

At a meeting of the Development Panel held in Council Chamber - Allerdale House, Workington on Tuesday 2 July 2019 at 1.00 pm

Members

Councillor Nicky Cockburn (Chair)

Councillor Allan Daniels

Councillor Janet Farebrother

Councillor Adrian Kirkbride

Councillor Ron Munby MBE

Councillor Alan Tyson

Councillor Joan Ellis

Councillor Daniel Horsley

Councillor Elaine Lynch

Councillor Alan Smith

Councillor Will Wilkinson

Apologies for absence were received from Councillor Carole Armstrong

Staff Present

A Gilbert, L Jardine, K Kerrigan, S Long and S Sewell

53. Minutes

The minutes of the meeting held on 04 June 2019 were signed as a correct record.

54. Declaration of Interests

None Declared

55. Questions

None Received

56. Development Panel- 2/2018/0568 - Erection of roadside services (petrol filling station, drive-through coffee shop and drive-through restaurant) with associated site works including car parking, modified vehicular access/egress and landscaping, Proposed Service Station, Toll Bar, Distington

Representations

Graeme Innes attended the meeting on behalf of Cumbria County Councils highway authority.

Chris Bagshaw on behalf of Workington Town Council, spoke against the application

A written statement of against the application was read on behalf of Ward Councillor Hilary Harrington.

The agent, Nazia Shah spoke in favour of the application.

Application

The report recommended granting permission subject to conditions

Reference was made to the late list which proposed amendments to three of the recommended planning conditions

The Senior Planning Officer introduced the item and then went through the main issues as detailed in the report.

Location

The proposal was located on the strategic highway network on the edge of the industrial estate. The site is located in proximity to Lakes College and an ambulance station

Principle of Development

The locational requirements of the development and the aggregation of this uses are acceptable. In this context, the development is a sustainable, job creating proposal. Supporting evidence had been submitted explain the proposal context in terms of it's out of town location including any sequential test issues.

Highway Matters

The proposed access is from the existing junction, previously used for residential care.

The application was supported by detailed highway statistical evidence which had been assessed by the highway authority.

The Highway Authority and Highways England have responded in full regarding highway issues with no objections in principle subject to appropriate planning conditions. This is subject to a necessary pedestrian crossing of the A597 regarding pedestrian safety. The comments of the ambulance station had been addressed by including an overriding switch for the lights to assist any emergency traffic movements from the depot.

Landscape, Design and Amenity

This is acceptable in all aspects to achieve a satisfactory standard of development with no adverse impacts.

Drainage

A sustainable drainage strategy is considered achievable and conditions are included for further details.

The Senior Planning Officer then read out a letter of objection from the late list which highlighted the risks associated with introducing potential fast food outlets close to educational establishments.

Members noted the representations received in respect of the application, the main grounds of which were set out in the report.

Questions were asked of the officers (including the County's highway officer) and speakers and debate followed relating to traffic, pedestrian crossing and employment. Members were also concerned with the highway safety aspects of the access from the ambulance station and HGVs that will use the new proposed roadside services.

Councillor Farebrother moved to defer the proposal pending further information relating to traffic.

The motion was not seconded, so the motion lost.

Councillor Munby then moved the motion to approve the application as per officer's recommendations and the conditions included in the late list.

The motion was seconded by Councillor Daniels.

Councillor Cockburn then moved an amendment to the motion, as per Councillor Munby motion, with the amendment of condition 3 – to include the condition that the ambulance station has the facility to control the pedestrian traffic lights when required.

The amended motion was seconded by Councillor Lynch.

A vote was taken on the amended motion to approve, 7 voted in favour, 5 voted against with 0 abstentions.

The motion was carried.

Resolution

Permission granted subject to conditions as per officers recommendations with amendment to condition 3, plus the two additional amended conditions (6 & 7) on the late list

Conditions

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:

**4098.01A Lillyhall, Workington Landscape Layout
Arb Report - 4098 Lillyhall, Workington
180106 - PL - 05a - Proposed Petrol Filling Station Elevations
180106 - PL - 09 - Proposed Drive Thru Coffee Shop Internal Layout
180106 - PL - 10 - Proposed Drive Thru Restaurant Internal Layout
180106 - PL - 08 - Proposed Petrol Filling Station Internal Layout
180106 - PL - 03 - Proposed Site Layout
180106 - PL - 04 - Proposed Site Elevations
180106 - PL - 06 - Proposed Drive Thru Coffee Shop Elevations
180106 - PL - 07 - Proposed Drive Thru Restaurant Elevations**

Reason: To ensure that the development is implemented in accordance with the plans that were assessed as being acceptable and sustainable.

3. Prior to the commencement of works, details and the location of a controlled pedestrian crossing (including a switch mechanism for the nearby ambulance station) on the A597 as informed by a Road Safety Audit stage 2 shall be submitted to and approved by the Local planning Authority.

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

Pre-commencement conditions:

3. Development shall not commence until details and location of a controlled pedestrian crossing on the A597 as informed by a Road Safety Audit Stage 2 have been submitted to and approved by the Local Planning Authority.

