

Allerdale Borough Council

**Planning Application
Development Panel Report**

Reference Number: FUL/2021/0070 – (previously OUT/2020/0004)

Valid Date: 18/02/2020

Location: Land at Derwent Forest, Broughton Moor, Great Broughton, Cumbria

Applicant: Mr N Catterson, Derwent Forest Development Consortium Ltd

Proposal: Detailed consent for 71 residential units (access, scale, layout, appearance, landscaping)

RECOMMENDATION

GRANT subject to No Objections from Natural England to an Assessment under the habitats regulations and s106 legal agreement to secure:

- (i) Provision - 20% local affordable home ownership (14 dwellings) as shown on the Affordable Housing Plan A2A.19.867_923 Rev A.**
- (ii) Type -The following affordable home ownership properties are provided: 6 nos. 1 bedroom apartments provided as affordable housing for over 55, with the remaining 8 nos. being family housing comprising : 6x type D (1-bedroom apts); 1x house type B (5-bedroom); 2x house type A (3-bedroom); 5x house type E (3-bedroom).**
- (iii) Tenure - The affordable housing should be 100% low cost (discounted sale). Officers suggested this preference due to the rural location of the site. DFDC have accepted the proposed position.**
- (iv) Extension of the C2C link across the site for multi user purposes- Details (including its future management) shall be approved prior to commencement of works. The C2C corridor shall be safeguarded until remediation of Phase 1 of the C2C route is complete; Completion of phase 1 of the C2C route shall be delivered prior to occupation of the first house and shall be used for or be kept available for these purposes at all times following its completion; The Phase 2 link to the C2C to/from the estate, shall be complete prior to the occupation of the 15th dwelling. (The applicant has confirmed that he seeks this route to be multiuser including horse riders)**
- (v) Prior to the commencement of works, a remediation scheme shall be submitted to and approved by the local planning authority. The proposal shall include details of : the clean-up, remediation and enclosure of the**

extended C2C route and the demolition ,removal and remediation of MAG63 and MAG 64 prior to the occupation of the first dwellinghouse, the clean-up remediation and enclosure of the route of the C2C link to the estate prior to the occupation of the fifteenth dwelling and the programme for the demolition , removal and remediation of land of all the former MoD buildings/structures south of the extended C2C corridor route prior to the occupation of the fiftieth dwelling or 30th month from the decision(whichever is the sooner of the two) This shall include the satisfactory removal of any asbestos materials , plus any supplementary pre demolition ecology surveys of the sheds to be demolished.

- (vi) The submission of a commuted Education sum contribution of: £250,000 (10% prior to commencement and 90% upon the completion of the 15th dwelling) towards improving education facilities at Broughton Academy; £71,250 transport contribution towards costs for pupils at Netherhall Academy, Maryport; and £6,888 towards administration for the school transport provision.
- (vii) Public open space - Prior to development commencing, POS management details shall be submitted and agreed, in order to deliver and secure a management plan for 5.6ha of both formal and informal space including the provision of a children’s play area.
- (viii) Should the section 106 not be completed within 6 months, the proposal be delegated to the Head of Service, for refusal on the basis that those measures necessary to make the development acceptable in policy terms have not been secured through the necessary legal agreement.

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The scheme as amended is acceptable in accordance with the objectives of Policy S18 of ALLP1. The proposal will deliver beneficial local connectivity and restoration measures, proportionate to the scale of the development proposed.
Layout and scale	As amended, the major development proposed seeks to reflect the house style concepts of the original development and be sympathetic with its open countryside setting. The nearest property is approx. 260m distance from the site. A Construction Environment Management Plan (CEMP) has been submitted for the development

Highways	<p>The layout and access details as amended meet the requirements of the County highway authority. In order to improve connectivity, the scheme incorporates the extension of the existing C2C route which lies to the west of the site, across the site to the Broughton Moor/ Gt Broughton highway as well as the estate itself.</p> <p>The issue of the C2C extension has been confirmed by the applicant as to be Multiuser i.e. available for additional use by horse riders.</p> <p>The applicant has provided details for the Construction Traffic Management Plan.</p>
Education	<p>The securing of the enhanced education infrastructure/ transport services has been assessed with the County Education department.</p> <p>The scheme was amended to deliver all primary/ junior education contributions to the academy at Gt Broughton (£250,000) as unlike Broughton Moor there is already the bulk of an existing pedestrian footway link to this settlement, which would be completed as part of the development.</p> <p>In terms of secondary school education contributions, the County agreed to amend their recommendation to deliver the secondary education element to Maryport rather than Cockermouth School as it is nearer and has spare capacity, however would be subject to the provision of a (£71,250) contribution for transport.</p> <p>The applicant has provided a timetable for the submissions of these sums which has been accepted by the County.</p>
Contamination	<p>The bespoke Policy S18 of ALPP1 relating to this specific Derwent Forest site seeks a form of enabling development (e.g. residential) to facilitate the clean-up of the site. Policy S30 also endorses the remediation of existing contaminated land/buildings. There has been detailed examination of the historical legacy of the</p>

	site and its operations, to establish the extent of this constraint. The proposal includes the removal and restoration of the southern section of the former munition site, with the relocation of the existing perimeter fence alongside the revised route of the C2C.
Affordable housing	The proposed scheme as amended will deliver 20% local affordable home ownership housing quota (14 dwellings) required under the provisions of Policy SA3 of ALLP2 to be secured under the S106.
Drainage	The foul and surface water drainage details are acceptable in compliance with policy S29 of ALPP1
Ecology	<p>Policy S35 refers to ecology/ biodiversity. The application is supported by detailed ecological surveys. Subject to mitigation being secured these details are safeguarded.</p> <p>A habitat regulation assessment (HRA) for the proposed works has been received.</p>

2. Proposal

- 2.1. Members may recollect this application was considered by the Development panel at their last meeting on 15th February. Members resolved, following a site visit, to defer the application to obtain further details re: the conditioned Construction Traffic Management plan (CTMP) and Construction Environmental management Plan CEMP) and the outstanding Habitat Regulation Assessment (HRA). Clarity was also required on the status and nature of the proposed extended C2C highway route and whether in response to the late objections from the horse-riding community it was multiuser i.e. was it available for use as a bridleway for horse riders.
- 2.2 The applicant seeks detailed consent for an estate of 71 dwellinghouses located on an existing agricultural field within the former RNAD site sited between the settlements of Broughton Moor and Great Broughton.
- 2.2. The application under its EIA status is supported by additional supporting documents: Archaeology, contamination, drainage, landscape, ecology, housing, tree surveys, traffic and transport and a statement of community involvement. (The applicant has since set up a community engagement group to inform of the progress of the proposal).

2.3. The Plans for consideration are:-

- Location Plan: A2A.867_901 rev H
- *C2C Location Plan: A2.19.867_002 rev A
- Site Layout: A2A.19.867_902 rev H
- *Site Layout – Roof Plan: A2A.19.867_921 rev C
- Layout Plan: A2A.19.867_903 rev E
- Construction Traffic Routing (22/11/21)
- C2C Cycle Route & Public Access, June 2021
- *House Type A Plans: A2A.19.867_300 rev B*
- *House Type A Elevations: A2A.19.867_301 rev B*
- *House Type A Material Study: A2A.19.867_1000 rev A
- *House Type B Plans: A2A.19.867_302 rev B
- **House Type B Elevations: A2A.19.867_303 rev B*
- *House Type B Material Study: A2A.19.867_1001 rev A
- *House Type C Plans: A2A.19.867_304 rev A*
- *House Type C Elevations: A2A.19.867_305 rev A*
- *House Type C Material Study: A2A.19.867_1002 rev A
- *House Type D Plans: A2A.19.867_307 rev A*
- *House Type D Elevations: A2A.19.867_306 rev A*
- *House Type D Material Study: A2A.19.867_1003 rev A
- *House Type E Plans: A2A.19.867_308 rev A*
- *House Type E Elevations: A2A.19.867_309 rev A*
- *House Type E Material Study: A2A.19.867_1004 rev A
- *Interface Distances: A2A_19.867_922 rev A
- Derwent Forest Strategic Masterplan Framework (November 2020), prepared by A2A
- Statement of Community Involvement (Feb 2021), prepared by Tetra Tech
- Road Safety Audit (26th March 2021), prepared by Tetra Tech
- Archaeological Works Written Scheme of Investigation, prepared by NAA
- Design and Access Statement, prepared by A2A
- Environmental Statement (Feb 2020), prepared by WYG
- Ecological Baseline Report Extended Phase 1 Habitat Survey (Nov 2019), prepared by ITP Energised
- Preliminary Roost Assessment and Barn Owl Survey (Dec 2019), prepared by ITP Energised
- Great Crested Newt Presence/Absence Survey Report (Feb 2020), prepared by ITP Energised
- Badger Survey report (Dec 2019), prepared by ITP Energised
- Water Vole Survey Report (Nov, 2019), prepared by ITP Energised
- Geo-Environmental Desk Top Study & Preliminary Coal Mining Risk Assessment (January 2020), prepared by WYG
- Geo-Environmental Memorandum (June 2020), prepared by WYG

- Floor Risk and Drainage Assessment (January 2020), prepared by WYG
- Indicative Drainage Arrangement: A115081-SK003 P1
- • C2C Cycle Route and Public Access document (June 2021), prepared by A2A
- Derwent Forest Application Comments (June 2021), prepared by A2A
Affordable Housing A2A 19.867 923 Rev A
Interface Distances Rev B A2A.19.922 Rev B
Tree and Woodland survey by Westwood landscapes
Tree constraints plan by Westwood landscapes
Construction Environmental management Plan 25/02/22
E-mail dated 25/02/22 re multiuser use of extended C2C route.

- 2.4. In addition to these plans the applicant also provided an overarching masterplan document for the whole of the depot site. This was to demonstrate the long term visions for the wider site encompassing a variety of differing landuses, within the context of Policy S18 and demonstrate how the concept of the current proposed phase interrelates with other long term future ambitions.
- 2.5. The proposal was the subject of a public consultation event at Broughton Moor in January 2020.

