

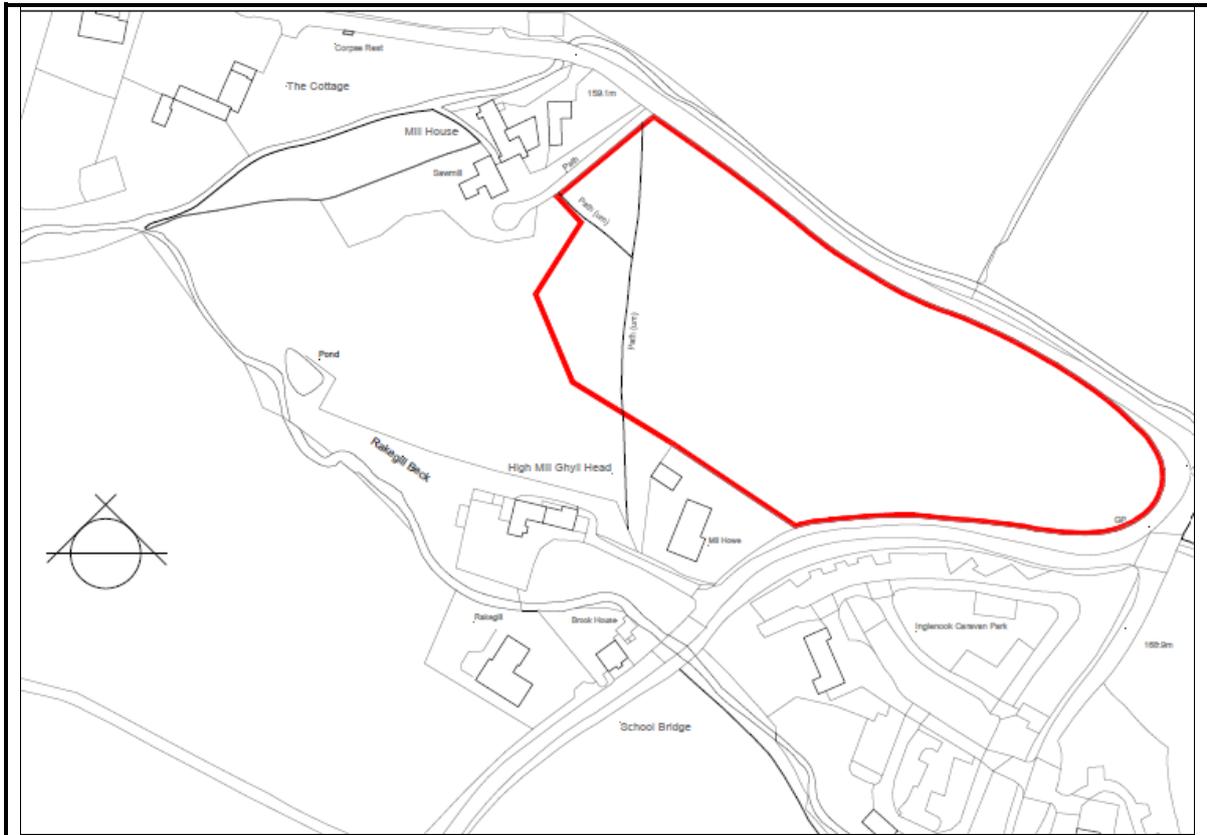


To: PLANNING PANEL

Development Control Section

Date of Meeting: 04/08/2021

<b>Application Numbers:</b>	4/20/2290/DOC 4/20/2267/0F1
<b>Application Types:</b>	Modification to S106 and Full Application
<b>Applicant:</b>	Swift Homes Ltd
<b>Application Address:</b>	MILLFIELDS, LAMPLUGH
<b>Proposals</b>	<ol style="list-style-type: none"><li>1. PROPOSED MODIFICATION OF S106 PLANNING OBLIGATION RELATING TO THE MILLFIELDS, LAMPLUGH TO REMOVE THE OBLIGATION TO BUILD A VILLAGE HALL ON THE SITE</li><li>2. REMOVAL OF PREVIOUSLY APPROVED VILLAGE HALL AND REPLACEMENT WITH 2 NO. DETACHED DWELLINGS AND DETACHED DOUBLE GARAGE</li></ol>
<b>Parish:</b>	Lamplugh
<b>Recommendation Summary:</b>	4/20/2290/DOC – approve amendment to Section 106 obligation 4/20/2267/0F1 - Approve (commence within 3 years)



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### Site and Location:

This application relates to an area of land extending to 1.9 hectares that lies on the north western edge of Lamplugh.

The Application Site is bounded to the north, east and south by minor roads and to the west by a small collection of buildings including the former Mill House and Sawmill which have been converted into dwellings.

The land beyond the minor road to the north comprises undulating agricultural land containing mature trees.

Inglenook Caravan Park is located beyond the minor road to the southeast.

The western boundary of the Lake District National Park comprising a UNESCO World Heritage Site is located approximately 10 metres to the east of the Application Site.

## **Existing Planning Permission**

Full Planning Permission was approved in 2018 under application ref. 4/17/2182/0F1 for a residential development of 26 executive dwellings, the erection of a village hall, community facilities and associated infrastructure at Millfields, Lamplugh. A Section 106 Agreement was entered which secured the requirement to erect a village hall as part of the approved development; and, the management and maintenance of the common areas and facilities.

The approved development has commenced and a number of the dwellings are currently at an advanced stage of construction.

Since the approval of application ref. 4/17/2182/0F1, a number of changes have been subsequently approved to individual dwelling designs.

The initially approved Section 106 Agreement has also been amended post approval of application ref. 4/17/2182/0F1. The amendment now requires that the Village Hall be made available for community use before the occupation of the thirteenth dwelling on the development.

## **Proposal:**

This report refers to two separate planning applications, which relate to a single development proposal.

### **Application ref. 4/20/2290/DOC**

Application ref. 4/20/2290/DOC proposes to modify the Section 106 planning obligation applicable to the previously approved development as follows:

- Remove the requirement to construct the approved village hall on the Application Site; and,
- For the Applicant to pay a sum of £80,000.00 to Lamplugh Village Hall Committee as a contribution towards the cost of the building of the new Lamplugh Village Hall on land adjacent to the existing Lamplugh Village Hall subject to certain conditions/limitations.

The Applicant proposes that the sum be held in escrow and be released from escrow contingent upon the new Lamplugh Village Hall on land adjacent to the existing Lamplugh Village Hall being constructed to the following standard: building structure complete; roof structure complete with roof coverings; and, external windows and doors installed, within 36 months of the date of entering the new Section 106 planning obligation.

The Applicant proposes that if the new Lamplugh Village Hall on land adjacent to the existing Lamplugh Village Hall does not reach the outlined standard within 36 months of the date of entering the new Section 106 planning obligation, that a sum of £41,000.00 be paid to the Copeland Community Foundation for the provision or enhancement of community facilities in the Parish of Lamplugh and that the balance of the £39,000 be refunded to the Applicant.

