

**Allerdale Borough Council**  
**Planning Application FUL/2020/0203**  
**Development Panel Report**

**Reference Number:** FUL/2020/0203  
**Valid Date:** 03/02/2021  
**Location:** Land at Station Road, Aspatria, Wigton, Cumbria  
**Applicant:** Gleesons  
**Proposal:** 65 dwellings

**RECOMMENDATION**

**Delegate the granting of permission subject to conditions detailed in Annex 1 (and any required in response to matters 1 to 4 below) to the Planning and Building Control Manager or Head of Service upon:-**

- 1. The completion and signing of a s106 agreement securing 6 Affordable housing units – (3 units for rent and 3x unit for low cost home ownership).**
- 2. The resolution of outstanding issue raised by Sport England and Network Rail pertaining to the off-site surface water drainage system.**
- 3. The resolution of the outstanding issue raised by Sport England of ball strike arising from the use of Aspatria Rugby Club’s training pitch.**
- 4. The resolution of the outstanding issue raised by Sport England in relation to floodlight glare.**

**1.0 Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
Principle of Development	<p>The site is within the settlement limit of the adopted Part 2 of the Local Plan (ALPP2). Aspatria is identified as a Key Service Centre in policy S3 of the Allerdale Local Plan Part 1. This Centre is expected to absorb 4% of the total growth provision across the Plan period.</p> <p>The site is an allocated site under Policy SA15 of the Local Plan Part 2 (ALPP2).</p> <p>The site is a sustainable location, well</p>

	related to the existing built form of Aspatria.
Scale and Design and Impact Upon Residential Amenity	<p>Officers consider the proposed development is acceptable in design, scale and materials and assimilates into the local built landscape.</p> <p>Following the amendments to incorporate bungalows, the proposed dwellings are not considered to give rise to significant amenity impacts on surrounding homes, by virtue of overlooking or loss of light.</p>
Flood Risk & Drainage	The site is entirely in flood zone 1, the preferred location for the more vulnerable use proposed here. There are no known critical drainage problems or surface water flooding records for the site, however local consultation responses have indicated that the site is prone to being boggy. The County Council in their capacity as Lead Local Flood Authority raise no objections to the proposal subject to planning conditions.
Highway safety	The sustainable location means that residual trips to and from the site by car will be satisfactory. Adequate sight lines can be afforded onto Station Road with regards the access.

## **2.0 Introduction**

2.1 The site is allocated through the Local Plan Part 2, Policy SA15 – Land adjacent to Aspatria RUFC. The principle of housing in this location is accepted and the site is considered to be developable when tested through the local plan process.

## **3.0 Proposal**

3.1 The proposal seeks planning approval for 65 dwellings, a full planning application for residential development on land to the south of the town centre of Aspatria.

3.3 Taking account of the considerations under Policy SA15, the plans for consideration are:-

- 1935-PL100 Location Plan
- 1935-PL210 Rev G Site Layout as proposed 28.5.21

- 1935-PL211 Affordable Housing needs amended to take account of bungalow?
- 1935-PL212 Boundaries, Enclosures & Facades
- 1935-PL410 Rev A Site Section A-A & B-B as Proposed
- 1935-PL411 Site Section C-C as Proposed
- WWSRAS - 01 Landscape Plan
- 19198 D001 Rev 2 Proposed Engineering Plan 28.4.21
- 19198 D200 Rev 2 MANHOLE\_SCHEDULE-REV1 28.4.21
- 19198 D201 REV 2 FLOOD ROUTING PLAN 28.4.21
- 19198 D100 Rev1 Proposed Levels Plan 28.4.21
- 19198 D200 Rev 2 Adoptable manhole schedule 28.4.21
- 19198 D201 Rev 2 Flood Routing Plan 28.4.21
- 19198 D202 Rev 2 Drainage Areas Plan 28.4.21
- 19198 D203 Rev 2 Basin details 28.4.21
- 19198 D204 Rev 2 Proposed Drainage Plan 28.4.21
- 19198 D205 Rev 1 Private Manhole Schedule 28.4.21
- 19198 D300 Rev 2 PROPOSED ROAD LONGSECTIONS SHEET 1 28.4.21
- 19198 D301 Rev 2 PROPOSED ROAD LONGSECTIONS SHEET 2 28.4.21
- 19198 D302 Rev 1 Proposed Drainage Long sections 28.4.21
- 19198 D400 Rev 1 Plot and Fence Setting Out 28.4.21
- 19198 D500 Rev 2 Kerbs and Surfacing Plan 28.4.21
- 19198 D600 Rev 2 Direct Cut and Fill Comparison plan 28.4.21
- 19198 D700 Rev 1 Drainage details 28.4.21
- 19198 D701 Rev 1 Drainage details 28.4.21
- 19198 D702 Rev1 Hydrobrake detail SW10FC 28.4.21
- 19198 D800 Rev 1 Section 104 28.4.21
- 19198 D801 Rev 1 Section 38 28.4.21
- 19198 D802 Rev 1 Section 104 28.4.21
- CCE-20002 01 P3 Proposed Engineering Layout
- 20002 12 P1 Detention Basin Section
- Letter dated 23 March 2021 from agent
- Affordable Housing Statement
- Photo of Georock Retaining wall 24.3.21
- SHE-0192-1850-1000-1850 Hydro brake details
- Construction Management Plan
- Phase 1 Desktop Study
- Phase 2 Ground Investigation report
- 201 Render variant
- 301 Render variant
- 360 Render variant
- 435 Render variant
- 454 Render variant
- FRA Drainage

**House types:**

- 201 Floor Plans
- 250 Elevations
- 250 Floorplans
- 254 House Type 254 0763-254-01 - Planning Layout

- 301 Floor plans
- 301 AG - 8 Rural 13 ELEVATIONS
- 314 - Rural
- 350 Floor plans
- 350 Elevations Rural
- 353 Elevations Rural
- 353 Floor Plans
- 360 Elevations (Rural)
- 360 Floor Plans
- 435 - Floor plans
- 435- Rural ELEVATIONS

### Supporting Information

Further supporting information comprises of a Planning Statement an Archaeology Report, Historic Maps, Aspatria Desk Based Assessment Final – Archaeology, Design and Access Statement, Preliminary Ecological Appraisal 17 June 2020, Aboricultural Impact Statement, Economic Benefits Report, FRA Drainage and Landscape and Visual Assessment, Noise Assessment, Transport Statement and a Heads of Terms relating to the section 106 arrangements.

The submission can be viewed here:-

<https://allderdalebc.force.com/pr/s/planning-application/a3X3X000004DFDJUA4/ful20200203?tabset-e3f5c=2>

## **4.0 Site description**

- 4.1 The site is approximately 2.6 (6.421 acres) hectares in size and sits to the south of the town centre and to the north of Aspatria Rugby Union Football Ground. To the east there are a number of existing residential properties situated on Pringle, a lane which defines the eastern boundary. This lane then extends to a private lane serving agricultural land and premises, with fields beyond. To the south, the site is bound by Aspatria Rugby Union Football Club and their training ground, beyond which is the Cumbrian Coast Railway line. Existing foul and surface water infrastructure runs parallel to the north of the rail track. The western boundary runs alongside the clubhouse for the rugby club and car park. The BT exchange building and dwellings also lie on the western boundary. To the north there is a mixture of residential and employment uses. Commercial properties abut in part the northern boundary.
- 4.2 The sloping site has a 16.5m fall from north to south and ground levels fall from a height of approximately 75m Above Ordnance Datum (AOD) to the north to 60m AOD to the south in a south east facing gradient. The site is an agricultural field which is delineated with a mixture of fences and hedgerows with occasional mature trees. An area of very soft, boggy ground was noted in the western part of the site. The site has not been developed and the current land use (agricultural fields) remains unchanged since the earliest map extract dated 1866, albeit for the infilling of a small water feature in the northwest of the site. The historical

records have identified a possible Well in the western part of the site, however, the feature was no longer recorded after 1925. If the feature has been infilled, there is potential for significant made ground to be present.

- 4.2 The development site is not within, nor adjacent, a conservation area and there are no listed buildings or their settings which would be impacted by the development. The site is close to the town centre and many local amenities which are all within walking distance of the site, including access to local supermarkets, schools and medical centres.
- 4.3 The application site is located south of the A596. The A596 provides vehicular access to Wigton and Carlisle to the east and Maryport, Workington and Whitehaven to the West. Regular buses also run along this route and the local train station, a 5 minute walk away, has regular trains to Carlisle, Workington, Wigton, Maryport, Whitehaven and Barrow-in-Furness.
- 4.4 Existing trees and hedgerows will be mostly retained within the housing development. There is a short section of hawthorn hedge along the northern boundary with two mature sycamores at the western end, whilst a second hawthorn hedge runs along approximately three quarters of the length of the eastern boundary. This latter hedge contains a single mature sycamore tree and a further seven young ash and sycamore trees. In the centre of the field there are three mature, though stunted, trees, two alders and an ash.
- 4.5 The existing architectural character and appearance of the area range from the C18th (and possibly before) to C21st constructions. There are two storey and single storey dwellings, some terraced, others detached. Stone, reconstituted stone and render faced elevations are apparent, as are landscape and vertical emphasis window openings, slates and concrete tiles. Prevailing densities and plot ratios to the west vary whilst, on the east side of the site, there are more regular, historic, higher density Victorian terraced dwellings on Pringle and South View.
- 4.6 The majority of the site is underlain by superficial drift deposits of Glacial Till. These deposits typically comprise over consolidated firm and stiff sandy gravelly clays with occasional sand and gravel. A pocket of sand and gravel is recorded as extending across the south-eastern boundary. The northern part of the site is underlain by the St. Bees Sandstone Member and the central and southern part of the site is underlain by the Pennine Middle Coal Measures strata. The nearest sub-cropping coal, the Bannock coal seam is located c.381m east.

