

**Allerdale Borough Council**  
**Planning Application VAR/2020/0009**  
**Development Panel Report**

**Reference Number:** VAR/2020/0009

**Valid Date:** 12th June 2020

**Location:** Lowmoor Road, Wigton, Cumbria

**Applicant:** Gleesons

**Proposal:** Variation of condition 6 of planning permission 2/2016/0249 for residential development and associated infrastructure, to remove the reference to the mini roundabout.

## **RECOMMENDATION**

**Subject to verification of the visibility splay for Plot 1, grant planning permission subject to conditions and the signing of a Deed of Variation to ensure that the contributions secured under the original outline approval are tied to the implementation of this permission.**

## **UPDATE**

Members will recall that this item (and the following item), were considered at the previous Development Panel on the 23<sup>rd</sup> November 2021. Both items were deferred from that meeting following concerns that were expressed with the loss of a mini-roundabout as the junction arrangement with Lowmoor Road, as the mini-roundabout was considered a means of slowing traffic speeds.

Subsequently, the applicant has provided a Stage 1 and 2 Road Safety Audit and Designers Response and this information has been provided to the Highways Authority for comment. The purpose of a Road Safety Audit is to identify any safety issues arising from a particular scheme and the Designers Response will set out how these are to be addressed. The following points are noted from the report:

1. **Problem** – New access points with dropped kerbs and flush crossings proposed, but no corresponding flush crossing to opposite side of Lowmoor Road for pedestrians.

**Response** – Will provide flush crossings for pedestrians and non-motorised users on both sides of Lowmoor Road. This will be carried out under the s278 Agreement with the County Council as the Highways Authority.

2. **Problem** - Plots 5 and 6 appear to have limited turning space within the driveways and the possibility exists of vehicles having to reverse out of drives onto Lowmoor Road, leading to potential conflicts and accidents. In addition to

this, parking of cars on the drives will lessen the visibility for vehicles leaving the main junction, to the left and right of it. The visibility from the shared drive at Plot 1 is also very poor to the left, as Lowmoor Road bends to the left shortly beyond it and there is an existing building which will compromise the visibility splay.

**Response** - A review of driveway positions will be undertaken and they will be adjusted accordingly.

3. **Problem** – Risk of falling into SUDS pond from footpath.

**Response** - A suitable fencing solution has been proposed (already included on the submitted plans).

4. **Problem** – Position of speed limit signage. The existing speed restriction should be moved to the east and made more visible to drivers, possibly with red texture and markings on the road.
5. **Response** – It is agreed that the speed limit signage should be re-positioned and this has already been secured by a payment within the s106 agreement (attached to the outline approval).

#### **The response from the Highways Authority is summarised as follows:**

Note the safety audit response from the designer and find this acceptable. It seeks to rectify all elements picked up in the RSA. With regards to the traffic calming issue, active frontages are an effective means of traffic calming. This development will create this. Low Moor Road currently has no visual clues to drivers to slow down. It was envisaged that in response to the outline application that the roundabout would provide this clue, and force drivers to slow down. The revised layout, with multiple accesses directly onto the road, will hopefully achieve a similar purpose.

From a Local Highway Authority point of view, speeds are high. This could be enforced by the police. From a design point of view however this is well within our tolerance for access designs. The 60m splay required assumes a 37mph 85%ile speed.

Numerous potential additional traffic calming measures have been discussed, e.g. (raised table at the main access onto Low Moor Road, carriageway narrowing, vehicle activated speed sign, chicane) but considering the above, this cannot be attributed to this applicant if the CIL tests are applied.

As such, having undertaken a Road Safety Audit and Review, none of the issues raised have related to the provision of a T junction arrangement in lieu of a roundabout at the entrance to the site. The Highways Authority remain satisfied that the replacement of a roundabout with a T junction would not give rise to severe highway impacts, which is the planning test. The Highways Authority go on to discuss traffic speeds and are satisfied that, subject to verification of the visibility of the access onto Plot 1, the provision of housing facing onto Lowmoor Road with multiple accesses, will in itself be an indicator that cars should slow down. Further traffic calming measures are not considered reasonably necessary to make the development acceptable and cannot therefore be

pursued at a cost to the applicant as they would not meet the legal test under the Community Infrastructure Levy Regulations.

Further, the Highways Authority appear satisfied that those issues flagged by the Road Safety Audit can be satisfactorily addressed.

