

Allerdale Borough Council

Planning Application FUL/2021/0009

Development Panel Report

Reference Number: FUL/2021/0009
Valid Date: 18th December 2020
Location: Land at Lillyhall North, Branthwaite Road, Winscales, Workington
Applicant: Allerdale Borough Council
Proposal: 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).

RECOMMENDATION

Grant with conditions, subject to receipt of signed Unilateral Undertaking for Travel Plan monitoring fee.

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
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

	<p>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.</p>
Sustainability, Access and Parking	<p>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.</p>
Ecology	<p>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.</p>
Heritage	<p>No significant effects anticipated to nearby heritage assets.</p>
Ground conditions	<p>Former coal workings pose a risk to development. The Coal Authority and Environmental Health recommend appropriate conditions for site investigation and remediation.</p>
Flood Risk	<p>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.</p>

2.0 **Proposal**

2.1 A hybrid planning application has been submitted and relates to the commercial development of 9.9 hectares of grazing land for the following 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. The commercial development of the site has been submitted in outline only. An indicative layout plan has been provided, demonstrating how the site could be laid out, with an indicative gross floor area of 33,779sqm. The indicative plans suggest 371 parking spaces, with additional motorcycle and cycle parking. A new bus stop is proposed on Branthwaite Road. Full permission is sought and detailed plans are provided for the access infrastructure works, including a new 4 arm roundabout onto Branthwaite Road and Joseph Noble Road, details of the internal spine road and surface water drainage arrangements (including retention ponds). Due to the topography of the site, these works will include some earthworks and re-grading of the land.

2.2 The application has been supported by the following plans:

- 1862-JSA-XX-XX-SK-A-01000_P1_Location Plan
- 1862-JSA-XX-XX-SK-A-01001_P2_Existing Site Plan
- 1862-JSA-XX-XX-SK-A-01200_P5_Indicative Site Layout- Outline Planning Application
- 1862-JSA-XX-XX-SK-A-01201_P2_Proposed Site Plan - Full Planning Application
- A118524 002C Spine Road Preliminary Levels & Long Section
- A118524-100D Roundabout General Arrangement
- A118524-101E Link Road General Arrangement
- A118524-TR001A Site Access Swept Path Analysis
- B023857-WYG-00-XX-DR-S-0100_P01_Proposed Drainage
- C7802-TLP-00-XX-DR-E-801A_Roundabout Site Plan External Lighting Layout
- C7802-TLP-00-XX-DR-E-802_Spine Road Site Plan External Lighting Layout

The plans and particulars can be viewed at:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X000004DVrzUAG/ful20210009>

2.3 The application has also been supported by a number of reports:

- Road Safety Audit
- Transport Assessment and Workplace Travel Plan
- Geo Environmental Desktop Study
- Preliminary Coal Mining Risk Assessment
- Ecological Appraisal
- Economic Appraisal
- Flood Risk and Drainage Assessment

3.0 Site

- 3.1 The proposal relates to a large, greenfield site beyond the northern extent of the existing Lillyhall Estate, which comprises a mix of industrial, commercial, R&D, educational and training uses, and is a key employment site for West Cumbria.
- 3.1 The site constitutes three fields on rising land to the north of Branthwaite Road and to the south east of the A595. The internal field pattern is formed by hedgerow and the land appears to be used for grazing. A relatively deep strip of mature trees and landscaping forms the northwest boundary with the A595 and the south west boundary with Branthwaite Road. The north east boundary is hedgerow with some non-native tree planting. The south east boundary is part hedgerow, part open. To the north east and south east, surrounding land is open agricultural land albeit, to the northern boundary at Gale House, there is a small group of residential and commercial buildings. To the northwest the site is bounded by the A595 with the Eddie Stobbart site beyond. To the southeast the site is bound by Branthwaite Road, with the wider Lillyhall Estate beyond.
- 3.2 The site is elevated when viewed from the east and provides panoramic views across to the Lakeland Fells. To the north and west, levels plateau before falling more gradually and levels fall gradually to the south.
- 3.3 The site lies in Flood Zone 1.
- 3.4 The site is allocated for employment uses within the adopted Allerdale Local Plan Part 2.

4.0 Relevant Planning History

- 4.1 None relevant

5.0 Representations

Winscales Parish Council

- 5.1 No response received to date.

ABC Environmental Health

- 5.2 No objections subject to conditions for a Construction Management Plan, contaminated land and sampling of any imported material.

Highways England

- 5.3 No objection.

Cumbria Fire Service

- 5.4 No response received to date.

Natural England

- 5.5 No response received to date to the planning application. However, officers have received email confirmation from Natural England, as part of the screening process, that the proposal is unlikely to have any significant effects on any internationally or nationally designated sites or on the Hen Harrier Overwintering Area in West Cumbria – a species that is understood to be a qualifying species of the North Pennine Moors and Castleton Special Protection Area. Natural England provide 'Standing Advice' in respect to protected species.

