

Allerdale Borough Council

Reference No: 2/2018/0447
Valid Date: 09/10/2018
Location: Former Cottage Hospital
Isel Road
Cockermouth
Applicant: McCarthy And Stone Retirement Lifestyles Ltd

Proposed Development: Application for non compliance with condition 2 on planning approval 2/2017/0579. Changes to the apartment mix, changing 3 No. one bed apartments to 3 No. two bed apartments. Slightly increase footprint, revisions to landscaping, to omit the sub-station on northern boundary. Removal of condition 22 regarding Fire Risk Strategy.

Recommendation: **Grant permission**

Summary/Key Issues

Issue	Conclusion
Principle	Acceptable use for the locality. The principle of the apartment itself is not in question. This is a section 73 application to amend the approved 2/2017/0579 scheme. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The amendments proposed are considered minor material amendments.
Design, materials and siting	The minor amendment to the footprint of the apartments and the alterations to the elevations are considered acceptable. The design, materials and siting of development remains predominantly as originally approved under 2/2017/0579 and is deemed acceptable for this edge of town centre locality and near to the existing hospital and residential area
Access and parking	Acceptable visibility splays. 32 car parking spaces suitable layout and number for the retirement accommodation use.
Drainage	Foul drainage to mains. Surface water to be secured by planning condition following the sustainable hierarchy principles.
Ecology	Acceptable mitigation for bats subject to planning condition as approved under 2/2017/0579.

Landscaping	Acceptable landscaping scheme. Maintenance can be secured by planning condition.
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Proposal

The scheme was approved for the development of a new retirement living apartment scheme comprising 40 number one and two bed units with associated communal facilities under planning application 2/2017/0579 and this comprised of 22 x 1 bedroom apartment and 18 x 2 bedroom apartments

This section 73 proposal sets out minor amendments to the scheme to comprise of:

- A change to the apartment mix, changing 3 No. one bed apartments to 3 No. two bed apartments (located north east corner of west wing), and this includes a slightly larger footprint and associated scale on the elevation facing the public car park beyond the eastern site boundary (i.e. 19 x 1 bedroom and 21 x 2 bedroom apartments);
- Revisions to the landscaping details at the front of the development to improve accessibility and visual improvements around the area of the entrance and home owners' lounge. This will enhance the sense of arrival and a more welcoming experience for both occupiers and any visitors;
- Extension to the second floor of the terrace adjacent the home owners' lounge;
- 2 No. access points to remain to Isel Road (refer to the landscape arrangement plan);
- Omission of the Sub-station on the northern boundary (not required after energy review), the subject land providing 2 additional parking spaces.

The reason for the changes are as a result of recent internal sales/marketing exercises, to address saleability and the perceived demand for two bedroomed apartments in this location. The extended footprint, is considered to comprise minimal differences from that which has been previously approved under 2/2017/0579 and the apartments remain arranged in 2 and 3 storey buildings and all units are to be open market units.

The proposed Retirement Living development is designed to support residents to maintain their independence but provides communal facilities and a House Manager. This is a specialised form of accommodation that the applicant advises is currently limited within Cockermouth. The applicant sets out the development promotes downsizing and encourages the more efficient use of existing housing stock.

The communal facilities include residents' lounge areas and access to a roof terrace. An internal refuse room, a lift between floors facilitating ease of movement, a battery car store in the building and a secure entrance lobby with CCTV link to individual apartments are also proposed. There is an emergency help line available within each resident's apartment and within communal areas to summon assistance in the event of an emergency. There is also a guest suite comprising an en-suite twin bedroom for family

and friends to sleep over. There will be landscaped gardens, and sitting out areas.

Site

The site is on the northern fringes of Cockermouth and is bound to the north and west by Isel Road, beyond which are woodland and open fields. Immediately to the south is the recently built Cockermouth Community Hospital and to the east of the study site an area of residential development.

The site is broadly rectangular in shape and slopes upwards gradually from south to north. The property forms a disused part of historic Cockermouth Cottage Hospital and contains a number of disused buildings of one and two storeys. There is consent for demolition of these buildings (2/2017/0588). The proposed site extends to approximately 0.89 acres (0.36 hectares).

