

At a meeting of the Development Panel held in Zoom Virtual Meeting on Tuesday 16 February 2021 at 1.00 pm

## **Members**

Councillor Nicky Cockburn (Chair)	Councillor Malcolm Grainger (Vice-Chair)
Councillor Carole Armstrong	Councillor Allan Daniels
Councillor Janet Farebrother	Councillor Adrian Kirkbride
Councillor Elaine Lynch	Councillor Ron Munby MBE
Councillor Andrew Semple	Councillor Alan Smith
Councillor Alan Tyson	Councillor Will Wilkinson

Apologies for absence were received from Councillor Daniel Horsley

## **Staff Present**

J Irving, L Jardine, S Long, J Morgan and S Sharp

### **309. Minutes**

The minutes of the meeting held on 22 December 2020 were signed as a correct record.

### **310. Declaration of Interests**

None declared

### **311. Questions**

None received

### **Councillor Kirkbride joined the meeting**

### **312. Development Panel - Hill Farm, Causeway Road, Seaton - Works to TPO, Propose to remove the following trees to avoid safety issues etc to the neighbouring dwelling. Remove Ash, T1 and T5 and plant replacement trees**

#### **Representations**

A letter of objection was read out on behalf of Gill Brinicombe

Councillor Daniel Horsley (on behalf of Seaton Parish Council) spoke against the application

#### **Application**

The report recommended that the application for the felling of the 2 Ash trees is granted subject to a condition securing the planting of 2 replacement trees.

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

#### Amenity Value

The trees were protected as part of a cluster of mature individual trees within the grounds of Hill Farm which are of amenity value as a landscape feature within the street scene.

#### Justification

The loss of the trees is on the grounds of evidence of Ash dieback which results in these two trees representing a safety threat to the occupiers of the neighbouring bungalow (1a Causeway Rd, Seaton)

Members were also shown images of the trees and location plans within the village of Seaton.

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 and speakers in relation to Ash dieback, responsibility for tree maintenance, the history of the trees, ecology and tree replanting.

In response to queries relating to the potential pruning, rather than felling of the trees, the Senior Planning Officer clarified to members that pruning the trees would likely cause further harm, this was supported by the findings of a report by the Council's arboriculturist.

Councillor Grainger moved the motion to approve recommendations as set out in the officer's report.

The motion was not seconded, and as such the motion to approve the recommendations was lost.

Councillor Farebrother then moved the motion to defer this application to enable an exploration of alternatives to the felling of the trees and to allow for an arboriculturist to respond to late representations.

The motion to defer was seconded by Councillor Lynch.

A vote was taken on the motion to defer, 11 voted in favour, 0 against and 0 abstentions.

(Councillor Kirkbride was not able to vote as he joined the meeting after this item started)

**Councillor Grainger and Councillor Tyson left the meeting during the next item (Item 6)**

**313. Development Panel - Land East of Causeway Road, Seaton - Outline application for residential development comprising up to 100 dwellings with details of access and associated works**

**Representations**

Councillor Daniel Horsley (on behalf of Seaton Parish Council) spoke against the application

Kevin Taylor spoke against the application

Lynne Jones (on behalf of Derwent River Catchment Group) spoke against the application

Oliver Sugden (RG Parkins) spoke against the application

Amanda Wallace (on behalf of Workington Flood Action Group) spoke against the application

Councillor Joe Sandwith (on behalf of Seaton and Northside Ward) spoke against the application

Paul Brailsford (Agent) spoke in support of the application

**Application**

The report recommended that the Secretary of State be advised of the Council being minded to grant permission subject to the conditions detailed in Annex 1 under the delegation of the Planning and Building Control Manager upon the completion and signing of a s106 agreement securing the following:

- A. The revocation of planning permission 2/2017/0277.
- B. 20% affordable housing contribution.
- C. Travel plan monitoring contribution - £6,600.
- D. Provision and maintenance of public open space.

The Senior Planning Officer advised that this application was considered by the Development Panel at the meeting in August 2020. It was reported verbally by officers at the meeting that the Council had been notified by the Secretary of State that he wishes the opportunity to review any Council resolution in order to determine whether it should be called in for his determination. The written recommendation has been amended accordingly in response to this notification.

At the August 2020 Panel meeting members resolved to defer the application to enable engagement between the community and the Lead Local Flood Authority (LLFA) to evaluate in greater detail the merits of the proposal's surface water/flood risk evidence and assess their outstanding concerns.

Further to this meeting officers have attended a joint virtual meeting with representatives of the community and their associated drainage consultants, the County Council officers in their capacity as Lead Local Flood Authority (LLFA) and the applicant and their respective drainage consultants.

The Senior Planning Officer went through the late list which included representations from the local MP, the independent drainage consultant and a local resident.