CCC Highways and LLFA

- 5.6 No objections subject to conditions, an extension to the speed limit restriction on Branthwaite Road and a Travel Plan monitoring fee of £11,100.

CCC Public Rights of Way Officer

- 5.7 Confirmation that Public Footpath 260001 runs adjacent to the northern side of the site and should not be obstructed.

CCC Minerals and Waste

No response received to date.

Cumbria Wildlife Trust

- 5.8 No response received to date.

Cumbria Constabulary

- 5.9 No response received to date.

United Utilities

- 5.10 No objections, recommend conditions.

Environment Agency

- 5.11 Confirm that as the site falls within Flood Zone 1, it is outside of their remit.

Coal Authority

- 5.12 Parts of the application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area, there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate

that a coal seam of workable thickness outcrops just within the north eastern part of the site that may have been historically worked at shallow depths, and the eastern half of the site lies within the boundary of a site from which coal has been removed by surface mining (opencast) methods. Advise that in the event that the opencast highwall is found within the site, all buildings should avoid 'straddling' this mining feature, where possible, due to differential settlement / surface instability. The findings of the site investigations should inform the layout of the buildings being considered as part any subsequent reserved matters application (for the outline permission). However, based on Drawing No. 01201 Revision P2 (Proposed Site Plan, Full Planning Application, (Roundabout and Spine Road), it is unlikely that this would impact on the layout of the new roundabout / spine road.

- 5.13 The Coal Authority concurs with the conclusion / recommendations of the Preliminary Coal Mining Risk Assessment Report, December 2020 based on the professional opinion of WYG Environment Planning Transport Ltd that parts of the site are likely to be at risk from former coal mining activity. Therefore, in order to inform the extent of any remedial and / or mitigation measures that may be required to ensure that the development will be safe and stable (NPPF paras. 178 and 179) intrusive ground investigations are required. The findings of the ground investigations should also inform the layout (outline consent) of the proposed development.
- 5.14 The Coal Authority has no objection to the proposed development subject to the imposition of conditions to secure site investigation and remediation.

Other representations

- 5.15 The application, has been advertised by press advert, site notice and neighbour letter. No other representations have been received to date.

6.0 Environmental Impact Assessment

- 6.1 With regards to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, due to its size, the proposal requires screening as an industrial development falling in category 10(a) of Schedule 2. The proposal has duly been screened by the Local Planning Authority and for the reasons set out within its screening decision letter, the proposal is not considered to be EIA development and is not required to be accompanied by an Environmental Statement.

7.0 Duties

- 7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 7.2 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. For the reasons set out within the Council's Screening Opinion, the proposal is not considered likely to have any significant effect upon a European designated site.
- 7.3 Regulation 9 of the Conservation of Habitats and Species Regulations 2017 requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions, particularly when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts or otters.

8.0 Development Plan Policies

Allerdale Local Plan (Part 1)

- 8.1 The following policies are considered relevant;-

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 S12 – Land and premises
Policy S13 – Energy Coast Innovation Zone
Policy S6(a) – Area based Workington
Policy S16 – Town Centres and Retail
Policy S21 – Developer Contributions
Policy S22 – Transport Principles
Policy S24 – Green Infrastructure
Policy S27 - Heritage Assets
Policy S29 – Flood Risk and Surface Water Drainage
Policy S30 – Re-use of land
Policy S32 – Safeguarding Amenity
Policy S33 – Landscape
Policy S35 – Protecting and Enhancing Biodiversity and Geodiversity
Policy S36 – Air Water and Soil Quality
Policy DM4 – Expansion and Intensification of Employment Sites
Policy DM8 – Protecting Town Centre Vitality and Viability
Policy DM14 – Standards of Good Design
Policy DM16 – Sequential Test for Previously Developed land
Policy DM17 – Trees, Hedgerows and Woodland

These policies can be found here;-

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

Allerdale Borough Local Plan (Part 2)

- 8.2 The site is an employment allocation (SA41) as depicted in the inset map that can be found here:-

https://www-cloudfront.allerdale.gov.uk/media/filer_public/dd/62/dd626e13-9e1d-4855-a168-2df9b924c22e/lillyhall_a3.pdf

- 8.2 The following policies are considered relevant:-

Policy SA1 – Identified Sites

Policy SA2 – Settlement Boundaries

Policy SA33 - Broadband

Policy SA34 – Employment Sites

Policy SA35 – Safeguarding Employment Sites

Policy SA41 – Land North of Branthwaite Road, Lillyhall

Policy SA52 – Protecting and Creating Green Infrastructure

These policies can be found here;-

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

9.0 Other material considerations

National Planning Policy Framework (NPPF) (2019)

