

Allerdale Borough Council

Planning Application FUL/2020/0010

Development Panel Report

Reference Number: FUL/2020/0010
Valid Date: 10/01/2020
Location: Land adjacent Heatherfields, Broughton Moor
Applicant: David Wright, Gleeson Homes
Proposal: Residential development of 66 no dwellings and associated infrastructure

RECOMMENDATION

Delegate the granting of planning permission subject to the conditions detailed in Annex 1 to the Planning and Building Control Manager upon the completion and signing of a s106 agreement to secure the following:

- A. Affordable housing provision (6 x 2 bedroom rented properties and 7 LCHO - 5 x two bedroom homes and 2 x 3 bedroom homes) to provide 20% of the development (13 homes) as affordable housing.**
- B. Provision of a pedestrian access link to and the upgrade of the adjacent play area;**
- C. Maintenance of the on-site sustainable urban drainage features.**
- D. Maintenance of on-site landscaping works in accordance with the approved Landscaping Plan;**
- E. Financial contribution for a traffic regulation order (TRO) to re-site the existing 30mph speed limit.**

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The application site is within the settlement limits of Broughton Moor as defined in the Allerdale Local Plan Part 2 and is a 'Housing Commitment'.
Highway safety	The highway arrangements are acceptable. A Traffic Regulation Order is required to extend the 30 mph limit to

	<p>the site frontage. Suitable visibility splays can be provided to allow for a safe vehicular access. Parking standards are met.</p>
Design and Layout	<p>The design and layout is acceptable for this edge of settlement location responding to the character of the built environment and on site constraints.</p>
Public Open Space and Play Areas	<p>The scheme comprises the provision of a pedestrian access and updated equipment to the nearby village play area. The access will also provide a safe route for families accessing Broughton Moor School.</p>
Housing Mix	<p>The development is for 66 two storey dwellings comprising: 18 x 4 bedroom; 43 x 3 bedroom and 5 x 2 bedroom.</p> <p>13 affordable dwellings are proposed comprising 7 for low cost home ownership and 6 for affordable rent.</p> <p>The housing mix is considered to be acceptable.</p>
Drainage	<p>There are acceptable drainage arrangements proposed. Surface water drainage details can be secured by planning condition based on the sustainable hierarchy of drainage options as defined in the National Planning Practice Guidance.</p>
Visual and Landscape Impacts	<p>There is limited adverse impact on the landscape character of the locality due to the relatively flat nature of the site, the arrangement of the dwellings and the relationship with existing development. There will also be hedgerow retention and tree planting.</p> <p>There will be a visual change for nearby dwellings however the change is deemed acceptable and will not have a significant impact on neighbouring residential amenity by virtue of overlooking or loss of light.</p>

<p>Contamination and Ground conditions</p>	<p>There is a significant potential risk of surface instability resulting from 'shallow' former mine workings beneath the site. The remediation and verification of remediation measures related to historic coal mining activities are to be secured by planning conditions in accordance with Policy S30 ALPP1.</p> <p>The site is constrained to a degree by overhead lines and major gas pipeline. The proposed layout has factored in these constraints and further conditions are proposed to protect this apparatus during the construction phase.</p>
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2.0 Proposal

- 2.1 The application is for a large housing development within the settlement limits of Broughton Moor. The village is a Local Service Centre within Allerdale Local Plan Part 1 (ALPP1). The applicant seeks full planning permission for 66 dwellings on this 2.36 hectare site (5.82 acres). The proposed scale of development is just below 30 dwellings per hectare.
- 2.2 Details have been provided of the design and layout, elevation treatments and materials, road access and highway works, house types and tenure, external works, hard and soft landscaping, boundary treatment, parking arrangements, the proposed pedestrian access to, and enhancement arrangements for, the nearby public open space and play areas, a drainage strategy, and strategies to protect habitats and species. The scheme is further supported by a planning statement, flood risk assessment, transport assessment, a landscape and visual assessment, archaeology details, an ecological appraisal, a Phase 1 Desk Top study and additional ground investigation reports relating to contamination and former mining activities.
- 2.3 The Plans for consideration are:-
- Location Plan PL-01
 - Amended drawing PL-02 Layout received 17.11.20
 - Landscape Plan GHDR-WW-01 Rev Breceived 02.12.20
 - Amended drawing PL-04 Street Scenes received 25.09.20
 - Proposed Drainage Details DWG 6481-103
 - Proposed Road Details DWG 6481-104
 - Vehicle Swept Path Analysis Sheet 2 Dwg 6481-106 received 01.09.20
 - Access Arrangements Dwg VN91318-D100 Rev A received 25.08.20
 - DWG 6481-300 Rev B Proposed Road Layout received 23.11.20 Sheet 1 of 3

- DWG 6481-301 Rev B Proposed Road Layout received 23.11.20 Sheet 2 of 3
- DWG 6481-302 Rev B Proposed Road Layout received 23.11.20
- DWG 6481-400 Rev B Proposed Adoptable Drainage received 23.11.20
- DWG 6481-401 Rev B Proposed Adoptable Drainage received 23.11.20
- DWG 6481-402 Rev B Proposed Adoptable Drainage received 23.10.20
- Boundary Treatments 1800mm high timber fence
- Post and Wire fence SD103 REV B
- DWG 13/201 -8 Rev A Type 201 Rural Elevations Plan
- House Type 201 floor plans
- DWG 13-301-8 REV E - Type 301 Elevations (Rural 13)
- DWG 13-303-9 REV F - Type 303 Elevations
- Type 303 - The Wicklow
- DWG 304/1E House Type 304 Floor Plans
- DWG 13/304 -10 Rev G Type 304(AC) Rural 13 Elevations
- DWG 443/220 House type 314 Rural
- DWG 13-315-9 REV A - Type 315 Elevations (Rural 13) Type 315 - The Brandon
- House Type 337 Floor Plans
- DWG 13/337-10 Rev A Type 337 (A) – 10 Rural 13 Elevations
- DWG 13/353-09 Rev A Type 353 Elevations Rural 13DWG 353/1A House
- Type 353 Floor Plans
- House Type 354 – Floor plans
- House Type 354 – Elevations (Rural)
- DWG 435/1 A House Type 435 – Floor Plans
- DWG 13/435-9 Rev A House Type 435 – Rural Elevation
- DWG 13/454 -10 B Rural Elevations
- DWG 454 dwelling type
- Standard Garages - double SD701 REV B
- Standard Garages - single SD700 REV
- Amended Affordable Housing Statement
- Affordable Housing justification email 11.11.20
- Amended Flood Risk Assessment REV 1 August 2020 received 1.09.20
- Phase 1 Habitat Survey
- Appendix 1 Extended Phase 1 Habitat Survey
- Appendix 2 Dearham Rd Broughton Moor Sites Search
- Construction Management Plan January 2020 - Broughton Moor - 06-01-2020 as amended by email received 24.11.20
- Economic Benefits Report
- Ground Investigation Report - Geo-environmental Appraisal Report
- Ground Gas Monitoring Addendum Letter 17.1.20
- Gas Addendum Letter Reports
- Outline Landscape and Visual Impact Appraisal Rev A 12 12 19
- Preliminary Ecological Assessment July 2019
- Transport Statement VN91318 January 2020
- Transport Statement Addendum received 12.11.20
- Framework Travel Plan VN91318 November 2020
- Heads of Terms Section 106 received 13.11.20
- Amended planning application form received 13.11.20 proposing 66 dwellings

- Broughton Moor Recreation drawing details Outline Landscape Plan received 13.11.20 (regarding section 106)
- Drainage Strategy Report Dec 2019
- Email regarding drainage received 23.11.20

Supporting Information

- Broughton Moor Landscape Analysis Plan
- Broughton Moor Concept Plan
- Dwg WYG001 Rev B Topographical Survey Sheet 1 of 2
- Dwg WYG002 Rev A Topographical Survey Sheet 2 of 2
- Archaeology Desk-Based Assessment - December 2019
- Broughton Moor LVIA appendices 10 12 19
- Design and Access Statement - 19-11-04
- Planning Statement

3.0 Site

- 3.1 The site is situated on the north-eastern edge of Broughton Moor and is peripheral to an established residential estate known as Heatherfields. The site is currently used for agricultural purposes and there are further agricultural fields to the north of the site beyond Dearham Road, and to the east. Ground levels slope gently down to the west, with a fall of circa 1-2m across the site. To the south are village playing fields with the Broughton Moor Primary school adjoining. To the west of the site is the post war housing estate known as Heatherfields. These dwellings are primarily semi-detached and have a render finish, with dual pitch roof. To the north is a detached dwelling known as Heatherside. The boundaries of the site to the east and north are defined by a mix of treatments, including mature and native species of hedgerows and tree, whilst to the south and west there is a variety of fencing forming the boundary to allotment gardens and housing.
- 3.3 The site has constraints associated with it, that sterilise parts of the site, which include former mine shafts and the route of an 132 KV electricity line to the north of the site and the mains gas pipeline.
- 3.4 The north of the site is bound by Dearham Road and includes a field access. Dearham Road is subject of the National Speed Limit along much of the site frontage, the speed limit then reduces to 30mph as Dearham Road enters the residential area of Broughton Moor.
- 3.5 The village has a small range of local amenities which are within walking distance of the site, including a primary school, a commercial garage, a fish and chip shop, and a pub. A wider range of shops and amenities are located in nearby Maryport (2.4 miles), Workington (4.5 miles) and Cockermouth (5.4 miles) including libraries, train stations, health services, supermarkets, multiplex cinema, swimming pools, high street retailers and other amenities. The nearest train station is Maryport train station, which is approximately 2.4

miles drive away. Bus provision is in walking distance of the site, providing direct connections to Maryport and Cockermouth.