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

#### Principle of Development

The application site is within the designated settlement limits for Seaton under Part 2 of the Allerdale Local Plan and overlaps part of a housing commitment under the extant permission 2/2017/0277. Seaton, as part of Workington's Principal Centre designation represents a sustainable location for additional housing growth. The principle of the scale of this development has been accepted through the earlier consent which would be revoked in the event of the current scheme being approved.

#### Highways

The County Highways Authority note that the access details are not reserved for subsequent approval and advise that a new single vehicular access via Hill Farm onto Causeway Road is acceptable. The scale of the development is also acceptable in terms of its traffic generation subject to the revocation of the extant permission.

#### Flood Risk/Damage

The proposal seeks to replicate the same means of surface water drainage as that of the permission, 2/2017/0277, with an attenuated discharge into Gale Brook. The discharge rate will account for greenfield run off rates and climate change. Existing identified blockages within the watercourse culverts, which would exacerbate flood risk in the vicinity of the site, have been remediated. The drainage issues have been the subject of a peer review by the LLFA which concluded that the surface drainage aspects could be satisfactorily reserved by condition

#### Trees

The frontage trees to Hill Farm were considered of amenity value and therefore protected under a Tree Preservation Order. The insertion of a new estate road entrance will regrettably result in the loss of 1 category B tree and 2 category C trees. On balance, the scale of this loss is outweighed by the benefits derived from housing delivery including the affordable housing contribution (up to 20 dwellings).

Any approval of the outline proposal would be subject to a s106 securing.

- A. The revocation of planning permission 2/2017/0277.
- B. 20% affordable housing contribution.
- C. Travel plan monitoring contribution -£6,600.
- D. Provision and maintenance of public open space.

(The request by the County Council for a financial education contribution has been withdrawn since the last Panel meeting.)

Members were also shown plans and images of the site including the location within the village of Seaton, flood plans and drainage plans.

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 speakers in relation to TPOs, traffic surveys, road safety, flooding conditions, drainage, attenuation ponds and the stakeholder drainage strategy meetings.

Questions were also asked of the agents in relation to affordable homes, hydro brakes and SUDs systems.

Doug Coyle (Flood Manager, Cumbria County Council) provided an update to members on the latest drainage development, including suggested amendments to condition 12.

The Planning and Building Control Manager clarified to members that the extant permission in place is a material planning consideration.

Ed Page (Planner, Cumbria County Council) answered questions from members in relation to the S106 agreement, specifically on the calculations used to determine whether a financial education contribution is required from the developer.

The Planning and Building Control Manager provided clarity over section 106 agreements and the CIL regulations in particularly CIL Regulation 122.

Doug Coyle then answered questions from members in relation to the proposed drainage strategy and flood risk and provided assurances regarding any potential contamination.

**The meeting was adjourned from 17:15pm – 17:25pm.**

The Planning and Building Control Manager confirmed to members the amended condition 12 suggested by Lead Local Flood Authority (LLFA) providing clarity on any potential material impact of the amendments. The officer also confirmed that the LLFA are content that a suitable drainage strategy can be achieved. The suggested new condition reads:-

**12. No development shall take place until a detailed surface water scheme has been submitted to and approved by the local planning authority. The detailed surface water drainage scheme shall:**

- a) Be in accordance with the broad principles set out in the Flood risk assessment Statement dated 10th May 2019 proposing surface water into Gale Brook (for the avoidance of doubt, no surface water shall discharge to the public sewerage system either directly or indirectly)**
- b) Be in accordance with the Non-Statutory Technical Standards for sustainable Drainage systems (March 2015) or any subsequent replacement national standards;**
- c) Set out drainage provision for both developed and undeveloped areas:**
- d) Demonstrate that the run-off rate from the site following development shall not exceed 26.99l/s;**
- e) Provide appropriate volume of storage up to the 1 in 100 plus climate change event, with the design and capacity of the attenuation being underpinned by updated calculations;**
- f) Show flow paths of exceedance routes from a 1 in 100 year plus climate change event so as to demonstrate they will not affect properties on or off-site;**
- g) Provide detail of the further exploration work undertaken of the existing drainage infrastructure on site and the resulting details and findings so as to establish whether or not any drainage system is conveying water from outside of the site through the application site. Should the infrastructure be conveying water from outside of the site through the application site, then provision shall be made and detailed for it to be passed on seamlessly beyond the site.**
- h) Include details of how drainage infrastructure shall be managed and maintained after completion.**

**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 from surface water in compliance with policy S29 of the Allerdale Local Plan (Part 1) 2014.

The Planning and Building Control Manager also clarified that there is no further technical information in circulation which has not been shared within the public domain. It was also explained to members that if they resolved to accept officers' recommendations further consultation with stakeholders will take place regarding the reserved matters.

Questions were then asked of the officers and debate ensued in relation to flood risks, drainage strategy, the planning conditions, pollution, permeable paving and traffic surveys.

In response to a request from Councillor Lynch, the Planning and Building Control Manager confirmed that the reserved matters application for this development will be brought to the Development Panel.

