

Allerdale Borough Council

**Planning Application
Development Panel Report**

Reference Number: FUL/2020/0047

Valid Date: 18/02/2020

Location: Land at Derwent Forest, Broughton Moor, Great Broughton, Cumbria

Applicant: Mr N Catterson, Derwent Forest Development Consortium Ltd

Proposal: Proposed visitor centre with associated gatehouse, parking and infrastructure

RECOMMENDATION

GRANT subject to conditions

Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	While not meeting all policy criteria fully, the scheme as amended is considered acceptable in accordance with the objectives of Policy S18 of ALLP1. The proposal will deliver beneficial local tourism facilities to the area with a local connection to the historic legacy of the wider site.
Tourism	Policy SA32 of the Allerdale Local Plan (Part 2) specifies the criteria for tourist related development. The specific location of the proposal is a material consideration.
Layout and scale	The proposed design is modern in its details but occupies an isolated and remote location on the RNAD site. The nearest property is approx. 280m from the site.
Highways	The layout and access details meet the requirements of the County highway

	authority.
Contamination	Policy S30 endorses the remediation of existing contaminated land/buildings. The sites are predominantly brownfield. Further assessment is required of the coal mining details (conditioned).
Drainage	The foul and surface water drainage details are acceptable in compliance with Policy S29 of ALPP1.
Ecology	Policy S35 refers to ecology/ biodiversity. The application is supported by detailed ecological surveys. Subject to mitigation being secured these details are safeguarded.

2. Proposal

- 2.1. Members may recollect that they resolved to defer this application at the last Development Panel meeting to enable a visit of both the site and its wider RNAD surroundings plus facilitate a presentation from the applicant on his future masterplan for the development of the overall site. These details will be undertaken prior to the panel meeting.
- 2.2. The application seeks consent to develop a visitor centre facility on the western periphery of the Derwent Forest site. The primarily hard surfaced site was formerly used as a helipad for the previous military use of the RNAD. The building is to incorporate a museum relating to the site's former historic past, plus a memorial to the former workers killed in a munition explosion accident during the last war.
- 2.3. The centre building itself comprises of a modern two-story flat roof building comprising of a reception, shop, café bar and learning area. The building itself would be finished in timber cladding with recessed areas in zinc cladding. The scheme's former proposal for a 14m tall observation tower with viewing platform terraces has been withdrawn from the scheme. The land around the edge of the centre would be landscaped. The site will be served by a new foul water package treatment plant. Surface water is to be discharged to Holden's gill via a surface water drainage system.
- 2.4. In response to enquiries on the future use of the premises the applicant advises that the proposal offers a lot of community led opportunity as a first step in securing public access to the wider site.

The intention is to have an anchor tenant to operate the visitor centre's café area on a commercial basis, with the potential of any future link of the C2C route to the site.

The use comprises of 2 phases:

- (i) Phase 1 entrance lodge/reception - Conservation led restoration of the original Seaton Rd gatehouse as the site entry/control point offering public access to the site from the car park.
- (ii) Phase 2 – visitor centre comprising of café (30 covers internal and 60 covers external) with cycle parking , It includes a museum re RNAD reinstating the sites former private museum collection of both the RNAD and site won objects (working with Broughton PC for the reuniting of some key objects for permanent display) plus extensive digitalised /photographic records via: RN Priddy Yard (wartime and ongoing operations at the site) & national achieves at Kew (re 1944 accident) which is interrelated to the memorial. Also proposed are records re mining activities (1824-1935) and Buckhill Colliery from the Cumbria Achieve centre and National Coal mining museum.

Also proposes local history projects with social recording a priority. Also details on transport systems with the industrial archaeology of the Cleator to Workington railway forming the backdrop of the C2C route with the RNAD narrow gauge railway being legible throughout the site (including possible narrow gauge rolling stock exhibits).

The applicant also highlights the site is rich in rare ecology with the centre being in proximity to the Jubilee woodland plantation and the centre would offer a good base for interpreting and understanding the ecology with possible circular walls in the woodland.

In addition, the applicant has been working with a representative of Historic England (military expert and senior archaeologist) to record and understand the operational nature of the site. (The depot is significant as it was one of the first and largest facilities in the U.K). The laboratory area (which is intact including buildings, blast walls and bunds) is seen as a key central hub and future phase to the site (with associated links to the C2C which has wider links to its surroundings e.g. Soddy Gap).

The centre also has an education space to serve both local and regional demand for teaching/field work (especially given its archaeological/historic importance), plus multiuse exhibition space which can be let commercially or use by the wider community.

- 2.5 As the development is located within the internal layout framework of the RNAD which has no public access, a separate entrance collection point on the northern boundary of the RNAD is proposed. This involves the conversion of a vacant ridged roof single storey building to act as a reception point with an adjoining enlarged ancillary car/bus park for visitors. The intention is then to shuttle visitors by buses along the internal road network to the site of the helipad. This is due to health and safety concerns relating to the intervening land deriving from the sites former landuses.
- 2.6. The application under its EIA status is supported by additional documents: landscape and visual impact, ecology, ground conditions, traffic and transport and cumulative considerations. (The applicant has since set up a community engagement group to inform of the progress of the proposal).

