

Allerdale Borough Council

Planning Application VAR/2020/0507

Development Panel Report

Reference Number: VAR/2020/0507
Valid Date: 21st December 2020
Location: Dovenby Hall Estate, Dovenby, Cockermouth, Cumbria, CA13 0PH
Applicant: M Sport Ltd
Proposal: Section 73 application for removal of condition 16 from planning permission 2/2014/0350 for the demolition of up to seven buildings including School House, Hodgson House and Howard House. Full planning application for M Sport Evaluation Centre (B1), testing and evaluation facility (2.5km in length) (Sui Generis), car parking (242 spaces), earthworks including sound attenuation bunds, surface water attenuation ponds, grounds maintenance shed incorporating fuel store (B1 & B8) and separate underground fuel tank. Temporary widening of eastern access from A594 for construction vehicles. Outline planning application for future expansion space of 5000sqm (use class B1), Offices 2450sqm (B1), 60 bed Hotel 6000sqm (C1) all to include associated parking and external works.

RECOMMENDATION

Delegate to the Planning and Building Control Manager the granting of permission subject to conditions upon the signing of a Deed of Variation to tie the existing s106 legal agreement to this permission.

UPDATE

This application was due to be considered by the Development Panel in March 2021 but at the request of the applicant, the decision was deferred. The applicant had indicated that they had some concerns with the Council's approach to drafting the recommended decision. However, the applicant has not progressed with these concerns and they have been made aware that the application is being put forward for the July Development Panel as originally drafted.

Officers had sought appropriate legal advice to the approach taken, prior to the March Development Panel. Below is the original report from March 2021.

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Highway works	The Highways Authority has advised that the highways works secured by condition 16 are not necessary for that part of the development secured by the extant full planning permission for the test track and evaluation centre and associated works.

2 Proposal

2.1 An application has been submitted under section 73 of the Town and Country Planning Act as amended, to undertake the development without compliance with condition 16 of planning permission 2/2014/0350. Application 2/2014/0350 secured planning permission for the following description of development:

'Demolition of up to seven buildings including School House, Hodgson House and Howard House. Full planning application for M Sport Evaluation Centre (B1), testing and evaluation facility (2.5km in length) (Sui Generis), car parking (242 spaces), earthworks including sound attenuation bunds, surface water attenuation ponds, grounds maintenance shed incorporating fuel store (B1 & B8) and separate underground fuel tank. Temporary widening of eastern access from A594 for construction vehicles. Outline planning application for future expansion space of 5000sqm (use class B1), Offices 2450sqm (B1), 60 bed Hotel 6000sqm (C1) all to include associated parking and external works'.

2.2 Condition 16 of that permission states:

'Prior to the occupation of the evaluation centre building the refuge island/footways at the A594/C2038 junction, two 'request bus stops' to the north and south of the A594 carriageway, and the footway along the A594 west of Orchard House to Main Street junction, as shown on the approved plans, shall be constructed in accordance with the approved details. Reason: In the interests of highway safety'.

2.3 The highway works referenced within condition 16 were shown on drawings C002 – Proposed A594 Footway and C003 – Proposed pedestrian refuge island and footway on A594 at M Sport access junction, appended to the Transport Assessment provided for application 2/2014/0350.

2.4 The refuge island and footway are inter-related to the provision of the request bus stops, which were intended to be located adjacent to the existing site entrance for Dovenby Hall, to both sides of the carriageway. The refuge island was proposed to the existing red hatched area that lies within the highway between the right turn lane to Bridekirk and the right turn lane into Dovenby Hall.

The footway would be to the opposite site of the carriageway at the junction with the Bridekirk road, which is presently a grassed verge only. The works would assist pedestrians in crossing the road and accessing the request bus stop on the northern side of the carriageway.

