 - Renewable energy

Is the principle of housing development in this location acceptable?

- 5.2 The Local Plan recognises Braithwaite as a village where Policy 02 requires that development strengthen community viability and resilience, sustain and enhance existing local service provision, be within or relate well to the form of the settlement and to existing buildings within the settlement and to utility and community infrastructure, protect, maintain or enhance local distinctiveness, character and landscape setting and make efficient use of land.
- 5.3 Policy 15 states that based on the level of identified housing need we will make provision for a minimum of 1,200 new permanent homes between 2020 and 2035 to increase the supply of homes to meet local community need. We will achieve this by supporting new permanent homes that contribute towards helping communities remain vibrant and resilient, achieve a better balance in the housing market, are secured in perpetuity for permanent occupation with

eligibility restricted to a geography that is tailored to local circumstances and supporting windfall sites and allocated sites that provide one to five permanent homes subject to local occupancy and above that number affordable housing.

- 5.4 The application site lies adjacent to existing dwellings and village amenities. A primary school and pub are easily accessible. I consider the application site is well related to the settlement, existing buildings within the settlement and to utility and community infrastructure. The layout would represent an efficient use of land.
- 5.5 The size and tenure of the proposed dwellings need to meet the requirements of Policy 15 and the Housing Supplementary Planning. The evidence of need for affordable housing is set out in the Allerdale Borough Council Local Housing Needs Assessment which shows a net need of 20 affordable dwellings per annum within the Lake District National Park area of Cumberland. The analysis suggests there will be a need for both social and affordable rented housing.
- 5.6 The proposal would be for 2no. two-bed dwellings. The precise tenure of the affordable housing is unknown at this stage. The NPPF definition of affordable housing includes rent, starter homes, discounted market sale housing (where that discount is at least 20% below market value). It was originally resolved to secure the affordable housing provision by Section 106 agreement. This ensured the development would be compliant with Local Plan policy 15. However, it has since become apparent an obligation is not forthcoming. Approval of the application without a legal agreement in place would result in unfettered housing contrary to Local Plan policy 15 and the Housing Supplementary Planning Document.

Are the proposals acceptable in respect of appearance and impact on the character of the area?

- 5.7 Policies 01, 02, 05, 06, 07 and the Landscape Character Assessment Supplementary Planning Document (SPD) between them seek to conserve and enhance the Lake District landscape and its Special Qualities, including the

attributes of Outstanding Universal Value of the World Heritage Site, to support and maintain the vibrancy and sustainability of settlements, their distinctiveness and sense of place, to reinforce the importance of local character by having regard to scale, height, density, layout, appearance and materials and to secure the highest level of protection for the landscape where the type, design, scale and level of activity maintains local distinctiveness, sense of place and where appropriate, tranquillity.

5.8 Our landscape assessments are informed both by Development Plan policy and the Lake District Landscape Character Assessment SPD. As defined by the Landscape Character Assessment the application site lies in the Rugged Angular Slate High Fell (G) Landscape Character Types and the Grisedale Pike and Whinlatter Area of Distinctive Character. It also lies in the Borrowdale and Bassenthwaite Valley area as defined by the World Heritage Site Nomination Document.

5.9 The lane is characterised by a sporadic settlement pattern with a variety of houses that vary in their size, position and design. Towards the village the houses are newer bungalows whilst the houses further from the village are older and more traditional in character within generally more spacious plots. Beyond Coledale Cottage the land transitions into open agricultural fields and moorland that form the flanks of the rising fell. This relationship of open countryside abutting the fringes of development is a characteristic feature of this part of Braithwaite.

5.10 The proposed siting of the dwellings would be at the end of the lane, beyond the garden area of Coledale Cottage and set back behind the detached dwelling previously approved in 2020. The design of the building seeks to reflect that of a detached field barn with a simple form, a catslide roof feature and use of local stone for the walls and local slate for the roof.

5.11 The western and southern elevations would be the most publicly prominent with close views afforded from the footpath leading past the site. Stone is proposed for both elevations with openings limited and designed to be less domestic in

nature. Timber cladding and render are proposed for the eastern and northern elevations given that these are less prominent from close positions.