## **5.0 Relevant site history**

- 5.1 No previous planning history, although an allocated site under ALPP2, under policy SA15.

## **6.0 Representations**

## **Aspatia Town Council**

- 6.1 Aspatia Town Council - Object to the proposal based on the following comments:

### Transport statement - Pedestrian/Cycle Access

- 6.2 Gleeson say: 5.2.11 To enhance the pedestrian/cycle accessibility and site permeability the development will provide a direct connection to the Pringle, at the north of the site. This will provide a convenient alternative route to the facilities within the town, via route which is lightly trafficked.  
5.2.12 This connection will be formed as a 3 metre shared footway/cycle route. This route will also provide an alternative emergency vehicle access to the site.
- 6.3 Town Council comment: As stated in a minimum of 3 letters from residents, it would appear that Pringle is not an adopted road and is a private road for the residents of Pringle and access by a farmer and if required Network Rail. If a resident of the proposed new estate were to use Pringle as a thoroughfare and has a slip trip or fall then the residents of Pringle could be liable.

### Planning Statement (Town Council comments continued)

- 6.4 Gleeson say: 3.3 Gleeson are a provider of affordable quality homes and typically sell to first time buyers. The average age of a Gleeson customer is 31, 96% of all buyers are working age and average household income of buyer is £32,400. They are focused on building a range of affordable homes for sale to people on relatively low incomes to enable them to get on the property ladder and this is reflected in approximately 80% of buyers being first time purchasers.
- 6.5 Town Council comment: From Plumpot LINK - Cumbria average salary is £27k in Allerdale & £45.4 k in Copeland, average UK salary is £37.4k in 2019 for full time employees, so are the house prices going to be in line with Allerdale salaries because your statement is for £5.5k pa more?
- 6.6 Gleeson say: 3.5 The internal road network has been designed to be used by all, including pedestrians and cyclists. A link is proposed to Pringle in order to allow pedestrians to access the town centre in a more direct line and enhance pedestrian permeability.

### Construction plan (Town Council comments continued)

- 6.7 Will Station Road have dust control measures?  
Considering if a suitable compromise could not be achieved?

### Access (Town Council comments continued)

- 6.8 For access to their private road then serious consideration needs to be taken as to pedestrian ingress/egress from the site onto Station Rd as the pavement on the eastern side of the road stops well short of the site entrance, thus pedestrians will have to cross the road on a sharp bend.

- 6.9 The amount of construction traffic during construction and then the number of cars entering / exiting the site when complete could pose serious complications at the junction of Station Rd and the A596. In addition, if granted the extra wagons going to/from the proposed quarry at Arkleby Brow, and the housing development across the road from the Rugby Club will add to the traffic numbers.
- 6.10 We note that the supporting evidence from the developer states that the traffic will not pose a problem, however, we assume that was probably a desktop study and does not take account of the problems at the junction where there is an offset crossroads, entrance/exit from a filling station, a bus stop and entrance/exit from a car park converging into one small space with logging wagons passing very frequently. Some form of traffic management in the form of a mini roundabout or similar is required.

Other considerations (Town Council comments continued)

- 6.11 Town Council comment; Have the Schools been contacted as to their capacity/ capability to manage an influx of scholars? If not, will the developers be prepared to pay for extra classroom capacity?
- 6.12 Doctors; the town medical centre has trouble recruiting GPs at times and, as existing residents are well aware, it can be well over a week before they can get an appointment so again the influx of new residents will have an adverse effect upon service and supply of medical assistance.
- 6.13 The Town Council does not believe there is a housing need for 65 new homes and accommodation for approx. 260 persons especially in light of permission already granted on the opposite side of Station Road for 32 houses which are still awaiting construction.
- 6.14 With the new development, 3 houses will be available to be bought 50/50 and 3 for rent and it is questioned who will buy the others considering the average salary is below national average?
- 6.15 It is questionable what benefits this development will bring to the town?
- 6.16 It does appear that some residents of Pringle will have their privacy and outlook compromised due to some houses overlooking them.
- 6.17 Do the utility companies have both the capacity and capability to service this new estate without putting strain on existing infrastructure?
- 6.18 The development of a lagoon for surface water catchment appears to be adjacent to and above the rugby fields if an overflow or leak of some kind could have a damaging effect on the pitches.

**ABC Environmental Health**

- 6.19 Recommends noise protection measures and a Construction Management Plan, secured by planning condition.
- 6.20 The Phase 1 Desk Top study in relation to contamination is satisfactory.

### **County Highways Authority/Lead Local Flood Authority**

Letter dated 1.3.21

- 6.21 The application is acceptable from a highway perspective. There are elements that will need amending but these can be managed through conditions and the highway adoption process.
- 6.22 The proposed drainage plan is acceptable in principle this authority. Further detail of the storage basin is required to ensure it is constructed to a standard that allows sufficient treatment of surface water.
- 6.23 A full maintenance plan should accompany these details, with a section specific to the flow control. The bypass door is not a suitable solution to any blockage of the flow control. The basin should be designed to allow overflow during such an event. Full details of the permeable driveways are also required.
- 6.24 Recommend a planning condition based on the hierarchy of drainage options in the National Planning Practice Guidance (inclusive of how the scheme shall be managed after completion) and shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority.
- 6.25 No surface water shall discharge to the public sewerage system either directly or indirectly.
- 6.26 The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated September 2020 proposing surface water discharging to the existing surface water sewer. The development shall be completed, maintained and managed in accordance with the approved details. Planning conditions should be applied with regard to carriageway and footways design and construction, visibility splays, a pedestrian crossing over the B5301 and details of the pedestrian linkage to Pringle.

Letter dated 13.5.21. Highways Authority Response

- 6.27 The application is acceptable in principle from a highway perspective but there are still some outstanding queries and clarifications required in order that we can remove the pre-commencement condition on detailed design. A pedestrian crossing point (dropped kerb with tactile paving) should be provided on Station

Road, to the north of the proposed access at a location to be agreed with the Highway Authority, but should be at least 43m from the corner to provide the necessary visibility splay. This will be conditioned and will be deliverable as part of the S278 Agreement.

#### Letter dated 13.5.21 Lead Local Flood Authority Response

- 6.28 The proposed drainage plan is acceptable in principle as previously stated, and the additional plans do provide useful detail but there still some outstanding queries and clarifications required in order that we can remove the pre-commencement condition on detailed design: These are as follows:
- a) Whilst the FRA does demonstrate that the management train does provide sufficient treatment with trapped gullies and the basin, I note that the basin does not include a forebay. A forebay allows for a smaller area to catch silt and means that cleansing / dredging is confined to a smaller area. Please provide further details of the basin / evidence that the silt management has been considered.
  - b) A full maintenance plan should accompany these details, with a section specific to the flow control device. The maintenance schedule should make it clear who is the responsible party for each element.
  - c) The exceedance route diagram for storms in excess of the design 1:100yr + CC event is somewhat unclear. Exceedance points are shown but the flow is shown stopping at the road ends (flowing into the gullies?) or in the middle of Road 1 - are the flood flows contained within the road? Please clarify the complete exceedance routes.

#### **Rights of way officer**

- 6.29 There are no recorded public rights of way in the vicinity of the proposed development area.

#### **County Archaeologist**

- 6.30 Advise a planning condition. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

#### **Cumbria Fire and Rescue**

- 6.31 No objections. Access for firefighting and water supplies must comply with ADB Volume 1, Dwellings, Section B5 and that the applicant give consideration to the inclusion of a sprinkler system within the design of the premises.

#### **United Utilities**

- 6.32 No objections. Following our review of the submitted Drainage Area Plan, ref: D202 Revision 01 dated 16/9/2020 proposing surface water discharging into the

private drain, we can confirm the proposals are acceptable in principle to United Utilities and therefore, should planning permission be granted, we request the following condition is attached to any subsequent Decision Notice: The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Area Plan, ref: D202 Revision 01 dated 16/9/2020 proposing surface water discharging into the private drain.

No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

### **Allerdale BC Housing**

- 6.33 The findings from the 2016 housing study show that the need for affordable housing in Aspatria and its adjoining parishes of Allhallows, Allonby, Blennerhasset and Torpenhow, Bothel and Threapland, Bromfield, Oughterside and Allerby, Plumbland, and Westnewton is mostly for one bed properties.
- a) One bed property 41%
  - b) One bed older persons 21%
  - c) Four bed property 19 %
  - d) Two bed property 16 %
  - e) Three bed older persons 4%
- 6.34 Information from Choice Based Lettings (table below) shows that during 2019/20 and 2020/21 to date the following properties have become available for rent in Aspatria and its adjoining parishes:
- a) Four Bed House average 15 bids
  - b) Two Bed Bungalow average 11 bids
  - c) One Bed Bungalow average 10 bids
  - d) Two Bed Flat average 8 bids
  - e) One Bed Flat average 7 bids
  - f) Two Bed House average 6 bids
  - g) Three Bed House average 6 bids
  - h) Low Cost Home Ownership Register - 2BH - 1 and 3BH - 1
- 6.35 Where affordable housing is being delivered on this site there is an expectation that these homes would need to be of an acceptable house sized standard for the registered housing provider. (Please refer to paragraph 35 in the Local Plan Part 2 SA3 in relation to space standards for registered providers). We would like to see that the spaced standards for the proposed affordable sale properties are reflective of the standards we would expect in the social rented sector and that these properties can meet the needs of a small family (i.e. minimum three person family).