- 2.5 The footway extension would be further along the A594 and to the west of Orchard House, approaching the junction leading into Dovenby village. Opposite The Ship Public House, the existing footpath narrows down and eventually there is no footpath to the eastern side of the junction into the village.
- 2.6 This application seek the removal of condition 16 only. The development subject to full planning permission has already lawfully commenced on site and the Council has considered and approved a number of applications to discharge conditions relevant to that full planning permission, where necessary. The principle of the development is not therefore for consideration here, only whether condition 16 should be removed or not.
- 2.7 A section 73 application cannot extend the time period for the implementation of a planning permission. As the development subject to the full planning permission has already lawfully commenced, no issue arises in relation to timescales for that part of the development.
- 2.8 However, the timescales for the submission of an application for the approval of the reserved matters for that part of the development secured under an outline approval, have already lapsed, with no application having been made. Therefore, that part of the development subject to outline approval, can no longer be implemented under the existing permission. Should Members of the Development Panel decide to approve this current application, although the description of the development and the decision notice would continue to reference that part of the development subject to outline planning approval, the amended timescales for that element of the scheme would essentially reflect the original permission, which would mean that it had effectively lapsed.
- 2.9 Should Members be minded to approve the current application, Officers have revised the conditions of the original permission where they relate to the development subject of the full planning permission, to include the removal of condition 16 and the revised timescales for implementation, and to reflect where details have already been submitted and approved as part of the discharge of conditions process.

3 Site

- 3.1 The site is the Dovenby Hall Estate, located to the east of the village of Dovenby. Dovenby Hall is a Grade II listed building and the Estate is in commercial use, principally by M Sport Ltd. The test track facility subject of planning permission 2/2014/0350 is largely complete and it is understood that the associated evaluation centre is nearing completion.

4 Relevant Planning History

- 4.1 The relevant planning history relates primarily to application 2/2014/0350, the description of which is outlined above, as well as a series of applications to discharge conditions attached to that permission (as detailed below). The original permission was subject to a non-material amendment that clarified the noise control measures required by any Noise Management Plan for the site (ref. AM/2014/0350).
- a) CON1/2014/0350 - Compliance with conditions 5, 8, 17, 18 & 19 of planning approval 2/2014/0350. Approved.
 - b) CON2/2014/0350 - Compliance with conditions 13 & 21 on planning approval. Approved.
 - c) CON3/2014/0350 – Compliance with condition 22 of planning approval 2/2014/0350. Approved.
 - d) CON4/2014/0350 - Compliance with condition 6 as amended under planning approval AM/2014/0350 relating to noise. Approved.
 - e) CON5/2014/0350 - Application for approval of conditions 4, 10, 11 and 12 of application 2/2014/0350. Approved.
- 4.2 There are two pending applications relating to the site:
- a) ADD/2020/0001 - Submission of further details requiring approval in accordance with the provisions of Noise Management Plan Issue 3b (approved under condition 6 of planning permission 2/2014/0350).
 - b) FUL/2021/0050 - Development of ground mounted solar pv system and ancillary infrastructure, to provide power to on site buildings.

5 Representations

Bridekirk and Dovenby Parish Council

- 5.1 Object. The conditions were accepted by the applicant and were meant to benefit the local community. As such, it is considered that they should be honoured.

Broughton Moor Parish Council

- 5.2 Comments withdrawn.

Broughton Parish Council

- 5.3 No comments received.

Dearham Parish Council

5.4 No comments received.

CCC Minerals

5.5 No objection.

CCC Highways

5.6 No objections.

5.7 First response – The Highways Authority found that the works to the west of Orchard House would not comply with our normal standards for footways. It would require the narrowing of the A594 in close proximity to two junctions and would also only allow for a 1.2m footway. Although this width would conform to minimum standards for footway widths this would have an unacceptable impact on highway safety (especially if this footway is located where the road is narrowed).

5.8 It is also noted by the Highways Authority that the current footway from M-Sport does lead to the bus stops, and that drop kerbs are in place. This is acceptable.

5.9 Finally, the Highways Authority express some concerns with the pedestrian island mentioned in the condition. This will lead pedestrians to a “stand alone” footway not connecting to any pedestrian facility. It will therefore create a potential safety concern (vehicles striking the island) whilst not providing a safe route for pedestrians to the nearest attractors.

5.10 Second response – having been advised of the alternative option for a footpath suggested by a member of the public, running to the rear of the stone wall (opposite The Ship) across the village green, the Highways Authority officer has advised that, whilst this a better solution, it is over third party land and points out that the conditions contained in the consent were for a development much bigger than the development currently in place and therefore with valid planning permission. The potential use by MSport users will therefore be considerably less than assumed in the original application. Therefore the alternative, whilst considered to be a good scheme, is not justified and reasonable in relation to the development.

