

Allerdale Borough Council
Planning Application FUL/2022/0116

Development Panel Report

Reference Number: FUL/2022/0116
Valid Date: 22/11/2021
Location: Land West of St Andrews View, Thursby
Applicant: David Haywood, Story Homes Ltd
Proposal: Resubmission of application FUL/2021/0299 for the building of 67 residential dwellings with associated open space, infrastructure, landscaping and ancillary works including temporary construction access

RECOMMENDATION

Grant, subject to conditions and the signing of a legal agreement to secure

- the 13 affordable housing units (7 units for affordable rent, 3 Starter Homes and 3 low cost housing),
- a Travel Plan Monitoring Contribution of £6,600.

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The application site is within the settlement limits of Thursby as defined in the Allerdale Local Plan Part 2 and is a 'Housing Commitment'.
Benefits of the proposal	<p>The provision of 67 houses would contribute to strategic objective SO2c of the ALPP2, which seeks to ensure a deliverable supply of housing land that meets the needs of the community and local economy, as well as the Council Plan in terms of strengthening our economy and supporting the development of new homes where they are needed.</p> <p>The additional affordable houses to be provided by the proposal would increase access to affordable housing in the Borough, in accordance with strategic objective SO2d of the ALPP1.</p>

Balanced and mixed communities including affordable and accessible homes	The development is for 67 dwellings comprising: 3 x 6 bedroom; 3 x 5 bedroom; 35 x 4 bedroom; 16 x 3 bedroom and 10 x 2 bedroom (3 of these are bungalows). 13 affordable dwellings are proposed. The housing mix is considered to be acceptable.
Scale, Layout, Design and Materials	The scale and layout is acceptable for this development site with the design and materials responding to the character of the built environment and on site constraints.
Sustainability, Vehicular Access and Highway Safety	The highway arrangements are acceptable. Suitable visibility splays can be provided to allow for a safe vehicular access. Parking standards are met.
Flooding / Drainage	The development secures an acceptable scheme for the disposal of foul and surface water. The foul with connection to the existing pumping station before entering the public sewer, with surface water draining to the existing SuDs pond to the north of the site, before being directed to the watercourse at a controlled rate.
Noise	The existing noise from the wind turbine and road traffic from the A595 would not lead to unacceptable living conditions of the dwellings subject to appropriate mitigation measures that shows acceptable levels of amenity can be obtained both within the properties and the gardens.
Shadow Flicker	The impacts from shadow flicker from nearby wind turbines would not lead to unacceptable living conditions of the dwellings.
Heritage / Archaeology	The County Archaeologist has reviewed the archaeological evaluation report which indicates no significant archaeological remains survive on the site and so no further archaeological work is necessary.

Landscape and Visual Effects	The development will not have a significant adverse visual impact on the landscape and amenity and will be seen in line with the existing built development. There will also be hedgerow and tree planting proposed as part of the scheme. There will be a visual change for nearby dwellings however the change is deemed acceptable and will not have a significant impact on neighbouring residential amenity by virtue of overlooking or loss of light.
Play Provision / Amenity Greenspace	The developer has provided amenity green space throughout the development in line with the SPD. A play area is to be provided on site, with a pedestrian link to the phase 1 development. The size is in line with those stated in the SPD and the siting and layout is considered acceptable.
Ecology / Biodiversity Enhancements	A suitable Ecological Appraisal has been provided for the proposal along with soft landscaping plans. The proposal will see existing trees retained and landscaping increased throughout the site to encourage a wider variety of wildlife to use the site.

2. Introduction

2.1 Members may recall that application FUL/2021/0299 for the erection of 67 dwellings was refused by members for the following reason:

1. It is considered that the proposal will fail to provide an acceptable level of amenity for residents of the planned development because:

- 1) Under Local Plan Policy S32 (Safeguarding Amenity) – the proposal will create an unacceptable quality of amenity for both internal and external environments of the proposed homes, either by exposure of residents to unacceptable levels of noise from nearby main road or from wind turbine, or by ‘flicker’ from the nearby wind turbine, or by restrictions of amenity by measures taken to mitigate exposure to noise and ‘shadow flicker’.
- 2) Local Plan Policy S19a (i & ii) (Renewable Energy and Low Carbon Technologies) – seeks to protect local residents from unacceptably

adverse impacts from renewable energy and low carbon technologies (such as wind turbines) – the applicant has failed to demonstrate that adequate protection from impacts on amenity will be provided, without an unacceptable impact on the amenity of new householders.

- 3) Under Local Plan Policy S24a (Green Infrastructure) – as a result of the applicants design response to environmental factors, the development both fails to “promote high quality, attractive places which allow everyone to enjoy direct and regular contact with the natural environment.”

As such the proposal fails to provide an acceptable balance between the Economic, Environmental and Community objectives of the Council and is therefore not sustainable development as required by Section 2 of the National Planning Policy Framework.

3. Proposal

3.1. A revised application has been submitted for a housing development within the settlement limit of Thursby. The village is a Local Service Centre within Allerdale Local Plan Part 1 (ALLP1). The applicant seeks full permission for 67 dwellings comprising of a mix of 2, 3, 4, 5 and 6 bed semi-detached, terrace and detached 2 storey dwellings and 3 bungalows on this 3.43 hectare site (8.58 acres). The proposed scale of the development is 31 dwellings per hectare.

3.2. Details have been provided of the design and layout, elevation treatments and materials, road access and highway works, house types and tenure, external works, hard and soft landscaping, boundary treatments, parking arrangements and drainage strategy. The scheme is further supported by a Design and Access Statement, Transport Statement, Travel Plan, Flood Risk Assessment, Construction Management Plan, Ecology Report, Ground Investigation Report, Archaeological Reports, Noise Assessment, Shadow Flicker Report, Heritage Statement and Landscape Visual Impact assessment.

3.3. The Plans for consideration are:-

20091.90.9.SL.LP Revision A Location Plan

20091.90.9.SL.CL Rev D Site Layout Colour Layout

20091.90.9.SL.GA Revision C Site Layout General Arrangements

210920-THURSBY-SH-TOPO-001 Revision B Topographical Survey

20091.90.9.SL.ET Revision C Site Layout Elevation Treatments

20091.90.9.SL.HS Revision C Site Layout Hard Surfaces

20091.90.9.SL.PP Revision C Site Layout Parking Provision

20091.90.9.SL.BT Revision D Site Layout Boundary Treatments

SD100-A-001 Revision A External Plot Finishes – Open Boarded Fence

SD100-A-002.1 Revision A External Plot Finishes – Open Boarded Timber Side Gate Details

SD100-A-002.2 External Plot Finishes – Feather Edge Board Timber Side Gate Details

SD100-A-004 Revision A External Plot Finishes – High Feather Edge Fence

SD100-A-005 Revision A External Plot Finishes – Acoustic Fencing
SD100-A-012 External Plot Finishes – Trip Rail
SD100-B-001 Revision A External Plot Finishes – Brick Boundary Wall
SD100-C-001 External Plot Finishes – Estate Railing
SD100-C-002 External Plot Finishes – 1200mm Plain Top Railing
SD100-C-003 External Plot Finishes – 900mm Plain Top Railing
SD100-C-004 External Plot Finishes – Rail and Post fixing to masonry wall
SD100-C-005 External Plot Finishes – SUDS Fencing
SD100-D-001 External Plot Finishes – Stock Proof Fence
20091.90.9.SL.ML Revision C Site Layout Management Layout
20091.90.9.SL.SS Revision B Site Layout Site Sections
7628/07 Revision J External Works Layout
20091.90.9.SL.ASSD Revision C Site Layout Affordable & Space Standard
Distribution
SHTP2-WW01-K Landscape Plan
SHTP2-WW02-K Landscape Management Plan
7628/01 Revision K Proposed Drainage Layout
20091.90.9.SL.CSWMP Revision E Construction Surface Water Management
Plan
20091.90.9.SL.LOP Revision C Land Ownership Plan
BFD-PLP1 Revision A Branford M4(2)S Planning Layout 1
BFD-PLE1/1 Revision B Branford M4(2)S Planning Elevation 1/1
BFD-PLE1/2 Revision B Branford M4(2)S Planning Elevation 1/2
SAN-PLP1 Revision C Sanderson (A) Planning Layout 1
SAN-PLE1/1 Revision C Sanderson (A) Planning Elevation 1/1
SAN-PLE1/2 Revision C Sanderson (A) Planning Elevation 1/2
FFD-PLP1 Revision B Fulford M4(2)S Planning Layout 1
FFD-PLE1/1 Revision B Fulford M4(2)S Planning Elevation 1/1
FFD-PLE1/2 Revision B Fulford M4(2)S Planning Elevation 1/2
WXD-PLP1 Revision B Wexford M4(2)S Planning Layout 1 (Front)
WXD-PLE1/1 Revision B Wexford M4(2)S Planning Elevation 1/1 (Front)
WXD-PLE1/2 Revision B Wexford M4(2)S Planning Elevation 1/2 (Front)
WXD-PLP2 Revision B Wexford M4(2)S Planning Layout 2 (Corner)
WXD-PLE2/1 Revision B Wexford M4(2)S Planning Elevation 2/1 (Corner)
WXD-PLE2/4 Revision B Wexford M4(2)S Planning Elevations 2/4 (Corner)
SPR-PLP1 Revision C Spencer (A) Planning Layout 1
SPR-PLP2 Revision C Spencer (A) Planning Layout 2
SPR-PLE1/1 Revision D Spencer (A) Planning Elevation 1/1
SPR-PLE1/2 Revision D Spencer (A) Planning Elevation 1/2
SPR-PLE2/1 Revision D Spencer (A) Planning Elevation 2/1
SPR-PLE2/2 Revision D Spencer (A) Planning Elevation 2/2
BFK-PLP1 Beckford M4(3)S Planning Layout 1
BFK-PLE1/1 Beckford M4(3)S Planning Elevation 1/1
BKF-PLE1/2 Beckford M4(3)S Planning Elevation 1/2
BFK-PLP2 Beckford M4(3)S Planning Layout 2
BKF-PLE2/1 Beckford M4(3)S Planning Elevation 2/1
BKF-PLE2/2 Beckford M4(3)S Planning Elevation 2/2
PRN-PLP1 Revision D Pearson (A) Planning Layout 1
PRN-PLE1/1 Revision D Pearson (A) Planning Elevation 1/1
PRN-PLE1/2 Revision D Pearson (A) Planning Elevation 1/2

