At a meeting of the Development Panel held in Council Chamber - Allerdale House on Tuesday 29 September 2015 at 1.00 pm

Members

P Bales (Chairman)

C M Armstrong  P G Kendall
A Davis-Johnston  B Miskelly
B Finlay  R Munby
M Grainger  J Osborn
C M Jackson  B Pegram
M Jenkinson

An apology for absence was received from Councillor N Cockburn

Staff Present

B Carlin, C Chambers, D Devine, J Eaton, A Gilbert, K Kerrigan, A Seekings and S Sewell

186 Minutes

The minutes of the meeting held on 8 September 2015 were signed as a correct record.

187 Declaration of Interest

8.  2/2015/0440 Foxpit House, Copperas Hill, Harrington

Councillor Jim Osborn; disclosable pecuniary interest; having discussed the application with the applicant and residents

188 Questions

The following questions were submitted and answers given:

Question from Mr Peter Nicholson

Cumbria Local Enterprise Partnership minutes of April 17th paragraph 114 explain that the £3.5 million grant to M Sport would not go ahead yet MSport managing director stated in evidence by his witness statement at public judicial review that the project would not go ahead without the grant funding so how much weight can be placed on what MSport says, in relation to the viability of the project?

Answered by the Head of Development Services

Whilst I am not in a position to comment on the viability of the project the reference in the LEP minutes relates to a grant approval under the RGF 4 programme. M-Sport now have a separate conditional grant approval under the
RGF 6 programme and it is my understanding it is this grant funding which was referred to in the witness statement from M Sport’s managing director.

**Question from Mrs Christine Nicholson**

Government guidance on planning conditions state they are to be “precise and enforceable and reasonable in all other respects” but this condition 6 allows “principles” of Noise Management Plan November 2014 AND ALSO “…the content of the updated draft Noise Management Plan of July 2015” according to Allerdale legal officer (Sept 21 ref BC/(SS)/MSport JR) so please answer how Allerdale or the applicant will take principles from one or other, or both, noise management plans and still have precise requirements in this condition 6 that will be enforceable and that pays reasonable respect to the intentions and decisions that councillors made on December 23rd 2014?

**Answered by the Head of Development Services**

It is considered that the wording of the planning condition fully satisfies the legal tests. The decision of the Development Panel on 23 December 2014 to grant planning permission subject to a condition which secures the implementation of noise management regime based on an updated noise management plan to be submitted for subsequent approval. The proposed non-material amendment does not change this approach. It is a well-established principle of planning law that in granting planning permission the local planning authority can reserve details of any matter for subsequent approval. The updated noise management plan has still to be submitted to, and be approved by, the local planning authority.

**Question from Hilary Coy**

Does the Planning Officer and Councillors agree that where weather conditions prevent effective and detailed monitoring of noise levels that no testing on the track should take place?

**Answered by the Head of Development Services**

It is recognised that weather conditions can impact on both the monitoring and impacts on noise. The draft noise management plan therefore includes provision for weather monitoring equipment to be installed and maintained on site. It is not possible to provide a definitive answer to the specific question as this may pre-judge the consideration and subsequent approval of an update noise management plan as required by the planning permission.

**Question from A.E. Riddell**

As a noise control level based on LAeq5minutes would permit multiple much louder short duration noise events, how can this be considered an acceptable control measure for peak noise as proposed in this amendment?
Answered by the Head of Development Services

It is considered that a noise control level based on LAeq5 minutes can provide an effective control measure for noise depending at what level the maximum is set. The maximum level of control necessary has yet to be established and the further approval of the local planning authority is required for this.

The rationale for imposing the planning condition is to safeguard the amenity of the local community and this will be the underlying principle which will inform the approval of the updated noise management plan required by the condition.

Question from Mr Michael Fossey

In the revision of Condition 6 it is stated that maximum noise levels will be controlled by LAeq(5min) or LAmx. Can you explain how LAeq(5min) is used to define maximum noise and how these measures, which are put forward as equally valid, are demonstrably equivalent as LAmx is normally a one-off measure over 0.125s whereas LAeq(5min) is an average noise level measured over 5mins.

Answered by the Head of Development Services

It is considered that a noise control level based on LAeq (5 min) can provide an effective control measure for noise depending at what level the maximum is set. Although LAeq (5mins) is an average as it is measured over a short period this takes into account the any peaks within that period and in effect limits the level and duration of those peaks. The maximum level of control necessary has yet to be established and the further approval of the local planning authority is required for this.

