



Appeal Decision

Site visit made on 16 October 2023

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/G0908/W/22/3311802

Land west of Derwent Howe Retail Park, Derwent Drive, Workington CA14 3YW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Streeter, Port Derwent Properties Ltd against the decision of Allerdale Borough Council.
 - The application Ref 2/2018/0595, dated 18 December 2018, was refused by notice dated 13 July 2022.
 - The development proposed is outline planning application for commercial development involving: re-development of the previously developed (brownfield) site comprising mixed retail (A1), food (A3) and hot food takeaway (A5) uses totalling 2,350 sqm (25,295 sqft).
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application for commercial development involving: re-development of the previously developed (brownfield) site comprising mixed retail (A1), food (A3) and hot food takeaway (A5) uses totalling 2,350 sqm (25,295 sqft) at land west of Derwent Howe Retail Park, Derwent Drive, Workington CA14 3YW in accordance with the terms of the application, Ref 2/2018/0595, dated 18 December 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is in outline with matters of scale, layout, appearance and landscaping being reserved for future consideration. I have dealt with the appeal on this basis, treating proposed site layout plans as illustrative, with the exception of the Developable Area plan for the reasons set out in my Decision.

Main Issue

3. The main issue in this case is the effect of the proposal on the ecology and wildlife biodiversity value of the site.

Reasons

Ecology and biodiversity

4. The appeal site is around 1.61 ha situated off Derwent Drive adjacent to commercial and industrial development. Derwent Howe Retail Park lies on the opposite side of Derwent Drive. The site comprises derelict land formerly occupied by the railway line infrastructure serving the steelworks. It is an irregular, linear site with a forked area at its southern end which reflects the

track bed routes of the former railways. The disused, overgrown route along the line is used as an informal walkway.

5. A belt of mixed and overgrown trees and scrub occupy the site. The eastern perimeter of the site adjacent to Derwent Drive is bordered by a tall earth embankment supporting a belt of trees which are protected by a Woodland Tree Preservation Order (TPO). A public footpath (262026) traverses the southern section of the site. The site is situated within part of an identified wider area of Green Infrastructure along the former railway line corridor under Policy SA52 of the Allerdale Local Plan (Part 2) (LPP2). The policy does not preclude development in this area but seeks the enhancement of these assets and any wildlife linkages.
6. Due to the woodland fronting Derwent Drive only partial views of the derelict site are currently available. The southern part of the site is of little landscape value comprising of scrub vegetation. However, the woodland is highly visible when approaching from both directions along Derwent Drive. It provides relief from the industrial and commercial development and its verdant nature contributes significantly to the character and appearance of the area.
7. The appellant has produced a 'Developable Areas' (DA) plan showing a developable area for the site which excludes more sensitive areas and safeguards parts of the site for mitigation purposes. Whilst layout is a reserved matter, I have had regard to this plan in terms of assessing the potential ecological effects of the development. Any additional issues of scale and landscaping in the non-developable area would be addressed at the reserved matters stage.
8. It is proposed to retain a linear section of the trees fronting Derwent Drive as shown on the DA plan. The existing landscaping at the southern end of the site is of less amenity value and its loss would not, therefore, be appreciable. I consider that sufficient depth of woodland would be retained to ensure that the integrity of the TPO would be secured. Furthermore, the woodland would continue to provide an attractive approach along Derwent Drive, providing relief from the built-up areas whilst also retaining a corridor of Green Infrastructure beneficial for wildlife along the eastern boundary of the site.
9. An Ecological Impact Assessment (EcIA) (2018, updated 2021) confirmed that the site contained lowland mixed deciduous plantation woodland to the east and open mosaic habitat along the redundant rail track area which are both UK BAP Priority Habitats. The EcIA considered other habitats to be of low ecological value with the development area to be at least of local value. It also identifies that mosaic grassland and associated ephemeral/perennial grassland and bare ground act as a dispersal corridor for small blue butterflies, potentially linking various local populations along the coast to the north and south of Workington.
10. The Entomology Report (ER) (2018) concluded that the appeal site does not lie within any sites or areas designated or recognised for their entomological value. It recorded a total of 37 insect species within the site including the Small Blue and Small Heath butterflies both of which are both UK Biodiversity Framework Priority Species and Priority Species on the Cumbria Biodiversity Action Plan (CBAP), whilst Shaded Broad Bar and Cinnabar are Priority Species on the CBAP. The site supports a small population of Small Blue butterflies in parts along the railway line. The ER concluded that the development would

