

At a meeting of the Development Panel held in Council Chamber - Allerdale House, Workington on Tuesday 2 April 2019 at 1.00 pm

Members

Councillor Peter Bales (Chair)
Councillor Tony Annison
Councillor Nicky Cockburn
Councillor Malcolm Grainger
Councillor Ron Munby MBE
Councillor Bill Pegram
Councillor David Wilson

Councillor Carole Armstrong
Councillor Janet Farebrother
Councillor Anthony Markley
Councillor Jim Osborn
Councillor Philip Tibble

Apologies for absence were received from Councillor Billy Miskelly Councillor Mark Jenkinson

Staff Present

S Brook, C Fearon, L Jardine, K Kerrigan, S Long, J Lord, A Seekings, S Sewell, S Sharp and S Tranter

441. Minutes

The minutes of the meeting held on 05 February 2019 were signed as a correct record.

442. Declaration of Interests

None Declared

443. Questions

None Received

444. 2/2018/0372 - Demolition of existing dwelling and re-development to provide part residential development and part allotments (outline with all matters reserved), Land rear of Moor House, Marsh Terrace, Ellenborough, Maryport

Representations

Craig Thompson spoke against the application

Councillor Peter Kendall on behalf of Maryport Town Council spoke against the application

The Agent Leah Cole spoke in support of the application.

Application

The report recommended to grant permission subject to conditions and the signing of a S106 agreement to secure 20% affordable housing and for a fee to cover the costs of a modified traffic regulation order to secure highways works resulting from the creation of a new access off the A594.

The Senior Planning Officer introduced the item advising that this item had been deferred at the March 2019 meeting of the panel to permit a panel site visit, confirming that the visit had taken place.

The Senior Planning Officer also confirmed that Building Control Officers have looked at the stability of an existing structure positioned between Moor House and 12 Marsh Terrace. The structure is not considered to be dangerous.

The Senior Planning Officer then went through the main issues as detailed in the report.

Principle of Development

Maryport is a key service area; this site however is largely a Greenfield site. Part 2 of the local plan demonstrates that Greenfield sites will need to be brought forward for development. The site has good transport links, is within walking distance and 15 housing units would bring a positive contribution to the towns housing supply.

Allotments

Allotments are afforded protection as part of the local plan and they make a positive contribution to health and wellbeing. 576sqm is currently in use as allotments and the indicative plan includes this as a provision, controlled by conditions 12 and 24.

Access and Parking

The site is considered to be in a sustainable location. The proposal will create a new access from the A594 and this has not raised any objections from the Highways Authority subject to conditions. The access would require visibility splays of 60m; this would restrict parking on Marsh Terrace. Alternative parking will be provided within the application site, secured by conditions. It is acknowledged that replacement car parking will be less convenient; however it would improve the safety for residents and reduce the risk of their vehicles becoming damaged from traffic on the A594.

The issues of trees, ecology, heritage, ground conditions, stability and drainage will be dealt with by conditions and at the reserved matters stage of the proposal.

The Senior Planning Officer went on to explain that the adverse impacts of the proposal have been mitigated to an acceptable level and that the negative effects of the proposal would not outweigh the benefits of providing additional housing, including 20% affordable housing in a sustainable location.

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 of the officers and debate followed relating to car parking, principle of the development, bats, allotments, and traffic and ground conditions.

Some members were also concerned about parking and allotment provision during construction.

Councillor Bales moved to approve the proposal, as per officer's recommendations.

The motion was seconded by Councillor Tibble.

A vote was taken on the motion to approve, 5 voted in favour, 6 against with 1 abstention.

The motion was lost.

Councillor Farebrother then moved to refuse the application, although no planning reasons were specified. The Head of Place Development and the Planning and Building Control Manager explained that section 70 of the Planning Act 1990 enables councils to refuse applications but Article 35 (1) b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) requires full reasons for refusal are provided, specifying all policies and proposals in the development plan which are relevant to the decision.

The meeting was adjourned to permit time for the councillor to provide reasons for refusal and citing of relevant policies. Officers provided administrative support to the councillor during this adjournment.