The Plans for consideration are:-

A2.19.867 010 Rev C visitor centre location plan 22/11/21
A2.19.867 VC100 D Site plan
A2.19.867 VC101 B Proposed first floor plans
A2.19.867 VC102 D Proposed elevations
A2.19.867 VC103 E Entrance site plan Site plan
A2.19.867 VC104 C Entrance proposed Floor plans
A2.19.867 VC105 B Entrance Proposed elevations
A2.19.867 VC001 C Entrance location plan
A2.19.867 VC002 A Block plan 1 of 5 VC
A2.19.867 VC002 A Block plan 2 of 5 VC
A2.19.867 VC002 A Block plan 3 of 5 VC
A2.19.867 VC002 A Block plan 4 of 5 VC
A2.19.867 VC002 A Block plan 5 of 5 VC
A2.19.867 VC1000 Materials study VC
A115081 Derwent Forest Visitor centre Noise statement
A115081 C001a – Entrance visibility splays
A115081 C001a VC Access
A115081-21-C-D100-P1 –Visitor centre
A115081-21-C-D100-P1 –Visitor centre
A115081-21-C-D100-P1 –Visitor centre drainage
Entrance building to visitor centre proposed landscape plan WW/10 B
Ecology appraisal 2020
Extended Phase 1 Habitat Survey (Feb 2020),
Geo Environmental Desk top study and preliminary coal mining risk assessment
Jan 2020
A115081 visitor centre –contour /topographical /drainage plan- Landmark
A115081 visitor centre- estimated soil chemistry- Landmark
A115081 visitor centre Historical map – Slice A
A115081 visitor centre Historical map – Slice B
A115081 visitor centre Historical Aerial photography –Segment A10
A115081 visitor centre Historical Aerial photography –Segment A11
A115081 visitor centre Historical Aerial photography –Segment A14
A115081 visitor centre Historical Aerial photography –Segment A15
Coal Authority –summary of findings map
Archaeological assessment
Details of package treatment plant
Road Safety Audit (26th March 2021), prepared by Tetra Tech
Derwent Forest entrance building landscape plan Rev B 24/01/20
Derwent Forest visitor centre landscape plan 11A

- 2.7. The proposed use will operate between 10 am and 5pm with a slight variation at the gatehouse to allow for transfers. It is anticipated the proposal will employ up to 10 members of staff.
- 2.8. In addition to these plans the applicant also provided an overarching masterplan document for the whole of the depot site. This was to demonstrate the long term visions for the wider site encompassing a variety of differing landuses, within the context of Policy S18 and demonstrate how the concept of the current proposed phase interrelates with other long term future ambitions.
- 2.9. The proposal was the subject of a public consultation event at Broughton Moor in January 2020.

3. Site

- 3.1. The application site comprises of a large hardstanding area formerly used as a helipad area within the enclosed confines of the perimeter fence of the former Broughton Moor Royal Navy Armaments Depot (RNAD) site. This immediate section of surrounding land is open but unmanaged. A larger block of woodland within the RNAD site is located to the east.
- 3.2. The site is served by an internal road within the RNAD's wider highway network which traverses along the western edge of the site. The sites existing tall perimeter fence is sited on the opposite side of the internal road. The route of the former railway line corridor (not part of the existing C2C route) is located a short distance (approx. 170m) to the south. Given this site is not accessible, the C2C's designated route is presently diverted east of Camerton village southwards towards the Camerton - Gt Broughton highway. The land to the west on the outer edge of the nearby perimeter fence is being used to grow a crop of Willow.
- 3.3. The nearest isolated individual residential property is 'Desmene', which is sited approx. 280m to the west of the site.

4. Relevant Planning History

- 4.1. The application site itself has not been the subject of any previous applications.
- 4.2. Historically the RNAD site was used for small scale coal mining and a brickworks which was upgraded with Buckhill colliery in the 19th century and closed in 1932. A smallpox hospital was also sited in the north-western area of the wider site. Its primary use commenced in 1938 when it was purchased by the Royal navy for use as a naval arms depot, which in 1944 expanded its use from storage to maintenance, repair, inspection and disposal of munitions. This use ceased in 1963 when leased to West Germany for the storage of mines, followed by the United States in 1977, for arms storage, being utilised by NATO from 1981-1991. A full explosive ordinance disposal search of the site was undertaken for its decommissioning, removing all explosive materials from the site. The site has remained vacant since its closure in 1992.