I would re-iterate that the rationale for imposing the planning condition is to safeguard the amenity of the local community and this will be the underlying principle which will inform the approval of the updated noise management plan required by the condition.

Question from Mr Carr

How can a LAmx noise limit value can be set without an EIA?

In the context of this comment:

Does the EHO agree that, as it the noise the resident experience that has to be controlled and limited, the inability of the developer to calculate what LAmx his vehicles produce only has relevance to his ability to operate the track unhampered by inconvenient environmental limits and that the noise residents can experience i.e. the LAmx limit cannot be determined solely by it being loud/high enough to allow the track to operate unhindered by environmental controls and only an EIA to access acceptable (not unacceptable) levels of LAmx?

If not please explain how such a LAmx noise limit value can be set without an EIA?
Answered by the Head of Development Services

The proposed development has been the subject of an Environmental Impact Assessment and an Environmental Statement, including a detailed noise assessment, informed the decision of the local planning authority to grant planning permission subject to the subsequent approval of a noise management plan which is to include the consideration of maximum noise levels.

I would again re-iterate that the rationale for imposing the planning condition is to safeguard the amenity of the local community and this will be the underlying principle which will inform the approval of the updated noise management plan required by the condition.

Public Participation

The following people addressed the Panel:

- Peter Nicholson in objection to planning application AM/2014/0350
- Tony Riddell in objection to planning application AM/2014/0350
- Ian Chambers in objection to planning application AM/2014/0350
- Eleanor Carr in objection to planning application AM/2014/0350
- Vivian Carr in objection to planning application AM/2014/0350
- Councillor Nicky Cockburn as Ward Councillor in objection to planning application AM/2014/0350
- Eric Telford as the agent for planning application 2/2015/0308
- Kerry Macdonald in objection to planning application 2/2014/0886
- Richard Evans as the agent for planning application 2/2014/0886
- Councillor Hilary Harrington as Ward Councillor in support of planning application 2/2015/0440
- Patricia Paterson in objection to planning application 2/2015/0416
- Mark Greaves on behalf of Brigham Parish Council in objection to planning application 2/2015/0416
- Michael Sandelands as the agent for planning application 2/2015/0416

189 AM/2014/0350 M-Sport, Dovenby Hall

The application:
Non-material amendment to condition 6 relating to noise on planning permission 2/2014/0350, Dovenby Hall, Dovenby, Cockermouth

The Head of Development Services recommended approval.

The Head of Development Services outlined the application and detailed the main issues within the report as detailed below:
Is the proposed change non-material?: The issue to be considered in assessing this application is whether the change proposed to the wording of condition 6 is material having regard to the effect of the change of the planning permission as originally granted and whether the application for a non-material amendment should be approved.

The proposed amendment simply seeks to confirm that the condition allows the local planning authority to control peak noise levels through the approval of a noise management plan. This was the intent of the local planning authority in granting planning permission and the proposed change does not materially affect the planning permission as originally granted.

Members noted that a number of written objections to the application had been received, the details of which were contained in the late list.

Councillor M Jenkinson moved that the application be refused on the grounds that the proposed amendment to condition 6 was a material amendment. Councillor B Finlay seconded.

Councillor A Davis-Johnston moved that the application be refused on the grounds that the proposed amendment to condition 6 was fundamentally different and therefore would be a material amendment. Councillor M Grainger seconded.

The meeting adjourned while the Head of Development Services discussed a change to the proposed amendment to condition 6 with representatives of MSport. The following change to the proposed amendment was suggested:

“Maximum noise levels measured in LAeq5minutes or LAmx”.

Councillor A Davis-Johnston made an alteration to his motion:

Subject to MSport amending the application so that condition 6 states “maximum noise levels measured in LAeq5minutes and LAmx”, that approval be delegated to the Head of Development Services under the scheme of delegation. In the event that the amendment is not made then the application be refused for the reasons set out previously by Councillor A Davis-Johnston.

Councillor M Grainger and the rest of the meeting consented to the alteration to Councillor A Davis-Johnston’s motion.

A vote was taken, 11 in favour of approval subject to the change to the proposed amendment to condition 6, 0 against and 1 abstention.

The motion in favour of approval subject to the above change to the amendment to condition 6 was carried.