HWN-PLP1 Revision B Hewson (A) Planning Layout 1
HWN-PLE1/1 Revision D Hewson (A) Planning Elevation 1/1
HWN-PLE1/2 Revision D Hewson (A) Planning Elevation 1/2
RFD-PLP1 Revision A Rushford M4(2)S Planning Layout 1
RFD-PLE1/1 Revision A Rushford M4(2)S Planning Elevation 1/1
RFD-PLE1/2 Revision A Rushford M4(2)S Planning Elevation 1/2
NWF-PLP1 Newford M4(3)S Planning Layout 1
NWF-PLE1/1 Newford M4(3)S Planning Elevation 1/1
NWF-PLE1/2 Newford M4(3)S Planning Elevation 1/2
CRN-PLP1 Revision A Charlton (A) Planning Layout 1
CRN-PLE1/1 Revision C Charlton (A) Planning Elevation 1/1
CRN/PLE1/2 Revision C Charlton (A) Planning Elevation 1/2
CRNXL-PLP1 Charlton XL Planning Layout 1
CRNXL-PLE1/1 Charlton XL Planning Elevation 1/1
CRNXL-PLE1/2 Charlton XL Planning Elevation 1/2
SG-PLP1/1 Revision A Single Garage 1 Planning Drawing 1/1
SG-PLP1/2 Revision A Single Garage 1 Planning Drawing1/2
SG-PLP2/1 Double Garage 1 Planning Drawing 2/1
SG-PLP2/2 Double Garage 1 Planning Drawing 2/2
SG-PLP3/1 Twin Garage 1 Planning Drawing 3/1
SG-PLP3/2 Twin Garage 1 Planning Drawing 3/2
Material Schedule received 6 June 2022
Planning Statement May 2022
Design and Access Statement
Arboricultural Impact Assessment May 2022 received 6 June 2022
Appendix 3 Landscape Management Scheduled Tasks
Appendix 4 Landscape Implementation Programme
Construction and Environmental Management Plan (Rev B) May 2022
Noise Assessment May 2022
20091.90.9.SL.DTNI Site Layout Day Time Noise Impact
20091.90.9.SL.NTNI Site Layout Night Time Noise Impact
20091.90.9.SL.AM Revision B Site Layout Acoustic Mitigation
Shadow Flicker Assessment May 2022
Appendix A – Figure 1 Shadow Flicker Output Map v3
Appendix B – Detailed Shadow Flicker Times at Receptors
20091.90.9.SL.SF Site Layout Shadow Flicker
Transport Assessment May 2022
Flood Risk Assessment Addendum Report
Economic Benefits Statement May 2022
Preliminary Ecological Report received 6 June 2022
Ground Investigation Report
Proposed Housing and Open Space Proposed Play Area Images
SHTP2-WW03A Play Area Plan
Affordable Housing Statement May 2022
Archaeological Desk-Based Assessment and Geophysical Survey Report No.
Y103/13
Archaeological Evaluation Report No. Y569/22
Archaeological Evaluation Phase 2 Written Scheme of Investigation
Archaeological Assessment 2
Heritage Statement May 2022

4. Site and Surroundings

- 4.1. The site is currently an agricultural field located on the western periphery of the village of Thursby. The site is located approximately 6.45km to the south-west of Carlisle, 3.8km to the west of Dalston and 5.8km to the north of Wigton.
- 4.2. The site comprises a single field parcel and is bound to the east by the Story Homes residential development of 69 dwellings known as St Andrews View (often referred to as Phase 1 and completed Summer 2019), to the south by a species poor hedgerow with a grass verge plus street lighting along the adopted highway known as Low Road, to the west by the A595 road that connects Carlisle to West Cumbria, and to the north by the existing SUDS pond serving St Andrew's View development.
- 4.3. There is a gentle downward sloping south-west to north-east gradient on the land towards Matty Beck, and a small mound in the middle of the site. The A595 to the west of the site sits slightly higher than the site.
- 4.4. A 74m high (to blade tip) wind turbine lies approx. 280m to the south-west of the site and is clearly visible from the site and the surrounding area.
- 4.5. The village of Thursby offers a number of services such as a primary school, public transport, village hall and church.
- 4.6. The site is allocated for residential development in Policy SA29 of the Allerdale Local Plan Part 2, adopted July 2020.

5. Relevant Planning History

- 5.1. 2/2016/0070 Housing development for 69 dwellings – Approved 12/09/2016. Development Built.
- 5.2. FUL/2021/0299 67 residential dwellings with associated open space, infrastructure, landscaping and ancillary works including temporary construction access – Refused.

6. Representations

Thursby Parish Council

- 6.1. We welcome development within Thursby Parish which brings with it an amount of affordable-social-rented accommodation, but not at the cost of unacceptable harm or wellbeing to its occupants and surrounding resident's policy SA29.

- 6.2. Many of the objections forwarded regarding Phase 1 St Andrews View are relevant to this application which have not been addressed.
- 6.3. Our observations, objections relating to the application remain in the most as we detailed relating to the refused application FUL/2021/0299 as little has changed to meet our concerns. Nothing has changed within this application to make this site acceptable to provide safe family affordable homes. Tinkering has taken place with the traffic noise and flicker figures but are still unacceptable. These properties will still be sold on a buyer beware process and once bought will they ever be able to be re-sold. A heightened bund of over 4 meters is now suggested what happens across the entrance road?
- 6.4. Safety issues relating to the A595 junction have not been correctly addressed, I note for this application they have not been consulted.
- 6.5. We welcome the addition of the second access, making the proposed sales office access permanent.
- 6.6. However, we have concerns relating to the highway junctions and proposed walk/cycle routes all converging around the proposed token play area.
- 6.7. We also have concerns relating to the 30mph speed limit mentioned in the Local Highway Authority response document this we requested for phase 1 but the 60 mph limit was reduced to 40 mph.
- 6.8. In view of the proposed potential pedestrians crossing the entrance road in phase 1 we would like to see a 20mph speed adopted on both sites. S19 seeks to protect residents from unacceptable harm.
- 6.9. We also note the tinkering with the ventilation systems within most of the properties going back to trickle vents rather than PIV's also the addition of more glazing alterations to disguise the noise.
- 6.10. Under S19 undue noise and turbine flicker is unacceptable to residents creating harm and possible mental health issues.
- 6.11. Nothing is mentioned as to what harm and possible health issues could be caused when outside the properties in the gardens play areas and open spaces surrounding the development.
- 6.12. We note the flicker, road noise is calculated on today's climate and current road usage what will the levels be in 5-10 years time as the A595 being the main arterial route to West Cumbria.
- 6.13. The correct mix of required properties as per the latest housing survey has not been addressed.

- 6.14. Allerdale having an ageing population the correct mix of properties should be provided freeing up family homes for new starter families within walking distance of primary secondary schools.

Environmental Health

21.06.2022

- 6.15. Environmental Health officers have carried out a walk of the site 12:45-13:30 conditions were warm and dry with a light westerly, south westerly 6mph wind (BBC weather data). The adjacent wind turbine was rotating slowly, it was not audible at the proposed site perimeter on the local access road or on the site walkover.

14.06.2022

- 6.16. Table 5.2 within the NEO Shadow Flicker Assessment report clarifies the predicted hours of shadow flicker, taking account of predicted. The calculations are reasonable and therefore I can accept the conclusions of the report and therefore have no objections to the apps of shadow flicker.

16.06.2022

- 6.17. In assessing the updated noise assessment report (May 2022), noise maps and revised mitigation measures for Story Homes scheme a summary of my comments are as follows:

- An additional 7 days of noise monitoring has been recently conducted at the site which should remove the original doubt regarding the suitability/robustness of a single day of noise measurements during the Covid pandemic (Oct 2020).
- The survey results (measured sound levels) from May 2022 are marginally lower than those measured in Oct 2020 (1 to 2 dB lower) but this is likely to be due to changes in wind direction and other atmospheric conditions for the time of year. It could be that the Oct 2020 survey experienced heavy traffic flow on that particularly 'noisy' day. Nonetheless, the recent survey indicates that the Oct 2020 data was, and remains to be, robust for the site with regards to noise from the A595 and Low Road. The most recent assessment and mitigation design is based on the slightly higher measured noise levels from Oct 2020 and is therefore a robust approach.
- Additional noise mitigation measures have proposed by way of increasing the acoustic barrier height adjacent to the A595. A 2m high bund with a 2m high fence on top (4m high) is now proposed which further reduces the noise levels within gardens and at the worst-case facades and will also reduce the noise experienced at the existing development to the east. This indicates that a good acoustic design process has been followed by the developer and consultant with regards to external noise and amenity areas.
- The proposed increased mitigation (barrier height), the daytime noise levels in the vast majority of amenity space/gardens will be below 50dB

which is very good standard in terms of noise. This subjectively is very quiet.