- 5.12 To the south of the building would be a new driveway for each of the two dwellings leading to a new shared access. To the north would be two modest garden areas enclosed by new hawthorn hedges and a post and wire fence.
- 5.13 The proposals would result in the extension of the built environment into what is currently an undeveloped agricultural field, resulting in a degree of harm to the character and appearance of the area. This harm however is limited by the nature of the site and the proposed design of the scheme.
- 5.14 The application field is small and irregular in shape, set between the garden area of Coledale Cottage to the east and larger open fields to the west. The site extends no further back from the lane than the neighbouring garden. The presence of the access track, field gate and post and wire fence visually separate it from the more open countryside beyond.
- 5.15 The design of the building in my view is a sensitive response to the characteristics of the site. A simple form is proposed, one that is reflective of an agricultural barn and this is reinforced by the use of traditional and local materials on the more prominent elevations. The orientation of the building, set back from the road and modest size of outside space ensures that the development is closely aligned to the neighbouring house.
- 5.16 Nonetheless the development would still in my view result in a degree of visual and landscape impact in an otherwise undeveloped field. This impact would also result in harm upon attributes of the World Heritage Site. Previously I had concluded that such impacts and harm would be outweighed by public benefits arising from the proposal. In reaching this conclusion I placed significant weight on the provision of affordable - the Authority having previously found the benefits of only local needs housing did not outweigh the impacts of development on this site (an assessment which led to the refusal of applications 7/2021/2350 and 7/2022/2288). With no planning obligation (S106) forthcoming

on the current application it is not possible to secure the benefits of development needed to outweigh the harms to character and appearance which would occur. On this basis I now find the development unacceptable and contrary to the requirements of Local Plan policies 01, 02, 05, 06 and 07.

Impact on the amenity of neighbours

- 5.17 The only neighbouring property nearby is Coledale Cottage, located to the east, separated from the site by a mature boundary planting. The proposed dwellings would be positioned approximately 5m from the boundary and 13m from Coledale Cottage. Beyond two high level rooflights no windows are proposed for the eastern elevation of the building as such there would be no loss of privacy. The slope of the eastern roof would be visible from Coledale Cottage and its garden area, but sufficient distance would exist to ensure the building would not result in a loss of light or overbearing impact.
- 5.18 I am therefore satisfied that the dwelling has been designed to avoid any impacts on the neighbouring property. The development is acceptable in terms of its impact on amenity and satisfies the requirements of Local Plan Policy 06, the Design Code SPD and the NPPF.

Highways and access

- 5.19 The proposed dwellings would utilise the existing field access from the highway which would be tarmacked for the first 7m and lead to a new driveway and parking area. The existing agricultural track would remain to provide access to the fields beyond. The proposed residential use would result in the intensification of the existing access and would result in an increase in vehicular movements along the lane.
- 5.20 The Local Highway Authority has raised concerns about the width of the road and its ability to accommodate the extra traffic generated by the proposed two dwellings. This position is consistent with the consultation response on the

previous application for two local needs dwellings, however no objections were raised to the application for a single local needs dwelling.

- 5.21 The road serves a number of dwellings but also carries a public right of way and is a popular route up towards Grisedale and surrounding fells. Though the views of the Local Highway Authority are noted the road is already well used by both motorists and pedestrians without any reported incidents I have been made aware of. The speeds would be low because of the road's single track layout, and the relatively straight nature of the road will make pedestrians and cars visible to oncoming traffic. There are a number of passing places along the lane alongside parking areas and access points to current houses which in my view are adequate for the increased traffic generated to utilise. I am therefore satisfied that the nature of the road coupled with the low levels of resultant traffic are unlikely to result in a highway safety issue and the proposals would have an acceptable impact on the highway.