Councillor Daniels moved the motion to accept officers' recommendations with the amended condition 12.

The motion was seconded by Councillor Lynch

A vote was taken on the motion to accept the recommendations as stated in the report, 7 voted in favour, 3 against and 0 abstentions.

The motion was carried.

## **Resolution**

The panel resolved to accept officer's recommendations;

That the Secretary of State be advised of the Council being minded to grant permission subject to the conditions detailed in Annex 1 under the delegation of the Planning and Building Control Manager upon the completion and signing of a s106 agreement securing the following:

- A. The revocation of planning permission 2/2017/0277.
- B. 20% affordable housing contribution.
- C. Travel plan monitoring contribution -£6,600.
- D. Provision and maintenance of public open space

## **CONDITIONS**

### **Time Limit:**

**1. Prior to the commencement of development details of the layout, scale and appearance, and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.**

Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (General Development Procedure) Order 2015.

**2. The submission of all reserved matters referred to in condition 1 shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:**

**(a) The expiration of 3 years from the date of the grant of this permission, or**

**(b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004

**3. This permission is for no more than 100 dwellings.**

Reason: This is the site's development capacity taking into consideration prevailing development densities, landscape and built environment character, the need to provide a mix of dwelling types, public open space, highways infrastructure including parking, landscaping and to accord with policies S2 and S4 of the Allerdale Local Plan Part 1 2014.

**4. Any application for the layout reserved matters shall include plans showing the following:**

- (a) Cross sections through the site;**
- (b) Details of existing and proposed ground levels;**
- (c) Proposed finished floor levels of buildings;**
- (d) Levels of any paths, drives, garages and parking areas;**

**and the development shall be carried out in accordance with the details so approved.**

Reason: There are site level changes and such detail is required to ensure that the development is acceptable with regards to the relationship between dwellings within the site, open space, highways and neighbouring uses including existing dwellings and to accord with policy S32 of the Allerdale Local Plan Part 1 2014.

**5. The reserved matters applications for layout and appearance shall demonstrate that 20% of the overall scheme will be designed and constructed to meet the requirements set out in optional Building Requirement M4(2) (or any equivalent standard should these regulations be subsequently reviewed).**

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

**In Accordance:**

**6. Insofar as this decision grants outline permission for residential development of up to 100 dwellings (as per condition 3), the development hereby permitted shall be carried out in accordance with the following approved plans/details:**

**17004\_PL100 Rev B Site Location Plan**  
**17004\_PL101 Rev B Existing Site Plan**  
**Arboricultural Impact Assessment**  
**Arboricultural Impact Assessment - Tree Constraints Plan**  
**Arboricultural Impact Assessment - Plan**  
**Coal Mining Risk Assessment**  
**Design and Access Statement**  
**Ecological Appraisal**  
**Bat Emergence Survey**  
**Reptile Survey**  
**Addendum to reptile survey report (dated 17/12/20)**  
**Revised Flood Risk Assessment and Drainage Strategy (May 2019)**  
**Desktop Study**

**Interim Travel Plan(parts 1-3)  
Local Affordable Housing Statement  
Landscape and Visual Impact Appraisal  
Planning Statement  
Transport Assessment  
VC0207 001 Rev B Proposed Access Arrangements  
e-mail dated 13th February re; retention of trees T5 and T10  
17004\_PL400 ~Rev B –access**

Reason: To ensure that the development is carried out in accordance with the principles contained within these documents and to accord with the sustainability principles of policy S2 of the Allerdale Local Plan Part 1 2014.

**Pre-commencement conditions:**

**7. With the exception of the requirements of condition 8, no development shall commence until details including longitudinal/cross sections of the carriageway, footways, footpaths, cycleways (including the pedestrian and EVA links to Camerton Road) and the associated drainage and lighting to serve this development, have been submitted to and approved in writing by the Local Planning Authority.**

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

**8. The development shall not commence until visibility splays providing clear visibility of 43 x 2.4 x 43 metres measured down the centre of the access road and the nearside channel line of the existing County highway have been provided at the junction of the access road with the County highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no development shall be erected and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay.**

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

**9. Prior to the commencement of development details of the proposed crossings of the highway verge and/or footway for the emergency access onto Camerton Road shall be submitted to the Local Planning Authority for approval. The details shall include measures to prohibit through traffic shall also be provided. No dwellings shall be commenced until the crossing has been completed in accordance with the approved details.**

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

**10. Prior to commencement of development, a Construction Method Statement for Highway Safety, including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other**

restoration, together with details of their timetabling, shall be submitted to and approved by the local planning authority and shall include measures to secure:

- a) formation of the construction compound and access tracks and any areas of hardstanding;
- b) cleaning of site entrances and the adjacent public highway;
- c) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- d) post-construction restoration/reinstatement of the working areas