- 6.36 In summary, the greatest need from the 2016 Housing Study is for smaller single/ family homes (one and two bedroomed) and/or accommodation to meet the need of an ageing population. This is also reflected in the most up to date information from Choice Based Lettings for social rented accommodation and the low cost home ownership register for expressions of interest in this area.
- 6.37 During the housing strategy period 2016-21, no new affordable housing has been delivered directly in the Aspatria area to meet the housing need. Therefore this development is an opportunity to meet some of that need.

### **Natural England**

- 6.38 No comments to make on this application. Refer to standing advice.

### **Access Officer**

- 6.39 Plots/ house types should be designed to provide:

- a) visitable dwellings standard;
- b) accessible and adaptable dwellings standard;
- c) wheelchair user dwellings standard.

- 6.40 Plans of dwellings, list of dwelling types and numbers required to show how standards in item 1 above can be achieved are required.

### **Sport England**

- 6.41 Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 and 182 of the NPPF. There is insufficient information to demonstrate that the residential development can be integrated effectively with existing businesses and community facilities (including sports facilities). It is also not known whether these existing facilities could have unreasonable restrictions placed on them in the future as a result of development permitted after they were established.
- 6.42 Further information is needed to understand whether this integration is possible and whether the integration needs mitigation to make it so. Therefore where the operation of an existing community facility (rugby club) could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed (or appropriate earlier timeframe). Local planning authorities are required by law to consult Sport England (the brand name for the English Sports Council) when they receive planning applications for development affecting playing fields. The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("the 2015 Order") states that a local planning authority shall consult Sport England on development which:

- i. is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
- ii. is on land which has been—
  - a) used as a playing field at any time in the five years before the making of the relevant application and which remains undeveloped; or
  - b) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
- iii. involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, manmade or composite surface.”

6.43 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97 and 182) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’: [https://www.sportengland.org/how-we-can-help/facilitiesand-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilitiesand-planning/planning-for-sport#playing_fields_policy) Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

6.44 It is understood that the proposal is for full planning permission for the erection of 65 homes on land off Station Road, Aspatria. The application site lies to the north of Aspatria Rugby Club (a playing field) where the club has three rugby pitches, all of which are flood lit, a club house and car parking. The development would provide residential dwellings directly at the back of two rugby pitches and to the side of the other. There is potential for ball strike on dwellings, property and people from rugby balls leaving the field of play, potential for water ingress onto the site from the SUDS drainage system and potential for nuisance from lighting or noise from rugby activity or noise from use or events in the club house. The development therefore has potential to prejudice the use of the playing field.

6.45 In this instance, although the development is not on a playing field it could prejudice the use of a playing field for the following reasons:

- a) Potential for hydrological impact on the playing fields from water ingress or drainage from the site or the sustainable drainage infrastructure.
- b) Potential for ball strike, particularly on the two rugby pitches that sit directly below the application site and overlook the goals and northern end of the pitches.
- c) Potential for nuisance on the residential development from noise or lighting from the rugby pitches or day-to-day rugby club activities on site. It is noted that a noise assessment has been provided by the applicant. It is

for the LPA to determine if this is fit for purpose and to consult with your own Environmental Health Officers for advice in relation to noise.

- d) Lack of information about why the strip of land is included within the application site that lies on the playing field between two rugby pitches, and whether any works are proposed within this strip.

- 6.46 Sport England consider that there is insufficient information to demonstrate that the residential development can be integrated effectively with existing businesses and community facilities (including sports facilities). It is also not known whether these existing facilities could have unreasonable restrictions placed on them in the future as a result of development permitted after they were established.
- 6.47 Further information is needed to understand whether this integration is possible and whether the integration needs mitigation to make it so. Therefore where the operation of an existing community facility (rugby club) could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed (or appropriate earlier timeframe).

Consultation with the National Governing Bodies for Sport (continuation of Sport England's comments).

- 6.48 Sport England has a memorandum of understanding with the National Governing Bodies for Sport (NGBs) on planning applications, and Sport England has consulted with the Rugby Football Union on this application (RFU). The RFU advise:

- There is potential for the development proposed to prejudice the day-to-day operations and activity at Aspatria Rugby Club. This is in relation to both on-pitch rugby union activity and off pitch club activity; event and function hosting; and bar operations; with potential adverse impacts on the Club in relation to noise, lighting and ball strike. The RFU advise that a ball strike risk assessment should be undertaken for the two most easterly rugby pitches on the Aspatria Rugby Club site in relation to the potential housing development on Station Road. The recommendations from this should then be considered with appropriate mitigation put in place and maintained by the developer.
- Appropriate lighting and noise assessments should be undertaken in relation to existing floodlights, rugby activity during evenings and weekends and the existing Aspatria Rugby Club clubhouse facility. Any required mitigation should be secured prior to planning approval being granted
- An independent agronomist report should be undertaken to examine the potential for water ingress, post development, with contributions towards improving pitch drainage as a consequence of any potential ingress from the SUDS provided by the developer.
- The area on the application site map marked on the Aspatria Rugby Club site should not be considered as part of the wider site development. Developing any part of this area would compromise the use of the area for rugby union activity, particularly as it partly includes an existing rugby union pitch. In addition, it also appears to sit within the safe run offs of said rugby pitch; and the installation of a drain on this area would compromise user safety. Further

detail and clarification should be provided by the applicant in relation to this.

#### Potential Remedies identified by Sport England

- 6.49 In order to understand the likelihood of any impacts and if any mitigation is required Sport England advise the LPA to seek more information from the applicant as follows:
- a) Submission of a hydrological assessment and agronomy report to understand any water/drainage implications from residential development on the site to the north of the rugby pitches, and whether any mitigation is required to protect the integrity of the rugby pitches for the playing of pitch sports.
  - b) Submission of a ball strike risk assessment to understand the risk of balls leaving the field of play and if any mitigation is required.
  - c) Submission of a lighting assessment to understand if there would be any potential for nuisance on the residential development from the floodlights or other lighting on the rugby pitches/rugby club site.
  - d) Further information to set out why the strip of land between the two rugby pitches is included in the application site and whether any works are proposed on that strip, information about whether site drainage from the application site is intended to flow through a drain marked on this strip, and what the potential implications could be for the playing field in respect of that. This line also lies within the safety margins (5 metres) of the pitch where there could be safety implications for pitch users. Consideration of this matter should in the first instance be included in the hydrological/agronomy assessment, but it may also require consideration of safety matters separately.

#### **Network Rail**

- 6.50 Network Rail would need more understanding of the proposed Drainage Strategy, they are not the easiest drawings to understand and possibly more detail on what is proposed at/leading to the Network Rail Boundary. This could lead to a Network Rail Asset Protection Drainage engineer having to review and agree a Drainage Strategy.

#### **Other Representations**

- 6.51 The application has been advertised by site notice, in the local press and neighbouring consultee letters. 46 Objections/ comments were received in response to the publicity for the proposal (includes duplicate letters).
- 6.52 Objections/concerns with regards to the principle of the proposed development are as follows-
- a) NPPF states that greenbelt is to be protected and requires exceptional circumstances to be built on. Nothing is exceptional about these proposed plans to build on this unspoilt land and that the merging of communities is to be prevented, yet the development of this site will lose the individual identity on surrounding Pringle lane.

- b) Concern about the town's infrastructure including the extra houses being proposed over the last few years which haven't yet been constructed.
- c) Concern about the need for so many new houses. Dentists and doctors' appointments are already hard to get and the schools are full. There are 3 convenience stores in the town, no banks, no retail stores, no facilities, no jobs.
- d) Local services cannot deal with the extra volume of people. The local surgery already struggles to deliver appointments to local people.
- e) With this site and the site opposite already under construction, the population of Aspatria could increase by 13%.
- f) Whilst this development is listed in the Allerdale Local Plan Part 2 as SA15, it is omitted from the "Report on the Examination of the Allerdale Local Plan" – Site allocations report, dated 9 Jan 2020, which suggests that the author, the Inspector of the Secretary of State, has not adequately considered this site.

6.53 Objections/concerns in relation to design and landscape:-

- a) It is stated that the development delivers "Good design which is recognised as responding positively to the character, history and distinctiveness of a location". This application does nothing of the sort. It proposes to cram in as many modern 'dwellings' as it possibly can, in a densely packed modern estate, in the heart of Aspatria. Facing the development are old mining houses, on Pringle Lane. These houses are different in character to this development plan. This 'justification' is nothing more than sanctimonious, patronising drivel and rather than 'fit in' to Aspatria, it will be a burden on the properties of its neighbours.
- b) This field on the proposed site is an integral part to the landscape. If developed, as proposed, the natural environment will be lost forever. The current land use is "Agricultural" (Para 6, "Planning Application"). To turn over agricultural land to a housing estate – effectively green belt - when there are brownfield sites available is irresponsible and sets a dangerous precedent. Landscape Impact. Section 5.11 states "There are moderate to low impacts over wider ranging views...".
- c) It will not tie in with the local visual surroundings or character of the area. The proposed development would have a harmful effect on the visual amenity of the immediate locality due to its scale and massing.

6.54 Objections/concerns in relation to heritage:-

- a) Allerdale BC, a year ago, refused request to enforce installation of a roof level vent on Sam's Takeaway because it would "Affect views from listed buildings in King Street". This application proposes to give at least one of those listed buildings a prime view of a new housing estate. Has the policy now changed?

If this application is granted I shall assume that Allerdale BC will now feel able to enforce the roof level vent.