- There's a small degree of space on the site layout that will be within 50 to 55 dB range, but this is still more than acceptable.
- Once the development and mitigation is in place, the expected reduction in noise is such that a number of existing dwellings to the east may subsequently use their inherent mitigation measures less frequently (the in-built PIV systems), since it will be more appropriate to open windows on elevations facing the A595. In summary, the existing residents will benefit from the increased bund/fence height and overall development in terms of acting as a barrier to noise from the A595.
- I have no concerns regarding wind turbine noise at this stage.

6.18. The developer and architect will need to consider the implications regarding Part O of the Building Reg's (Overheating mitigation strategy for dwellings) which came into effect 15/06/2022, but this is a matter for Building Control.

Cumbria County Council as the Local Highway Authority and Lead Local Flood Authority

6.19. The application is almost identical in traffic and drainage terms to the previous application. The applicant has done some modelling of the access as well as the road junction onto the A595. This has shown that there would be ample spare capacity to accommodate this development. In light of our previous comments and the slightly amended information provided we can confirm that we have no in principal objections to this application.

6.20. We would however recommend that conditions are attached and a travel Plan Monitoring fee of £6,600 secured via legal agreement.

Fire Officer

6.21. No reply to date.

Environment Agency

6.22. We have no objection in principle to the proposed development as submitted, but would provide information regarding the need for a permit as the northwest corner of the site runs adjacent to the main river Matty Beck.

County Archaeologist

6.23. Further to my letter dated 24 May 2022, the applicant has forwarded me a copy of the archaeological evaluation report for the site. The evaluation results indicate that no significant archaeological remains survive on the site and no further archaeological work is necessary.

6.24. I therefore wish to amend my initial comments and I no longer consider that the archaeological condition I previously recommended is required.

Natural England

6.25. No reply to date.

Cumbria Wildlife Trust

6.26. No reply to date.

National Highways

6.27. I've checked the location and they are some way from the nearest section of the Strategic Road Network and as such we would offer no comments. The roads that may be impacted by the development are managed by Cumbria CC.

Cumbria Constabulary

6.28. No reply to date.

Housing Services

6.29. Affordable provision on this development should be in line with the requirements of policy SA3 of the Local Plan (Part 2). This would include an affordable provision of 20%, equating to 13 properties.

6.30. The housing team will take a flexible and pragmatic approach when considering the tenure of affordable housing provision to enable this development to be delivered.

6.31. The findings from the 2016 housing study show that the need for affordable housing in Thursby and its adjoining parishes of Aikton, Westward and Woodside is mostly two bedroomed properties. However, there is a substantial need for four bedroomed.

Table One	%
Four bed property	19
Three bed older persons	5
One bed older persons	12
Two bed property	41
Three bed property	5
Five+ bed property	8
One bed property	10

6.32. Discounted Sale properties must be sold for no more than 65% of their open market value. The Discounted Sale register shows that as at February 2022 the following number of householders are interested in discounted sale housing and consider themselves to have a local connection to either the parish of Thursby or one of its adjoining parishes.

P Low Cost Home Ownership Register*											
Table Two	a	1BH	2BH	3BH	4BH	1BF	2BF	3BF	1BB	2BB	3BB
Thursby	r		2	1							
Total	i s		2	1							

*parishes where no demand has been identified are now shown

- 6.33. Information from Choice Based Lettings shows that the following properties have become available for rent in Thursby and its adjoining parishes during 2020/21 and 2021/22 to date:

Table Two	No. Available	No. of Bids	Average no. of bids
One bed bungalow	1	12	12
Two bed bungalow	2	53	26
Two bed property	1	6	6
Three bed property	3	89	30

- 6.34. Where affordable housing is being delivered on this site there is an expectation that these homes would need to be of acceptable house sized standard for the registered housing provider. Please refer to paragraph 35 in the Local Plan Part 2 SA3 in relation to space standards for registered providers.
- 6.35. We would like to see that the spaces standards for the proposed affordable sale properties are reflective of the standards we would expect in the social rented sector and that these properties can meet the needs of a small family (i.e. minimum three person family).
- 6.36. Since 2016/21, 17 units have been completed in Thursby. Of these, 4 were for discounted sale – four x two bed houses.

United Utilities

- 6.37. We can confirm the proposals are acceptable in principle to United Utilities subject to a condition securing its implementation..

CCC Minerals & Waste

- 6.38. No objection to this application.
- 6.39. The application has been advertised by press advert, site notice and neighbour letter.
- 6.40. 14 letters of representation have been received following the advertisement of the application, raising objection to the proposal. The representations are summarised as follows.
1. No significant change to the original application with the disturbance to the nearby turbine not addressed in terms of noise and shadow flicker. The erection of a 2m boundary fence will do little to reduce noise from the A595.

2. The development does not conform with ALPP SA29 which shows a site capacity of 40 dwellings. No attempt has been made to reduce the density.
3. A reduction in the number of proposed houses and density could address the significant concerns raised by residents of Thursby.
4. The development will alter the character of the village and be on the edge of the village.
5. There is no need for a further 67 houses in the village.
6. Lack of facilities in the village; shop, school places will increase the use of private vehicles.
7. This will make the estate 134 houses which bears no relation to the village.
8. The proposed play area is out of date, these days they are places for anti-social behaviour, and is out of character with the design of the estate.
9. The play area is located too close to a main thoroughfare as well as existing properties. Children could run across from the cut from phase 1.
10. All of the allocated visitor parking bar one block of three are 'on-road'.
11. Whilst noise is partially reduced via a higher fence and more favourable noise assessments, it is clear that from the Noise Survey that 43 properties still require mitigation to manage noise and windows still need to remain closed even with additional 2m fence.
12. The proposed bunding and fence above will be out of keeping with the village and unsightly.
13. The A595/Low Road Junction is considered a dangerous junction, more so with an increasing amount of traffic turning into the village, or exiting onto the A595.
14. This development should offer a larger range of homes, particularly to include more single storey / bungalows.
15. The wind speed on the day of the noise reading were less than 5 mph throughout the survey. This is inappropriate in that the wind can have a significant effect on noise levels and from my experience certainly does on St Andrews View.
16. Flickering light from the wind turbine can cause epilepsy.
17. The mitigation to shadow flicker is using flawed assumptions rather than recommending a new layout. At least 11 homes have direct views of the turbine and will all suffer the impact.
18. Lack of transparency when selling houses on phase 1, and no information about the planned phase 2 in such close proximity.
19. It is not clear what the intent is to do with the existing western boundary and the kest for phase 1 with no reference to it in the Arboricultural report or landscaping plan.
20. The hedgerow along the western boundary is a haven for wildlife and its removal will remove any noise mitigation that it might provide.
21. Potential impact on the infrastructure of the village, including drainage and education.
22. A pavement along the frontage of the site on Low Road would reduce the movement of people between the sites and possibly reduce noise to existing residents of St Andrew's View.
23. Concern about sewer flooding.
24. Environmental damage to wildlife corridors.
25. The local plan was considered ahead of the 10,000 planned homes 6 miles away in Carlisle, which no longer marks Thursby a Local Service Centre.

26. Story Homes have not engaged with the community during this resubmission.
27. Future changes to Council structure in 2023, and the potential for changes to local housing plans, may negate the need for SA29 and a further housing vicinity of Thursby.

3 letters of support have been received who believe the housing market needs more houses and can cope with the additional houses. They highlight the proposal is allocated in the local plan for housing and includes the policy required affordable housing. The extra number of people will sustain existing services, and hopefully help the reopening of the pub a more commercially viable proposition. In the time the turbine has been operating we have never seen shadow flicker cross the road with noise mitigation measures will assist in reducing the noise already experienced upon the village.

7. Environmental Impact Assessment

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

8. Duties

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

9. Development Plan Policies

9.1. Allerdale Local Plan (Part 1)

Policy S1 Presumption in Favour of Development
Policy S2 Sustainable Development
Policy S3 Spatial Strategy and Growth
Policy S4 Design Principles
Policy S5 Development Principles
Policy S6d Area Based Wigton
Policy S7 A Mixed and Balanced Housing Market
Policy S19 Renewable Energy and Low Carbon Technologies
Policy S21 Developer Contributions
Policy S22 Transport Principles
Policy S24 Green Infrastructure
Policy S25 Sports, Leisure and Open Space
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 S36 Air, Water and Soil Quality
Policy DM12 Sustainable Construction
Policy DM14 Standards of Good Design
Policy DM17 Trees, Hedgerows and Woodland

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

9.2. **Allerdale Local Plan (Part 2) (Adoped July 2020)**

Policy SA1 Identified Sites
Policy SA2 Settlement Boundaries
Policy SA3 Affordable Housing
Policy SA5 Housing Standards
Policy SA6 Housing Delivery
Policy SA29 Land to West of St. Andrew's View, Thursby
Policy SA33 Broadband
Policy SA51 Amenity Green Spaces
Policy SA52 Green Infrastructure

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

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

10. **Other material considerations**

National Planning Policy Framework (NPPF) (2021)

- 10.1. Paragraph 219 advises that the weight afforded to development plan policies can vary according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.2. The NPPF is available to view at:-

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

Developer Contributions Supplementary Planning Document

- 10.3. This document is complementary to the Local Plan Part 1 and was the subject of consultation and subsequent approval by members. It sets out the Council's approach to securing necessary contribution via S106 agreements where necessary to make the development acceptable and where reasonable to do so.