Following the adjournment, Councillor Farebrother withdrew her motion.

Further debate then ensued specifically in relation to future management of the proposed allotments.

Councillor Armstrong then moved to approve the proposal with an amendment to condition 12 to include a scheme of management for the proposed allotments.

The motion was seconded by Councillor Munby.

A vote was taken on the motion to approve with the amended condition 12, 9 voted in favour, 1 against with 1 abstention.

The vote was carried.

Resolution

Permission granted subject to conditions and signing of s106 relating to TRO as per officer's recommendation, except for addition to condition 12 – Allotment management.

CONDITIONS

Time Limit:

1. 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.c

In Accordance

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

Amended Plan 5147-02C Location Plan 21.01.19

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.

Pre-commencement conditions:

3. Before any development commences details of the layout, scale and appearance, access 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 (Development Management Procedure) Order 2015.

4. 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.

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.

5. Should land affected by contamination be identified following site investigations 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.

6. Construction Management Plan:

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) 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.

(b) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.

(c) A written procedure for dealing with complaints regarding the construction or demolition;

(d) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);

(e) Programme of work for Demolition and Construction phase;

(f) Hours of working and deliveries;

(g) 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.

7. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

(a) Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;

(b) details of proposed crossings of the highway verge;

(c) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;

(d) cleaning of site entrances and the adjacent public highway;

(e) details of proposed wheel washing facilities;

- (f) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
 - (g) construction vehicle routing;**
 - (h) the management of junctions to and crossings of the public highway and other public rights of way/footway;**
 - (i) surface water management details during the construction phase**
- Reason: In the interests of highway safety.

8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.

9. No development shall commence until a detailed assessment of noise and odour emanating from the adjacent restaurant at the former Crown Inn, Main Street, Maryport, has been submitted for approval in writing by the Local Planning Authority.

The report shall be carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines. The aim of the report will be to establish whether any proposed housing could potentially be impacted by noise and odour and a scheme of mitigation measures to alleviate any unacceptable impacts. The approved scheme of mitigation shall be implemented prior to the beneficial occupation of the dwelling houses hereby approved and shall be permanently retained thereafter.

Reason: To ensure an acceptable standard of housing environment in accordance with policy S4 of the Allerdale Local Plan (Part 1), Adopted July 2014.

10. Prior to the commencement of works, details of a surface water drainage scheme, including any attenuation measures to demonstrate that no greater run off rate than the existing greenfield rate from the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any of the dwelling houses hereby approved.

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.

11. Any application for reserved matters of scale and/or layout shall include plans showing the following:

- (a) Cross sections through the site, including the relationship of proposal to offsite properties to the northern, southern and eastern boundaries of the site;**
- (b) Details of existing and proposed ground levels;**
- (c) Proposed finished floor levels of buildings;**
- (d) Levels of any paths, drives, garages and parking areas; and the development shall be carried out in accordance with the details so approved.**

Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.

12. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a schedule of works for the managed replacement of the existing allotments on site. Before use of the development commences, details of the ongoing management and maintenance arrangements for the replacement allotments once complete shall be submitted to the Local Planning Authority for approval. The development (including the construction phase) shall be undertaken only in accordance with the approved schedule of works and the allotments shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure the replacement allotment provision is delivered in a safe and timely manner and thereafter managed and maintained appropriately, in accordance with Policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.

13. The carriageways, footways, footpaths, cycle ways etc. shall be designed and constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/ cross sections, shall be submitted to the Local Planning Authority for approval before work commences. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

14. Any application for reserved matters of layout shall include plans showing the provision of allocated parking spaces for residents of Marsh Terrace of a number that is the same as or exceeds that number identified to be lost due to creation of the new access and associated visibility requirements. A detailed scheme for the temporary and permanent arrangements for the provision of these parking spaces during the construction phase and once the development is completed, shall be submitted to the Local Planning Authority for approval in writing before the development commences. The approved scheme shall be adhered to at all times during the construction phase and the permanent arrangements shall be provided as approved and retained and made available for use for the lifetime of the development.