6.55 Objections/concerns in relation to the affordable housing provision;-

- a) Not sure fulfils the needs of the local housing survey.
- b) Social Housing - 10% of 65 is not 6. 6.5 and above is always rounded up to 7. Whilst the estate offers potentially 6 affordable house out of 65, this presumably means that 59 will be unaffordable. This seems to benefit the community hardly at all, and based upon the housing policy statement, there were 273 bids for property rental. The six affordable houses will barely go any way to solving this problem, and at great expense to the local community in return for extra profits for a property developer.
- c) While housing may be needed in this small town, these are not affordable houses as might be considered necessary within Allerdale plans or current government proposals for future development. Little community gain but detrimental impact upon some residents whose life, wellbeing and inevitable equity on their property being affected.

6.56 Objections/concerns in relation to highway safety;-

- a) Traffic on Station Road is very busy, the proposed development will have a big impact of increasing traffic on an already busy road, with the site access being on a bend, this would also make the road dangerous. No adequate planning has been presented to mitigate the additional traffic – it anticipates 140 residential cars and vans using what is already a hazardous road.
- b) Section 5.6 of the planning statement states that there are only 5 parking spaces for visitors. The ratio of 5:65 seems ludicrously small.
- c) Section 5.13 of the planning statement anticipates “30 two way [car] trips in the morning peak hour and 31 two way trips in the evening peak hour”. From 65 homes with 140 cars between them? It is difficult to see how this figure has been arrived at as it assumes less than one car per two households driving to work. Section 5.10 admits that the application is a ‘Major Development’. Section 5.14 of the same document states that “Development should only be prevented or refused on highway grounds if ... the residual impacts on the road network would be severe”. Given what appears to be either a gross miscalculation or a misleading appraisal of the potential traffic, this should be grounds enough to refuse the application.
- d) In principle, we have no objection to new housing being built in Aspatria and it's not a case of NIMBY, we have SERIOUS concerns over road safety, pedestrian safety and the pedestrian access to Pringle, a private road.
- e) We live almost adjacent to this property and see incidents on a daily basis of near accidents. It is very difficult now when 2 large wagons pass each other

on the corner which is exactly where the access to this site is. Access to the site will be a sharp left hand bend or crossing the traffic stream.

- f) Visibility on the junction of Station Road hill corner will be restricted and hazardous to highway safety. Increased traffic will have an adverse effect on the free flow of traffic, pedestrians and highway safety in the locality. Road access will be hazardous due to a bad corner, poor visibility at the new junction and sheer volume of the increase in traffic.
- g) Hazardous to the school at the top of Station Hill, raising health and safety concerns. The local primary school was unable to have a crossing due to road safety so why on earth is it safe to have one on a bad corner at the bottom of a busy hill?
- h) At times this road is almost as busy as the A596 and in case of incidents is the main diversion road to the A595.
- i) Cannot see where the pedestrian crossing can fit as there isn't space to put one safely. The pavement on the site side of the road is non-existent as there is no capacity for one. The pavement on the other side is inadequate even now as, in places, it cannot accommodate either 2 people walking side by side or a buggy with another child walking. We understand this has to be in place before the site commences.
- j) This road is used by large HGVs delivering to Dairy Crest and Sealy as well as Armstrong wagons on a daily basis. The volume of traffic at 4pm especially during weekdays would be a hazard to the proposed pedestrian crossing and wagons struggle to climb the hill without stopping to let pedestrian cross. The number of tankers going to the dairy seems to have increased recently. The smallest is an 8 wheeler and the largest a 6 axle tanker. A lot of traffic generated by our local businesses and their customers/employees; Thomas Armstrong 6 axle wagons use the road carrying sand and stone, Aspatria Farmers, Sealy UK, Open Reach, WW Builders, Roland Hill Contractors, Aspatria Skip Hire, Brayton Domain Garage.
- k) Dangers of the only vehicular exit and entrance and maybe the only pedestrian exit and entrance to the proposed site is at the steepest part of Station Road and on a very sharp bend. Traffic entering from the lower part of the hill will have to stop on the bend.
- l) My living room window overlooks this corner and I am amazed at the amount of traffic using this road and at the amount of near misses there are on a daily basis.
- m) A local farmer has some of the largest tractors on the road, hauling large tanks and trailers. These are loaded with waste to be spread on the land and the trailers are used to transport material to his digester.
- n) Another development of 34+ houses some 50 yards lower than this entrance exiting onto this road? When the Traffic Commissioner came to inspect the

impact of the development on the traffic currently using the road he came at 6pm so actually missed the daily toing and froing.

- o) Station Road is one of the links between the A595 and A596 and is frequently used for the Stagecoach buses when one or the other road is closed.
- p) Only recently, Allerdale Borough council sought public comment on the proposed reduction of traffic using this road, for safety reasons. It would appear therefore that approving this additional site would be contrary to Council's own plans.
- q) Planning has been rejected historically on the site due to land limits, access and highway safety.

6.57 Objections/concerns in relation to the use of Pringle and residential amenity;-

- a) The proposed footpath leading into Pringle is untenable due to the width of the lane and there is no capacity for a footpath. The laning needs repair. It is used by farm machinery for access to farm land and the site to gain access onto the lane and put a proposed footpath onto the lane? This lane has required an uplift for 30 years or more and no local council has ever taken ownership or accepted ownership of the maintenance of Pringle lane hence all the pot holes.
- b) The proposed footpath leading onto Pringle Lane which is a private lane will have an impact on immediate residents, due to privacy disturbance and an increase in pedestrians on a private lane, owned by Pringle and South View residents / local farmer. Footpath at Pringle is a potential safety hazard and cannot accommodate extra residents without causing congestion and disruption to home owners in Pringle and South View.
- c) Overlooking as Pringle is much lower than this site.
- d) All the proposed houses have their rears facing directly towards the houses on Pringle and Mart Close. This will surely cause lighting pollution to these properties and this will have an impact on the private lives of the resident already residing there.
- e) At minimum the sides of the new houses face towards the current houses rather than the rear. This will maintain the privacy of the current residents and reduce light/noise pollution.
- f) The provision of this access point also means there is no hedgerow screening between the proposed development and the existing property on Pringle which is directly opposite the access point. Pedestrians walking through the access point would look straight into the front window of this property, particularly as there is a drop down in ground level from the proposed development site on to Pringle.

- g) There are a lot of children who play in the area on Pringle Lane, there is a health and safety concern of the use of heavy plant machinery and delivery wagons in a close proximity of them playing.
- h) Has a daylight/ sunlight report has been submitted in conjunction with this application concern over loss of light and wellbeing. Plot 435 is far too close to 21 Pringle and this application is causing me great concern due to the inevitable long-term detrimental impact, overshadowing, safety, loss of privacy and noise and disturbance.
- i) At least seven of the proposed houses meet our boundary, which we own and need to maintain buildings, hedges, trees etc and no access because the gardens come right up to our boundary which makes this impossible.
- j) The Noise Assessment Report section 3.20 states that there is “No significant noise” from the Sealy factory. The factory was closed when the report was made. It may provide a more accurate result if the survey was undertaken when the factory was actually open. As the factory’s future is now secure this is likely to be a future feature.

6.58 Objections/concerns in relation to drainage, flooding and subsidence;-

- a) The development site is on a slope, subsidence is a concern on existing surrounding structures. Concern about drainage due to sloping land, flooding risk to local houses and rugby pitches and there are wells. The already stretched utilities (main sewer pipe and water supply) will struggle to cope with the demand of even more housing development.
- b) The field on this proposed site is always very boggy, already flooding at different times of the year. The very bottom of this proposed site floods terribly in the winter and my concern is that the rugby pitches will then become unusable too having an impact on local rugby matches too.
- c) The local drainage already blocks and this new estate will make the systems worse and the sewer will connect to the existing mains which is already overflowing.
- d) Section 5.22 of the Planning Application states that “The proposed development will not result in an increase in flood risk elsewhere”. Has the well water table under St Kentigern’s Church/ Springwell House/The Crookey (Marked on the map as “Crookey Well”) been factored into this plan? In heavy rains the wells fill up and overflows.

6.59 Objections/concerns in relation to ecology;-

- a) Adverse effect on wildlife. The site is host to crested newts, bats, owl and an array of wildlife, which will perish as a result of the proposed development. All are protected species. Disagree with the following statement from the applicant’s ecology report: “As the field is surrounded by housing to the north

and by the Rugby Club pitches to the south the field is largely cut off from the countryside to the south and it is unlikely to be regularly used by brown hare or barn owl.' There is a barn owl box at NY14084157 and I have regularly seen a barn owl hunting in the field covered by the applicant's red line boundary. In addition, the buildings to the north of the site boundary should be inspected to check if they are used barn owls.

6.60 The initial concerns expressed by Aspatria Rugby Club have been withdrawn.

## **7.0 Environmental Impact Assessment**

7.1 With reference to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development falls within neither Schedule 1 nor Schedule 2. As such it is not EIA development.

## **8.0 Duties**

8.0 The site does not affect the setting of listed building, a Conservation Area and is not likely to have a significant effect upon a Natura 2000 designation.

## **9.0 Development Plan Policies**

### **Allerdale Local Plan (Part 1) 2014**

9.1 The Plan includes a series of Strategic Objectives. These are set out before the policies and start on page 14 of the Plan. They echo the strategies in the National Planning Policy Framework, albeit predating the latest iteration of that document, and set them in a local (Borough) context.

9.2 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.  
S22 Transport Principles  
S29 Flood Risk and Surface Water Drainage  
S32 Safeguarding amenity  
S33 Landscape  
S36 Air, Soil and Water quality.  
DM14 Standards of Good Design

These policies can be viewed at:-

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

## Allerdale Borough Local Plan (Part 2) 2020

9.3 The site is within the revised settlement limit for Aspatria

9.4 The quantum of development proposed requires the triggers for affordable housing (policy SA3) and enhanced accessibility (policy SA5).