The town's main shopping area is 400 metres to the south west via Castlegate and Main Street. Also in close proximity to the site is the sports and community swimming pool located opposite the newly built Primary Care Centre on Castlegate Drive.

Relevant Planning History

2/2017/0579 - 40 apartments approved.

2/2010/0062 - Temporary buildings. Approved

2/2013/0821 - Bat House. Approved

2/2013/0185 - 2/2013/0185 Variation of condition 4 on planning approval 2/2010/0062 to extend temporary consent

2/2010/0062 - To extend temporary consent. Variation of condition 4 on planning approval

22/2013/0739 - Notice of proposed demolition of existing cottage hospital buildings—cancelled

2/2010/0523 - Development of a new two storey healthcare facility. (On neighbouring site) development includes on site car parking, external landscaping and demolition of small existing temporary storage building. Conditional Approval /2013/0767-Variation of condition 4 of 2/2010/062. Approved

Representations

Cockermouth Town Council

Recommend approval

ABC Environmental Health

No objections

Cumbria Highways/ LLFA

No objection subject to conditions. The layout details shown on the submitted plan are considered satisfactory from a highway and Lead Local Flood Authority perspective. Confirm that the Highway Authority and LLFA have no objection to the proposed development.

Fire Officer

No representations received to date.

Natural England

The previous scheme response required mitigation measures (2/2017/0579); a Construction Environmental Management Plan (CEMP) and a finalised surface water plan. This was to mitigate against any adverse effect on the integrity of the River Derwent and Bassenthwaite Lake Special Area of Conservation and the potential to destroy or damage the interest features for which the River Derwent and Tributaries Site of Special Scientific Interest.

Bat roosts had previously been identified in the main building in the submitted presence/ absence survey, and foraging potential exists in the woodland that connects with the river immediately west of the proposal. Bats are a material consideration in the planning process, and a Natural England license has been required prior to demolition. The proposal for bat boxes and loft space for bat roosts, was welcomed.

Cumbria Wildlife

No representations received

United Utilities

No objection to the proposed development subject to planning conditions.

Cumbria Constabulary

Refer to consultation response dated 18th January in respect of application 2/2017/0579. No further comments or observations to offer at this time. (Previous comments - The application demonstrates compliance with Policies S4 and DM14 of the Local Plan. The inclusion of 'Community Safety' (Item 5.0) of the submitted Design and Access Statement provides a wealth of information relating to the layout, boundary treatments, car parking arrangements, landscaping, exterior lighting and physical security measures - and subsequently displays the applicant's commitment to the security and reassurance of residents).

ABC Housing Services

No comment.

Access Officer

No objections

County Archaeologist

No objections

Environment Agency

No comments received as per planning application 2/2017/0579.

Individual/Other representations

The application has been advertised on site, within the local press and adjoining owners have been notified. No representations have been received to date.

Duties

Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a designated Conservation Area. Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation of Habitats and Species Regulations 2010 state that competent authorities are required to make an appropriate assessment of any plan or project they intend to permit or carry out, if the plan or project is likely to have a significant effect upon a European site. The permission may only be given if the plan or project is ascertained to have no adverse effect upon the integrity of the European site. If the competent authority wishes to permit a plan or project despite a negative assessment, imperative reasons of over-riding public interest must be demonstrated, and there should be no alternative to the scheme.

Regulation 9 (1) of the Conservation of Habitats and Species Regulations 2010 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.