It is necessary to highlight that the Applicant has amended the financial contribution proposed during the course of the determination period from £36,685.32 to £80,000.00 following engagement with Lamplugh Parish Council and Lamplugh Village Hall Committee.

### **Application ref. 4/20/2267/0F1**

Application ref. 4/20/2267/0F1 proposes the erection of 2no. detached single storey dwellings and a detached single storey double garage on the site of the previously approved village hall.

It is proposed to finish the dwellings and garage with a combination of local stone and render to the elevations with buff stone heads, cills and copings; slate to the roof structures; Oak constructed porches; and, anthracite grey windows and external joinery.

No alterations are proposed to the previously approved access.

Two off highway vehicle parking spaces are proposed in addition to the proposed garages.

A revised scheme of landscaping is proposed.

For clarity, the Applicant has confirmed that the proposed financial contribution of £80,000 is contingent on the approval of the Application ref. 4/20/2267/0F1 for the erection of 2no. detached single storey dwellings and a detached single storey double garage on the site of the previously approved village hall.

### **Consultation Responses**

#### Lamplugh Parish Council

Supports the financial contribution proposed and the proposed terms outlined by Applicant

Although the fall-back position should the redevelopment project fail is a reduced amount of £41k, it is considered that this is unlikely to be triggered and therefore is not a major issue in terms of the overall situation.

Full copies of all of the comments received from Lamplugh Parish Council are contained at Annex A to this Planning Panel Report for information and reference.

#### Lamplugh Village Hall Committee

Supports the financial contribution proposed and the proposed terms outlined by Applicant

Full copies of all of the comments received from Lamplugh Parish Village Hall Committee are contained at Annex A to this Planning Panel Report for information and reference.

*Friends of the Lake District*

Objected to the original scheme on grounds of landscape impacts on the setting of the Lake District National Park.

As the delivery of a new village hall was clearly deemed necessary to make the original scheme acceptable, then now, an equivalent (or arguably - with the delivery of a further two houses - greater) community benefit should be secured in order to justify and compensate for the identified landscape harm and other impacts. The sum of money offered does not achieve this and the application should be refused.

A full copy of the comments received from Friends of the Lake District are contained at Annex A to this Planning Panel Report for information and reference.

*Cumbria County Council – Highways and Local Lead Flood Authority*

No objections.

The proposals will not lead to an increase in vehicular traffic to and from the site.

The proposed will not increase the flood risk at the site.

*Lake District National Park Authority*

No comments received.

*United Utilities*

Recommend that the applicant implements the scheme in accordance with the surface water drainage hierarchy.

**Neighbour Comments**

Eighteen representations have been received comprising seventeen representations in objection and one representation in support.

The representations relevant to the proposed development are summarised below:

Support

No objections and the sooner they are approved the better, to put this Village Hall saga to bed at last!

## Objection

### *Weight to Provision of Village Hall on Application Site*

The proposed village hall on the Application Site is in a better location than the existing village hall site and was promised.

The development of the village hall on the Application Site was a key factor in the granting of the original permission against the wishes of virtually the entire village, the Lake District National Park Authority, Friends of the Lake District and many others. The original planning permission would not have been approved without its inclusion in the scheme.

Section 106 agreements are private agreements made between Local Planning Authorities and Applicants and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. This development would not have been considered had it not been for the promise of the provision of community facilities by John Swift Homes. It makes a mockery of the planning system if these agreements can be removed at will.

There is a real risk that the village is left without any new village hall.

Since the approval of the initial planning permission for John Swift Homes, three smaller residential developments, more in keeping with Lamplugh, have had planning permission refused; therefore, it must be concluded that the community benefits were crucial to the John Swift Homes development being approved.

The replacement village hall on the site of the existing village hall is not certain to go ahead. The land required has not been obtained after a number of years trying. The application is incorrect in stating that an alternative village hall is going to be built.

John Swift Homes should have an obligation to build either a new village hall on the Application Site or on the site of the existing village hall before the majority of the proposed houses have been built to ensure delivery.

The scale of the development originally proposed was argued as necessary to enable the creation of the required funds to permit the delivery of the village hall; therefore, the proposed method of calculating the community contribution is not appropriate.

### *Existing Section 106 Agreement*

Objections were raised to the John Swift Homes application for amendment of the S106 Agreement when Copeland Borough Council agreed an increased threshold for the delivery of the village hall building to 13 dwellings. The report to the Planning Panel stated: "the proposed modification does not remove the requirement to build a new village hall building

on the site for community use as part of the development". It is understood that John Swift Homes believed there would be delays in building the high value properties on the site due to a possible re-routing of the footpath making it less viable to cover the costs of building the Village Hall from profits from sales of houses on the site.

Concern exists that compliance with any S106 agreement can be delayed or postponed until 50% of the approved houses are occupied as this could well take some time and might indeed never be achieved, particularly if the Applicant decides not to progress with building the entire development. This concern obviously makes John Swift Homes' financial contribution offer more attractive as it is proposed that this should be paid once work is started on rebuilding the Village Hall rather than at some indefinite date in the future.

### Financial Contribution

It is not acceptable that public money be spent on the provision of a new village hall on the site of the existing village hall when John Swift Homes has committed to build one. This amounts to a misuse of public funds that could sensibly be used elsewhere in the community.

As a minimum, building on the Application Site should be prevented until building of the new village hall on the site of the existing village hall has commenced.

The financial contribution proposed by John Swift Homes in lieu of the provision of the village hall on the Application Site is not commensurate with the costs of delivering the approved village hall and the additional profit that would be generated from the two additional dwellings proposed.

The Applicant should pay the Village Hall Committee shortfall for the delivery of their scheme as a minimum contribution.

A new village hall typically costs around £700,000 in Cumbria.

Compared to the amount of profit that will come from selling 28 houses, £35,000-£36,000 is minuscule and roughly a sixth of that previously offered and would pay for roughly one twentieth of the average village hall in Cumbria.

The financial compensation for losing the village hall should be £200,000 not £35,000.

There is no guarantee that the proposed financial contribution will cover any shortfall in funding to enable delivery of the new village hall on the site of the existing village hall.

Any financial contribution should not be the subject of conditions and limitations as proposed.

Management and maintenance costs of increased usage of the existing village hall have not been accounted for by the Applicant in their calculations.

The approved village hall measured 285.6m<sup>2</sup>. Applying the build cost of a new village hall of £1800 per m<sup>2</sup> this equates to £514,000. Even if a substantial discount to this figure was applied on the basis that John Swift Homes would have build the village hall at cost, the resulting figure would exceed the £36,000 proposed.

If this current planning application requesting a reversal of the S106 is agreed, then the purpose of this Section 106 Agreement is effectively written off. Whilst the offer of £80,000 to contribute to the building of the Lamplugh Village Hall/Community Asset is appreciated, this contribution in no way mitigates the building of 28 houses instead of the originally planned 26 houses on this site.