3. Site

- 3.1. The application site comprises of a large agricultural field set within the perimeter fence of the former Broughton Moor Royal Navy Armaments Depot RNAD site. This overall site is approx. 425ha comprising of 132 structures and a railway link serving a network of smaller interconnecting lines within the site. The site represents the largest brownfield development opportunity in the North West of England. Previously owned by the ministry of defence, it was last used in 1992. The sites and its array of scattered buildings and structures is fenced off and (with the exception of the initial phase under construction is not accessible to the public).
- 3.2. The site represents approx. a 10 ha area of open agricultural land, currently used for grazing, and is sited on the eastern edge of the Depot site, adjacent to the connecting C2007 highway from Great Broughton to Broughton Moor. It is located approx.0.67 km north west of Broughton (Great and Little) and 1.3km south east of the Broughton Moor settlement boundary.
- 3.3. The nearest individual residential property is Stockmoor Hall, which is sited approx. 260m to the north of the site.
- 3.4. The site is predominantly on a shallow northwards facing slope with a dividing ridgeline between the proposed site and the neighbouring smaller self-build development sited to the south of the site.
- 3.5. Its largely open and exposed in character and inter-dispersed by hedgerows with a beck traversing along the northern perimeter of the site. There is a narrow belt of trees situated in the narrow strip of land forming the highway verge. The immediate surrounding land within the site is also of a similar landscape

character with the bulk of the sites many buildings and structures (including a large spoil mound) concentrated within the woodland areas to the west or the open agricultural fields within the boundaries of RNAD site to the south.

- 3.6. The site is historically linked by a rail link to the main railway network and this feature including embankments cuttings and bridges remain in situ within a central east-west alignment across the site. Most of this disused line route outside the RNAD is adapted for recreational use as part of the national C2C cycle corridor. Given this site is not accessible the C2C route is presently diverted east of Camerton village southwards towards the Camerton - Gt Broughton highway.

4. Relevant Planning History

- 4.1. The site itself has not been the subject of any previous applications.
- 4.2. Historically the RNAD site was used for small scale coal mining and a brickworks which was upgraded with Buckhill colliery in the 19th century and closed in 1932. A smallpox hospital was also sited in the north western area of the wider site. Its primary use commenced in 1938 when it was purchased by the Royal navy for use as a naval arms depot, which in 1944 expanded its use from storage to maintenance, repair, inspection and disposal of munitions. This use ceased in 1963 when leased to West Germany for the storage of mines, followed by the United States in 1977, for arms storage, being utilised by NATO from 1981-1991. A full explosive ordinance disposal search of the site was undertaken for its decommissioning, removing all explosive materials from the site. The site has remained vacant since its closure in 1992.
- 4.3. A smaller initial housing estate of 25 dwellinghouses acting as a catalyst for the future programme of works on the wider site under Policy S18 was granted outline consent under 2/2014/0858 and the subsequent reserved matters 2/2017/0319. It has a separate independent vehicular access onto the Great Broughton-Broughton Moor (Moor Rd) highway. The approved self-build scheme under 2/2004/0858, is extant and adopted a design code to endeavour to retain an element of uniformity in its appearance. The site has since been the subject of numerous variation/ full applications for alternative house types. This site is therefore presently a construction site to a large number of separate individual housing projects.
- 4.4. The council has a separate pending detailed planning application FUL/2020/0047 for a visitor centre on the opposite western outskirts of the depot site, which is served by a separate access corridor. There may be future potential to interconnect the two individual developments through the proposed extension to the C2C which traverses in proximity to the proposed museum site.

5. Representations

5.1. Broughton Parish Council

3/12/20 - Question the applicant's submitted traffic movement evidence.

8/4/20 - Object on the grounds of: Access from the A66 is already dangerous and overburdened with a hazard to pedestrians and road users. Contest the traffic grounds will primarily use the Seaton route is unfounded and unrealistic with most movements via Broughton which has a narrow bridge, narrow roads and it passes a school, no proven need for houses, cumulative development to the existing 25 units with future additional phases

Proposal seen in isolation rather than as a scheme for the whole site, eco-friendly village concept lost, seek a wider mix of housing, poor access to the site (blackspot), existing parking congestion, traffic hazards in the village, existing outline consent for 160 mobile homes at Soddy gap with cumulative impacts, wider impacts on infrastructure (schools, doctors, public transport etc., no housing need with unsold new builds in the area, impact on local schools intake, excessive volume of traffic through the village.

26/03/21 - Object on grounds: Hazardous access onto Moor Rd with fast traffic bends and dips. Traffic also likely to traverse through Broughton, passing the school (seek modifications to make it safer), further measures required to make safe pedestrian access to Gt. Broughton as it is in poor condition, overgrown and in parts unusable and should be illuminated, seek condition to reflect a mix of housing stock to provide accessibility and meet housing needs - no social allocation, need for facilities on site for public transport, with the need of a transport and construction management plan, no identified play area, seek a renewable energy and sustainability statement prior to any decision, to ensure a green ethos/climate action plan, additional wildlife surveys required to monitor flora/fauna post development, impact on local infrastructure school/ health provision and lack of community cohesion at this isolated site with no connections.

9/7/21 - The Masterplan recently been launched by the DFDC appears to be almost identical to the one that was prepared in 1992/1993, and includes the C2C bike route. (The Parish Council referring to the original master plan highlight the sense of community frustration and mistrust around the sites proposals, which have been the same for 30 years but with different words and it appears little has changed in the past 3 decades in terms of community concerns.)

- The access to the site remains incredibly poor, and will be significantly detrimental to local communities.
- The mix of houses is not right given the recent build and those in the villages of Great & Little Broughton and Broughton moor. The Local Community challenge the promise of 'one beds' will be reneged upon via a later application to vary planning conditions, which appears to be a pattern of larger scale developers. i.e the proposed 1 bedroom units is just a 'nod' to social housing that will never materialise.

- Significant local concerns remain about the eco-housing proposals. The Parish Council and local community understood that the first round of developments on the site (now in progress) were to be eco-houses but this appears to have been all but forgotten, and the local community feels the same is likely to happen again. The Parish Councillors & the local community are concerned whether this aspiration to be removed by an application to vary planning conditions once approval is in place (these comments are based upon this precept).
- If the aspiration is for the homes on the site to be eco-homes how this will be reflected in the price point of the houses, with eco-homes being more expensive, and how does this fit with local affordable housing? i.e. is the eco-housing solely an 'aspiration' that will help achieve a planning consent, but ultimately will later be removed due to cost issues.
- Seek footpaths/access to the site appear to be part of the earlier development phases of the site, including a significant proportion of these bought forward into 'Phase 1' (via planning conditions) to provide local community benefits.
- The existing plans appear to have a start date that allows for completion within 18 months? Question this timescale/viability of this target given the volume of asbestos and other contaminated/dangerous materials on portions of the site, with lengthy processes for its disposal.
- Seek any planning approval or linked agreements enshrines that 'build' traffic will move INSIDE the site up towards Flimby to ensure this occurs. This avoids delivery and build vehicles taking the 'easy' option of the existing highways, having detrimental effects on the existing community, with the risk of significant road traffic accidents, on highways that are not designed nor have the capacity to cope with this volume of building traffic.
- The development will take many years and that it is likely to be subject to 'creeping' development, with concerns from the community that these public benefits should be given sufficient strength to be delivered in these 'phase 1' applications. E.g. the footpaths to the school. The community consider these should be enshrined under planning conditions at this stage.
- Traffic Concerns - This is one of the fundamental underpinning serious concerns of the Parish of Broughton, relating to vehicle movements (excluding build traffic). With the 'Phase 1' developments being approved, there will be 23 self-build units worth of cars (realistically at least 2 per household) so 46, and then 71 further houses (again realistically 2 cars per household) so 142 vehicles, trying to use the existing highways infrastructure through Great Broughton & Little Broughton. This highway infrastructure doesn't cope with its existing vehicular load, and the Parish Council have

been making representations to Cumbria County Council for well over a decade regarding concerns about these roads (volume of traffic, speed of traffic, size of traffic, lack of pedestrian infrastructure etc). At a conservative estimate your two current developments add 188 additional vehicles to the already groaning infrastructure, if that is one movement in and out a day that is an additional 376 vehicle movements per day. This may not 'trigger' the CCC Highways Authority to make comment on the additional traffic movements, but CCC Highways have confirmed that they are subject to national guidance on vehicle movements, which are generally not appropriate for smaller rural/semi-rural parishes as to trigger the thresholds you are looking at massive additional vehicle movements. However this does NOT mean that 376 additional vehicle movements per day is not a massive thing for the local community. They consider CCC Highways are restricted in what they can which make the community and Parish Council feedback on this issue even more important.

The Parish Council and local community feel it is very important to be as open and honest as possible to try and ensure that the development of the Derwent Forest site, becomes something that locally people are proud of and feel they can interact with, and that it doesn't just become another burden round the local community's neck.

However their most recent response 19/01/22 states:

In response to a response from the clerk Derwent Forest Development Corporation have confirmed that the changes are:

- Footpath routes through the site have been clarified;
- Side windows have been deleted to avoid overlooking;
- Minor changes to landscape layout;
- 20% affordable housing re-confirmed;
- Site remediation phasing re-confirmed;
- C2C cycleway route and land reservation re-confirmed;
- Scope of education contributions confirmed via S.106.
- The proposed draft heads of terms now states £250,000 towards improving education facilities at Broughton Academy Contribution towards transport measures to Netherhall Academy (figures to be calculated by CCC) and £6,688 towards set up and administration fee for the school transport provision.

- The parish resolved that being part of the Community Engagement Group appears to have been beneficial with some of the community suggestions being enshrined into the amendments, and the local community thank the developers for this. Broughton Parish Council would like it noted that they are putting significant trust in both the developer and Allerdale Borough Council as the planning authority to ensure that all of the above, the planning detail, and the Construction Management Plan is fully complied with.

Broughton Moor Parish

23/03/21 - This council is concerned that:

- The plans as currently presented do not deliver on the original design for green, sustainable, self-sufficient, carbon neutral homes but, rather, use standard building materials, mains waste-water systems and mains electricity etc. This council would wish to see more evidence of the original vision for the site reflected in the plans.
- This major development within the parish of Broughton Moor sees no benefit to the existing village community and this council would ask the panel to ascertain from the developer whether they intend to do anything to directly assist the village, in return for the considerable disruption to village life both during and after construction.

Later consultation response expressed their former concerns on the impact of traffic. Consider the layout details do not comply with current design standards

20/08/21 - The Parish Council objects to this application on a number of grounds, including:

- The view that the existing infrastructure cannot support an application of this size, especially with regard to roads, sewage and waste water disposal, school places and general amenities in the area.
- The previous plots on the Derwent Forest site have not adhered to the original vision for the development to be self-sufficient in terms of energy production, waste management and the use of renewable building materials, changing from the original vision to now being just another housing development for profit. This was not felt to be a suitable development for the area and its nearby communities.
- Concern for wildlife, especially bats, owls and rare orchids,
- Concern for the removal of old asbestos on site with assurances that asbestos particles would not become airborne.