Impacts on the High Fells Special Area of Conservation (SAC) and Buttermere Fells Site of Special Scientific Interest (SSSI)

- 5.22 The application site is located 7m from the boundary of the High Fells SAC and the Buttermere Fells SSSI. The consultation response from Natural England raises no in principle objection to the works but recommends that a Construction Environmental Management Plan will need to be secured prior to work commencing on site. I am satisfied the scheme could be built in a way that avoids any impacts on the neighbouring designated sites, subject to a condition securing the detail of the construction phase.
- 5.23 As submitted the Biodiversity Net Gain (BNG) mitigation area was shown to overlap the boundary of the SAC and SSSI. Natural England in their consultation response outlined that no development, including BNG mitigation, should be undertaken within the boundaries of the designated site. The BNG mitigation solution has as a result been amended to remove the portion of land within the boundaries of the SAC and SSSI with a minor increase in the size of

the land to the north. This change ensures no works are now taking place within the boundaries of the designated site.

- 5.24 I am therefore satisfied that I can rule out a likely significant effect from the development on the relevant habitats site and as such the proposals are in accordance with Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.

Impacts on the Bassenthwaite Lake SAC and SSSI – Nutrient neutrality

- 5.25 The site is also within the catchment of the River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) and the River Derwent and Tributaries Site of Special Scientific Interest. The SAC as identified by Natural England as requiring nutrient neutrality strategic solutions.
- 5.26 We are required as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 (Regulation 63) to carefully consider the nutrients impacts of any new development proposals on habitats sites to avoid adverse effects occurring because of the release of nutrients into this catchment.
- 5.27 Natural England outline that small discharges to ground i.e. less than 2m³/day that are within the surface or groundwater catchment of a designated site will present a low risk that the phosphorus will have a significant effect on the designated site where certain conditions are met.
- 5.28 Due to the distance to the public sewer the proposal is to connect the new dwellings to a private treatment plant and discharge to ground, via a soakaway in the field northwest of the site. A drainage strategy has been submitted which outlines how the proposed discharge to ground would meet each of the conditions set out above.
- 5.29 As the proposals would meet the small discharge to ground exemptions set out by Natural England it is possible to rule out a likely significant effect from the

development on the relevant habitats site and as such the proposals are in accordance with Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.

Biodiversity net gain

5.30 The submitted information indicates a loss of an area of modified grassland measuring 651sqm to bring forward the new development. The applicant proposes to compensate for this loss by improving 500sqm of adjacent modified grassland within the neighbouring field to mixed scrub. The calculations provided show the delivery of the required 10% BNG uplift. The Town and Country Planning Act will impose a condition on any permission granted securing such measures and requiring submission and approval of a biodiversity gain plan prior to any works commencing. I see no evidence to indicate approval would be unreasonable taking account of the condition imposed by the Act.

Renewable energy

5.31 Policy 20 outlines that all new housing developments should generate energy from renewable and low-carbon sources to reduce the predicted CO2 emissions. The application has been accompanied by a statement which outlines a number of options available which need further exploration. I am satisfied that an adequate solution could be installed to meet the requirements of policy 20 and the precise details would be secured through a condition.

6 Conclusion

- 6.1 I have identified some harm arising from the proposed development – to the immediate character and appearance of the area through the introduction of new development.
- 6.2 The application proposes two two-bedroom affordable dwellings in a settlement where development plan policy supports new housing development and against a backdrop of evidence of need from the housing authority for this size and type

of house and evidence in recent years of under-provision of affordable housing in the area and across the National Park. For these reasons I afford significant weight to the provision of affordable housing.

- 6.3 Though the provision of affordable housing is sufficient to outweigh the impacts identified it has become apparent in recent months that the legal agreement required to secure the affordable housing is not forthcoming. Without such an agreement being drawn up and signed there would be no mechanism to secure the affordable housing or the resultant benefits.
- 6.4 In the absence of any mechanism to secure the proposed affordable housing it is not possible to conclude that the development would have benefits that outweigh the landscape impacts identified. The recommendation is therefore one of refusal.

Recommendation: REFUSE

Conditions/Reasons

- 1 The proposals would result in the extension of the built environment into an undeveloped agricultural field, resulting in harm to the character and appearance of the area. This would also result in harm upon attributes of the World Heritage Site.

In the absence of any mechanism to secure affordable housing it is not possible to secure public benefits to outweigh the identified impacts.

The proposed development would be contrary to the requirements of Policies 01 (National and international significance of the Lake District), 02 (Spatial strategy), 05 (Protecting the spectacular landscape), 06 (Design and development) and 07 (Historic environment) of the Lake District National Park Local Plan 2020-2035 and the National Planning Policy Framework.