To conclude on this matter, subject to verification of the visibility splay for Plot 1 it remains the advice of the Highways Authority and Officers that the highway safety implications of the proposal are acceptable, subject to the recommended conditions and s106 agreement. There is no evidence available to support a refusal on this matter.

Other issues raised at the last meeting included the loss of the frontage hedgerow and the potential loss of an historic stone wall to the eastern boundary. The loss of the hedgerow has been considered in detail as part of the reserved matters application at section 16 onwards. The hedgerow to be lost measures 125m and replacement hedgerow is proposed totalling 340m. This is considered to be adequate compensation. The submitted plans confirm that the stone wall is to be retained as part of the site boundary, with a small section potentially lowered in height if required for visibility. The stone wall is highlighted in the Archaeological Evaluation undertaken for the site and no concerns have been raised by the County Archaeologist. Therefore this limited reduction to this wall is considered to be acceptable.

The recommendation remains as originally drafted.

**1. Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
<b>Removal of mini-roundabout</b>	The Highways Authority has raised no objection to the alternative provision of a T junction access to the site as shown within Reserved Matters application RMA/2019/0015.

**2 Proposal**

2.1 An application has been submitted under section 73 of the Town and Country Planning Act as amended, to vary condition 6 of planning permission 2/2016/0249, which will allow housing development to be undertaken at the site with access provided by a T junction and not a mini-roundabout. Application 2/2016/0249 secured planning permission for the following description of development:

Outline application for residential development and associated infrastructure.

2.2 Condition 6 of that permission states:

**A frontage footway, its links to the footway on the northern side of Lowmoor Road and the access mini roundabout shall be designed, constructed, drained and lit to a suitable standard and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. 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.

2.3 It is proposed to vary condition 6 as follows:

**A frontage footway, its links to the footway on the northern side of Lowmoor Road and the access shall be designed, constructed, drained and lit to a suitable standard and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. 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.

2.4 This application seek the variation of condition 6 only. The principle of the development is not therefore for consideration here, only whether condition 6 should be varied or not in the manner applied for.

2.5 The Council is concurrently considering an application for approval of the outstanding reserved matters for this site. The outstanding reserved matters include details of access and provides the detailed plans for the development of 57 houses with the main access provided by a T-junction arrangement positioned centrally to the site frontage along Lowmoor Road.

2.6 A section 73 application cannot extend the time period for the implementation of a planning permission. As such, any approval of this application would have to retain the original timescales for the implementation of the permission.

2.8 Should Members be minded to approve the current application, Officers have revised the conditions of the original permission to include the variation of condition 6 and the revised timescales for implementation, otherwise the conditions of the original permission remain unchanged.

### **3 Site**

- 3.1 The application site is located along Lowmoor Road, Wigton, to the south east of Wigton town centre. The site is comprised of grazing pasture with a hedgerow forming part of the frontage with Lowmoor Road. The site lies to the south of the B5305 Lowmoor Road, with Lowmoor Road forming its frontage and fields forming its boundary to the south and east and residential properties forming its western edge. The proposal site is bounded by hedgerow and rails to the north boundary, with a partial sandstone wall to the east and the other boundaries by railings/fencing. To the north and directly off Lowmoor Road is the residential development of Scholars Green. The site generally falls from the north to the south, approx. 10.58AOD at the north boundary and 6.24AOD at the south eastern boundary. The land to the rear falls away slightly further before then rising to the housing estate to the south (Highmoor Gardens).

### **4 Relevant Planning History**

- 4.1 The relevant planning history relates primarily to applications:

2/2016/0249 – Outline planning permission for residential development and associated infrastructure, all matters reserved. Granted subject to conditions and a legal agreement that secured the following:

- 20% of the total units to be affordable units, 75% of which are to be let at an affordable rent, 25% for discounted sale (80% of the open market value). The s106 stipulates that these will be formed as two and three bed properties.
- An off-site Play Area Contribution to improve existing play facilities at Phoenix Park (No. of dwellings x 1.39) x £140
- A sum of £4500 to cover a traffic regulation order to extend the 30mph speed limit zone.

RMA/2019/0015 - Reserved matters application following outline permission on 2/2016/0249 for residential development and associated infrastructure (57 dwellings), pending.

### **5 Representations**

#### **5.1 Wigton Town Council**

Wigton Town Council consider the best option for access to the estate is via the mini-roundabout as detailed in the previous plans and that appropriate signage is erected.

#### **5.2 CCC Highways**

Confirm no objection to the variation of the condition.