Development Plan Policies

Allerdale Local Plan 1999

Saved Settlement limits

Allerdale Local Plan (Part 1)

Policy S1 Presumption in Favour of Sustainable Development
Policy S2 Sustainable Development Principles
Policy S3 Spatial Strategy and Growth
Policy S4 Design Principles
Policy S5 Development Principles
Policy S6 Area based
Policy S7 A Mixed and Balanced housing Market
Policy S8 Affordable housing
Policy S10 Elderly Needs Housing
Policy S27 Heritage Assets
Policy S29 Flood Risk and Surface Water Drainage
Policy S30 Reuse of Land
Policy S32 Safeguarding Amenity
Policy S35 Protecting and Enhancing Biodiversity and Geodiversity
Policy DM14 Standards of Good Design

Other material considerations

Draft Allerdale Borough Local Plan (Part 2)

National Planning Policy Framework (NPPF) (2018)

Policy weighting

Notwithstanding the duties outlined above, 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 Borough Local Plan (Part 1) 2014 policies have primacy.

A material consideration is the provisions of the NPPF. Paragraph 48 of the NPPF (2018) advises that the weight afforded to development plan policies can vary according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In this instance, the Allerdale Local Plan (part 1) policies relevant to this site and proposal postdate and are consistent with NPPF and so full weight can be afforded to them.

However, it is acknowledged that the saved settlement boundaries of the 1999 Plan are

pending review and delivery of the part 1 Local Plan's strategic policies is predicated on development beyond these limits. As such the weight afforded to these limits is tempered.

Assessment

Introduction

Section 73(2) of the 1990 Act states that "the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted."

The options open to this Authority are:-

- A. If it is decided that permission should be granted subject to different conditions to those previously imposed or it should be granted unconditionally, then permission should be granted accordingly.
- B. If it is decided that permission should be granted subject to the same conditions as previously imposed, then the s73 application should be refused.

The principle of the development itself is not in question.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. Given that a new permission is being considered, then the determination must be made in the context of current development plan policies and material considerations. In that regard, whilst conditions 2 and 22 of the original permission are the focus of the applicant's submission, the other conditions should be reviewed, albeit the Panel's resolution must not fundamentally alter the proposal put forward in the original application. The review of the other conditions assesses whether they are still necessary, written in a way that is precise and enforceable, whether they are relevant to the development and planning and reasonable in all other respects.

Mixed and balanced housing market and elderly needs housing

ALP Policy S10 seeks to promote and encourage the delivery of elderly needs accommodation throughout the Plan Area. It continues by noting that the approach is in direct response to the issue of a rapidly ageing population across the Plan Area identified in the Local Plan evidence base.

ALP Policy S7 echoes this approach. The revised proposal still responds directly to both policies in a location of mixed housing stock; the provision of this development furthering the mix within this area. Policies S7 and S8 also advise of the need to maximise affordable housing and this omission was previously addressed in the viability section of the 2/2017/0579 report which established the principle of this apartment building with no affordable units.

Visual and residential amenity

This is addressed in policy DM14 of the Part 1 of the Local Plan.

Layout - The proposal for McCarthy & Stone builds on the footprint of the previous hospital building on site with 40 number 1 and 2 bedroom apartments in a 2 and 3 storey, T-shaped block. It is set towards the southern and western part of the site with car parking and green space provided on the remaining site. This revised scheme modifies the scheme to include a modest increase in the footprint to the eastern car park elevation and an extended second floor to the western elevation into the resident's roof terrace, the removal of the substation and modest alterations to landscaping and car park layout. The impact is deemed to be appropriate.

Scale - The massing is slightly larger than previously approved but is considered acceptable in the context of the whole proposed building and will have no impact on adjacent residential dwellings or on heritage assets. This is due to the intervening distances between the proposal building and these features.

Appearance - External materials comprise of grey artificial slate roofing, smooth through colour render, smooth through colour render contrasting window surrounds, grey uPVC windows and doors, 2 no. course of blue engineering brick plinth, glazed balustrade to juliet balcony, charcoal grey uPVC rainwater goods & downpipes, external steel framed balcony with glazed balustrades, flat roof terrace with masonry capped parapet wall & glazed balustrade, recessed balcony with wall mounted Juliet balcony. The appearance has not materially changed from the previous permission.

Heritage

The application site is located just outside the north-eastern boundary of the Cockermouth Conservation Area and is within the setting of Cockermouth Castle, a Scheduled Monument that incorporates a series of individually listed buildings and structures. Outside the Castle a small cluster of listed buildings is located on Castlegate, to the south of the application site.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, given the special statutory status of this material consideration, considerable importance and weight should be accorded to it. Policy S27 of Part 1 of the Local Plan 2014 is also relevant and applicable.