#### Alternative Community Facility/Provision

If a village hall is not to be constructed on the Application Site, John Swift Homes should be required to deliver other facilities for the benefit of the local community as initially promised, such as a sports hall which could be used for badminton, indoor tennis court and five a side football which would seem to me to be an equivalent alternative.

At the time of planning permission being sought, the local community advised that we did not need an additional village hall and this is still the case. John Swift Homes should stand by their promise to provide something for the community - perhaps a cafe/shop (along the lines of The Gather at Ennerdale) which would enhance the local services, instead of adding another two properties to an already cramped development.

Given that the development does not have any "Green" or sustainable technology, such as solar panels, or ground source heating (what an opportunity missed). It would be more appropriate that the area where the developer's "Village Hall" was proposed, is designated as a "Green development" with the planting of a wildflower meadow or a small woodland rather than building an additional two further houses. This may go some way to balance against the building of such a dense estate at the foothills of the National Park.

#### Sustainability of Lamplugh For Housing Development

Lamplugh is not a sustainable location for new build residential development including the two additional dwellings proposed.

Lamplugh has no shops, no pubs, no roadside footpaths (where the council has designated the roads as dangerous for pedestrians), no local schools, no daily public transport and no local health provision. Every journey or delivery, for any of the above, will rely on private cars, down the narrow and unclassified roads. Noting that all the local roads that access the development and local residences have been under traffic light control for the last six months due to un-repaired road surfaces at huge frustration to the local residents.

In February 2019, a planning application for two dwellings was refused within 250 yards of the Application Site under application ref. 4/19/2018/001. The reasons for refusal offered were:

1. Limited opportunity for local transport.

2. No pedestrian walkways.
3. Adverse impact on the local landscape.
4. Minor benefits that could result from a small housing development in this location would not be sufficient to outweigh this harm, especially as the housing is without justification. As such it would not represent sustainable development as required in the NPPF.

### Other Matters

The replacement of the approved village hall with two dwellings would result in a significant reduction in impacts on neighbouring residents.

The development should be terminated now with no further dwellings beyond those already constructed to be permitted.

The village hall on the Application Site was something that the community did not want at the time, but regardless of this fact, the planning permission was granted.

Whatever happens on the Application Site, be it a village hall or two additional properties, makes no difference, as the development just being there has already caused irreparable damage to the character and landscape of Lamplugh.

The existing village hall site is in a less safe and less accessible location. The 28no. new households travelling to the existing village hall site has not been accounted for and no travel plan has been presented. This will increase traffic and endanger lives on unlit narrow (open countryside) roads. There has been no accounting for the numerous families which will have to make the longer journey to the existing village hall site, at one point having to cross a very busy poorly lit road. The maintenance and management of such accessible pathways should be taken up by John Swift Homes.

The Planning Statement is inaccurate referring to the provision of a two-storey dwelling, when two bungalows are proposed.

The proposed will further increase the development density in a quiet rural environment that is out of character.

The Application Site is located in an area defined in the "Cumbria Landscape Character Guidance" as "Sub type 1a: Foothills" that form part of the upland fringes. The Guidance describes the character of this local landscape as "*generally peaceful and lightly settled*". The proposed development has clearly not respected this local landscape of "dispersed and rural historic character" that has developed over many generations. The building of what is effectively a rather dense suburban estate has been a sad and clear breach of this local housing development pattern. Even worse, it has offered absolutely nothing to support the needed local affordable housing within this rural area. The additional two dwellings proposed further exacerbates these impacts.

This position has arisen due to the failure of the Applicant to complete a well-governed dialogue with the local community prior to initiating the building works.

The benefits from the proposed development to the community now proposed do not outweigh the resulting harm from the development, with specific regard to the sustainability of the location, impact on the character of the settlement and impact on the landscape character.

### **Development Plan:**

#### **Copeland Local Plan 2013-2028 (Adopted December 2013):**

##### Core Strategy (CS):

Policy ST1 – Strategic Development Principles  
Policy ST2 – Spatial Development Strategy  
Policy ST3 – Strategic Development Priorities  
Policy ST4 – Providing Infrastructure  
Policy SS1 – Improving the Housing Offer  
Policy SS2 – Sustainable Housing Growth  
Policy SS3 – Housing Needs, Mix and Affordability  
Policy SS4 – Community and Cultural Facilities and Services  
Policy SS5 – Provision and Access to Open Space and Green Infrastructure  
Policy T1 – Improving Accessibility and Transport  
Policy ENV1 – Flood Risk and Risk Management  
Policy ENV3 – Biodiversity and Geodiversity  
Policy ENV4 – Heritage Assets  
Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

##### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place  
Policy DM11 – Sustainable Development Standards  
Policy DM12 – Standards for New Residential Developments  
Policy DM21 – Protecting Community Facilities  
Policy DM22 – Accessible Developments  
Policy DM24 – Development Proposals and Flood Risk  
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species  
Policy DM26 – Landscaping  
Policy DM27 – Built Heritage and Archaeology  
Policy DM28 – Protection of Trees

##### Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

### **Other Material Planning Considerations:**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).

### Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

### **Assessment:**

#### Case of Applicant

The Applicant has confirmed that the provision of a village hall on the Application Site as part of application ref. 4/17/2182/OF1 was proposed unilaterally following pre-consultation enquiries with members of the Lamplugh Village Hall Committee.

The Applicant states that following submission of application ref. 4/17/2182/OF1 there were a substantial number of objections to the inclusion of a village hall on the Application Site. This included objections from Lamplugh Village Hall Committee, Lamplugh Parish Council and local residents who supported the provision of a new village hall on the site of the existing village hall.

The Applicant has confirmed that the village hall was retained as part of application ref. 4/17/2182/OF1 to effectively provide a contingency should the uncertainties relating to the re-development of the existing Village Hall not be resolved.

The Applicant proposes that the scheme for the provision of a new village hall on the site of the existing village hall is now advanced and that they do not wish to frustrate the wishes of the community given the concern from all parties that continuing with both proposals may result in adverse effects. These being namely the failure to deliver on the wishes of the community and the potential for serious issues of viability that would result from two competing village halls.

The Applicant proposes that the financial contribution payable in respect of the proposed development should be set proportionately in the context of the existing need for community services and the potential increased need for community services in Lamplugh arising from the residential development only.

Two methodologies are outlined by the Applicant in justifying the level of financial contribution that should be provided as part of the development. These methodologies propose that the development should make a proportionate contribution towards to the

cost of delivering the new village hall based on either the increase in the population of the parish or the additional number of households in the parish resulting from the development only.

The financial contribution proposed by the Applicant calculated using these models was initially £36,685.32 based on their own assessment of the build cost for the new village hall on the site of the existing village hall; however, this was increased to £61,142.00 following review of the tender costs by the Lamplugh Village Hall Committee.

The Applicant then enhanced their offer to £80,000.00 following discussion between the various stakeholders on the basis that it is an amount which was considered sufficient to ensure that the construction of the replacement village hall on the site of the existing village hall can proceed.