**The Construction Method Statement shall be carried out as approved.**

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

**11. Prior to commencement of development a Construction Traffic Management Plan shall be 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) details of any temporary access gates that should 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) the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
- e) details of any temporary proposed crossings of the highway verge;
- f) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development including the provision of parking spaces for residents and visitors
- g) construction vehicle routing;
- h) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- i) 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.**

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

**12. No development shall take place until a detailed surface water scheme has been submitted to and approved by the local planning authority. The detailed surface water drainage scheme shall:**

- a) Be in accordance with the broad principles set out in the Flood risk assessment Statement dated 10th May 2019 proposing surface water into Gale Brook (for the avoidance of doubt, no surface water shall discharge to the public sewerage system either directly or indirectly);
- b) Be in accordance with the Non-Statutory Technical Standards for sustainable Drainage systems (March 2015) or any subsequent replacement national standards;
- c) Set out drainage provision for both developed and undeveloped areas;
- d) Demonstrate that the run-off rate from the site following development shall not exceed 26.99l/s;
- e) Provide appropriate volume of storage up to the 1 in 100 plus climate change event, with the design and capacity of the attenuation being underpinned by updated calculations;
- f) Show flow paths of exceedance routes from a 1 in 100 year plus climate change event so as to demonstrate they will not affect properties on or off-site;
- g) Provide detail of the further exploration work undertaken of the existing drainage infrastructure on site and the resulting details and findings so as to establish whether or not any drainage system is conveying water from outside of the site through the application site. Should the infrastructure be conveying water from outside of the site through the application site, then provision shall be made and detailed for it to be passed on seamlessly beyond the site.
- h) Include details of how drainage infrastructure shall be managed and maintained after completion.

**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 from surface water in compliance with policy S29 of the Allerdale Local Plan (Part 1) 2014.

**13. No development shall commence until a Construction Surface Water Management Plan (including details of the removal of the utility service spike within the existing underground culvert) has been submitted to and agreed in writing by the Local Planning Authority. The utility spike shall be removed and the culvert repaired to the satisfaction of the local planning authority prior to any construction works on the site and the development shall be implemented solely in accordance with the approved scheme.**

Reason: To safeguard against flooding to the surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in compliance with Policy S29 of the Allerdale Local Plan Part 1 2014.

**14. Prior to development (or relevant phase of development), a Construction Method Statement (Residential Amenity) shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**

- 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 demolition 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) Mitigation measures to ensure that no harm is caused to protected species during construction.
- e) A written procedure for dealing with complaints regarding the construction or demolition;
- f) Measures to control the emissions of dust and dirt during construction and demolition;
- g) Programme of work for Demolition and Construction phase;
- h) Hours of working and deliveries;
- i) Details of lighting to be used on site.
- j) Surface water management plan including appropriate flooding and pollution prevention guideline measures to include biosecurity, materials and machinery storage, and mitigation for the control and management of noise, dust, surface water run-off and waste to protect Gale Brook and any surface water drains from sediment, and pollution from cement or fuel.

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

Reason: In the interests of general local amenity and in the interests of safeguarding ecological interests and biodiversity, safeguard against flooding the to the surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in compliance with Policy S29, S32 and S35 of the Allerdale Local plan (Part 1) 2014.

**15. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been 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 the commencement.**

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. Prior to commencement of works a Biodiversity Management Plan (including a Environmental Construction Management plan) shall be submitted to and approved by the local planning authority. The plan shall include details on measures and details to be implemented during and after the course of construction works at the site to safeguard the habit of**

**protected species at the site in accordance with the principles and recommendations of the Brooks Reptile survey (June 2018) and Brooks Ecological appraisal (June 2018) and Addendum to reptile survey report (dated 17/12/20). The works shall be implemented solely in accordance with the approved details and thereafter managed at all times in accordance with the approved scheme.**

Reason: In the interests of safeguarding local wildlife and biodiversity in compliance with Policy S35 of the Allerdale Local Plan (Part 1) 2014

**17. No development shall commence until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be retained, together with the positions and height of protective fences, the areas for the storage of materials and stationing of machines and huts, and the position and width of temporary site roads and accesses. The details so approved shall be implemented prior to the commencement of the development and maintained at all times during the construction period.**

Reason: In order to ensure that adequate protection is afforded to the existing trees on the site prior to any excavation/construction works on the site in compliance with policy DM17 of the Allerdale Local Plan (Part 1) 2014.

**18. The felling of the TPO trees T6, T7 and T8 on the applicant's arboricultural assessment shall only be undertaken upon the commencement of development following the approval of all reserved matters.**

Reason: To minimise the impact of the development on the visual amenity of the area in compliance with policy DM17 of the Allerdale Local Plan (Part 1) given that the felling can only be justified when balanced against the benefit of bringing forward the permitted dwellings.