- 4.3. A smaller initial housing estate of 25 dwellinghouses, acting as a catalyst for the future programme of works on the wider site under Policy S18, was granted outline consent under 2/2014/0858 and the subsequent reserved matters 2/2017/0319. It has a separate independent vehicular access onto the Great Broughton-Broughton Moor (Moor Rd) highway. This approved self-build scheme is extant.
- 4.4. The Council more recently has refused a separate detailed planning application FUL/2020/0070 for a residential estate off Moor Rd on the opposite eastern outskirts of the RNAD site. This alternative site intended to use the same access junction from the Seaton /Broughton Moor highway for its constructional traffic. Members at the recent former panel meeting were, contrary to officer's recommendation, refused the application on the grounds of :
- 4.5. 1." *The proposal is contrary to policy S18 (Derwent Forest) in that it fails to adequately demonstrate a viable mix of uses to enable the restoration of the whole site.
As a piecemeal proposal covering only one part of the allocated Derwent Forest site, it fails to adequately meet the criteria of the policy and in particular fails to:*
- a) *Produce a comprehensive masterplan for the site as part of the planning application. (The applicant's masterplan is not comprehensive, failing to provide appropriate triggers and thresholds, without clear mechanism for overall delivery.)*
 - b) *Ensure that offsite infrastructure is adequate to accommodate the overall proposals for the site."*
2. *"The proposal is contrary to policy S22 (Transport Principles) in that it fails to adequately demonstrate that it meets the transport principles of the local plan both for specific proposal and for the masterplan required under Policy S22(Derwent Forest)
The proposal is therefore contrary to the development plan, no material planning considerations have been identified to justify departure from the development plan; consequently the proposal fails to balance Economic, Environmental and Community objectives as set out in the governments NPPF guidance and is therefore not suitable development."*

5. Representations

5.1. Broughton Parish Council

8/04/20 Object on strong grounds:

Potential highway impacts through Broughton village – access via Seaton is unrealistic

Need of a full site survey to clean up the ruins

No details on addressing existing traffic bottlenecks

No evidence on the purpose of the visitor centre

Proposal should not be undertaken in a piecemeal manner –need to look at whole site

Question whether the proposal relates to second home development

Development is premature until there is safe access to the site.

Broughton Moor Parish

Seek a s106 to ensure the large development bring benefits to Broughton Moor which is lacking in amenities.

Seaton Parish

5.2. No objections

CCC Highway Authority/ LLFA

5.3. No objections subject to highway conditions. The layout plan access arrangements and Transport Statement and Road safety audit were assessed. They are satisfied the visibility splays can be achieved accounting for a vertical visibility issue (but the vegetation will need cutting back). There are records of 2 accidents in the past 5 years at a sharp bends 300m to the east of the site. Given the straight high speed road, signage is recommended indicating the visitor centre (to be approved by the highway authority). Adequate turning facilities are provided within the site. Further details are also required on the grasscrete drainage details for the highway infrastructure

Rights of Way Officer

5.4. No recorded rights of way in the vicinity of the site.

MoD

5.5. No safeguarding options.

Environmental Protection

5.6. No objections subject to planning conditions re contamination land appraisal, importation of clean materials and the treatment of any asbestos on the site.

Natural England

5.7. No comments. The proposal has not been assessed for protected species but the subject of 'standing advice'.

Highway England

5.8. No objections.

Fire Officer

5.9. No objections. However, there will be the needs to comply with regulations re firefighting and water supplies.

County Archaeologist

5.10. Refers to the application site affecting a building and helipad of the former RNAD site, plus the site of the late 19th century Greengill Pit, coke ovens and spoil heaps which are of local significance. Broadly agrees with the submitted scheme of investigation but seeks further details therefore no objections subject to a condition recording a landscape survey of the site and archaeological investigation which will be dependent on the extent of any future groundworks.

United Utilities

5.11. No waste water connection as part of the development. Seek any surface water be conditioned through the National drainage strategy.

Environment Agency

5.12. Seek an amended desk study to account for the gas works on site or the c18 mine drain links. Identified leachable contaminants – need of ground investigation, risk assessment and possible source removal.

Coal Authority

5.13. The site is within an identified development high risk area. The Coal Authority refer to the applicants supporting Geo-environmental Desk top study report. It refers to its recommendations for further investigations on any upgrades to the access road due to the potential of shallow mine workings. It refers also to the recorded mine entries in the locality, with the need for uncovering /drilling of mine shafts to determine their depth and condition (with a reference to establish a specific individual mine entry which is in an influencing area of the viewpoint feature, which by virtue of the intensification of the land may require remediation).

Overall, no objections subject to planning conditions.

5.14. The application was advertised on site and in the press. One letter of objection was received on the grounds of:

- The building is out of character with the area
- It impedes their view which they've benefitted for the past 45 years
- The siting and proposed roadway will cause noise disturbance and loss of privacy to their dwelling
- Disturbance to wildlife
- Litter from the site

- The proposed 14m tower will be seen in the wider area including Clifton and the A66
- The development should be sited on a well-hidden site given the large size of the RNAD
- Visitors may witness deer controlling practices on neighbouring land
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6. Environmental Impact Assessment (EIA)

- 6.1. Acknowledged this proposal represents part of a larger project for the redevelopment of the wider site and therefore constituted EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 6.2. A supporting range of Environmental Statements (ES) were submitted in support of the application.

7. Duties

- 7.1. The proposal does not impact of the setting of any listed building or conservation area. The scale and type of development does not have any significant impacts on any designated Natura 2000 designation.

