

At a meeting of the Development Panel held in Council Chamber - Allerdale House, Workington on Tuesday 16 October 2018 at 1.00 pm

Members

Councillor Peter Bales (Chair)
Councillor Tony Annison
Councillor Joseph Cowell
Councillor Malcolm Grainger
Councillor Jim Osborn
Councillor David Wilson

Councillor Billy Miskelly (Vice-Chair)
Councillor Carole Armstrong
Councillor Janet Farebrother
Councillor Mark Jenkinson
Councillor Bill Pegram

Apologies for absence were received from Councillor Nicky Cockburn and Councillor Ron Munby MBE

Staff Present

S Brook, B Carlin, A Gilbert, K Kerrigan, S Long, G Roach, S Sewell, S Sharp and R Wilson

173. Minutes

The minutes of the meeting held on 18 September 2018 were signed as a correct record.

174. Declaration of Interests

None declared.

175. Questions

None received.

176. 2.2017.0385 - Hybrid application for full conversion of Ellenbank Hotel into 16 flats and outline permission for 5no. dwellings as detailed (access and layout) - Resubmission of 2/2016/0461. - Ellenbank Hotel, Birkby, Maryport,

Representations

The agent Anthea Jones spoke in support of the application.

Application

The report recommended granting permission subject to conditions.

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

- Principle of development

There was policy support in principle for both the conversion of the existing building and enabling development, where it was demonstrated that this would be the most appropriate way to secure the future of a heritage asset and where the benefits of such would outweigh any adverse impacts in respect to sustainability.

The Ellenbank Hotel had both aesthetic and community value sufficient to be considered a non-designated heritage asset.

Sufficient marketing information had been put forward to justify that the existing hotel use could not be sustained.

Sufficient financial information had been put forward to demonstrate that the level of enabling development put forward (five dwellings) was the minimum necessary to make the development viable.

The benefits of securing a future use for this non-designated heritage asset were considered to outweigh any adverse impacts.

- Sustainability, Access and Parking

Albeit the site had relatively good access to a regular bus route and cycle routes were accessible, pedestrians (and cyclists to some extent) were likely to be discouraged by the busy A596, the need to cross this busy road to gain access to the pedestrian footpath, a lack of street lighting for a stretch of 400m and the distance to most services and facilities approaching 2km (some of which are uphill). As such, it was considered that future residents of the development are likely to rely heavily on the use of the private car. As such, whilst the site was not considered to be entirely unsustainable, the development was unlikely to reduce the need to travel by private car, contrary to Policy S22.

The Local Highways Authority had raised no objections to the continued use of the existing access subject to conditions to ensure visibility splays, an extended footpath to the bus stop and a crossing island for the A596.

Parking provision within the scheme was acceptable.

- Impact on heritage assets

Historic England were satisfied that the proposal would not adversely impact on the Outstanding Universal Value of the Hadrian's Wall World Heritage Site.

The site was not within close proximity to any listed building and was not within a Conservation Area.

The proposal would retain the architectural interest of the host building. There would be some further erosion of the setting of this non-designated heritage asset through the construction of the five dwellings within its grounds.

- Loss of trees

The proposal would result in the loss of 13 trees, most of which were unclassified, one tree was category C. Whilst the number of trees was significant, the impact on the character of the area would be minimal given the extent of trees on site. At the site visit, it was clear that new tree planting had been undertaken and therefore no mitigation planting was considered necessary.

- Protected Species

Survey information suggests that the main building had been used by bats as a small roost. The submitted survey suggests that the roost could be avoided during the conversion. The recommendations of the Bat Survey would be secured by condition.

- Affordable Housing

Whilst the proposal exceeded the threshold for the provision of an element of affordable housing, such provision would impact on the viability of the scheme and would ultimately require further enabling development. The benefits of seeking affordable housing provision as part of the scheme were not considered to outweigh the harm of further enabling development, outside of the settlement within an unsustainable location. Therefore no affordable housing provision had been sought by Officers.

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

Following member discussion, and the questions raised to the speakers, having concurred with the weighting of policy and material considerations detailed in the report, Councillor M Grainger moved that the application be approved as per the officer's recommendation. This was seconded by Councillor T Annison.

A vote was taken on the motion for approval as per the officer's recommendation, 11 voted in favour. The motion was carried.

Resolution

Permission granted subject to conditions.