## **Other representations**

- 5.13 The application, has been advertised by press advert, site notice and neighbour letter. 8 representations have been received to date raising objection to the variation of condition 6, which are summarised as follows:
1. One representation has been submitted raising difficulty with commenting on the application.
  2. Question whether if a mini-roundabout it not supported, whether a cross road with Scholars Green would be considered on safety and habitat grounds.
  3. Why is a T junction considered to be a better alternative to a mini-roundabout by the Highways Authority and Allerdale Borough Council? How can a T-junction along a B road be more effective than a roundabout in terms of traffic calming measures resulting in better highway safety?
  4. Will this alternative be cheaper?
  5. Proposal will exacerbate congestion on this road already arising from the school.
  6. There are no traffic calming measures in place along the road and the speed of most vehicles travelling along the road, in either direction, is often well above the 30 MPH limit. Removal of the proposed roundabout to provide safe access to Scholars Green and the proposed new housing development will increase the risk of serious accident for those joining or leaving Lowmoor road because of the speed of other road users approaching the junctions to Scholars Green and the new development.
  7. Questions the lack of consultation with properties on West Avenue have been consulted and why people in Skinburness? Is this legal?
  8. T junction will result in loss of hedgerow, which should be retained. Ecological impacts, soakaway impacts for drainage and helps filter car pollution.
  9. Why would any planner not wish to make use of the existing arrangement which has three legs of the roundabout already built? (East/west legs on Lowmoor Road and existing entrance into Scholars Green).
  10. Why has the developer not discussed this with residents?
  11. Development will be a significant nuisance to residents at 39-31 Lowmoor Road in particular, but other residents also.

## **6 Environmental Impact Assessment**

- 6.1 The proposal is not considered to be schedule 1 or 2 development under the EIA Regulations 2017.

## **7 Duties**

- 7.1 None relevant.

## **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 S6 – Area Based  
Policy S7 - A mixed and balanced housing market  
Policy S21 – Developer contributions  
Policy S22 - Transport principles  
Policy S24 – Green Infrastructure  
Policy S25 – Sports, Leisure and Open Space  
Policy S29 - Flood Risk and Surface Water Drainage  
Policy S30 – Reuse 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 DM12 – Sustainable Construction  
Policy DM14 - Standards of Good Design  
Policy DM16 – Sequential Test for Previously Developed Land  
Policy DM17 – Trees, Hedgerow and Woodland

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

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 The site falls within the defined settlement limit for Wigton. The site is an identified housing commitment.

Policy SA1 Identified Sites  
Policy SA2 Settlement Boundaries  
Policy SA3 Affordable Housing  
Policy SA5 Housing Standards  
Policy SA6 Housing Delivery  
Policy SA33 – Broadband

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

## **9. Other material considerations**

### **National Planning Policy Framework (NPPF) (2021)**

- 9.1 Paragraph 219 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 218 of the NPPF 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 111 of the NPPF 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 112 (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 6 of the original planning permission required the implementation of a number of off-site highways measures, including access into the housing development from Lowmoor Road via a mini-roundabout. This application to vary condition 6 seeks to remove this requirement only.
- 11.6 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?
- 11.7 The outline approval did not include the details of access. Approval of the detail of ‘Access’ was reserved for later consideration. In these circumstances, the judgement at the outline stage should be to determine whether a safe access to the site for the specified purpose is achievable, and not how that access should be achieved. However, in this case, a condition has been included that specifies the use of a mini-roundabout.
- 11.8 Policy S22 of the Allerdale Local Plan Part 1 contains a number of criteria for new development, including that new development should, improve accessibility, be

accessed safely and not compromise the safety of any transport route, encourage attractive and well-connected street networks, make provision for pedestrians and cyclists to be given the highest priority within new development, and be required to provide adequate levels of car parking, cycle facilities, and where appropriate incorporate charging points for electric and hybrid vehicles.