The decision:
Approved subject to MSport amending the application so that condition 6 states “maximum noise levels measured in LAeq5minutes and LAmx”, that approval be delegated to the Head of Development Services under the scheme of
delegation. In the event that the amendment is not made then the application be refused for the reasons set out previously by Councillor A Davis-Johnston.

2/2015/0308 Lowca Lane, Seaton

The application:
Outline planning application for change of use of land to residential, Lowca Lane, Seaton, Workington

The Planning Officer recommended approval (subject to S106)

The Planning Officer outlined the application and detailed the main issues within the report as detailed below:

- Principle of development: As an edge of settlement site the application is subject to Polices S1 S2 S3 S4 and S5 of the current Local Plan regarding housing growth and the core principles of sustainable development within the NPPF. The development will contribute significantly to the Council’s housing strategy and housing land supply.

  Seaton, as part of Workington as a whole, is designated as a Principal Centre in the settlement hierarchy with the capacity for major residential growth on appropriate sites.

  As a medium sized development of around 49 dwellings the principle of development is acceptable regarding the spatial strategy.

- Access: The access is considered acceptable with appropriate standard conditions further to an amended plan.

- Residential Amenity: The site and layout is well related to existing development with an established landscape buffer. The proposed dwellings themselves are not seen to be significantly harmed by the siting close to established industry, power lines and turbines.

  Supporting evidence has been provided that has assessed any likely impact from nearby industry and wind turbine.

- Biodiversity: A hedgerow and wildlife habitat scoping study has been provided. Minimal impact is expected with appropriate mitigation recommended.

Members noted one letter of representation had been received, the main grounds of which were noted in the officer’s report. The Planning Officer made reference to a late representation made from Seaton Academy, along with a response to this representation from Cumbria County Council.

Councillor R Munby moved approval as per the officer’s recommendation. Councillor P Kendall seconded.
Councillor A Davis-Johnston moved approval subject to the S106 being subject to the full projection of the pupil yield based on the number of dwellings and density of the houses. Councillor M Jenkinson seconded.

A vote was taken, 2 in favour of approval subject to the S106 being subject to the full projection of the pupil yield based on the number of dwellings and density of the houses and 10 against. The motion was therefore lost.

A vote was taken, 12 in favour of approval as per the officer’s recommendation.

The motion in favour of approval as per the officer’s recommendation was carried.

The decision:
Approved (subject to S106)

Conditions

1. Before any works commence, details of the layout, scale and appearance, and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority. Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (General Development Procedure) Order 1995.

2. The development hereby permitted shall be carried out in accordance with the following plans:
   15.20.PRELIM 1A - Proposed entrance. (amended plan 14/7/2015)
   LOC/0375 - Location Plan
   OP-Lowca Lane-SCS70v1 Hedgerow Assessment/Phase one Habitat Survey/Scoping Report
   Reason: In order to ensure a satisfactory standard of development.

3. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:
   a) The expiration of three years from the date of the grant of this permission, or
   b) The expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.
   Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The access arrangements as shown on the plan, shall be substantially met before any other work commences on site, to such an extent that constructional traffic can park and turn clear of the highway. Once complete it shall be retained and capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.
   Reason: In the interests of highway safety.

5. The reserved matters application should include full details of the method of foul drainage. The foul drainage system shall be implemented as approved and retained thereafter.
Reason: To ensure a sustainable means of foul drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. The reserved matters application should include full details of the surface water system demonstrating that no flooding will occur on any part of the site for a 1 in 30 year event unless designated to do so, flooding will not occur to any building in a 1 in 100 year event, taking account of the likely impacts of climate change and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc.) to the satisfaction of the Lead Local Flood Authority. The surface water drainage system shall be implemented as approved and retained thereafter.

Reason: In order to achieve a satisfactory means of surface water drainage and to manage flood risk within the development to minimise the risk to people and property, in compliance with the National Planning Policy Framework and Policy S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. The access arrangements as shown on the plan 15.20.PRELIM 1A shall be substantially met before any other work commences on site, to such an extent that constructional traffic can park and turn clear of the highway. Once complete it shall be retained and capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.

Reason: In the interests of highway safety.

8. The development shall be implemented only in full accordance with the mitigation measures and recommendations within paragraphs 5.1 - 5.6 of the Hedgerow Assessment/Phase one Habitat Survey/Scoping Report (Ref OP Lowca Lane-SCS70v1).