- have a major adverse effect on local butterfly and moth populations, particularly the local Small Blue population unless mitigation is provided.
11. In terms of mitigation, the EcIA recommended that the area between the northern site boundary and the proposed car park should be protected as it is as this is where the Small Blue butterflies and Kidney Vetch had been recorded during the surveys on the site. This would protect the Kidney Vetch and any Small Blue larvae present in this area. The EcIA stated that this area of the site would be incorporated into the Small Blue Management Plan that would be implemented on the stretch of disused railway line to the north of the development site, which would total approximately 888m².
 12. The Council consider that the proposal would require the removal of the existing Kidney Vetch as well as a large proportion of the existing vegetation that contribute to the habitat for the Small Blue as well as other species. However, the Council's independent Butterfly Survey (2019) (the Survey) indicated that patches of Kidney Vetch are small and discontinuous south of Solway Street (i.e. within the appeal site) but patches up to 10m² do occur, albeit as a rather inconspicuous component of the sward. It also indicated that a higher level of Kidney Vetch exists on other parts of the corridor. Consequently, based on the Council's own evidence, it is clear that the development site is not blanketed in Kidney Vetch and that the habitat for Kidney Vetch occurs in small, specific areas.
 13. The Survey did highlight however, that the loss of habitat within the application site would result in a gap along the corridor of 815m which is greater than the distance Small Blue butterflies are likely to fly. The Survey, therefore, recommended the retention of the track bed and implementing a habitat management plan. It went on to say that were the habitat to be lost mitigation at a ratio of at least 2:1 would be required to account for a percentage failure.
 14. The DA plan shows that a high proportion of the site would remain undeveloped retaining features of landscape and ecological value, providing the opportunity to enhance the site through an extensive compensatory mitigation scheme. The EcIA indicated that as the existing areas (totalling approximately 444m²) would be lost as a result of the development, the mitigation area would offer a net benefit of 2:1 ratio to the areas that would be lost in accordance with the recommendation of the Survey.
 15. Furthermore, in addition to the Kidney Vetch habitat protection area at the north end of the site, there would be habitat creation along the western boundary and a separate block identified at the southern end of the site. In order to address the recommendation of the Survey, additional stepping-stones along a linear route would be provided through the centre of the site, including the developed areas. In total areas identified for small blue butterfly mitigation would be around 1,307m². These areas would be incorporated into a Small Blue Butterfly Management Plan that would be implemented on the stretch of the disused railway line to the north of the development site. This level of mitigation would represent a significant increase in the level of protection and enhancement of Kidney Vetch and biodiversity and green infrastructure within the site.
 16. The Butterfly Conservation Group suggest that there should be a mosaic of short and tall vegetation with a high density of flowering Kidney Vetch and that tall grasses are essential to provide male territories. However, the appellant's

ecology advisors contend that these taller species create shade and make the site less suitable for Kidney Vetch suggesting this may be why so little had been identified in the 2022 survey. They warn that if the encroachment is allowed to continue these areas may be no longer suitable for Kidney Vetch and the Small Blue Butterfly. Indeed, they consider that it is important that not all of the mitigation areas should be Kidney Vetch but should seek to mimic sparse open habitats together with the inclusion of other important flowering food plant species such as bird's-foot trefoil and common vetch which are frequently found across the site. Whilst there is a difference of approach on this issue, I am satisfied that the appropriate mix of species can be set out in within a detailed habitat creation and management plan which can be secured by condition.