Conditions/Reasons

Time limit for the full planning permission for the conversion of the existing hotel to 16 flats:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

Time limit/submission of reserved matters for the outline application for five dwellings:

- 2. Before any development commences details of the landscaping of the site (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 (Development Management Procedure) Order 2015.
- 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 3 years from the date of the grant of this permission, or**
 - (b) The expiration of 2 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 Sections 91 and 92 of the Town and Country Planning Act 1990.

Pre-commencement conditions

- 4. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
 - (a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off site parking, turning and compound areas;**
 - (b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.**
 - (c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
 - (d) A written procedure for dealing with complaints regarding the construction or demolition;**
 - (e) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
 - (f) Programme of work for Demolition and Construction phase;**
 - (g) Hours of working and deliveries;**
 - (h) Details of lighting to be used on site.**
 - (i) Highway signage / Haulage routes**The approved statement shall be adhered to throughout the duration of the development.

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

5. **Prior to the commencement of works, details of the disposal of surface water drainage from the site (including attenuation measures), shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall set out arrangements for ongoing management and maintenance of the drainage system over the lifetime of the development. The approved surface water drainage scheme shall be fully implemented before any part of the development is brought into use and shall be managed and maintained thereafter in accordance with the approved details.**

Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding, in compliance with the National Planning Policy Framework and Policy S29 of the Allerdale Local Plan, Part 1, 2014.

6. **No development shall commence until full details and cross sections demonstrating any re-profiling of ground levels and any retaining structures across the site (including details of the external finish to the retaining structures) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed only in accordance with the approved details.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy S4 of Allerdale Local Plan (Part 1) Adopted July 2014.

7. **No development shall commence until a phasing of works schedule has been submitted to the Local Planning Authority for approval in writing. Unless otherwise agreed in writing by the Local Planning Authority through submission of the schedule, the phasing of works schedule shall specify that all necessary works to convert the existing hotel to flats shall be completed before development commences on the construction of the third, fourth or fifth dwelling houses hereby approved above ground floor level. The development shall only be completed in accordance with the approved phasing of works schedule.**

Reason: To ensure that the conversion of the existing hotel is secured before the completion of all enabling development in accordance with Policy S3 of the Allerdale Local Plan Part 1.

Accordance with approved details

8. **The development hereby permitted shall be carried out solely in accordance with the following plans:
Amended Dwg 04102 Rev 14 Proposed Site Plan 5 no detached units
submitted 29-5-18**

Amended Dwg 04203 Rev 06 Proposed Type A1A Dwelling submitted 29-5-18

Amended Dwg 04205 Rev 04 Proposed Type A2A Dwelling submitted 29-5-18

Amended Dwg 04206 Rev 06 Proposed Type A3 Dwelling submitted 29-5-18

Amended Dwg 05100 Rev 03 Sectional Elevation of Proposed New Houses submitted 29-5-18

Amended Drawing 34001 03 Balcony Details submitted 18.1.18

Amended Drawing 05002 04 Elevations submitted 2 18.1.18

Amended Drawing Window details submitted 18.1.18

Amended Drawing Railings submitted 18.1.18

Amended Drawing 05001 03 Elevations submitted 18.1.18

Amended Drawing 04012 03 Proposed ground floor hotel submitted 18.1.18

Amended Drawing 04011 03 Proposed ground floor annex submitted 18.1.18

Amended Drawing 04006 01 Basement plan submitted 18.1.18

Amended Drawing 04001 06 Proposed ground floor plans submitted 18.1.18

Dwg 04017 Rev 01 - Proposed third floor - function room

Dwg 04015 Rev 01 - Proposed second floor - function room

Dwg 04013 Rev 01 - Proposed first floor function room

Dwg 04003 Rev 04 - Proposed second floor

Dwg 04002 Rev 04 - Proposed first floor

Dwg 01005 Rev 02 - Location plan

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.

Post commencement/Pre – start conditions for certain elements:

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

- 10. Before any part of the development hereby approved is constructed above ground floor level, a plan shall be submitted to the Local Planning Authority indicating details of all new door and window openings to the north east facing elevation of the existing building, including the basement flat within the former hotel. The details shall include cross sections of glazing bars, to a scale of not less than 1:20. The works shall be implemented solely in accordance with the approved door and window details.**

Reason: To ensure that the external appearance of the building / structure is acceptable, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policies S29 and S36 of the Allerdale Local Plan Part 1.