- 2 Approval of the application without a legal agreement in place would result in unfettered housing contrary to Local Plan Policy 15 and the Housing Supplementary Planning Document.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority is unable to find solutions to the application.

Background papers

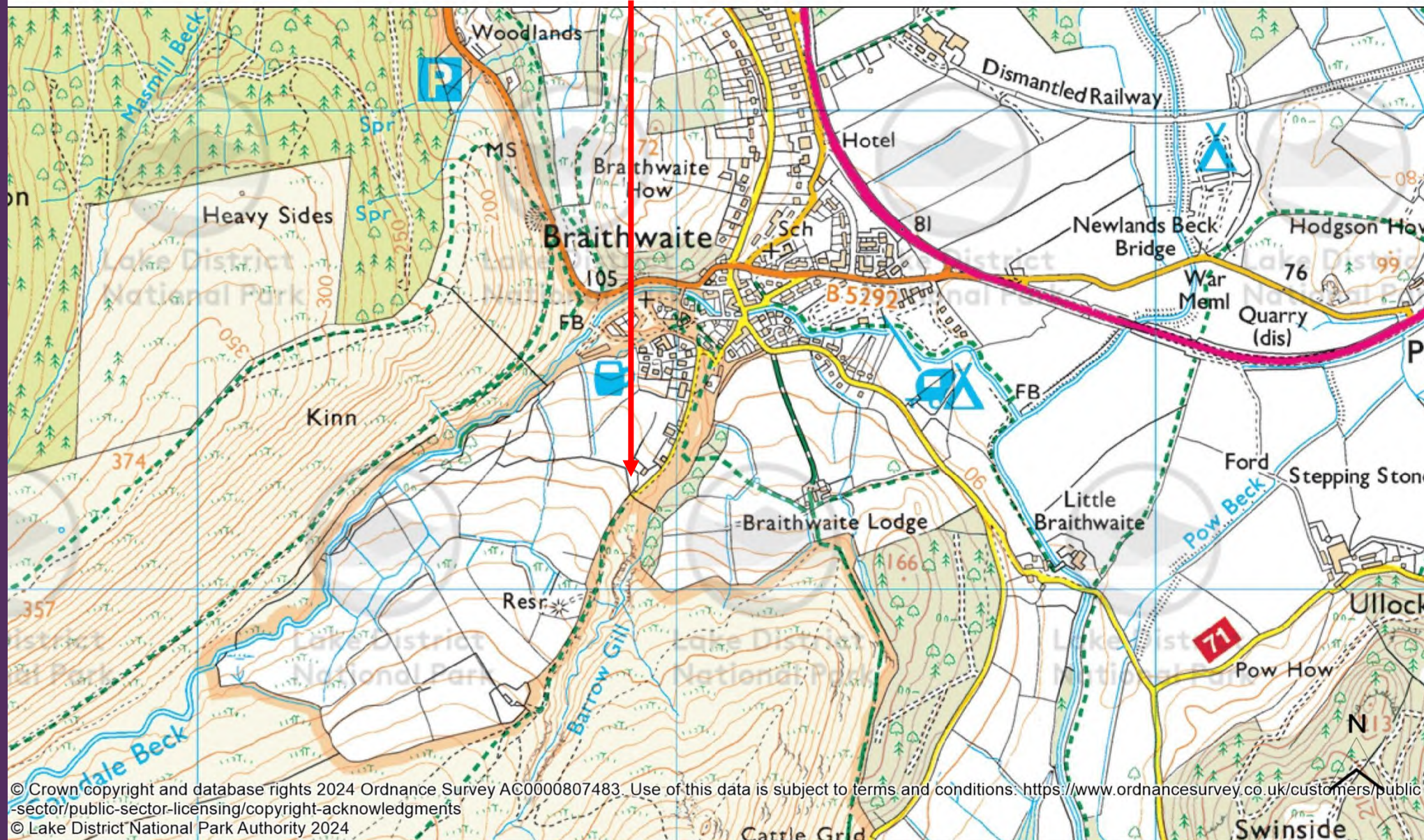
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2024/2123