4.0 Relevant Planning History

- 4.1 Outline planning permission (ref. 2/2014/0868) was granted for the development of 64 residential dwellings including access, via a new priority controlled junction off Dearham Road, approximately 115 metres north-east of the Dearham Road/ Heatherfields junction. This planning consent was not implemented and lapsed on the 2nd June 2019.

5.0 Representations

Broughton Moor Parish Council

- 5.1 Respond as follows:-

- a) Response 31.01.19 -This council notes that the development company intends to build these as affordable housing and has provided statistics on likely occupancy. Most of these new residents will be of the age where they are likely to have young families. Broughton Moor School is currently at capacity and there will therefore be no educational provision for the children of these new families in the village. Similarly, the village lacks amenities, especially for young people. Would Gleeson Homes be prepared to liaise with the Parish Council and to provide some substantial finance to alleviate the problems outlined above?
- b) Response 15.10.20 - Confirm that Broughton Moor Parish Council would wish to be party to any Section 106 agreement in relation to the above planning application on the playing field land adjacent to Heatherfields, Broughton Moor.

ABC Environmental Health

- 5.2 No objections subject to planning conditions relating to a Construction Environmental Management Plan and to investigate ground conditions relating to previous and existing land uses.

Cumbria County Highways/LLFA

- 5.3 The access to this site is the same as under the previous application (2/14/0868). The applicant has indicated that the 30mph needs to be extended to allow for the proposed splays, which is recommended to be 2.4m by 60m in both directions. The highway details submitted are acceptable in principle. The Highways Authority raise no objection to the proposal subject to highway conditions.

- 5.4 The LLFA confirm that the surface water system proposing a connection to the shared sewer is acceptable to this Authority subject to permission from United Utilities. If the approval is not forthcoming, the LLFA recommends the applicant conducts a full survey of the surface water system from the point of the proposed inlet connection, to the outfall. Evidence of this would need submitted to your authority for approval. Surface water capacity calculations would also need provided for the proposed estate and the existing system to ensure the system is sufficiently sized. It is noted that the detention pond is in a position that may be viewed as contentious due to potential overland flows during an exceedance event.
- 5.5 LLFA therefore request an appropriate exceedance flow route is illustrated during the detailed design phase. Any designated route must be sustainable for the lifetime of the development. No objection to the proposal subject the above approval and would recommend highway and surface water drainage conditions.

Coal Authority

- 5.6 The Coal Authority has no objection to the proposed development subject to the imposition of conditions. The application site falls within the defined Development High Risk Area. Specifically, records indicate that the application site is adjacent to a former opencast site; where coal has been extracted using surface mining methods. In addition, records indicate the presence of a mine entry 305533-044 within the application site boundary and two mine entries (305533-009 & 305533-045) within 20m of the application site boundary.
- 5.7 The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped. The applicant has submitted a Geo-environmental Appraisal (Sirius, January 2019) to accompany this planning application. This report is informed by coal mining information and the findings of intrusive site investigations for the application site and proposed development. A Coal Authority Permit was correctly obtained for these investigations. Intrusive site investigations positively located mine entry 305533-044 within the eastern part of the application site.
- 5.8 However, investigations did not fully determine the depth and condition of this feature. The report recommends a 'no- build' zone of 10m should be applied around the mine entry. The Coal Authority expects that this zone has been calculated using the necessary information relating to ground conditions and the feature. The found position and no-build zone for the mine entry has been plotted on the 'Planning Layout' (drawing no. PL-03, 06 January 2020). The report also states that remedial works are required which will likely include proof drilling the full depth of the feature and grouting works as well as the implementation of a suitable cap.

- 5.9 The Coal Authority expects that the full details of remedial and mitigation measures proposed should be submitted to the LPA for approval prior to commencement of development. In regards to the two off-site mine entries, the report identifies that it is unlikely their worst case zone of influence encroaches onto the application site. It is the professional opinion of the report author that the site does not fall within a former opencast mining area but rather immediately adjacent to it.
- 5.10 However, intrusive site investigations did encounter that the application site is underlain by shallow coal mine workings which are required to be stabilised by drilling and grouting. The exact form and extent of remedial works for both mine entries and shallow workings need to be agreed with the Permitting Section of The Coal Authority as part of the applicant's permit application. The works should be prepared and conducted by a suitably competent person
- 5.11 The Coal Authority recommends that the LPA imposes Planning Conditions should planning permission be granted for the proposed development, requiring a scheme of remediation and mitigation works prior to commencement of development.

Electricity North West

- 5.12 The development is adjacent to or affects Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

ABC Housing

- 5.13 Response 11.11.20 - Policy SA3 of the Allerdale Local Plan Part 2 requires 20% affordable provision on this development. The tenure split should be in line with policy SA3 of the Allerdale Local Plan Part 2, and the NPPF. The Affordable Housing Statement submitted with this application gives details of the affordable provision as: 5 x 2 bed properties and 2 x 3 bed properties being low cost homes for sale 20% below local market value, 6 x 3 bed properties being Affordable Homes to rent, These 13 properties equate to 20% of the development.
- 5.14 The findings from the 2016 housing study show that the need for affordable housing in Broughton Moor and its adjoining parishes of Bridekirk, Broughton, Camerton, Dearham, Maryport and Seaton is mostly for four bed properties. There is a lesser need for three and one-bed properties suitable for older persons. There is a much lower need for five+ bed properties for general needs and older persons and two bed properties for older persons.

Four bed property 52 % of Affordable Housing Need
Three bed older person property 20 % of Affordable Housing Need
One bed older person property 15% of Affordable Housing Need
Two bed older person property 6% of Affordable Housing Need

Five+ bed property 5% of Affordable Housing Need
Five+ bed older person property 3% of Affordable Housing Need

- 5.15 Information from Choice Based Lettings shows that during 2019/20 and 2020/21 to date, the following properties have become available for rent from housing associations, setting out that the greatest number of bids on average is for a one bedroom flat (22 bids), then a four bedroom house (18 bids), two bedroom bungalow (15 bids), two bed house (14 bids), one bedroom bungalow (13 bids), two bed flat (12 bids and three bedroom house (10 bids).
- 5.16 It should be noted that for discounted sale properties, a qualified person should provide a valuation of the open market properties and the discount applied is based on annual house price and income figures provided by Cumbria County Council's observatory. The allocation of affordable properties should be in line with the Allerdale Borough Council standard section 106 planning obligation.

County Minerals and Waste

- 5.17 The Application falls within a Minerals Safeguarding Area for Brick Clay. The proposed development is on the edge of a settlement with other residential development nearby. Mineral extraction on or close to the application site would therefore not be environmentally acceptable. The safeguarding area extends across a significant area of surrounding open land so the proposal will not prevent access to this mineral resource for extraction in the future. County Minerals consider that criteria 2 and 4 of Policy DC15 (Minerals Safeguarding) in the adopted Cumbria Minerals and Waste Local Plan are satisfied. Cumbria County Council as minerals planning authority therefore does not object to this application.

Cumbria Constabulary

- 5.18 No comments received.

Access Officer

- 5.19 Does not show compliance with parts M4(1), M4(2),M4(3).

Natural England

- 5.20 No comments to make on submission.

United Utilities

- 5.21 No objection subject to pre-commencement condition. Further surveys required to establish mains combined sewer route in locality. Only foul sewage to connect to mains drains.

County Archaeologist

5.22 No objections.

Northern Gas Networks

5.23 No objection subject to a pre-commencement condition required to secure details of works on site that could have implications for the Major gas pipeline crossing the site.