Reason: To ensure adequate alternative parking provision is made available to compensate for that parking provision on street that will require removal as a result of the development in the interests of highway safety and residential amenity, in accordance with policies S5, S22 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

15. The development shall not commence until:

(1) Visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel 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.

(2) Measures have been put in place on the County highway to ensure that parking on street within the visibility splays is restricted.

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-commencement/Pre use commencing conditions:

16. Should a remediation scheme be required under condition 5, 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.

17. 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.

18. No development shall be occupied until the details of future drainage management and maintenance are agreed in writing with the Local Planning Authority. The development shall thereafter be maintained and managed at all times in accordance with the approved details.

Reason: To ensure that the surface water system continues to function as designed.

19. No part of the development hereby permitted shall be constructed above ground floor level until details of all external and roofing materials have been submitted to and approved by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.

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.

20. Details of the siting, height and type of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling(s) or the use of the allotments commencing. Any such means of enclosure shall be constructed prior to the approved development being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed or replaced 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.

21. Any areas of parking or open space within the approved layout and landscaping scheme that do not fall within private domestic gardens or curtilages shall be maintained at all times in accordance with a Landscape Management Plan that has been submitted to and approved in writing by the Local Planning Authority before any dwellings hereby approved are brought into use.

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

22. No dwellings shall be occupied until the estate road, including footways and cycle ways to serve such dwellings, has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety of the occupiers of residential units hereby approved.

23. The dwellings/land use hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan and have been made available for use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

Other:

24. Any new housing adjacent to or adjoining the northern boundary of the site shall be limited to single storey only.

Reason: It is considered that development shall be limited to single storey in this location taking into account the site conditions, levels and character of the surrounding area, in compliance with the National Planning Policy Framework

and Policy S4, S5 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

25. The development hereby permitted shall be limited to the construction of 15 dwelling houses only.

Reason: No information has been provided to demonstrate that a greater number of residential units could be provided on site without having a significant adverse impact on the locality by way of residential amenity and standard of housing environment, in accordance with policies S4, S32 and DM14 of the Allerdale Local Plan Part 1.

26. The development hereby approved shall provide for a minimum of 576sqm of land to be laid out for use as allotments.

Reason: To ensure an adequate replacement allotment provision in accordance with Policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.

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

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

Advisory Note – Noise and Odour

The Noise and Odour Assessment required by condition 9 will be required to inform the layout and design of the proposed housing. The Local Planning Authority would therefore advise that this document be prepared and submitted for approval with any reserved matters application seeking approval of layout.

Advisory Note – Bats

The Council seeks to highlight that their planning decision has been determined based on the merits of the submitted evidence and the proposal. Should any protected species be discovered during the course of implementing the development works, then under the provisions of the Wildlife and Countryside Act 1981, works should cease and further guidance should be sought from Natural England at:

Natural England
County Hall, Spetchley Road
Worcester
WR5 2NP

Email: enquiries@naturalengland.org.uk

Telephone: 0300 060 3900

Opening times: 8:30am to 5pm, Monday to Friday (excluding public holidays)

The Council emphasise that any harm to a protected species or its habitat constitutes a criminal offence under the above statutory Act and may be subject to legal prosecution.

445. 2/2018/0542 - Demolition of existing bungalow and replacement with 8 dwellings, 74 St Helens Street, Cockermouth

Representations

Ward Councillor Alan Smith spoke against the application

The Agent, Stuart Woodall spoke in support of the application

Application

The report recommended to grant permission subject to conditions.

The Senior Planning Officer went through the main issues as detailed in the report.

Demolition

The existing property is modern with little architectural and historic value. Its grounds have fallen into dereliction with a mixed material front wall. The site is within the Conservation Area and there are no objections to the demolition works, subject to a satisfactory redevelopment scheme.

Principle of new housing

The development does not raise matters of the any extension of designated settlement limits boundaries. Cockermouth represents a sustainable location for additional housing growth and this site represents a sustainable location within walking distance of the town service and amenities.

