

At a meeting of the Development Panel held in Council Chamber - Allerdale House, Workington on Tuesday 5 February 2019 at 1.00 pm

Members

Councillor Peter Bales (Chair)
Councillor Nicky Cockburn
Councillor Malcolm Grainger
Councillor Frank Johnston
Councillor Jim Osborn
Councillor David Wilson

Councillor Billy Miskelly (Vice-Chair)
Councillor Janet Farebrother
Councillor Mark Jenkinson
Councillor Ron Munby MBE
Councillor Bill Pegram

Apologies for absence were received from Councillor Tony Annison and Councillor Carole Armstrong

Staff Present

B Carlin, J Eaton, L Jardine, K Kerrigan, A Seekings, S Sharp and R Wilkinson

346. Declaration of Interests

5. 2/2018/0529 Hybrid application- Erection of retail unit (Class A1) with external garden centre (Full Application) Employment unit (Class B1, B2, B8) (Outline Application) including access, parking, landscaping and associated works- Resubmission of 2/.

Andrew Seekings; Other Interest; Owner of property in Cockermouth.

347. Questions

None Received

348. 2/2018/0485 Retrospective application for a raised lodge with balcony to be used for holiday letting purposes and addition of boundary treatment - Resubmission, The Annexe, The Anville, Blitterlees, Wigton

Representations

Rachel Lightfoot on behalf of Lesley Hope and Mr Warwick spoke against the application

The Applicant Kate Wickham spoke in support of the application

Application

The report recommended approval.

The Planning and Building Control Manager introduced the item by advising that the application was deferred at the December 2018 meeting of the Panel to permit a Panel site visit to take place and negotiations in relation to boundary treatment (in relation to overlooking and noise).

He confirmed that the visit had taken place with members viewing the lodge from within the site and from the neighbouring properties to the north and east. He also confirmed that amended fence details had been submitted by the applicant and these were now under consideration today. He clarified that the fencing would be applied to a section of the boundary with Orchard Villa and the decked area boundary with Blitterlees Farm.

The Planning and Building Control Manager also updated members with regards to a late representation that was too late for the distributed list of update papers previously circulated to members on Friday. The representation questioned the ability for the two car parking spaces to be accommodated within the site if an approved extension was built on the rear of the property and for the ability of vehicles to safely enter the site and then turn around within it to safely exit in forward gear as well. The query was particularly relevant due to the positioning of the applicant's own cars to the front of their house.

Members were shown these arrangements on site and officers considered there was room to enable the safe parking of visitors and the applicant's own cars and safe ingress and egress to and from the site.

The late representation also questioned the structural stability of the hit and miss fencing and that it would afford views through it to the detriment of neighbours' privacy.

In response to these comments the Planning and Building Control Manager recommended that condition 5 was amended to require details of the foundations and supporting posts for the fencing to be submitted within 3 months of the permission and for the fences to be erected in this same timescale and thereafter retained.

Councillor Miskelly moved to approve the as per the officer's recommendations; this was seconded by Councillor Wilson.

A vote was taken on the motion to approve, 10 voted in favour, 0 against with 1 abstention

The motion was carried.

Resolution

Grant permission subject to conditions as per officer's recommendation with amended condition 5.

Conditions

- 1. The development hereby permitted shall be carried out solely in accordance with the following plans: KW201aPL Proposed Site Block Plan Existing Site Location Plan – Amended plan received 18/01/2019 KW202aPK Proposed Floor Plans and Elevations – Amended plan received 18/01/2019 KW01bPL Parking Plan <https://www.jacksons-fencing.co.uk/fencing/fencing-panels/hit->**

**andmissfamily- vertical - Fencing details - Amended plan received
17/01/2019**

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.

- 2. The conversion/caravan hereby approved shall be used for holiday let accommodation and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 2015), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: The Local Planning Authority would wish to examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 3. The conversion/caravan hereby approved shall not be used at any time as the sole or principal residence by any occupants.**

Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S12 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 4. A register of all occupants of the holiday accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority within 10 days of a request. The register shall contain the name and address of the principal occupier together with the dates of occupation.**

Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 5. Within 1 month of the date of this permission foundation and post details for the fences to be erected shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.**

Reason: To ensure a satisfactory standard of development.

- 6. The approved boundary fencing details to the north eastern curtilage boundary and southern boundary of the decked area as outlined on drawing KW201aPL - Amended plan received 18/01/2018 shall be fully implemented within 3 months of the date of approval of Condition 5 and shall be retained at all times thereafter unless agreed in writing with the Local Planning Authority.**

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwelling houses, in compliance with the National Planning Policy Framework and Policies S4, DM14 and DM15 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 349. 2/2018/0529 Hybrid application- Erection of retail unit (Class A1) with external garden centre (Full Application) Employment unit (Class B1, B2, B8) (Outline Application) including access, parking, landscaping and associated works- Resubmission of 2/**

Representations

Phil Campbell, Margaret Ward, David Ellison, Paul Carr and Gary Whetton spoke against the application.

A petition of support for the application was presented on behalf of a constituent by Councillor Alan Smith

Town Councillor Alan Tyson spoke against the application

Councillor Joan Ellis spoke against the application

The Agent Jeremy Williams spoke in support of the application

Application

The report recommended approval subject to conditions recommended at Annex 1 and the signing of a s106 agreement to secure financial sums for the monitoring of a Travel Plan and the implementation of a Traffic Regulation Order.

The Planning and Building Control Manager introduced the item advising that Members may have recalled a similar application being refused at the meeting of this in July of last year. He referred members to the reasons detailed on page 20 of the agenda papers.