Fire Service

5.11 No objections.

Environmental Health

5.12 No comments received.

Other representations

- 5.13 The application, has been advertised by press advert, site notice and neighbour letter. Six representations have been received to date raising objection to the removal of condition 16, which are summarised as follows:
- A. Object to the removal of recessed bus stops and safe waiting areas, may dissuade future users and buses would have to obstruct the main road.
 - B. Allerdale should encourage the safe use of public transport as an environmental improvement.
 - C. This is the only condition that would give some benefits to the community, with much safer conditions of road usage to pedestrians. What is the justification?
 - D. If the bus stops are required in the future, the cost would fall on the County Council.
 - E. Refuge island and footpath at junction of A594/C2038 would be of benefit to wider Dovenby community as it is one of the few walking routes out of the village. Could encourage traffic calming and reduce dangerous overtaking manoeuvres.
 - F. Existing footpath opposite The Ship PH is dangerous. This is the opportunity to improve the situation. CCC Officer has limited his choice to narrowing the footway or the road, but the footpath could run behind the wall along the village Green side, removing the footpath from the road side and allowing the space around the bus stop.
 - G. Necessary to decarbonise our lifestyles.
 - H. Concerns over presentation of information on the Council's website and lack of clarity as to whether emails provided by officers of CCC accompanying the application are in a formal capacity.
- 5.14 One letter of support has been received, referencing the originally approved development and does not specifically reference condition 16.

6 Environmental Impact Assessment

- 6.1 The original application 2/2014/0350 was considered to be Schedule 2 development requiring environmental assessment and an Environmental Statement accompanied the planning application. The current application is considered to be a subsequent application with regards to the EIA Regulations 2017, Part 3 (9). For completeness, the original Environmental Statement has been transferred over to this application also. It is officers' opinion that this information remains adequate and the current proposal to remove condition 16 only does not require further environmental information to be submitted. The potential environmental impacts arising from the removal of condition 16 only would be localised in nature and would not be significant in environmental terms. Traffic and Transportation issues were not identified in the scoping opinion issued by the Council as issues triggering EIA assessment and the current proposal is not considered to change that position.

7 Duties

- 7.1 A number of duties were considered relevant to the original planning permission, (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Conservation of Habitats and Species Regulations 2010). These duties are not considered relevant to the removal of condition 16 but nevertheless, as a standalone application under s73 of the Act, are considered again.

8. Development Plan Policies

Allerdale Local Plan (Part 1)

- 8.1 Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles
Policy S3 - Spatial Strategy and Growth
Policy S4 - Design principles
Policy S5 - Development Principles
Policy S12 - Land and Premises
Policy S14 - Rural economy
Policy S16 - Town centres and retail
Policy S17 - Tourism, Coastal and Countryside Recreation
Policy S21 - Developer contributions
Policy S22 - Transport principles
Policy S24 - Green infrastructure
Policy S25 - Sports, Leisure and Open Space
Policy S27 - Heritage Assets
Policy S28 - Hadrian's Wall World Heritage Site
Policy S29 - Flood Risk and Surface Water Drainage
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 DM12 - Sustainable Construction
Policy DM14 - Standards of Good Design
Policy DM17 - Trees, hedgerows and woodland,

The following policies are considered to be most relevant to the consideration to remove condition 16;-

- Policy S1 – Presumption in favour of sustainable development
Policy S2 – Sustainable development principles
Policy S4 – Design principles
Policy S5 – Development principles
Policy S22 – Transport Principles
Policy S32 – Safeguarding Amenity

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 Policy SA52 - Protecting and Creating Green Infrastructure

The Plan (Part 2) can be found here;-

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

9. Other material considerations

National Planning Policy Framework (NPPF) (2019)

9.1 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).

9.2 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.

9.3 Paragraph 109 of the National Planning Policy Framework (NPPF) 2019 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.4 Paragraph 110 (a) advises that within new development, give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

9.5 The NPPF is available to view at:-

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

10. 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 Allerdale Local Plan (Part 2) 2020 policies have primacy. Full weight is afforded to the relevant development plan policies as they are considered consistent with the NPPF.

- 10.2 A consideration afforded some weight is the existence of the original permission and its conditions.

11. Assessment

Introduction

- 11.1 Section 73(2) of the 1990 Act states that “the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.”
- 11.2 The options open to this Authority are:-
- A. If it is decided that permission should be granted subject to different conditions to those previously imposed or it should be granted unconditionally, then permission should be granted accordingly.
 - B. If it is decided that permission should be granted subject to the same conditions as previously imposed, then the s73 application should be refused.
- 11.3 The principle of the development itself is not in question.
- 11.4 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. Given that a new permission is being considered, then the determination must be made in the context of current development plan policies and material considerations.