- 9.1 Paragraph 80 advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 9.2 Paragraph 213 advises that the weight afforded to development plan policies can vary according to their degree consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 9.3 Paragraph 212 of the National Planning Policy Framework (NPPF) 2019 advises that policies in that Framework are material consideration which should be taken into account in dealing with the applications from the day of its publication.
- 9.4 The NPPF is available to view at:-

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

Allerdale Council Strategy 2020-30

9.5 Priority – Invest to Grow

- Use our asset portfolio to create new or different opportunities (at Lillyhall, Oldside, Reedlands Road and Derwent Valley)
- Utilise the Allerdale Investment Partnership, the Local Enterprise Partnership and Britain’s Energy Coast to stimulate growth
- Work with partners on key economic sites and opportunities

10.0 Policy weighting

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

10.2 In the context of paragraphs 212 and 213, with Part 2 of the Local Plan having only been adopted in July 2020 and consistent with the provisions of the NPPF, there is no reason why full weight cannot be afforded to it, alongside Part 1.

10.3 Members are therefore advised that the decision should be made in accordance with the development plan with no material considerations, such as the NPPF, being afforded sufficient weight or reducing the weight of the Plan to such an extent that a decision contrary to it could be made.

11.0 Assessment

Principle

11.1 The proposal would essentially secure the extension of the established industrial and commercial estate at Lillyhall, Workington. The application site (and additional land directly to the east) has been allocated for employment purposes within the Allerdale Local Plan Part 2 – Policy SA41. The uses sought for approval - E(G)(ii) Research and Development of products or processes, E(G)(iii) Industrial Processes¹, B2 General Industrial and B8 Storage and Distribution, comply with this allocation. Part 2 of the ALP is afforded full weight and therefore the development is considered to be acceptable in principle.

11.2 Policy S30 of the Allerdale Local Plan Part 1 prioritises the effective re-use of previously developed land and vacant sites within the Plan area. The proposal seeks the development of undeveloped land and it is noted that there are vacant, previously developed sites within the Lillyhall Estate. However, the Allerdale

¹ Members are advised that Class E as referred to in this report includes the Research and Development and Light Industrial uses that were formerly within class B1 of the Use Classes Order 1987. The change to the classes occurred in September 2020, hence the Part 2 Plan still refers to the old class.

Local Plan Part 2 safeguards the Lillyhall Estate for employment uses, as well as allocating this site and a number of other undeveloped sites, in order to meet the identified need for employment land for the Plan period. As such, it has been demonstrated at the plan making stage that both the existing estate and new sites will be required to meet the identified need. Policy S30 only requires sequential assessment of land for greenfield sites where these are windfall sites, not allocated sites. The proposal is considered acceptable as an allocated greenfield site.

- 11.4 Due to the recent changes made to the Use Class Order, development falling within Class E – such as those identified above, would now benefit from an unrestricted change of use to other uses falling within the same ‘Class’. Class E includes a range of uses such as retail, sale of food and drink, indoor sport and recreation and offices. However, national and local plan policies direct such main town centre uses to the town centre first, then edge of centre, and only allow out of centre locations where the sequential test applied to town centre first is passed. No sequential assessment has been provided with this current application on the basis that these alternative uses are not being sought for approval. However, the Council does need to have regard to all uses that would be permitted as a result of any permission. As a sequential assessment has not been provided, it is considered reasonable and necessary to include a restrictive condition to limit Class E uses at the site to those specifically applied for. A condition is recommended to this effect.

Economic Benefits

- 11.5 Paragraph 80 of the NPPF advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. The NPPF requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 11.6 It is understood that the proposal has been brought forward by Allerdale Borough Council and the Allerdale Investment Partnership and the detailed element of the scheme would provide the enabling infrastructure works to bring forward private sector investment in building out the wider commercial scheme. The infrastructure project involves and relies on CLEP funding (£1.7 million), which has certain timescales attached to it for securing both planning permission and the commencement of the works.
- 11.7 An Economic Benefits Technical Note has been provided with the planning application that has been prepared by Mott MacDonald for the AIP Business Case to the Local Growth Fund. This note estimates that the Lillyhall North site could support the following economic development gains in the preferred option case:
- i. 369 net additional jobs for the Cumbria LEP economy from 2026/27 onwards.
 - ii. £19m of net additional Gross Value Added per annum for the Cumbria LEP economy.

11.8 Whilst the economic benefits of the proposal can only be estimated at this stage, the proposal clearly offers a significant level of investment and funding that has the potential to generate economic growth for the Borough. The NPPF requires that significant weight be afforded to the economic benefits of the proposal, the development plan allocation reflects and is consistent with this objective by responding to the need for growth that provides such benefits and the proposal will allow for delivery of such benefits in accordance with this development plan.