Housing Density

The proposal offers a contribution to the smaller sized family house within the towns overall housing supply. Spatially each dwelling incorporates two off street parking spaces as well as their respective domestic curtilages. The site is modern in its surroundings; despite concerns over overdevelopment, the housing density is acceptable.

Layout

Layout is dictated by the access junction on St Helens St in securing the required visibility splays and the gradient of the site. The front terrace reflects the terracing elsewhere in the street scene with the detached houses recessed but creating a courtyard.

Design

The design incorporates contemporary element but these overall retain the local characteristics of the conservation area. The design also limits any loss of amenity to neighbours.

The Senior Planning Officer went to explain that children on their way to school would be safeguarded by a condition restricting delivery hours in the construction management plan. In relation to flooding, this would be addressed by attenuation to reflect the Greenfield run off rates plus allowances for climate change.

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 officers and debate followed in relation to local infrastructure, cumulative development and car parking.

Councillor Tibble moved to approve the proposal, as per officer's recommendation.

The motion was seconded by Councillor Munby.

A vote was taken on the motion, 10 voted in favour of the motion, 2 against and 0 abstentions.

The motion was carried.

Resolution

Permission granted subject to conditions as per officer's recommendation.

CONDITIONS

Time Limit

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.

In accordance

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

Site Location Plan

Block Plan

1052 01 Existing Site Plan

1052 03 Rev B Proposed Plots 1-4

1052 04 Proposed Plots 5-8

1052 07 Drainage Plan

1052 08 Road Design

Amended Plan 1052-03D House Plans 14.02.19.pdf

Amendment Stage 1 Road Safety Audit 30.01.19.pdf

Amended Plan 1052-02I Planning Site Plan 30.0.1.19.pdf

Amended Plan 1052-09 Exceedance Plan 30.01.19.pdf

Additional Information 08.03.19.pdf

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.

Pre-commencement

3. 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) Hours of delivery (allowing for exclusions during peak hours of school pedestrian movements)**
- (c) 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.**
- (d) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
- (e) A written procedure for dealing with complaints regarding the construction or demolition;**
- (f) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- (g) Programme of work for Demolition and Construction phase;**
- (h) Hours of working and deliveries;**
- (i) Details of lighting to be used on site;**
- (j) Highway signage/ Haulage routes.**
- (k) Drainage risk assessment method statement, No constructional built development shall be undertaken within 2.5m distance on the western side of the existing water main traversing along the eastern boundary of the application site without the written consent of the local planning authority**

Reason: To safeguard existing water infrastructure on the application 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 and in the interests of highway safety.

4. Prior to the commencement of any development (excluding demolition works), a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and

approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer should be restricted to existing greenfield runoff for any storm event.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. The carriageway, footways and footpaths shall be designed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is fully occupied.

Reason: To ensure a minimum standard of construction within the approved development in the interests of highway safety.

During works

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

Reason: To secure proper drainage and manage the risk of flooding and pollution.

7. No part of the development hereby permitted shall be constructed above ground floor level until details and representative samples of all 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 including the setting of the Conservation Area in compliance with Policy S27 of the Allerdale local plan, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

8. Notwithstanding the submitted details, evidence of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the construction of any dwelling above ground floor level. Any such walls/fences etc. shall be constructed prior to the approved building being brought into use/occupied. 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 including the setting of the Conservation Area in compliance with Policy S27 of the Allerdale local plan (Part 1)

9. No part of the development hereby permitted shall be built above ground floor level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

10. No dwellings shall be built above ground floor level until the access roads, as approved, are defined by kerbs and sub-base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage as part of the construction phase of the layout of the approved estate.

Pre occupation

11. Prior to the occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development. This condition is imposed in light of policies within the NPPF and NPPG.

12. None of the dwellings hereby approved shall be occupied until visibility splays providing clear visibility of 43m (to the west) and 81m (to the east) x 2.4 metres 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.