Fire Authority

5.24 No objections.

Other representations

5.25 The application has been advertised by press advert, site notice and neighbour letter.

5.26 Four letters of objection have been received on the grounds of:

- a) Oppose the use of the 5.8 acre plot of land on Dearham Road for residential building. Significant issues have been ignored due to targets and financial gain.
- b) Broughton Moor Parish Council also have their reservations. Parish councils are part of the community and have the best and most local knowledge which should be considered as priority.
- c) The development will totally change the character of the village. The village at the moment has no real amenities for the residents. The only shop has shut, the post office shut years ago and the chip shop is only open part time. With extremely limited bus services, and no local amenities.
- d) The only people to profit from this development is Gleeson homes and the County Council. The village will receive nothing from this development site.
- e) The field has high voltage overhead electricity pylons, and a high pressure gas main beneath.
- f) The initial outline planning permission for this site only allowed 65 dwellings - why has this now increased to 70 in such a small area?
- g) There are many properties currently for sale in the village which have remained on the market for considerable lengths of time. No demand for a 70 home development in a small village with little to no amenities such as Broughton Moor.
- h) Emails and other communications continually ask for input to consultations. On more than one occasion I have been advised not to bother because the Council has already made up its mind and / or the Council are in the pockets of the developers. I am NOT stating that their views are factual, but the mere fact that members of the public FEEL like this undermines your whole consultation process - you are perceived not to be listening or caring.

- i) The view from my property will be affected on a large scale by this development, which will restrict my privacy and effect my house value.
- j) The privacy of several properties would be threatened, the plans show that a new property is earmarked to be built on the boundary of a current property.
- k) There is a 1.5 deep detention basin. Will Gleeson homes be maintaining this reservoir and what would happen if the reservoir fails due to not being maintained (flooding onto my property)?
- l) A neighbours garden was flooded by water coming from the adjacent field.
- m) The land is boggy, in the past, run off from this land has caused flooding in the adjoining estate. With the almost total paving of this field for housing and drives, the run-off will be considerable.
- n) There appears to be no plan to upgrade the plots drainage system, which is clearly not fit for purpose at this point in time, numbers 1 and 2 Heatherfields have had flooding. Concerns have been made about the inability of the current drainage system to effectively deal with rainwater runoff following periods of heavy rainfall. As a result, the land around my property is subjected to flooding. It would be inevitable that if the land was to be developed, the additional runoff caused by tarmacking, and the loss of the fields natural saturation, would cause substantial flooding to numbers 1, 2 and 3 Heatherfields. If the development was to proceed without properly addressing this issue, I feel I would have no choice to take pre-emptive action to protect my property and land from risk, which would result in the additional runoff backing up on the land of number 1 Heatherfields, and onto the development itself.
- o) There is a detention basin outlined on the plans to retain water following heavy rainfall, however I strongly feel that the current drainage system would not cope with the additional volume of water following the building of this development.
- p) There is a 1.8-meter fence round the site. Who will be maintaining this fence?
- q) There seems to be no evidence of solar PV to be installed on any of the build, neither does there appear to be any other form of renewable energy e.g. community wind generation or ground source heat pump. The plans are therefore by definition unsustainable. These thing must be included in building regulations if we are to meet our legal requirements to the Paris Agreement;
- r) The proposed development site is the only part of Broughton Moor that has not been destroyed by opencast development.
- s) There are clear records of mining in the area, including deep mining (in contrast to the more recent open cast mining). The 'affordable' and social housing in the village back onto this parcel of land, and they are also under-mined. The effect of the construction on that parcel of land could easily cause structural issues for the affordable house stock that already exists - if permission is granted, who will pay for any cracks and subsidence caused by the building - Allerdale Council?
- t) The land historically has been extensively mined, and many properties in the immediate vicinity have suffered from subsidence as a result. I do not believe that this is an ideal location to build a 70 home development.

- u) The site is home to much wildlife including numerous birds with nesting curlews. The ecology survey makes no reference to ground nesting birds. It does however point out the protection all bird species have to some level. Semi improved grassland or rough pasture is ideal for ground nesting birds;
- v) The development would have significant impact on wildlife. Not only including the Reed Buntings in the area, but also the curlews that nest in this field and the one adjacent, and all of the other wild birds that live in the hedgerows surrounding this land.
- w) The traffic to and from site will cause chaos on the Dearham Road without traffic management;
- x) The Vectos transport assessment does not give the whole picture. Bus times as seen on the full timetable make it difficult to get to or from work in Cockermouth at appropriate times and one service only runs during school term time. While the bus service is fine for non-time dependent journeys it will be the case that the vast majority are still by private car. It is stated that the assumed 39 two way trips at am and pm peak times will not impact road safety. The wider issue is ignored. All traffic is cumulative; it is sheer nonsense to assess developments individually. To access the A66 the most obvious route and shortest route is through Great Broughton. A narrow street with pinch points and very limited footpath, also passing the school entrance. Add this traffic to what is already an increased flow before we even consider other developments in the pipe line e.g. Derwent Forest and it can be seen there is a clear infringement of villager's rights to safely enjoy their villages.
- y) The development is going to cause significant traffic issues on the narrow and weight restricted roads. Every road leading to the village is weight restricted to 7.5 tonnes. At present, without the extra possibly 140 vehicles (working on two per household) resident within the village, there are consistent traffic flow problems just due to parked cars on the road. Also significantly increasing carbon dioxide emissions - impacting on climate change further.

6.0 Environmental Impact Assessment

- 6.1 With reference to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development is not within Schedule 1 nor 2 and, as such, is not EIA development.

7.0 Duties

- 7.1 Regulation 9 of the Conservation of Habitats and Species Regulations 2017 requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions, particularly when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts or otters.

8.0 Development Plan Policies

8.1 Allerdale Local Plan (Part 1) 2014

8.2 The following policies are considered to be relevant:-

- S1 – Presumption in favour of sustainable development
- S2 – Sustainable development principles
- S3 – Spatial Strategy and Growth
- S4 – Design principles
- S5 – Development principles
- S7 – A Mixed and Balanced Housing Market.
- S21 – Developer Contributions
- S22 – Transport Principles
- S24 – Green Infrastructure
- S27 – Heritage assets
- S29 – Flood Risk and Surface Water Drainage
- S30 – Re-use of Land
- S33 – Landscape
- S32 – Safeguarding amenity
- S35 – Protecting and enhancing biodiversity and geodiversity
- S36 – Air, Water and Soil Quality
- DM14 – Standards of Good Design
- DM17 – Trees and Hedgerows

These policies can be viewed at:-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

8.3 Allerdale Borough Local Plan (Part 2)

The following policies are considered relevant:-

- SA2 – Settlement Boundaries
- SA3 – Affordable Housing
- SA5 – Housing Standards
- SA33 – Broadband
- SA51 – Amenity Green Spaces
- SA52 – Green Infrastructure

These policies can be viewed at:-

<https://www.allerdale.gov.uk/en/siteallocations/>

8.4 The site is within the settlement limits of Broughton Moor as defined by the policies maps contained within the Allerdale Borough Local Plan (Part 2). The site is a 'Housing Commitment' within Part 2 also.

8.5 **Cumbria Minerals and Waste Local Plan**

The following policies are considered relevant:-

Policy DC15 - Minerals Safeguarding

9.0 **Other material considerations**

National Planning Policy Framework (NPPF) (2019)

9.1 Paragraph 213 advises that the weight afforded to development plan policies can vary according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

9.2 The NPPF is available to view at:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Developer Contributions Supplementary Planning Document

9.3 This document is complementary to the Local Plan Part 1 and was the subject of consultation and subsequent approval by members. It sets out the Council's approach to securing necessary contribution via s106 agreements where necessary to make the development acceptable and where reasonable to do so.

10.0 **Policy weighting**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that Allerdale Local Plan (Parts 1 and 2) have primacy.

10.2 However, paragraph 212 of the National Planning Policy Framework (NPPF) 2019 advises that policies in that Framework are material consideration which should be taken into account in dealing with the applications from the day of its publication. In this context it is noted that paragraph 213 of the NPPF 2019 advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 10.3 The Allerdale Local Plan Part 2 has now superseded the saved settlement limits of the 1999 Local Plan. With Part 2 having only just been adopted and consistent with the provisions of the NPPF, there is no reason why full weight cannot be afforded to it, alongside Part 1. The provisions of paragraph 11 of the NPPF are not engaged. This stance has been supported by appeal decisions since the adoption of the Part 2 in July.
- 10.4 Members are advised that the decision should be made in accordance with the development plan with no material considerations, such as the NPPF, being afforded sufficient weight or reducing the weight of the Plan to such an extent that a decision contrary to it could be made.