Landscape and Visual Amenity

11.9 Policy S33 of the Allerdale Local Plan Part 1 seeks to ensure that the landscape character and local distinctiveness of the Plan area are protected, conserved and where possible, enhanced. Policy S32 seeks to resist development that would have a detrimental impact on the visual amenities of the local area. Policies S4, and DM14 seek to ensure (amongst other matters) that new development is of a high quality design, of appropriate scale and appearance and responds positively to the character, history and distinctiveness of the locality. Policy S5 seeks to ensure that (amongst other matters) new development is of a scale and design which will not detract from the character of the settlement; that the site of the proposed development is not considered to have significant amenity value; and the site is not considered to make a significant contribution to the character of the settlement in its undeveloped state.

11.10 As an allocated site within the Allerdale Local Plan Part 2, then the broad landscape and visual impacts of developing this agricultural land for commercial use have been considered acceptable. However, the relevant allocation policy (SA41 of Part 2 of the Local Plan) does include development considerations relevant to landscape and visual amenity;-

- a) The hedgerow along Branthwaite Road should be retained and reinforced where possible.
- b) High quality landscaping proposals will be required to help assimilate development into the wider landscape, particularly towards the south eastern boundary of the site.
- c) A suitable buffer zone or mitigation measures shall be incorporated along the north eastern boundary to protect the amenity of residential properties at Gale House Farm, and users of the adjoining public footpath.

11.11 Whilst the commercial element of the scheme is submitted in outline only, with details of appearance, layout and scale all reserved for subsequent approval, clearly, a development of this scale has the potential for significant landscape and visual effects.

11.12 The site does not fall within a designated landscape, lying 7.5km from the Lake District National Park, but it holds an elevated position when viewed from the east and so is inter-visible with the designation. It is within the Cumbria Landscape Character Assessment's Type 5: Lowland; Sub Type 5d: Urban Fringe. This landscape type is noted to include extensive areas of lowland

agricultural pasture and agricultural land influenced by urban fringe development. The key characteristics of 'Sub Type 5d: Urban Fringe' are as follows;

- Long term urban influences on agricultural land
- Recreation, large scale buildings and industrial estates are common
- Mining and opencast coal workings are found around Keekle and Moor Row
- Wooded valleys, restored woodland and some semi-urbanised woodland provide interest

- 11.13 The site lies at the higher end of the existing Lillyhall Industrial Estate and levels across the site rise up from Branthwaite Road, before levelling off. Levels fall away beyond the eastern boundary, which allows a panoramic view across to the Lakeland Fells. Levels fall more gradually to the south and plateau to the north and west, before falling away. To the north, west and south west, the site is bound by mature landscaping. The submitted plans indicate that these established landscaped boundaries would be largely retained. To the east, the boundary is part hedgerow, part open. As such, anticipated visual impacts are mainly expected when viewing the site from the east.
- 11.14 A public footpath runs along the eastern boundary of the site, which extends from the A595 to Branthwaite road. Whilst the proposal will urbanise this footpath to a greater degree, by commencing at the A595 and passing through the development at Gale House, the existing footpath is influenced to a degree by urban fringe development. Subject to sensitive treatment of the northern boundary of the site, then any impacts on the visual amenity of footpath users would not be significant.
- 11.15 Given the rising topography, these impacts could be notable, albeit they will reduce with distance and, from more elevated locations, the site will be seen in the context of the existing, large scale industrial estate. Subject to the careful design and scaling of buildings that consider the topography of the site itself and its surroundings, suitable choice of materials and colours, along with enhanced boundary landscaping to the eastern boundary, it is considered that the landscape and visual impacts could be suitably mitigated to ensure no significant adverse effects. These details can be secured at the reserved matters stage, albeit to safeguard delivery of site wide mitigation – such as appropriate scaling of buildings and landscaping to the eastern boundary, a number of conditions are recommended also in this respect.
- 11.16 As such, whilst 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 through additional landscaping to the eastern boundary and careful consideration of levels, scale and layout at the reserved matters stage.