17. Concern is raised that the removal and transplantation of turf does not work on low substrate materials such as railway tracks with reference to a replacement bridge development at Northside. However, the Council do not provide details of the Northside case, and so I cannot be certain that it is directly comparable to the appeal proposal. Furthermore, the appellant draws attention to the Cumbria Butterfly Group August 2021 and other newsletters which details their success in the creation and translocation of small blue butterflies and/or their habitats which would contradict the Council's assertion. Furthermore, the Council's Committee report refers to the translocation of small blue habitats as part of a scheme in Workington in which positive progress is being made in increasing the numbers of small blues on the translocated habitats.
18. The proposals will safeguard an established butterfly colony at the northern edge of the site and introduce a new narrow butterfly corridor around the western perimeter of the site to retain connectivity for butterfly colonies using the habitat along the linear route of the former railway line. Consequently, I consider that the level of mitigation, together with the Management Plan is sufficient to mitigate for the loss of Small Blue Butterfly habitats. It will ensure the maintenance and indeed a likely increase in the population of the Small Blue Butterfly on the site and help to sustain the meta population in the north. The mitigation measures would also benefit the other priority butterfly and moth species.
19. In terms of other wildlife, a dawn/dusk Bat Survey (2018) was undertaken at two differing locations in the site which indicates that roosts are unlikely at the site and that it is primarily used as a foraging corridor. Whilst the site is considered to be of low value to bat species, there may be impacts during construction and long term and hence a range of mitigation measures are proposed including new planting to provide long-term connectivity within the wider area. It is considered that this would sufficiently mitigate for the disturbance and loss of habitat arising from the development.
20. The Reptile Survey (2018) did not record any reptiles on site, perhaps due to the frequency of dog walking on the site. Hence, the only mitigation suggested is to ensure that the wildlife corridor is not fragmented to allow connectivity north to south and site vegetation clearance by hand to ensure that any individuals present on site will not be harmed.
21. The mitigation measures would also ensure replacement planting of native species around the proposed development. Landscaping would utilise native species as well as wildflower area to retain connectivity to the surrounding

areas for invertebrates. The proposals as shown in the DA plan would minimise the impacts on those environmental assets within the site and provide net gains for biodiversity in accordance with paragraph 180 of the National Planning Policy Framework (the Framework).

22. Natural England confirm that the development would not have any significant impact on statutory protected nature conservation sites or landscape. Natural England consider that whilst the emphasis in paragraph 180 of the Framework is to avoid such impacts, the irregular linear shape of the site with the railway corridors forming distinctive separate central lines through the site, combined with the limited and patchy nature of the Kidney Vetch it would be difficult to avoid the impact. The applicant has sought to provide alternative on-site compensatory measures as described above in line with paragraph 180a of the Framework.
23. Overall, the DA plan shows the total amount of the site that would be set aside for landscaping, the retention of the tree belt and 1,307m² for small blue butterfly mitigation would amount to some 4,558m² representing 28.4% of the gross development area of the site. This level of mitigation represents a very significant increase in the level of protection and enhancement of Kidney Vetch, biodiversity and green infrastructure within the site.
24. In conclusion, I am satisfied that subject to the proposed mitigation the development would not have an adverse impact on the ecology and wildlife biodiversity value of the site. It would not, therefore, conflict with Policies S2, S5, S33, S35 and DM17 of the Allerdale Local Plan (Part 1) (LPP1) which collectively seek, amongst other things, to avoid harmful effects on habitats or wildlife that cannot be successfully mitigated; maintain and where appropriate enhance biodiversity, priority habitats and species and ecological networks; and protect and enhance Green Infrastructure. Neither does conflict arise with Policy SA52 of the LPP2 which states that development on land identified as Green Infrastructure on the Policies Map will be supported subject to the proposal demonstrating how the green infrastructure network has been incorporated into the scheme and functionality and connectivity maintained.
25. The proposal also does not conflict with paragraph 174 of the Framework which seeks to ensure that development protects and enhances sites of biodiversity value in a manner commensurate with their statutory status and minimises impacts on and provides net gains for biodiversity. Neither does conflict arise with paragraph 180 of the Framework.