11.0 Assessment

Principle of development

- 11.1 Policies S1, S2 and S3 of the ALPP1 outline, the presumption in favour of sustainable development; seeking new development to adhere to sustainable principles and comply with the Borough's approved settlement hierarchy. The Allerdale Local Plan Part 1 (ALPP1) establishes the strategic approach to the level of growth and its broad distribution across the plan area up to 2029. It also sets out the main role and function of different areas through the settlement hierarchy. Part 2 (ALPP2) of the plan ensures that sufficient land is made available at the right time and in the right location.
- 11.2 Policy S3 ALPP1 expects growth to be largely located inside settlements limits and commensurate in scale to the size of the settlement and the services that it offers. The site is within the settlement boundary for Broughton Moor as established through the ALPP2, adopted July 2020. Settlement boundaries mark the physical extent, for planning purposes, of a town or village, being the dividing line between the built area (the settlement) and rural area (the countryside). They have an important role in preventing unplanned expansion of settlements, ensuring development is located in the most sustainable locations, (in line with the spatial strategy), and protecting sensitive areas from excessive or inappropriate development.
- 11.3 Broughton Moor is defined as a 'Local Service Centre' in the ALPP1 and as a larger village, has a school, shop and public transport. These villages will accommodate housing development that will help contribute towards maintaining the vitality of the settlement. The Local Service Centres are to collectively provide 20% of at least 5,421 dwellings over the plan period; i.e. 1084 homes. There are eight Local Service Centres in total so each settlement would provide 136 homes over the plan period if homes were delivered equally amongst each settlement. It is therefore considered a proposed development of 66 units is commensurate to Broughton Moor's size and status within the Local Plan and will help maintain the vitality of the village. It is also noted that the site has had a previous consent for 64 dwellings, which expired in 2019 as set out previously in paragraph 4.1, and

as a result the site is a 'Housing Commitment within the ALP Part 2. As such, the scale of the development is considered appropriate for the village and the location within the defined settlement limit accords with policy S3. The principle of housing at this location and the scale of the development are therefore considered to be acceptable.

Balanced and mixed communities including affordable and accessible homes

- 11.4 Policies S2 and DM14 of the Local Plan (Part 1) require development to make the most efficient use of land and build at an appropriate density and layout according to local setting and character. The Council will assess site/ownership boundaries, density and unit mix to ensure that land is not used inefficiently or in a piecemeal fashion to deliberately produce schemes below the policy thresholds. Policy S4 of the Local Plan (part 1) states that developments must optimise the potential of the site by ensuring appropriate density and mass of development. Policy DM14 states that housing density will be considered on a site by site basis and informed by local context of the area in terms of design considerations, historic or environmental integration, or identified local need. The density of the site is 28 dwellings per hectare and the dwellings are of a suburban nature - with detached, semi-detached and terraced types, this density is considered to be acceptable with regards to the locality. The scheme accords with the Council requirement for the provision of affordable housing to be in clusters throughout the development, which is indistinguishable from open market dwellings.
- 11.5 The mix of dwellings in the development has been amended through the course of the submission to have regard to the local housing needs identified in the Strategic Housing Market Assessment, and the market demand for the area. The dwellings proposed are a varied and complementary mix of two storey house types including 2, 3 and 4 bedroom accommodation, and all benefit from private gardens within each residential curtilage. The housing mix comprises of: 5 x 2 bedroom dwellings; 43 x 3 bedroom dwellings; 18 x 4 bedroom dwellings.
- 11.6 Policy SA3 of the Allerdale Local Plan Part 2 provides the updated requirement for affordable housing provision as part of major residential developments (superseding Policy S8 of Part 1). The ALPP2 identifies the site as within Zone B which requires a 20% requirement of affordable housing and the scheme provides 13 affordable homes in accordance with the policy requirement. It is noted that the rental properties are 3 bedroom properties (Type 301) however these properties will be offered to a Registered Social Landlord as 2 bedroom properties with additional storage space and/or with flexibility for home working. As such the type 301 (floorspace 70.51m²) complies with optional National Housing Standards for a 2 person 2 bedroom dwelling. It is considered that these units could address the need identified by the CBL bids associated with 2 bed flats and houses (26 bids in combination), noted in the response from Housing Services. It is noted that the Low Cost Home dwellings are smaller in scale than the National Homes Standards for 2 or 3 bedroom properties, but the developer advises these properties are

catering for starter home clients and seek to provide flexible living arrangements. Whilst this does not meet the highest identified need for four bed properties identified by Housing Services, Officers consider that these units would assist first time buyers. The scheme has provided a revised Heads of Terms which sets out the affordable housing provision. As such, the number of proposed affordable housing units is considered acceptable having regard to ALPP2 Policy SA3 and it is considered that the size of units for affordable rent and low cost home ownership is reasonable.

- 11.7 Amended drawing PL-02 Layout (received 17.11.20) identifies the dwellings that comply with Policy SA5 Housing Standards of the ALPP2. Policy SA5 of the Council's recently adopted Local Plan (Part 2) deals with housing standards requiring certain percentages to meet M4(2) – 20% and M4(3) - 5% standards. It is noted the scheme does comply with Policy SA5 of the ALPP2 in that for developments of 10 units or more, 20% of the dwellings must be designed and constructed to meet the requirements set out in optional Building Requirement M4(2). The 454 house type are M4(2) compliant and represents 20% (13 number) of the dwellings provided in accordance with Policy SA5. Residential developments over 30 units must ensure that 5% of the total units (across both market and affordable dwellings) should be designed and constructed to meet optional Building Requirement M4(3) ensuring that the dwellings are wheelchair adaptable. None of the house types are M4(3) compliant, which raises some conflict with policy SA5.
- 11.8 The developer sets out that the homes are specifically designed with the aim to provide low cost home ownership. It is stated that on average 80% of their customers are first time buyers and to achieve this they propose to maintain an efficient build cost which is critical to their business model and unfortunately this makes additional optional increases in design standards required to reach M4(3) incompatible. The developer advises that in order to provide an additional range of houses that are M4(3) compliant, or to tweak plots to enable them to be M4(3) compatible, this would increase the build cost. The increased costs would then have to be passed on to customers, whilst the business model is trying to provide housing to enable people onto the housing ladder and that their typical first time buyers will not see any added value in the required adaptations. It is acknowledged that Policy SA5 states in relation to the M4(2) and M4(3) requirements 'The Council will take a flexible approach to these requirements where the applicant can demonstrate that it would significantly harm the financial viability of the scheme.' The applicant has made a case, but has not provided detailed viability reports to evidence this. Whilst officers note the justification provided by Gleasons in terms of their target market of first time buyers and the emphasis in the NPPF to deliver a range of house types to meet the housing needs of different groups, there remains some conflict with this policy in terms of M4(3) compliance.
- 11.9 With regards to other housing standards, the Council does not presently have an adopted policy requiring housing to meet the National Space Standards published by the government, these remain optional. For clarity, 39% of the development comprises a mixture of semi detached and detached properties

which are space standard compliant. The majority of homes (61%) would not be space standard compliant, which means that some properties indicated as a certain size, would, when compared to the national standards, be likely to be considered as a smaller unit. The developer advises that the dwelling offer provides a variety of house sizes to suit different markets. As noted above, Gleasons state that its focus as a house builder is enabling local people on the housing ladder as first time buyers, and to increase the square footage of dwellings offered to comply with national space standards would prevent first time buyers and key workers from getting on the housing ladder. The developer also advises that first time buyers are often young people and how they use their home is also different, for example a lot of buyers of the 2 bedroom homes are either single people or young couples. They have yet to start a family and their sole focus is to get out of rental properties or their parental homes. The government released a Written Ministerial Statement setting out how to apply the National Space Standards and stated:-“The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.” As such, whilst the national space standards are noted, these do not form part of the adopted Allerdale Local Plan at present, and they would not therefore constitute grounds for refusal. The scheme is considered to provide an acceptable mix and standard of housing for future occupiers in accordance with adopted policies of the Allerdale Local Plan.