9. 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 traffic, offsite 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;
   (f) Programme of work for Demolition and Construction phase;
   (g) Hours of working and deliveries;
   (h) Details of lighting to be used on site.
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.

10. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to the commencement of works.
Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment, in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. Should land affected by contamination be identified under the desk top study under condition 10, be found which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.
Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment, in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. Should a contamination remediation scheme be required under condition 11, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.
Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment, in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

13. 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.
14. No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The report shall include a scheme of noise insulation measures for all residential accommodation. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of National Planning Policy Framework, BS4142: 2014 Method of rating industrial noise affecting mixed residential and industrial areas, BS 8233: 2014 Sound Insulation and Noise Insulation for Buildings - Code of Practice and World Health Organisation Guidelines on Community Noise. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.


15. Details of the proposed site layout required under the reserved matters of Condition 1, shall demonstrate that the easements required by United Utilities (Ref DC/15/1835 dated 3/7/2015) to safeguard underground services can be fully achieved.

Reason: In order to protect existing underground services safeguarding the provision of surface and foul water drainage systems in accordance with Policies S2 and S29 of the Allerdale Local Plan (Part 1) Adopted July 2014.

Proactive Statement

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern within the application (as originally submitted) and where appropriate negotiating, with the Applicant, acceptable amendments and solutions to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

191 2/2015/0886 Land at Main Street, Dearham

The application:
Outline application for the development of 3 detached dwellings, including details of access, layout and levels, Land at Main Street, Dearham, Maryport

The Senior Planning Officer recommended refusal.

The Senior Planning Officer outlined the application and detailed the main issues within the report as detailed below:

- Principle of development: The proposal is considered to be contrary to Policy S3 of the Allerdale Local Plan.

- Affordable Housing: The applicant is not proposing any affordable units and therefore the proposal conflicts with the requirements of Policy S8.
Highways: The access and road layout is considered acceptable.

Layout and levels: Officers consider that the applicant has submitted insufficient information in relation to levels for the whole of the site to enable the local planning authority adequately assess the layout of the site in terms of impact on the streetscene and adjoining owners.

Residential amenity/Impact of development: Officers consider that in the absence of details on finished land levels the applicant has been unable to demonstrate the proposal will not result in an unacceptable loss of privacy to the occupiers of existing dwellings including their amenity areas contrary to Policy S2, S4 and S32.

Drainage: An acceptable scheme for drainage can be achieved for the site with details controlled under conditions.

Ecology/Hedgerow: The existing hedgerows to the northwest (rear boundary) and the hedgerow running through the site to west of the site will be retained. However, as no finished land levels have been provided officers cannot assess whether the proposal will result in a demonstrable harm to the existing important hedgerows.

Members noted representations had been made and that objections had been received from 3 properties, the main grounds of which were noted in the officer’s report.

Councillor A Davis-Johnston moved refusal as per reasons 3 and 4 of the officer’s report. There was no seconder. The motion was lost.

Councillor C Armstrong moved refusal as per reasons 1, 2, 3 and 4 of the officer’s report. Councillor A Davis-Johnston seconded.

Councillor P Kendall moved approval on the grounds that he considered the site to be previously developed land. This was not seconded.

A vote was taken, 11 in favour of refusal as per reasons 1, 2, 3 and 4 of the officer’s report, 1 against.

The motion in favour of refusal as per reasons 1, 2, 3 and 4 of the officer’s report was carried.

The decision:
Refused

Conditions/Reasons

1. The approval of additional dwellings outside the designated settlement limits within this Local Service Centre will result in an imbalance of new dwellings across this tier undermining the aims of the spatial strategy set out in Policy S3 of the Allerdale Local Plan, (part 1).
2. In the absence of any affordable housing units, the proposed development is in conflict with the requirements of Policy S8 of the Allerdale Local Plan (Part 1) approved in July 2014 and paragraphs 47, 50 and 54 of the National Planning Policy Framework.

3. The Local Planning Authority considers insufficient information has been submitted with the application in relation to site levels for the amenity areas and road layout of the proposal in order to adequately demonstrate that the impact of the proposed development would not adversely affect the residential amenity of neighbouring residential properties and is sympathetic to the visual amenity of the streetscene. The proposal is therefore contrary to the National Planning Policy Framework paragraph 17 and Policy S2, S4 and S32 of the Allerdale Local Plan, (Part 1).

