

Update To Committee Report Item No: 5i

Application Reference Number:	4/24/2089/0F1
Application Type:	Full Planning Application
Application Address:	Land to the Rear of Wyndham Street, Cleator Moor
Proposal	Community Activity Centre Refurbishment and Extension, With Associated Parking and Landscaping.
Applicant	Cumberland Council
Agent	Cohesion Consult
Valid Date	21 st March 2024
Case Officers	Sarah Papaleo

Updates Following Publication of the Committee Report

Pre-commencement Planning Conditions

Under the provisions of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 a pre-commencement planning condition must not be imposed on the grant of a Full Planning Permission without the local planning authority first providing notice in writing of the intention to impose the planning condition and permitting the applicant a minimum of 10 working days to provide a substantive response to the notice.

Given the time constraints in preparing the Planning Committee Report it was not possible to serve the required notice on the Applicant prior to the publication.

The required notice has subsequently been served on the applicant and a substantive response has been received in relation to the pre-commencement planning conditions and other planning conditions proposed.

The matters raised are considered in turn below.

Planning Condition 4

The Agent highlighted that the Phase II Ground Investigation Report did not include any remediation measures as no contamination was found on the site. As such, the pre-commencement condition can be reworded to be more general, requiring that the development be carried out in accordance with the Phase II Ground Investigation Report. This requires compliance only and does not require the submission of further information.

Planning Condition 6

The Agent has requested that Planning Condition 6 securing the delivery of biodiversity net gain be amended from requiring the submission of the required information before development is commenced to before the development is occupied. This is to ensure that works could commence on the extension whilst the details of BNG across the whole site were fully detailed.

Mandatory biodiversity net gain is secured via a pre-commencement planning condition imposed through the Environment Act 2021.

The required biodiversity net gain is secured by Policy N3 in this instance; therefore, the provisions of the Environment Act 2021 are not applicable or binding.

The proposal covers a wide development of the site including the extension of a car park, the formation of a surfaced path around the site and the creation of a drainage attenuation facility. It is considered that the scale of the works far exceeds what can be deemed as an exemption under the Regulations.

Following a review of the proposed pre-commencement condition, it is considered to be reasonable in this case to amend the timing of the submission of the required information demonstrating how the required biodiversity net gain will be delivered; however, it will not reasonably change the timing of the delivery of the required habitat creation/enhancement across the wider site.

Revised Recommendation and Planning Conditions

The proposed revisions are highlighted in **red** for ease of reference.

Recommendation

Planning Conditions

Defining The Permission

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form, received 21st March 2024;

Site Location Plan, scale 1:1250, drawing number P0001 C01, received 21st March 2024;

Proposed Site Plan, scale 1:500, drawing number P2002 C02, received 21st March 2024;

Proposed Block Plan, scale 1:1250, drawing number P2001 C02, received 21st March 2024;

Proposed Floor Plan, scale 1:200, drawing number P2101 C02, received 21st March 2024;

Proposed Elevations, scale 1:200, drawing number P2301 C01, received 21st March 2024;

Proposed Roof Plan, scale 1:200, drawing number P2102 C01, received 21st March 2024;

Proposed Site Sections, scale 1:500, drawing number P2501 C01, received 21st March 2024;

Proposed Building Sections, scale 1:200, drawing number P2201 C01, received 21st March 2024;

Landscape Masterplan, scale 1:500, drawing number P8101 C01, received 21st March 2024;

Outline Sustainability Statement, document number 14823-CGP-00-ZZ-RP-N-0002, received 21st March 2024;

Energy Use Design Note, document number 14823-CGP-00-ZZ-RP-N-003, received 21st March 2024;

Lighting Design, drawing number D49437/C received 21st March 2024;

Transport Statement, document number 230616/SK22315/TS01(-00), received 21st March 2024;

Ecological Survey and Assessment (including Licesnsed Bat Survey), document number 2023-043, received 21st March 2024;

Flood Risk Assessment, document number GEOL22-8472, received 21st March 2024;

Phase II Ground Investigation Report, written by Geol Consultants Ltd, received 21st March 2024;

Drainage Strategy, document number L2763, received 21st March 2024;

Proposed Impermeable Areas Plan, scale 1:250, drawing number L2763 0902 P2, received 21st March 2024;

Proposed Foul Water Drainage Layout, scale 1:250, drawing number L2763 0911 P2, received 21st March 2024;