- The Derwent Forest site had not brought any benefit to the village of Broughton Moor and it was hoped that the developers would have a conversation with the Parish Council in this regard.

Seaton Parish

19/03/21 - Object concerns as previously reported with concerns on traffic on Seaton main roads.

20/7/21 - Object concerns at the development of dwellings on a site which still has asbestos present and at the impact of additional traffic travelling through Seaton from residents at the site.

4/01/22 - No objections

CCC Highway Authority/ LLFA

- 5.2. Proposed access is acceptable. Seek an upgraded shared footway cycleway, plus the need of bus stops on both sides of the carriageway. Need of a road safety audit. Seek a range of highway planning conditions. In response to the re-consultation on the full application details they seek the repeat of the outline conditions.
- 5.3. In assessing the comments concerning the conversion of the cycleway to bridleway the process is quite extensive. The proposal would create a new route which could be used by the C2C to avoid using the on road section. There are no concerns with the creation of the multiuser route which should be dedicated as highway (which includes its surface treatment) recommended under a condition. It is highlighted whilst there is no means to object to a S25 dedication, since the owner is in agreement, any objections from a reluctant landowner when using S26 in order to force a new route will necessitate deferring to PINS for determination and can result in a claim for compensation from the landowner (HA80 S28). There are certain tests pertaining to S26 that the order must meet and the outcome of any order cannot be guaranteed at any stage of the process until completion. Cumbria County council does not presently entertain HA80 S26 orders when the landowner is not in agreement. This will require appropriate committee approval before proceeding to dedication.
- 5.4. The County highway authority advise the submitted Construction Environment Management Plan is acceptable subject to HGV being restricted as to not pass during school muster times and any detritus materials deposited on the highway should be cleaned up without delay. A more detailed plan should also be provided of the compound.

CCC Lead Local Flood Authority

- 5.5. No objection in principle (which may need reviewing in any full application). Drainage condition recommended. Re-consultation on full application – details acceptable subject to conditions

- 5.6. Noted the submission of photographs and letter from an adjacent resident to the site showing the overland surface water exceedance routes and areas of flooding. The flood risk maps and Indicative Drainage Layout indicate that the houses are outside the 1:1000 flood risk area within the photographs. Reference also to the photographs surface water run-off from the sloping ground to the south of the site, which can be mitigated by incorporating SUDS drainage and surface water management measures in the full detailed design stage.

Rights of Way Officer

- 5.7. No recorded rights of way in the vicinity of the site.

MoD

- 5.8. No safeguarding options

Electricity North West

- 5.9. The proposal may have an impact of their infrastructure. The development should not encroach on these assets of their easements. Any diversion would be at the expense of the applicant

Environmental Protection

- 5.10. No objections subject to planning conditions re Construction Management Plan and assessment of any contamination.
- 5.11. They verbally advise that the details of the applicant's submitted Construction Environmental management Plan are acceptable.

Natural England

- 5.12. There is a hydrological link, via Flamiggs Gill North, between the proposed development site and the River Derwent (designated as the River Derwent & Tributaries SSSI and the River Derwent & Bassenthwaite Lake SAC) which lies 2km to the south west. Despite this distance the following potential impacts need to be considered due to this hydrological connection:
- The potential for sediment or other polluting run-off to enter the river - both during the construction period and the permanent phase. This includes earthworks/excavation and storage/use of machinery, materials and fuels and any de-culverting of Flamiggs Gill North.
 - Any discharge leading to a deterioration in water quality of the river. This includes foul drainage and surface water.
 - Potential for impacts from disturbance of contaminated land.
 - Potential for introduction/ spread of invasive non-native species (biosecurity issues).

To address construction impacts a finalised CEMP must be conditioned and submitted with the Reserved Matters application.

A finalised drainage statement will also be required to ensure the proposed SuDS are still viable as the project progresses and can achieve greenfield run-off rates.

The individual species surveys submitted as Natural England were not assessed but need reviewing under (standing advice). The protected species pre-commencement surveys and mitigation outlined in section 5.8 of the submitted Ecology Chapter should be conditioned. Once permission is granted suitable European Protected Species licenses will be required for bats and great crested newts.

The proposal should demonstrate biodiversity net gain, in line with national policy, including the enhancements in those detailed in 5.5 of the submitted Ecology Chapter.

Additional need for a Habitats Regulations Assessment with regards to the Special Area of Conservation. Notification of Natural England is required if your authority is minded to grant planning permission contrary to the advice above.

- 5.13. The comments of Natural England are awaited on the applicants future Habitat Regulation Assessment submission (to be reported at the panel meeting)

Highway England

- 5.14. No objections

Fire Officer

- 5.15. No objections

West Cumbria bus users

- 5.16. Concern on the piecemeal nature of the development. The existing bus service (Cockermouth-Maryport) is very basic in the number of journeys and is expensive. Seek dialogue with the bus operators to deliver a better served via a commuted sum contribution.

Cumbria Constabulary

- 5.17. Outlines the Ministry of Housing, communities and local government (MHCLG) in pursuing secure by design initiatives (reflected in the NPPF and NPPF) highlighting the importance of safe and secure external environment. Their role is offer advice on features that may be come crime or antisocial behaviour generators (reflected in policy DM14 of ALPP1).
- 5.18. Recommend alterations to various paths in the site to avert accessibility to criminals and defensible spaces, some identified visitor parking areas which lack natural surveillance, some site specific additional defensive landscaping e.g.

hawthorn, widening of gardens to improve security and lighting of some of the car park areas.

CCC Education

- 5.19. Undertaken a pupil yield assessment and identified the nearest schools and their capacities
- 5.20. Initial estimate of 16 primary school places from the development to be split evenly between the two schools at Gt Broughton and Broughton Moor with transport costs for the latter as there is presently not a safe walking route. The initial estimate also had a yield of 12 secondary spaces from the development to be accommodated at Cockermouth academy requiring both education and transport contributions, plus an additional transport set up and admin fee. The initial total education contribution request was £432,398
- 5.21. In this instance based on the further information that has been provided and discussions that have taken place the County Council has no objection to the revised alternative education contributions that are proposed in the Educations Contribution Note and Section 106 Draft Heads of Term. The County Council have confirmed the applicants timetable for the submission of the sums is acceptable.

County Archaeologist

- 5.22. Refers to the applicant's geophysical survey of the site which identifies some anomalies plus the demolition of an existing building on the site which is of local significance. Seek a recording of this feature by means of a planning condition.

United Utilities

- 5.23. Confirm the applicants proposed drainage evidence are acceptable in principle which should be endorsed by planning condition, plus an additional condition for its future management. Reconsultation on the full application – No objections subject to conditions including separate drainage systems.

Housing services

- 5.24. Outlines the local housing survey needs.

Environment Agency

- 5.25. Seek an amended desk study to account for the gas works on site or the c18 mine drain links. Identified leachable contaminants – need of ground investigation, risk assessment and possible source removal.

Coal Authority

- 5.26. Fundamental concern as the site falls within the defined Development High Risk Area with the need to consider coal mining features and hazards, a specific

reference is made on a mine entry and highlights the potential for shallow mine workings. Whilst they consider they would be inappropriate for imposing a condition relating to shallow mine workings, there remains the potential for unrecorded features to be present. The Coal authority therefore initially objected seeking the location of the missing feature (and thus any associated no build zone). Re-consultation response on the revised full application seeks additional evidence but notes the applicants desk top study identified the mine entry and that intrusive investigations should be undertaken which will inform its remediation and treatment.

- 5.27. 14/12/21- updated letter. It concurs with the applicants Geo- Environmental Desk top study (Jan 2020) that a recorded mine entry shaft potentially poses a risk and intrusive site investigations should be undertaken (reserved by condition) prior to the development to establish the exact situation regarding it. On the basis that the intention is to stabilise the shaft they withdraw their objection, subject to these conditions.
- 5.28. The application was advertised on site and in the press. 28 letters of objection were received on the grounds of:
- Roads through Broughton are too narrow and would not cope with extra traffic damage and unsafe amounts of traffic and needs to be assessed cumulatively with existing traffic.
 - Broughton Main Street lacks footpaths(traffic bottleneck-single file), is regularly unsafe and its buildings have been damaged several times by vehicles with vehicles exceeding its 20mph speed limit cars;
 - Need of a roundabout on the A66 as it is a poor junction; black spot with increased traffic at peak times. The improvements to this junction are delayed for a year and future development should not be permitted unless this junction is delivered
 - The principle of the development is inappropriate as the site represents the only easily accessible greenfield areas on the whole site i.e. not brownfield;
 - Proximity to other buildings;
 - Pollution of the watercourse and its wildlife during construction;
 - Overlooking of the nearest property (Stockmoor Hall);
 - Disturbance via increased light and noise pollution;
 - Oppressive and overbearing impact on the nearest dwelling;
 - The scale, design and proximity of the scheme is out of character with the local area.(including its backdrop location to the Lakeland fells);

- Harmful impact on road safety - narrow bridge;
- Construction traffic (the scheme does not include a new bridge);
- Ongoing works would not be temporary;
- The traffic management is mathematically wrong, especially as it solely relates to 71 units;
- The whole development must be viewed in its entirety, demanding a dedicated major route. e.g. A66 as suggested in the Masterplan. This needs to be built prior to any development starting enabling construction traffic to avoid villages and renewable power would enable energy provision as they were occupied. Effects of traffic are stated as being adverse, but the period short term which is unacceptable as the masterplan will take years to complete.
- There should be no construction traffic through Gt Broughton, Little Broughton or Broughton Moor traffic (the access to the Story's estate could be closed off as work is completed resulting in access solely via footpath and bridleways);
- No details on renewable energy;
- Additional employment/ leisure uses at the site will increase traffic;
- The masterplan refers to dedicated factory for producing residential units but no details in the application;
- Amphibian frog crossing on Broughton Moor – Gt Broughton highway during breeding season;
- Creeping housing development (the masterplan) despite its size has brownfield and ecological benefits;
- Dispute the funding from the initial phase to fund the masterplan infrastructure;
- The submitted details show access onto Moor Road rather than the masterplans link to the A66 which would not protect the villages from traffic;
- Details on the houses do not provide for renewable energy solutions to secure zero carbon footprint with solely references to considerations which can be avoided and should be a requirement;
- The site has little public transport links-increasing traffic movements ;
- Increase traffic 100-140 vehicles each day;