12. No works for the installation of the private treatment plant for foul drainage shall commence until the siting of the private treatment plant has been submitted to the Local Planning Authority for approval in writing. The development shall be completed only in accordance with the approved details.

Reason: To ensure that the development is completed in a manner that minimises damage to existing trees, in accordance with Policy DM17 of the Allerdale Local Plan Part 1.

13. Before any part of the conversion of the hotel commences, a scheme of sound proofing showing measures to deal with sound insulation of floors and ceilings between the various floors of the building shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the occupation of any part of the converted hotel.

Reason: To ensure an appropriate standard of residential amenity for future occupiers in accordance with Policy S32 of the Allerdale Local Plan Part 1.

14. All works to trees shall be undertaken in accordance with the recommendations contained within the submitted Tree Report prepared by Planning Branch Ltd, dated July 2017 (Revised) and shall include the submission to the Local Planning Authority of a method statement detailing any works proposed within or adjacent to the Root Protection Area of any retained tree for approval in writing. The method statement shall include the method of construction and types of materials to be used, and the location of protective fencing. All works to trees shall be undertaken in accordance with British Standard 5837, 2012: Trees in Relation to Construction.

Reason: To minimise any damage or disturbance to those trees to be retained, in accordance with Policy DM17 of the Allerdale Local Plan Part 1 2014.

15. The development shall be undertaken in accordance with the recommendations contained within the submitted Phase 1 Habitat Survey and the Updated Bat Survey received 22nd August 2018, prepared by Envirotech.

Reason: In order to ensure that protected species are adequately considered during the conversion of the buildings, in accordance with policy S35 of the Allerdale Local Plan.

Before Occupation conditions:

- 16. Notwithstanding the submitted plans, details of the siting, height and type of all means of enclosure (including boundary treatment and bin store) shall be submitted to and approved by the Local Planning Authority prior to the occupation of any flats/dwelling(s). Any such means of enclosure shall be constructed as approved prior to the development 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.**
Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties.
- 17. Prior to the occupation of the development, a detailed lighting scheme shall be submitted to the Local Planning Authority for approval. The lighting scheme shall be accompanied by a lighting impact assessment undertaken by a suitably qualified engineer and shall include consideration of wildlife. The lighting scheme shall include for approval the hours of operation and levels of illumination. The approved lighting scheme shall be adhered to at all times during the operational phase of the development.**
Reason: To safeguard the visual amenity of the locality and to ensure that ecological interests are appropriately protected, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 18. Prior to the occupation of the dwellings (flats or houses) hereby approved, a 1.8m footway shall be provided extending from the existing access to the bus stop along the A596 heading towards Birkby. The footway shall be constructed in accordance with details submitted to and approved in writing by the Local Planning Authority before construction of the footway commences.**
Reason: To ensure satisfactory facilities for pedestrians in the interests of highway safety and in accordance with policies S5 and S22 of the Allerdale Local Plan 2014.
- 19. Prior to the occupation of the dwellings (flats or houses) hereby approved, a crossing point over the A596 to the bus stop on the opposite side of the road shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before construction of the crossing point commences. The location of the crossing point shall be informed by a Stage 1 Road Safety Audit.**
Reason: To ensure satisfactory facilities for pedestrians in the interests of highway safety and in accordance with policies S5 and S22 of the Allerdale Local Plan 2014.
- 20. Flat 1 of the hotel conversion hereby approved shall not be occupied until the detail and extent of obscure glazing to bedroom 1 and bedroom 2 has been submitted to and approved in writing by the Local Planning Authority and the obscure glazing has been installed as approved.**

Reason: To ensure an appropriate standard of residential amenity in accordance with Policy S32 of the Allerdale Local Plan Part 1.

- 21. A landscaping management plan including management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any flats or dwelling houses hereby approved. The development shall thereafter be maintained at all times in accordance with the approved management plan.**

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

- 22. The development shall not be brought into use until visibility splays providing clear visibility of 2.4 metres x 215 metres towards Birkby and 2.4m x 160m towards Maryport measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.**

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Post construction conditions:

- 23. All planting, seeding or turfing comprised within the subsequently approved landscaping scheme (reserved matter) shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

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

- 177. 2.2018.0373 - Non compliance with condition 2 on planning approval 2/2011/0227. Amendments to alter arrangements of play equipment - Land at Moss Bay Road, Workington**

Representations

Councillor B Cannon spoke on the application as Ward Councillor.