9.4 Other relevant policies are:

SA1 Identified Sites  
SA2 Settlement Boundaries  
SA33 Broadband  
SA15 Site allocation

9.5 Policy SA15 ALPP2 allocates this 2.6 hectare site for 60 units. It is identified as a green field site. The development considerations cited in the policy are:-

- a) Achieving a density of approximately 25-30 dwellings per Hectare,
- b) That on site amenity green space, open space and play provision will accord with the guidance set out in Policy S25 of the Allerdale Local Plan (Part 1) and the Developer Contributions Supplementary Planning Document.
- c) An archaeological desk-based assessment and the results of a geophysical survey will be required.
- d) The site access will need considered in conjunction with the Rugby Club land to the south, and adjoining land to the north. Access needs to be as close to the telephone exchange as possible for visibility purposes at the bend in road or via the Rugby Club carpark.
- e) Measures to improve pedestrian safety in crossing Station Road will be necessary.
- f) Prior to development, a contaminated land survey and risk assessment will establish the degree and nature of any contamination on site.
- g) Layout and design will need to be considered as part of a Flood Risk Assessment.
- h) Consideration must be given to disposal of surface water drainage in the most sustainable way, avoiding the exacerbation of existing flooding issues on Station Road, or land to the south of the site, given the sloping topography.
- i) Contributions may be required in accordance with the Council's Developer Contributions Supplementary Planning Document.
- j) Careful consideration will need to be given to the relationship with adjoining residential properties and the unadopted lane Pringle.
- k) Layout and design will need to consider the relationship of proposed residential properties with the adjoining Rugby Club premises, and the B2 use site which abuts the northern boundary of the site.
- l) A Hedgerow Assessment will be needed. Hedgerows and hedgerow trees bounding the site should be retained and incorporated in the scheme. Suitable compensation planting should be provided where hedgerows cannot be retained.
- m) An extended Phase 1 Habitat Survey of the site should be undertaken.

- n) All mature trees and hedgerows should be retained and incorporated within the development and additional native planting of hedgerows and trees around the edges of the site should be undertaken to improve the network of wildlife corridors.

The Plan can be found here:-

[https://www-cloudfront.allerdale.gov.uk/media/filer\\_public/1b/a5/1ba5b4fd-0417-4a0a-8b7f-955cbc55d609/alpp2.pdf](https://www-cloudfront.allerdale.gov.uk/media/filer_public/1b/a5/1ba5b4fd-0417-4a0a-8b7f-955cbc55d609/alpp2.pdf)

## **10.0 Other material considerations**

### **National Planning Policy Framework (NPPF) (2019)**

- 10.1 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).
- 10.2 The NPPF is available to view at:-

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

## **11.0 Policy weighting**

- 11.1 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 the Allerdale Local Plan Parts 1 and 2 have primacy.
- 11.2 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).
- 11.3 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.

## 12.0 Assessment

### Principle of development

- 12.1 Policy S1, S2 and S3 outlines 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 Local Plan (Part 1) 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. The role of Part 2 of the plan is to add detail to this strategy, through the setting of specific proposals and ensuring that sufficient land is made available at the right time and in the right location.
- 12.2 Between 2011 and 2029, Allerdale has a minimum requirement for 5,471 houses. Aspatria is identified as a Key Service Centre under policy S3 (as part of Tier 2), expected to account for 4% of the overall growth during the Local Plan period (2011-2029) and this equates to 218 homes.
- 12.3 As previously addressed, the site is identified as a housing site under Policy SA15 ALPP2 (for 60 units). There is an additional windfall of 5 dwellings proposed (65 in total). It must therefore be determined whether having 65 dwellings instead of the allocated 60 is acceptable. No relevant infrastructure and service providing consultees have indicated that it would impact on service delivery and infrastructure capacity; the cumulative impact with other allocations and consented developments has been considered when arriving at this opinion.
- 12.4 The development is considered commensurate in scale to the settlement again taking into account further housing sites allocated/commitments. For example there is the land accessed off Station Road in close proximity to the proposal site under Policy SA17 (Land off Station Road, (for 20 units). A further housing allocation for Aspatria is identified under Policy SA16, Land at Noble Croft, Aspatria for (100 units). Aspatria had a population of 2,834 in 2011<sup>1</sup> and c1,200 households. Development, including that proposed here, during the Local Plan period so far (including commitments/ allocations), equates to an additional 190 households. This represents 16% growth. Policy S3 of the Local Plan Part 1 seeks to secure 4% of the Plan's overall growth of 5,471 dwellings in Aspatria. This equates to 218 dwellings or a 18% growth in the number of dwellings in the parish. The 16% cumulative growth including this proposal is clearly under that percentage. Members are also advised that, even if it was over policy S3's quantum, this is not a ceiling given the overarching presumption in favour of sustainable development (policy S1 of the Local Plan applies) and the government's objectives to significantly boost the supply of homes.<sup>2</sup>
- 12.5 Members are also advised that, under policy SA1 'Identified Sites', sites allocated on the Policies Map for development and redevelopment shall be protected and delivered for their specified use in accordance with site specific policies and other

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<sup>1</sup> 2011 Census

<sup>2</sup> Para 58 NPPF 2019

relevant policies in the Local Plan. Safeguarded sites on the Policies Map will be protected for their specified use(s) unless it is proven that there is no longer a need; or satisfactory alternative provision can be made in the same settlement.

- 12.6 The town of Aspatria lies on the A595 with good access to Maryport, Wigton and Carlisle. Policy S3 expects this growth to be inside settlements limits. 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). The site is within the settlement, some distance inside the limits, within acceptable walking distances of services and facilities and bus stops, via Station Road (not using Pringle). These services and facilities are accessible by foot on lit segregated footways, albeit an uphill route to the town centre.

### **Housing Types and Tenure**

- 12.7 Policies S4, S5 and S7 of the Local Plan Part 1 are relevant here and these considerations are inextricably linked to the consideration of visual and landscape impact. The proposal will provide a total of 65 dwellings with a varied mix of 10 house types:
- 9 x House type 201 – 2 bed semi (6 x )affordable
  - 4 x House type 250 – 2 bed semi
  - 3 x House type 254 – 2 bed bungalow
  - 17 x House type 301 – 3 bed semi
  - 2 x House type 350 – 3 bed semi
  - 4 x House type 314 – 3 bed detached
  - 10 x House type 360 – 3 bed detached
  - 5 x House type 353 – 7 bed detached
  - 6 x House type 435 – 4 bed detached
  - 3 x House type 454 – 4 bed detached
- 12.8 The proposed development will meet a range of housing needs and aspirations in the area, particularly for smaller households in providing 1-2 bedroom properties. This is in accordance with the local needs and Policy S7 which requires development to make a positive contribution to the overall housing mix.
- 12.9 The development will deliver 65 new homes which would result in a requirement for 6.5 affordable homes. As this is not a whole number, 6 units are proposed with a suggested tenure split of 50% discounted and 50% rented. An objector has queried why the figure is not rounded up to 7, but Allerdale's position has always been to round down. A Heads of Terms document is provided in relation to the required Section 106 document. The Allerdale Local Plan Part 2 requires that 10% of new homes in Aspatria are affordable and this is in line with the 10% affordable homes requirement set out in the NPPF, paragraph 64. The proposal is therefore policy compliant in terms of affordable housing provision.
- 12.10 The house type and tenure are deemed acceptable and it is noted that the greatest affordable homes need for the Aspatria area is for 1 and 2 bedroom properties. There will be 3 x 2 bedroom properties for rent and 3 x 2 bedroom

properties for Low Cost home ownership. The 2 bedroom units would be considered 1 bedroom units by a Registered Provider e.g a Housing Association to meet their space standards but the second bedroom/ storage/ office area does enable some flexibility for how future occupiers use their homes. The affordable homes identified as 1-2 bedroom properties meets the affordable housing need for the locality. In addition, they have been pepper potted throughout the development in accordance with best practice.

12.11 Turning to the policy criteria of policy SA5 of Part in relation to enhanced accessibility within homes, the M4(2) compliant dwelling types proposed are:-

- Type 250 - a two bed semi
- Type 350 - a three bed semi
- Type 360 - a three bed detached
- Type 454 - a four bed detached

12.12 The proposal provides 17 properties (or 26%) in compliance with M4(2), this is 6% higher than the 20% to be delivered under the requirements of Policy SA5. None of the types proposed are compliant with the requirements of the higher M4(3) standard. The policy requires 10% of homes to be provided to this standard. The applicant asserts that the costs of the M4(3) compliance are significant and, on average, 80% of their customers are first time buyers.

12.13 Policy SA5 states that, in relation to the provision of M4(2) and M4(3), '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'.

12.14 It is clear that there is conflict with policy SA5 due to the lack of M4(3) homes and no viability appraisal has been provided by the applicant to evidence that it wouldn't be viable to deliver the policy requirement. Officers are of the opinion that this policy conflict should not be afforded any significant weight in the overall balance of policy considerations. Certainly, in officers' minds, the application should not fall on this one discordance alone given the significant benefits of the delivery of so many open market and affordable homes, some of which are also M4(2) compliant. However, it is within the members' gift to apportion different weight to this matter.

### **Layout, Design and Access**

12.15 The existing architectural character and appearance of the area has already been described as eclectic in this report's site description. Dwellings range from the C18th (and possibly before) to C21st constructions. There are two storey and single storey dwellings, some terraced, others detached. Red sandstone and render faced elevations are apparent, as are landscape and vertical emphasis window openings, natural slates and concrete tiles. This existing context already provides a range of dwellings sizes and types to secure a balanced and mixed community of all ages and family sizes. It also provides the ability for new dwellings to adopt a range of architectural styles. The dwellings are designed to

reflect a relatively simple form which reflects the designs within the wider Aspatria area.