- Poor access to the site (commuter “rat run”) with poor visibility and no public footpath;-need of access from A66
- No need for a development of this size - aspirational rather than affordable homes;
- Building on a greenfield site to the detriment of its ecology. Lack of details on eco-homes;
- The existing highway (Church Road) adjacent to their property is currently dangerous with near misses on a daily basis and alterations are essential. An increase in traffic will only increase the risk of accidents;
- A further letter from an objector repeated his objection to the Moor Road access and considers the A66 access ‘option’ carries insufficient weight;
- Repeat objection relating to renewable energy technology; which should be incorporated into the scheme and the masterplan references land to the west being earmarked for energy production, which should be included as a condition of any permission;
- Observation of the 20% social housing which should be maintained and preferably expanded with properties having local occupancy problems to avoid the local housing problems in the national park expanded;
- Photographic evidence of flooding in the application sites field following heavy rain (possibly including old mine working) with the Coal boards comments that the land was unsuitable due to the nature of historic mining;
- The proposal does not reflect the original brief of eco-friendly housing, the use of the brownfield part of the site and its clean up;
- The works have no guarantee on delivering the necessary infrastructure for the overall sites access;
- The development should stay on the same side as the neighbouring new build estate given the size of the wider site, in line with Gt Broughton, and presently the proposal does not form part of either village located in a greenfield/open moorland setting;
- Site has been cherry picked for housing (very little is brownfield) and does not fulfil the promises made for the site;
- The development is out of character of the area and will be visually prominent in its surroundings, contrary to the concept of a “new village”;
- Severe impact on wildlife; recent loss of swans and woodcock, reduction in barn owl population, disturbance to bats and Roe deer, swans;(dated surveys)

- Middle of nowhere location;-no footpath link to Broughton Moor academy
- If the access is not forthcoming it should be returned to Allerdale with a supporting steering group to implement a friendlier and community backed scheme with walks /cycle paths etc. which avoid traffic (including parking/visitor centre/café etc.
- Proposal represents the first phase
- Impact on local school capacity
- Increased car movement due to no shop/church in Broughton Moor
- No invitation to community meetings
- The development should be alongside the existing estate
- Hazards of increase traffic to pedestrians
- Drip fed permissions resulting in poorly placed and inappropriate development
- Old villages have grown to saturation point-need of additional infrastructure to support the traffic
- Need for horse-riding routes-cater for future needs of all groups with roads becoming busier
- Need of signage for horse riders/cyclists
- The use of the proposed link by horse riders would link with other bridleways
- Reference to Sustrans “paths for everyone policy” which avoids discriminating against any user group i.e. open to all non-motorised traffic
- Reference to other multiuser trails on disused railway lines in rural, semi-rural and urban areas including National parks cycle routes –Derbyshire , N.Yorks and Sussex

A further 12 letters of representation whilst not objecting requested the use of the C2C route for horse riders. Two letters also sought its use by horse and cart.

One letter whilst not opposing the development sought confirmation on the means of access for the development.

One additional letter sought clarification on local consultation for the proposal.

Two letters stated no objections subject to a comprehensive plan for future access arrangements.

An additional letter was received from the Cumbria bridleway society. They welcome the railway being opened up for walkers/cyclists to provide a new route for vulnerable road users, but ask this to be opened up to equestrians requesting it be a multiuser route or greenway. Question whether it would be discriminatory between the predominantly female equestrian's users and the predominantly male cyclist users.

A letter was received from Cllr Carni McCarron Holmes stating no objections to the application.

A letter was also received from Cllr Sandwith with local residents referring to the need to ensure all asbestos buildings should be demolished and taken off site prior to any dwellings being given permission, the masterplans 1200-1800 dwellings should be applied for rather than the 71 dwellings, the local infrastructure is inadequate in Broughton Moor, Gt Broughton, Seaton and Camerton to accommodate this level of traffic.

6. Environmental Impact Assessment (EIA)

- 6.1. Acknowledged this proposal represents part of a greater scaled project for the redevelopment of the wider site and therefore constituted EIA development under the Town and Country planning (Environmental Impact Assessment) regulations 2017.
- 6.2. A supporting Environmental Statement (ES) was submitted covering the topics of Archaeology , Air quality and odour, Noise and Vibration, Hydrology , Water and flood risk, Socio-economic, Lighting, Waste, Human health, Accidents and Climate change.

7. Duties

- 7.1. The proposal does not impact of the setting of any listed building or conservation area. Given the potential for significant downstream impacts on a designated Natura 2000 designation (River Derwent SAC) a habitats assessment is required.

8. Development Plan Policies

8.1. Allerdale Local Plan (Part 1) ALPP1

Policy S1	Presumption in favour of sustainable development
Policy S2	Sustainable development principles
Policy S3	Spatial strategy and growth
Policy S4	Design principles
Policy S5	Development principles
Policy S7	A mixed and balanced housing market
Policy S8	Affordable housing
Policy S18	Derwent Forest

Policy S22	Transport principles
Policy S27	Heritage assets
Policy S29	Flood risk and surface water drainage
Policy S30	Reuse of land
Policy S32	Safeguarding amenity
Policy S33	Landscape
Policy S35	Protecting and enhancing biodiversity and geodiversity
Policy DM12	Sustainable construction
Policy DM14	Standards of good design
Policy DM17	Trees, hedgerows and woodland.

8.2. **Allerdale Local Plan (Part 2) ALPP2**

Policy SA2	Settlement limits
Policy SA5	Housing standards
Policy SA33	Broadband

9. **Other material considerations**

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

Allerdale Borough Council Plan 2020-2030

10. **Policy weighting**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

11. **Assessment:**

Principle

- 11.1. The proposed residential development represents the second phase in redeveloping the former RNAD (Derwent Forest) site, which has stood predominantly redundant for many years and will assist in restoring part of a brownfield site back to use.
- 11.2. The initial first outline phase of proposal under 2/2014/0858 for 25 self-build residential units was approved (including a design code) with the prospect that it would enable and facilitate the funding for the wider development of the site. The approved highway infrastructure of this estate is complete and a large number of the plots are under construction with one being complete and occupied.

- 11.3. The role of Derwent Forest in West Cumbria is recognised in a number of key strategies including the Energy Coast Masterplan, Sub Regional Spatial Strategy, Cumbria Tourism Destination plan and Cumbria Economic Plan.
- 11.4. Given the scale, nature and strategic potential of the Derwent Forest site, the ALPP1 includes a standalone exemption policy to guide development over the plan period, recognising the types of acceptable uses and the exceptional nature of the site. i.e. the inclusion of this site is on the basis of it acting as an enabling development to facilitate the restoration of the site to the wider benefit of the local community.
- 11.5. Policy S18 Derwent Forest recognises the need to secure a mix of uses for the project to be viable and to enable the restoration of the site to a suitable level of use. The policy includes residential development “sufficient to achieve the viability of the project and secure the overall restoration of the site”. However the policy does specify objectives seeking that any proposal will:
- “a) Provide a comprehensive masterplan for the site, including phasing, to be submitted as part of any planning application to ensure delivery of a coherent solution for the site and avoid a piecemeal approach;*
 - b) Demonstrate the social, economic and environmental benefits it will bring to the local economy and community;*
 - c) Provide a whole site solution and incorporate significant elements of public access, including the continuation and enhancement of the C2C cycle route through the site;*
 - d) Give consideration to sustainable modes of transport that will form an important part of any transport assessment/plan required to support proposals;*
 - e) Ensure the siting, design and scale of all elements of the proposed scheme are appropriate, and will safeguard and enhance important landscape features, valuable historic assets, existing wildlife species and habitats and demonstrate how the wider landscape context has been taken into account. The proposal will seek to minimise and where appropriate mitigate adverse impacts;*
 - f) Ensure that off-site infrastructure is adequate to accommodate any proposals and that the site is remediated to an acceptable level for the proposed end use.”*
- 11.6. Officers acknowledge that the restoration of the site is one of a long term vision over many years given the sheer size of the overall site.
- 11.7. The merits of the housing aspect of the development are more precise in the context of the supporting para 210 of the ALPP1 which states:
- “In order to enable the development, part of the site has potential to be suitable for new housing. To facilitate the investigation of the scope and potential of the site, and to support the development of a masterplan and appropriate site*

assessments, a limited amount of residential development will be supported as a stand-alone development. Any proposal will have to demonstrate how it will contribute to site investigation and appraisal.”

- 11.8. Paras 212/ 213 ALPP1 acknowledges that given the substantive constraints on the site, the viability of the development may be marginal and therefore a proposal may not necessarily be able to meet policy requirements relating to housing mix and affordable housing. It also recognises the role in co-ordinating any development to a network of habitat and green infrastructure.
- 11.9. In assessing the merits of the proposal, members need to assess whether they consider it fulfils the policy criteria of paras 210-213. The scheme however as initially submitted, lacked any supporting masterplan thus did not initially demonstrate compliance with the local plan policy requirements, which was reflected in Officer concern over piecemeal development not reflecting the wider site development aspirations.
- 11.10. In response, the applicant submitted a masterplan document which outlines a wider broader vision for the development of the whole site which includes an indicative layout of 3 new settlements, other development including commercial leisure development and routes of connectivity (estimating approx. 2000 dwellings) and 4.27 ha employment area subdivided by woodland areas.
- 11.11. Whilst this masterplan fulfils the requirement of the planning policy and does represent a material consideration to the current proposal, future development proposals in line with the master plan would be judged on their individual merits.
- 11.12. Officers acknowledge that future phases and major development may require significant additional levels of investment in infrastructure to facilitate the magnitude of development expected under the provisions of the policy and the wider master plans for the site.
- 11.13. Officers emphasise the planning matters and infra structure requirements of the current scheme should however be proportionate to the requirements of this individual phase and meets the enabling requirements of the policy and is compatible with the master plan expectations for the Derwent Forest site.
- 11.14. Under the criteria of any EIA, evidence is required to assess the merits of the proposal site whilst alternatives sites or ‘do nothing’ options are also considered. The Environmental Statement (ES) advises preliminary discussions were undertaken with stakeholders (including 3 parishes), plus a public consultation event as well as discussions with planning officers. In considering alternative sites, the applicant attaches significant weight to policy S18 and its associated objectives which undermines any alternative “do nothing” option. In terms of the site itself, the residential estate design and layout has been influenced by existing features, topography, landscaping appearance and access.
- 11.15. Whilst officers would not normally support this scale of residential development in a relatively isolated open countryside location, Policy S18 identifies that there

are specific and justified exemption reasons for supporting the proposal, (should members conclude that the proposal and enabling details meet the requirements and ambitions set out in policy S18).