Sustainability, Access and Parking

- 11.17 Policies S2 and S22 of the ALP (Part 1) seek to ensure that new development is located in areas that help to reduce journey times, have safe and convenient access to public transport, improve travel choice and reduce the need to travel by private motor vehicles. These policies accord with advice contained within the NPPF, which seeks to ensure sustainable transport modes are maximised and development is safe and accessible. Policy S5 requires that new development includes acceptable arrangements for car parking and access. The development considerations in policy SA41 of Part 2 of the Local Plan include matters relating to transportation and access;-
- a) Vehicular access to the site shall be from Branthwaite Road.
 - b) Wider transport infrastructure improvements may be required as determined by a Transport Assessment.
- 11.18 The application has been supported by a Transport Assessment and a Travel Plan. The Transport Assessment considers in detail the accessibility of the site by all methods.
- 11.19 Whilst good pedestrian facilities exist around the site and adequate provision is designed into the proposed scheme, it is unlikely that the majority of future users of the site would access it by foot, due to distance. The existing Lillyhall Estate is located outside of the town and only those living at Distington or High Harrington would be likely to consider walking. There are some amenities on the A595 and within the Lillyhall Estate that would be accessible on foot by future site users.
- 11.20 The site is also accessible by bike, with a cycle route (separated from the road), running along the north west boundary of the site with the A595. This cycle route to the north west connects to National Cycleway 72 approx. 2.0km to the southwest of the site, that extends to Workington and Whitehaven. The TA assesses the sites accessibility by bike as good, on the basis that employees could access the site from a number of towns/villages within a 35 minute bike ride on mainly routes separated from the road.
- 11.21 The TA assesses access by public transport (bus) as good also, on the basis that existing stops are within reasonable walking distance (350m on Joseph Noble Road). The area is served by a half hourly service, connecting Whitehaven to Maryport, via Distington, Lillyhall, Workington and Harrington.
- 11.22 On this basis, the proposal is considered to be accessible by a range of options other than the private car, and sustainable, in accordance with policies S2 and S22 of the ALP (Part 1).
- 11.23 A Workplace Travel Plan has been provided at this stage, which details high level initiatives to encourage sustainable transport measures, including a site wide travel plan co-ordinator, who would prepare a site wide plan and disseminate information to individual co-ordinators for each user within the site. Initiatives to encourage staff to access the site by means other than the private car would

include marketing and awareness campaigns, as well as monitoring the effectiveness of such initiatives and the use of cycle and car parking.

- 11.24 With regards to any residual need for parking, only indicative plans have been provided at this stage. It is considered that a reasonable level of car parking and cycle parking can be secured at the reserved matters stage.
- 11.25 Vehicular access to the site will be provided via a new four arm roundabout located at the present junction of Branthwaite Road and Joseph Noble road. The location of this access accords with the policy SA41 site consideration and, in doing so, avoids direct access onto the A595. The roundabout and internal spine road have been designed to accommodate HGV's. The County Highways Authority has raised no concerns with the design of the proposed roundabout, nor have they or Highways England (the latter responsible for the A595 trunk road) raised any concerns with the proposal. It is understood that as an allocation of the ALP Part 2, the traffic impacts of this site, along with all allocations, is likely to cumulatively give rise to some network capacity issues, requiring junction improvements at certain locations. These are to be secured in part by seeking developer contributions. However, given that this proposal is funding dependent and secures a new roundabout at the site entrance, the incorporated highways works and costs therein, are considered proportionate to the development, without seeking further financial contributions.
- 11.26 To conclude, the proposal is considered to be in a sustainable location, accessible by a range of methods other than the private car. A Travel Plan will be secured to further improve the sustainability of the site and any residual parking needs can be secured at the reserved matters stage. The access and servicing arrangements are considered to be acceptable and the proposal can be accommodated within the existing highway network. No objections have been raised by the Highways Authority or Highways England. A 'Grampian' condition will secure an extension to the speed limit on Branthwaite Road and a legal agreement by way of a Unilateral Undertaking is being prepared in respect of the Travel Plan monitoring fee requested by the County Council. Members will be updated on the completion of this document at the Panel. On this basis, the proposal is considered to be acceptable in relation to policies S2, S5 and S22 of the ALP (Part 1).

Ecology

- 11.27 Policy S5 requires that new development will not incur any significant harmful effects on environmental assets, habitats or wildlife, which cannot be successfully mitigated. Policy S35 requires new development to protect and enhance key ecological habitat and wildlife corridors, maintenance and where appropriate, enhancement of priority habitats and species, and contribute to green infrastructure.
- 11.28 The submitted plans indicate that existing perimeter landscaping will be retained, which is positive because this contains established hedgerow to the south east boundary, and mature landscaped woodland to the north west and south west boundary, which is allocated within the ALP Part 2 as 'Green Infrastructure.' Its

retention ensures compliance with policy S24 of Part 1 and SA52 of Part 2. The proposal will result in the loss of some, if not all, internal hedgerow and the ecological site inspection report undertaken for the Local Plan allocation stated that the site offers potential for marshy grassland and rush pasture priority habitat. The habitat on site offers some potential for protected species, but the site itself holds no ecological designations.