4. The Local Planning Authority considers the applicant has not demonstrated that the proposal will not cause demonstrable harm to the existing hedgerows on the site and is contrary to policies S35 and DM17 of the Allerdale Local Plan (Part 1).

Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve all those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out within its report, the outstanding matters needing to be remedied to address the harm identified within the reasons for refusal– which may potentially lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

192 2/2015/0440 Foxpit House, Copperas Hill, Harrington

The application:
Outline application for erection of single storey detached dwelling – Resubmission of 2/2014/0585, Land adjacent to Foxpit House, Copperas Hill, Harrington, Workington

The Planning Officer recommended refusal.

The Planning Officer outlined the application and detailed the main issues within the report as detailed below:

- Principle of Development: The proposals are not considered to satisfy policy guidelines as either a replacement dwelling in the open countryside, housing for elderly or disabled need or new build development outside the settlement limit. The essential or exceptional need required for a dwelling beyond the settlement has not been demonstrated.
- Elderly/Disabled Need: Although a medical condition of the applicant has demonstrated the possible need for a single storey dwelling, the site is considered inappropriate at this remote location and does not satisfy the requirements of Policy S10 in relation to such exception.

- Contaminated Land: Acceptable to Environmental Health and the Coal Authority with the submission of appropriate Phase 1 Desk Top Study.

- Planning History: Previous application 2/2014/0585 refused by Development Panel. There has been no change in the application details that warrants a recommendation of approval.

Members noted that no letters of objection had been received.

Councillor A Davis-Johnston moved approval on the grounds that the proposal satisfied the requirements of policy S10 of the Allerdale Local Plan (Part 1). Councillor M Jenkinson seconded.

Councillor B Finlay moved approval on the grounds that he felt there were no provisions within the Allerdale Local Plan for people living with disabilities. This was not seconded.

Councillor B Miskelly moved refusal. Councillor B Pegram seconded.

A vote was taken, 4 in favour of refusal and 7 against.

The motion in favour of refusal was lost.

A vote was taken, 7 in favour of approval subject to policy S10 of the Allerdale Local Plan (Part 1), 4 against.

The motion in favour of approval subject to policy S10 of the Allerdale Local Plan (Part 1) was carried.

**The decision:**
Approved subject to policy S10 of the Allerdale Local Plan (Part 1)

**Conditions/Reasons**

1. The proposed site is considered poorly related to the existing settlement limit and built form with adverse impact upon settlement character. No essential or exceptional need has been demonstrated contrary to the core principles of sustainable development of the NPPF and Policies S1 S2 S3 and S5 of the Allerdale Local Plan.

2. The proposed bungalow is not considered to qualify as a replacement dwelling in the open countryside due to its demolished state contrary to Policy 31 of the Allerdale Local Plan Adopted July 2014.

3. The proposals are considered inappropriate for a dwelling to meet the needs of a disabled or elderly person and not in accordance with Policy S10 a) b) d) and f) of the Allerdale Local Plan Adopted July 2014.
The application:
Change of use of land and erection of a building to serve a woodland management programme, logging business and landscape contracting business, Brigham Quarry, Low Road, Brigham

The Planning Officer recommended approval.

The Planning Officer outlined the application and detailed the main issues within the report as detailed below:

- Principle of development: Acceptable with an appropriate building sited to serve an existing woodland management use and proposed landscape garden business.
- Drainage: Acceptable solutions in principle subject to further details to safeguard flood risk.
- Contamination: Desk Top Study required by condition regarding nearby waste disposal site.

Members noted that representations had been made and that three letters of objection had been received, the main grounds of which were outlined within the report.

Councillor A Davis-Johnston moved approval on the grounds that condition 9 be amended to include that the method statement shall include for provision for verification of the proposed remedial work to be provided to the Local Planning Authority and that a condition 10 be added to ensure that development would not commence until the Japanese knotweed had been eradicated.

The Head of Development Services advised the Panel that it would not be possible to add the condition, as suggested by Councillor A Davis-Johnston, due to the lengthy process in removing Japanese knotweed.

Councillor A Davis-Johnston made an alteration to his motion, moving approval subject to an amendment to condition 9 to include that the method statement shall include for provision for verification of the proposed remedial work to be provided to the Local Planning Authority. Councillor M Jackson seconded.