10.4. **Allerdale Action Plan to Address Climate Change**

10.5. **Allerdale Borough Council Plan 2020-2030:**

- Ensure there are suitable, affordable, decent homes for all.

The details of this document can be viewed here:

<https://www.allerdale.gov.uk/en/about-council/council-strategy-2020-2030/>

11. **Policy weighting**

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

12. **Assessment:**

Principle of development

- 12.1. The Council is committed to taking a positive approach in the determination of planning applications and will always seek to approve proposals unless material adverse effects would significantly and demonstrably outweigh the benefits (Policy S1). This is consistent with the overall aim of the updated NPPF and its core planning principles to achieve sustainable development through strengthening the economy whilst supporting the needs of the community and protecting and enhancing the natural, built and historic environment.
- 12.2. Paragraph 8 of the NPPF details achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- a) **An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity;
 - b) **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being; and

c) **An environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change.

12.3. Paragraph 79 of the updated NPPF, in specific reference to rural housing, advises:-

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.

12.4. Policy S3 ALPP1 expects growth to be largely located inside settlement limits and commensurate in scale to the size of the settlement and the services that it offers. Policy S5 states that new development will be concentrated within the physical limits of the Local Service Centre.

12.5. The site is within the settlement boundary for Thursby as established through the ALPP2, adopted July 2020. Settlement boundaries mark the physical extent, for planning purposes, of a town or village, being the dividing line between the built area (the settlement) and the rural area (the countryside). They have an important role in preventing unplanned expansion of settlements, ensuring development is located in the most sustainable locations, (in line with spatial strategy), and protecting sensitive areas from excessive or inappropriate development.

12.6. Thursby is defined as a ‘Local Service Centre’ in the ALPP1 and as a larger village, has a school, village hall, church and public transport. These villages will accommodate housing development that will help contribute towards maintaining the vitality of the settlement. The Local Service Centres are to collectively provide 20% of at least 5,421 dwellings over the plan period; i.e. 1084 homes. There are eight Local Service Centres in total so each settlement would provide 136 homes over the plan period if homes were divided equally amongst each settlement. It is therefore considered a proposed development of an additional 67 units taking into account recent development (69 units on phase 1) and an approval (OUT/2019/00002 consent for 12 dwelling) in Thursby is commensurate to Thursby’s size and status within the Local Plan and will help maintain the vitality of the village.

12.7. The site is a ‘Housing Commitment’ within the ALPP2 and is so allocated specifically for housing purposes within Part 2 (Policy SA29). The allocation of this site meets the economic objective of the NPPF.

12.8. A number of objections have been raised to the scale of the proposed development at 67 units and its non-compliance with Policy SA29 of the ALPP2. This policy shows a site capacity of 40 dwellings but no density is stated within this allocation. However, it needs to be noted that this number is not a

mandatory number and that if an acceptable site layout can be achieved (which will be discussed in detail later in the report) then the application should not be refused on numbers alone.

Benefits of the proposal

- 12.9. The provision of 67 additional dwellings at Thursby would provide for additional housing at a scale that the ALPP1 and ALPP2 considers reasonable for Thursby as a Local Service Centre. The proposal would contribute particularly to one of the key objectives of the NPPF (social objective) to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Similarly, the proposal would contribute to strategic objective SO2c of the ALPP2, which seeks to ensure a deliverable supply of housing land that meets the needs of the community and local economy, as well as the Council Plan in terms of supporting the development of new homes where they are needed.
- 12.10. The proposal would provide additional affordable housing as set out below in more detail, increasing access to affordable housing in the Borough, in accordance with strategic objective SO2d of the ALPP2 and the Council Plan's priority of tackling inequality through the provision of more affordable housing.
- 12.11. The provision of additional housing would have economic benefits arising from further investment in the construction industry and the associated retention of jobs directly and indirectly within the supply chain.

Balanced and mixed communities including affordable and accessible homes

- 12.12. Policy S7 seeks to promote sustainable, inclusive and mixed communities by ensuring that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community. Policies S2 and DM14 require development to make the most efficient use of the land and build at an appropriate density and layout according to local setting and character. The Council will assess site/ownership boundaries, density and unit mix to ensure that land is not used inefficiently or in a piecemeal fashion to deliberately produce schemes below the policy thresholds. Policy S4 of the Local Plan (Part 1) states that developments must optimise the potential of the site by ensuring appropriate density and mass of development. Policy DM14 states that housing density will be considered on a site by site basis and informed by local context of the area in terms of design considerations, historic or environmental integration, or identified local need.
- 12.13. The density of the site is 31 dwellings per hectare and the dwellings are of a suburban nature - with detached and semi-detached properties with a low level of terraced properties, whilst the density for this site is slightly higher than that on the adjacent phase 1 development of 23 units per hectare, the proposed site density is consistent with other developments in the Part 2 Local Plan that recommends a density for site allocations of between 20-30 hectares. The

proposed layout achieves an acceptable layout and size of plots and officers consider the proposed density to be acceptable with regards to the locality. The scheme accords with the Council requirement for the provision of affordable housing to be in clusters throughout the development, which is indistinguishable from open market dwellings.

- 12.14. The mix of proposed dwellings are a varied and complementary mix of two storey house types and bungalows including 2, 3, 4, 5 and 6 bedroom accommodation, and all benefit from private gardens within each residential curtilage. The housing mix comprises of: 10 x 2 bedroom dwellings; (3 of which are bungalows) 16 x 3 bedroom dwellings; 35 x 4 bedroom dwellings; 3 x 5 bedroom dwellings and 3 x 6 bedroom dwellings.
- 12.15. Policy SA3 of the Allerdale Local Plan Part 2 provides the updated requirement for affordable housing provision as part of major residential developments (superseding Policy S8 of Part 1). The ALPP2 identifies the site as within Zone B which requires a 20% requirement of affordable housing and the scheme provides 13 affordable homes in accordance with the policy requirement.
- 12.16. It is noted that the affordable properties are a mix of 7 x 2 bed dwellings, 4 x 3 bed dwellings and 2 x 2 bed bungalows (Branford, Newford, Fulford).
- 12.17. Paragraph 65 of the NPPF states “where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable homes ownership”. A recent Ministerial Statement and Planning Practice Guidance now requires a minimum of 25 % of all affordable housing units to be First Homes.
- 12.18. The affordable and space standard distribution plans sets out the affordable housing provision; 3 First Homes; 7 Social Rent and 3 Discounted Sale all in a mix of 2 and 3 bed units. As such, the number of proposed affordable housing units is considered acceptable having regard to the Ministerial Statement, Paragraph 65 of the NPPF, ALPP2 Policy SA3 and the Housing Survey needs and it is considered that the size of units for low cost home ownership is reasonable. This will be secured via a Section 106 legal agreement.
- 12.19. Policy SA5 of the Council’s recently adopted Local Plan (Part 2) deals with housing standards requiring certain percentages to meet M4(2) – 20% and M4(3) - 5% standards. It is noted the scheme does comply with Policy SA5 of the ALPP2 in that for developments of 10 units or more, 20% of the dwellings must be designed and constructed to meet the requirements set out in optional Building Requirement M4(2). The units Branford, Rushford, Wexford, Newford and Beckford house types are all M4(2) compliant and represents in excess of 20% (22 number / 33%) of the dwellings provided in accordance with Policy SA5. The policy requirement is only 13.4 units.
- 12.20. Residential developments over 30 units must ensure that 5% of the total units (across both market and affordable dwellings) should be designed and constructed to meet optional Building Requirement M4(3) ensuring that the

dwellings are wheelchair adaptable. The Newford and Beckford House types are also M4(3) compliant, however these only equate to 3 no dwelling which is only 4.5% overall. However, given that the requirement is for 3.35 units it is common practise to round these to the whole number. The proposal is therefore considered acceptable in line with policy SA5.