**19. Prior to the commencement of works an Arboricultural Method Statement (including any protective fencing details and works within the Root Protection Areas of the trees protected under Tree Preservation Orders) shall be submitted to and approved by the local planning authority. The works shall solely be implemented in accordance with the approved details.**

Reason: To minimise the impact of the development on the visual amenity of the area in compliance with policy DM17 of the Allerdale Local Plan (Part 1) 2014.

### **Post commencement**

**20. Where land affected by contamination is found which poses unacceptable risks to human health, controlled waters or the wider environment, development shall stop and not resume 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.

**21. Should a remediation scheme be required as per condition 19, the said scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development resuming on site or to a timetable as otherwise agreed in writing by the local planning authority.**

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.

**22. Monitoring shall be carried out in accordance with the approved Interim Travel Plan and the results of the monitoring shall be submitted to the Local Planning Authority within one month at the end of each monitoring period. Where targets are not achieved the Travel Plan Coordinator will be notified in writing and the Travel Plan shall then be reviewed and updated and submitted to the Local Planning Authority for approval within one month of the receipt of the notification. The updated Travel Plan shall be implemented within one month of the date of approval.**

Reason: To aid in the delivery of sustainable transport objectives and ensure that the local road network continues to fulfil its purpose as part of the national system of routes for through traffic, in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

**23. In the event that any drainage infrastructure systems not previously documented within the application submission are uncovered during the development of the site, then they shall be documented in detail. No works shall take place to remove, obstruct or redirect any element of the previously undocumented drainage system until a revised and updated drainage scheme that takes the presence of this into account has been submitted to and approved in writing by the Local Planning authority. For the avoidance of doubt, any drainage infrastructure /systems not previously documented shall be dealt with at source and taken into the drainage system proposed for the site or passed on seamlessly beyond the site. The works shall thereafter solely be implemented in accordance with the approved updated scheme.**

Reason; To safeguard against flooding to the surrounding sites and safeguard against pollution of surrounding watercourses and drainage systems in compliance with policy S29 of the Allerdale Local Plan (Part 1) 2014.

**Prior to occupation**

**24. 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 provided between that dwelling and the existing public County highway and brought into full operational use.**

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

**25. Excluding the emergency access, vehicular access to the approved development site hereby approved shall solely be via the approved access via Hill Farm onto Causeway Road.**

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

**26. 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 (2018).

**27. 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 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 residents' 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 system throughout its lifetime.**

Reason: To ensure that management arrangements are in place for a

sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development and to accord with policy S29 of the Allerdale Local Plan Part 1 (2014).

- 314. Development Panel - Land at Lillyhall North, Branthwaite Road, Winscales, Workington - Hybrid application- Full planning permission is sought for the construction of a new roundabout, site access and spine road and the extension to existing pedestrian/cycle path. Outline permission for the erection of a variety of industrial, storage, research and development and industrial process use buildings (Use classes B2,B8, E(g)ii E(g)iii).**

### **Application**

The report recommended to grant permission with conditions – the Planning and Building Control Manager advising that the Unilateral Undertaking to secure the Travel Plan monitoring fee had been completed and signed.

The Planning and Building Control Manager then advised members that this application is subject to Local Enterprise Partnership (LEP) Funding and due to funding deadlines, it had to be considered today i.e. if members were minded to grant permission as per the officer's opinion, such a resolution could not be made at a later date as the funding deadline would be missed. He added this was not to lead members in any specific direction but merely to advise them of this funding context.

The Planning and Building Control Manager then explained that members had attended a briefing session with the applicant and then went through the main issues as detailed in the report, explaining that the S106 agreement has already been agreed.

### **Principle of Development**

The site is allocated within the Allerdale Local Plan Part 2 for employment uses and the proposal accords with that allocation. Therefore, the proposal is acceptable in principle.

### **Economic Benefits**

The proposal secures funding to facilitate the infrastructure necessary to develop the site and make it more attractive and economically viable for private investment. Estimates suggest the site could generate approx. 369 full-time equivalent (FTE) jobs. The economic benefits of the proposal are afforded significant weight

### **Landscape and Visual Impacts**

This is a large site in an elevated location when viewed from the east. It is considered that the extension of the existing industrial estate onto this site would not be out of character with the landscape character of the urban fringe. The site is considered to be of sufficient distance from the designated Lake District National Park and World Heritage Site such that the proposal would not impact to any significant degree on the setting of the National Park or views

from within it. Visual amenity impacts can be minimised to an acceptable level through additional landscaping to the eastern boundary and careful consideration of levels, scale and layout at the reserved matters stage.

#### Sustainability, Access, and Parking

The site is considered to be in a sustainable location, with access to regular public transport and abuts a segregated cycleway with unbroken connections to Workington and Whitehaven. The Highways Authority has confirmed that the roundabout access arrangements are acceptable and Highways England have raised no concerns with the proposal. Suitable levels of parking provision can be secured at the reserved matters stage.

#### Ecology

The application has been supported by an Ecological Appraisal which is considered sufficient to demonstrate that the proposal would not have significant adverse effects, subject to further ecological survey and mitigation measures for the wider commercial development.