Proposed Surface Water Drainage Layout, scale 1:250, drawing number L2763 0921 P2, received 21st March 2024;

Proposed Surface Water Drainage Details Sheet 1 of 2, drawing number L2763 0931 P1, received 21st March 2024;

Proposed Surface Water Drainage Details Sheet 2 of 2, drawing number L2763 0932 P2, received 21st March 2024;

Noise Assessment Report, written by Hoare Lea, received 21st March 2024;

Arboricultural Constraints Appraisal, written by Bowland Tree Consultancy Ltd, received 15th October 2024;

Design and Access Statement, document number P01, received 21st March 2024;

Further Planning Consultation Information, received 3rd September 2024;

Landscape Maintenance and Management Plan, written by Westwood Landscape Ltd, received 15th October 2024;

Landscape Management Scheduled Tasks, written by Westwood Landscape Ltd, received 15th October 2024;

Landscape Plan, drawing number WW/L01, received 15th October 2024;

Landscape Implementation Program, written by Westwood Landscape Ltd, received 15th October 2024;

Schedule of Quantities, written by Westwood Landscape Ltd, received 15th October 2024;

Arboricultural Impact Assessment, written by Bowland Tree Consultancy Ltd, received 15th October 2024.

Reason

For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Conditions

Highways

3. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;

- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

Reason:

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

Land Affected by Japanese Knotweed

4. Prior to the commencement of development on site, a Management Plan for the control and management of the invasive species on the site must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved plan at all times thereafter.

Reason:

To protect the ecological interests evident on the site and in accordance with in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

Landscaping

5. Prior to the occupation of the extension hereby approved a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the Local Planning Authority.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3P of the Copeland Local Plan 2021-2039.

6. Prior to the commencement of the development hereby approved, a Tree Protection Plan must be submitted to and approved by the Local Planning Authority. The document must be in accordance with the guidance given in the British Standard BS 5837 (2012) – *Trees in relation to design, demolition and construction – recommendations*, to show how the retained trees will be protected during the construction and landscaping phases of this project. This must be carried out by a qualified Arboricultural Consultant.

Reason

To ensure the protection of the existing trees in accordance with Policy N3 of the Copeland Local Plan 2021-2039.

Pre-Occupation Conditions

Drainage

7. Prior to occupation of the development 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:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system 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 ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

Prior to the Erection of Superstructure Conditions

Materials

8. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained for the lifetime of the development.

Reason

To ensure high quality design in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Other Conditions

Drainage

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (ref L2763, rev P1, dated 26th July 23). For the avoidance of doubt surface water must drain at the restricted rate of 4.6 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

Ground Conditions

10. Development must be carried out in accordance with the recommendations and mitigations measures proposed within the Phase II Ground Investigation Report, written by Geol Consultants Ltd, received 21st March 2024 at all times.

Reason:

To ensure the safety and stability of the development, in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the safety and stability of the development, in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

Noise

12. The rating level of any noise generated by plant and equipment as part of the development shall not exceed the existing background noise level of 31 DB LA90 (07.00 – 23.00 hours daytime) and 23 DB LA90 (23.00 – 07.00 hours night time) at 3.5 m from the façade of the nearest noise sensitive premises. Measurements and assessments shall be made in accordance with BS 4142:2014 and its subsequent amendments.

Reason:

To protect amenity of nearby residential dwellings in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

13. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted

hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason:

To protect amenity of nearby residential dwellings in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

External Lighting

14. No external lighting shall be installed unless or until a scheme of external lighting has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the intensity of illumination and predicted lighting spill contours.

All external lighting shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Artificial Lighting (External) Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To protect residential amenity, to ensure high quality design and to protect the environment from light pollution in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Ecology

15. The development here by approved shall not proceed except in accordance with the recommendations outlined in Ecological Survey and Assessment (including a Licensed Bat Survey) compiled by ERAP (Consultant Ecologists) Ltd, Reference 2023-043, Dated November 2023

Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

CCTV

16. No external closed circuit television equipment shall be installed unless or until a scheme of closed circuit television equipment has first been submitted to and approved in writing by the Local Planning Authority.

All closed circuit television equipment shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason

To protect residential amenity and ensure high quality design in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Landscaping

17. The development hereby approved shall not proceed except in accordance with the Landscape Maintenance and Management Plan, written by Westwood Landscape Ltd, received 15th October 2024.

Reason

For the avoidance of doubt and to ensure that the landscaping is suitable in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

Informative Note

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/thecoal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

