

At a meeting of the Development Panel held in Council Chamber - Allerdale House, Workington on Tuesday 4 June 2019 at 1.00 pm

Members

Councillor Nicky Cockburn (Chair)
Councillor Allan Daniels
Councillor Daniel Horsley
Councillor Adrian Kirkbride
Councillor Ron Munby MBE
Councillor Alan Smith

Councillor Malcolm Grainger (Vice-Chair)
Councillor Joan Ellis
Councillor George Kemp
Councillor Elaine Lynch
Councillor Andrew Semple
Councillor Alan Tyson

Apologies for absence were received from Councillor Carole Armstrong and Councillor Janet Farebrother

Staff Present

J Eaton, A Gilbert, L Jardine, K Kerrigan, S Long, S Sewell and S Sharp

12. Minutes

The minutes of the meeting held on 02 April and 30 April 2019 were signed as a correct record.

13. Declaration of Interests

None Declared

14. Questions

None Received

15. OUT/2019/0004 - Outline application for residential development, Birkby Lodge, Crosby

Application

The report recommended granting permission subject to conditions.

The planning officer introduced the item and confirmed that the development panel had attended a site visit.

The planning officer then went through the main issues as detailed in the report.

Principle of Development

Although the site is beyond any settlement limit, it is well related and sustainable. The provision of small scale housing development is appropriate for Crosby and therefore supported in principle.

Layout

A low density development was preferred in order to respect the rural, edge of settlement location and the landscape setting of the listed building. The layout offers 9 dwellings on large plots with an emphasis on an inward looking development bringing a sense of community and with the majority of existing trees retained with additional planting.

Landscaping/Trees

A full landscaping scheme has been provided to detail all planting and tree removal and can be conditioned for implementation and retention.

The applicant has submitted a tree survey that identified the Scots Pine, subject to a Tree Preservation Order as a less than perfect specimen with a limited life. A replacement Beech tree has been identified which will be planted to achieve the same focal point at the centre of the site.

Heritage Assets

The proposals as a whole are not considered harmful to the listed buildings appearance and its setting.

The listed building is within close proximity to Hardians Wall World Heritage Site and the applicants Heritage Statement highlights a long history of civilisation within the locality. Further archaeological investigations are required by condition before development commences.

Access

A new independent access is to be formed fronting the A596. To achieve visibility splays of 120 metres, a speed restriction of 40mph is required as well as enhancements to the road, such as slow signs. The Highway Authority has accepted this in principle.

Adequate driveway and garage parking is proposed to meet parking standards.

Surface Water Drainage

A satisfactory solution can be reached regarding drainage. The strategy for attenuated discharge via an existing field drain to Scad Beck is 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 officers and debate followed relating to heritage, visibility splay, the impact on local infrastructure, street lighting, drainage and access.

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

The motion was seconded by Councillor Munby.

A vote was taken on the motion to approve, 11 voted in favour, 1 against and 0 abstentions.

The motion was carried.

Resolution

Permission granted subject to conditions as per officers recommendations

CONDITIONS

Time Limit:

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.

In Accordance:

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

DWG 01 Site location plan

DWG 02 Layout plan

DWG 03 landscaping plan

DWG 04 Landscaping schedule

Access Appraisal

A107822 Archaeological and Heritage Assessment

DWG C001 Rev B Access Arrangements (amended plan 18/3/2019)

A107822 Drainage and Flood Risk Assessment

Drainage Outfall Plan (amended plan 18/3/2019)

EES18-104 Ecological Survey

A107822 Geo-Environmental Desk Top Study

EES18-104 Tree Survey

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.

3. The development shall be undertaken only in full accordance with the recommendations and mitigation measures within the submitted Ecological Survey EES18-104 and EES18-104 Tree Survey.

Reason: In the interests of the safeguarding and management of arboricultural interests and in the interests of general biodiversity.

Pre-commencement conditions:

4. Before any development commences details of the scale and appearance (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.

5. 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.

6. The carriageway, footways, footpaths, cycleways etc. shall be designed, 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 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 complete.

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

7. Before development commences, details of a highway 'gateway feature', as shown on plan ref C001 Rev B, incorporating additional and relocated signage that enforces local speed limit restrictions to support the achievable visibility splays, shall be provided and approved in writing by the Local Planning Authority. The works shall be implemented before the development commences in conjunction with a Section 278 Agreement with the local Highway Authority.

Reason: In the interests of highway safety

8. The development shall not commence until visibility splays shown on the approved plans providing clear visibility of 120 metres measured 2.4 metres 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) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

9. 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.