- 11.29 The application has been supported by a Preliminary Ecological Appraisal prepared by Hesketh Ecology which focuses on the initial works (i.e. the roundabout and spine road). However, whilst the focus is on the detailed application, the desk based assessment and survey work relates to the whole site and surroundings and mitigation measures consider both the detailed scheme and the wider site.
- 11.30 The River Derwent and Bassenthwaite Lake designated Special Area for Conservation (SAC) lies approximately 3.2km to the east. This site lies outside of the River Derwent catchment and therefore it is considered unlikely that there is a pathway of effect to this designation.
- 11.31 The ecological site inspection report undertaken for the Local Plan allocation process noted that the site lies within the Hen Harrier overwintering area, along its north western edge. The same report confirms that the Hen Harrier overwintering area is considered by Natural England to be of equivalent value to a Special Protection Area (SPA). The Hen Harrier is understood to be a qualifying species of the North Pennine Moors and Castleton SPA.
- 11.32 The submitted Ecological Assessment states, 'The origin of the 'West Cumbria Hen Harrier Overwintering Area' is obscure and it seems to have no level of formal protection. No survey data has been identified to demonstrate the areas significance to the species.....The habitat on site is not highly suitable for roosting hen harriers but could be used by foraging individuals occasionally. At the time of writing three Wintering Bird Survey visits have been completed..... No hen harriers have been recorded on site nor in the immediate area'.
- 11.33 The report also confirms that the data search commissioned from Cumbria Biodiversity Data Centre contains 5no. records of hen harriers within 2km of the site, four of which were collected in 2010, one in 2008. All historic hen harrier records contained in the CBDC database are located between 1.5 and 2.8km from the site.
- 11.34 The submitted Ecological Appraisal is inconclusive in relation to the Hen Harrier, pending one further survey. Therefore Officers have liaised further with the ecologist and Natural England. Hesketh Ecology have provided further clarification of the extent of survey work at the site and confirmed that sufficient survey effort has been undertaken to satisfy themselves that this proposal will not impact upon Hen Harrier as a qualifying feature of remote SPAs / SACs. Natural England, as part of the screening process under the EIA Regulations, has confirmed that there is unlikely to be any significant effect in this respect.

- 11.35 Whilst it is noted that the Hen Harrier survey work has not concluded and that this is a large site within the mapped overwintering area, the mapped area itself is substantial in size. The site is located at the very edge of the mapped area, adjacent to the A595, and a suitably qualified local ecologist has confirmed the site has low suitability for roosting and foraging, with survey effort to date having not recorded the species. As such, it is concluded that the likely impacts on this species would not be significant.
- 11.36 In relation to national designations, Siddick Pond's SSSI and Nature Reserve lies approximately 5km to the north, separated by the built form of the town. The proposal site is not known to drain to the ponds and therefore it is considered unlikely that there is any pathway of effect. The River Derwent and Tributaries SSSI lies approx. 3.2km east. The proposal site is not known to drain to this catchment, therefore there is unlikely to be a pathway of effect. These conclusions are supported by the submitted Ecological Appraisal.
- 11.37 Turning to Non-Statutory Designations, Oily Johnny's Willow Patch lies adjacent to the north eastern boundary of the site (County Wildlife Site). Due to its proximity, the proposal could indirectly damage and/or disturb habitat by wind blown dust, which could influence nutrient conditions, or fire damage. The submitted Ecological Appraisal offers mitigation measures in relation to the Cumbria Wildlife Site to the north including dust suppression measures and fire safety measures. These mitigation measures can be secured by condition.
- 11.38 Other locally designated sites are considered to be a sufficient distance not to be adversely affected.
- 11.39 With regards to on site ecology, the ecological appraisal states that the site contains neutral grassland - specifically sheep grazed pasture, with more than 25% cover of *Juncus effusus*, which is wet in places but does not meet the definition of marsh / marshy grassland. The habitat on site offers some potential for protected species. The findings of the survey are summarised as follows:
- a) Bats - The submitted Ecological Appraisal indicates that the potential impacts on bat roosts are nil. There is greater potential to impact on foraging patterns due to the removal of internal hedgerows and construction/operational lighting of the road and wider development.
 - b) Great Crested Newts (GCN) – Whilst there are a number of ponds within 500m of the site, only one has shown positive eDNA for GCN on the FCC Landfill site. The submitted Ecological Appraisal concludes that, due to the partial barriers to newt dispersal which bound two sides of the site, it is now considered that, on balance, great crested newts are unlikely to occur on site.
 - c) Reptiles – Some areas of the site are considered suitable habitat (not relating to the spine road). Likely common lizard in low numbers. The Ecological Appraisal states further survey work recommended for the wider development, but not for the access works and spine road.