Scale Layout, Design and Materials

- 11.10 The site characteristics have informed the layout. The site is generally flat and the developable space is set back from the site entrance due to the major gas pipeline which crosses the site frontage, and above it, the high voltage electricity lines, which visually dominate the locality. The density takes account of the on-site constraints including the electricity lines and gas line route to the north of the site and areas of former mining activities. Separation distances are required between the dwellings and the electricity lines, the gas pipeline and the identified mineshaft. Details have been provided of separation distances and safe working practices within the vicinity of the mains gas line following representations from Northern Gas Networks. The layout shows an appropriate separation distance from the major pipeline. Northern Gas Networks have confirmed their guidance stipulates that there should be no “Occupied Buildings”, within 14 metres of the pipeline, in other words a strip 28 metres wide centred on the pipeline should be clear of buildings. The developer has confirmed that the nearest dwelling is Plot 66 and is 26.76 metres away from the pipeline. An amended landscaping plan has also been received 2nd December 2020 and shows no tree planting within this stand-off distance. Northern Gas has confirmed they have no objections, subject to safe-working practices during development and appropriate road construction details over their infrastructure. This is to be secured through a pre-commencement condition. The Coal Authority advise a 10 metre off set distances of housing from previous mining activities and this is also shown on the layout plan submitted. The layout can accommodate in principle a

sustainable drainage strategy, this is discussed in more detail below, along with the past coal workings.

- 11.11 The proposed layout is such that dwellings generally front onto the main access spine. To the east of the site are cul-de-sac arrangements of dwellings that support eastward views from the shared drives over agricultural fields with distant views of the Lakeland Fells beyond. It is noted that play area facilities proposed will be adjacent to, but off site, in the most sustainable location. The scheme proposes pedestrian access to, and the upgrading of the existing village playing area as it is noted that amenity green space or housing would not be suitable underneath the electricity line route to the north of the site. This area will be landscaped and habitat diversity provided with the planting of a wildflower meadow. A new pedestrian access link from the south east of the site to the upgraded village playing fields and play areas are to be secured by section 106 legal agreement. The pedestrian link will provide a safe and flat route to the village school and the centre of the village. This is a positive feature of the development and increases the sustainability of the site.
- 11.12 The proposed scale of the development ensures there is a density level that is reflective of Broughton Moor circa 28 dwellings per hectare, thus making an efficient use of the land whilst providing housing in an accessible location close to the centre of Broughton Moor. The 66 dwellings are of a standard mass build for a suburban estate, of a compact nature, comprising 2 storey dwellings; providing a mix of detached, semi-detached and linked properties. External materials comprise of Village Harvest multi facing brick with Village Sunglow feature brick. The roof tile will be flat concrete tile in dark grey. White UPVC windows, white UPVC fascia/barge boards, black rainwater goods and white composite or steel faced for both front and rear doors. The material palette is consistent with the wide variety of house types found in the Broughton Moor locality. It is noted that the proposed 2 bedroom properties are comparative in scale to the two bedroom traditional terraced dwellings found in mining villages in the area, and the proposed dwellings benefit from off street parking and generous gardens.
- 11.13 The proposed vehicular access is located in the same position to that approved as part of the 2014 (via a roadway access from the North off Dearham Road). It is proposed to relocate the existing 30mph speed limit signage/ speed restriction on Dearham Road to a position to the northeast of the junction. This will reduce traffic speed and enhance safety for pedestrians and motorists in the vicinity. The layout plan shows a site access junction that provides a 2.4 metre x 43 metre visibility splay, however due to the development being at the entrance of the village, Cumbria Highways have recommended that the visibility splay to the east is 60m. This can be secured by planning condition and is achievable within the highway.
- 11.14 A 5.5m wide vehicular access road, with a 2m wide footpath to both sides brings you into the site. Off the main spine road, are 2 cul-de-sacs and once entering the private cul-de-sacs and driveways, one pavement side reduces to a 600mm margin and the other side remains at 2m. The proposed development provides for a safe, functional, permeable and inclusive access

that does not give dominance to car use. Streets have been designed to naturally slow traffic speed through materials and widths and the serpentine arrangement creates a visually attractive residential environment that is pedestrian and cycle friendly. Garages are either integral or detached. There are a range of in curtilage car parking solutions. Car parking will also be sited alongside dwellings; in order to limit car parking to the frontages and this will reduce visual clutter on the street scene and maximise the visual benefits of the dwellings being set back from the road with landscaped front gardens and frontage trees. There are corner buildings proposed to provide visual interest to the street scene and support surveillance of the streetscape.

- 11.15 To support 'Designing out crime', the layout has well defined routes for cars and pedestrians that are overlooked. The site can be safely serviced using an 11.2 metre refuse vehicle.
- 11.16 Cumbria Highways has provided a Cumbria Development Design Guide. The guidance provides a suggested level of parking for housing developments and advises that two bedroom houses should provide 2 spaces, three bedroom houses should provide 2.5 parking spaces and 4 bedroom houses 2.5 parking spaces and that 1 visitor space should be provided for every 5 Dwellings. Applying the guidance this proposal requires 159.5 parking spaces throughout the development. The proposed layout provides 173 parking spaces and this includes none of the proposed external or integral garages, which can be used for parking of motorbikes or cycle storage.

Landscaping and Public Open Space

- 11.17 The landscaping scheme for the development has sought to create an attractive and safe environment for users and visitors to the development. Existing hedgerows have been retained to boundaries where possible (outwith visibility splays). There will be planting throughout the development. The landscaping works and planting include: (1) Existing hedges retained but trimmed to ensure junction sightlines not affected; (2) Small canopy trees in groups to enhance the road frontages; (3) Feature beds flanking the entrance and screening the cut end of the retained existing hedge to improve image; (4) Laurel hedges on low linear mound and arcs of flowering cherry trees flank the entrance; (5) Planting comprising small canopy trees and shrubs (6) Daffodils on grass banks; (7) Species rich wildflower meadow to improve wildlife value and adds interest; (8) Informal tree groups of native Alder suitable for pond margins to enhance the local biodiversity with under-seeding of wet grassland wild flowers; (9) Hazel and Dogwood shrubs; (10) Species rich Hawthorn hedge to extend this habitat and enhances the local ecological value; (11) Boundary trees combine with retained hedgerow to reduce the visual impact of the development from the east; (12) Rear garden trees at highest ground to provide some screening to views from the north; (13) Feature tree on axis of cul-de-sac as a focal point; and (14) Low flowering shrubs to delineate the front gardens.

- 11.18. Boundary treatments to rear gardens are to be 1.8 metre high timber fencing. A landscaping plan has been provided and this can be secured by planning condition. The maintenance of the landscaping on site can be secured by a section 106 agreement with the provision of a Management Company. The landscaping details for the site are considered to be generally acceptable, having regard to policies S4 and DM14 of the Allerdale Local Plan Part 1.
- 11.19. As previously addressed, further amenity space enhancement is to be provided off site at the adjacent recreational ground. A pedestrian access will be provided from the south-east corner of the development site to the recreation ground. The pedestrian link will provide direct access to the playing field and the village school that is to the south of the recreation ground. There will be upgrades to this recreational area in accordance with drawing Broughton Moor Recreation drawing details Outline Landscape Plan received 13.11.20 (regarding section 106). These improvement works shall be secured through a section 106 agreement with Broughton Moor Parish Council. These arrangements are considered to meet the requirements for play provision.

Ecology

- 11.20. Policies S2, S35 and S36 ALPP1 seeks to promote sustainable development whilst protecting and enhancing biodiversity assets and water quality within the Plan area. An independent Ecological Appraisal was carried out to assess the impact of the proposed development on biodiversity and it was found to have no negative impact.
- 11.21. The site is dominated by poor, semi-improved grassland, managed as grazing pasture. The grassland has significant levels of agricultural improvement with a dominance of grasses and only limited forbs. The grassland is dominated by perennial rye-grass and other species such as crested dog's-tail and Yorkshire-fog. The site slopes from north to south and gives rise to localised, but fairly extensive, stands of soft-rush at the southern end of the site and along the western boundary and part of the eastern boundary at the southern end. The damp grassland between stands of soft-rush is still significantly improved in nature, but includes additional species such as creeping bent and occasionally cuckoo-flower. The northern boundary along Dearham Road is defined by a mature, flail cut, intact hedge dominated by hawthorn. The eastern boundary is a defunct hawthorn dominated hedge partially on a hedge bank. The hedge supports other species such as cherry species, pedunculate oak and elder. The western boundary supports a very gappy sparse hedge along most of its length comprising a mix of native and non-native species including hawthorn, elder, cotoneaster and Leyland cypress. A small section of very shallow wet ditch is present at the northern end supporting non-native apple mint.

Badger

- 11.22. The site was thoroughly searched for badger pathways and signs of foraging. No sign of badger activity was found therefore it can be concluded that the

species is not using this area for foraging or commuting. There are no issues in relation to badgers. No further survey work is required.

Bats

- 11.23 There are no features on site that are capable of supporting bat roosts. The site supports good foraging habitat particularly in relation to boundary hedgerows. There is extensive bat foraging habitat in the immediate surrounding landscape. The protection of bats foraging habitats can be secured by planning condition, particularly through sensitive lighting in relation to hedge boundaries, as addressed in the mitigation details of the submitted Ecology Report.