10. Before development commences, further details of the surface water drainage system including system management and maintenance shall be provided to the Local Planning Authority and approved in writing. 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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated December 2018 proposing surface water discharging to the culvert (or other sustainable strategy). The development shall be completed, maintained and managed in accordance with the approved details.

Reason: In order to achieve a satisfactory sustainable drainage system to manage and minimise the risk of flooding and pollution.

11. With regard to condition 10, no development shall commence until an adequate condition survey of the culverted watercourse downstream of the discharge point, to where the system becomes de culverted has been provided to the Local Planning Authority and approved in writing. Any defects shall be remediated prior to works commencing.

Reason: To safeguard against the threat of flooding beyond the development site.

12. 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.

13. Should land affected by contamination be identified under the desktop study 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.

14. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i. An archaeological evaluation;**
- ii. An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;**
- iii. Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.**

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

15. No development shall commence until details for the parking of vehicles and storage of plant and materials associated with the construction phase shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction phase.

Reason: In the interests of highway safety.

Post-commencement/Pre use commencing conditions:

16. All planting, seeding or turfing comprised within the 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.

17. With regard to condition 6, prior to occupation of any dwelling hereby permitted, footways shall be provided that link continuously and conveniently to the nearest existing footway fronting the A596, the details of said footways to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of pedestrian and highway safety.

18. No dwelling shall be occupied until the following has been completed:-

- a) The vehicular highway up to but not including the wearing course.
- b) The on-plot parking and turning areas.

The wearing course shall be completed before occupation of the last dwelling. All access and or parking provision shall be retained for the lifetime of the development.

Reason: To ensure a minimum standard of access and parking provision when the development is brought into use in the interests of highway safety and general residential amenity.

19. Should a remediation scheme be required under condition 13, 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. 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.

Advisory Note

The applicant/developer is reminded of the need to contact Cumbria County Council Highway Authority for a Section 278 Agreement for highway works that are essential in order to achieve the access visibility condition of this planning approval.

16. FUL/2019/0038 - Proposed cycleway between Allonby and Silloth, Land between Allonby and Silloth

Representations

Mr Molyneux on behalf of Holme St Cuthberts Parish Council spoke against the application.

Joe Broomfield and the Agent, Peter Shannon spoke in favour of the application.

Application

The report recommended that the decision to grant permission subject to conditions is delegated to the planning and building control manager upon:-

1. The Expiration of the Notice Period to United Utilities and no new issues raised during that period.
2. The confirmation from the County Council Archaeologist that the results of the trial excavations are acceptable and raise no issued that would necessitate permission being withheld.

The planning officer introduced the item and that the new proposed cycle route offers both inland and coastal off road routes, to complement the existing cycle route 71.

The planning officer then went through the main issues as detailed in the report.

Principle of Development

The proposal will enhance the existing cycle network, improve safety for cyclists and contribute to economic growth in Allerdale.

Highway Safety

The applicant has provided a safety audit regarding highway crossings and junctions. The Highway Authority has no objections.

Habitat and Ecologist

Based on evidence from Natural England, the proposal is not likely to significantly affect the ecological interest features of the flora and fauna.

Landscape Impact

Any visual or landscaping impact will be minimal due to the negligible elevation of the proposed cycle path.

Flood Risk

The proposed use of the land for outdoor recreation is classed as 'water compatible' in the NPPG.

Heritage Assets

A full archaeological survey has been provided by the applicant. There are no notable remains visible and the proposed works to achieve the cycleway are unlikely to impact significantly on the archaeology of the area.

Benefits and Planning Balance

Any potential harm is considered to be minimal and outweighed by the benefits of the off-road cycle way and its contribution to national cycleway connectivity, economic growth and tourism.

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 heritage, listed buildings, shared use issues and wildlife.

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

The motion was seconded by Councillor Horsley.

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

Resolution

Permission granted subject to conditions is delegated to the planning and building control manager upon:-

1. The Expiration of the Notice Period to United Utilities and no new issues raised during that period.

2. The confirmation from the County Council Archaeologist that the results of the trial excavations are acceptable and raise no issues that would necessitate permission being withheld.

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:**

A106827 Bird Report

A106827 Great Crested Newt Survey Report

A106827 Natterjack Toad Report

A106827 Planning Statement

A106827 Report to Inform Habitats Regulations

Archaeological Desk Based Assessment - Allonby to Silloth

Archaeological Written Scheme of Investigation - Allonby to Silloth

1509 19-52 May 2019 Archaeological Evaluation Final Report

A106827 C002 Rev E Route Alignment Plans. 12 of 12

C003 Proposed Site Location Sheet 1 to 3

C004 - Construction Details

A106827 Ecological Appraisal

A106827 NVC Survey Report

Road Safety Audit - Designers Response Rev A

Allonby to Silloth Cycleway FRA Main Text

Allonby to Silloth Cycleway FRA Appendices

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.