The Applicant proposes that the reduction of the financial contribution to £41,000.00 should the Lamplugh Village Hall Committee development not reach the defined level of progress within 36 months of the date of entering the new Section 106 planning obligation is appropriate given the £41,000.00 has a basis in the methodologies outlined and so reflects the contribution required to mitigate the effect of the development in terms of community services.

The Applicant proposes that the erection of 2no. detached single storey dwellings and a detached single storey double garage on the site of the previously approved village hall should be considered as a reconfiguration of an ongoing development and cannot be considered comparable to residential development on a greenfield site. It is proposed that the additional dwellings do not comprise isolated development for the purposes of Paragraph 80 of the NPPF given that they are contained by existing/approved dwellings.

It is proposed that the 2no. detached single storey dwellings will assist further in meeting the identified need for executive homes to attract and retain higher earning persons within the Borough and that the proposed would deliver an enhancement of and reduce the visual prominence of the proposed development given the scale and form of the proposed dwelling in comparison to the approved village hall.

It is proposed that the erection of 2no. detached single storey dwellings is to provide the financial contribution of £80,000.

#### Application ref. 4/17/2182/OF1

Application ref. 4/17/2182/OF1 was supported as an exception to the policies of the Development Plan under the provisions of the NPPF when Copeland Borough Council could not demonstrate a five year supply of deliverable housing land.

Support for the development was owed to the collective benefits arising from the development being deemed to outweigh the conflicts with the policies of the Development

Plan i.e. the adverse impacts of the development were deemed to not significantly and demonstrably outweigh the benefits.

The benefits of the development principally comprised the provision of a village hall and community space on the Application Site, the creation of a focal location for Lamplugh and the proposed housing mix being to meet a specific and identified need for executive homes to attract and retain higher earning persons within the Borough.

#### Material Weight Attributable to Delivery of Village Hall on the Application Site

Lamplugh is not identified as a sustainable location for new build market led housing development in Policy ST2 of the LP.

Lamplugh does not align with the strategic development principles outlined in Policy ST1 of the LP.

Paragraph 80 of the NPPF advises the avoidance of isolated homes in the countryside.

Given the dispersed nature of Lamplugh, the spread of services and facilities around many settlements and the limited opportunities for travel other than by private car, any proposed dwellings would be isolated from services and facilities.

This position has been affirmed in three recent Planning Appeals relating to different proposals for housing development in Lamplugh. In each case, the Planning Inspector has concluded that the settlement is not a sustainable location for new build market led housing development.

Whilst holding limited weight at present, the ECLP continues to identify Lamplugh as open countryside where new build market led housing development is not supported.

In respect of application ref. 4/17/2182/0F1, the level of weight afforded to each of the community benefits outlined in tipping the planning balance in favour of the development was ultimately a matter for Members who made the decision; however, it is clear that the provision of a village hall on the Application Site weighed significantly in favour of the proposed development.

#### Delivery of a Village Hall on Application Site or Existing Village Hall Site

Clear arguments exist both for and against the delivery of a village hall on the Application Site.

There is a clear will and preference within the community to deliver a new village hall on the site of the existing village hall.

The Application Site is arguably in a more suitable location for the provision of a village hall given the proximity to other dwellings and would reinforce the Application Site as a focal location within Lamplugh.

### Financial Contribution Methodology

The Development Plan does not include a policy that provides a prescribed methodology for the calculation of a financial contribution for or towards the delivery of a community asset.

Any financial contribution is required to be considered and calculated in the context of the specifics of the development being proposed as was the case in application ref. 4/17/2182/0F1.

The methodologies outlined by the Applicant are proposed to define a level of financial contribution that is proportionate to the increase in the demand for community services that would arise from the development alone.

The methodologies outlined by the Applicant have some logic. It is arguable that these methodologies are more aligned to a situation where a development will create a demand for a service which cannot be met by existing provision rather than the situation in this case, where the development was approved as an exception to the policies of the Development Plan due to collective benefits arising from the development including the provision of a village hall.

### Financial Contribution Proposed

Numerous representations have been made in objection to the proposals on grounds that the current proposal will not deliver a financial contribution comparable in value to that approved under application ref. 4/17/2182/0F1 and that the scale of residential development approved would not have been supported unless to facilitate the level of income required to deliver the village hall on the Application Site.

The financial contribution of £80,000 proposed by the Applicant was proposed following engagement with Lamplugh Parish Council and Lamplugh Village Hall Committee regarding the costings and shortfall in funding to deliver their proposals for a village hall on the site of the existing village hall.

The Lamplugh Village Hall Committee has confirmed that the financial contribution of £80,000 proposed by the Applicant is vital to deliver their proposals for a village hall on the site of the existing village hall.

It has been confirmed by Lamplugh Village Hall Committee that allowing for the contribution proposed by the Applicant, there remains a potential but not definitive shortfall in funding for the project of c.£25,000 based on a 10% contingency being applied to their builder's contract price. It has however been confirmed that this requirement could be met by the National Lottery if required.

It is clear that the financial contribution now proposed by the Applicant is different in value to the costs that would likely have been incurred in delivering a village hall on the Application Site; however, potential exists for the proposed development to deliver a similar

net outcome as application ref. 4/17/2182/0F1 with regards to the delivery of a new village hall, albeit in a differing form/location to that initially anticipated and approved and not being fully funded by the proposed development, but in a location favoured by the local community.

#### Deliverability of Lamplugh Village Hall Committee Scheme

A number of representations have been received which highlights that there remains uncertainty regarding the delivery of the new village hall by Lamplugh Village Hall Committee, with specific regard to the assignment of the additional land required and the availability of sufficient funds to complete the development etc.. It is also questioned if the development would reach the defined level of progress within 36 months of the date of entering the new Section 106 planning obligation and so should only be allowed to proceed once the delivery of the new village hall by Lamplugh Village Hall Committee has been commenced/delivered.

The above highlights the potential for a situation where the residential development could be delivered; however, a new village hall and its resulting community benefits would not be delivered.

Specific clarity has been sought from Lamplugh Village Hall Committee in respect of the matters raised and the following has been confirmed:

- the additional land required to build the village hall on the site of the existing village hall has been acquired and the Land Registry Title is in the process of being registered;
- as outlined above, whilst a potential shortfall in funding for the project of c.£25,000 remains, this requirement could be met by the National Lottery if required;
- Full Planning Permission has been approved for the village hall and a planning application has been submitted by the Lead Consultant to seek approval of the requirements of the relevant pre-commencement planning conditions; and,
- The National Lottery who are the main funders of the project have confirmed that they are happy for the contract with the builder to be entered and this has now occurred with an agreed on site start date of the 23<sup>rd</sup> August 2021. There is confidence that the development will be delivered by the spring of 2022.

There is clear support for the proposals from the Lamplugh Village Hall Committee and Lamplugh Parish Council.

The clarity provided by Lamplugh Village Hall Committee whilst not definitively guaranteeing delivery, provides significant confidence.