8. Development Plan Policies

8.1. Allerdale Local Plan (Part 1) ALPP1

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 S18	Derwent Forest
Policy S22	Transport principles
Policy S27	Heritage assets
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 DM12	Sustainable construction
Policy DM14	Standards of good design
Policy DM17	Trees, hedgerows and woodland.

8.2. Allerdale Local Plan (Part 2) ALPP2

Policy SA2	Settlement limits
Policy SA32	Tourism, Coastal and Countryside recreation

9. Other material considerations

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

Allerdale Borough Council Plan 2020-2030

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 the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

11. Assessment:

Principle -Tourism

- 11.1. The proposed visitor centre represents a phase in the redevelopment of the former RNAD (Derwent Forest) site, which has stood predominantly redundant for many years and will assist in restoring part of a brownfield site back to use.
- 11.2. The initial first outline phase of proposal under 2/2014/0858 for 25 self-build residential units was approved (including a design code) on the opposite eastern side of the site with the prospect that it would enable and facilitate the funding for the wider development of the site.
- 11.3. The role of Derwent Forest in West Cumbria is recognised in a number of key strategies including the Energy Coast Masterplan, Sub Regional Spatial Strategy, Cumbria Tourism Destination plan and Cumbria Economic Plan.
- 11.4. Given the scale, nature and strategic potential of the Derwent Forest site, the ALPP1 includes a standalone exemption policy to guide development over the plan period, recognising the types of acceptable uses and the exceptional nature of the site. i.e. the inclusion of this site is on the basis of it acting as an enabling development to facilitate the restoration of the site to the wider benefit of the local community.
- 11.5. Policy S18 Derwent Forest recognises the need to secure a mix of uses for the project to be viable and to enable the restoration of the site to a suitable level of use. The policy includes residential development “sufficient to achieve the viability of the project and secure the overall restoration of the site”. However, the policy does specify objectives seeking that any proposal will:

“a) Provide a comprehensive masterplan for the site, including phasing, to be submitted as part of any planning application to ensure delivery of a coherent solution for the site and avoid a piecemeal approach;

b) Demonstrate the social, economic and environmental benefits it will bring to the local economy and community;

c) Provide a whole site solution and incorporate significant elements of public access, including the continuation and enhancement of the C2C cycle route through the site;

d) Give consideration to sustainable modes of transport that will form an important part of any transport assessment/plan required to support proposals;

e) Ensure the siting, design and scale of all elements of the proposed scheme are appropriate, and will safeguard and enhance important landscape features, valuable historic assets, existing wildlife species and habitats and demonstrate how the wider landscape context has been taken into account. The proposal will seek to minimise and where appropriate mitigate adverse impacts;

f) Ensure that off-site infrastructure is adequate to accommodate any proposals and that the site is remediated to an acceptable level for the proposed end use.”

- 11.6. Officers acknowledge that the restoration of the application site is only one part of a long term vision, given the sheer size of the overall site. However the form of the current application does not provide a mechanism for approval of that long term vision.
- 11.7. Policy S18 makes specific inclusion of “tourist related development” within the options of suitable landuses for the site.
- 11.8. Paras 212/ 213 ALPP1 in support of the policy does recognise the role in co-ordinating any development to a network of habitat and green infrastructure.
- 11.9. In assessing the merits of the proposal, members need to assess whether they consider it fulfils the policy criteria of paras 210-213. The scheme as initially submitted, lacked any supporting masterplan thus did not initially demonstrate compliance with the local plan policy requirements, which was reflected in officers concerns over piecemeal development not reflecting the wider site development aspirations.
- 11.10. In response, the applicant submitted a masterplan document which outlines a wider broader vision for the development of the whole site which includes an indicative layout of 3 new settlements, other development including commercial leisure development and routes of connectivity (estimating approx. 2000 dwellings) and 4.27 ha employment area subdivided by woodland areas. Its supporting vision document includes a “visitor centre” in the list of future uses.
- 11.11. Whilst this Masterplan fulfils the requirement of the planning policy and does represent a material consideration to the current proposal, the form of the current application neither gives a mechanism for consideration and approval of the Masterplan nor a mechanism for approval of future development proposals in line with the masterplan. These would have to be judged on their individual merits.

- 11.12. Officers acknowledge that future phases and major development may require significant additional levels of investment in infrastructure to facilitate the magnitude of development expected under the provisions of the policy and the wider masterplan for the site.
- 11.13. Officers emphasise the planning matters and infrastructure requirements of the current scheme should however be proportionate to the requirements of this individual phase and meets the enabling requirements of the policy and is compatible with the master plan expectations for the Derwent Forest site. However, members clearly expressed concern in their grounds of refusal of the recent housing development on the RNAD site on the piecemeal nature of the development and the lack of a detailed masterplan demonstrating the long term delivery of the site and its required infrastructure. The refusal decision is a material consideration and members need to consider whether this equally applies to the current proposal.
- 11.14. Officers, unlike for the refused housing application, attach weight to the locational tourist need for the development of this proposal and its educational attributes which is directly linked to the historic legacy of the site. Members need to judge the merits of this issue, as the principal of the development is dependent on Policy S18 as, as an isolated tourist development in the open countryside its criteria would normally conflict with Policy SA32 of ALPP2 which normally only supports sustainable locations or the expansion of existing tourist facilities.
- 11.15. Under the criteria of any EIA, evidence is required to assess the merits of the proposal site focusing on the subjects of ecology, landscape and visual impact, ground conditions and traffic and transport. Its assessment excluded archaeology, air quality/odour, noise and vibration, hydrology, socio economic, lighting, waste human health, accidents /disasters, and climate change.
- 11.16. Mitigation measures are recommended, where appropriate.
- 11.17. Whilst officers would not normally support this type of isolated tourist development there is a locational need which is unique to the development. Policy S18 identifies that there are specific and justified exemption reasons for supporting the proposal. It is for members to judge whether the developments economic and community benefits outweigh the policy context of Policy S18.
- 11.18. The physical merits of the proposal may be summarised as follows:

Layout and Design

- 11.19. The application's details demonstrate modern utilitarian design which in officer's opinion is reflective of the function and history of the site and the nature of existing military buildings found elsewhere on the site. The site of the centre is isolated and therefore not prominent to public view.

- 11.20. The initial scheme sought to introduce a modern observation viewing tower to the building as an added attraction to the tourist landuse, but in response to local concerns this feature has been deleted.
- 11.21. The reception car park area and the conversion of the former gatehouse building would bring back a beneficial use to this section of the site. The new car park facilities would be screened by new supplementary landscaping.
- 11.22. The applicant acknowledges that the proposals parking and access arrangements appear unconventional, but there are other comparative examples in the U.K including the Eden project in Cornwall during construction and other national trust estates e.g. Seven oaks to reduce carbon emissions. Although officers have reservation on the unusual shuttle arrangement of accessing the visitor centre, these concerns are more related to the economic viability considerations of the site rather than any identifiable environmental harm.

Highways

- 11.23. Policy S22 refers to transport principles. Traffic was a major concern in the recent refusal decision of the housing development on the opposite side of the site.
- 11.24. The application is supported by an ES chapter on traffic, which included the cumulative impacts of the recent refused application for the 71 dwellings. The report highlights that as the development does not meet the thresholds (increasing traffic flows by 30% or affect sensitive areas by 10%) the traffic evidence is voluntary. No traffic survey was requested by the highway authority. In assessing the effects accounts were made for: severance, driver delay, pedestrian delay, pedestrian activity, fear and intimidation and accidents and safety.
- 11.25. The assessment advises that no traffic survey was taken of the Seaton – Broughton Moor highway. There were no recorded accidents in the past 3 years. There are no footpath links to the village. There are 2 designated cycleway routes in the wider locality of the site (one of which to be linked in the future as part of the masterplan). The nearest bus stop is in Broughton Moor (No 69 bus which operates weekdays and Saturdays),
- 11.26. Construction works will be undertaken in accordance with a Construction Environmental Management Plan. Any construction impacts will be temporary.
- 11.27. In assessing operational impacts, account has been taken of the proposed operational hours, which consequently is unlikely to generate traffic during the AM peak hours and visitor traffic is unlikely after 5pm. Thus, the site impact is based on employees traffic – equating to 11 cars in peak pm hour – estimating 6 towards Seaton and 5 towards Broughton Moor (of which 2 will traverse south to Gt Broughton/A66).

- 11.28. The applicant's traffic survey evidence assumes traffic levels on the Seaton Broughton Moor highway replicate those taken on Moor Rd. This suggests a peak hour increase in traffic flows from 124 -144/5 in both east west directions on the Seaton Rd / Broughton Moor highway, representing a 4% increase.
- 11.29. As a consequence, there is negligible impact on the highway effects criteria.
- 11.30. Officers attribute weight to the consultation response of the highway authority. It is highlighted that this proposal, unlike the recent refused housing development obtains access alternatively off the Seaton / Broughton Moor highway. As it does not meet traffic levels triggers, the required traffic generation information cannot be reasonably insisted upon from the applicant. Furthermore, its levels of both construction and operational traffic are unlikely to match those in scale to that of the housing development.
- 11.31. The merits of the access itself are acceptable with a wide highway verge and good visibility with satisfactory off-street parking and turning provision for 37 cars (4 disabled and 3 buses). The highway authority has raised no objections to the scheme. Whilst it would have been preferable to provide a connection with the C2C link, as these details were refused under the housing application these cannot be considered as part of the current scheme.

Contamination

- 11.32. Policy S30 specifies the beneficial merits of reusing previously developed land, subject to ensuring sufficient evidence is demonstrated to ensure there are no potential contamination risks. This subject represented the other primary objective on the site due to the historic legacy of the past. The site has a complex layout of buildings and infrastructure deriving from its long historic past which include a range of military buildings and mine entries relating to the operations and activities at the site.
- 11.33. The application is supported by detailed Geo Environmental ground condition report, heritage documentation on the history/ archaeological value of the site and a coal mining report.
- 11.34. Mitigation during construction can be secured by a CEMP.
- 11.35. Moderate significant adverse effects would be experienced during construction by adjacent properties, construction workers and infiltration/ migration of contamination to aquifer/ watercourses, with major significant adverse effects from land stability impacts. These can be mitigated against through working practices, safety equipment/capping of the shaft and stabilisation.
- 11.36. During the operational use, major significant adverse effects could arise from ground /gas vapour, land stability issues, but these can be mitigated by gas monitoring prior to development/stabilisation of the mineshaft. (conditioned).
- 11.37. The Coal Authority report acknowledges the inherited complications of the coal mining history in the immediate locality with potential shallow workings and

recorded mine entries within the vicinity of the site and the access corridor. However, subject to further investigations, they consider this matter can be reserved by condition.