Councillor P Kendall moved that Members attend a site visit. The motion was lost.

A vote was taken, 11 in favour of approval subject to an amendment to condition 9 to include that the method statement shall include for provision for verification of the proposed remedial work to be provided to the Local Planning Authority, 1 against.

The motion in favour of approval subject to the amendment to condition 9 was carried.
The decision:
Approved subject to an amendment to condition 9 to include that the method statement shall include for provision for verification of the proposed remedial work to be provided to the Local Planning Authority

Conditions/Reasons

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 51 of the Planning & Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out solely in accordance with the following plans:**
   
   08/11/635-101 Proposed plan, section and elevation
   08/11/635-102a Proposed Site Plan
   08/11/635-01 Location Plan
   
   Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

3. **Prior to the commencement of works, full details of the surface water drainage (from the proposed building, surfaces and access track) including discharge rates and any attenuation to reflect existing greenfield run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the use hereby approved and thereafter maintained in accordance with the approved details.**
   
   Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. **Prior to the commencement of works, full details of the foul water drainage including any attenuation of discharge to ground shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of the use hereby approved and thereafter maintained in accordance with the approved details.**
   
   Reason: To ensure a satisfactory means of foul and surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

5. **No development approved by this permission shall commence until a desktop study has been submitted to and approved by the Local Planning Authority. Should the preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all necessary site investigation works within the site boundary must be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.**
Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment, in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. **Should land affected by contamination be identified under the desk top study under condition 5 be found which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

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

7. **Should a contamination remediation scheme be required under condition 6, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**

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

8. **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.

9. **Before development commences, a detailed method statement for the eradication, removal and management of Japanese Knotweed within the development site 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. The method statement shall include for provision for verification of the proposed remedial**
work to be provided to the Local Planning Authority. Development shall proceed in accordance with the approved method statement. Reason: To avoid the spread during construction works of an invasive and prohibited plant species in the interests of avoiding harm to the environment.

Proactive 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 stakeholder 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 within the National Planning Policy Framework.

194 2/2015/0462 Crofton Pond

The application:
Extension of an estate lake to provide angling and wildlife area, Proposed Pond, Crofton, Thursby, Carlisle

The Senior Planning Officer recommended approval.

The Senior Planning Officer outlined the application and detailed the main issues within the report as detailed below:

- Location: Considered to extend existing facilities.
- Access: Through existing facilities.
- Landscape and biodiversity: Improved planting and increase in biodiversity.
- Residential amenity: Not disturbed by the proposal.

Members noted that no letters of objection had been received with regard to the application.

Councillor A Davis-Johnston moved approval, as per the officer’s recommendation. Councillor R Munby seconded.

A vote was taken, 12 in favour of approval, 0 against.

The motion in favour of approval was carried.

The decision:
Approved

Conditions/Reasons

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 51 of the Planning & Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out solely in accordance with the following plans:**
   - LP1 - Location Plan
   - BP1 - Block Plan
   - D2 – Plan View
   - D3 – Section plan
   - D4 – Section Plan
   - D5 – Section Plan
   - D6 – Section Plan
   - D7 – Footbridge Materials and dimensions

Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

Proactive 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 stakeholder 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 within the National Planning Policy Framework.

195 2/2015/0504 5 Greenbank Lane, Cockermouth

**The application:**
Erection of a porch, 5 Greenbank Lane, Cockermouth

The Head of Development Services recommended approval.

The Head of Development Services outlined the application and detailed the main issues within the report as detailed below:

- **Scale, Siting and Design:** The proposal is considered appropriate in scale and design and would not adversely alter the appearance of the existing dwelling.

- **Residential Amenity:** It is considered the proposal would not materially harm the amenity of the occupants of neighbouring or adjacent neighbours.

- **Highways:** No objections.

Members noted that no letters of objection had been received with regard to the application.

Councillor A Davis-Johnston moved approval, as per the officer’s recommendation. Councillor R Munby seconded.

A vote was taken, 12 in favour of approval, 0 against.
The motion in favour of approval was carried.

The decision:
Approved

Conditions/Reasons

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 51 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out solely in accordance with the following plans:
   2015.680.LP - Site Location Plan
   2015.680.01B - Proposed Plans
   Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

Proactive Statement

Application Approved Without Amendment

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 stakeholder 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 within the National Planning Policy Framework.

The meeting closed at 5.45 pm