Land at High Coledale, Braithwaite

Proposed development of 2no. affordable dwellings

Site



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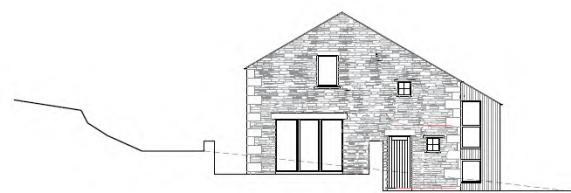


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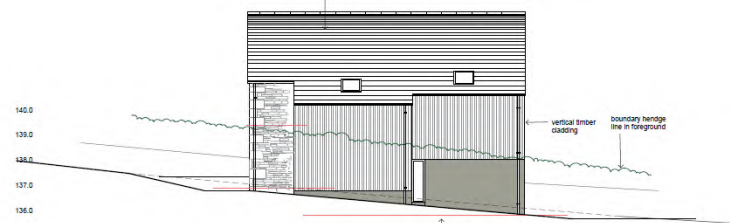
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SOUTH ELEVATION



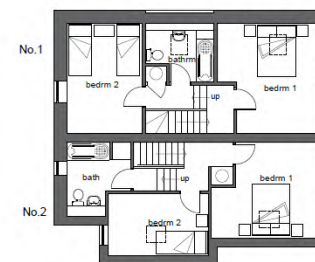
EAST ELEVATION



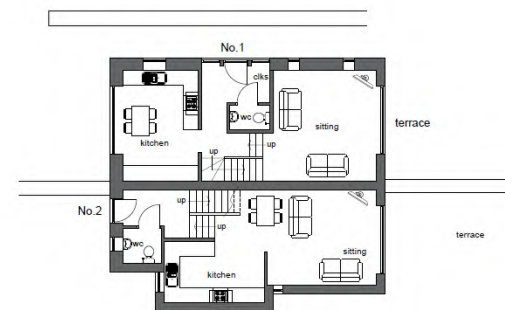
NORTH ELEVATION



WEST ELEVATION



FIRST FLOOR PLAN

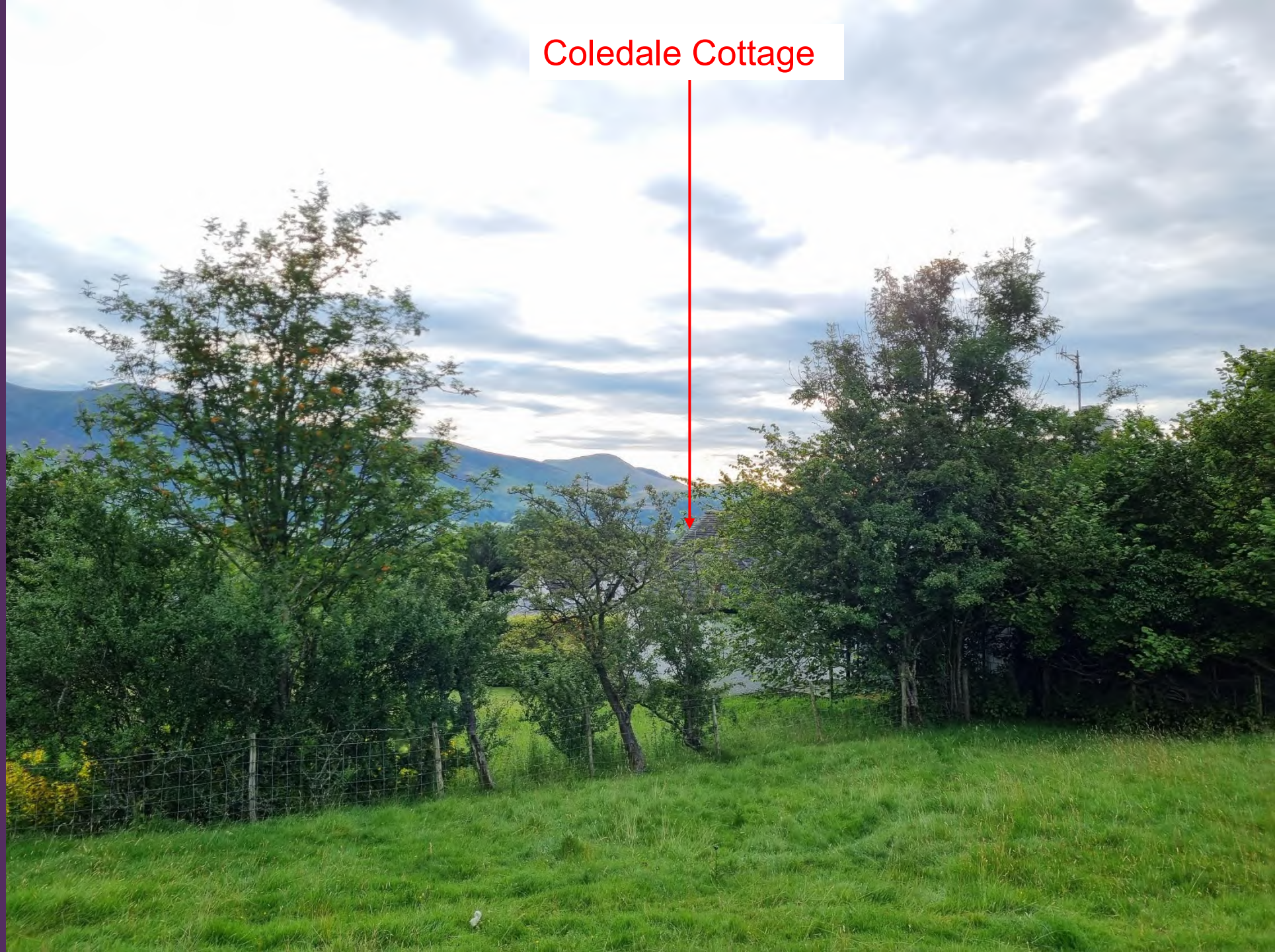


GROUND FLOOR PLAN

Views from inside site