Red Squirrel

- 11.24 The survey did not locate any feeding remains of red squirrel. There was no evidence of red squirrel dreys. The survey failed to detect presence of the species on site. The site is not considered of value in relation to red squirrels since it lacks mature tree cover/woodland.

Breeding Birds

- 11.25 The site has breeding bird habitat associated with boundary hedgerows which are retained, apart from minor losses on the northern boundary to gain site access. The protection of bird habitats can be secured by planning conditions.

Great Crested Newts

- 11.26 Due to onsite habitat and the distance from optimal amphibian habitats the chances of great crested newts being on site are deemed remote.

Other species and hedgerow

- 11.27 There were no rare or uncommon plant species recorded on site. There were no records of invasive species recorded within the site survey boundary. There are no requirements for further surveys for Habitats and Higher Plant species. The hedgerows are species-poor and do not qualify as important hedgerows under the Hedgerow Regulations Act (1997), however outside the vehicular access visibility splays, hedgerow will be retained and there is an opportunity to re-stock gaps in the hedgerows on the western and eastern boundaries with native species. The landscape plan shows the arrangements for hedgerows on site and these are deemed acceptable.
- 11.28 The Landscape Plan GHDR-WW-01 shows an area of wildflower meadow that supports habitat diversity. The maintenance of this can be secured by a section 106 legal agreement. Overall therefore, the proposal is not considered to raise any concerns in relation to important species or habitat and the proposed landscaping of the site is considered to be acceptable. The scheme is acceptable in relation to policy S35 of the ALP Part 1.

Modal shift, vehicular access and highway safety

- 11.29 Policy S22 of the ALPP1 requires that housing development can be accessed safely and that proposals do not compromise the safety of any transport route. Policies S22 and S5 require that the proposed development includes acceptable arrangements for car parking and access. In this proposal, the car parking and highway access arrangements and road details are considered to be acceptable, subject to the recommended planning conditions. The car parking arrangements as detailed on the Amended drawing PL-02 Layout, received 17.11.20, are considered compliant with Cumbria Highways guidance with regard to layout and numbers associated with the dwelling types.
- 11.30 Road Safety data reveals that in the last five years, a single incident occurred to the east of the Dearham Road / Heatherfields junction, with a single incident also occurring at the Dearham/ Church Road junction. Both incidents were classified as slight and neither involved pedestrians or cyclists. It is therefore be concluded that there are no accident blackspots on the highway network in the vicinity of the proposed development site.
- 11.31 The trip rates assessment suggests that the proposed development could generate around 37 (two-way trips during both the AM and PM peak hours (see Transport Assessment addendum 13.11.20) . This equates to approximately one additional vehicle trip every two minutes, even during the busiest peak periods. It is considered that such an increase in traffic will have no significant impact upon the safe and efficient operation of the surrounding highway network. Likewise, the proposed site access junction with Dearham Road will be able to accommodate the proposed traffic levels without material queuing or delay occurring. Having considered the levels of traffic that could occur as a result of the proposed development, it can be concluded that the proposals will not have a material impact on the operation of the local highway network.
- 11.32 A pedestrian footway with an approximate width of 2 metres is located along Dearham Road to the southwest of the development site. This footway connects with the pedestrian network located within Broughton Moor. To ensure pedestrian connectivity between the site and the wider footway network a 2 metres wide footway is proposed along the Dearham Road frontage of the site, which will link to the existing pedestrian network. The walking distance from the centre of the site to key amenities are as follows: Bus Stops on Church Road - 450 metres; Miners Arms Public House - 610 metres; Broughton Moor Fish and Chips Shop - 630 metres; and Broughton Moor Primary School - 770 metres via adopted footways/ road. An additional pedestrian link across the adjacent playing fields to the local school is also proposed, which also provides a more direct route to village facilities.
- 11.33 In terms of cycling, Dearham, Maryport, Great Broughton and Great Clifton are within convenient cycling distance of the site (5km cycle catchment) and the National Cycle Network routes 71 and 72 both run within 5 kilometres of

the site, with these routes connecting Cockermouth, Workington and Maryport.

- 11.34 The nearest bus stops to the site are located on Church Road, approximately 450 metres walking distance from the site. While the walking distance is slightly further than typically desirable, the potential for residents to consider these bus services as a viable travel option does reflect recent NPPF guidance, which at Paragraph 103 states that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”. The bus stops on Church Road are accessible from the proposed development site. Safe pedestrian access to these bus stops is to be secured via the existing and proposed pedestrian footways located on Dearham Road, Church Road and Seaton Road. The bus route 68 operates a regular weekday and Saturday service between Maryport and Cockermouth. The journey to Maryport takes approximately 16 minutes, with the journey to Cockermouth taking 15 minutes, which demonstrates the convenience of this bus service for employment, retail or leisure purposes. It is concluded the proposed development site is accessible by bus.
- 11.35 A Travel Plan has been provided to encourage residents to travel by sustainable means of transport. When delivering a Travel Plan it is important to monitor its progress and success. One easy way of understanding the impact of the Plan is to consider the modal split of trips being made from the site. A monitoring strategy has been set out in the submitted Travel Plan which details how the success of the Travel plan will be recorded and reported. The surveys will seek to identify any change in travel habits and will also be a means of identifying areas in which the TPC efforts can best be directed. The survey results and Travel Plan outcomes will be shared with Cumbria County Council’s Travel Plan Coordinator.
- 11.36 To monitor the progress of the Travel Plan, it is suggested that regular surveys of resident’s travel habits will be undertaken as follows: A baseline survey undertaken to determine travel patterns once the occupation level passes 50 dwellings. The surveys will be used to validate the initial modal split targets; A second survey of residents 12 months after the baseline during the same neutral month; and hereafter annually for 4 years.
- 11.37 Paragraph 109 of the NPPF states that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’. The proposal is considered to be acceptable in highway safety terms, without a severe impact on the existing network. Further, for the reasons outlined above, the location is considered to be relatively sustainable. As such the scheme is favourably considered against highways matters and is acceptable in relation to policy S22 of the ALP Part 1, subject to the recommended conditions.

Heritage and Archaeology

- 11.38 The purpose of the desk-based assessment was to identify past cultural features and heritage assets that may require identification during a phase of future archaeological fieldwork or a strategy of mitigation in order to preserve the integrity of any identified monument. The desk-based reconnaissance exercise has not identified any obvious signatures for past cultural activity that are considered significant. As such, the proposal is not considered to raise any concerns in relation to policy S27 of the ALPP1.

Previously Developed and Contaminated Land

- 11.39 Policy S30 (Re Use of Land) ALPP1 is relevant here and sets out that in line with local regeneration and sustainability objectives, the Council will encourage and where appropriate prioritise the effective reuse of previously developed and vacant sites within the Plan Area. For proposals for development of land where there is risk of potential onsite contamination or ground instability, an investigation into the quality of the land will be required. In circumstances where the proposal involves a site that is known to be contaminated or unstable, the Council will require an assessment to be submitted with the application. Fieldwork has been carried out by a suitably qualified person and comprised of: Geophysical survey using magnetometry; Excavation of 18 Nos. trial pits; Stripping of shallow soils in 4 Nos. areas to investigate geophysical anomalies; The recorded location of mine entries; Soakaway testing at 4 Nos. locations; Drilling of 12 Nos. rotary open hole boreholes using a mixture of air and water flush techniques to a maximum depth of 33m; Gas and groundwater monitoring wells installed in selected boreholes; A programme of ground gas and groundwater levels is ongoing; Laboratory testing was undertaken of selected samples of soil for a range of metal, other inorganic and organic contaminants; Geotechnical testing was scheduled on selected samples. All testing was undertaken at MCERTS and/or UKAS accredited laboratories.
- 11.40 From the above site investigations, it is concluded that made ground and superficial soils should be assumed to be unstable in the short term within excavations, and appropriate support should be provided to all excavations. Evidence from some boreholes drilled as part of this investigation appears to be indicative of the possibility of substantial open voids or incompletely collapsed/ backfilled areas of workings, which have the potential to influence the surface. A programme of treatment of workings within the main coal seam can be secured by planning condition.
- 11.41 A mineshaft is recorded within the site, the location of which has been investigated and confirmed during fieldwork. This feature will require appropriate treatment including grout stabilisation and/ or construction of a concrete cap at rockhead, prior to development. In addition, a development 'stand-off' zone is required around the location of each mine entry. At this stage, such a stand-off is assumed to be in the order of 10m diameter, based on the diameter of the shaft and depth to rockhead. This is shown on the submitted Layout Plan.