## Fall Back Position

Under the provisions of the existing Section 106 Agreement, the Applicant has potential to deliver 12no. dwellings on the Application Site and then cease development without the requirement to deliver the village hall on the Application Site or pay any financial contribution.

In such an eventuality, the development would deliver fewer public benefits and likely prevent the delivery of any new village hall in Lamplugh to the detriment of the community.

## Site Specific Issues Relating To Additional Dwellings Proposed

### *Principle*

As outlined earlier, market led housing development in Lamplugh is in direct conflict with the policies of the Development Plan and the NPPF.

### *Housing Need and Housing Market Assessment*

The 2no. additional dwellings proposed comprise executive housing in accordance with the objectives of application ref. 4/17/2182/0F1.

### *Design and Settlement Character*

The style of housing within Lamplugh can be characterised as 'farm cottages, more grand period detached dwellings; converted former agricultural buildings; and simple, modest, unadorned single and two story dwellings. Properties lie either directly fronting the country lanes in and out of the settlement or set back behind rows of mature hedging. The materials palette within the village is predominantly local stone and/or rendered facades.

The development approved under application ref. 4/17/2182/0F1 and subsequently revised was designed to loosely reflect historic agricultural settlements, with a hierarchy of dwellings centred around a large detached 'farmhouse', with smaller dwellings and terraces of 'workers cottages'. The proposed dwellings range from low, single storey properties to 1.5 storey "transition" houses to large 2 storey dwellings. The variety of heights utilised has been carefully set to complement the scale of neighbouring pockets of residential development in Lamplugh. This is proposed to reflect both historic and more recent development within the village.

The design of the dwellings fall into two distinct characters. Smaller scale, simple rendered dwellings sit next to dwellings which are more complex in design, featuring ornate finials, barge boards, timber porches and gable features and window surrounds. The more ornately designed dwellings generally reference the late Victorian/early Edwardian period with Cumbrian references. This is reflective of a number of properties within the village, within close proximity to the site.

The simpler dwellings are proposed at key locations within the site. These dwellings reflect the more modern development which has taken place within the village in more recent times. The proposed dwellings are considered to be more contemporary than those within the existing village, with the use of quality materials, and a colour palate reflecting the other properties within the scheme ensuring that the development is well integrated and cohesive. A simple palette of quality materials is proposed, in line with that of the existing village. This includes off-white roughcast render, Lake District split face stone walling, buff stone detail and Buttermere Slate pitched roofs.

The proposed dwellings are consistent in design to the existing approved dwellings and are smaller in scale and massing than the approved village hall. The proposed dwellings whilst simple in design maintain the design principles and thus the overall form and character of the development.

Revisions are proposed to the approved scheme of landscaping to accommodate the revised dwellings. The revisions relate to the placement of trees and hard surfacing. The overall quantity and composition of the planting accords with the overall character of the wider scheme.

#### *Residential Amenity*

The proposed dwellings achieve the interface separation distances required by Policy DM12 and by virtue of their scale and location would not result in unacceptable impacts upon the living conditions of the existing or previously approved dwellings.

#### *Heritage*

Given the scale, form and design of the proposed dwellings and their location within the development, additional adverse impacts upon the settings of the designated, non-designated heritage assets and Lake District World Heritage Site will not result from the development beyond those resulting from the previously approved development.

The archaeological impacts of development on the Application Site were assessed under application ref. 4/17/2182/0F1; therefore, further works are not required.

#### *Highway Safety*

Access to the 2no. additional dwellings is proposed via the previously approved site access.

The visibility splays to the access and off highway parking are appropriate to the scale and nature of the development proposed.

Cumbria County Council Highways have been consulted and have confirmed that the proposed revisions will not result an adverse material impact upon the safe operation of highway network.

#### *Flood Risk and Drainage*

The Application Site is located in Flood Zone 1.

It is proposed to connect to the scheme of foul and surface water disposal previously approved.

No revisions are proposed to the approved scheme which accords with the drainage hierarchy and has sufficient design capacity to accommodate the flows from the two single storey dwellings.

### Planning Balance

In respect of the development now proposed, it is effectively for Members to determine:

- if the revised scheme and its now proposed benefits i.e. a financial contribution in lieu of a village hall on the Application Site and the erection of two additional dwellings, continue to tip the planning balance in favour of the approval of the development i.e. if the adverse impacts of the development do not significantly and demonstrably outweigh the benefits; and,
- if the terms of the Section 106 proposed by the Applicant are acceptable in the context of the development and the deliverability of the Lamplugh Village Hall Committee proposals.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS. In addition, Policy ST2 also does not accord with the NPPF which requires local planning authorities to significantly boost housing delivery.

In the context of the above, Paragraph 11 of the NPPF remains engaged as was the case when application ref. 4/17/2182/OF was determined.

As such, the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is clear that market led residential development in Lamplugh is in direct conflict with the policies of the Development Plan and the NPPF.

Application ref. 4/17/2182/OF1 was supported as an exception to the policies of the Development Plan owed to the benefits arising from the development, which were deemed to outweigh the conflicts with the policies of the Development Plan and NPPF i.e. the adverse impacts did not significantly and demonstrably outweigh the benefits. The benefits principally comprised the provision of a village hall and community space on the Application Site, the creation of a focal location for Lamplugh and the proposed housing mix being to meet a specific and identified need for executive homes to attract and retain higher earning persons within the Borough.

The development now proposed effectively comprise a scheme of 28no. dwellings and does not include the delivery of a village hall on the Application Site, but instead proposes a financial contribution of £80,000 be paid subject to conditions/limitations which will assist in facilitating the delivery of a new village hall on the site of the existing village hall as desired by the residents of Lamplugh.

The development now proposed would continue to deliver a community space on the Application Site, the creation of a focal location for Lamplugh albeit lessened by the lack of a village hall and a housing mix being to meet an identified need for executive homes to attract and retain higher earning persons within the Borough.

The Lamplugh Village Hall Committee has confirmed that the financial contribution of £80,000 proposed by the Applicant is vital to deliver their proposals for a village hall on the site of the existing village hall and its completion in spring 2022.

The clarity provided by Lamplugh Village Hall Committee whilst not definitively guaranteeing delivery of the village hall on the site of the existing village hall, provides significant confidence.

Delivery of a new village hall is significant for Lamplugh and would deliver substantive community benefits which have been long awaited. This proposal offers a realistic means of achieving this by providing funding to supplement any short fall in project funding.

There is a real risk that without this funding, no new village hall will be delivered and a part completed development that does not fully deliver its potential benefits, does not relate well to the existing built form and would diminish the character/cohesion of this element of the settlement.

In overall terms, there are a significant number of issues that are to be weighed in the planning balance in this case.

Weight must be given to Application ref. 4/17/2182/OF1, which remains an extant planning permission.

The erection of two additional dwellings in conflict with the Development Plan must be weighed against the development.