The significance of these assets are derived from their own historical and architectural qualities; they occupy a promontory between the Rivers Cocker and Derwent, and there has been a castle since before 1221. The Hall dates from 1360, the Flag Tower 1387 from and the Gatehouse was rebuilt circa 1400. There are full curtain walls and 2 wards within one of which sits the occupied Georgian buildings. The listing identifies the assets as enjoying a "fine setting" and certainly the prominence near to the river confluence near to the centre of the town means that a large degree of the significance of the assets is derived from this physical setting, the functional setting now confined to the immediate surrounds of the Castle.

In terms of impact, officers note that there is no direct interventions to the assets

themselves and their setting from key visual receptors to the north, west and south will be unaffected and, therefore, preserved. Indeed, the impact of the slightly increased footprint and scale of the proposal will be very much limited to the immediate environs of the application site itself and this impact is considered to be neutral in terms of the experience of the asset from these vantage points and the experience of the view from the Castle towards the application site.

The Cockermouth Conservation Area extends over a wide area, encompassing the town centre. There is no approved Conservation Area Appraisal that identifies the prevailing character and appearance of each sub-area of the asset. However, the significance of the asset is largely derived from the layout and street scenes of this town with its Georgian and Victorian facades, the rivers and their confluence and bridge crossings and the higher ground occupied by the Castle, Church and parks. The setting of the area is important but the application site contributes relatively little to this setting and therefore the overall significance. The character and appearance will be preserved.

A low/ nil potential was previously identified in the Archaeological Assessment for archaeological remains of all periods (previous approval 2/2017/0579). The Cockermouth Castle and Tute Hill Motte Scheduled Monuments are located approximately 200m to the south west and south, respectively, of the study site and no further archaeological works are required on this site.

Overall, there is less than substantial harm to heritage assets from the revised scheme and the limited harm is outweighed by the public benefits of providing this type of homes in this sustainable location.

Access and Parking

Criterion e) of policy DM14 of Part 1 of the Local Plan applies as do the principles of sustainable development in policy S2. The site is in a sustainable location and is accessible via public transport with nearby bus stops located on Castlegate Drive.

Of the residual car-borne demands derived from this sustainable location, it is noted that the Retirement Living housing development can be satisfactorily accessed from the highway. This, albeit below the County's parking standards the 32 on-site car parking spaces for 40 flats is satisfactory given that the age of the residents will likely reduce the level of car ownership and visitors and that there will be access to the town centre car parks. There are no objections from Cumbria Highways.

It is considered that the traffic generated by the development will have no adverse impact upon the operation of the adjacent highway network. Visibility splays will also be maintained for the existing new hospital site. There are no objections from Cumbria Highways.

Landscaping

This is addressed in policy DM14 of the Part 1 of the Local Plan. The landscaping plan provided is acceptable and provides an attractive shared amenity space for the apartments. The provision and ongoing maintenance can be secured by planning conditions which are recommended to be repeated in the new permission.

Drainage

Policy S29 of the Local Plan 2014 Part 1 applies.

Foul Drainage will be disposed of to the mains as established under 2/2017/0579.

Surface water drainage will be disposed of via an attenuated surface water scheme to be secured by planning condition as established under 2/2017/0579.

Matters relating to the attenuation tanks, the hydro brake and surface water outfall can, again, be secured by planning condition. This will address matters relating to surface water flooding and provide mitigation against any potential for contamination from the surface water to the river Derwent which is the outfall point. With regard to the surface water arrangements that discharge to the River Derwent, the details submitted are not likely to have a significant effect on interest features of the River Derwent and Bassenthwaite Lake Special Area of conservation SSSI and SAC.

Ecology and Pollution control

This is addressed in policy S35 of the Part 1 of the Local Plan 2014.