- 11.38. Weight is also given to the fact that the Environmental Health Officer does not raise objections, subject to conditions. As the development primarily concentrates on the hard surfaced footprint of the helipad, the contamination issues are less complicated. However, further details would be required for the conversion treatment of the gatehouse building.

Landscaping

- 11.39. Policy S33 seeks to ensure future development is sympathetic with the landscape which is reinforced under criteria e) of Policy S18 which seeks to safeguard its features.
- 11.40. The applications ES includes a detailed Landscape and Visual Impact Assessment. It outlined the key landscape features and characteristics of the site. It identified its location within the sub type 5a Ridge and Valley category and refers to the other surrounding landscape types. The site is located 7.3km from the Lake District National Park designation with the Solway Coast 5.3km to the north.
- 11.41. A supporting zone of visual impact was also provided to outline the extent of short, medium and long-term views of the site from its surroundings and 6 viewpoints: Stud farm, South terrace (Gt Broughton) Brigham – Broughton highway, northern edge of Greysouthen, Watch Hill (nr Cockermouth) and Whin Fell.
- 11.42. The significance and nature of construction works on landscape character, semi improved grassland and dense scrub were slight and negative (i.e. not significant). This was also applicable to most of the chosen visual receptors with the exception of the longer views Greysouthen, Brigham, Watch Hill and Whin Fell which are negligible.
- 11.43. The impact of its operational use (which clearly would be permanent), the residual significance and nature of effects would initially be moderate and negative on the host landscape character type (5a Ridge and valleys) with the introduction of the buildings built form, but becoming moderate and beneficial in 15 years timescale with the establishment of the proposed landscaping, with minor impacts on the neighbouring sub type 8b broad valleys resulting in an overall slight to negative impact.
- 11.44. The assessment recommends for mitigation the use of appropriate design and landscaping. Officers highlight that the proposal does not result in the loss of any trees at the visitor centre site itself.
- 11.45. The entrance facilities will result in the loss of 2 trees plus a small group of regenerated Birch and Willow to accommodate the supporting highway details. Officers consider this will be compensated by the site's landscaping scheme.

Nature Conservation

- 11.46. Policy S35 outlines the criteria for biodiversity and nature conservation.
- 11.47. The application is supported by an ecological survey to assess the nature conservation of the site. The survey accounted for species in the locality and the surrounding habitats. The nearest designated ecology sites River Derwent and Bassenthwaite Lake SAC, River Derwent SSI and Maryport Harbour SSSI and ancient woodlands were scoped out due to the nature and scale of the works and the separation distance. The scale of works proposed do not meet the triggers for an HRA.
- 11.48. It was envisaged there would be low impacts on bats, reptiles and birds during construction and moderate impact on the greater Crested newts which albeit not recorded on the site have the potential to forage across the site's access within known ponds in the surrounding area. However, a Species Protection Plan is recommended for this aspect of the works.
- 11.49. The applicant advises the proposal will encompass mitigation measures including lighting controls, speed limits along the access road, exclusion fencing retention of existing hedgerows, enhancement of grasslands/native species in the area plus retention of the tree belt extending into the site. These may result in permanent significant impacts during the operational phase to bats, greater crested newts and reptiles, with no significant impact on birds.
- 11.50. Officers attach weight that Natural England raises no objections and this smaller scale of development does not exceed the HRA triggers.

Flood Risk and Surface Water Drainage

- 11.51. Policy S29 outlines the considerations in assessing flood risk and surface water drainage.
- 11.52. The submitted application was supported by a drainage scheme which outlines a package treatment plant for the proposed works for the means of foul drainage i.e. non-mains. A surface water drainage scheme seeks to discharge into a local watercourse. Neither United Utilities, Environment Agency nor Natural England object to these details subject to adherence with the national drainage hierarchy i.e. exploration of soakaways prior to the pursuit of the watercourse option. (conditioned)
- 11.53. The drainage of this modest sized development proposal are therefore considered acceptable with no impact on the development or the displacement of surface water to other sites, in compliance with Policy S29 of ALPP1.

Residential Amenity

- 11.54. Policy S32 seeks to ensure development does not result in any significant loss of amenity. The proposal represents a major development and therefore has

the potential for residential disturbance during its construction. The nearest residential property is Desmene which is sited approx. 280m to the west of the site.