#### Heritage

No significant effects anticipated to nearby heritage assets.

#### Ground Conditions

Former coal workings pose a risk to development. The Coal Authority and Environmental Health recommend appropriate conditions for site investigation and remediation.

#### Flood Risk

The site is at the lowest risk of flooding being within flood zone 1 (FZ1). Surface water drainage will be restricted to greenfield run off rates plus the required allowance for climate change. Full details to be secured by condition.

Members were also shown images and plans of the site including the proposed location at Lillyhall.

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 in relation to ecology, dust, trees, and sustainable energy. A short debate ensued with the thrust of members comments being that they agreed with the officer's weighting and balancing of considerations, specifically with the noted accordance with the development plan.

Councillor Wilkinson moved the motion to grant permission subject to conditions

The motion was seconded by Councillor Semple.

A vote was taken on the motion to accept the recommendations as stated in the report, 10 voted in favour, 0 against and 0 abstentions.

The motion was carried.

## **Resolution**

Permission granted as per officers' recommendations subject to conditions.

## **CONDITIONS**

### **Conditions applying only to the full application for the construction of the access, spine road and surface water drainage works:**

#### **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 WITH:**

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans (unless otherwise amended by further details required by condition):**

- **A118524-101E Link Road General Arrangement**
- **A118524-TR001A Site Access Swept Path Analysis**
- **A118524 002C Spine Road Preliminary Levels & Long Section**
- **1862-JSA-XX-XX-SK-A-01000\_P1\_Location Plan**
- **1862-JSA-XX-XX-SK-A-01201\_P2\_Proposed Site Plan - Full Planning Application**
- **A118524-100D Roundabout General Arrangement**

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 development hereby permitted shall be carried out in accordance with the mitigation measures and recommendations contained within Section 7 of the submitted Preliminary Ecological Appraisal prepared by Hesketh Ecology dated December 2020.**

Reason: To ensure that any adverse impacts on habitat and ecological interests are appropriately avoided, mitigated or compensated for, in accordance with Policy S35 of the Allerdale Local Plan Part 1, 2014.

#### **PRE-COMMENCEMENT CONDITIONS:**

**4. Prior to the commencement of the development, a detailed 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 maintained and managed after completion), shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Flood Risk Assessment, prepared by WYG and dated January 2021. Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.**

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

**5. The carriageways, footways and footpaths within the site 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. Cycleways and footways shall be provided that link continuously and conveniently to the nearest existing cycleways and footways. 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 completed.**

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

**6. No development shall commence for the construction of the new roundabout, site access and spine road and the extension to existing pedestrian/cycle path until a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity and to establish the degree and nature of any contamination and its potential to pollute the environment or cause harm to human health, (including chemical and gas analysis identified as being appropriate by the desk study). The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.**

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.

**7. Should land affected by past coal mining activity or contamination be identified following site investigations, which poses unacceptable risks to the development itself, 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.

**8. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following: 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) Mitigation measures to ensure that no harm is caused to protected species or habitats during construction, including detailed mitigation measures as considered necessary within the Hesketh Ecology Preliminary Ecological Appraisal, dated December 2020 for dust suppression and fire safety. e) A written procedure for dealing with complaints regarding the construction. f) Measures to control the emissions of dust and dirt during construction; g) Programme of work for construction; h) Hours of working and deliveries; i) Details of lighting to be used on site during construction. j) Details for the control and management of surface water during construction. The approved statement shall be adhered to throughout the duration of the development.**

Reason : In the interests of highway safety, ecology and the water environment, and the residential amenity of the occupiers of neighbouring properties, in accordance with policies S5, S22, S29, S32, S35 of the Allerdale Local Plan (Part 1) Adopted 2014.

**PRIOR TO USE COMMENCING:**

**9. Should a remediation scheme be required under condition 7, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the access road 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.

**10. Within three months of the development commencing, a scheme of hard and soft landscaping shall be submitted to and approved by the**

**Local Planning Authority. The landscaping plans shall include details of the treatment or planting proposed to the surface water detention ponds and banking to the spine road (including any temporary measures), and compensatory hedgerow planting to the open sections of the eastern boundary of the site. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

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

**11. Notwithstanding the submitted plans, prior to the installation of any operational lighting, full details of a lighting scheme shall be submitted to and approved by the Local Planning Authority. The lighting scheme shall be accompanied by a statement from the site ecologist confirming that the lighting scheme proposed will not have an adverse impact on protected species such as bats. The development shall be completed only in accordance with the approved details.**

Reason: To ensure that any adverse impacts on habitat and ecological interests are appropriately avoided, mitigated or compensated for, in accordance with Policy S35 of the Allerdale Local Plan Part 1, 2014.