11.16. The physical merits of the proposal may be summarised as follows:

Housing, Layout and Design

11.17. The application was enhanced during the application from an outline to a detailed encompassing all reserved matters: Access, layout, scale, appearance and landscaping.

11.18. The layout comprises mixed dwelling types: 6x1 bed, 38 x 3 bed, 4 x 4 bed and 23 x 5 bed roomed properties. The house types include terraced, semi-detached and detached houses. The houses are all two and three storey buildings and are finished with natural stone/ silver larch timber cladding walls and standing seam roofs, and adopt a similar design concept to that of the original approved matters consent on phase one.

11.19. The housing density is considered acceptable reflecting its rural setting.

11.20. Half obscure glazing has been applied to first floor windows which overlook neighbouring curtilages to safeguard amenity in compliance with Policy S32 (these are secured by conditions). The applicant has also submitted amended plans to re-orientate some houses within their individual plots address the layout (not the subject of consultation as there are no immediate neighbours). The other respective interrelated plans eg affordable layout etc will be amended to collate with these revisions.

11.21. With regard to Policy SA5 Housing Standards ALPP2, for developments of 10 units or more, 20% of the dwellings must be designed and constructed to meet the requirements set out in optional Building Requirement M4(2) (i.e. in this scheme of 71 dwellings a minimum of 14 units) (or any national equivalent standard should these regulations be subsequently reviewed). All residential developments over 30 units must ensure that 5% of the total units (i.e. 3 units) (across both market and affordable dwellings) should be designed and constructed to meet optional Building Requirement M4 (3) ensuring that the dwellings are wheelchair adaptable.

11.22. In both cases, the Council will take a flexible approach to these policy requirements where the applicant can clearly demonstrate that:

- a) It is not practically achievable due to the physical characteristics of the site; or
- b) It would significantly harm the financial viability of the scheme; or
- c) Site specific factors mean that step-free access to the dwelling cannot be achieved. Verification was sought on the compliance of the house types proposed.

11.23. The applicant has confirmed House type B (38 units) is compliant with Building regulations M4 (2) (lifetime homes) thus complying with the 20% threshold

required under Policy SA5 of part 2 of ALPP2. Whilst 2 units in the House type D block are Building Regulation M4 (3) compliant and the applicant has requested these be reserved under condition.

- 11.24. The site is served via a solitary access of the C classified road between Gt Broughton and Broughton Moor which does not benefit any speed restriction.
- 11.25. The site has been purposely physically divorced from phase 1 due its dividing shallow ridge topography, which will be kept as an area of public open space. However there will be connectivity through public footpaths and this phase represents part of one of three main areas of clusters of housing development within the masterplan concept with subsequent future connections as part of the submission.
- 11.26. The Cumbria Constabulary had initial raised concerns on the layout referring to secure by design issues. As a consequence the layout was amended seeking to address these concerns. No follow up response has been received following re-consultation.

Affordable Housing

- 11.27. Policy SA3 of ALPP2 seeks provision of affordable housing with a 20% proportion of the proposed housing, with a 50/50 split in its tenure between low cost and social rent. Given the timescale of the application the recently introduced guidance re first class homes is not applicable to this proposal.
- 11.28. The initial scheme with a viability statement had a smaller percentage of affordable homes than that required under Policy SA3, but this was subsequently amended to meet the required 20% affordable homes and comprises 14 homes for low cost home ownership. It comprises 6 apartments for over 55's with the remaining units being 3 and 4 bed roomed properties. In terms of tenure, in discussions with the councils housing officer the advice was that the scheme should be 100% low cost (affordable home ownership) on the basis of the rural location of the site. They also expressed a preference two bed apartments
- 11.29. On balance given the overall wider benefits of the scheme the housing department accepted the affordable low cost ownership homes proposal (including the alternative submitted 1 bed units) given the potential viability considerations associated with social rent.

Highways

- 11.30. Policy S22 refers to transport principles. The proposal addresses traffic implications of the proposal, with a supporting section of the ES referring to traffic and transport. This document evaluated the existing highway network, collision history (past 3 years), walking and cycling routes including the C2C National Cycling Route (71) which traverses along the southern boundary of the depot site and public transport (nearest stops in Gt Broughton No.68) bus

between Cockermouth and Maryport, which operates 5 services per weekday and 3 on Saturday.

- 11.31. It suggests the site incorporates walkways/ cycling with a footpath connection required on Moor Road.
- 11.32. It considers the effects from construction are minor adverse but the works are short term i.e. only temporary. These can be mitigated by the adoption of a CEMP. In reference to operational use, it accounted for the completion of the approved estate to demonstrate greatest impact. The junctions are not required to be assessed following discussions with the County highway authority. Traffic surveys were undertaken and account taken for the cumulative development with the neighbouring estate under construction. The development was considered to generate 34 trips in the AM peak hour and 30 in the PM peak hour, with 60% to the north and 40% to the south. This resulted in a 12.7% increase in traffic flow in the Am peak hour and average 11.4% in the PM peak hour. The magnitude of change was therefore considered low in terms of: severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety. Moor Road is considered a low sensitivity receptor and the effects of these criteria would be minor adverse. The proposed additional footway would be moderate beneficial.
- 11.33. The report concludes the construction traffic effects would be adverse but relatively short term and temporary. With a CEMP there will be no significant residual effects during construction. Operationally the proposal will generate traffic but the impact is low with no mitigation required with additional benefits from the footpath.
- 11.34. The layout single access and its associated visibility splays are acceptable to the highway authority. Albeit officers questioned the rationale of the traffic assessments, suggestion that traffic will primarily go via the northern Seaton highway network. The highway authority, irrespective of the footpath provisions within Gt Broughton village, consider the scale of development is acceptable, but will require reassessment as part of any future development proposals. The applicant in response to representations on construction traffic amended the scheme to adopt a bespoke construction transport corridor link from the Seaton-Broughton Moor highway. This will assist in reducing heavy traffic movements within the nearest villages during the construction period of the estate.
- 11.35. However fundamentally criteria's c) and d) of Policy S18 emphasises the need of sustainability with the need of good connectivity and communication links not only for the development itself but as part of the wider area enabling benefits of the site for the local communities.
- 11.36. As part of this, the merits of masterplans scheme to extend the existing C2C corridor which presently traverses along the RNAD disused railway line was examined (The line presently diverts from this corridor to link to the Camerton-Gt Broughton riverside highway route). It was considered its extension to the development site with an additional C2C spur to link to the public highway south of the perimeter of Phase 1 of the development would deliver a sustainable

transport mode of connectivity to Workington plus enhance the recreational use of this established national route for local residents.

11.37. Officers therefore consider the inclusion of this additional beneficial enabling piece of transport connectivity infrastructure under the s106 meets the policy requirements of the Policy S18.

11.38. Members at the last meeting sought the details of the recommended Construction Traffic Management Plan condition, which outlined a range of criteria. The reason for this condition is to ensure the works do not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. These details have been combined and submitted as part of the Construction Environmental Management Plan. It advises:

(i) No crossing of verges due to the use of an existing access.

(ii) A plan is provided for the parking, manoeuvring and loading/unloading of vehicles on the site

(iii) Cleaning of roads in accordance with a site management plan, with mechanical road sweeping to a suitable standard to be free of debris with a safe and clean access, albeit this may need to be increased when earthworks or weather conditions permit. Wheel washing facilities will be provided at the site entrance to Seaton Rd

(iv) All vehicles carrying dusty materials will be sheeted and on site speed limits enforced

(v) In reference to vehicle traffic routing the access will be via Seaton Road using a macadam surface until a two way system (plan provided). During construction there will be no crossing of rights of way. As and when necessary a banksman will be provided for large vehicles crossing over the public highway at the entrance on Seaton Rd – no temporary access points are required during construction

(vi) Adoption of the approaches in CIRIA C532 control of waters to manage surface water. Surface water will be managed including measures e.g. silt traps to avoid water run-off and silt gaining access to any watercourse. Silt management will be in place and maintained by the developer to avoid any ingress into the watercourse causing any blockages.

11.39. The highway authority accepts the submitted highway traffic management plan details, subject to verification on the school drop off/collection timescales and clarity on the road clearing details. The outstanding matter of the compound to ensure the provision of parking, turning, loading and unloading details is to be conditioned.

11.40. Officers in the light of the highway authorities comments consider these details which were initially recommended to be conditioned are acceptable. It is

considered the matter relating to potential water pollution e.g. silt traps can be secured through the nature conservation conditions.

- 11.41. Furthermore, during the last panel meeting it was highlighted that a large volume of submitted representations had been submitted from the equestrian community seeking the proposed C2C link extension under the s106 to be multiuser and not confined to pedestrian/cyclist use.
- 11.42. The applicant has confirmed that the extended route to be multiuser including horse riders. Clarification was sought by officers on this matter with the highway authority. Whilst they do not oppose the principle of this concept they have indicated there may potentially be legal issues relating to this depending on land ownership. These are more legal rather than planning considerations.
- 11.43. Officers in judging the merits of the submission, especially in the absence of any highway objection similarly do not oppose the principle of the alternative multiuse of the C2C extended corridor as it assists in meeting the policy drivers and objectives of Policy S18. The details of this route including surfacing can be secured under the s106.

Contamination

- 11.44. Policy S30 specifies the beneficial merits of reusing previously developed land, subject to ensuring sufficient evidence is demonstrated to ensure there are no potential contamination risks. This subject represented the other primary objective on the site due to the historic legacy of the past. The site has a complex layout of buildings and infrastructure deriving from its long historic past which include a range of military buildings and mine entries relating to the operations and activities at the site.
- 11.45. The application is supported by detailed Geo Environmental ground condition report, heritage documentation on the history/ archaeological value of the site and a coal mining report.
- 11.46. Furthermore the Environmental Statement concluded that the receptors of current and adjacent users, secondary Aquifer, adjacent watercourse and existing buildings were medium in their sensitivity with low sensitivity attributed to a secondary aquifer and flora and fauna. Mitigation during construction can be secured via a CEMP.
- 11.47. Moderate significant adverse effects would be experienced during construction by adjacent properties, construction workers and infiltration/ migration of contamination to aquifer/ watercourses, with major significant adverse effects from land stability impacts. These can be mitigated against through working practices, safety equipment/capping of the shaft and stabilisation.
- 11.48. In reference to the operational use, major significant adverse effects could arise from ground /gas vapour, land stability issues, but these can be mitigated by gas monitoring prior to development, stabilisation of the mineshaft. (conditioned).