Other matters

26. Concerns have been raised regarding the potential impact of the development on the viability of Workington Town Centre. The appeal proposal does not specifically assign levels of floorspace to the commercial land uses in order to retain flexibility in the future marketing of the site and reflecting the outline nature of the proposal. The supporting retail impact and sequential test assessment, therefore, addresses the impact of all potential eventualities of these uses on the town centre and, therefore, accounts for worst case scenarios.
27. The appeal site is not situated within or adjacent to Workington town centre and is, therefore, classed as an out of centre site. The sequential assessment has been tested by the Council and also peer reviewed by a suitably qualified

independent specialist instructed by the Council. Whilst the appellant considered that there were no sequentially preferable sites available, the independent assessor highlighted that the former Debenham's site may be available and cannot be discounted due to the size of the site. The site could be capable of accommodating a large amount of modern retail floorspace, although it would be less suitable for a larger foodstore or for the sale of bulky goods. The proposal would only comply with the sequential test if the retail element is restricted to bulky goods and I have attached a condition to that effect.

28. The appellant has also prepared a retail impact assessment which concludes that the cumulative trade impacts on the town centre range from between 3.8% and 6.5%. On balance, the Council concluded that the development is unlikely to have a significant adverse impact on the town centre, subject to conditions to mitigate any potential impact. Based on the evidence in submissions, I have no reason to take a different view.
29. The site is situated within Flood Zone 1, with least probability of flooding. Taking into account the ground conditions on the site, the discharge method is considered to be the most appropriate, and thereby accords with the drainage hierarchy in the Framework.
30. The site would be served by a new western vehicular access link off the existing mini-roundabout junction that serves the existing retail development on Derwent Drive. The application was supported by a transport assessment which does not identify any adverse highway impacts arising from the development.
31. A public footpath runs through the site (No 262/026); however, the existing informal pathway along the route of the former line has no legal status. The formal footpath will be diverted, and I note there are no objections from the Council's Right of Way Officer. The development will include a footpath within the site as part of any future reserved matters. I note that the Highways Authority have raised no objections to the proposal. Based on the evidence before me, and in the absence of cogent evidence to the contrary, I have no reason to disagree.
32. The proposal would redevelop a previously developed site and create employment and its investment would support the economic growth of the area. A well-known national comparison goods retailer has expressed interest in the site for a store and garden centre which would bring substantial investment to the town together with 75 jobs (25 full-time and 50 part time jobs). This accords with the Framework's objective of building a strong and competitive economy. I attach significant weight to the economic benefits of the proposal.

Conditions

33. I have attached conditions relating to the timing of the submission of reserved matters and the timing of the commencement of development (1, 2, 3). In the interests of certainty, I have attached a condition (4) requiring the development to be carried out in accordance with the approved plans.
34. I have attached a condition (5) requiring the development of the reserved matters of scale and appearance to be confined to the defined 'developable