- 3. The development hereby approved shall be implemented and used in full accordance with the submitted Flood Risk Assessment.**

Reason: In the interests of flood management

- 4. The development hereby approved shall be implemented in full accordance with the findings and recommendations of the secondary Archaeological Investigation Report.**

Reason: In the interests of protecting archaeological interests in the area.

Pre-commencement conditions:

5. Before development commences an Ecological Mitigation Plan based upon the principles of the submitted Ecological Appraisal and Species Surveys shall be provided and approved in writing by the Local Planning Authority. The development shall be undertaken in complete accordance with the approved plan.

Reason: In the interests of safeguarding wildlife and biodiversity.

6. Before development commences, details of the cyclepath construction, including the precise scope and depth of ground excavations, within the sensitive archaeological areas as highlighted within the Archaeological Evaluation Final Report May 2019, shall be provided to the Local Planning Authority and approved in writing. The works shall be undertaken as approved.

Reason : in the interests of safeguarding known archaeological remains.

7. The development hereby approved shall be implemented in full accordance with the findings and recommendations of the Archaeological Reports A106827 and Supplementary Evaluation Final Report 1509-19-52.

Reason : In the interests of protecting archaeological interests in the area

8. The path (combined footways/cycleways) shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

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

9. Development shall not be begun until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:

- a) **formation of the construction compound(s) and access tracks and any areas of hard standing;**
- b) **cleaning of site entrances and the adjacent public highway;**
- c) **the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**

- d) **post-construction restoration/reinstatement of the working areas**
- e) **The Construction Method Statement shall be carried out as approved.**

Reason: In the interests of safeguarding the amenity of residents 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.

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

- a) **proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;**
- b) **the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;**
- c) **details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;**
- d) **details of proposed crossings of the highway verge;**
- e) **retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;**
- f) **construction vehicle routing;**
- g) **the management of junctions to and crossings of the public highway and other public rights of way/footway;**
- h) **the scheduling and timing of movements, temporary warning signs and banksman/escort details.**

Development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of safeguarding the amenity of residents 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.

11. There shall be no additional fencing or other means of enclosure constructed before details have been provided and approved in writing by the Local Planning Authority. The works shall be implemented as approved.

Reason : In the interests of visual amenity and highway safety.

- 17. FUL/2019/0018 - Demolition of existing stadium and re-development of the site to provide a sports stadium (Use Class D2) that incorporates a hospitality/ conference suite (Use class D1/D2), community facility (Use class D1), cafe (Use class A3), and office space (Use class B1a); and an outdoor sports pitch (Use class D2); with access, parking, landscaping and other associated works. Land North and South of Black Path Cloffocks, Workington**

The item was deferred prior to the meeting of this Development Panel.

- 18. FUL/2019/0074 - Change of use from agricultural land to public open space, Church Meadows Great Broughton**

Application

The report recommended granting permission subject to conditions.

The Senior Planning Officer introduced the item, explaining that the proposal for consideration relates to the proposed change of use of an area of agricultural land to public open space.

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

Principle of Development

The development would facilitate the beneficial reuse of this redundant area of land which has been left detached and isolated following the development of the estate. It will enhance the appearance of the estate as a community asset.

Residential Amenity

The proposed development would not result in any significant loss of amenity of neighbouring residential properties.

Landscaping

The proposed precise landscaping treatment is to be reserved by condition.

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 relating to the capacity of the burial grounds close by.

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

The motion was seconded by Councillor Munby.

A vote was taken on the motion to approve, 11 voted in favour, 1 against and 0 abstentions.

The motion was carried.

Resolution

Permission granted subject to conditions as per officers recommendations.

CONDITIONS

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.

2. The development hereby permitted shall be carried out solely in accordance with the following plans. Site Plan dated 4th March 2019

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

Pre-commencement conditions:

3. The use hereby approved shall not commence 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.

Post-commencement/Pre use commencing conditions:

4. A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to its operational use. The development shall thereafter be maintained at all times in accordance with the approved landscaping management plan.

Reason: To ensure the long term maintenance and management of the landscaping for the development in the open countryside in compliance with Policies S32 and S33 of the Allerdale Local Plan (Part 1), Adopted July 2014.

5. 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) and excluding any details approved under condition 3 of this consent no development falling within Class A of Part 12 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 site and safeguard the amenities of adjacent properties.

The meeting closed at 2.25 pm