Highways Matters

- 11.5 Condition 16 of the original planning permission required the implementation of a number of off-site highways measures, the trigger point for these measures to be put in place being the occupation of the evaluation centre. These measures were originally requested by the Highways Authority and related to the whole development secured by planning permission 2/2014/0350 (including a testing and evaluation facility, future expansion space of 5000sqm, Offices 2450sqm, and 60 bed Hotel 6000sqm).
- 11.6 As indicated above, the elements of the development subject to full planning permission have been lawfully implemented (primarily the test track and evaluation centre), albeit they are not yet operational. However, no reserved

matters application has been made for the outline elements of the original permission (principally the future expansion space of 5000sqm, Offices 2450sqm, and 60 bed Hotel 6000sqm) and therefore these elements of the development have time expired and can no longer be lawfully implemented. This constitutes a change in circumstances which needs to be borne in mind when considering the current application to remove condition 16.

- 11.8 The inclusion of a condition on any planning permission requires consideration of the six tests – whether it is necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. In considering whether a condition should be removed, these tests remain relevant considerations. Is the condition sought for removal still necessary and reasonably required to make the development acceptable?

Request bus stops, refuge island and footway at junction with the Bridekirk road:

- 11.9 Condition 16 secures request bus stops, and a refuge island and footway inter-related to the provision of those request bus stops, which were intended to be located adjacent to the existing site entrance for Dovenby Hall, to both sides of the carriageway. The refuge island was proposed to the existing red hatched area that lies within the highway between the right turn lane to Bridekirk and the right turn lane into Dovenby Hall. The footway would be to the opposite side of the carriageway at the junction with the Bridekirk road, which is presently a grassed verge only. The works would assist pedestrians in crossing the road and accessing the request bus stop on the northern side of the carriageway.
- 11.10 The entrance to the Dovenby Hall Estate is located approx. 200m from the existing bus stops that serve the Dovenby village on the A594. The now constructed evaluation centre would be located approx. 185m from this site entrance, within the Dovenby Hall site. As such, future employees of the newly constructed evaluation centre and test track would be able to access the existing bus stops at a distance of less than 400m in total. The Transport Assessment prepared for recent application FUL/2021/0009 included data published in Logistics and Transport Focus, March 2018, which showed that the average distance people walk to a bus stop is 580m and the 85th percentile distance is 810m. This data was used to conclude within that Transport Assessment that, at 580m, there is a good prospect people will walk to a stop, while 810m is the catchment of a bus stop for most people. At less than 400m, the existing bus stops on the A594 are considered to be a reasonable walking distance for future employees of the evaluation centre and test track facility and any visitors to it. As indicated by the Highways Officer, there are suitable pedestrian facilities in place connecting the site to these existing bus stops. As such, it is considered that the loss of the request bus stops secured by this condition would not significantly reduce the sustainability of the test track and evaluation centre development in terms of the ability of future employees and visitors to access public transport. This is on the basis that existing facilities are located within reasonable walking distance. Nor would the loss of the request bus stops or associated works result in the development having a severe impact on highway safety, on the basis that

the existing bus stops are connected to the site by adequate pedestrian footpaths.

- 11.11 It is understood that the refuge island and footway at the junction with the Bridekirk road, were measures to secure safe facilities for these request bus stops. As it is considered that the securing of these request bus stops is not essential to the delivery of the full element of the original scheme (the evaluation centre and test track facility), then the loss of the Refuge Island and footway at the junction with the Bridekirk road should equally be acceptable. Officers share the safety concerns expressed by the Highways officer in relation to the refuge island within the carriageway at this location given the speeds of passing vehicles.

Extension of footway along the A594 west of Orchard House to Main Street junction:

- 11.12 The footway extension would be further along the A594 and to the west of Orchard House, approaching the junction leading into Dovenby village. Opposite The Ship Public House, the existing footpath narrows down and eventually there is no footpath to the eastern side of the junction into the village.
- 11.13 There is the potential for the evaluation centre and test track to generate some movements by foot that would utilise this route. This is likely to be employees accessing The Ship Inn PH and any future employees who may reside in Dovenby itself. There are no other facilities within the village that are likely to draw pedestrian movements to/from the evaluation centre and test track. The advice from the Highways Authority is that the level of pedestrian movements associated with the evaluation centre and test track along this route is not of a level sufficient to necessitate the extending of this footway. Concerns are also raised with the ability to deliver a safe footpath given the width of the carriageway. Whilst it is noted that a member of the public has recommended an alternative routing of the path, as the level of pedestrian activity along this section of the highway as a direct result of the implemented part of the development is not considered to be significant, and does not justify an extension of the footpath, then it is the Highway Authority and Officers advice that this part of the condition is no longer 'necessary' to make the development acceptable, allowing the condition to be removed.
- 11.16 Whilst it is noted from the representations received that the additional measures are considered to be a community benefit, the planning test is whether the condition remains necessary to make the development acceptable, not whether the measures would be a community benefit. The Highways Authority has confirmed that this is no longer the case and Officers concur.
- 11.17 For the reasons outlined above therefore, the highway works secured by condition 16 are not considered to be necessary for the development of the test track and evaluation centre, subject of the extant full planning permission. Commencement of the use of these facilities without these additional highways works in place would not give rise to an unsustainable form of development and

would not result in a severe risk to highway safety. Officers recommend that the condition can be removed.

Other matters

- 11.18 The other conditions of the original permission have been assessed against the six tests and the development considered against the provisions of the development plan as a whole.
- 11.19 As stated in the “Relevant History” section of this report, many of the conditions of the original permission had been discharged prior to the submission of this application under section 73 of the Planning Act. The details submitted to discharge those conditions have been submitted with this new application. It therefore stands to reason that, although still considered necessary, the relevant conditions need modifying to reflect the need for compliance with the details now submitted rather than requiring their submission.
- 11.20 In some instance, such as relating to contamination, the condition of the original permission is no longer necessary at all and is not repeated. This is because the development is nearing completion and the requirements of the condition have already been met. The condition requiring alternative cricket provision has been fulfilled with facilities delivered at Broughton Cricket Club.
- 11.21 The development has again been considered against the duty under section 66 of the Listed Building Act given the existence within the site of the grade II listed Hall. The significance of this designated heritage asset has not changed since the determination of the original permission although the development permitted by the full element is nearing completion and this has changed the setting irrevocably. Members are reminded that this setting had already changed markedly since the Hall was built and the harm arising from the permitted changes is considered to be markedly less than substantial. There are also public benefits derived from using this site for the purposes proposed, not least the significant level of skilled employment provision.
- 11.22 There are no changes to the impact on the Natura 2000 sites identified with the duties under the Habitat Regulations duly discharged. An Appropriate Assessment was not required on the original proposal and this section 73 application does not change this stance.

Local Financial Considerations

- 11.23 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from Non-Domestic Rates Revenue.

12 Balance and Conclusions

- 12.1 The highway works secured by condition 16 are not considered to be necessary for the development of the test track and evaluation centre, subject of the extant full planning permission. Commencement of the use of these facilities without

these additional highways works in place would not give rise to an unsustainable form of development and would not result in a severe risk to highway safety. Officers recommend that the condition can be removed.

RECOMMENDATION

Delegate to the Planning and Building Control Manager the granting of permission subject to conditions upon the signing of a Deed of Variation to tie the existing s106 legal agreement to this permission.

Annex 1

Conditions:

Full permission - Demolition of up to seven buildings including School House, Hodgson House and Howard House. Evaluation Centre (B1) including testing and evaluation facility (2.5km in length), car parking (242 spaces), earthworks including sound attenuation bunds, surface water attenuation ponds, grounds maintenance shed incorporating fuel store (B1 & B8) and separate underground fuel tank. Temporary widening of eastern access from A594 for construction vehicles.

1. **The development hereby permitted shall be begun before the 16th January 2015.**

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

2. **Unless otherwise specified by separate condition, the development hereby permitted shall be carried out solely in accordance with the following plans:**

081010-004A Demolition Plan

081010-005A Detailed Planning dwg

081010-007 Mitigation Plan amended 29th August 2014

081010-100A Site Boundary Plan

081010-102E Masterplan

081010-103G MEC - Level 0

081010-104D MEC - Level 1

081010-105A MEC - Roof Plan

081010-106B MEC - Sections

081010-107C MEC - Elevations

081010-150A Sound Attenuation Bunds

081010-151C Planting Plan

081010-152A Underground Fuel Store

081010-153A Photovoltaic Panels to MEC

081010-154B Eastern Access

081010-500D Grounds Maintenance Shed & Fuel Store

099-02-T-PL-001B Track Plan Layout - FIA Fills

099-02-T-PL-001B Track Plan Layout - Apex Fills

099-02-3DCL-001A Track Centreline Geometry Plan

099-02-T-3DLS-001B Track Profile Chainage (8 Dwgs)

099-02-T-3DXS-001B Track Cross Sections (7 Dwgs)

099-02-T-3DCT-001B Track Contours

099-02-T-3DEW-001B Track Cut and Fill

099-02-G-PL-001B Track Conduit Plan

099-02-G-PL-002A Drainage Plan

48609-DR-S-S2-0010E Drainage strategy plan

M-Sport Environmental Statement and Environmental Statement and

Addendum

Reason: To ensure a satisfactory standard of Development and for the avoidance of doubt.