- d) Potential to impact on breeding birds considered low as no works are proposed to the established tree belts to the boundary. Some risk from removal of internal hedgerow.
 - e) No impacts are predicted for Otters, badgers, and red squirrels.
- 11.40 The proposal would result in the loss of some internal hedgerows which are assessed as species poor. The proposal will require additional landscaping works to the south east boundary of the site and these works can be secured at the reserved matters stage and by condition. It is considered that this planting would provide some compensation for that which is to be removed.
- 11.41 Mitigation measures have been presented in Section 7 of the submitted Ecological Appraisal to address identified risks to all ecological receptors as a result of the proposed roundabout and spine road development. Further recommended survey effort for the wider site is currently incomplete and therefore certain mitigation measures (i.e. Ecological Watching Brief) are precautionary, but will be sufficient to ensure no harm is caused to legally protected species. On this basis, subject to conditions to ensure further survey work where necessary and compliance with the mitigation measures proposed, the proposed ecological impacts of the scheme are not considered significant and the proposal is considered to be acceptable having regard to policy S35 of the ALP Part 1.
- 11.42 The proposal will retain the wooded areas to the northwest and south west of the site, which will retain established habitat. It is considered that compensatory hedgerow should be provided for that which will be lost internally to the site and, should this be secured to those sections of the eastern boundary, then it would serve the dual purpose of providing some landscape and visual impact mitigation also. This can be secured by condition as a requirement of the spine road development, which will require removal of the internal hedgerow. Wider landscaping of the commercial element will be secured at the reserved matters stage, most likely on a plot by plot basis, as landscaping has been reserved for future approval. Finally, the inclusion of SUDS retention ponds will provide further opportunity for landscape interest and ecological habitat.

Heritage Assets

- 11.43 In accordance with the duties contained within the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended) the Local Planning Authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Further, Policy S27 of the Allerdale Local Plan seeks to protect heritage assets in a manner that is appropriate to their intrinsic historic value and significance, reflecting the advice of the NPPF.
- 11.44 Wythemoor Sough is the closest heritage asset to the proposal at approx. 850m (Grade II listed). The listing description states,

'Farmhouse, stable and barn. Mid or late C18. Painted rendered walls, under graduated greenslate roof with painted brick chimney stacks. 2 storeys, 3 bays with left single-bay stable and right 2-bay barn, all under common roof. Gabled stone porch has plank door with further plank door and sash windows all in painted stone surrounds. Stable has plank door, with loft doorway above and flanking slit vents. Barn has projecting cart entrance, the return wall of which has pigeon openings. Single-storey barn extension is not of interest.

11.45 The listing offers little information in terms of the significance of the building. The proposal has the potential to impact on its setting. The setting of the building does have some value in appreciating the significance of this farmhouse as it holds an elevated position in relation to the agricultural land to its frontage (south), giving the impression that the farmhouse holds a watchful view over the farmland that would have historically been associated with it. Levels at the rear rise up. Given the separation distances involved, the intervening highway and landscape/topography, the proposal is not considered likely to have any significant effects on the setting of this heritage asset as it will not interfere directly in the appreciation of the farmhouse in the context of the falling land to the front or the rising land immediately to its rear. This was confirmed by the Council's Conservation Officer at the site allocation stage. No other heritage assets are considered likely to be adversely affected by the proposal and therefore the scheme is considered acceptable in this respect.

Residential Amenity

11.46 Amongst other matters, Policy S32 seeks to ensure that the residential amenity of communities are maintained to an appropriate level.

11.47 The proposal has the potential to impact local residents at the construction stage and during operation. A limited number of residential properties lie in close proximity to the northern site boundary at Gale House. These dwellings are in close proximity, but their principal elevations do not appear to face directly onto the site. An outbuilding is positioned on the boundary. Any visual impacts of the proposal on these residents would have to be considered at the reserved matters stage in terms of the scale of units and separation distances, along with the suitability of landscaping.

11.48 The proposed B2 (general industrial) and B8 (storage and distribution) uses have the potential to impact on these residents in other respects (noise, odour, dust). Therefore it is considered appropriate that a condition be placed on the permission to control where B2 and B8 uses can be sited. Other potential noise and disturbance can be controlled by conditions. The Council's Environmental Health section has advised that, subject to conditions controlling such matters, residential amenity would be protected to an appropriate level. On this basis, the development is considered to be acceptable in this respect, in accordance with Policy S32.

Ground Conditions

11.49 Policy S30 of the ALP Part 1 requires that, where land is known to be at risk of potential on-site contamination or stability issues, then it should be subject to appropriate investigation and remediation. A development consideration in policy SA41 of Part 2 of the Local Plan reflects this matter. As noted by the Coal Authority response, the site and surroundings have been the subject former coal mining activity. Both the Coal Authority and the Council's Environmental Health team have confirmed that possible contamination can be adequately dealt with by conditions. As such, the proposal is considered to be acceptable in relation to Policy S30 insofar as it relates to contamination, subject to the inclusion of conditions to secure site investigation, remediation and verification.