Scale, Layout, Design and Materials

- 12.21. Policies S4 and DM14 seek to ensure amongst other matters, that new development is of a high quality design, of appropriate scale and appearance and responds positively to the character, history and distinctiveness of the locality.
- 12.22. The NPPF has been updated in July 2021 and requires that the design of streets, parking areas, other transport elements reflect current national guidance, including the National Design Guide and the National Model Design Code. Further paragraph 126 of the NPPF states that, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. Paragraph 134 states that, 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. The NPPF now requires Councils to produce local design guidance, but as this requirement has recently been introduced, no local design guidance is available at present. Finally, newly introduced paragraph 131 states, 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible'.
- 12.23. The development will achieve a satisfactory relationship with the existing settlement pattern. The dwellings once built will be seen in line with the existing adjacent built development of St Andrews and not as a stand-alone development.
- 12.24. The proposal provides a mix of standard housing types and sizes. The overall layout, hierarchy, space and plot ratio is considered acceptable, with a high level of amenity greenspace provided to the west corner of the site and areas throughout the development site and along the frontage of the dwellings. The landscaping scheme as shown on drawing number SHTP2-WW01-K shows the proposal incorporates new planting including trees throughout the proposed site and creating tree lined streets, with a mixture of these within the individual plots and in the public areas throughout the site.
- 12.25. Internally to the site, the proposal is considered to provide a good standard of housing environment overall for future residents, providing adequate separation distances, external amenity space, and in curtilage parking and public open space for future residents. Boundary treatments subdividing the dwellings and

on rear gardens are to be 1.8m high timber fencing. Brick walls are proposed at key prominent locations. Sections of solid timber acoustic fence 2.5m high are proposed to plots 20, 42 and 43 for noise mitigation along the northern area of the site adjacent to the A595. Metal railings are proposed for the SUDs features and play area and various sections of low wooden trip rail along the edge of the swales and to delineate shared drives from open space. The landscaping plan and boundary treatments can be secured by planning condition along with their detailed landscaping management and maintenance plan submitted with the application. The landscaping details are considered to be acceptable, having regard to policies S4 and DM14 of the Allerdale Local Plan Part 1.

- 12.26. Along the northern boundary with the A595 a 2m bund has been proposed with a 2m high fence on top of this required for mitigation in relation to noise impact from the highway. Planting is proposed on both side of this bund which officers consider once established will provide screening to the fence achieving an acceptable visual development both for users of the road and the occupiers of the development.
- 12.27. The principal elevations have been orientated towards Low Road for the units located along the southern boundary of the site adjacent to Low Road and will be viewed as a natural continuation of the existing residential development at St Andrew's View to the east. The fenestration, design and materials of the units for the development reflect existing housing in Thursby.
- 12.28. The proposed scale of the development ensures there is a density level that is reflective of Thursby (about 31 dwellings per hectare) thus making an efficient use of the land whilst providing housing in accessible location close to the main thoroughfare through the village. The 67 dwellings are a standard mass for a suburban estate, of a compact nature, comprising predominately 2 storey dwellings; providing a mix of detached, semi-detached and terrace properties. The proposed dwellings benefit from off street parking and generous gardens.
- 12.29. A single vehicle access point to serve the proposed development is proposed direct from Low Road with full visibility achievable in both directions. A small area of hedge will need to be removed to accommodate this. The internal plots will mainly front onto the internal roads. The proposal includes a pedestrian link between the two sites along the internal Dundraw Lane where the two boundaries meet on the east elevation. The play area has been sited in this area which officers consider is located in an integral part of the development with natural surveillance from nearby properties. The plots along the eastern boundary have been designed so that they either back on or side to the existing dwellings. The proposed distances between the proposed and existing elevations are appropriate and will not give rise to unacceptable levels of overlooking both for existing and future occupiers in line with Policy S32.
- 12.30. The proposed development provides a safe, functional, permeable and inclusive access that does not give dominance to car use. Streets have been designed in accordance with the CCC streets manual. There are a range of in curtilage car parking solutions.

- 12.31. Cumbria Highways has provided a Cumbria Development Design Guide. The guidance provides a suggested level of parking for housing developments and advises that two bedroom houses should provide 2 spaces, three and four bedroom houses should provide 2.5 parking spaces, five+ bedroom houses 3 per unit and that 1 visitor space should be provided for every 5 Dwellings. Applying the guidance this proposal requires 179 parking spaces throughout the development. The amended layout provides 171 parking spaces both in the form of curtilage parking and garages and 13 on street parking visitor parking spaces provided in a mix of 3 within designated parking bays and the remainder 10 on the internal highway roads. Cumbria Highways Officers do not oppose the use of parking within the highway on this development. Officers consider the parking provision achieves an acceptable level of development for the site that will enhance the visual amenity of the whole of the site.

Sustainability, Vehicular Access and Highway Safety

- 12.32. Policies S2 and S22 of the ALP (Part 1) seek to ensure that housing development can be accessed safely and that proposals do not compromise the safety of any transport route. Policy S22 and S5 require that the proposed development includes acceptable arrangements for car parking and access. These policies accord with Paragraph 110 of the NPPF which seek to ensure sustainable transport modes are maximised and development is safe and accessible.
- 12.33. Paragraph 111 of the NPPF states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, of the residual cumulative impacts on the road network would be severe”.
- 12.34. As stated above, Thursby falls within a Local Service Centre, to which it is accepted some housing development can be directed. The village itself has access to a range of services and amenities. The school is located approximately 690m from the site, with other amenities such as the village hall and church located in between these sites.
- 12.35. As such, it is considered that there are some services, amenities and education/employment opportunities within suitable walking distances, whilst other facilities, supermarkets and employment opportunities lie beyond this in the nearby towns.
- 12.36. The access is from Low Road which connects the village from the A595, with Wigton to the west and Carlisle in the east. The nearest train station is Dalston train station which is approximately 4.5km to the east of the site. There are regular multiple bus services that operate from 05:40 to 23:16, making travel by public transport a realistic alternative to travelling by car.
- 12.37. There are two laybys off Low Road on the opposite side to the site which would not be affected by the proposal. There are also a number of public rights of way within the vicinity of the site; however, none of these routes would be affected by the proposal.

- 12.38. Having regard to the relevant policies of the Plan and the NPPF, it is considered that the proposal is accessible by modes other than the car and that measures would be provided to reduce the reliance on the private car by future residents.
- 12.39. The application is accompanied by a Transport Assessment.
- 12.40. Cumbria highways have assessed the plans and transport assessment and raise no objections subject to conditions with no improvements to the existing highway network required.
- 12.41. In this proposal, the car parking and highway access arrangements and road details are considered to be acceptable, subject to recommended planning conditions.
- 12.42. The proposal is considered to be acceptable in highway safety terms, without severe impact on the existing network. Further, for the reasons outlined above, the location is favourably considered against highway matters and is acceptable in relation to the NPPF, Policy S2 and S22 of the ALP Part 1 subject to recommended conditions.

Flooding / Drainage

- 12.43. Policies S2 and S29 of the local plan seek to minimise the risk to people and property as a result of flooding and ensure that development would not increase the risk of flooding elsewhere, requiring full consideration of the surface water drainage hierarchy.
- 12.44. The site currently lies within Flood Zone 1 on the Environment Agency Flood Risk maps, assessed as having the lowest risk of flooding. However, given the size of the site, a Flood Risk Assessment (FRA) accompanies the application which has looked at the implications of a proposed residential development in relation to drainage and flood risk.
- 12.45. Surface Water will drain to the existing SuDs pond to the north of the site, before directed to the watercourse to the west of the pond at a controlled flow rate of 6.1 litres per second per hectare, which is the calculated Greenfield QBAR runoff rate for the site.
- 12.46. The existing SuDs pond has capacity for additional flows from the site, when combined with a number of additional small-scale SuDs features within the proposed development.
- 12.47. Foul water from the site is proposed to discharge to the existing pumping station in St Andrew's View which has sufficient capacity. It will then drain to the public combined/foul sewer network.
- 12.48. Lead Local Flood Authority and United Utilities have assessed the proposed drainage scheme and confirmed the details are acceptable.

12.49. The proposal is considered to be acceptable in relation to policy S29 of the ALPP1, with a suitable scheme for the discharge of surface water drainage and its maintenance secured as part of the application.

Noise

12.50. Policy S32 of the Local Plan is relevant in this regard and has consistency with Paragraph 185 of NPPF, the latter requiring that:-

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely affects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

12.51. Planning Practice Guidance: Noise seeks consideration of whether or not a good standard of amenity can be achieved. It details that mitigation measures can include designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound installation provided by the building envelope.

12.52. Traffic noise both from the A595 and a nearby turbine were concerns for members which resulted in application FUL/2021/0299 been refused. The applicant has undertaken additional noise monitoring at the site between the 2nd May and 10th May 2022 and a revised noise assessment has been submitted.

12.53. The developer has taken on board the concerns raised by members on the extent of the proposed mitigation against noise and enhanced mitigation measures are now proposed.

12.54. The table below details the recommended internal and external noise levels.

Activity	Location	0700 to 2300h	2300 to 0700h
Resting	Living room	35dB LAeq,16h	-
Relaxing	Gardens	55dB LAeq,16h	-
Dining	Dining room	40dB LAeq,16h	-
Sleeping (daytime resting)	Bedroom	35dB LAeq,16h	30dB LAeq,8h

12.55. The noise readings at the site identify the current noise levels experienced at the site exceed these limits and therefore mitigation is required. The PPG clearly details that that mitigation measures from noise can be included within the design of the development that can include noise barriers.