- 11.55. A brief noise statement was provided to the application advising the site is within a quiet location with no significant noise sources in close proximity and the operation would only operate in daytime hours. Under current noise guidance it is considered there is a negligible risk of future residents experiencing adverse effects for existing sources of noise, therefore a detailed assessment is not required.
- 11.56. Given this separation distance and the daytime operational hours of the building officers consider there will be no significant loss of amenity subject to the adoption of a construction management plan.

Archaeological

- 11.57. Policy S27 seeks to safeguard heritage assets. The application is supported by an Archaeological desk based assessment and walk over survey for the whole depot site. It highlighted the cultural heritage interest, referring to 4 categories of: The RNAD landuse (no further documentation required); Collieries (no further records required); Medieval to post medieval ridge and furrow (evidence no further work required) and Medieval field system (extensively damaged by the depot land use) and Prehistoric and Romano-British Architecture (only one possible site).

Cumulative Impacts

- 11.58. The ES document also examined cumulative impacts and any in combination effects. Other identified development within locality included the neighbouring housing estate approved under 2/2014/0858 (ongoing), plus the site of the recent refused housing application (FUL/2020/00707) and the future development aspects to be pursued on the remainder of the Derwent Forest site under Policy S18 of the ALPP1 (no anticipated overlap but may be cumulative during construction/ operational phases). The key topics were:
- 11.59. (i) Ecology – The existing construction activities at the approved estate are controlled under a CEMP with no notable impacts on species.
- 11.60. On the masterplan previous surveys have been undertaken for bats, greater crested newts and reptiles. Removal of vegetation is being compensated by supplementary landscaping and mitigation measures will seek to safeguard the water environment for other species plus additional features e.g. SuDs ponds. On this basis no significant effects are anticipated or indeed may have a positive impact.
- 11.61. (ii) Landscape - The development in conjunction with the existing approved estate and future phases of the masterplan will potentially intensify the landscape and visual effects. Given the screened location of the proposal there will not likely be combined views with the existing development.

- 11.62. (iii) Ground conditions - Potential contamination issues during the construction phase and operational phases. However, there would be beneficial long term beneficial impacts from the remediation of the site addressing the land stability and any contamination.
- 11.63. (iv) Design - No cumulative impacts identified.
- 11.64. Construction - Potential for pathways of disturbance for neighbouring land uses and properties and a secondary A aquifer and surface water run off – to be addressed through ground investigation and CEMP.
- 11.65. (v) Transport - Cumulative impacts were evaluated with the neighbouring estate and visitor centre under the traffic evidence. The impacts of other areas of the masterplan are unknown and are therefore unclear at this stage, but will likely have significant impacts on the road network. Any future proposal will need to be supported by a detailed Transport Assessment, Travel plan and comprehensive strategy for improvements to the wider highway infrastructure with mitigation measures.
- 11.66. In combination effects were also examined for the construction and operation phases with their findings in their topic chapters (Socio economic, transport, pollution related construction works, lighting landscape featured, visual effects and ground contamination) concluding these would be minor adverse impacts.
- 11.67. Similarly, the in combined impacts social and-economic impacts (recreation /tourism) were slight beneficial, traffic slight adverse, noise minor adverse and drainage flooding, visual effects and air quality negligible.
- 11.68. Officers therefore consider there is no significant cumulative impacts associated with the existing and pending developments. Any such cumulative impacts with any additional development can be assessed on their individual merits as part of any future application for additional phases of development.

Local Financial Considerations

- 12.1. Having regard to S70 (2) of the Town and Country Planning Act. There are matters regarding the New Homes Bonus Scheme and Council Tax Revenue for the Council. This has carried no weight in the determination.

Conclusions

- 13.1. Officers highlight the importance of Policy S18 which is fundamental to the principle of this proposal in its open countryside setting. The proposal represents one of the early stages of redeveloping this vast brownfield site. The applicant has delivered a high-level masterplan for the overall scheme. Policy S18 incorporates the potential for tourist related development acting as part of any future mix of land uses, to enable the viable restoration of the site and provide community benefits. Officers consider the merits of the scheme, which

has both tourism and educational benefits, is sufficiently acceptable that the principle of this development may be supported.

- 13.2 The supporting Environmental Statement has been examined in detail, looking at the many planning considerations. Further consultation is required for several separate regulations. The merits of the proposal are therefore considered acceptable in accordance with the councils adopted local plan policies.
- 13.3 While officers have sought to offer positive recommendation consistent with their advice on the recently decided housing application at Derwent Forest, it is open to members to take a decision to refuse this application, consistent with members decision to refuse the housing application.