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

4. Development shall not commence until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:

a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;

b) Procedure to monitor and mitigate noise and vibration from the construction and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.

c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.

- d) A written procedure for dealing with complaints regarding the construction**
- e) Measures to control the emissions of dust and dirt during construction**
- f) Programme of work for the Construction phase;**
- g) Hours of working and deliveries;**
- h) Details of lighting to be used on site.**

The approved statement shall be adhered to throughout the duration of the development.

- i) Formation of the construction compound(s) and access tracks and any areas of hard standing;**
- j) Cleaning of site entrances and the adjacent public highway; the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
- k) Post-construction restoration/reinstatement of the working areas**
- l) Construction surface water management.**

Reason: In the interests of the occupiers of nearby premises and highway safety to accord with policies S22 and S32 of the Allerdale Local Plan Part 1 2014.

5. Development shall not be begun until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- a) The construction of the site access and the creation, positioning and maintenance of associated visibility splays;**
- b) Access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;**
- c) Proposed accommodation works and, where necessary, a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;**
- d) Details of proposed crossings of the highway verge;**
- e) Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;**

f) Construction vehicle routeing;

g) The scheduling and timing of movements, temporary warning signs and banksman.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

In the interests of the occupiers of nearby premises and highway safety to accord with policies S22 and S32 of the Allerdale Local Plan Part 1 2014.

6. The carriageway, footways and footpaths shall be designed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced.

No development shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is fully occupied.

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

7. No part of the development hereby permitted shall be commenced until full details of the ventilation and odour control measures to be installed at the development (including noise attenuation measures and predicted noise levels at the discharge point) have been submitted to and approved in writing by the Local Planning Authority. These measures shall be installed in accordance with the approved details and shall be fully operational before the use commences. The measures shall be retained as approved and maintained operational for the lifetime of the development.

Reason: In the interests of the occupiers of nearby premises and to accord with policy S32 of the Allerdale Local Plan Part 1 2014.

8. The development hereby permitted shall not be commenced until a scheme to install oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented as approved and retained thereafter.

Reason: In order to prevent pollution of the water environment and ensure no contaminated water from oil spills, fuel forecourts or goods vehicles is discharged to surface water or groundwater and to accord with policy S36 of the Allerdale Local Plan Part 1 2014.

9. The development hereby permitted shall not be commenced until a scheme to install underground tanks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipe work and monitoring system.

The scheme shall be fully implemented and maintained thereafter, in accordance with the details provided.

Reason: To ensure that the underground storage tanks do not have an adverse impact on the water environment and to accord with policy S36 of the Allerdale Local Plan Part 1 2014.

10. Notwithstanding the submitted details, before development commences, no external lighting shall be installed at the site unless a lighting scheme with details of size, design luminance and shielding arrangements has been submitted and approved in writing by the Local Planning Authority. Any lighting shall be installed in accordance with the approved scheme and retained thereafter.

Reason: In order to minimise light pollution in the interests of visual amenity and to accord with policy S33 of the Allerdale Local Plan Part 1 2014.

11. Before development commences a detailed construction design plan and working method statement relating to site earthworks shall be submitted to the Local Planning Authority and approved in writing. The works shall be undertaken as approved.

Reason: In order to protect the integrity of the Highways England asset and avoid any adverse impact in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to accord with policy S29 of the Allerdale Local Plan Part 1 2014.

13. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway (A597 and A595(T)) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be

implemented prior to the development being completed and shall be maintained operational at all times thereafter.

Reason: In the interests of achieving a satisfactory means of drainage.

14. Before development commences, a detailed method statement for the longterm management/eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: To avoid the spread during construction works of an invasive and prohibited plant species in the interests of avoiding harm to the environment.

Post-commencement/Pre use commencing conditions:

15. The development shall not be brought into use until visibility splays and access arrangement providing clear visibility as shown on plan 180106 - PL – 03 Proposed Site Layout provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

16. No part of the development hereby approved shall be first brought into use until the controlled pedestrian crossing, the details of which are required to previously been approved by condition 3, has been implemented to the satisfaction of the Local Planning Authority (For clarity these works should be carried out under a S278 of the Highways Act).

Reason: In the interests of pedestrian safety and to reflect the assessed modal split and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

Other

17. Within 6 months of the development (or any part thereof) opening the business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the

achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives from the operational use of the development in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

18. Upon commencement of the use hereby approved, an annual report reviewing the effectiveness of the Travel Plan required by condition 17 and including any necessary amendments or measures shall be prepared, submitted to and approved by the Local Planning Authority.

Reason: To aid in the delivery of sustainable transport objectives from the operational use of the site in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

19. All hard and soft landscaping works shall be carried out in accordance with the approved landscaping plan. The approved scheme shall be fully implemented within the first planting season following the first use of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality in accordance with policy S33 of the Allerdale Local Plan Part 1 2014.

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

Reason: To minimise any risk arising from any possible contamination from the development to the local environment

The meeting closed at 2.30 pm