13. The dwellings hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan to base course level and street lighting has been provided and brought into use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

14. Before any dwelling is occupied the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: To minimise highway danger and the avoidance of doubt.

Post occupation

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development to the front elevation of the terrace facing onto St Helens Street falling within Classes A-H of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the appearance of the sites street frontage including the setting of the Conservation Area in compliance with Policy S27 of the Allerdale Local Plan (Part 1) 2014.

16. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of highway safety and environmental management.

446. 2/2018/0551 - Outline application for B1 development including access junction, Land at Low Road, Cockermouth

Representations

The agent Michael Sandelands of HFT Gough & Co spoke in favour of the application.

Application

The report recommended to grant permission subject to conditions.

The Planning and Building Control Manager went through the main issues as detailed in the report.

Economic Benefits

The proposal would make a positive and significant contribution in terms of further investment within Cockermouth and the creation of further employment opportunities.

Location

The site is suitably located with an acceptable walk in distance of residential areas, connected by lit, segregated footways and a bus service.

The site is bordered by existing development, the bypass and Low Road. As such there is no significant visual amenity or landscape impact.

Odour

There are considerations of odours arising from the juxtaposition with the Water Treatment Plant. The impact is such that conditions and the layout reserved matters can respond to this issue and permission need not be withheld.

Highway Safety

Access is not reserved for subsequent approval. The proposed highways arrangements are considered acceptable. The Highways Authority raises no objection.

The Building and Control Manager went on to explain to members that this proposal supports the objectives of the local plan and that the location is sustainable but with minimal visual impact. In terms of the development no alternative sites are available in Cockermouth. The Building and Control Manager then explained the cumulative impact of the proposal and that the site compliments the Town Centre.

In relation to noise from the development, the Environmental Protection Manager explained that the noise levels are acceptable.

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 officers and debate followed in relation to noise, traffic, and the need for this development.

Councillor Grainger moved to approve as per officers recommendation.

The motion was seconded by Councillor Munby.

A vote was taken on the motion to approve the application, 9 voted in favour, 2 against and 1 abstention.

The motion was carried.

Resolution

Permission Granted subject to conditions as per officer's recommendation.

CONDITIONS

Reserved matters submission

1. Before any development commences details of the layout, scale and appearance and the landscaping of the site (thereafter 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.

2. 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.

3. Any application for reserved matters of scale shall include plans showing the following:

(a) Cross sections through the site;

(b) Details of existing and proposed ground levels;

(c) Proposed finished floor levels of buildings;

(d) Levels of any paths, drives, garages and parking areas; and the development shall be carried out in accordance with the details so approved.

Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.

4. The layout Reserved Matter shall be accompanied by an odour assessment to include location of each unit, dispersion modelling of odour from the waste water treatment plant and resultant odour levels at the proposed units.

Reason: To ensure a suitable standard of amenity is achieved for future occupiers of the site in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

5. As part of the submission of the layout reserved matters, the applicant shall submit to the local planning authority for approval in writing a survey to identify the location of any water main and drainage infrastructure within the site and details of the associated access, repair and maintenance strips agreed with United Utilities. Thereafter no development shall be sited within the agreed access, repair and maintenance strips.

Reason: In the interest of public health and to ensure protection of the public water supply and wastewater infrastructure.

6. The Reserved Matter for appearance shall be accompanied by a noise assessment that provides mitigation measures to safeguard the occupiers of the B1 units from noise from the sewage works and nearby highways and details of the ventilation systems proposed.

Reason: To ensure a suitable standard of amenity is achieved for future occupiers of the site in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Accordance with plans

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

12.07.771-01 Location Plan

C001 Rev B Proposed Site Access

Access Appraisal

Flood Risk Assessment

Odour Assessment

Letter from SLR received 22 February 2019

Odour Assessment received 22 February 2019

Assessment of Likely Significant Effect

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.

Pre-commencement

8. The carriageway, footways and footpaths, cycleways etc. shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and, in this respect, further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any works commence on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is fully occupied.