- 11.49. The Coal Authority report identified one known mineshaft “Rushton “ on the site itself, therefore the coal mining legacy of the site is high, with the risk of collapse of the mine workings or the mineshaft or the migration of gases. To mitigate this there will be more research on in abandonment plans and intrusive mine investigation which may involve stabilisation-grouting of workings/ stabilisation of the shaft. Mitigation measures may also be required to protect buildings from any mine gas. (conditioned)
- 11.50. It is important to note there are no objections from the respective stakeholders to the scheme including: MoD, Coal Authority, Environmental health officer and the Environment Agency.
- 11.51. As part of the s106 obligations objectives to extend the C2C route it was acknowledged that there was a section of the disused lines corridor near a loading platform where the extent of contamination is unknown. The treatment and expense of remediating this section of the route is unknown and may have potential viability issues. Therefore initially the intent to alternatively divert the route on the C2C link along the surfaced internal road within the site which runs parallel with the disused line until this can be established. If no significant levels of contamination are identified the development can route to divert the line back to the route of the railway line.
- 11.52. In addressing the objectives of Policy S18 the applicant has under the s106 volunteered to remove and clear all the redundant depot buildings, (some of which are falling into disrepair and include asbestos in their materials) south of the line of the proposed C2C route. The existing perimeter fence south of this alignment will be removed and reinstated along the northern side of the new cycleway route to safeguard any contaminated land on the remaining section of the site. Albeit acknowledging this possibly may represent one of the lesser contaminated sections of the site and already being used for agriculture, spatially it represents a significant proportion of the site which will be restored and open back to beneficial uses. The scale of these works are considered reasonable and proportional to the proposed development to ensure it remains viable in its details i.e. a larger scale of restoration would potentially make the scheme unviable. The issues relating to the remaining untreated sections of the site could be examined as part of any future application for further development at the wider site under Policy S18, hopefully progressing to the comprehensive restoration of the entire site.
- 11.53. It is therefore considered these details are welcomed as part of the wider community benefits of the development under Policy S18.

Landscaping

- 11.54. Policy S33 seeks to ensure future development is sympathetic with the landscape which is reinforced under criteria e) of Policy S18 which seeks to safeguard its features.

- 11.55. The applications ES includes a detailed Landscape and Visual Impact Assessment. It outlined the key landscape features and characteristics of the site. It identified its location within the sub type 5a Ridge and Valley category and refers to the other surrounding landscape types. The site is located 6.2km from the Lake District National Park designation with the Solway Coast 5km to the north.
- 11.56. A supporting zone of visual impact was also provided to outline the extent of views of the site from its surroundings and 8 viewpoints: Moor Road, Stockmoor Hall, South Terrace, Soddy Gap PROW, West end of Brigham, Greysouthen, Watch Hill (Allerdale Ramble) and Whin Fell.
- 11.57. In terms of landscape character the residual significance and nature of effect were slight and negative (i.e. not significant). This was also applicable to most of the chosen visual receptors with the exception of Stockmoor Hall which would experience moderate and negative impacts (i.e. significant.)
- 11.58. The impact of its operational use (which clearly would be permanent), the residual significance and nature of effects would be significant, moderate and negative on the host landscape character type (5a Ridge and valleys) but not significant for the remainder.
- 11.59. In reference to the visual receptors, significant residual significance and nature of effects (moderate and negative) would be experienced from the viewpoints of Stockmoor Hall, South Terrace and Soddy Gap PROW, with not significant effects from the remainder. Impacts were chosen at a variety of distances to ascertain the future visual impact of the development.
- 11.60. The assessment recommends for mitigation the use of appropriate design and materials and finishes, use of landscaping (to be planted as early as practical) Officers highlight that the site's agricultural fields are largely open and visible to public view from the public corridor traversing along the eastern perimeter of the site. The site retains the trees along the corridor of the highway verge plus the landscape/ historic value of the native boundary hedgerows which enclose the site.
- 11.61. The LVIA emphasises that the main impacts will be at the local level, and that such impacts diminish with the longer viewpoints. The application site is concentrated on the northern slope of the ridge and its wider visual presence is partially diminished by the existing neighbouring residential estate on Phase 1 which is located on the more exposed southern side of the slope.
- 11.62. The mitigation measures have gained greater weight through the enhancement of the original outline application to a full application (thus the details of the dwellings themselves are now for consideration as part of the submission). Officers consider the submitted house types which adopt some design themes from the neighbouring estate are acceptable. The scheme also comprises a blend of existing and proposed landscape; incorporating areas retained as public open space. This is complementary to a large scale woodland scheme. Furthermore, the United Utilities tree fund as part of their recent pipeline

infrastructure development seeks to provide a tree planting scheme to enhance the landscape value of the easterly section of the site and enhance the amenity value of the new cycleway transport corridors.

- 11.63. A supporting tree report was provided with the submission which identified that the trees that have a moderate to low landscape amenity value. There is a group of trees (G4) which contribute to the streetscape of Moor Road which will be retained other than those removed to secure the access visibility site lines.
- 11.64. The sites hedgerows are of moderate value but have not been maintained for many years and should where feasible be retained and enhanced as part of the development.
- 11.65. All trees are low category C quality with a single tree (T7) which should be removed for safety reasons. The development will result in the loss of the G2 group for regrading work. The landscape details are therefore considered acceptable. Details of protection measures for the retained trees RPA (e.g. heavy vehicle movements should be secured).
- 11.66. Overall under the context of the policy S18, given the sites character and features it would be difficult to achieve a means of development which could be comprehensively screened and it is accepted that consequently the appearance of the site will change. Therefore on balance, especially given the wider benefits of the development as a means of enabling development which enhance the bigger site through the removal of the redundant buildings, the merits of the landscaping scheme are acceptable.

Education

- 11.67. The applicant is agreeable in principle to the principle of a commuted sum education contribution to support the local education infrastructure in accommodating the additional demand arising from the proposed development.
- 11.68. The contribution sought by CCC for the education contribution represented a significant sum, which had viability issues for the development. Additional discussions were undertaken with Broughton Academy who challenged the scale of the sum for their establishment. Officers also observed that educational contribution costs were increased at the primary education level by virtue of the additional transport costs to Broughton Moor especially as unlike Gt Broughton there is no footpath link. Officers also challenged the sum requested for Cockermouth School as capacity exists at Maryport Academy which is nearer but would still incur transport costs.
- 11.69. The applicant in response and following negotiation offered an alternative primary education contribution offer of £250k for a new classroom at Broughton Academy enabling the expansion but averting transport costs and the sum of £71,250 for secondary transport costs to Maryport (matching the similar distanced sum required for Cockermouth.). The County have confirmed these details and the timing of their submission are acceptable (with an administration cost) under a s106.

Nature Conservation.

- 11.70. Policy S35 outlines the criteria for biodiversity and nature conservation.
- 11.71. The application is supported by an ecological survey to assess the nature conservation of the site. Whilst the majority of the site has limited value, it was recognised there may be value associated with the watercourse which traverses along the northern perimeter of the site, especially given the recorded protected species elsewhere on the RNAD site including Greater Crested newt colonies which may migrate along the corridor.
- 11.72. The nature conservation report evaluated the impacts concluding no significant impacts on Water vole or badgers and Otter may only use it for commuting up the watercourse. No water vole observed but possible habitat identified. No confirmed loss of Barn owl nests on the site itself as part of the development, but possibly in MAG63 (but recommend precautionary survey prior to any works). Potential bat foraging requires sympathetic treatment of hedgerows and lighting to safeguard these details (i.e the landscaping treatment could enhance habitat)
- 11.73. Supporting bat roost assessment, badger surveys. Presence of bats were identified in the single building to be demolished on the site. The bat survey outlines a range of mitigation measures. Whilst the bat survey did identify other roosting sites these were outside the confines of the current application
- 11.74. The Habitats Regulations transpose prohibitions against activities affecting European Protected Species – in this case, bats. The Directive provides for the derogation from these prohibitions for specified reasons and providing certain conditions are met. These are referred to as the three derogation tests applied by Natural England at licensing stage. Standing Advice indicates that where it is likely that one of the prohibitions of the regulations is offended, it is necessary for the LPA to consider the likelihood of a licence being granted as the planning application stage and therefore the three tests. The three tests are: There are imperative reasons of overriding public interest or for public health and safety; there is no satisfactory alternative; and a favourable conservation status of the species is maintained.
- 11.75. In considering the three tests:
- Public Interest - The redevelopment of the application site to contribute towards the remediation of the site is considered to be in the public interest.
 - Alternatives - Whilst there are potentially alternative housing sites these would not achieve the objectives of restoring this brownfield site. Also if left the buildings could further deteriorate in their condition and appearance in an open countryside setting. The Policy S18 supports the principle of the development at the site.
 - Conservation Status - Given that the proposal will result in the potential destruction of bat roosts, there will be some impact on the conservation

status. Impacts can be mitigated to a large extent through the application of appropriate conditions.

- 11.76. As such, it is considered the conservation status would be maintained. On the basis of the information available, it is considered likely that a license would be forthcoming from Natural England. The proposal is considered to be largely acceptable in relation to ecological interests, subject to mitigation measures and further surveying which can be secured via condition in line with Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 11.77. No other habitats were identified on the site itself but there was evidence of bat/ badger/ barn owl activity in the wider area. An additional Greater Crested Newt survey did identify this species habitat at two different waterbodies (plus smooth newt, common toad and frog) and recommend a species protection plan will be required to reflect current adopted practices. Some of the larger surveys for the wider site are considered out of date and therefore any future remediation works to the redundant buildings should similarly be the subject of a precautionary survey for bat/ barn owl habitat prior to their demolition.
- 11.78. The council commissioned a peer ecological appraisal of the applicant's evidence including the Greater Crested Newt survey (GCN). The report concludes the semi improved grassland, their species is not notable and none of them are of local, regional or national importance for their grassland.
- 11.79. In reference to the GCN surveys a Suds system should be required to ensure high quality discharge into the known GCN breeding site. A specific GCN mitigation plan condition should be applied to improve habitat opportunities along the northern corridor outside the built development areas (including an Environmental Method Statement (a license for these details will be required from Natural England)).
- 11.80. Further to the last panel meeting the applicant anticipates the imminent submission of a Habitat Regulations Assessment (HRA) for the proposed development. The views of Natural England on this document will be reported at the meeting.
- 11.81. Subject to no objections from Natural England to this HRA, it is considered the nature conservation merits of the scheme are acceptable and indeed could be enhanced through the additional planting programme.