- 12.16 A number of rendered properties are proposed and these have been concentrated in the areas of greatest visibility to the western entrance of the site and are identified as plot 1, 3, 4, 60, 13, 15 and 14. The less vernacular use of brick is concentrated on the less prominent plots. It is disappointing that brick is being used but an unrelenting use of render would be rather visually overwhelming and out of character with the mix of facing masonry and render in the locality. In this regard, whilst the brick proposed is clearly not red sandstone in appearance, it does provide the same visual relief and affords the development a viability and, therefore, deliverability that the use of natural stone wouldn't.
- 12.17 The layout provides for a single point of vehicular access from Station Road. On entering the site from the west, there is a short section of single sided development that overlooks an area of open space to provide a gateway feature to the development. An area of central open space will provide a further landscaping and public open space within the development and that is well overlooked. It can therefore "visually belong" to the community it serves.
- 12.18 It was initially intended for there to be a pedestrian link provided to Pringle (the adjacent lane to the eastern boundary). This would have enabled a more direct permeable pedestrian link to the town centre and its shops and facilities. However, through the course of the application, the ownership arrangements of the lane were deemed unclear with no title registered with the land registry. It is therefore proposed that there will only be a pedestrian footway to a small public open space area to the north eastern corner of the site, however the boundary hedge (outside the site) will be retained and no formal pedestrian access to Pringle Lane will be provided by the developer. This addresses the concerns raised by residents of Pringle and South View and local users of the access lane. Furthermore, the public open space creates a buffer between the proposed bungalow and properties on Pringle to alleviate concerns of overshadowing, loss of light and over development in that locality.
- 12.19 Excluding garages, 141 car parking spaces in total would be provided of which 5 area designated visitor spaces. The car parking has been provided either to the front of the dwelling or in the preferred along the side arrangement. This range of parking provision ensures that the development does not become car dominant in terms of visual appearance and are considered appropriate when considering the layout of the scheme.

### **Traffic and Transport**

- 12.20 Policies S2 and S22 of the Allerdale Local Plan Part 1 are relevant. This report has already evidenced the sustainability of the location but there will inevitably be trips by cars, service and delivery vehicles to and from each dwelling. Realistically, despite the sustainability of the location, it is fully acknowledged that many if not most homes are likely to be a 2-car household. The impacts on the local highway network have been considered and it is anticipated that the

development will generate 30 two-way trips in the morning peak hour and 31 two way trips in the evening peak hour. This is one additional vehicle movement every two minutes which is considered to have no material impact on the safe or efficient operation of the local highway network. It is concluded that the impacts of the proposed development would be acceptable.

- 12.21 Concerns have been raised by local residents in relation to the proposed access arrangements. Officers, following consultation with the County Highways Authority, consider there is sufficient visibility and capacity at the highway's junction to ensure that highway safety is safeguarded. A splay can be provided across land within the applicant's control. The pedestrian link, to include dropped kerbs, will be dealt with by section 278<sup>3</sup> arrangements (and is likely to be in the vicinity of the southern entrance of the Aspatria rugby club carpark). This short pedestrian footway will link the site with a pedestrian crossing to the west of the site on Station Road. The crossing is considered necessary to gain access to the existing footway on the opposite side of Station Road.
- 12.22 It is accepted that this means that pedestrians have to cross Station Road twice to access the town centre to the northeast or the railway station to the southwest. This, together with the gradients involved, is not the most attractive solution but, in the absence of the link to Pringle and the lack of room to insert a footway on the eastern side of Station Road, is the only solution.
- 12.23 The National Planning Policy Framework 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". It has been demonstrated that the proposed development would have no impact upon highway safety and that the residual cumulative impacts of the proposed development would not be severe. Therefore, in accordance with NPPF guidance there are no reasons why the planning application should be refused on highway or transportation grounds. The proposal is considered accordant with policy S22 of the Local Plan Part 1.

### **Residential Amenity**

- 12.24. Cut and fill is proposed on the site, with the ground levels dropped at the north of the site and raised at the southern part of the site. The dwellings to the north of the site adjacent to Mart Close and the commercial buildings will have circa 2 to 4 metres lower finished floor levels (FFL) than the boundary levels and will have sloping gardens to the rear and retaining walls within the rear gardens. Section drawings have been provided showing these arrangements. There will be retaining walls to accommodate the sloping site as required for each plot and the road layout in order to accommodate the required highway and access gradient requirements. Policy S32 of the Local Plan Part 1 is particularly relevant with regard to neighbour concerns on Pringle with regard to overshadowing, and overlooking. Officers consider that, given the orientation of the proposed dwellings with gable ends of the proposed dwellings adjacent to the front aspect of the terraced dwellings on Pringle (and 12 metres plus separation distance from

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<sup>3</sup> S278 of the Highways Act 1980

neighbouring properties), that the proposed housing scheme would not have an unacceptable impact upon existing residential amenity for occupiers of Pringle. Furthermore, the dwelling types adjacent to Pringle are bungalows to the north of the site to reduce the scale and massing and visual impacts. There are 2 storey dwellings adjacent to Pringle to the south of the site but these are carefully sited to alleviate overlooking, loss of light and overshadowing and existing trees provide screening.

- 12.25 Concerns have been expressed by residents on Mart Close regarding residential amenity and it is acknowledged that the open aspect will be impacted but there is no right to a view under planning law, nor is loss of house values a material consideration. Given the dwellings are set lower into the site than on Mart Close, the proposal will not cause overshadowing, loss of light and adequate separation distances are provided. Site boundary sections have been provided that demonstrates the position and heights of retaining features and the site boundary. Of note, plot 45 has a floor level of 65.425m Above Ordnance Datum (AOD) and the Pringle boundary is 66.175m AOD FFL. Plot 45(bungalow) has a ridge-line approximately 1m below the adjacent existing property on Pringle. Plot 55 has a ridge-line which sits approximately 4m below the ridge line of the existing property and Plot 35 sits approximately 2m below the existing property opposite.
- 12.26 Noise from the construction phase as well as the post-occupancy, operational phase are also residential amenity considerations in light of the applicability of policy S32. A noise assessment has been undertaken with continuous sound level monitoring conducted over a number of days in order to establish the typical acoustic environment during the daytime and night-time period.
- 12.27 For the operational phase, on the basis of the measured ambient sound pressure levels, an initial noise risk assessment indicates that the proposed development site falls on the threshold between Negligible Risk and Low Risk. Standard double glazing and traditional building envelope constructions will provide sufficient sound insulation for habitable rooms of the new dwellings. Members are advised that it is unnecessary to provide additional noise mitigation to habitable rooms such as installing acoustically laminated double glazing and/or thick heavy panes of glass. With windows open, appropriate sound levels and good acoustic conditions are anticipated within all dwellings during the daytime and night-time period. There are no matters of significance arising to existing residents from noise following the occupation of the proposed dwellings (the operational phase).
- 12.28 It is recommended that an alternative means of ventilation is provided to habitable rooms on the south west and south east facing elevations of dwellings within the southern part of the site. Alternative ventilation is considered necessary to help mitigate intermittent noise from the adjacent rugby pitch and associated events such as the annual music festival.
- 12.29 The dominant source of noise at the site is local road traffic. Significant increases in traffic flow are not expected on Station Road. Mitigation of road traffic noise is considered unnecessary.

- 12.30 For the construction phase, the proximity of dwellings on Pringle, for example means that there is potential for unacceptable noise levels to be endured – such noise levels emanating from machinery manoeuvring around the site. A Construction Management Plan is considered necessary. Members are advised that such a Plan should limit construction hours and also include mitigation for other amenity issues such as dust. Such a Plan has been submitted and a condition is suggested to secure its implementation.
- 12.31 Finally in relation to residential amenity, Sport England raise two additional matters;-
- a) Ball strike – This is the potential issue of future residents in their gardens being struck by rugby balls and the cost to the Rugby Club of having to respond to this matter (potentially resulting in it not being viable). Officers, without diminishing the importance of this consideration in any way, do note the differences of the potential in comparison to, say, a golf or cricket ball. The applicant has commissioned an assessment by a suitably qualified person and this will either be reported verbally to members or the recommendation is retained to delegate the resolving of this (and other issues) prior to granting permission.
  - b) Floodlights – This issue is about protecting future residents from glare and, in turn, protecting the Rugby Club from having to invest in solutions to mitigate any impact. Having examined the angle and intensity of these lights, officers do not think this is an issue of great significance in the overall balance of considerations and is a minor matter that members can delegate to them to resolve.

### **Landscape Character and Visual Impact**

- 12.32 Policies S33 and S4 of the Local Plan Part 1 are particularly relevant. Although a sloping and elevated site, the housing development will be viewed in context of existing buildings on Station Road including the Telephone Exchange, the Aspatria Rugby Union Club house to the west, dwellings on Mart Close and commercial buildings to the north of the site, and residential terraced dwellings to the east of the site known as Pringle and South View.
- 12.33 Trees on site have all been considered by a qualified arboricultural consultant. The trees on site are noted as having been unmanaged for a period of years with the exception of some crown lifting to the trees in the ownership of the adjacent Rugby Club. The only existing features within the site are three poor quality isolated Alder and Ash trees from a former hedgerow and hedges with trees along the site boundaries which would be largely retained. Three trees are identified as being removed in order to facilitate the development. These trees are Category C (2 in low quality and 1 in poor quality) and therefore have a limited lifespan. The trees are not subject to a Preservation Order nor are they in a conservation area. Nevertheless, retention of other trees is necessary to ensure an appropriate balance of the natural and built environment in the interest of the visual amenity of the area, biodiversity and drainage.