- area' outline on the Developable Areas plan in order to safeguard the existing landscape, trees protected by the TPO and ecological features and habitats.
35. Condition 6 restricts the cumulative total of the commercial floorspace of the reserved matters to no more than 2350m² and condition 29 restricts the retail floorspace Class E (a) to that of 'bulky' comparison goods. Both conditions are required in order to protect the viability and vitality of the town centre.
36. A number of conditions are necessary in order to safeguard local wildlife and biodiversity and ensure biodiversity net gain including the requirement for a method statement for the removal/management of invasive species (7); Biodiversity Management Plan (including a Environmental Construction Management Plan) (13); that development be carried out in accordance with the ecology reports and assessments (26); the requirement for a lighting impact assessment (28); the removal of kidney vetch (30).
37. Furthermore, conditions are necessary requiring: a scheme of hard and soft landscaping (9); a plan showing which trees are to be retained/felled and measures for their protection (10); the timing of the felling of the TPO trees within the developable area (32); details of the treatment of the earthwork/retaining walls on the western boundary of the retained TPO trees (31); landscaping management plan (23); details of the means of enclosure (27) in the interests of the character and appearance of the area.
38. Due to the previously developed nature of the site conditions requiring a scheme of land contamination site investigations (8); and the submission and implementation of a risk assessment and remediation scheme/verification report if required (17, 18) are necessary to minimise risks arising from any potential contamination.
39. Conditions relating to surface water drainage (11) and a sustainable drainage management and maintenance plan (25); a construction surface water management plan (12); and separate foul and surface water systems (24); are necessary to secure proper drainage; safeguard against flooding; and safeguard against the pollution of the water course running through the site.
40. Finally, conditions relating to roundabout improvements (14); carriageway, footpaths, cycleway design/construction (15); a Construction Phase Traffic Management Plan (16); access and parking arrangements (19); public access via the approved access (20) (21); provision of footpaths linking to existing footpath network (22) are necessary to ensure a safe access to the site by a variety of means of transport and in the interests of highway safety.

Planning balance

41. I have concluded that with suitable mitigation secured by condition, that the proposal would not have an adverse impact on the ecology and wildlife biodiversity value of the site and would provide a net gain in biodiversity. The proposal would also make efficient use of a previously developed site in an accessible location. I attach significant weight to these benefits.
42. With appropriate restrictions secured through condition, the proposal would not have an adverse impact on the vitality and viability of Workington Town Centre. This is a neutral factor in this case.

43. The mixed-use retail proposal would bring significant economic benefits including interest from a national retailer which could generate 75 permanent jobs. The proposal would generate benefits for the local economy in the short-term during the construction phase and in the longer term. I attach significant weight to these economic benefits.
44. Overall, the proposed development accords with the development plan taken as a whole. There are no material considerations which would indicate a decision other than in accordance with the development plan.

Conclusion

45. For the reasons stated and taking all other considerations into account the appeal should be allowed subject to the conditions in the attached schedule.

Caroline Mulloy

Inspector

SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following plans:
 - Amended Dwg SK001 Indicative potential parking design planting 2-9-19
 - Amended Dwg 14 Plant specification and schedule 2-9-19
 - Location plan Flood risk and drainage assessment rev A092014 Rev A (29/10/18)
 - Developable Areas A r03 22/05/18
 - Amended drawing No 13 planting plan 19/04/21
 - Preliminary Ecological Appraisal update July 2021
 - Elliot reptile survey report September 2018
 - Bat Survey report September 2018
 - Entomology report October 2018.
 - E-mail re comparison goods dated 17/5/21
 - DWG A0902014/RSA1 (access details)
- 5) The development of the reserved matters of scale and appearance shall be confined to the defined 'developable area' outlined on the plan ref: Developable areas A (dated 04/05/21)
- 6) The cumulative total of the commercial floorspace of the reserved matters under condition 1 of this consent shall not exceed 2350m².
- 7) Before development commences, a detailed method statement for the long-term management/eradication of invasive species on the site (including Japanese Knotweed) shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 8) Prior to the commencement of works a detailed scheme of land contamination site investigations (including any remediation measures) to identify and remediate any unacceptable risks to human health, controlled waters or the wider environment shall be submitted to and approved 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.