- 11.9 The NPPF at paragraph 104, advises that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 110 of the NPPF advises that new development should ensure safe and suitable access to the site for all users, that the design of streets should reflect current national guidance, including the National Design Guide and the National Model Design Code. Further, the NPPF requires that any significant impacts from a development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree. Paragraph 111 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.
- 11.10 Within this context, the NPPF requires amongst other things that applications for development should give priority first to pedestrian and cycle movement, and that they should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.
- 11.11 As set out within the report for the reserved matters application, in pre-application discussions with the applicant relating to the access and layout of the site, it was noted that the outline application included with it, indicative plans which initially showed a central access point with T-junction, then amended to an easterly access point with roundabout. The consultation responses from the Highways Authority at that outline stage, raised no specific objection to either arrangement.
- 11.12 Following discussions with the applicant at the pre-application and application stage, a central access with T-junction has been pursued as part of the detailed reserved matters application. This is for two reasons, (1) This option had not attracted any specific objection from the Highways Authority at the outline stage and (2) A central access to the site is considered allow for a better design approach to the layout of the housing scheme overall. A central access with dwellings either side of that access facing onto Lowmoor Road and with an internal tree lined road then leading to a central area of open space with housing facing onto that open space, is considered to provide a more focused and attractive entrance to the development and better standard of layout and design overall, than could be achieved from a more easterly access junction, with mini-roundabout. It is considered that a mini-roundabout would have prioritised the design of the entrance for private car users, over and above the form and design of the development overall, and above the access and movement of pedestrians into and through the site, which would have been less convenient from a more easterly location. Further, mini-roundabouts allow for the free flow of traffic and are often more difficult to navigate for pedestrians in Officers opinion.

- 11.13 The proposed central access lies opposite 39 Lowmoor Road, approx. 60m from the existing junction into Scholars Green (measured from the centre line of the existing and proposed junctions). This separation distance between the existing and proposed junctions is similar to previously accepted arrangements for other housing schemes served by T-junction arrangements, including the recently considered housing scheme at Main Road, High Harrington by Story Homes.
- 11.14 The Highways Authority has not raised any objection to the access and layout details now shown for a T-junction arrangement, located centrally to the site frontage along Lowmoor Road as part of reserved matters application, nor have they raised objection to this application for the variation of condition 6 to remove the requirement for the mini-roundabout. Whilst the road safety concerns of the Town Council and members of the public are noted relating to the loss of the mini-roundabout, the Highways Authority have not raised any safety concerns themselves. The NPPF clearly sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety and given the advice of the Highways Authority, this is not considered to be the case here. As the proposed T-junction is considered to provide a suitable entrance in highway safety terms and a better scheme in terms of the overall design and layout of the scheme, then the variation of condition 6 to remove the reference to a mini-roundabout, is considered to be acceptable in officer's opinion.
- 11.15 On the basis that a safe alternative access has been provided to the satisfaction of the Local Highway Authority, the element of condition 6 relating to a mini-roundabout is no longer considered reasonable or necessary. Officers recommend that the condition can be varied to reflect the text set out at section 2.3 above.

### **Other matters**

- 11.16 Condition 18 of the original planning permission related to a requirement for further archaeological investigation. The required investigation and reporting has been undertaken and provided with the reserved matters application and the County Archaeologist has confirmed that this report satisfies the requirements of the original condition. As this is the case, original condition 18 has been deleted and original condition 19 (which secures ecological mitigation) is now condition 18 in the below recommendation.
- 11.17 As part of the reserved matters application, some supporting information has been provided relating to ground conditions. However the report from Environmental Health suggests that there may still be matters to be resolved in this respect, therefore conditions 14-17 relating to contamination are retained in the below recommendation.
- 11.18 The conditions relating to the timing for implementation of the permission and submission of details for the reserved matters have been amended so that they reflect the timescales of the original outline permission as an application made under s73 should not extend the time limits for implementation of a permission.

11.19 In all other respects, the conditions remain unchanged as there has been no separate discharge of conditions applications relating to the original outline permission.

### **Local Financial Considerations**

11.20 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising New Homes Bonus and Council Tax Revenue.

## **12 Balance and Conclusions**

12.1 The mini-roundabout secured by condition 6 is not considered to be necessary to make the development acceptable on the basis that an alternative proposal has been provided which has secured the support of the Highways Authority in highway safety terms and officers in design terms. Officers recommend that the condition can be varied as requested.