Coledale Cottage





View from
road



View from
PROW to south



View from PROW at Guardhouse





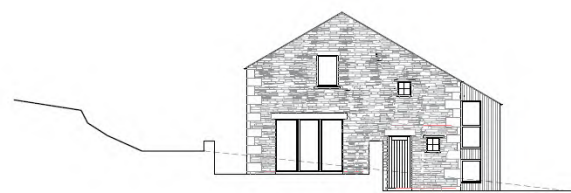
Site

View from PROW to Force Crag

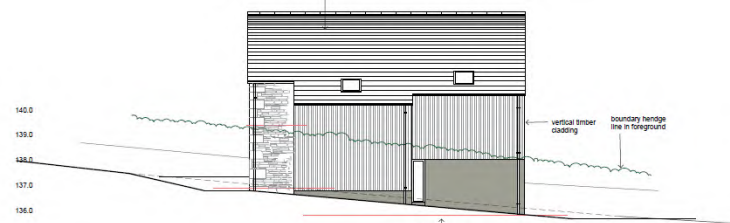


View from Braithwaite How





SOUTH ELEVATION



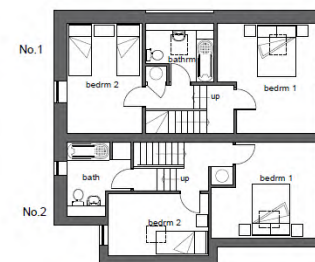
EAST ELEVATION



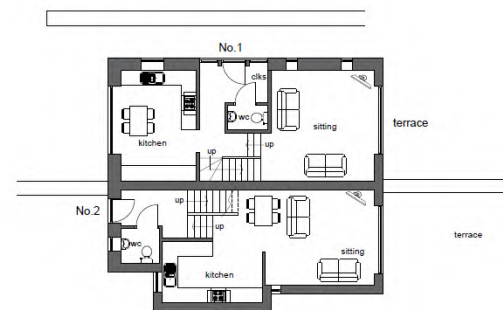
NORTH ELEVATION



WEST ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN



PROPOSED AFFORDABLE DWELLINGS
LAND AT HIGH COLEDALE, BRAITHWAITE

Proposed plans
Scale: 1:100& 1:200 @ A1 Date: Jan '24 Drawn by: mc No: 21.2408