As established in the previous planning approval 2/2017/0579, following consultation between Allerdale Council and Natural England, a Construction Environmental Management Plan (CEMP) report was received; due to the proximity of two statutory designated sites, and the uncertainty of whether there could be likely significant impacts arising from the site's drainage into the river Derwent. These were identified as being:

1. River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC)
2. River Derwent and Tributaries Site of Special Scientific Interest (SSSI)

Other potential impacts were also reviewed as requested, such as the control and management of pollution prevention options including storage of materials, noise reduction, fugitive dust, potential pollutants entering surface water drainage and biosecurity control. The submitted CEMP as previously submitted under 2/2017/0579, remains relevant and acceptable and the mitigation measures can, again, be safeguarded by planning condition.

Bats - Mitigation as part of a bat licence has been proposed in the form of a bat loft above a car port as well as including a bat soffit box, and several bat boxes to be integrated into the new build see drawing Fig E3a and Fig E3b Mitigation Compensation Plans. This can be secured by planning condition as approved under 2/2017/0579.

The loft space above the car port will be used to create a new loft space suitable for a maternity bat roost. The approximate dimensions of the loft space are 5 x 4 x 1.5m to match the existing loft space used by *Myotis mystacinus* (maternity). The roof will be pitched so that the South facing side is warmed, to mimic the existing roost, and positioned away from the building to avoid shadowing. Breathable roofing membranes will not be used. Instead, a bitumastic or hessian type lining will be utilised, and roughened wooden beams will be left exposed. Ground to ceiling height excluding the roof will be 2.6 metres. An inspection hatch will be included in the design.

Four number Ibstock enclosed bat boxes will be incorporated into the structure of the wall, situated between 4-6m above ground facing South, West or East, ideally placed below the eaves.

Controlled Lighting - It is recommended reduced lighting/darkness zone where bat boxes are present. Use of light restriction measures throughout site where suitable. Officers considered that suitable mitigation was provided to pass the 3 licensing tests.

Community Engagement

Pre application community engagement was undertaken with regard to the previous scheme 2/2017/0579 by the applicant in the form of contacting statutory bodies, one-to-one stakeholder meetings, a public exhibition meeting and display, newsletter distribution, a dedicated website.

Viability

Local Plan Policy S8 Affordable Housing states: “the Council will seek to maximise the delivery of affordable housing. Within Key Service Centres housing development of 10 dwellings or more will be required to make provision for 20% affordable housing. Given the level of need identified in the Cockermouth Housing Market Area provision will be made for 40% in this settlement.”

ALP Policy S8 however recognises that viability on schemes may be marginal and a flexible approach may be required. In those instances the developer must demonstrate the circumstances justifying a lower affordable housing contribution or a different tenure mix. This flexibility and the recognition of viability as a material consideration was considered in the approved scheme 2/2017/0579 and accepted. However, NPPF 2018 Section 5 Delivering a sufficient supply of homes also addresses housing provision and paragraphs 61-64 of the NPPF 2018 are noted as particularly relevant.

Paragraph 64 NPPF 2018 sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development provides specialist accommodation for a group of people with specific needs for example the elderly. This is clearly relevant in this proposal.

The development economics of retirement development are also distinct from general needs housing development in several respects, which typically render policy compliant provision non-viable.

In summary, it is officers' advice that it is still not viable for the development to provide a financial contribution towards off-site local affordable housing.

Fire Risk Strategy, and amongst other matters, the use of a sprinkler system.

Condition 22 of the 2/2017/0579 scheme was attached to the approved decision at a request by the Development Panel. Officer advice, however, is that this condition is not compliant with the NPPF 2018 6 tests as set out under Paragraph 55 NPPF 2018.

The legislative power to impose conditions with planning permission are set out within Sections 70, 72, 73, 73A and Schedule 5 of the Town and Country Planning Act 1990. Moreover, Paragraph 55 of the National Planning Policy Framework (July 2018) state the following:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.”

As such, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all respects.