3. **A lighting scheme shall be installed only in accordance with the following approved details:**
081010 1210 External lighting and bollard plan
External Lighting Types
External lighting design and Lighting Impact Assessment.
The approved details shall be fully operational before the use commences. The measures shall be retained as approved and maintained operational for the lifetime of the development.
Reason: In the interests of preserving the amenity and protecting species/habitats, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.
4. **The development shall be undertaken in accordance with the approved Demolition and Construction Method Statement Rev A. The approved statement shall be adhered to throughout the duration of any demolition or construction for the development.**
Reason: In the interests of the amenity of the occupiers of neighbouring properties, to prevent pollution of the environment and to protect important habitats/species in compliance with the National Planning Policy.
5. **At all times the test track facility shall operate in accordance with the most recently approved Noise Management Plan. The test track shall operate at all times in accordance with the Community Levels as set out in the Noise Management Plan. The Noise Management Plan Issue 3b shall be taken as the approved Noise Management Plan unless and until it is replaced by a review thereof. Any Noise Management Plan shall be based on the principles and community noise levels set out in the Noise Management Plan Issue 3b and must include maximum noise levels as provided for below and demonstrate compliance with the Community Levels. Any Noise Management Plan shall include the following:**
 - a) **LAeq1 hour noise levels**
 - b) **Maximum noise levels measured in LAeq5minutes and LAmx**
 - c) **details of M Sport operational and management structure**
 - d) **details of how the Council will access a noise monitoring system at all times**
 - e) **details of the sound control and monitoring scheme and methodology used to demonstrate compliance with the community levels**
 - f) **details of the measures proposed to ensure compliance with the community levels including reference to hours of operation,**

- number of days and sound levels and the type of vehicles and activity that will be permitted at the track**
- g) a detailed complaints procedure**

A review of the Noise Management Plan Issue 3b shall take place within the first six months of the operational use of the test track facility commencing and then annually thereafter.

Reason: In the interests of amenity and to minimise disturbance to wildlife, in accordance with Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 6. There shall be no use of the track for racing of vehicles or competition. There shall be no spectators, other than for M Sports corporate activities.**

Reason: In the interests of amenity, in accordance with Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 7. No use of the test track shall commence until the mitigation bunding has been constructed as approved on drawings:**

081010-1105 - Sound Attenuation Bunding Positioning

081010-1106 - Sound Attenuation Bunding Sections

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

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that order relating to permitted development, no use of the land falling within Part 4 Temporary Buildings and Uses, Class B, of the said Order shall be carried out without the prior written approval of the Local Planning Authority.**

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

- 9. The approved materials and external finish for the MEC building are as shown in document 'External finishes detail'. Only the materials so approved shall be used in the development as approved.**

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 DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 10. The laying of external floor surfaces shall be completed in accordance with the following approved details:**

033076-CUR-94-506-C01- External Works and Hardstanding Details

081010-1200 - Landscape plan

External Ground Finishes

The details so approved shall be completed prior to the use of the development commencing and shall be retained at all times thereafter.

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 DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. **The means of enclosure shall be constructed only in accordance with the following approved details:**

081010-1200 - Landscape plan

081010-1201 - Screening of Waste Storage

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area.

12. **The development shall be completed in accordance with the approved detailed plans for hard and soft landscaping:**

Planting Plan Drawing 081010 PL/01B

Planting Plan Drawing 081010 PL/02B;

Tree/Planting Plan 081010/1104 Rev A;

All planting, seeding or turfing comprised within the 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, mitigate for removal trees/woodland and to minimise the impact of the development in the locality.