It is clear that the financial contribution now proposed by the Applicant is different in value to the costs that would likely have been incurred in delivering a village hall on the Application Site. Significant weight must however be given to the confirmation by Lamplugh Village Hall Committee that the financial contribution of £80,000 is vital to deliver their proposals for a village hall on the site of the existing village hall which itself will deliver on the wishes of the local people and that without this, real potential exists that no new village hall will be delivered. The delivery of a high quality village hall is important to the social sustainability of a rural settlement and even more so in Lamplugh given its dispersed settlement pattern.

Whilst the proposed is doubtlessly not what was initially envisaged when Application ref. 4/17/2182/0F1 was determined, the proposed will reasonably deliver the same overall outcomes, the primary element of which was the delivery of a new and much needed village hall for Lamplugh albeit via a differing means.

### **Recommendation**

#### **Approve application ref. 4/20/2290/DOC**

Amended terms of the Section 106 planning obligation:

- Remove the requirement to construct the approved village hall on the Application Site; and,
- For the Applicant to pay a sum of £80,000.00 to Lamplugh Village Hall Committee as a contribution towards the cost of the building of the new Lamplugh Village Hall on land adjacent to the existing Lamplugh Village Hall subject to certain conditions/limitations.

For the sum to be held in escrow and be released from escrow contingent upon the new Lamplugh Village Hall on land adjacent to the existing Lamplugh Village Hall being constructed to the following standard: building structure complete; roof structure complete with roof coverings; and, external windows and doors installed, within 36 months of the date of entering the new Section 106 planning obligation.

If the new Lamplugh Village Hall on land adjacent to the existing Lamplugh Village Hall does not reach the outlined standard within 36 months of the date of entering the new Section 106 planning obligation, that a sum of £41,000.00 be paid to the Copeland Community Foundation for the provision or enhancement of community facilities in the Parish of Lamplugh and that the balance of the £39,000 be refunded to the Applicant.

#### **Approve application ref. 4/20/2267/0F1 subject to the following planning conditions:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:

Application Form received 1<sup>st</sup> July 2021

Location Plan – Drawing No. 16/11/894-01 received 1<sup>st</sup> July 2021

Landscape Infrastructure – Drawing No. M2821.01(iii) received 1<sup>st</sup> July 2021

Plots 16&17 Garage Plans & Elevations – Drawing No. 16/11/894-30 received 1<sup>st</sup> July 2021

Dwelling Type I – Plot 17 – Plans & Elevations – Drawing No. 16/11/894-27 received 1<sup>st</sup> July 2021

Dwelling Type J – Plot 16 – Plans & Elevations – Drawing No. 16/11/894-26 received 1<sup>st</sup> July 2021

External Materials Schedule Plots 16&17: Ref:16/11/894-EMS/2 received 1<sup>st</sup> July 2021

Reason

To conform to the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **Pre-Commencement Planning Conditions**

3. No development shall commencement until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved Construction Method Statement.

Reason

To protect the water environment from pollution and residential amenity, in accordance with the provision of Policy ST1 and ENV1 of the Copeland Local Plan 2013-2028.

4. No development shall commencement until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved Ecological Management Plan.

Reason

To protect the ecological features and species in accordance with the provision of Policy ST1 and ENV3 of the Copeland Local Plan 2013-2028.

### **Pre-Occupation**

5. No dwelling hereby approved shall be occupied until the estate road including footways to serve that dwelling has been constructed in all respects to base course level has been provided and brought into full operational use.

Reason:

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy DM22 of the Copeland Local Plan 2013-2028.

6. No dwelling hereby approved shall be occupied until the surface water and foul water disposal works required to serve that dwelling has been completed on site in accordance with the approved details. The approved works shall be retained for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

### **Other Planning Conditions**

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be completed in the first available planting season following the completion of the development.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

8. Once implemented, the approved landscaping works shall be maintained in accordance with the maintenance schedule outlined on Landscape Infrastructure – Drawing No. M2821.011(iii) received 1<sup>st</sup> July 2021. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To ensure the planting scheme becomes appropriately established in the interests of visual amenity in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

9. There shall be no vehicular access to, or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

10. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours and 18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

Reason

In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

11. No external lighting shall be installed unless or until details of the proposed lighting, including light spill diagrams, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained for the lifetime of the development.

Reason

In the interest of residential amenity and in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

**ANNEX A – FULL WRITTEN REPRESENTATIONS –  
Lamplugh Parish Council and Lamplugh Village Hall Committee**

Lamplugh Parish Council

10<sup>th</sup> June 2021

*“Thanks for your advice regarding the planning aspects and the legal situation.*

*The Parish Council supports the application with respect to the £80k available for 36 months from the date of the new agreement for the Lamplugh village hall redevelopment project.*

*Although the fallback position should the redevelopment project fail is a reduced amount of ~£41k we did not feel that this was likely to be triggered and therefore was not a major issue in terms of the overall situation.*

*I have talked to Paul and I appreciate his view of wanting to crystallise the £80k in perpetuity. I have talked to John who has explained that the -£41k figure is the one that has some underpinning calculations based on mitigation costs and £80k is an enhanced figure derived from various conversations and sources relating to the ongoing redevelopment project i.e. it very much relates to where we are now.*

*Is it fair to say that £80k made available specifically for the village hall redevelopment project meets the criteria of para 56 of NPPF much better than £80k (or £40k) for general community enhancement purposes? (Chris, Nick)*

*Therefore on balance given my reasoning above I would say the application as submitted is acceptable.*

*All comments invited of course.”*

8<sup>th</sup> June 2021

*“This note is to inform you that Lamplugh Parish Council supports the latest application to amend the s106 and consequently make available £80k to the Lamplugh Village Hall redevelopment project.”*

4th September 2020

*“Lamplugh Parish Council cannot support the application to amend the s106 agreement for the following reasons.*

*Substantial weight was awarded to the provision of community benefits including a brand new fully equipped village hall as part of the case for development of land adjacent to Mill Howe in February 2018. The amended Section 106 planning obligation proposal is vastly different in terms of community benefits and development design concept.*

*The planning statement refers to para 56 of National Planning Policy Framework (NPPF) and the 3 tests for an Section 106 planning obligation case:*

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and size.*

*It is accepted that the Section 106 planning obligation derived from the original planning application met these tests and consequently we do not believe the amended Section 106 planning obligation would satisfy these now i.e. a) necessary to make the development acceptable in planning terms or c) fairly and reasonably related in scale and size.*

*The design concept of the original application was to create high quality housing to attract high wage earners into the borough of Copeland. This site was chosen because it is a highly desirable rural area and adjacent to the Lake District National Park World Heritage Site. Due to the lack of an up to date local plan to demonstrate a 5-year housing land supply the presumption is in favour of sustainable development. NPPF guidance was used and the sustainability tests of economic, social and environmental were met according to the planning officers report. In the conclusion it states:*

*“Taking all of the relevant issues into account, and in the absence of a 5-year land supply the principle of residential development is considered acceptable, with the proposed development satisfying relevant national and local policy. Subject to appropriately worded conditions, as outlined, the development is considered acceptable in terms of scale, design, impact on the landscape of the Lake District World Heritage site, impact on residential amenity, heritage and biodiversity. The impacts of this scheme are not considered to significantly and demonstrably outweigh the benefits outlined above”*