A pre-prepared statement was read out on behalf of the agent Rachael Graham in support of the application.

Application

The report recommended delegation of the responsibility to grant permission subject to conditions to the Head of Place Development upon the completion and signing of a s106 agreement to secure ongoing obligations as detailed in the report.

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

- Principle

The merits of the estate itself had been approved and implemented under the original consent 2/2013/0445. The principle of the development remained acceptable and not under review. The development was largely complete.

- Play equipment

The loss of the Shimmy Plus play apparatus to be replaced with the Eccup Plus play apparatus was considered appropriate given the benefits to younger children resident on the estate. The alteration would also reduce the potential for overlooking from the apparatus into habitable windows within the nearest residential property.

- Layout

The revised layout was acceptable as a suitable change.

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

There ensued a member discussion focusing on whether the proposed equipment responded to the specific need for facilities to be provided for a range of ages (younger and older children). The timing of when the equipment could be provided was also discussed. It was recognised during the discussions that the proposed equipment would respond to the issues of amenity that currently existed with the unauthorised structures on site. However, some members considered it did not respond to the age range matter, in contrast to the provision previously proposed.

Following member discussion, and the questions raised to the speakers, Councillor M Jenkinson moved refusal on the grounds that the application for the development was contrary to policy S25 of the Allerdale Local Plan Part 1 (2014), specifically criterion e) as the specific provision proposed failed to address the deficiency in the provision of play and recreation spaces designed for children and young people.

This was seconded by Councillor D Wilson.

A vote was taken on the motion for refusal on the grounds that the application for the development was contrary to policy S25 of the Allerdale Local Plan Part 1 (2014), specifically criterion e) as the specific provision proposed failed to address the deficiency in the provision of play and recreation spaces designed for children and young people, 8 voted in favour, 3 against and 0 abstentions. The motion was carried.

Resolution

Refused.

Reasons for Refusal

The development was contrary to policy S25 of the Allerdale Local Plan Part 1 (2014), specifically criterion e) as the specific provision proposed failed to address the deficiency in the provision of play and recreation spaces designed for children and young people.

178. 2.2018.0374 - Non compliance with condition 16 of approval 2/2013/0445 for the removal of play area - Land Off, Bellaport Gardens, Harrington, Workington

Representations

Councillor H Harrington spoke on the application as Ward Councillor.

A pre-prepared statement was read out on behalf of the agent Rachael Graham in support of the application.

Application

The report recommended delegation of the responsibility to grant permission subject to conditions to the Head of Place Development upon;

- A. The completion and signing of a multilateral s106 agreement to secure obligations relating to the provision of a pedestrian crossing on Church Street, and
- B. Receipt of a signed copy of the draft unilateral undertaking to secure £20,000 for the provision and maintenance of children's play equipment in the Harbour Area play area or for an obligation to be included within the multi-lateral agreement for an appropriate local, accessible off-site provision.

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

- Principle of the development

The merits of the residential development itself had been approved and implemented under the original permission 2/2013/0445.

The principle of the development remained acceptable and not under review. The development was largely complete.

- Approved play area under 2/2013/0445

Officers acknowledged that there were identified constraints relating to the approved site area for the play equipment under the planning permission due to its detached location from the residential areas of the development itself and its access route's steep gradient.

- Alternative site

There was little practical alternative opportunity to accommodate the play area elsewhere within the approved housing development. The alternative location at the harbour related to an existing established play area in the locality which was in proximity and accessible from the residential estate. On its individual planning merits the alternative was therefore considered acceptable.

The documented evidence in the report outlined that there was a need for this equipment. Members were therefore requested to consider three main issues;