- 9) Prior to the commencement of works a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development, shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 10) No part of the development hereby permitted shall be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained, together with the positions and height of protective fences, the areas for the storage of materials and stationing of machines and huts, and the position and width of temporary site roads and accesses. The details so approved shall be implemented prior to the commencement of the development and maintained at all times during the construction period.
- 11) No development shall commence until a sustainable surface water drainage scheme including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be in accordance with the principles of the submitted Flood Risk & Drainage Assessment, ref A092014 Revision A dated 29 October 2018 and also in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water will be permitted to drain directly or indirectly into the public combined/foul sewer. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.
- 12) No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.
- 13) Prior to commencement of works a Biodiversity Management Plan (including a Environmental Construction Management plan) to demonstrate biodiversity gain shall be submitted to and approved by the local planning authority. The plan shall include details on measures and details to be implemented during and after the course of construction works at the site to safeguard the habit of protected species at the site in accordance with the principles and recommendations of Section 6 of the Preliminary Ecological Appraisal update July 2021, Section 5.2 of the Elliot survey report September 2018 and dated August 2019 and section 5.3 of the Entomology report October 2018. The works shall be implemented solely in accordance with the approved details and thereafter managed at all times in accordance with the approved scheme.
- 14) The development, or part thereof, shall not commence until the drafted roundabout improvement (shown on drawing number A092014-C003) has been suitably amended in accordance with the safety audit

recommendations (Report no. A092014/RSA1); a full roundabout specification including a further safety audit shall be submitted to the Local Planning Authority for approval. The roundabout improvement shall be constructed in accordance with the approved specification by the Local Planning Authority.

- 15) The carriageway, footways, footpaths, cycleways etc. shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.
- 16) Development shall not be begun until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - Details of proposed crossings of the highway verge;
 - 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; rights of way
- 17) Should a remediation scheme be required under condition 8, 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.
- 18) 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 work shall be undertaken in accordance with current UK guidance, particularly CLR11.
- 19) No part of the development hereby approved shall be brought into use until the access and parking requirements have been constructed in accordance with the approved plan. The access and/or parking provision shall thereafter not be removed or altered without the prior consent of the Local Planning Authority. In all other respects, the approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

- 20) There shall be no public vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.
- 21) No part of the development hereby approved shall be brought into use until details of measures to prevent non-delivery vehicular access via the access at the south west of the site have been submitted and agreed by the Local Planning Authority.
- 22) The approved layout reserved matters shall demonstrate the provision of footways which shall link continuously to the existing footpath highway infrastructure on the sites frontage onto Derwent Drive. The approved footway details shall be implemented prior to the occupation of any commercial building hereby approved.
- 23) A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any commercial units 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.
- 24) Foul and surface water shall be drained on separate systems.
- 25) 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:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. 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.
- 26) The development shall be implemented solely in accordance with the mitigation and recommendations outlined in Section 6 of the Preliminary Ecological Appraisal update July 2021, Section 5.2 of the Elliot reptile survey report September 2018, Section 5.3 of the Bat Survey report September 2018 and section 5.3 of the Entomology report October 2018.
- 27) No part of the development hereby permitted shall be built above plinth level until there has been submitted to and approved by the Local Planning Authority details of the siting, height and type of all means of enclosure / screen walls / fences / other means of enclosure. Any such walls / fences shall be constructed prior to the approved buildings being brought into use. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
- 28) Prior to the commencement of the use of the site, a lighting impact assessment of the development's lighting scheme (including siting and design), details of all lamps plus levels and hours of illumination by a

qualified engineer shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority any lighting details should solely be implemented and operated in accordance with the approved details.

- 29) Any retail floorspace Class E(a) hereby permitted shall only be used for the sale of the following comparison goods: DIY products (including materials and accessories), home improvement products, carpets and floor coverings, furniture, white and electrical goods, automotive and cycle parts, pet supplies, gardening supplies, tents, camping, caravanning, leisure and outdoor equipment, together with the ancillary sale of fabric, soft and hard furnishings, homewares, decorative products, glassware, cookware and kitchen utensils or related accessories for all of the aforementioned or the provision of ancillary café facilities for the consumption within the premises.
- 30) The removal /scrapping of any kidney vetch on the site shall only be undertaken upon the commencement of the development following the approval of all reserved matters.
- 31) Prior to the commencement of works details of the treatment of the earthworks/retaining walls on the western boundary of the retained TPO trees shall be submitted to and approved by the local planning authority. The works shall be undertaken solely in accordance with the approved details.
- 32) The felling of the TPO trees under the approved Developable Areas: A plan shall only be undertaken upon the commencement of the development following the approval of all reserved matters.