**Conditions applying only to the outline application for the use of the site for E(G)(ii) Research and Development of products or processes, E(G)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution.**

**RESERVED MATTERS REQUIRING APPROVAL:**

**12. Before any works commence details of the layout, scale and appearance, and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.**

Reason : The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (Development Management Procedure) Order 2015.

**TIME LIMIT:**

**13. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates: a) The expiration of three years from the date of the grant of this permission, or b) The expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: In order to comply with Sections 91 and 92 of the Town and Country Planning Act 1990.

**IN ACCORDANCE WITH:**

**14. The development hereby permitted shall be carried out solely in accordance with the following plans:**

**A118524-101E Link Road General Arrangement**

- **A118524-TR001A Site Access Swept Path Analysis**
- **A118524 002C Spine Road Preliminary Levels & Long Section**
- **1862-JSA-XX-XX-SK-A-01000\_P1\_Location Plan**
- **1862-JSA-XX-XX-SK-A-01201\_P2\_Proposed Site Plan - Full Planning Application**
- **A118524-100D Roundabout General Arrangement**

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.

**PRIOR TO COMMENCEMENT:**

**15. No development (or specified phase of the development) shall commence until a scheme of intrusive site investigations has been carried out on the site (or for the specified phase), to establish the risks posed to the development by past coal mining activity and to establish the degree and nature of any contamination and its potential to pollute the environment or cause harm to human health, (including chemical and gas analysis identified as being appropriate by the desk study). The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.**

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 past coal mining activity or contamination be identified following site investigations, which poses unacceptable risks to the development itself (or for a specified phase), human health, controlled waters or the wider environment, no development (or no part of the specified phase of the 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. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority for the development as a whole, or for a specified phase of the outline scheme. The statement shall include the following:**

- 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) Mitigation measures to ensure that no harm is caused to protected species or habitats during construction, including detailed mitigation measures as considered necessary within the Hesketh Ecology Preliminary Ecological Appraisal, dated December 2020 for dust suppression and fire safety.**
- e) A written procedure for dealing with complaints regarding the construction.**
- f) Measures to control the emissions of dust and dirt during construction;**
- g) Programme of work for construction;**
- h) Hours of working and deliveries;**
- i) Details of lighting to be used on site.**
- j) Details for the control and management of surface water during construction.**

**The approved statement shall be adhered to throughout the duration of the development (or specified phase).**

Reason : In the interests of highway safety, ecology and the water environment, and the residential amenity of the occupiers of neighbouring properties, in accordance with policies S5, S22, S29, S32, S35 of the Allerdale Local Plan (Part 1) Adopted 2014.

**18. Prior to the commencement of the development or any specified phase, a detailed surface water drainage scheme for the site or the specified phase, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be 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 maintained and managed after completion). Any drainage scheme submitted for approval shall be in accordance with the principles set out in the Flood Risk Assessment, prepared by WYG and dated January 2021. Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The surface water drainage for the development or specified phase of 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.

**19. Prior to the commencement of the development, or any specified phase of the development, full details and cross sections demonstrating any re-profiling of ground levels across the site or within that specified phase, shall be submitted to and approved in writing by the Local Planning Authority. The development or specified phase shall be completed only in accordance with the approved details.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy S4 of Allerdale Local Plan (Part 1) Adopted July 2014.

**PRIOR TO USE COMMENCING:**

**20. The location/siting of any buildings or uses falling within Use Classes B2 and B8 within the development, shall be submitted to the Local Planning Authority for approval in writing, prior to such uses commencing. Thereafter, any uses falling within use class B2 and B8 shall only be undertaken at those approved locations.**

Reason: In the interests of residential amenity, in accordance with Policy S32 of the Allerdale Local Plan Part 2.

**21. No uses falling within uses classes B2 and B8 shall commence until a Noise Assessment and Management Plan for that use has been submitted to and been approved in writing by the Local Planning Authority. The Noise Assessment and Management Plan shall set out:**

**(1) That the rating level (LArTr) of the noise emitted from the proposed development shall be 5dB below the existing background level (LA90T). The rating level shall be determined by measurement or calculation at the boundary of the nearest existing noise sensitive premises. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and measurement shall be in accordance with BS 4142: 2014.**

**(2) Full details of all mitigation measures that will be incorporated into the scheme design and into the operational phase of the development, to achieve these noise limits.**

**(3) A scheme of verification/validation to ensure that the agreed noise limits are achieved. The verification will require the written approval of the Local Planning Authority.**

**The site shall be managed operationally to ensure that the rating level at the nearest existing noise sensitive receptor is achieved and any mitigation measures shall be retained and no part thereof shall be removed or altered without the prior consent of the Local Planning Authority.**

Reason: In the interests of preserving the amenity of neighbouring residents and occupiers of land and buildings, in compliance with the National Planning

Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**22. Should a remediation scheme be required by condition 16 following site investigations for the site or any specified phase, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority for the development or the specified phase, prior to any use commencing within the development or within that phase.**

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.