Flood Risk and Surface water drainage

- 11.82. Policy S29 outlines the considerations in assessing flood risk and surface water drainage.
- 11.83. The submitted application was supported by a flood risk assessment. It outlined that the vast majority of the site was located within Flood zone 1 (no sequential test required), however there is a narrow strip of flood zone 2 along the route of the watercourse (Flamiggs Gill) along the northern boundary of the site. The development has been sited outside this area. The land is not suitable for

infiltration. The surface water drainage has been attenuated and the LLFA, who are aware of the photographic/ objection evidence relating to flood water raise no objections subject to planning conditions.

- 11.84. The surface water drainage details propose to discharge into the watercourse of the site with an attenuation pond along its corridor. The LLFA raise no objections to these details subject to planning conditions.
- 11.85. The means of foul drainage will be via a pumping station, which will pump it to the recently constructed pumping station on the neighbouring estate.
- 11.86. The merits of the proposal are therefore considered acceptable with no impact on the development or the displacement of surface water to other sites in compliance with Policy S29 of ALPP1.

Residential Amenity

- 11.87. Policy S32 seeks to ensure development does not result in any significant loss of amenity. The proposal represents a major development and therefore has the potential for residential disturbance during its construction. The nearest residential property is Stockmoor Hall which is sited at an elevated location approx. 260m to the NE of the site.
- 11.88. A brief noise statement was provided to the application advising the site is within a quiet location with no significant noise sources in close proximity. Under current noise guidance it is considered there is a negligible risk of future residents experiencing adverse effects for existing sources of noise, therefore a detailed assessment is not required.
- 11.89. Given this separation distance officers consider there will be no significant loss of amenity subject to the adoption of a construction management plan (including the adoption of the construction haul route which will reduce heavy traffic movements through the nearby villages).
- 11.90. Members in considering the application at the last panel sought details of the proposed recommended condition Construction Environment Management plan.
- 11.91. This document reflecting the criteria of the CEMP condition has been submitted as a combined document with the traffic management details. It advises in terms of the environmental matters:
- (i) There should be no works which would create excessive vibration/noise with site management notifying what is planned to be undertaken and its timescales. All plant machinery is fitted with industry standard silencers-equipment will be turned off when not in use. In the event of operation vibrations, measurement will be undertaken in accordance with BS5528.
 - (ii) The proposed construction compound will be enclosed with harras style/ close board fencing with lockable gates. Sole means of access will be internal

with warning signs on the fencing. Prior to commencing works which will create excessive noise the nearby residential properties will be notified.

(iii) Details of the name of the developer, their address and contact number will be displayed on the site throughout the phase of construction works. A response will be provided to any written complaint within 7 days. Details will also be available through the Derwent Forest Community Engagement Group.

(iv) Dust will be damped down in dry conditions with the siting of soils and materials away from residential receptors (accounting for prevailing wind), plus windbreak netting around stockpiles and loading/unloading areas with completed earthworks covered as soon as possible. Construction works will be carried out to limit emissions to the air, employing best practical means, with vehicles carrying dusty materials being fully sheeted and compliant with onsite speed limits.

(v) The timescale for demolition works is 30 months, with hours of working/deliveries being 8am -6pm Mon day to Friday and 9am to 1pm Saturday with no works on Sunday or bank holidays.

(vi) Lighting on site will not be required until the estate road is commissionable.

11.92. Highway signage and routes have been submitted showing an internal access from the northern side of the site via the Seaton- Broughton Moor highway with traffic via Seaton (TBC)

11.93. The Environmental health officer has confirmed these additional details are acceptable.

Archaeological

11.94. Policy S27 seeks to safeguard heritage assets. The application is supported by an Archaeological desk based assessment and walk over survey for the whole depot site. It highlighted the cultural heritage interest, referring to 4 categories of: The RNAD landuse (no further documentation required); Collieries (no further records required); Medieval to post medieval ridge an furrow (evidence no further work required) and Medieval field system (extensively damaged by the depot landuse) and Pre- historic and Romano-British Architecture (only one possible site).

11.95. Albeit not listed the remains of the redundant military sheds and their interconnecting miniature railway infrastructure constitute a standing legacy to the long term historic military use of the site which is of particular local significance (especially given the former accident at the site during the war which resulted in fatalities). An additional detailed historic building report was submitted in support of the application providing a detailed historical background to the site and its operations.

11.96. Whilst the removal of the shed on the site itself, plus those under the s106 is considered essential given their existing environmental hazards and derelict

condition in the landscape, supporting the reopening of this section of land for agriculture, the historic value should be recorded as recommended by the County Archaeologist response. The buildings surrounding mounds will be retained to retain this element of its historic identity.

Cumulative Impacts

- 11.97. The ES document also examined cumulative impacts and any in combination effects. Other identified development within locality included the neighbouring housing estate approved under 2/2014/0858 (ongoing), the site of the current pending application (FUL/2020/0047) (likely similar time of construction) and the future development aspects to be pursued on the remainder of the Derwent Forest site under Policy S18 of the ALPP1 (no anticipated overlap but may be cumulative during construction/ operational phases). The key topics were:
- 11.98. Ecology - Non significant concerning construction as this is already ongoing, with low impact subject to speed limiting features but highlight the dividing open space between the two estates. In the context of the wider site, with identified bat activity at the visitor centre site. Any impact on vegetation is being offset by green network provision across the site (positive cumulative impact) which could be supplemented by wildflower habitat, nest boxes with no significant impact surveys for the whole site were undertaken for bats/barn owls. The GCN species are known within ponds across the masterplan site (County value). There is limited vegetation materials at the visitor centre and through the landscaping there will be net biodiversity i.e. positive impact on the GCN population. This aspect is similarly applicable to reptiles with the positive offset of planting, plus mitigation the effects on reptiles are considered non-significant. In addition the adoption of the same criteria is also applicable to birds.
- 11.99. Landscape - The development in conjunction with the existing approved estate will potentially intensify the landscape and visual effects. However this will be lessened by proposed clusters of trees to the south-east boundary. Any combined impact with the visitor centre is diminished by virtue of the distance between the two sites with only the visitor centre tower being a landmark (however since reduced in height) the remainder of the site is unknown but is likely to have the potential to substantially alter the landscape and its visual appearance.
- 11.100. Ground conditions - Potential contamination issues during the construction phase and operational phases. However there would be beneficial long term beneficial impacts from the remediation of the site addressing the land stability and any contamination.
- 11.101. Design - No cumulative impacts identified.
- 11.102. Construction - Potential for pathways of disturbance for neighbouring land uses but can be mitigated e.g. CEMP. Potential for infiltration of the site and migration of water to the aquifer below e.g. drainage trenches. Removal of contamination may be mitigated through the removal of contaminants under a CEMP.

- 11.103. Transport - Cumulative impacts were evaluated with the neighbouring estate and visitor centre under the traffic evidence. The impacts of other areas of the masterplan are unknown and are therefore inaccurate at this stage. Any future proposal will need to be supported by a detailed Transport Assessment, Travel plan and comprehensive strategy for improvements to the wider highway infrastructure.
- 11.104. In combination effects were also examined with their findings in their topic chapters. (Construction, Transport, Pollution, Lighting, Landscape - minor adverse impacts; Visual effects - moderate adverse; and Socio economic - minor beneficial.)
- 11.105. Operation, Socio economic, Population, Housing units, Open space - slight beneficial,
- 11.106. Traffic - Slight adverse.
- 11.107. Noise (site), Drainage, Flooding and Air quality - negligible with minor adverse for off-site traffic.
- 11.108. Officers therefore consider there is no significant cumulative impacts associated with the existing/ pending development. Any such cumulative impacts with any additional development can be assessed on their individual merits as part of any future application for additional phases for the development

Local Financial Considerations

- 12.1. Having regard to S70 (2) of the Town and Country Planning Act. There are matters regarding the New Homes Bonus Scheme and Council Tax Revenue for the Council. This has carried no weight in the determination.

Conclusions

- 13.1. Officers highlight the importance of Policy S18 which is fundamental to the principle of this proposal in its open countryside setting. The proposal represents one of the early stages of redeveloping this vast brownfield site. Whilst the applicant has delivered a high level masterplan for the overall scheme, the merits of the submission should relate to and be proportionate to this individual site. The policy does incorporate the likelihood of residential development acting as part of any future mix of landuses to enable the viable restoration of the site and provide community benefits. Officers consider that in the light of the measures of the s106 obligation benefits, the merits of the scheme is acceptable and therefore the principle of the development may be supported.
- 13.2 The detailed supporting Environmental Statement has been examined in detail with regard to the multitude of planning considerations. Further consultation is required for these separate respective regulations. It is considered that these

have been addressed or matters can be safeguarded via condition. The merits of the proposal are therefore considered acceptable in accordance with the councils adopted local plan policies.

RECOMMENDATION

GRANT subject to No Objections from Natural England to an Assessment under the habitats regulations and s106 legal agreement and no additional adverse comments arising from any reconsultation under the Environmental Impact Assessment regulations to secure:

- (i) Provision - 20% local affordable home ownership (14 dwellings) as shown on the Affordable Housing Plan A2A.19.867_923 Rev A.**
- (ii) Type -The following local affordable home ownership details are provided: 6 nos. 1 bedroom apartments provided as affordable housing for over 55, with the remaining 8 nos. being family housing comprising 6x type D (1-bedroom apts); 1x house type B (5-bedroom); 2x house type A (3-bedroom); 5x house type E (3-bedroom).**
- (iii) Tenure - The affordable housing should be 100% low cost (discounted sale). Officers suggested this preference due to the rural location of the site. DFDC have accepted the proposed position.**
- (iv) Extension of the C2C link across the site for multi user purposes- Details (including its future management) shall be approved prior to commencement of works. The C2C corridor shall be safeguarded until remediation of Phase 1 of the C2C route is complete; Completion of phase 1 of the C2C route shall be delivered prior to occupation of the first house and shall be used for or be kept available for these purposes at all times following its completion; The Phase 2 link to the C2C to/from the estate, shall be complete prior to the occupation of the 15th dwelling. (The applicant has confirmed that he seeks this route to be multiuser including horse riders)**
- (v) Prior to the commencement of works, a remediation scheme shall be submitted to and approved by the local planning authority. The proposal shall include details of : the clean-up, remediation and enclosure of the extended C2C route and the demolition ,removal and remediation of MAG63 and MAG 64 prior to the occupation of the first dwellinghouse, the clean-up remediation and enclosure of the route of the C2C link to the estate prior to the occupation of the fifteenth dwelling and the programme for the demolition , removal and remediation of land of all the former MoD buildings/structures south of the extended C2C corridor route prior to the occupation of the fiftieth dwelling or 30th month from the decision(whichever is the sooner of the two) This shall include the satisfactory removal of any asbestos materials , plus any supplementary pre demolition ecology surveys of the sheds to be demolished.**
- (vi) The submission of a commuted Education sum contribution of: £250,000 (10% prior to commencement and 90% upon the completion of the**

15th dwelling) towards improving education facilities at Broughton Academy; £71,250 transport contribution towards costs for pupils at Netherhall Academy, Maryport; and £6,888 towards administration for the school transport provision.