*Approval was granted subject to a Section 106 planning obligation.*

*In the Planning Officers report when describing the community aspects of the proposed development it was stated: “The principle of a new village hall and associated infrastructure is considered acceptable in development terms, subject to certain conditions. While there is mixed support for such a facility within the community and an existing village hall facility exists elsewhere, this element of the development could be considered to be a community benefit for Lamplugh. Further detail on the operation and management of the village hall would be required to ensure that the hall operates effectively and is of benefit to the community. This would need to be part of a s106 legal agreement.*

*Both the NPPF and Local Plan policies support the provision of facilities and other examples of community buildings in nearby settlements such as Ennerdale Bridge has shown how a meeting place can help to improve community cohesion,*

*The site is considered to be an appropriate location for a modern community hall. When combined with a new communal open space, a shelter and also a bus stop it will create a focal point within the village which is currently lacking”*

*Based on the above evidence we fundamentally disagree with the applicant’s planning statement para 3.3 “The Applicant retained the Village hall in the proposal effectively to provide a contingency that the uncertainties relating to the re-development of the existing Village Hall could not be resolved.”*

*Irrespective of how much the size and impact of the Millfields estate was down played at application stage it is still the largest concentration of houses ever to be built in the non-nucleated village of Lamplugh. It is highly noteworthy that all subsequent planning applications in this area have been refused and the Planning Inspectorate made the following observation in the Land at High Trees report July 2019.*

*“Other matters*

*15. The appellant draws my attention to approved reference 4/17/2182 for 26-27 executive homes close to the appeal site. This application differed from the case before me. It was for a considerably greater number of dwellings, was supported by a Market Assessment Report and included provision of a village hall which would represent a major factor which would weigh in the proposals favour.”*

*The amended Section 106 planning obligation proposes a mitigation-based approach to the likely increase on community services. This is a completely different proposition, it does not provide a focal point and does not integrate with other community amenities on the site such as village green etc. The Section 106 planning obligation village hall as part of the original planning application was about creating sustainable development in an isolated location. Without the hall the sustainability argument diminishes significantly.*

*It is fair to say that the Millfields housing development was complex and controversial from the start and seeking clarity today is equally difficult. We are aware that in certain cases an Section 106 planning obligation may have become problematic for financial or circumstantial reasons. In this case we would not expect a financial viability issue to be present as the market for this type of development is very favourable as described in the Housing Market Assessment report from 2017 by Grisdales. What has changed is the likelihood of success of the Lamplugh Village Hall re-development project. This has undoubtedly increased with some additional funding secured, the land transfer is in an advanced stage and a project manager appointed. However significant project delivery risks are still present and a funding shortfall.*

*The supporting planning statement suggests a financial contribution to this re-development project based on a methodology to calculate a mitigation-based approach to increased demand for community services. However, the formulas fail to consider village hall life cycle costs, which are ongoing and additional to initial build costs. The housing estate is providing homes for many decades and this timeframe should be reflected in the community benefit contribution. The financial contribution suggested of ~£35k is very small compared to the provision of a brand new fully equipped village hall ~£500k and we do not believe this would guarantee successful delivery of the Section 106 planning obligation via the Village Hall Committee re-development project.*

*If we ask four basic questions about the s106 obligation to build a village hall it may help our understanding.*

*What is the current obligation?*

*It is to build a new village hall.*

*What purpose does it fulfill?*

*It serves to make the development acceptable in planning terms and mitigate a potential increased demand in community services.*

*Is it a useful purpose?*

*It provides a focal point for the new development; it creates a village centre and increases capacity of community services.*

*If it is modified will it serve the same purpose?*

*If the village hall is not built the development design concept is not achieved and the sustainability argument is weakened. If extra financial resources are provided to the village hall re-development project community services capacity has a higher chance of increase but other project risks are unaffected (land transfer, unforeseen construction events). There have been several discussions over the past 2 years to determine a way forward. e.g in May 2018 Trudy Harrison MP suggested that the substantial gain realised by replacing 2 extra dwellings on the village hall plot should be directed to the community. i.e. significantly greater than £35k.*

*In conclusion it would seem the only pragmatic way ahead would be for Copeland Borough Council to liaise closely with the Village Hall Committee and develop a financial agreement with the developer to successfully deliver the re-development project in order to ensure the sustainability arguments for the Millfields housing development are maintained."*

Lamplugh Village Hall Committee – 14<sup>th</sup> June 2021

*"Further to last week's email exchanges and my conversation with Nick on Friday, I have discussed this with members of the VH committee and also emailed Roger Braithwaite. I can indicate that the VH committee supports the developer's application on the basis of the £80k to be paid to CCF to be held in escrow for a period of 3 years and to be released within 10 working days to the VH committee upon completion of the structure of the new VH prior to first fix.*

*If at the expiry of 3 years the VH has not been completed to the aforementioned stage then the sum of £41k will be held by CCF in lieu of the said figure of £80k.*

*Please acknowledge receipt of this message and confirm when this matter is to be considered by the planning panel."*

Lamplugh Village Hall Committee – 30<sup>th</sup> April 2021

*"Following meetings of the VH committee and with the lottery and our lead consultant I can indicate on behalf of the Lamplugh VH committee that we will accept the offer of £80,000 from Swift Homes to be held in escrow by CBC for a period of 36 months. This sum will be paid over to the Village Hall Committee within 10 working days of building control confirming completion of the main structure of the village hall prior to commencement of internal first fix works. If for any reason the construction of the new VH does not proceed*

*then the £80,000 held in escrow will be paid over to the CCF and if possible earmarked for the benefit of the parish of Lamplugh.*

*On the basis that the above is agreed then the VHC will support the application by Swift Homes to vary the current s106 obligation and in lieu thereof to substitute the cash payment. Obviously the planning committee will need to approve the application and variation. I would imagine that CBC's legal department will have to draft the proposed variation and I would like to cast my eyes over this before it is considered by the planning committee."*

#### Lamplugh Village Hall Committee – 6<sup>th</sup> September 2020

*"In essence with the caveat outlined below, we do not object to the removal of a Village Hall from the Millfields development. We do however wish to object to the value of the financial contribution proposed in the application.*

*The Village Hall committee (VHC) supports the proposal to remove the obligation to build a Village Hall at Millfields in principle as our own project to build a new Hall on the existing site is now well advanced. This support is however subject to completion of the transfer of land to the VHC to enable the new hall to be built.*

*We would wish to say however, that it came as something of a surprise to read the applicant's assertion that the Village Hall to be provided by his S106 had been left in place "to provide a contingency that the uncertainties relating to the re-development of the existing Village Hall could not be resolved." This has never been discussed with the VHC and in fact the second Hall S106 continuing to be in place has had precisely the opposite effect, having caused the committee considerable difficulties both in terms of safeguarding already secured funding and in applying for additional grants to meet the costs of the rebuild.*