RECOMMENDATION

GRANT

Annex 1

CONDITIONS

Time Limit:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In Accordance:

2. **The development hereby permitted shall be carried out solely in accordance with the following plans:**
- A2.19.867 VC100 D Site plan**
 - A2.19.867 VC101 B Proposed first floor plans**
 - A2.19.867 VC102 C Proposed elevations**
 - A2.19.867 VC103 E Entrance site plan Site plan**
 - A2.19.867 VC104 C Entrance proposed Floor plans**
 - A2.19.867 VC105 B Entrance Proposed elevations**
 - A2.19.867 VC001 C Entrance location plan**
 - A2.19.867 VC002 A Block plan 1 of 5 VC**
 - A2.19.867 VC002 A Block plan 2 of 5 VC**
 - A2.19.867 VC002 A Block plan 3 of 5 VC**
 - A2.19.867 VC002 A Block plan 4 of 5 VC**
 - A2.19.867 VC002 A Block plan 5 of 5 VC**
 - A2.19.867 VC1000 Materials study VC**
 - A115081 Derwent Forest Visitor centre Noise statement**
 - A115081 C001a – Entrance visibility splays**

A115081 C001a VC Access
A115081-21-C-D100-P1 –Visitor centre
A115081-21-C-D100-P1 –Visitor centre
A115081-21-C-D100-P1 –Visitor centre
Entrance building to visitor centre proposed landscape plan WW/10 B
Ecology appraisal 2020
Extended Phase 1 Habitat Survey (Feb 2020),
Geo Environmental Desk top study and preliminary coal mining risk
assessment Jan 2020
A115081 visitor centre –contour /topographical /drainage plan- Landmark
A115081 visitor centre- estimated soil chemistry- Landmark
A115081 visitor centre Historical map – Slice A
A115081 visitor centre Historical map – Slice B
A115081 visitor centre Historical Aerial photography –Segment A10
A115081 visitor centre Historical Aerial photography –Segment A11
A115081 visitor centre Historical Aerial photography –Segment A14
A115081 visitor centre Historical Aerial photography –Segment A15
Coal Authority –summary of findings map
Archaeological assessment
Details of package treatment plant

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.

Pre-commencement conditions:

- 3. No development shall commence within the site 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.**

Reasons: 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)
- 4. Details of all measures including surfacing material of the car park access road and drainage measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter**

Reason: In the interests of highway safety.

5. **The development shall not commence until visibility splays providing clear visibility of 215 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.**

Reason: In the interests of highway safety.

6. **The access, parking/turning, loading / unloading and material storage areas shall be provided before any building work commences on this site so that construction traffic can park and turn clear of the highway. The access and public highway in the vicinity of the site access shall be kept clear of mud and debris from the site and provision for road sweeping shall be provided as necessary or requested by the LHA.**

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

7. **Advanced Direction Signs (ADS) and Direction Signs (DS) at the access shall be provided in the verges on both approaches. Details of the signs including location plan and sign details shall be submitted to the Local Planning Authority for approval prior to development being commenced.**

Reason: In the interests of highway safety.

8. **Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

9. **No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of**

shallowing mine workings and mine entries. The findings of the intrusive site investigations, including a layout plan plotting the mine entry and its zone of influence, shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance

Reason The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

- 10. Where the findings of the intrusive site investigations (required by condition 9 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation and treatment scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.**

Reason The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

- 11. Following implementation and completion of the approved remediation scheme (required by condition 10 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.**

Reason The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

- 12. Prior to the commencement of works a Species Protection plan (SSP) shall be submitted to and approved by the local planning authority in accordance with the mitigation measures outlined in section 5.3 & 5.8 of Chapter 5 – Ecology of the Environmental Statement Volume 1. The SSP shall detail measures to safeguard protected species known to be in the area and will include for preconstruction surveys for protected species (complementing the seasonality of the construction start date) as well as ensuring the use of the best practice measures during all**

construction activities (including badgers). The SPP will describe the process to be followed in the case that new protected species are recorded on site that would need to be protected during construction works as well as ensuring the implementation of effective toolbox tasks to raise awareness to site personnel to sensitive ecological receptors on site.

Reason In the interests of protecting any protected species at the site in compliance with policy S35 of the Allerdale local plan (Part 1)

Post-commencement/Pre use commencing conditions:

- 13. No part of the development hereby permitted shall be constructed above ground floor level until details of all external and roofing materials have been submitted to and approved 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 for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 14. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling(s). Any such walls/fences etc. shall be constructed prior to the approved building being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.**

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

- 15. All planting, seeding or turfing comprised within the approved landscaping schemes (Derwent Forest entrance building landscape plan Rev B 24/01/20 and Derwent Forest visitor centre landscape plan 11A) shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

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

- 16. A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwellinghouse or any piece of the development,**

whichever is the sooner, for its permitted use. The development shall thereafter be maintained at all times in accordance with the approved management plan.

Reason: To ensure the long-term maintenance and management of public open space within the residential estate.

- 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. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
- (a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, 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 (including any wheel washing facilities);**
 - (f) Programme of work for Demolition and Construction phase;**
 - (g) Hours of working and deliveries;**
 - (h) Details of lighting to be used on site;**
 - (i) 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.

- 19. The use hereby permitted shall be restricted to operate solely within the hours of operation of 10am and 5pm.**

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

- 20. Prior to the occupation of the building hereby approved, details of the lighting scheme for the site (which shall solely operate during operational hours shall be submitted to and approved by the Local Planning Authority. The works shall be implemented solely in accordance with the approved scheme.**

Reason: To safeguard the amenity of nearby residential properties and minimise the impact on wildlife, in compliance with the National Planning Policy Framework and Policies S35 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