- (vii) **Public open space - Prior to development commencing, POS management details shall be submitted and agreed, in order to deliver and secure a management plan for 5.6ha of both formal and informal space including the provision of a children's play area.**
- (viii) **Should the section 106 not be completed within 6 months, the proposal be delegated to the Head of Service, for refusal on the basis that those measures necessary to make the development acceptable in policy terms have not been secured through the necessary legal agreement.**

Annex 1

CONDITIONS

Time Limit:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In Accordance:

2. **The development hereby permitted shall be carried out solely in accordance with the following plans:**
- **Location Plan: A2A.867_901 rev H**
 - ***C2C Location Plan: A2.19.867_002 rev H**
 - **Site Layout: A2A.19.867_902 rev K**
 - ***Site Layout – Roof Plan: A2A.19.867_921 rev C**
 - **Layout Plan: A2A.19.867_903 rev E**
 - **Construction Traffic Routing (22/11/21)**
 - **C2C Cycle Route & Public Access, June 2021**
 - ***House Type A Plans: A2A.19.867_300 rev B***
 - ***House Type A Elevations: A2A.19.867_301 rev B***
 - ***House Type A Material Study: A2A.19.867_1000 rev A**
 - ***House Type B Plans: A2A.19.867_302 rev B**
 - ****House Type B Elevations: A2A.19.867_303 rev B***
 - ***House Type B Material Study: A2A.19.867_1001 rev A**
 - ***House Type C Plans: A2A.19.867_304 rev A***
 - ***House Type C Elevations: A2A.19.867_305 rev A***
 - ***House Type C Material Study: A2A.19.867_1002 rev A**

- ***House Type D Plans: A2A.19.867_307 rev A***
- ***House Type D Elevations: A2A.19.867_306 rev A***
- ***House Type D Material Study: A2A.19.867_1003 rev A**
- ***House Type E Plans: A2A.19.867_308 rev A***
- ***House Type E Elevations: A2A.19.867_309 rev A***
- ***House Type E Material Study: A2A.19.867_1004 rev A**
- ***Interface Distances: A2A_19.867_922 rev A**
- **Derwent Forest Strategic Masterplan Framework (November 2020), prepared by A2A;**
- **Statement of Community Involvement (Feb 2021), prepared by Tetra Tech;**
- **Road Safety Audit (26th March 2021), prepared by Tetra Tech;**
- **Archaeological Works Written Scheme of Investigation, prepared by NAA**
- **Design and Access Statement, prepared by A2A,**
- **Environmental Statement (Feb 2020), prepared by WYG;**
- **Ecological Baseline Report Extended Phase 1 Habitat Survey (Nov 2019), prepared by ITP Energised;**
- **Preliminary Roost Assessment and Barn Owl Survey (Dec 2019), prepared by ITP Energised;**
- **Great Crested Newt Presence/Absence Survey Report (Feb 2020), prepared by ITP Energised;**
- **Badger Survey report (Dec 2019), prepared by ITP Energised;**
- **Water Vole Survey Report (Nov, 2019), prepared by ITP Energised;**
- **Geo-Environmental Desk Top Study & Preliminary Coal Mining Risk Assessment (January 2020), prepared by WYG**
- **Geo-Environmental Memorandum (June 2020), prepared by WYG;**
- **Floor Risk and Drainage Assessment (January 2020), prepared by WYG**
- **Indicative Drainage Arrangement: A115081-SK003 P1;**
- **Financial Viability Assessment, prepared by Aspinall Verde*;**
- **C2C Cycle Route and Public Access document (June 2021), prepared by A2A;**
- **Derwent Forest Application Comments (June 2021), prepared by A2A**
- **Affordable Housing A2A 19.867 923 Rev A**
- **Interface Distances Rev B A2A.19.922 Rev B**
- **Tree and Woodland survey by Westwood landscapes**
- **Tree constraints plan by Westwood landscapes**
- **Construction Environmental Management Plan 25/02/22**
- **Amended e-mail/plan dated 25/02/22 re multiuser use of C2C extension route**

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.

Pre-commencement conditions:

- 3. 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. This written scheme will include the following components:**
- i) A Level 1 Survey, as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice 2016, of the existing building affected by the proposed development;**
 - ii) An archaeological evaluation;**
 - iii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;**
 - iv) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.**

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

- 4. 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, (including speed control measures and footpath connections to the existing footpath network on the C2007 highway to Gt Broughton) shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.**

Reason: To ensure a minimum standard of construction in the interests of highway safety and minimise the impact on local wildlife in accordance with Policy S22 and S35 of the Allerdale local plan Part 1.

- 5. The development shall not commence until visibility splays providing clear visibility of 120 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 grown 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.

- 6. Prior to the commencement of works, details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.**

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway.

- 7. Details of new bus stops on the C2007 in the vicinity of the proposed site access shall be submitted to the Local Planning Authority prior to the development being commenced. Any approved works shall be implemented prior to the development being completed.**

Reason: In the interests of highway safety and environmental management.

- 8. Development shall not commence until details of the proposed retained areas for the compound's vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development have been submitted to and approved by the local planning authority. The works shall be undertaken solely in accordance with the approved details.**

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

- 9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

- 10. The development shall solely be undertaken in accordance with the approved Construction Environmental Management plan (CEMP) which includes traffic management details dated 25/02/22.**

Reason: In the interests of highway safety and 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 Policies S22 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 11. No development shall commence until**

- a) a scheme of intrusive investigations has been carried out on site to establish the risk posed by the development by the recorded mine entry shaft;**
- b) any remediation works and/or mitigation measures to address land instability arising from the mine entry , as may be necessary , have been implemented on site in full order to ensure that the site is safe and stable for the development proposed.**

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the satisfactory remediation of the existing mine entry of the site in the interests of public safety and land stability

- 12. 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 from the development to the local environment (including local watercourses and aquifers in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 13. Should a remediation scheme be required under condition (12), 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 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.

- 14. No part of the development hereby permitted shall be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained, together with**

the positions and height of protective fences, the areas for the storage of materials and stationing of machines and huts, and the position and width of temporary site roads and accesses. The details so approved shall be implemented prior to the commencement of the development and maintained at all times during the construction period.

Reason: In order to ensure that adequate protection is afforded to the existing trees on the site prior to any excavation/construction works on the site.

- 15. Prior to the commencement of works a Biodiversity management plan (including Construction management plan) shall be submitted to and approved by the local planning authority. The plan shall include details on the measures to be implemented during and after the course of construction works at the site to safeguard the habitat of The Greater crested newt species at or near the site in accordance with the principles and recommendations of the Appendix 5.3 Greater crested Newt presence/absence survey Feb 2020. The works shall be carried out solely in accordance with the approved details and thereafter managed at all times in accordance with the approved scheme.**

Reason: In the interests of safeguarding local wildlife and biodiversity in compliance with policy S35 of the Allerdale Local Plan (Part 1).

- 16. Prior to the commencement of works, details to demonstrate that 5% of the overall scheme's dwellings will be designed and constructed to meet the standards set out in the optional Building requirement M4(3) (or any equivalent standard shall be submitted to and approved by the local planning authority). The works shall be implemented in accordance with the approved details.**

Reason: In order to comply with Policy SA5 of the Allerdale Local Plan Part 2.

- 17. Prior to the commencement of works a Species Protection plan (SSP) shall be submitted to and approved by the local planning authority in accordance with the mitigation measures outlined in section 5.5 & 5.8 of Chapter 5 – Ecology of the Environmental Statement Volume 1. The SPP shall detail measures to safeguard protected species known to be in the area and will include for preconstruction surveys for protected species (complementing the seasonality of the construction start date) as well as ensuring the use of the best practice measures during all construction activities (including badgers). The SPP will describe the process to be followed in the case that new protected species are recorded on site that would need to be protected during construction works as well as ensuring the implementation of effective toolbox tasks to raise awareness to site personnel to sensitive ecological receptors on site.**

Reason In the interests of protecting any protected species at the site in compliance with policy S35 of the Allerdale local plan (Part 1)

Post-commencement/Pre use commencing conditions:

- 18. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Indicative Drainage**

Layout, ref: A115081-21-C-SK003 Revision P1, dated Dec 2019 proposing surface water discharging into watercourse. 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.

- 19. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:**
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and**
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.**

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 20. No part of the development hereby permitted shall be constructed above ground floor level until details of all external and roofing materials have been submitted to and approved by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.**

Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 21. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling(s). Any such walls/fences etc. shall be constructed prior to the approved building being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties.

- 22. No part of the development hereby permitted shall be built above ground floor level until there has been submitted to and approved by the Local**

Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 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 other 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.

- 23. A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwellinghouse or any piece of the development, whichever is the sooner, for its permitted use. The development shall thereafter be maintained at all times in accordance with the approved management plan.**

Reason: To ensure the long term maintenance and management of public open space within the residential estate.

- 24. The demolition works of existing building (MAG64) within the application site shall be implemented solely in accordance with the recommendations mitigation measures (including further presence surveys) outlined in Annex A of the Appendix 5.2 preliminary Roost Assessment and Barn owl survey.**

Reason: To safeguard the habitat of bats in compliance with the National Planning Policy Framework, Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 25. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and is stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and /or mitigation necessary to address the risks posed.**

Reason: To ensure the satisfactory remediation of the existing min entry of the site in the interests of public safety and land stability.

- 26. 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.

- 27. Notwithstanding the submitted details, all first floor side elevation windows shall be installed with obscure glazing for House types A, B, C and E prior to the occupation of each respective dwellinghouse, and retained at all times for the lifetime of the development unless agreed in writing with the local planning authority.**

Reason: To safeguard the amenity of neighbouring properties in compliance with Policy S32 of the Allerdale Local Plan (Part 1).

- 28. 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 Allerdale Local Plan Part 2.

Advisory Note

ENW response