*We understand that the applicant has proposed that the current S106 planning obligation, once removed, be replaced by an obligation to make a financial contribution to the Parish of Lamplugh. We further note that the applicant has proposed a methodology by which a contribution has been calculated specifically related to the Village Hall provision required by the additional households resulting from the Millfields development.*

*We wish therefore to make our representations in two parts;*

- 1. In respect of the overall financial contribution appropriate to the parish*
- 2. In respect of the method and calculation of the proposed contribution in respect of the new Village Hall.*

#### **Overall contribution**

*When the original planning consent was given to the Millfields development it was considered appropriate to require the applicant to provide the Village with a new Village Hall, in its entirety. No value was placed on the proposed Hall but it seems reasonable to assume that it would have cost the applicant a substantial six-figure sum in building costs, in*

*addition to the cost of land on which it would be constructed. Furthermore, in using such land for this purpose, the applicant would forego the opportunity to construct and sell, at a profit, additional properties on that land.*

*We understood that an application was to be made to build two bungalows on the area originally set aside for the proposed Hall. We note however that the application now appears to be for one bungalow and one three bedroomed two storey building.*

*Our understanding of planning obligations is that they are designed to mitigate the impact of a development and must be;*

- necessary to make the development acceptable in planning terms;*
- directly related to the development; and*
- fairly and reasonably related in scale and kind to the development.*

*The application currently under consideration includes a proposal to replace the obligation to build an entire Village Hall, complete with parking, with a narrowly defined contribution amounting to some £36,500. This represents a mere fraction of the value of the obligation it seeks to replace. In our view this cannot be said to be fairly and reasonably related in scale and kind to the development.*

*In the circumstances, and looking at the impact of the development on Lamplugh as a whole, we consider this proposal to be an inadequate substitute for the original planning obligation. We would also submit that without substantial mitigation as imposed by the current s106 this development would not have been permitted. In our view the contribution from the applicant should be equivalent to the cost of the hall that he agreed to build under the s106 agreement – it is suggested that as the applicant submitted plans for the said hall to CBC that such a calculation should be achievable.*

### **Contribution in respect of the new Village Hall**

*Without prejudice to our comments above, we note the methodology employed to calculate that part of any overall contribution that compensates the parish for the additional Village Hall provision required by virtue of the Millfields development.*

*We do however disagree with some aspects of the methodology and the values used in the calculations.*

*Firstly, the applicant has used the floor area of the Hall in the calculations, and has used a population figure in one calculation and a household model in the other.*

*Both of these calculations produce very low figures for the proposed financial contribution. We note however that using a figure such as the Community Infrastructure Levy (used for example in South Lakes) uses the square metres of the actual development. In terms of the impact of the development on the Village, this seems more logical to use than the floor space of a hall he is not going to build. It would also seem to produce a figure more in keeping with the original S106 obligation.*

*Secondly, the applicant has calculated a deemed cost of a new hall by taking the floor area of the building for which we have been granted permission and multiplying that by a standard £1,800 per square metre giving a cost of £488,700.*

*While this may be an acceptable way of estimating part of the construction cost of the building, it takes no account of the other considerable costs essential in providing our new Hall including, but not limited to, Architect's and project management fees, car parking and landscaping, fixtures, fittings and equipment. Consequently, it falls well short of the anticipated cost of the project via either the S106, or for the VHC rebuild.*

*The figures in our own calculations have been taken directly from budgets prepared by our Quantity Surveyor and are comparable with similar Village Halls built locally recently. We expect to have actual builders' quotations early in September and, of course, will be happy to provide our funding shortfall figure when they are available.*

*We will be happy to provide any further information you may require in considering our views. However we as a committee remain firmly of the view that the applicant should, if the s106 is varied, make a financial contribution to Lamplugh Parish Council (LPC) commensurate with the cost of the hall that he originally agreed to construct. For the avoidance of doubt LPC will then allocate to the VH Committee that portion of the overall sum as calculated above using the remainder to provide resources and other benefits to the Lamplugh community as a whole."*

#### Friends of the Lake District

*"We objected to the original scheme on grounds of landscape impacts on the setting of the Lake District National Park.*

*In approving the original scheme, significant weight was given to the delivery of a new village hall as part of the proposals. Furthermore, since this scheme was approved, three much smaller housing proposals in Lamplugh have been strongly refused on grounds including the sustainability of the location for new housing development and impacts on landscape and settlement character in the setting of the National Park and World Heritage Site. One of these has been reinforced by the dismissal of an appeal by an Inspector who, in her report, referred to provision of a new village hall in this scheme (which was referred to as it had been suggested as a comparator case by the appellant) as "a major factor which would weigh in the proposal's favour". This all suggests that even much smaller schemes are inappropriate and the provision of the hall was imperative to justifying the approval of this larger scheme and therefore that equivalent community benefit should still be derived from it in order to compensate for the landscape harm and other impacts on the locality.*

*We fully recognise that a new village hall is now to be delivered on the site of the existing hall through another mechanism, that this is in line with the preference of the community and that therefore the new hall proposed within this scheme is no longer required. However, given that the scheme was only acceptable because of the provision of the hall, the contribution made by the scheme should be at least equivalent (and arguably slightly more*

*given a further two houses are to be built) in value (whether financial or in terms of wider community benefit) to the original contribution planned through the delivery of a hall.*

*If a sum of money is to be offered as is proposed, it needs to be meaningful, leaving the community in the same position they would have been in under the original scheme, or better. With the proposed amendment, the scheme would leave the community in the same position as they are now – being affected by the recognised negative impacts of the scheme and with additional population whilst still being without a suitable hall to serve them and without any other form of compensation from the scheme - this is because the sum offered falls well short of the amount required by the community to deliver the hall on the existing site and well short of the value that would have been provided had a new hall been built as part of the scheme. The sum is therefore not meaningful in the context.*

*In conclusion, as the delivery of a new village hall was clearly deemed necessary to make the proposal acceptable, then now, an equivalent (or arguably - with the delivery of a further two houses - greater) community benefit should be secured in order to justify and compensate for the for the identified landscape harm and other impacts. The sum of money offered does not achieve this and the application should be refused.”*

#### **Recent Planning Application History:**

Application ref. 4/17/2182/0F1 – Proposed residential development of 26 executive dwellings, the erection of a village hall, community facilities and associated infrastructure – Approved subject to Section 106 Legal Agreement.

Application ref. 4/20/2016/0B1 - Application under S.73 for the variation of condition 2 of planning approval 4/17/2182/0F1 for the replacement of dwelling Type G on plots 20 & 21 along with the addition of a single storey offshoot to dwelling Type E on plots 16, 17 & 19 – Approved subject to Section 106 Legal Agreement.

Application ref. 4/20/2138/0B1 - Variation of condition 2 of planning approval 4/20/2016/0B1 for change of house types on plots 11, 12, 14 and 15 and alterations to associated landscaping - Approved subject to Section 106 Legal Agreement.