- 12.56. Mitigation is proposed in the form of bund along the western boundary of the proposed development. The bund will be 2m high and a 2m high solid acoustic fence is now proposed running along the top to protect the adjacent houses from noise. The bund will then increase to 3m in height where the public open space is located in the southwest corner of the site with no fence above for this section. In addition a 2.5m acoustic fence will be provided to plots 20, 42 and 43.
- 12.57. There are a number of plots along the edges of the proposed development where the predicted internal noise level is at or above the relevant guidance level with an open window. Where this is the case, mitigation to the windows of habitable rooms on ground, and first floors are required to allow these rooms to remain ventilated while keeping windows closed to protect them from noise.
- 12.58. Due to concerns raised by local objectors in respect to application FUL/2021/0299, Positive Input Ventilation (PIV) units are no longer proposed. This is to avoid the potential scenario where hot air is circulated around the dwelling because high external temperatures (25 degrees plus) can result in the PIV units defaulting to standby mode. Instead, acoustic vents are proposed which do not suffer the same issue as PIV when external temperatures are in excess of 25 degree.
- 12.59. Internal noise levels can generally be achieved across the site with windows open, however noise sensitive rooms towards the northern, southern and western perimeters of the site, facing the adjacent roads, will require acoustic trickle ventilation, to habitable rooms to achieve the internal guidance levels. This equates to 43 plots, with the majority of these plots having access to windows on the screened side that can be opened without exceeding the internal guidance noise levels. A total of 15 plots will also require enhanced glazing.
- 12.60. Noise associated with the single wind turbine at How End Farm to the south of the site is considered to be not significant, and will not exceed the upper threshold allowed.
- 12.61. The council's independent noise consultant has assessed the updated noise assessment, which indicates the Oct 2020 data was, and remains to be robust for the site with regard to noise from the A595 and Low Road.
- 12.62. The level of mitigation proposed indicates that a good acoustic design process has been followed by the developer and consultant with regard to external noise and amenity areas.
- 12.63. The noise assessment taking into consideration the mitigation measures proposed clearly demonstrated that both the internal and external spaces of the proposed development are within the acceptable threshold for noise, with many areas predicted to experience noise levels significantly lower than the 'desirable' guidance levels. In addition, taking into consideration both the proposed acoustic barrier adjacent to the A595 and intervening dwellings that

will provide additional attenuation from the road there will be a reduction in noise at a number of dwellings on the phase 1 development, to an extent when some internal noise levels will be achieved with open windows, whereas currently alternative ventilation is provided and considered an appropriate use within the Phase 1 development.

- 12.64. National Guidance and policy details that it is acceptable to mitigate and reduce any potential adverse impacts resulting from noise. The noise reports clearly establishes that with these mitigations measures in place the residential amenity to occupiers of the proposed dwellings both internal and within the external amenity spaces meets the requirements as detailed in the table above at 12.54.
- 12.65. Concerns have been raised with regards to the number of units on the site and that a reduction in these would overcome the noise issues. Officers are satisfied that the development has adequately demonstrated that an appropriate layout of the site in terms of density can be achieved which mitigates against the noise identified in the report while protecting the health, social and cultural well-being of occupants meeting the social and environmental objectives of the NNPF.
- 12.66. The number of units that do not require any form of mitigation on the site in terms of noise is 24 properties. Therefore a reduction in numbers on the site would still require mitigation measures to be included in any final design, which would have been considered at allocation stage.
- 12.67. Environmental Health officers have carried out various independent visits to the site to assess the noise from the wind turbine. At these visits the turbine was in operation, with the predominant noise source the traffic on the A595. The turbine points away from the site and therefore turbine related noise will mostly be projected towards the existing dwellings on the A596 (to the west).
- 12.68. It is considered that the noise assessment has adequately considered the impact of noise both from the wind turbine and the adjacent A595 and subject to the mitigation measures being implemented, which can be controlled via condition the proposal will not have an unacceptable impact on the future occupiers of the dwelling.

Shadow Flicker

- 12.69. Policy S19 in the adopted local plan relates to renewable energy development which normally seeks an 800 m buffer between residential properties and wind turbines. However it is highlighted within the policy that site specific factors e.g. orientation of views, land cover and topography may make this threshold variable if there is evidence to demonstrate there will be no adverse impact on residential amenity. This proposal's landuse alternatively relates to a different type of development, but the amenity principles within Policy S19 albeit in reverse are applicable under Policy S32.
- 12.70. Paragraph 185 as detailed above is also relevant to shadow flicker and the potential impact on peoples living conditions and health.

- 12.71. The reason for refusal on application FUL/2021/0299 included Policy S19 a (i) and (ii) which details the Council will take a positive view with proposals that:
- (i) Do not have an unacceptably adverse impact on the amenity of local residents (such as air quality/emissions, noise, odour, water pollution, shadow flicker)
 - (ii) Do not have significant adverse impact on the location, in relation to visual impact and impact on the character and sensitivity of the surrounding landscape
- 12.72. Guidance outlines that only properties within 10 rotor diameters distance from any turbine may experience any potentially significant impacts of shadow flicker. This threshold has been applied in appeals for wind turbine development. The new dwellings would be within 329m – 486m of an existing wind turbine located at Howend Farm Thursby which is to the south west of the proposed housing development. Nearly all of the dwellings will be within 10 rotor diameters of the site.
- 12.73. The applicant has submitted an updated Shadow Flicker Assessment. The Assessment follows the industry methodology set out in the Parsons Brickenhoff guidance produced by the Department of Energy and Climate Change (DECC0 in 2011). The guidance specifies that shadow flicker effects should not exceed 30 hours per year and 30 minutes per day once the relevant environmental conditions have been factored in. These conditions are the position of the sun, the time of the day, the day of the year, ambient weather conditions and the position of the wind turbine. No mitigation measures are required where shadow flicker does not exceed these times.
- 12.74. The assessment sets out that before the environmental conditions are considered, there are 17 no. plots that would experience between 30 and 46 minutes of shadow flicker per day. Of these plots, 65% of them will experience shadow flicker for less than 40 minutes per day. It is important to note that these figures do not represent a real-world scenario because they assume there is 100% sunshine during daylight hours. To arrive at the most accurate prediction of shadow flicker, these figures must first be adjusted to take account of the expected winter sun hours (the potential for shadow flicker effect only occurs during the winter months).
- 12.75. Following the adjustment, the hours per years and minutes per day of shadow flicker experienced by all 17 no. plots reduces to below 30 hours per year and significantly below 30 minutes per day. The maximum period of shadow flicker that would be experienced is 7 minutes on a daily basis (15 hours and 42 minutes per annum).
- 12.76. Officers consider the assessment and methodology has been undertaken in line with current government guidance. The reports demonstrates that there is very limited occurrence (on both a daily and annual basis) of shadow flicker, that none of the proposed dwellings would be adversely affected by shadow flicker. The development was constructed will be assimilated into the landscape and be

seen in line with the Phase 1 development therefore not having any adverse impact on the location, in relation to visual impact. The results show that shadow flicker would not create an unacceptable quality of amenity for the future occupants of the proposed homes with the impact well below the threshold required by Government and in line with Policy S19 and S32 of the Local Plan.

Heritage / Archaeology

- 12.77. Policies S2, S5 and S27 of the Allerdale Local Plan seeks to ensure that proposals do not adversely affect heritage assets and their setting.
- 12.78. The county archaeologist had previously highlighted that the site is of some archaeological interest. Aerial photos show that a cropmark enclosure indicative of a prehistoric settlement may survive on the site. The geophysical survey of the site was inconclusive but may have revealed buried remains of the enclosure. A further archaeological evaluation has been undertaken on the site with the results indicating there are no significant archaeological remains that survive on the site and no further archaeological works are required. As such, the proposal is not considered to raise any concerns in relation to policy S27 of the ALPP1.

Landscape and Visual Effects

- 12.79. Policy S33 of the ALPP1 seeks to protect, conserve and enhance the landscape character and local distinctiveness of the Plan Area and supports the NPPF aim to recognise the intrinsic character and beauty of the countryside (paragraph 174). Policies S4 and DM14 of the ALPP1, seek to ensure amongst other things that new development responds positively to the character and distinctiveness of the location and integrates effectively and policy S24 seeks to ensure that regard is had to how the development retains green infrastructure.
- 12.80. The site lies within the Landscape sub-type 5b: Low Farmland as defined by the Cumbria Landscape Character Guidance and Toolkit. Key characteristics are:
- Undulating and rolling topography
 - Intensely farmed agricultural pasture dominates
 - Patchy areas of woodland provide contrast to the pasture
 - Woodland is uncommon west towards the coast
 - Fields are large and rectangular
 - Hedges, hedgerow trees and fences bound fields and criss-cross up and over the rolling landscape.
- 12.81. The site would have a number of visual implications given its location on the periphery of the village on land at a higher level than the surrounding road networks. However, the introduction of the new housing development as part of phase 1 has already altered the character of the area increasing the built development and lighting in the landscape and will assist in assimilating the development into the existing built environment of the village. The plans provided show an acceptable form of development can be achieved in terms of

the standard of housing for future occupiers, while not adversely affecting the residential amenity of neighbouring properties.

- 12.82. The topography of the land alters throughout the site and the section plans show that the development would not be overly dominant within the existing landscape.
- 12.83. From wider views the development would be seen in the context of the phase 1 development that has now been completed. Additional landscaping would be provided in the form of a bund and tree planting along the northern boundary to the A595 to aid screening of the development. Along the corner of the site to the A595 and Low Road additional native planting is also proposed to soften the impact of the development on the approach to the village. The retention and enhancement of existing landscape features and planting of new trees would implement the guidelines to maintain and enhance the landscape distinctiveness in the Urban Fringe sub-type.
- 12.84. As part of the Phase 1 development a kest was approved with hedgerow above to the western boundary of the development to assist in screening the acoustic fence. If approval is granted this will see this kest and hedgerow removed as the new development will abut the existing phase 1. The existing acoustic fencing will be retained as the boundary between the two sites dividing the gardens. As detailed above the proposed noise mitigation will enhance the amenity of existing dwellings along the eastern boundary of the site.
- 12.85. It is noted that there will be a high susceptibility for change to the views from existing properties along the western boundary of the existing adjoining estate, however, officers consider that the separation distances between the proposals and existing dwellings is sufficient to ensure no significant adverse effects in accordance with Policy S32. An acceptable standard of visual amenity would be retained for these residents.
- 12.86. Officers conclude that the proposed development would not have a significant adverse impact on the visual landscape and amenity and therefore is compliant with the provisions of Policy S32 and S33 of the Allerdale Local Plan (Part 1).