13. **The access road, parking and hardstanding areas serving the evaluation centre and testing facility shall be retained as approved, and shall be capable of use for the lifetime of the development and shall not be removed or altered thereafter, without the prior consent of the Local Planning Authority.**

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

14. **The detailed drainage design/scheme as set out in the approved document 'Curtins Surface water drainage design report 48609-R1', shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

15. **The installation of underground tanks shall be completed only in accordance with the following approved details:**
Drawing 081010-152A – Underground fuel store
Curtins Surface water drainage design report 48609-R1
Klargester fuel/oil separator and alarm data sheet
The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details, or any changes as may subsequently be agreed, in writing, by the local planning authority.
Reason: To prevent pollution of the water environment and the underlying aquifer.
16. **The development shall be undertaken only in accordance with the approved Openspace Ecological Method Statement dated February 2015.**
Reason: In order to secure appropriate mitigation and monitoring of ecology interests on and adjacent to the site, in accordance with Policy S35 of the Allerdale Local Plan (Part 1) adopted July 2014.

Outline permission - For future expansion space of 5000sqm (use class B1), Offices 2450sqm (B1), 60 bed Hotel 6000sqm (C1) all to include associated parking and external works.

17. **Before any works commence details of the layout, scale and appearance, and landscaping, of the site (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**
Reason: To enable the Local Planning Authority to assess all the details of the development.
18. **The submission of all reserved matters applications shall be made no later than 16th January 2020 and the development shall begin no later than whichever is the later of the following dates:**
(a) The 16th January 2020 or (b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on difference dates, the final approval of the last such matter to be approved.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.
19. **The details submitted under the reserved matters application shall include a programme showing the phasing of the development to be submitted to and approved by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.**
Reason: To serve in the public and visual interests a satisfactory correlated order of development in accordance with the National Planning Policy

Framework and Policies S5 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

20. **Unless otherwise specified by separation condition, the development hereby permitted shall be carried out solely in accordance with the following plans:**

081010-004A Demolition Plan

081010-006A Outline Planning dwg

081010-007 Mitigation Plan amended 29th August 2014

081010-100A Site Boundary Plan

081010 - 102E Masterplan

081010-151C Planting Plan

081010-154B Eastern Access

081010-500D Grounds Maintenance Shed & Fuel Store

48609-DR-S-S2-0010E Drainage strategy plan

Reason: To ensure a satisfactory standard of development and for the avoidable of doubt.

21. **Prior to the first use of any part of the approved development full details of a lighting scheme (including details of all lamps plus levels and hours of illumination) for that phase has been submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by a lighting impact assessment by a suitably qualified engineer. Any lighting scheme shall be installed in accordance with the approved details and shall be fully operational before the use of that phase of development commences. The measures shall be retained as approved and maintained operational for the lifetime of the development.**

Reason: In the interests of preserving the amenity and protecting species/habitats, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

22. **No development of any phase shall take place until a Demolition and Construction Method Statement for that phase 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, off site parking, turning and compound areas;**
- 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 **A written procedure for dealing with complaints regarding the construction or demolition;**
- e **Measures to control the emissions of dust and dirt during construction and demolition;**
- f **Programme of work for Demolition and Construction phase;**
- g **Hours of working and deliveries shall be limited to 8am until 6pm Monday to Friday; 8am until 1pm Saturday and no working on Sunday or Bank Holidays**
- h **Details of construction lighting on site**
- i **Environmental monitoring plan**
- j **Plant usage**
- k **Measures to prevent pollution to the water environment**

Reason: In the interests of the amenity of the occupiers of neighbouring properties, to prevent pollution of the environment and to protect important habitats/species in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

23. **Before the use commences, all details of odour abatement measures to be installed at the hotel shall be submitted to and approved in writing by the Local Planning Authority prior to development. The details shall be implemented as approved and retained for the lifetime of the use of the development and shall be operated and maintained in accordance with the manufacturer's instructions.**

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

24. **Before the use commences a scheme showing details of sound level data and noise control measures of all fixed plant and equipment to be installed on site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the commencement of the permitted use and shall thereafter be operated and retained as approved.** Reason: In the interests of the amenity of the occupiers of neighbouring properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

25. **No part of the external finish of any building hereby permitted shall be constructed until details and representative samples of all external and roofing materials (including colour finish) for that particular building have been submitted to and approved in writing by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.**

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 DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