1. The choice of the site for the play equipment. The original permission's condition and details stood and could be enforced. However officers outlined that there were constraints relating to the approved site. It had physical limitations for its practical use.
The only other play area in the immediate vicinity was at the Marina which had recently been purchased by the Town Council. The report recorded that as being at a direct distance of 475m distance but officers verbally confirmed at the meeting that, via the best practicable walking route, it was 533m from the nearest permitted dwelling and 643m from the furthest. Officers considered there would be wider community benefits in expanding those facilities.
Amount of equipment – the level of equipment on the original permission was identified and approved under condition. Further to the granting of the permission the Council had adopted a Supplementary Planning Document for calculating the sum for off-site contributions reasonably required to make a development acceptable.
2. Using the Supplementary Planning Document (SPD) calculated the required contribution was £8.5k for the equipment and £11.5k for ongoing maintenance. The Town Council had requested £50k but had not included any evidence base on how that sum was identified. Officers considered the applicant's £20k accounting for the SPD guidance was acceptable in this instance.
3. Delivery – the delay in the delivery of this outstanding matter was acknowledged. The applicant had endeavoured to engage with the development's residents to understand their perspective on the options. It was recognised the need to resolve the matter within a short term timescale. Should either party dispute the findings it was recommended that the details be returned for consideration by the Panel at their December meeting.

If both the developer and the Town Council accepted the s106 recommendation it was hoped to conclude the s106 within 3 months and deliver the items within 6 months.

If refused it was suggested it be a breach of the original condition notice 9, and would be given 3 months to rectify the situation.

Another separate matter on the original s106 was the highway contribution which was requested by Cumbria County Council to deliver a pedestrian crossing over Church Road. The developer provided a sum to the County Council in 2015 but the County Council had yet to implement those works. The County had advised that they hoped those could be provided within the early next financial year, but if necessary could contract out to a private contractor. The developer could claw back that sum at the end of the 5 years. It was considered such contributions should only be used if they were essential. Officers considered the provision still reasonably required to make the development acceptable and commensurate in scale to the development. It was therefore recommended that the revised s106 include the additional caveat of delivering the facility within 6 months of the date of the permission.

Following questions raised to the speakers, a discussion by members ensued specifically in relation to whether the off-site enhanced existing play facilities were reasonably accessible from the development, it being noted by some members that the distance was in excess of the SPD's guidance. Members that had visited the site in the morning commented that the route followed relatively busy roads with no safe marked crossing points. The previously permitted on-site provision was, some members proffered, conveniently accessible.

Councillor T Annison then moved refusal on the grounds that there was a need for a play and public open space provision arising from the development. There was no such existing provision within the area that was within an acceptable walking distance of the site. Therefore, in the absence of an on-site provision and the ability for residents of the development to access an off-site provision, the development was contrary to policy S25 of the adopted Allerdale Local Plan part 1 2014.

This was seconded by Councillor D Wilson.

A vote was taken on the motion for refusal, 8 voted in favour, 3 against and 0 abstentions.

The motion was carried.

Resolution

Refused.

Reason for Refusal

There was a need for a play and public open space provision arising from the development. There was no such existing provision within the area that was within an acceptable walking distance of the site. Therefore, in the absence of an on-site provision and the ability for residents of the development to access an off-site provision, the development was contrary to policy S25 of the adopted Allerdale Local Plan part 1 2014.

Councillor T Annison moved to the public gallery.

179. 2.2018.0190 - Erection of a 2 storey detached 4 bedroom family dwelling - Land North of Friar Row, Friar Row, Caldbeck, Wigton

Representations

Mr Tim Cartmell spoke in support of the application.

Councillor Norman Atkinson spoke on behalf of Caldbeck Parish Council in support of the application.

Councillor Tony Annison spoke in support of the application on behalf of ex Ward Councillor Duncan Fairbairn.

The applicant, Johnny Coulthard and the agent, Daniel Addis spoke in support of the application.

Application

The report recommended refusal.

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

- Principle of the development

The site was within a sustainable village location in terms of access to amenities and services. However, the benefit of providing a dwelling in this village location must be balanced, applying the NPPF's tilted balance, against the sensitivity of the site, with regard to impact on heritage assets (to include the setting of nearby listed buildings, the impact on the Caldbeck Conservation area and the proximity to the National Park) and also the safeguarding of protected species and habitats, and the loss of trees and hedgerow.

- Heritage Assets

Concern about the impact on the character and appearance (the significance) of the designated Conservation area, particularly from the loss of the mature tree T1 (tree planting is proposed to the rear of the site rather than addressing the visual amenity from Friar Row).

Lack of detail had been provided on the 'significance' on the heritage assets as required by the NPPF 2018.

There was officer concern on the visual proximity to the listed buildings/structures to the south of the site notably the grade 1 listed St Kentigern Church, the listed church bridge and the rectory building and walls.