Play Provision/Amenity Green Space

- 12.87. Policy S25 of the ALPP1 requires that new residential development makes provision for well-designed public open space, either through on site provision of new open space or by financial contribution to enhance or create off site provision of public open space. DM14 specifies that new development should include high quality landscaping. Policy S24 seeks to promote the creation, enhancement, maintenance and protection of a range of green infrastructure assets that contribute to a diverse network of natural and man-made green and blue spaces, links, habitats and landscape which is accessible to all. The Council has an adopted Supplementary Planning Document (SPD) that sets out requirements for open space provision, differentiating between amenity greenspace and provision for children and young people. For a residential

development of 67 units, the SPD indicates that both amenity greenspace and provision for Children and Young People should be provided on site.

- 12.88. For amenity greenspace, the SPD specifies 15m² per dwelling, equating to a requirement here of 1,005m². For children/young people, the requirement is 1.34 m² per dwelling, with play area of 89.78m².
- 12.89. The proposal provides for approx. 11,137m² of public open space, of which 4,885m² is accessible to the public. This is principally located to the south western corner. In addition, there is a POS extending along the Site frontage in a linear form which can be accessed via a gravel path from the large POS area. The POS continues to the northern boundary to provide a softer transition to the field located to the north of the site. The POS in this location and in the centre of the site will incorporate additional surface water storage in the form of dry basin and swales respectively. The links throughout the site and to the POS area allows contact with the natural environment.
- 12.90. An equipped play area that is 123m² is proposed on the eastern boundary of the site, alongside the existing St Andrews View development with a pedestrian link between this proposed development and the existing estate of Bouch Lane (Phase 1). Officer consider the proposed siting to be acceptable with natural surveillance of the play area. The play area shall include four individual pieces of play equipment, a seat and bin, and will meet both the 0 to 5 year olds and 5 plus year olds. The implementation of the play equipment can be secured via condition.
- 12.91. Subject to the maintenance of the amenity greenspace and the play area for children and young people via condition the proposal is acceptable in relation to policy S25 of the ALPP1 and the adopted SPD.

Ecology / Biodiversity Enhancements

- 12.92. Policies S2, S35 and S36 of the ALLP1 seek to promote sustainable development whilst protecting and enhancing biodiversity assets and water quality within the Plan area. The application has been supported by an Ecological Appraisal of the site.
- 12.93. Paragraph 174 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity.
- 12.94. The site currently comprises an open field of improved grassland with species poor hedges on its boundary, with scattered trees and a newly constructed housing estate to the east. An open ditch lies to the north boundary and newly created SUDS pond also to the north.
- 12.95. There are no significant constraints on development of this site. Amphibians, Bats, badgers and nesting birds are known to occur in the local area, the report detailed that there were no conclusive evidence of any specifically protected

species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed.

- 12.96. The vegetation to be cleared has low ecological significance in the local area; the trees close to but outside the development area are generally of low quality.
- 12.97. The protection of trees on the site boundary and landscaping will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than already occurs.
- 12.98. The report recommends measure to mitigate the impact of the proposed development will have on habitats within the site and concludes that no further ecological surveys are required. The mitigation measures can be controlled via condition.
- 12.99. The proposed development will create new ecological habitats resulting from the proposed planting which will lead to an overall biodiversity net gain. The proposed landscape scheme includes supplementary planting throughout the development with a detailed maintenance strategy provided. In summary, the proposed enhancements will include 41m of mixed species hedgerow, 12m of native holly, 15 sqm of native marginal, 51 no. native species tree, 5 no. native Scot Pines and 5,573 sqm of wildflower grass. The development will accord with Policy S35 and S24 of the Local Plan.

Response to Neighbour Representations

- 12.100. Neighbour concerns relate to issues of noise, shadow flicker, transport and the sustainability of the site, parking and access arrangements. As addressed above, matters relating to projected traffic increases, the proposed vehicular access and parking arrangements are deemed acceptable by Cumbria Highways and can be secured by planning condition. The site is deemed to be in a sustainable location with satisfactory pedestrian links to village facilities. No concern has been raised by CCC with regards to the lack of capacity of the village school.
- 12.101. Noise and shadow flicker reports have been provided by the developer and these have been assessed by Environmental Health Officers who are satisfied that an acceptable level amenity for future occupiers can be achieved through the inclusion of mitigation measures which are considered by national and local policy an appropriate and acceptable way of addressing any harm identified in relation to noise and that the noise levels for both internal and external space can be achieved providing acceptable levels of amenity. The Shadow Flicker Assessment clearly demonstrated that's the level of shadow flicker per day at a maximum of 7 minutes is well within the acceptable range and will achieve a good level of amenity overall in terms of both shadow flicker and noise.
- 12.102. The site is an allocated housing site within the Part 2 Local Plan and therefore housing has been accepted on the site. The developer has demonstrated an acceptable layout for the site can be achieved for the density proposed that addresses the constraints of the site.

12.103. The Local Plan is an adopted Policy until 2029 therefore the creation of the Cumberland Authority will have no impact on the designation of Thursby as a Local Service Centre and the need for the developments as identified in the Allerdale Local Part 1 and 2 been developed.

Local Financial Considerations

12.104. Having regard to S70 (2) of the Town and Country Planning Act the proposal has possible financial implications arising from New Homes Bonus and Council Tax Revenue.

13. Conclusions

- 13.1. The site represents a sustainable location for this scale of development, adjacent to the existing built environment for Thursby. As an allocation for housing within Part 2 of the Plan, the principle of housing at this location has been deemed to be acceptable, with mitigation measures required to address noise and shadow flicker. The number of units within the Part 2 allocation is not a fixed number and therefore if an appropriate layout can be achieved which addresses all issues it may be accepted. Officers consider this has been achieved for the site with the number of units being acceptable and the scale of development considered to be appropriate to the size of the settlement.
- 13.2. Officers consider that the development when considered as a whole has demonstrated that it achieves the economic objective in developing an allocated site for housing to support growth. The social objective has also been addressed providing a range of homes to meet the needs of present and future generations that can be adapted to accommodate the ageing population. Lastly in addressing the environmental objective, there is an appropriate density of development which incorporates a well-designed layout which protects and enhances the natural, built and historic environment. The site will achieve a biodiversity net gain with links through the site to areas of open space. The level of information submitted with the application demonstrates an acceptable level of development that through mitigation will protect the health and well-being of new occupiers whilst enhancing those of the existing built environment.
- 13.3. The proposal is in accordance with the Allerdale Local Plan Part 1 and 2, taken as a whole, specifically in relation to settlement limits, locational sustainability, highway safety, flooding/drainage, ecology, heritage, landscape impact, visual and residential amenity. As such, the recommendation is to grant planning permission, subject to conditions detailed in Annex 1, and subject to the signing of a section 106 to secure the matters detailed at the outset of this report.

14. RECOMMENDATION

GRANT SUBJECT TO A SECTION 106 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:**

20091.90.9.SL.LP Revision A Location Plan
20091.90.9.SL.CL Rev D Site Layout Colour Layout
20091.90.9.SL.GA Revision C Site Layout General Arrangements
210920-THURSBY-SH-TOPO-001 Revision B Topographical Survey
20091.90.9.SL.ET Revision C Site Layout Elevation Treatments
20091.90.9.SL.HS Revision C Site Layout Hard Surfaces
20091.90.9.SL.PP Revision C Site Layout Parking Provision
20091.90.9.SL.BT Revision D Site Layout Boundary Treatments
SD100-A-001 Revision A External Plot Finishes – Open Boarded Fence
SD100-A-002.1 Revision A External Plot Finishes – Open Boarded Timber Side Gate Details
SD100-A-002.2 External Plot Finishes – Feather Edge Board Timber Side Gate Details
SD100-A-004 Revision A External Plot Finishes – High Feather Edge Fence
SD100-A-005 Revision A External Plot Finishes – Acoustic Fencing
SD100-A-012 External Plot Finishes – Trip Rail
SD100-B-001 Revision A External Plot Finishes – Brick Boundary Wall
SD100-C-001 External Plot Finishes – Estate Railing
SD100-C-002 External Plot Finishes – 1200mm Plain Top Railing
SD100-C-003 External Plot Finishes – 900mm Plain Top Railing
SD100-C-004 External Plot Finishes – Rail and Post fixing to masonry wall
SD100-C-005 External Plot Finishes – SUDS Fencing
SD100-D-001 External Plot Finishes – Stock Proof Fence
20091.90.9.SL.ML Revision C Site Layout Management Layout
20091.90.9.SL.SS Revision B Site Layout Site Sections
7628/07 Revision J External Works Layout
20091.90.9.SL.ASSD Revision C Site Layout Affordable & Space Standard Distribution
SHTP2-WW01-K Landscape Plan
SHTP2-WW02-K Landscape Management Plan
7628/01 Revision K Proposed Drainage Layout
20091.90.9.SL.CSWMP Revision E Construction Surface Water Management Plan