- 12.34 An Arboricultural Method Statement and tree protection plan accompanies the application which demonstrates the development can take place in a manner which protects the retained trees from any harmful construction impacts. The exception is plot 52. Here there are concerns that the proposed level garden area will penetrate the root protection area of a retained tree very likely resulting in its loss. A condition is considered necessary to secure alternative levels within the garden so there are not excavations within the root protection area. This does not affect any other consideration, such as residential amenity and is minor in nature, hence a condition is deemed appropriate rather than delaying the consideration of the application by members.
- 12.35 It is noted that the much new natural landscaping has been incorporated into the scheme. There are corridors across the layout appropriate for wildlife and, overall, officers consider that the proposal has clearly been informed by and responds to ecological objectives.
- 12.36 With regards to provision for children and young people, officers note that a distance threshold of 400m has been used as a benchmark as it is referred to as an appropriate distance in the 'Guidance for Outdoor Sport and Play' (Fields in Trust, 2015). A small play area will be sited to the south western corner of the site, the details to be secured by planning condition and the provision is policy accordant in terms of its extent and accessibility.
- 12.37 Turning to wider landscape and visual impact, this report already acknowledges that the site is seen in the context of Aspatria's built landscape. However, due to the elevation, there is potential for it to appear in wider panoramas from sensitive receptors. In accordance with Policy 33 of the Allerdale Local Plan Part 1 and the Local Validation Requirements, a Landscape and Visual Impact Assessment (LVIA) has been carried out as the application represents major development.
- 12.38 There are no indications that the impact on the landscape would be of a magnitude as to result in refusal of the application. There are two elements of a LVIA, assessing the effects of the proposed development on landscape as a resource and the assessment of visual effects. It is predicted that the landscape receptors likely to be affected during the construction and operation of the proposed development would include Lowland landscape character type and Urban Fringe sub type (and adjacent Ridge and Valley sub-type) as defined by the Cumbria Landscape Character Assessment and Toolkit.
- 12.39 The Urban Fringe sub type has a medium-low susceptibility to the development because, although it is rural and agricultural, it contains large scale modern buildings associated with the Milk First and Lakeland Cheese factory and areas of residential development. Direct effects on the Urban Fringe sub type would occur including removal of one agricultural field and a short length of hedge but officers consider this loss would be more than compensated for by the proposed green infrastructure. Nevertheless, the net scale of change would be moderate due to the noticeable alteration created by loss of 2.49 Ha of semi-improved grassland and 10m of native hedge. The effect of the development would be restricted to the site level and immediate setting of the site and the change would be permanent.

- 12.40 The submitted LVIA's overall assessment of the level of effect on the Urban Fringe sub type is considered to be moderate/ slight. There would be a perceptible but small negative effect, over a localised area, on landscape elements key to the character of a landscape which is of community value. Given the context of the dairy, factory, railway station and suburban housing, building sites and the rugby club's floodlights and stand, officers concur with this assessment.
- 12.41 In terms of visual effects to specific receptors, the impacts are set out in brief below:
- a. Pringle and Mart Close – These are the closest residential receptors. The impact is substantial given the development would be prominent in the view westwards. The impact would be significant. However, these are private views and, therefore, the weight afforded to this consideration is substantially reduced. This report has already assessed the parallel consideration of residential amenity impact as being acceptable.
  - b. Glendale and other houses on Station Road/ Arkleby Road and Meadow Close – The view is from a distance of 46-145m to the nearest boundary. These residents will be in homes with a high susceptibility to a change in their view. Viewers would focus on the proposed development in views eastwards in which it would be partially visible and prominent. Some low level screening is provided by fences at most properties. There is a moderate to high level of harm in terms of visual impact but these are private views and, therefore, the weight afforded to this consideration is substantially reduced. This report has already assessed the parallel consideration of residential amenity impact as being acceptable.
  - c. Users of the public rights of way from West Street to Arkleby Road (B5301 Station Road) – The view is from a distance 125m at its closest point. For the users of these public rights of way the development will be screened from view by buildings, hedges and trees for most of the routes but will be partially visible for short sections close to the B5301 road. The development will not become the main focus of the view and there is negligible visual impact.
  - d. Properties at Harriston. The view is from a distance of 1.2 Km. There will be a partial view of the proposed development; Most of the proposed houses on the higher ground will be viewed alongside the existing housing some of which are closer to the viewpoint and more prominent. The milk and cheese factory building are the most prominent landscape component. The development will not be the main focus of the view. There is minimal visual impact from these receptors.
  - e. Arkleby Farm, Arkleby and adjacent properties and Public Right of Way. The view of the site is at a distance 1.8 Km from the nearest boundary – there is a partial view of proposed development; the proposed houses will be viewed alongside the existing housing and the milk and cheese factory buildings

which are in the foreground and partially obscure the development from view. There is minimal resultant impact from these receptors.

- f. Properties at Plumland. This a view from 2.4 Km. There is a partial view of the proposed development; the proposed houses will be viewed alongside the existing housing and the milk and cheese factory buildings which are in the foreground. Views of the development will be partially obscured by trees and hedges. There is minimal visual impact from these receptors.

12.42 The proposal is considered to accord with policy S33 of the Local Plan Part 1.

### **Flood Risk and Drainage**

12.43 The development is located within Flood Zone 1, which comprises land assessed as having assessed as having less than 1 in 1,000 annual probability of river or sea flooding (0.1%). which is land at the lowest potential for flooding and therefore the sequentially preferred location for development.

12.44 The use of infiltration methods for the disposal of surface water has been considered and is not deemed feasible. It is therefore proposed surface water will discharge into the existing surface water sewer which is located to the south of the proposed development. On site attenuation is required to achieve a greenfield run-off rate, up to 1 in 100 year rainfall events and climate change.

12.45 The details are, in principle, acceptable. The proposal appears to deliver an on-site solution that accords with the principles of SUDs. The outstanding issues are twofold;-

- a) For the onsite attenuation to be adopted, it needs to incorporate the best practice of a bypass door in the event of downstream blockages. Sport England are concerned that this could result in overland flows onto the sports pitch directly to the south. Members are reminded that such an overflow would only result in very extreme instances. The absence of such a bypass door would result in overtopping of the pond anyway and the system is designed to accommodate up to 1 in 100 year events plus an additional allowance for climate change. Increasing the capacity is not necessary or reasonable. The recommendation to members is that the resolution of this outstanding issue be delegated to officers, the assurance being that this is a relatively minor matter to resolve in the overall balance of considerations.
- b) In normal conditions the surface water discharges into an existing surface drain via a new north south drain within the grounds of Aspatria Rugby Union Club. This crosses between the main and training pitches. Sport England have advised that this alignment would compromise the use of the area for rugby union activity; it appears to sit within the safe run off areas of a rugby pitch. Officers note that there appears to be clear ground between the pitches and the alignment of this drain. It is also noted that the Rugby Club are not objecting to the proposal. Officers consider that further clarity to Sport England will result in the objection not being sustained but, in the meantime, the recommendation to members is to delegate the granting of permission to

officers subject to this and the other Sport England raised issues being resolved.

- 12.46 Foul water from the development site is proposed to discharge at 2.99 litres/second into an existing public combined water sewer which is located to the South of the proposed development in accordance with the Pre-Development Enquiry Response from United Utilities (UU). The drainage arrangements are deemed in accordance with Policy S29 of the Local Plan Part 1.

### **Contamination and Land Stability**

- 12.47 Intrusive investigations have been undertaken on the land, there are no indications that the land is unsuitable for residential development. Matters relating to contamination can be secured by planning condition. Although small water features and a well and pump have been recorded both on and off site which have subsequently been infilled, there is considered to be a negligible risk to the proposed development from ground gas.

### **Broadband**

- 12.48 Policy SA33 of the Part 2 Local Plan advises that proposals for commercial development and for new residential development of 2 or more dwellings must demonstrate how they have liaised with broadband infrastructure providers, who will install the necessary broadband infrastructure during the construction process in order to achieve superfast (as defined by Government standards) fibre broadband connectivity. This can be secured by condition.

### **Heritage**

- 12.49 Policy S27 is relevant.
- 12.50 The setting of the grade II\* listed St Kentigern's and other nearby Grade II listed structures will not be affected as views from the receptors towards the development site will be largely screened by intervening buildings. Heritage is not a material consideration, the setting of these buildings is preserved.
- 12.51 As identified by the site issues discussion in the Local Plan Part 2, consideration has been given to the archaeological potential of the site. The planning application is accompanied by a desk based assessment (DBA) in this regard. The DBA considers that the area would have been unsuitable for settlement given its sloped nature in particular. Mapping does not reveal any development within the development area and the study area is considered to be archaeologically sterile, that said further archaeological investigations can be secured by planning condition.

### **Ecology**

- 12.52 Policy S35 is applicable. There is no red squirrel habitat on the site and no evidence of badger activity. As the field is surrounded by housing to the north and by the Rugby Club pitches to the south the field is largely cut off from the

countryside to the south and it is unlikely to be regularly used by brown hare or barn owl.

- 12.53 No trees of any significance require removal for construction of the proposed dwellings. The design and layout of the dwellings has considered all arboricultural issues and will permit the construction to proceed without conflict with retained trees.