## **RECOMMENDATION**

**Delegate to the Planning and Building Control Manager the granting of permission subject to conditions and upon the signing of a Deed of Variation to tie the existing s106 legal agreement to this permission, if considered necessary by Legal Services.**

## Annex 1

### Conditions:

- 1. Before any works commence details of the layout, scale and appearance, access 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.
- 2. The development hereby permitted shall be carried out in accordance with the following plans:**  
**SS011-LP Site Location Plan**  
**Ecological Appraisal**  
**Ecological update received 2 August 2016**  
**Flood Risk Assessment & Outline Drainage Strategy**  
**Transport Statement**  
**Transport Statement Addendum received 7 July 2016**  
**Geophysical Survey Report**  
**Phase 1 Geo-Environmental Site Assessment**  
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 submission of all reserved matters applications shall be made no later than 7 February 2020 and the development shall begin no later than whichever is the later of the following dates:**  
**(a) 7 February 2020, or**  
**(b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**  
Reason: In order to comply with Sections 91 and 92 of the Town and Country Planning Act 1990.
- 4. Any application for reserved matters of layout shall include plans showing the following:**  
**(a) Cross sections through the site;**  
**(b) Details of existing and proposed ground levels;**  
**(c) Proposed finished floor levels of buildings;**  
**(d) Levels of any paths, drives, garages and parking areas;**  
**and the development shall be carried out in accordance with the details so approved.**  
Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.
- 5. The carriageway, footways, footpaths, cycleways etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of**

**the development hereby permitted is commenced. No 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. A frontage footway and its links to the footway on the northern side of Lowmoor Road shall be designed, constructed, drained and lit to a suitable standard and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. 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.

- 7. The development shall not commence until visibility splays at each point of access, providing clear visibility of 2.4 metres by 70 metres as measured down the centre of the access(es) or access road and the nearside channel line of the major road have been provided at the junction of each access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure or object of any kind shall be erected or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splays which exceed 1 metre in height and obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.**

Reason: To ensure a satisfactory means of access for the development during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 8. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.**

Reason: In the interests of highway safety.

- 9. No dwelling shall be occupied until its access and parking arrangements (in accordance with the County Councils parking guidelines) have been constructed. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.**

Reason: To ensure that proper access and parking provision is made and retained for use in relation to the development.

10. **No development shall commence until full details of the surface water system demonstrating that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40% to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc.) have been agreed in writing with the Local Planning Authority.**

Reason: To manage flood risk within the development that results from surface water to minimise the risk to people and property, in compliance with the National Planning Policy Framework and Policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. **The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Outline Drainage Strategy (Ref No. K32867/01/ODS/RH, Issue 03, Dated 11 April 2016) which was prepared by R. G. Parkins & Partners LTD proposing surface water discharging into watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. Prior to the occupation of any dwelling the drainage scheme shall be completed in accordance with the approved details.**

Reason: To ensure a satisfactory form of development and to prevent undue increase in surface run-off and to reduce the risk of flooding from the development, in compliance with the National Planning Policy Framework and Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. **Prior to any works being constructed above ground floor level a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:**
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Resident's Management Company; and**
  - b) Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operations costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.**
- The development shall subsequently be completed, maintained and managed in accordance with the approved plan.**

Reason: To manage flooding and pollution and to ensure that a managing body is in place for sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

13. **No development shall take place until a Construction Method Statement and Construction Traffic Management Plan 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, formation of the construction compound and access tracks and any area of hardstanding;**
  - (b) Details of the construction vehicle routing and the scheduling and timing of movements avoiding school opening and closing times and temporary warning signs;**
  - (c) The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
  - (d) Post-construction restoration/reinstatement of the working areas;**
  - (e) Access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate visibility displays;**
  - (f) 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.**
  - (g) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution;**
  - (h) A written procedure for dealing with complaints regarding the construction or demolition;**
  - (i) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities and cleaning of the site entrances and the adjacent public highway);**
  - (j) Programme of work for Demolition and Construction phase;**
  - (k) Hours of working and deliveries;**
  - (l) Details of lighting to be used on site.**
  - (m) Highway signage / Haulage routes. The approved statement shall be adhered to throughout the duration of the development.**

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 14. Further to the Phase 1 Geo Environmental Site Assessment ref 10-963-r1 all necessary Phase 2 site investigation works within the site boundary must be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.**

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.
- 15. Should land affected by contamination be identified under the desk top study under condition 14 be found which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment, in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 16. Should a contamination remediation scheme be required under condition 15, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment, in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 17. 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.

18. **The works shall be implemented solely in accordance with the mitigation/recommendations outlined in Section 6 of the Ecological Appraisal dated 25 January 2016 and the further ecological appraisal received 2 August 2016.**

Reason: To safeguard the habitat of bats in compliance with the National Planning Policy Framework, Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and Policy E34 of the Cumbria and Lake District Joint Structure Plan, 2001-2016 (Saved).