20091.90.9.SL.LOP Revision C Land Ownership Plan
BFD-PLP1 Revision A Branford M4(2)S Planning Layout 1
BFD-PLE1/1 Revision B Branford M4(2)S Planning Elevation 1/1
BFD-PLE1/2 Revision B Branford M4(2)S Planning Elevation 1/2
SAN-PLP1 Revision C Sanderson (A) Planning Layout 1
SAN-PLE1/1 Revision C Sanderson (A) Planning Elevation 1/1
SAN-PLE1/2 Revision C Sanderson (A) Planning Elevation 1/2
FFD-PLP1 Revision B Fulford M4(2)S Planning Layout 1
FFD-PLE1/1 Revision B Fulford M4(2)S Planning Elevation 1/1
FFD-PLE1/2 Revision B Fulford M4(2)S Planning Elevation 1/2
WXD-PLP1 Revision B Wexford M4(2)S Planning Layout 1 (Front)
WXD-PLE1/1 Revision B Wexford M4(2)S Planning Elevation 1/1 (Front)
WXD-PLE1/2 Revision B Wexford M4(2)S Planning Elevation 1/2 (Front)
WXD-PLP2 Revision B Wexford M4(2)S Planning Layout 2 (Corner)
WXD-PLE2/1 Revision B Wexford M4(2)S Planning Elevation 2/1 (Corner)
WXD-PLE2/4 Revision B Wexford M4(2)S Planning Elevations 2/4 (Corner)
SPR-PLP1 Revision C Spencer (A) Planning Layout 1
SPR-PLP2 Revision C Spencer (A) Planning Layout 2
SPR-PLE1/1 Revision D Spencer (A) Planning Elevation 1/1
SPR-PLE1/2 Revision D Spencer (A) Planning Elevation 1/2
SPR-PLE2/1 Revision D Spencer (A) Planning Elevation 2/1
SPR-PLE2/2 Revision D Spencer (A) Planning Elevation 2/2
BFK-PLP1 Beckford M4(3)S Planning Layout 1
BFK-PLE1/1 Beckford M4(3)S Planning Elevation 1/1
BKF-PLE1/2 Beckford M4(3)S Planning Elevation 1/2
BFK-PLP2 Beckford M4(3)S Planning Layout 2
BKF-PLE2/1 Beckford M4(3)S Planning Elevation 2/1
BKF-PLE2/2 Beckford M4(3)S Planning Elevation 2/2
PRN-PLP1 Revision D Pearson (A) Planning Layout 1
PRN-PLE1/1 Revision D Pearson (A) Planning Elevation 1/1
PRN-PLE1/2 Revision D Pearson (A) Planning Elevation 1/2
HWN-PLP1 Revision B Hewson (A) Planning Layout 1
HWN-PLE1/1 Revision D Hewson (A) Planning Elevation 1/1
HWN-PLE1/2 Revision D Hewson (A) Planning Elevation 1/2
RFD-PLP1 Revision A Rushford M4(2)S Planning Layout 1
RFD-PLE1/1 Revision A Rushford M4(2)S Planning Elevation 1/1
RFD-PLE1/2 Revision A Rushford M4(2)S Planning Elevation 1/2
NWF-PLP1 Newford M4(3)S Planning Layout 1
NWF-PLE1/1 Newford M4(3)S Planning Elevation 1/1
NWF-PLE1/2 Newford M4(3)S Planning Elevation 1/2
CRN-PLP1 Revision A Charlton (A) Planning Layout 1
CRN-PLE1/1 Revision C Charlton (A) Planning Elevation 1/1
CRN/PLE1/2 Revision C Charlton (A) Planning Elevation 1/2
CRNXL-PLP1 Charlton XL Planning Layout 1
CRNXL-PLE1/1 Charlton XL Planning Elevation 1/1
CRNXL-PLE1/2 Charlton XL Planning Elevation 1/2
SG-PLP1/1 Revision A Single Garage 1 Planning Drawing 1/1
SG-PLP1/2 Revision A Single Garage 1 Planning Drawing 1/2
SG-PLP2/1 Double Garage 1 Planning Drawing 2/1
SG-PLP2/2 Double Garage 1 Planning Drawing 2/2

SG-PLP3/1 Twin Garage 1 Planning Drawing 3/1
SG-PLP3/2 Twin Garage 1 Planning Drawing 3/2
Material Schedule received 6 June 2022
Planning Statement May 2022
Design and Access Statement
Arboricultural Impact Assessment May 2022 received 6 June 2022
Appendix 3 Landscape Management Scheduled Tasks
Appendix 4 Landscape Implementation Programme
Construction and Environmental Management Plan (Rev B) May 2022
Noise Assessment May 2022
20091.90.9.SL.DTNI Site Layout Day Time Noise Impact
20091.90.9.SL.NTNI Site Layout Night Time Noise Impact
20091.90.9.SL.AM Revision B Site Layout Acoustic Mitigation
Shadow Flicker Assessment May 2022
Appendix A – Figure 1 Shadow Flicker Output Map v3
Appendix B – Detailed Shadow Flicker Times at Receptors
20091.90.9.SL.SF Site Layout Shadow Flicker
Transport Assessment May 2022
Flood Risk Assessment Addendum Report
Preliminary Ecological Report received 6 June 2022
Ground Investigation Report
Proposed Housing and Open Space Proposed Play Area Images
SHTP2-WW03A Play Area Plan
Affordable Housing Statement May 2022
Archaeological Desk-Based Assessment and Geophysical Survey Report
No. Y103/13
Archaeological Evaluation Report No. Y569/22
Archaeological Evaluation Phase 2 Written Scheme of Investigation
Archaeological Assessment 2
Heritage Statement May 2022
Amended Landscape Maintenance & Management Plan Rev c received
22.06.22
Outline Landscape and Visual Impact Appraisal Revision A 20.04.21
 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. **The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is fully occupied.**

Reason: To ensure a minimum standard of construction within the approved development in the interests of highway safety.

4. **Development shall not commence until a Construction Traffic Management Plan has been submitted to an approved in writing by the Local Planning Authority. The CTMP shall include details of:**
- a) **pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;**
 - b) **details of proposed crossings of the highway verge;**
 - c) **retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;**
 - d) **cleaning of site entrances and the adjacent public highway;**
 - e) **details of proposed wheel washing facilities;**
 - f) **the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
 - g) **construction vehicle routing;**
 - h) **the management of junctions to and crossings of the public highway and other public rights of way/footway;**
 - i) **details of any proposed temporary access points (vehicular / pedestrian) and any proposed TTRO necessitated by this development.**
 - j) **surface water management details during the construction phase.**

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway safety and pedestrian safety, to accord with the National Planning Policy Framework and policy S22 of the Allerdale Local Plan (Part 1), 2014.

Post-commencement/Pre use commencing conditions:

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

Reason: In the interests of highway safety.

6. **The dwellings hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed for that dwelling in accordance with the approved plan and have been brought into use. The vehicular access, parking and turning provisions shall be retained (including the garage parking spaces) as identified on Drawing Number 20091.90.9.SL.PP Revision C and be capable of use at all times for parking of motor vehicles thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.**

Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

- 7. 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), Adopted July 2020.
- 8. The approved means of enclosures as shown on drawing number 20091.90.9.SL.BT Revision D Site Layout Boundary Treatments shall be constructed prior to the approved dwelling being occupied. All means of enclosures 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, in compliance with the National Planning Policy Framework and Policy S4 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 9. The development shall be carried out in accordance with the Landscape Management Plan, Landscape Maintenance and Management Plan Rev C 22.03.22, Landscape Management Schedule Tasks and Landscape Implementation Programme. The works shall be carried in accordance with the approved details for the lifetime of the development.**

Reason: To ensure the long term maintenance and management of public open space and landscaped areas within the residential estate, in accordance with the National Planning Policy Framework and Policies S4, S24, S25 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 10. No dwelling hereby approved shall be occupied until the full mitigation measures as detailed in the Noise Assessment have been fully installed and operational and shall be permanently maintained and kept operational at all times thereafter.**

Reason: In order to protect the amenity of the occupiers of the dwelling in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 11. The proposed play equipment as detailed on the dwg SHTP2-WW03A Play Area Plan and Proposed Housing and Open Space Proposed Play Area Images shall be constructed and made available for use, before the 40th dwellinghouse hereby approved is occupied.**

Reason: To ensure a satisfactory provision of play equipment that meets the needs for future residents of the development, in accordance with Policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 12. The surface water drainage system hereby approved shall be fully implemented prior to the development being occupied and shall be maintained operational thereafter.**

Reason: In the interests of highway safety and environmental management in compliance with the National Planning Policy Framework and Policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2104.

Other:

- 13. All landscaping works shall be carried out in accordance with the approved Landscape Plan Drawing Number SHTP2-WW01 Rev K within the first planting season following the occupation of the dwellinghouse(s) approved 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 others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

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

- 14. 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.

- 15. The works shall be implemented solely in accordance with the mitigations measures outlined in Section 7 of the Preliminary Ecological Appraisal.**

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

16. **The development shall be carried out in strict accordance with the approved Construction Management Plan. The site operating hours shall be restricted to 7.30am – 6:00pm Monday to Friday, 8:00am – 1:00pm Saturdays and no working on Sundays or Bank Holidays.**

Reason: In the interest of highway safety and preserving the amenity of neighbouring residents, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