He commented that the previous application was now the subject of an appeal to the Secretary of State, the procedure being a Hearing. However, he advised that the existence of that appeal should have no bearing on the determination of the application now before members.

However, he did advise members that a further 6 months had elapsed since the determination of the previous application and the site remained undeveloped. It had been the subject of continued marketing with no interest. There were clear

issues with the viability of B1, B2 and B8 schemes without either external funding or a viable use being developed alongside.

The Planning and Building Control Manager continued their introduction by commenting that there was a mix proposed of an employment use (flexibly proposed as B1, B2 and/or B8 to maximise the possibilities for development coming forward) and, critically, an A1 use that provided the overall viability.

Weight is afforded to this consideration; the A1 use also provides meaningful employment. The weight afforded to this is particularly significant given that an undeveloped site does not provide employment.

He commented that little weight should be afforded to policy SA43 of the emerging Part 2 Local Plan due to unresolved objections and reminded members that, in July they did consider that the development was appropriate in terms of retail impact.

Questions were asked of the speakers and the officers and debate followed relating to flooding, site uses/permissions, employment, sustainability, travel and trees.

Councillor Cockburn then moved to refuse the application on the grounds that the development would result in the loss of saved employment allocation EM2 and the loss of existing trees protected under Tree Preservation Order No.9 of 2017.

The motion was seconded by Councillor Munby

A vote followed 7 voted in favour of the motion to refuse, 4 voted against the motion to refuse, 0 abstentions.

The motion was carried.

Resolution

Refused

Reasons for Refusal

1. The Local Planning Authority considers that the proposal would result in the loss of saved employment allocation EM2 to the detriment of the current and future needs of the spatial strategy and growth for Cockermouth as a key service centre, contrary to Policies S3, DM3 and S12 of the Allerdale Local Plan (Part 1) Adopted 2014.
2. The proposal would result in the loss of existing trees protected under Tree Preservation Order No.9 of 2017, Low Road, Cockermouth to the detriment of the visual amenities and character of the locality and the approach to the town centre, contrary to Policies S4, S32, S33 and DM17 of the Allerdale Local Plan (Part 1) Adopted 2014.

350. 2/2018/0495 - Full planning permission for the erection of eleven dwellings, with details of access and associated works, Land south of Abbey Court, High Harrington, Workington

Representations

Mr Ray Dodd and Mr Dean Foster spoke against the application

Councillor Hilary Harrington spoke against the application

The Agent David Staniland spoke in support of the application

Application

The report recommended refusal.

The Planning Officer introduced the item and, referring to the officer's report, reiterated that the application sought full planning permission for the erection of eleven dwellings with offered as affordable.

He confirmed that members had visited the site in the morning assessing the experience from the public rights of way and any impact on the adjoining, existing dwellings. The site comprised of undeveloped land to the rear of the existing residential development of Little Croft and Abbey Court. It was uneven but largely level with a significant drop to the rear. There was a watercourse and wooded area below, some 30 metres to the south.

The planning officer described the planning history with two previous outline applications refused for 4 dwellings in 1998 and 2014. He confirmed the officer's opinion that the site was considered generally sustainable in terms of location on the edge of a Principal Centre with a range of services and facilities nearby. However, it was considered that the development introduced an uncharacteristic linear pattern of development out of keeping with the area.

It had been rejected at an early stage as a housing site allocation for Part 2 of the Plan. This was due to the planning history of refusals, the constraints of the site and the impacts that the development would bring.

In short the proposals were considered to constitute unacceptable 'backland development'. The impacts from the development were considered by officers to outweigh any benefits from the provision of housing and therefore the 'tilted balance' falls towards a recommended refusal.

The Planning Officer continued by confirming that the Town Council recommended refusal and there had been 14 letters of objection. The late list showed the applicant had challenged the reasons for refusal with specific evidence regarding traffic movements and impact upon residential amenity. Officers did not consider this changed the assessment of the proposal; members were able to assess the relationship of the existing dwellings to the site access that morning and, whilst a matter for consideration, members could consider the amenity issue in the round and not purely based on the applicant's analysis.

Members noted the representations received in respect of the application, the main grounds of which were set out in the report.

Questions were asked of the speakers and the officers and debate followed relating to access, traffic, and the PROW/Footpath.

Councillor Miskelly moved to refuse the application as per officer's recommendation.

The motion was seconded by Councillor Munby.

A vote was taken on the motion to refuse, 11 voted in favour of the motion, 0 voted against and 0 abstentions. The vote to refuse was unanimous.

The motion was carried.

Resolution

Refused as per officers recommendations

Councillor Ron Munby and Councillor Malcolm Grainger left the meeting

351. 2/2018/0561 - Outline application for the erection of 8 dwellings including approval of access and layout (resubmission of 2/2018/0101), Welton County Primary School, Welton

Representations

The applicant, Martyn Boak spoke in support of the application.

Application

The report recommended refusal.

The report outlined the application and detailed main issues within the report as follows,

- Principle of Development
- Access and Layout
- Residential Amenity
- Affordable Housing

The Planning and Building Control Manager introduced the item and advised members that the proposal represented a reduced scheme to that previously refused.

The planning and site context had not changed materially, hence the reason for refusal. No evidence of need or circumstances to support the dwellings in this detached, unsustainable location had been provided.

Members noted the representations received in respect of the application, the main grounds of which were set out in the report.

Questions were then asked to officers and debate ensued.

Councillor Cockburn moved the motion to refuse the application as per officer's recommendations.

The motion was seconded by Councillor Wilson

A vote was taken on the motion to refuse, 8 voted in favour, 1 voted against and 0 abstentions.

The motion was carried.

Resolution

Refused as per officers recommendations.

The meeting closed at 5.10 pm