26. **The laying of surfaces for access roads, car parks and hard landscaping for any phase shall not commence until details of the treatment and finishes of all surfaces for that phase of development have been submitted to and approved by the Local Planning Authority. Only the treatment and finishes so approved shall be used in the development as approved.**
Reason: In order to ensure a satisfactory standard of development in relation to its surroundings, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.
27. **Details of the siting, height and type of any means of enclosure (screen walls/fences/other means of enclosure) for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to being erected. The means of enclosure shall be constructed only in accordance with the approved details before use of that phase commences.** Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area.
28. **Full engineering details showing the access, parking, turning and loading/unloading facilities for vehicles entering/exiting the site, including the provision of parking spaces in accordance with the Cumbria Parking Standards, shall be submitted with any Reserved Matters application. Where Reserved Matters are sought only in relation to part of the scheme, the level of detail required shall be commensurate with that part of the development. No development shall be brought into use until the facilities have been constructed and are available for use as approved. Such facilities shall be kept available for the approved purpose at all times thereafter.** Reason: To ensure appropriate standards of construction.
29. **The development hereby permitted shall not be commenced until such times as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipe work and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.**
Reason: To prevent pollution of the water environment and the underlying aquifer.
30. **No development approved by this planning permission shall take place until such time as a detailed drainage design which demonstrates how rainfall events up to 1 in 100 plus Climate Change**

are dealt with via on site storage. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

31. **The minimum finished floor level for the hotel hereby approved shall be set at least 300mm above the predicted 1 in 1000 year fluvial flood levels in the Dovenby Beck for the reach of the watercourse (i.e. between 64.32mAOD and 72.15mAOD).**

Reason: To ensure that the proposed development is resilient to fluvial flooding.

32. **No development of any phase shall commence until a scheme that includes the following components to deal with the risks associated with contamination of that phase has been submitted to and approved, in writing, by the local planning authority:**

- a **A site investigation scheme, based on the findings of the submitted document 'M Sport Mixed Use Development at Dovenby - Phase 1' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- b **The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- c **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Application of this condition shall not be general but shall be specific to areas where pollution by fuel tanks or other contaminative storage areas has been identified. The scheme shall be implemented as approved.**

Reason: To protect the water environment.

33. **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 protect the water environment and human health.

34. **No development shall commence until protective fencing has been erected, in a manner to be submitted to and approved in writing by the Local Planning Authority, around the two earthwork sites and the well shown in drawing numbers MMD-299469-EVT-DR-XX-001 and MMD-299469-EVT-DR-XX-002 in appendix C of the Environmental Statement Historic Environment Technical Appendix Volume III, and the listed medieval cross base. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. The protective fencing shall be retained as approved throughout the construction period of the development.**

Reason: To protect the listed medieval cross and remains of archaeological interest in accordance with Policy S27 of the Allerdale Local Plan Part 1.

35. **No development within the area of the hotel shall commence until detailed plans for permanent protective measures to the listed medieval cross base have been submitted to and approved in writing by the Local Planning Authority. The approved permanent protection measures shall be implemented following removal of the temporary protection measures required during the construction phase, and shall be completed before the hotel is brought into use. The approved permanent protection measures shall thereafter be retained for the lifetime of the development.**

Reason: To protect the listed medieval cross in accordance with Policy S27 of the Allerdale Local Plan Part 1.

36. **No development within the area of the hotel or future expansion space shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This written scheme will include the following components:**
- i) An archaeological evaluation;**
 - ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;**
 - iii) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.**

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of

archaeological interest within the site and for the preservation, examination or recording of such remains)in accordance with Policy S27 of the Allerdale Local Plan Part 1.

- 37 . **No phase of the development shall commence until a detailed method statement for that phase, which includes the timing of works, proposed mitigation measures (including details and location of replacement bat roosts or bat/bird boxes), and a monitoring strategy during and post construction, that comprehensively addresses all habitat and species (particularly bats) and which draws on and incorporates the mitigation measures and recommendations of the Environmental Statement Ecology Technical Appendix, the Environmental Statement Landscape and Visual Technical Appendix, the Woodland Management Plan, Arboricultural Report, and Botanical Assessment, has been submitted to and approved in writing by the Local Planning Authority. That phase of development shall be undertaken only in accordance with the approved method statement.**
Reason: In order to secure appropriate mitigation and monitoring of ecology interests on and adjacent to the site, in accordance with policy S35 of the Allerdale Local Plan.

38. **Any reserved matters application seeking approval of the details of landscaping shall include:**
(1) details of any individual trees to be retained, together with measures for their protection during construction
(2) measures for the protection of areas of woodland during construction
(3) details of a replacement planting scheme at a ratio of 1:1 for all other trees/woodland
All planting, seeding or turfing comprised within the landscaping details 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, mitigate for removed trees/woodland and to minimise the impact of the development in the locality.