Flood Risk and Drainage

- 11.50 Policy S29 of the ALP Part 1 seeks to ensure that new development is located where it would not be at risk of flooding and where it would not increase the risk of flooding elsewhere. The site lies within Flood Zone 1 which is land at the lowest risk of flooding. However, due to the size of the site, it has been accompanied by a flood risk assessment.
- 11.51 The submitted flood risk assessment notes some potential for surface water ponding/flooding within the wooded areas to the northwest and south west boundaries of the site, with no other flood risk is identified. Therefore, the focus of the FRA is to consider surface water drainage, to ensure that no increase in flood risk occurs downstream of the site or on adjacent areas as a result of this development.
- 11.52 The topographical survey indicates that a shallow ditch runs adjacent to the central hedge line within the site flowing in a south westerly direction, but that there is no evidence of a culvert taking the discharge from this ditch. Ordnance Survey (OS) mapping indicates that an unnamed watercourse issues to the south of Branthwaite Road and flows in a southerly direction between Joseph Noble Road and the adjacent industrial unit in sections of open channel and culvert. It continues southwards through Lillyhall Industrial Estate and then flows to the south east within an area of historic opencast mining. This unnamed watercourse is ultimately a tributary of the Distington Beck. There are known to be localised flooding issues on the Distington Beck.
- 11.53 The FRA suggests that ground conditions are likely to be unsuitable for infiltration and that, due to the unknown standard of culverts associated with the tributaries leading to Distington Beck, the preferred option is to connect surface water drainage to the existing surface water sewer located in Branthwaite Road adjacent to the site and being adjacent the low point of the site. The FRA proposes drainage for the spine road to a detention pond that will restrict the post-development discharge rates to greenfield rates, plus 40% allowance for climate change, including hydrobrake. The design of the pond will allow for some 'treatment' of the water also to improve quality. It is proposed that plot drainage is attenuated on-plot, providing one level of water quality treatment. Plot drainage will be restricted to greenfield rates and connect into the drainage stub

connecting to the spine road carrier pipe. The details of specific plots has not been provided at this stage. The FRA advises that suitable overland flood routes be provided within the development to ensure that no localised flooding of the buildings occurs within the development, in an exceedance event. There is some conflict with policy S29's drainage hierarch here given the reliance on a sewer for drainage; the least preferable method. This does count against the proposal but is not an issue afforded any meaningful weight in the overall balance of policy considerations.

- 11.54 Foul drainage will connect to the existing combined sewer in Joseph Noble Road.
- 11.55 United Utilities has raised no objection to the proposal, subject to conditions to secure drainage for the site in accordance with the principles of the submitted FRA. A further condition is advised to secure a management regime for the SUDS features. The Lead Local Flood Authority have similarly raised no objections subject to conditions to secure further surface water drainage details.
- 11.56 It is considered that sufficient information has been provided at this stage in terms of flood risk and drainage. Subject to conditions relating to the provision of a detailed surface water drainage scheme and its maintenance and management, that follow the principles of the submitted Flood Risk Assessment, it is considered that the proposal is acceptable in relation to policy S29 of the ALP (Part 1).

Broadband

- 11.57 Policy SA33 of the ALP Part 2 requires applicants for proposals for commercial development to demonstrate how they have liaised with broadband infrastructure providers, who will install the necessary broadband infrastructure during the construction process in order to achieve superfast (as defined by Government standards) fibre broadband connectivity.
- 11.58 The applicant has confirmed that they have been liaising with broadband providers to deliver the necessary ducting works as part of the spine road works.

Local Financial Considerations

- 11.59 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from Council Tax Revenue.

12.0 Conclusions

- 12.1 The proposal will see the development of a large, greenfield site for commercial purposes as an extension to the existing Lillyhall Industrial Estate. The site is allocated in the Allerdale Local Plan Part 2 for such uses, and therefore the principle of the development is considered to be acceptable. The site holds an elevated location when viewed from the west and therefore careful consideration will need to be given to the layout, scale and site levels at the reserved matters stage to ensure visual effects are minimised to an acceptable levels. In all other

respects (including ecology, flood risk, ground contamination, heritage, residential amenity etc), the proposal is considered to be acceptable, subject to conditions. When considered against the development plan policies as whole, there is little conflict (only the surface water discharge to the sewer) and substantial accord and benefits. The recommendation is therefore to grant planning approval, subject to the attached conditions.

RECOMMENDATION

Grant with conditions, subject to receipt of signed Unilateral Undertaking for Travel Plan monitoring fee.

Annex 1

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 (LAR_{Tr}) of the noise emitted from the proposed development shall be 5dB below the existing background level (LA_{90T}). 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.