- Design, Layout

The siting of the dwelling was not accepted, due to its impact on the character and appearance of the conservation area and the setting of listed buildings, exacerbated through the loss of mature tree T1, which would adversely affect the historic rural character and distinctiveness of the area.

- Trees and Ecology

The two mature Beech trees, T1 and T2, had estimated trunk diameters of 99cm and 91cm at 1.5m above the ground level respectively. Their heights were about 19-20m.

Loss of tree T1 beech (TPO) was not accepted, notwithstanding a proposed tree replanting scheme. The replanting scheme appeared to be to the north of the site and that would not screen the dwelling from the heritage assets or users of Friar Row road and nearby footpaths.

Matters of ecology could be safeguarded by planning conditions with appropriate mitigation.

The removal of part of the hedgerow was accepted subject to a replanting scheme as proposed to accommodate the vehicular access from Friar Row.

- Access and parking arrangements

The site was accessed from the highway off Friar Row. Visibility splays could be safeguarded via a planning condition. Access and parking was satisfactory from a highway safety point of view.

- Foul and surface water

Foul to mains.

Further details required on surface water arrangements required to be secured by planning condition.

- Residential amenity

No adverse impact on residential amenity from loss of light or overlooking.

Residential amenity, in perpetuity, could be secured via a section 106 agreement to remove the redundant slurry store to the north of the site and to restrict the adjacent agricultural building from the housing of livestock. This had been agreed in principle with the adjacent land owner but the section 106 had not been completed.

- Tilted balance

Officers must consider the merits of providing the proposed dwelling in the location in the village of Caldbeck against the significant and demonstrable harm from the loss of a TPO Tree T1 beech (notwithstanding the proposed replanting scheme) and the harm resulting from the proposed layout and massing on designated heritage assets.

Officers considered the proposal would have an adverse impact in terms of visual amenity and on the character of the locality, the conservation area and setting of the listed church buildings nearby. That would significantly and demonstrably outweigh the benefit of providing just one dwelling, when assessed against the policies in the Local Plan 2014 and the NPPF 2018 when taken as a whole.

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

Following member discussion, and the questions raised to the speakers, having concurred with the weighting of policy and material considerations detailed in the report Councillor M Grainger moved approval on the grounds of applying the titled balance; that the public benefit of providing a family dwelling which enhanced the character and appearance of the designated conservation area and preserved the setting of the listed buildings considerably outweighed any adverse impacts, and moved that it be delegated to officers to draw up a s106 agreement to seek the removal of the slurry store which he considered was required to make the development acceptable and subject to conditions. This was seconded by Councillor D Wilson.

A vote was taken on the motion for approval, 5 voted in favour, 5 against and 0 abstentions. The Chair gave the casting vote making it 6 against. The motion was lost.

Councillor B Miskelly moved refusal for the reasons given in the officers' report. This was seconded by Councillor J Farebrother.

A vote was taken on the motion for refusal as per the officer's recommendation, 5 voted in favour, 5 against and 0 abstentions. The Chair gave the casting vote making it 6 in favour. The motion was carried.

Resolution

Refused.

Reason for Refusal

The development by virtue of introducing a dwelling of the siting and massing proposed will neither preserve nor enhance the character and appearance of the Caldbeck Conservation Area. The felling of the Beech tree (T1) and introduction of the form proposed results in the loss of one of the few fields that penetrate into the built envelope of the village and defines the historic character

of the settlement. The loss is particularly harmful given the juxtaposition with the Bridge and Church.

As such the proposal is contrary to the provisions of policy S27, S32 and DM17. of the adopted Allerdale Local Plan Part 1 2014.

The setting of both the Church of St Kentigern and the packhorse Bridge will not be preserved by the introduction of a dwelling of the siting and massing proposed. Much of the historic setting of these assets has been lost but the application site is one of the remaining fields in close proximity that defined this historic setting and materially contributes to the significance of these assets.

The development would result in the irrevocable loss of the field and harm to the significance of the assets, this harm not being outweighed by the minimal public benefits arising from the proposal.

As such the proposal is contrary to the provisions of policy S27, S32 and DM17. of the adopted Allerdale Local Plan Part 1 2014.

The extent of damage to the significance of the conservation area has not been appraised in detail by the applicant at variance with paragraph 189 of the NPPF 2018

The cumulative adverse impact would demonstrably and significantly outweigh the benefits of the proposal.

The meeting closed at 4.33 pm