Reason: To ensure a minimum standard of construction within the approved development in the interests of highway safety.

9. The development shall not be commence until visibility splays providing clear visibility of 120 metres x 2.4 metres x 120 metres measured down the centre of the access road and the nearside channel line of the major road, and centre of the road where appropriate, 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.

10. Details of the pedestrian refuge as shown on drawing number C001 revision B shall be submitted to the Local Planning Authority for approval. The use of the development shall not be commenced until the pedestrian refuge has been fully installed in accordance with the approved details.

Reason: In the interests of highway safety.

11. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed prior to the development being brought into use.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

12. Full details of the highway surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: in the interests of highway safety and environmental management in compliance with the National Planning Policy Framework and policy S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

13. No development shall commence until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be in accordance with the principles within the submitted Flood Risk Assessment reference D/I/D/87883/008 dated June 2017 and:

(i) Shall include an investigation of the full hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) and the potential for infiltration of surface water in accordance with BRE365;

(ii) shall be designed to meet the requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards;

(iii) no surface water, highway drainage or land drainage shall discharge to the public sewerage system either directly or indirectly; and

(iv) include a timetable for its implementation.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in compliance with the National Planning Policy Framework and Policy S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

14. No development shall commence until details of the means of ensuring water and wastewater infrastructure that is laid within and adjacent to the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing.

The details shall outline the potential impacts on the water and wastewater infrastructure from all construction activities and the impacts post completion of the development on the water and wastewater infrastructure within and adjacent to the site and identify mitigation measures to protect and prevent any damaged to the water and wastewater infrastructure. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply and wastewater infrastructure.

15. 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, 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 (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.

16. Prior to the commencement of the development, detailed mitigation measures for the prevention of pollution of controlled waters from operational surface water run-off shall be submitted to the Local Planning Authority for approval. The approved mitigation measures shall be implemented before the development is brought into use and shall be maintained and retained in operational use for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies S29, S32, S35 and S36 of the Allerdale Local Plan (Part 1) 2014.

17. 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.

18. Should land affected by contamination be identified under the desktop study condition 17 following site investigations 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.

Before development's first use

19. Should a remediation scheme be required under condition 18, 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.

20. The use shall not commence until the access and parking arrangements have been constructed in accordance with the approved plan and layout reserved matters and shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure that proper access and parking provision is made and retained for use in relation to the development.

Other

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

Reason: To ensure proper drainage and to manage the risk of flooding and pollution.

22. 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.

Notes to applicant

United Utilities records show there is an easement affected by crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 27/03/2018 UU Ref: 70/00016 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

447. PIP/2019/0001 - Application for permission in principle for new residential development, Pine Trees

Representations

The applicants, Karen Law and Paul Boustead spoke in support of the application.

Application

The report recommended refusal.

The Senior Planning Officer introduced the item confirming that members attended a site visit, and that members are only required to consider the principle of the development only, which could be a minimum of 1 dwelling or a maximum of 5 dwellings.

The Senior Planning Officer went on to explain that the principle is unacceptable due to the juxtaposition of the site to existing farming activities and the relationship of the site and its access to existing dwellings, and that the provision of homes would not outweigh the negatives from the proposal.

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 officers and debate followed in relation to settlement limits.

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

The motion was seconded by Councillor Wilson.

A vote was taken on the motion, 10 voted in favour, 0 against and 2 abstentions.

The motion carried.

Resolution

Refused as per officer's recommendation.

448. CAT/2019/0004 - Prune two trees, 12 Derwentside Gardens, Cockermouth

Application

The application recommends that the section 211 notice for the works to the two trees is approved and no tree preservation order is made in respect of these trees.

The Planning and Building Control Manager presented the item, advising that this application is before the panel as the applicant is an officer of this Council.

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

Councillor Cockburn moved to approve the application.

The motion was seconded by Councillor Annison

A vote was taken on the motion, 12 voted in favour, 0 against, 0 abstentions.

The motion was carried.

Resolution

Approved as per officers recommendation.

The meeting closed at 4.15 pm