- 11.42 Two further shafts are also recorded beyond the site boundaries and which, subject to their exact position, may influence surface stability across very localised areas of the site, and it is recommended that appropriate stand-offs should be applied. Whilst this investigation, including geophysical survey, has not indicated the presence of other unrecorded mine entries within the site, it remains possible that mine entries exist within the site which have not been detected during this investigation. A watching brief is advised during site stripping and development works in order to ensure any such features are identified.
- 11.43 Foundations and floor slabs details shall be secured by planning condition. Assuming appropriate stabilisation of underground mine workings as required, and avoidance of construction within the zone of potential influence of mine entries, then reinforced traditional shallow spread foundations bearing onto granular and/ or cohesive natural soils are considered suitable across the site. Ground bearing floor slabs are considered appropriate subject to requirements for ground gas protection and the influence of trees.
- 11.44 In terms of gas protection, the interim results of monitoring indicate low concentrations of oxygen have regularly been recorded in multiple wells. It is recommended that allowance is made for installation of ground gas protective measures. In addition, in light of the low concentrations of oxygen, allowance should be made for provision of continuous monitoring of confined spaces, excavations, trenches etc. during construction. No radon protective measures are required.
- 11.45 It is concluded that there is a significant potential risk of surface instability resulting from 'shallow' former mine workings beneath the site. The Coal Authority expects that the full details of remedial and mitigation measures proposed should be submitted to the LPA for approval prior to commencement of development. The remediation measures and verification of remediation measures, related to historic coal mining activities can be secured by planning conditions in accordance with Policy S30 ALPP1.

Flood Risk and Drainage

- 11.46 The site lies within Flood Zone 1, assessed as having the lowest risk of flooding. It is advised that there are no historical records of flooding on the site. There is a small ditch to the western boundary of the site. The site is approx. 250 metres east of Furnace Gill and 560 metres west of Sepulchre Beck. The risk from surface water flooding from all sources on the site is noted as low.
- 11.47 The site generally falls in a westerly direction towards the existing ditch. Following the site assessment, it is proposed to attenuate surface water to less than the current greenfield run off rate. Whilst some drainage information and assessment has been provided, a fully detailed surface water scheme can be secured through a planning condition. However, the principle is that surface water will discharge into attenuation tanks and a detention pond, prior

to the discharge into an existing watercourse via a hydro-brake chamber. The attenuation tank and detention pond will be designed such that it will not be surcharged in events up to 30 years recurrence and that there will be no flooding in events up to 100 years with allowance for climate change.

- 11.48 Subject to a suitable surface water drainage condition, the proposal will not increase flood risk in the locality for the designed event (1 in 100 year event plus allowance for 40% allowance for climate change). The maintenance of a sustainable urban drainage scheme can be secured by a section 106 legal agreement. This surface water drainage will then connect to an existing surface water drain on private land to the north, which ultimately discharges to a watercourse. The plans indicate that the size and condition of the off-site surface water drain will need verified. Therefore the LLFA's reference to the discharge of surface water to a shared sewer being acceptable, subject to the approval of United Utilities is not considered relevant, as it is not the intention to discharge surface water to a shared sewer. The applicant indicates that Castles and Coasts are the third party landowner for the surface water connection, and that they have agreed to the connection. If this were not the case, then it is understood that it could be achieved by Requisition Notice to the Statutory Undertaker. The LLFA has also referred to the need for an exceedance flow route to be identified during the detailed design phase, to ensure no increased flood risk off site. The LLFA indicate that this can be conditioned and it would be addressed in the detailed surface water drainage condition. However, the drainage details provided so far have been designed to accommodate a 1 in 100 year event plus climate change, as required by the guidance.
- 11.49 The foul drainage will discharge separately to the existing combined sewer network. Prior to development commencing on site, United Utilities has requested further surveys be undertaken to establish the routes and capacity of the combined sewer, to ensure that the foul sewage from the proposal is not discharging to watercourse or the ground. A condition is sought by United Utilities to this effect. However, it is understood that United Utilities will have their own powers to require this information and any subsequent upgrade work from the developer, to the foul sewer, therefore a condition would not pass the test of necessity. A standard condition for foul water drainage is recommended. Subject to conditions, it is considered that satisfactory drainage arrangements can be achieved in accordance with policy S29.

Landscape and Visual Effects

- 11.50 The site lies within the Landscape Type 5: Lowland and Landscape Sub Type 5d: Urban Fringe. The surrounding land is Type 5 Lowland and Landscape Sub-Type Ridge and Valley. The proposed development would introduce a new residential development into this character area on one field of semi-improved grassland. This would increase the amount of built development and lighting in the landscape but there is some mitigation proposed through the incorporation of green infrastructure and tree planting. The retention and enhancement of existing landscape features (hedges) and planting of new

trees would implement the guidelines to maintain and enhance landscape distinctiveness in the Urban Fringe sub-type.

- 11.51 Although the landscape beyond the site to the north and east is predominantly rural (agricultural), to the south and west, the built form of the village adjoins the site and forms the backdrop to it, including the large scale building of the Broughton Moor Primary School and residential development. The site is also dominating by the power line infrastructure. On balance, it is considered that the subject site is not of high landscape value and the proposed development would not have a significantly harmful impact. It is concluded that the effects on the landscape character of the Urban Fringe sub type would be neutral following implementation of the proposals.
- 11.52 It is noted that there will be a high susceptibility for change to the views from Heatherfields and Heatherside, some 15 metres distance to the west of the site, however, officers consider that the separation distances between the proposals and existing dwellings is sufficient to ensure no significant adverse effects in accordance with Policy S32. An acceptable standard of visual amenity would be retained for these residents.
- 11.53 From the south of the site, there will be a high change in views from the dwellings on the north side of Wyndham Road some 85 metres distant, but when taking account of the intervening play area in the middle ground, this change in view is deemed acceptable, as is the medium change in views from the users of Broughton Moor Primary School.
- 11.54 The visual and landscape impacts are deemed acceptable in compliance with Policies S32 and S33 of the ALPP1.

Response to Neighbour Representations

- 11.55 Neighbour concerns relate to issues of flooding, mining activities, ecology, transport and the sustainability of the site, in relation to village facilities and the bus service timetables. As addressed above, the site will have a sustainable urban drainage scheme and controlled surface water flows, which should ensure no greater risk of flooding downstream. With regard to the liabilities of previous coal mining, the proposal is supported with extensive ground investigations by competent persons and remediation and verification of ground works can be secured by planning condition. A planning condition can also secure the protection and enhancement of ecological features on site in accordance with the mitigation details set out in the submitted Ecology report. Matters relating to projected traffic increases, the proposed vehicular access and parking arrangements are deemed acceptable by Cumbria Highways and can be secured by planning condition. The site is deemed to be in a sustainable location with satisfactory flat pedestrian links to village facilities and local benefits include a new pedestrian access to and improvements to the village playing fields and a pedestrian access to the village school. The loss of financial value and loss of an private view to existing residents are not material planning matters that can be given any significant weight, however it is assessed that the siting of the proposed

dwellings are such that the existing residential amenity of residents will not be adversely impacted through loss of light or overlooking. It is considered that the layout suitably accommodates on site constraints to include a buffer zone around the 132 KV electricity line, the gas pipeline and the former coal mining shafts.

Local Financial Considerations

- 11.56 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from New Homes Bonus and Council Tax Revenue.

12.0 Conclusions

- 12.1 The site represents a sustainable location for this scale of development. The assessment in section 11 demonstrates that whilst there are some instances of conflict with policy (relating to housing standards and 5% compliance with Building Regulations M4(3)), the proposal is in general accordance with the Allerdale Local Plan Part 1 and 2, taken as a whole, specifically in relation to: settlement limits, locational sustainability, transport modal split, highway safety, ecology, heritage, landscape impact, visual and residential amenity, the remediation of contamination from previous mining activities, and the layout has due regard to the standoff distances required to the electricity lines and the mains gas line. As such, the recommended is to grant planning permission, subject to the conditions detailed in Annex 1, and subject to the signing of a section 106 to secure the matters bulleted at the outset of this report.