**23. All planting, seeding or turfing comprised within any landscaping scheme approved at the reserved matters stage, shall be carried out in the first planting season following completion of the development (or specified phase) and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

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

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

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

**25. No part of any subsequently approved building shall be constructed above ground floor level until details of all external and roofing materials for that building have been submitted to and approved in writing by the Local Planning Authority. Only the materials so approved shall be used in the building as approved.**

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

**26. Details of the siting, height and type of any means of enclosure (screen walls/fences) shall be submitted to and approved in writing by the Local Planning Authority prior to the phase of development to which the means of enclosure directly relates, is brought into use. Any such boundary treatment shall be constructed as approved prior to the phase of development to which the means of enclosure relates, being brought into use. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.**

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

**27. No use of the development, or any specified phase of the development, shall commence until the hours of operation for the development, or for any specified phase, have been submitted to and approved in writing by the Local Planning Authority. The hours of operation shall include for any deliveries, loading and unloading. The approved operational hours shall be adhered to at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of 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.

**28. No use of the development, or any specified phase of the development, shall commence until any areas intended for use as outside storage (including for the storage of waste), have been submitted to the Local Planning Authority for approval, along with details of maximum storage heights and screening to those areas. Unless otherwise agreed in writing by the Local Planning Authority, only those areas approved by the Local Planning Authority for outside storage shall be used for that purpose for the lifetime of the development.**

Reason: In the interests of visual amenity, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**29. No part of the development hereby permitted shall be brought into use until a detailed Travel Plan for that part of the development has been submitted to and approved in writing by the Local Planning Authority. The measures identified in the Travel Plan shall be in general accordance with the principles of the Workplace Travel Plan prepared by WYG, dated December 2020, and shall be implemented by the occupier of that element of the development within 12 months of that element being brought into use.**

Reason: To aid in the delivery of sustainable transport objectives in accordance with Policy S22 of the Allerdale Local Plan (Part 1) 2014.

**30. Prior to the operational use of the development commencing, or for any specified phase, a detailed lighting scheme shall be submitted to the Local Planning Authority for approval for the development, or for the specified phase. The lighting scheme shall be accompanied by a statement from the site ecologist confirming that the details are suitable in relation to protected species. The lighting scheme shall include for approval, the hours of operation and levels of illumination. The approved lighting scheme shall be adhered to at all times during the operational phase of the development or specified phase.**

Reason: To safeguard the visual amenity of the locality and to ensure that ecological interests are appropriately protected, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**31. No development or specified phase of the development, shall commence until an Ecological Assessment and any necessary survey work for the development or a specified phase, has been submitted to the Local Planning Authority for approval. The assessment and survey effort submitted for approval shall be in accordance with the advice and mitigation measures set out in the Preliminary Ecological Assessment, prepared by Hesketh Ecology and dated December 2020, and it shall include recommended mitigation measures, pre-construction, during and post construction. The development or specified phase of development shall be undertaken in accordance with the approved mitigation measures.**

Reason: To minimise the risk to protected species in accordance with policy S35 of the Allerdale Local Plan (Part 1), Adopted 2014.

**32. Unless otherwise agreed in writing by the Local Planning Authority, no use of the site shall commence until a traffic regulation order has been put into effect to extend the 30mph speed limit on Branthwaite Road to accommodate the new roundabout.**

Reason: In the interests of highway safety.

**OTHER:**

**33. This permission does not authorise any use of the site for any purpose falling outside of the specific use classes E(g)(ii) Research and Development of products or processes, E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution now, or in the future, without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: Use of the site for other main town centre uses falling within Class E would require justification through sequential assessment demonstrating that there were no sequentially preferable sites within or adjacent to the town centre. No such justification has been provided as part of this application as required by policy S16 of the Allerdale Local Plan Part 1 or advice contained within the NPPF.

**34. For a period of five years, an annual report reviewing the effectiveness of any Travel Plan approved under condition 29, including any necessary amendments or additional measures, as well as timing for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Any amendments hereby approved shall be implemented in accordance with the approved timescales.**

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.

**Conditions applying to both the full application and outline application:**

**35. 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.

**Advisory Note**

It is anticipated that the development subject of the outline approval will come forward in phases. The conditions relating to the outline permission have therefore been drafted to allow for discharge for individual phases of the development.

Details of lighting to be submitted as part of the Construction Management Plan and for any operational stage of the development should be accompanied by a statement from the site ecologist confirming that the details submitted for approval will not have any significant adverse effects on bats.

A number of the conditions relating to the outline planning permission will have implications for the details to be approved under the reserved matters (such as surface water drainage arrangements, external storage areas, site levels, noise assessment). Therefore, it is recommended that such details be submitted at the same time as a reserved matter applications.

- 315. Development Panel - Low Wood, Belle Vue, Papcastle, Cockermouth - Application for a lawful development certificate for a proposed outbuilding**

This item was withdrawn

**The meeting closed at 5.45 pm**