### **Benefits**

- 12.54 The applicant has set out the following benefits. The figures have not been verified by officers but, nonetheless, substantial weight is given to the economic and housing supply benefits arising from this proposal.
- a) £5.5m Spent on labour, goods and services in constructing the new homes;
  - b) 133 Sustained or created “indirect” jobs in the supply chain and wider community;
  - c) 68 Sustained or created “direct” jobs;

### **Financial considerations**

- 12.55 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

## **13.0 Balance and conclusions**

- 13.1 The proposal has been considered against the provisions of the development plan in the first instance. There are no material considerations which suggest that a decision should be made contrary to the Plan (parts 1 and 2 of the Allerdale Local Plan).
- 13.2 The site is inside of the Part 2 settlement limits in a sustainable location and is an allocated site under policy SA15. The residential use is compatible with the prevailing residential uses and at a density commensurate with this edge of settlement location and with plot ratios and densities that echo those prevailing in residential estates within Aspatia. The proposed dwellings are considered appropriate in terms of design and massing and will assimilate into this setting with low harm. With the securing of conditions, the access and drainage arrangements are acceptable.
- 13.3 There are minor matters of discordance with elements of development plan policy, specifically the lack of M4(3) compliant housing (conflict with policy Sa5 of Part 2 of the Local Plan). There are also some matters outstanding following the objection by Sport England. Nevertheless, given the substantial benefits arising from the proposal, the fact that it is an allocated site and the outstanding matters are relatively minor, officers consider that it is appropriate to bring the application before members with the positive recommendation detail below. Overall, this is a sustainable, development plan compliant proposal.

## **RECOMMENDATION**

**Delegate the granting of permission subject to the conditions detailed in annex 1 (and any required in response to matters 1 to 4 below) to the Planning and Building Control Manager or Head of Service upon:-**

- 1. The completion and signing of a s106 agreement securing 6 Affordable housing units – (3 units for rent and 3x unit for low cost home ownership).**
- 2. The resolution of outstanding issue raised by Sport England and Network Rail pertaining to the off-site surface water drainage system.**
- 3. The resolution of the outstanding issue raised by Sport England of ball strike arising from the use of Aspatria Rugby Club's training pitch.**
- 4. The resolution of the outstanding issue raised by Sport England in relation to floodlight glare.**

## 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. Notwithstanding the provisions of condition 6, with the exception of the external areas of plot 52, the development hereby permitted shall be carried out solely in accordance with the following plans:

1935-PL100 Location Plan  
1935-PL210 Rev G Site Layout as proposed 28.5.21  
1935-PL211  
1935-PL212 Boundaries, Enclosures & Facades  
1935-PL410 Rev A Site Section A-A & B-B as Proposed  
1935-PL411 Site Section C-C as Proposed  
WWSRAS – 01 Landscape Plan  
19198 D001 Rev 2 Proposed Engineering Plan 28.4.21  
19198 D200 Rev 2 MANHOLE\_SCHEDULE-REV1 28.4.21  
19198 D201 REV 2 FLOOD ROUTING PLAN 28.4.21  
19198 D100 Rev1 Proposed Levels Plan 28.4.21  
19198 D200 Rev 2 Adoptable manhole schedule 28.4.21  
19198 D201 Rev 2 Flood Routing Plan 28.4.21  
19198 D202 Rev 2 Drainage Areas Plan 28.4.21  
19198 D203 Rev 2 Basin details 28.4.21  
19198 D204 Rev 2 Proposed Drainage Plan 28.4.21  
19198 D205 Rev 1 Private Manhole Schedule 28.4.21  
19198 D300 Rev 2 PROPOSED ROAD LONGSECTIONS SHEET 1 28.4.21  
19198 D301 Rev 2 PROPOSED ROAD LONGSECTIONS SHEET 2 28.4.21  
19198 D302 Rev 1 Proposed Drainage Long sections 28.4.21  
19198 D400 Rev 1 Plot and Fence Setting Out 28.4.21  
19198 D500 Rev 2 Kerbs and Surfacing Plan 28.4.21  
19198 D600 Rev 2 Direct Cut and Fill Comparison plan 28.4.21  
19198 D700 Rev 1 Drainage details 28.4.21  
19198 D701 Rev 1 Drainage details 28.4.21  
19198 D702 Rev1 Hydrobrake detail SW10FC 28.4.21  
19198 D800 Rev 1 Section 104 28.4.21  
19198 D801 Rev 1 Section 38 28.4.21  
19198 D802 Rev 1 Section 104 28.4.21  
CCE-20002 01 P3 Proposed Engineering Layout  
20002 12 P1 Detention Basin Section  
Letter dated 23 March 2021 from agent

**Affordable Housing Statement**  
**Photo of Georock Retaining wall 24.3.21**  
**SHE-0192-1850-1000-1850 Hydro brake details**  
**Construction Management Plan**  
**Phase 1 Desktop Study**  
**Phase 2 Ground Investigation report**  
**201 Render variant**  
**301 Render variant**  
**360 Render variant**  
**435 Render variant**  
**454 Render variant**  
**FRA Drainage**

House types:

**201 Floor Plans**  
**250 Elevations 13/250 -8 Rev B**  
**250 Floorplans**  
**254 House Type 254 0763-254-01 – Planning Layout**  
**301 Floor plans**  
**301 AG – 8 Rural 13 ELEVATIONS**  
**314 – Rural**  
**350 Floor plans**  
**350 Elevations Rural**  
**353 Elevations Rural**  
**353 Floor Plans**  
**360 Elevations (Rural)**  
**360 Floor Plans**  
**435 – Floor plans**  
**435- Rural ELEVATIONS**

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. Notwithstanding the requirements of condition 6 all hard and soft landscaping works other than for plot 52 shall be carried out in accordance with the approved Landscape Plan DWG WWSRAS – 01 Landscape Plan within the first planting season following the occupation of the dwelling house(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.

4. **The development shall be carried out in accordance with the Construction Management Plan – Land adjacent Aspatria RUFC, Station Rd, Aspatria September 2020.**

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.

5. **The construction compound , including vehicular access thereto as detailed in the Construction Management Plan September 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. The condition is necessary to accord with policy S22 of the Allerdale Local Plan Part 1, 2014.

#### **Pre-commencement conditions:**

6. **No development shall commence within plot 52 as annotated on drawing 1935-PL210 Rev G Site Layout as proposed 28.5.21, until revised details of the external proposed ground levels across this plot have been submitted to and approved in writing by the local planning authority. The grounds levels shall be implemented and retained in perpetuity in accordance with the approved details unless granted by a subsequent planning permission following application to the local planning authority.**

Reason; The ground levels as proposed have a potential to irrevocably damage and/or sever roots within the root protection area of a retained tree. The loss of the tree would be harmful to the landscape value and biodiversity and the condition is required to accord with policies S33 and S35 of the Allerdale Local Plan Part 1 2014.

7. **The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No development shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.**

Reason: To ensure a minimum standard of construction in the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 8. The development shall not commence until visibility splays providing clear visibility of 43 metres 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: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 9. No development shall commence until, in line with the recommendations of the Phase 2 Ground Investigation report, intrusive site investigation works have been undertaken to establish the exact ground conditions to the north west part of the site and the findings of those works reported to the local planning authority.**

Reason: To minimise any risk during or post construction works arising from any possible contamination or stability concerns 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.

- 10. Should land affected by contamination or stability issues be identified following site investigations required under condition 9 which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing 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.**

Reason: To minimise any risk during or post construction works arising from any possible contamination or stability concerns 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.

- 11. Should a remediation scheme be required under condition 10, the approved 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 concerns 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

- 12. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated September 2020 proposing surface water discharging to the existing surface water sewer, following attenuation through an attenuation basin.**

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.

- 13. Prior to development commencing details of the maintenance and management of the surface water scheme shall be submitted to the Local planning Authority for approval. The surface water drainage arrangements shall be implemented prior to first occupation of the dwelling house(s) and maintained in accordance with approved details thereafter.**

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

- 14. No development shall commence until details of all tree protection measures for trees T7-T12 (inclusive), T15-T21 (inclusive), C1, G1, G2 and B2 as all annotated on drawing 1935-PL210 Rev G have been submitted to and approved in writing by the local planning authority. The said measures shall include protection fencing around the root protection areas and shall remain in place for the lifetime of the construction phase of the development or the occupancy of the dwellings within which the root protection areas fall.**

Reason: To secure the retention of the trees in the interests of biodiversity and the balance between the natural and built environment and to accord with policies S33 and S35 of the Allerdale Local Plan Part 1 2014.

## **Pre-first occupancy conditions**

- 15. 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.

- 16. Details of a proposed pedestrian crossing over the B5301 shall be submitted to the Local Planning Authority for approval. The dwelling hereby approved shall be first occupied until the details have been approved and the crossing has been constructed in accordance with said details. The crossing shall thereafter be retained.**

Reason: To ensure a suitable standard of crossing for pedestrian safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014. The crossing is required to enable pedestrians from the development to access the footway on the other side of Station Road (there is no room on the development side to construct a new footway).

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

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 18. 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.

- 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).

- 20. The dwellings annotated as plots 14, 19, 23 and 24 on drawing 1935-PL210 Rev G shall not be occupied until alternative ventilation details have been completed the details of which have been previously submitted to and agreed in writing by the local planning authority. The said ventilation shall be retained throughout the lifetime of these homes.**

Reason: Alternative ventilation is considered necessary to help mitigate intermittent noise from the adjacent rugby pitch and associated events such as the annual music festival in the interests of residential amenity and to accord with policy S32 of the Allerdale Local Plan Part 1 2014.

### **Advisory Note**

Any works within the Highway must be agreed with the Highway Authority. No works and/ or any person performing works on any part of the Highway, including verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquiries should be made to Cumbria County Councils Street works team.