Condition 22 stated:

“Prior to development commencing, details of the Fire Risk Strategy to include matters of external materials and cladding, construction techniques and sprinkler systems shall be submitted to the Local Planning Authority for approval. The approved details shall be fully implemented prior to occupation of the residential apartments and shall be maintained thereafter in accordance with the approved plans and Fire Risk Strategy.

Reason: In the interests of public and residents safety.”

The applicant has set out that Fire Risk is a matter for Building Regulations Legislation: The building will be subject to a range of fire related Statutory Legislation, with the principal fire related considerations being the Building Regulations (2010) and the Regulatory Reform (Fire Safety) Order (2005) (the ‘RRO’).

Whilst the RRO principally relates to the on-going management of the building, to ensure effective fire safety management regimes are developed by the building occupier and risk assessments of the premises are conducted and updated on an on-going basis, in order to satisfy the functional requirements of the Building Regulations it is necessary for the design of the building to meet the requirements of Schedule 1 of the Regulations relating to:

- B1 (Means of warning and escape),
- B2 (Internal fire spread (linings)),
- B3 (Internal fire spread (structure)),
- B4 (External fire spread),
- B5 (Access and facilities for the Fire Service).

In England guidance on how to satisfy these functional requirements can be found in

Approved Document B (AD-B) Volumes 1 and 2, which provides guidance for some of the more common building arrangements.

There is no statutory requirement to provide sprinklers within the development in order to comply with the requirements of the Building Regulations and/or meet current fire safety design guidance documents applicable in England.

Notwithstanding the above standpoint and the decision to challenge the condition imposed, the applicant thought it prudent to give Members some comfort by commissioning a fire consultant to review the construction drawings in light of the planning condition.

The final report was recently presented to the NHBC, with them confirming that the Building Regulations - Approved Document Part B (Fire Safety) Volume 2 does not require the installation of a sprinkler system for the building in this instance and that, subject to the detail design of the building and fire safety systems, it concluded that the proposals meet the Building Regulations requirements, without the provision of a sprinkler system.

In considering the six tests relative to the imposition of a fire risk strategy condition, to include a sprinkler system within the said retirement living building, it is considered that such a condition would not be necessary, relevant to planning, nor relevant to the development to be permitted.

Officers strongly advise that the condition must be omitted.

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act, the New Homes Bonus.

Conclusion

The proposed development has been assessed against the provisions of the development plan in the first instance as well as the duties contained within sections 66 and 72 of the Listed Buildings Act 1990. The principle is considered acceptable and the layout, scale, appearance, landscaping and access to the development as revised under this section 73 application are all appropriate. Overall, there is less than substantial harm to heritage assets and the limited harm is outweighed by the public benefits of providing this type of homes in this sustainable location. Matters relating to contamination and ecology can be secured by planning condition. Viability has been afforded significant weight and justifies the lack of affordable housing provision.

The development is recommended for permission subject to planning conditions

Annex 1

Conditions

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.
2. **The development hereby permitted shall be carried out solely in accordance with the following plans:**
TPL 16-134-001.01 Transport Statement with Appendices 19.10.18
TPL 16-34-002.01 Addendum to Transport Statement
Ground Investigation Report Phase 2 Part1 19.10.18
Extended Phase 1 Habitat Survey 19.10.18
Bat Presence - Absence Survey 19.10.18
Amendment Constructional Environmental Plan Rev 2 26.3.18
NE-2064-3.2-AC-06 Rev E - Proposed Context Elevations
NE-2064-3.2-AC-07 Rev E - Detailed Elevations sheet 1 of 2
NE-2064-3.2-AC-08 Rev D - Detailed Elevations sheet 2 of 2
NE-2064-3.2-AC-01 Rev A - Site Location and Context Plan 5.9.18
NE-2064-3.2-AC-02 Rev D - Proposed site plan 19.10.18
NE-2064-3.2-AC-10 - Proposed Floor Plans Rev C 5.9.18
NE-2064-3.2-AC-051 Rev D Detail Elevation
NE-2064-3.2-AC-052 Rev C Detail elevations
NE-2432-04-LA-01 General Arrangement plan 5.9.18
NE-2432-04-LA-03 Rev G Cockermouth Detailed Landscape Plan 5.9.18
NE-2064-03-DE-001 Rev B - Drainage Strategy 16.1.18
NE-2064-3.2-AC - 11-Boundary Treatment Plan 15.12.17
Biodiversity Plan - Cockermouth Cottage Hospital 16.1.18
Fig E3a Mitigation Compensation plan 17.4.18
Fig E3b Mitigation Compensation plan 17.4.18
NE-2064-3.2-AC-18 Carport and bat roost Rev A 17.4.18
Constructional Environmental Plan
Amended Constructional Environmental Plan 10.4.18
Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.
3. **The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.**
Reason: To ensure a suitable standard of crossing for pedestrian safety.
4. **Details of all measures to be taken by the applicant/ developer to prevent surface water discharging onto or off the highway 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 thereafter.**