Annex 1

CONDITIONS

Time limit

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

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In accordance

2. The development hereby permitted shall be carried out solely in accordance with the following plans:
 - Location Plan PL-01
 - Amended drawing PL-02 Layout received 17.11.20
 - Landscape Plan GHDR-WW-01 Rev B received 02.12.20
 - Amended drawing PL-04 Street Scenes received 25.09.20
 - Proposed Drainage Details DWG 6481-103
 - Proposed Road Details DWG 6481-104
 - Vehicle Swept Path Analysis Sheet 2 Dwg 6481-106 received 01.09.20
 - Access Arrangements Dwg VN91318-D100 Rev A received 25.08.20
 - DWG 6481-300 Rev B Proposed Road Layout received 23.11.20 Sheet 1 of 3
 - DWG 6481-301 Rev B Proposed Road Layout received 23.11.20 Sheet 2 of 3
 - DWG 6481-302 Rev B Proposed Road Layout received 23.11.20 Sheet 3 of 3
 - DWG 6481-400 Rev B Proposed Adoptable Drainage received 23.11.20 Sheet 1 of 3
 - DWG 6481-401 Rev B Proposed Adoptable Drainage received 23.11.20 Sheet 2 of 3
 - DWG 6481-402 Rev B Proposed Adoptable Drainage received 23.10.20 Sheet 3 of 3
 - Boundary Treatments 1800mm high timber fence
 - Post and Wire fence SD103 REV B
 - DWG 13/201 -8 Rev A Type 201 Rural Elevations Plan
 - House Type 201 floor plans
 - DWG 13-301-8 REV E - Type 301 Elevations (Rural 13)
 - DWG 13-303-9 REV F - Type 303 Elevations
 - Type 303 - The Wicklow
 - DWG 304/1E House Type 304 Floor Plans
 - DWG 13/304 -10 Rev G Type 304(AC) Rural 13 Elevations
 - DWG 443/220 House type 314 Rural
 - DWG 13-315-9 REV A - Type 315 Elevations (Rural 13)
 - Type 315 - The Brandon
 - House Type 337 Floor Plans

- DWG 13/337-10 Rev A Type 337 (A) – 10 Rural 13 Elevations
- DWG 13/353-09 Rev A Type 353 Elevations Rural 13
- DWG 353/1A House Type 353 Floor Plans
- House Type 354 – Floor plans
- House Type 354 – Elevations (Rural)
- DWG 435/1 A House Type 435 – Floor Plans
- DWG 13/435-9 Rev A House Type 435 – Rural Elevation
- DWG 13/454 -10 B Rural Elevations
- DWG 454 dwelling type
- Standard Garages - double SD701 REV B
- Standard Garages - single SD700 REV
- Amended Affordable Housing Statement
- Affordable Housing justification email 11.11.20
- Amended Flood Risk Assessment REV 1 August 2020 received 1.09.20
- Phase 1 Habitat Survey
- Appendix 1 Extended Phase 1 Habitat Survey
- Appendix 2 Dearham Rd Broughton Moor Sites Search
- Construction Management Plan January 2019 - Broughton Moor - 06-01-2020 as amended by email received 24.11.20.
- Economic Benefits Report
- Ground Investigation Report - Geo-environmental Appraisal Report
- Ground Gas Monitoring Addendum Letter 17.1.20
- Gas Addendum Letter Reports
- Outline Landscape and Visual Impact Appraisal Rev A 12 12 19
- Preliminary Ecological Assessment July 2019
- Transport Statement VN91318 January 2020
- Transport Statement Addendum received 13.11.20
- Framework Travel Plan VN91318 November 2020
- Heads of Terms Section 106 received 13.11.20
- Amended planning application form received 13.11.20 proposing 66 dwellings
- Broughton Moor Recreation drawing details Outline Landscape Plan received 13.11.20 (regarding section 106)
- Drainage Strategy Report Dec 2019
- Email regarding drainage received 23.11.20

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

3. The development shall be undertaken in accordance with the mitigation measures specified within the Phase 1 Habitat Survey and the Preliminary Ecology Appraisal July 2019 Part 3 Ecological Evaluation and recommendations.

Reason: In the interests of safeguarding ecological interests during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. **All hard and soft landscaping works shall be carried out in accordance with the approved Landscape Plan DWG GHDR-WW-01 Rev B received 02.12.20 within the first planting season following the occupation of the dwellinghouse(s) approved and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

5. **The development hereby approved shall be implemented in accordance with the details within the Construction Management Plan - Broughton Moor - 06-01-2020. The approved statement shall be adhered to throughout the duration of the development.**

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. **The construction compound , including vehicular access thereto as detailed as the 'Contractor's Car park', within the Construction Management Plan January 2020, showing the compound for the parking of vehicles engaged in the construction operations associated with the development hereby approved, shall be used for or be kept available for these purposes at all times until the completion of the construction works.**

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

Pre commencement conditions

7. **No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:**
- **Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;**
 - **Cleaning of site entrances and the adjacent public highway;**
 - **Details of proposed wheel washing facilities;**
 - **The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
 - **Construction vehicle routing;**
 - **The management of junctions to and crossings of the public highway and other public rights of way/footway;**

- **Details of any proposed temporary access points (vehicular / pedestrian);**
 - **Surface water management details during the construction phase.**
Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.
- 8. Prior to the commencement of works, a phasing plan showing the sequencing of the development for managing the construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented solely in accordance with the approved scheme or as subsequently amended by written agreement with the Local Planning Authority.**
Reason: To serve in the public and visual interests a satisfactory correlated order of development, in accordance with Policies S5 and DM14 of the Allerdale Local Plan (Part 1) Adopted July 2014.
- 9. Prior to any construction works on site, in line with the recommendations of the Ground Investigation Report C7 956 received 17.1.20 and the Ground gas Monitoring Addendum letter dated 17.1.20, intrusive site investigation works shall be undertaken to establish the exact situation regarding coal mining legacy issues on the site and a remediation and mitigation strategy shall be submitted to and approved by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The approved remediation strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**
Reason: To minimise any risk during or post construction works arising from any possible contamination or stability from the development in the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 10. The carriageway, footways and footpaths shall be designed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is fully occupied.**
Reason: To ensure a minimum standard of construction within the approved development in the interests of highway safety.
- 11. Notwithstanding the submitted plans, prior to commencement of the development, a surface water drainage scheme based on the hierarchy**

of drainage options in the National Planning Practice Guidance, with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. No development shall commence until it has been demonstrated to the satisfaction of the Local Planning Authority through the submission of a condition and capacity survey, that the surface water drainage system downstream of the surface water discharge point for the development, is of a satisfactory standard to accept the surface water drainage from the site, or that upgrade works have been undertaken to ensure that surface water drainage from the site can be accommodated satisfactorily.

Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

13. The development shall not commence until visibility splays providing clear visibility of 43 metres to the west x 60 metres to the east, measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

14. No development shall commence until a High Pressure Gas Transmission Pipeline Strategy has been submitted to and approved in writing by the Local Planning Authority, for the Northern Gas Networks Bulk Transmission System which crosses the northern section of the site. The details provided shall satisfy points 1 to 8 of email dated 19 November 2020 from Northern Gas Networks, a copy of which is

attached to this decision. The scheme shall be implemented only in accordance with the approved details.

Reason: To ensure that this infrastructure is adequately protected, during and post construction, in the interests of safety and protection of supply.

15. Notwithstanding the submitted plans, no development shall commence until foul drainage details have been submitted to and approved in writing by the Local Planning Authority. The approved foul drainage details shall be implemented in accordance with the approved details and only foul drainage shall be connected to the public sewer.

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

During works / Prior occupation conditions

16. No dwelling shall be occupied until the 30mph speed limit has been extended to include the length of the visibility splays in accordance with Access Arrangements Dwg VN91318-D100 Rev A received 25.08.20

Reason: In the interests of highway safety.

17. Prior to occupation of the dwelling house(s), boundary fencing shall be constructed in accordance with DWG Boundary Treatments 1800mm high timber fence, DWG Post and Wire fence SD103 REV B and Amended drawing PL-02 Layout received 17.11.20.

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

18. No dwelling shall be occupied until the estate road, including footways and cycleways, to serve that dwelling, has been constructed in all respects to base course level, and street lighting where it is to form part of the estate road, has been provided and brought into full operational use.

Reason: In the interests of highway safety.

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

- a) Evidence that the applicant will provide onsite access to broadband infrastructure providers during the construction process to allow the providers to install the necessary broadband infrastructure; or
- b) Evidence, following contact with broadband infrastructure providers, that it is not practicably or viably possible to install

broadband infrastructure to achieve superfast (as defined by Government standards) fibre broadband connectivity.

Reason: To seek to secure sustainable superfast (as defined by Government standards) fibre broadband connectivity in accordance with policy SA33 of the modified Submission Draft of the Allerdale Local Plan Part 2 (2018).

Other

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

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

21. The measures identified in the Framework Travel Plan November 2020 shall be implemented by the developer within 12 months of occupation of the first dwelling of the development.

Reason: To aid in the delivery of sustainable transport objectives from the operational use of the development.