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

5. **The approved surface water scheme shall be fully implemented prior to the occupation of any of the apartments hereby approved in accordance with drawing number ref: NE-2064-03-DE-001 Revision B 2/1/18 Drainage Layout.**

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

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development. This condition is imposed to accord with policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. **Only foul drainage shall be connected to the public sewer.**

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

8. **Development shall not be begun until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:**

- **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;**
- **details of proposed crossings of the highway verge;**
- **retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;**
- **cleaning of site entrances and the adjacent public highway;**
- **details of proposed wheel washing facilities;**
- **the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
- **construction vehicle routing;**
- **the management of junctions to and crossings of the public highway and other public rights of way/footway.**

Reason: In the interests of highway safety and environmental management and to accord with policy DM14 of the Allerdale Borough Local Plan Part 1 2014.

9. **All hard and soft landscaping works shall be carried out in accordance with the approved landscaping plans ref: NE-2432-04-LA-03 Rev G Cockermouth Detailed Landscape Plan 5.9.18 and NE-2432-04-LA-01 General Arrangement plan 5.9.18. The approved scheme shall be fully implemented within the first planning season following the occupation of the apartments approved and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality to accord with policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

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

Reason: To ensure the long term maintenance and management of shared open space within the development to accord with policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. **The development shall not be brought into use until visibility splays providing clear visibility of 2.4 x 43m metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway in accordance with drawing NE2064-3.2-AC-02 Rev D Proposed Site Plan 19.10.18. 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, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. **The land use hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plans ref: NE-2064-3.2-AC-03 LA 01A 16.2.18 and NE2064-3.2-AC-02 Rev D dated 19.18.18 and have been brought into use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times 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.

13. **The Bat works shall be implemented solely in accordance with the mitigation and recommendations outlined in the recommendations 7. Bat Presence Absence Survey.**

Reason: To safeguard the habitat of protected species in compliance with the National Planning Policy Framework and Policy S35 and DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

14. **The bat mitigation shall be undertaken in accordance with the mitigation measures specified within Fig 3a Mitigation compensation plan 17.4 18 and Fig 3b Mitigation Compensation plan 17.4.18 and shall be retained thereafter.**

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

15. **No development approved by this permission shall commence until all necessary site investigation works within the site boundary are carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.**

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.

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

16. **Should land affected by contamination be identified under condition 16 following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

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

17. **Should a remediation scheme be required under condition 17, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**

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

18. **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.

19. **Boundary treatments shall be erected and retained thereafter in accordance with the drawing number NE-2064-3.2-AC - 11-Boundary Treatment Plan 15.12.17**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy S32 Allerdale Local plan (Part 1) adopted July 2014.

20. **All external facing or roofing materials shall be in built in line with approved plans.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy S32 Allerdale Local plan (Part 1) adopted July 2014. .

21. **Demolition and construction works shall be carried out strictly in accordance with the approved amended Constructional Environmental Plan 10.4.18.**

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 and to safeguard residential amenity in accordance with Policy S32 Allerdale Local plan (Part 1) adopted July 2014 and in the interests of safeguarding ecological interests during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014..

Proactive Statement

Application Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan

policies, any duties applicable and also all material considerations, including emerging Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. It has subsequently determined to grant planning permission.



