ALLERDALE BOROUGH COUNCIL

Reference No: 02/2006/9033
Received: 09/03/2007
Proposed Development: Extensions to quarry and re-location of fixed plant (from New Cowper processing plant)
Location: Overby Quarry Aikshaw Aspatria
Applicant: Thomas Armstrong (Holdings) Ltd

Constraints: Regionally Important Geological Sites 2/05 Allerdale Flood Zone 1 1460, Overby Quarry, A/ NY14/6

Policies: The application site is located in an open area of countryside. The relevant planning policies relate to both Strategic and Local Plan Policies.

The Cumbria Minerals and Waste Local Plan 1996-2006 includes the following policies:-

The site concerned is located within a designated area of search for sand and gravel under which Policy 30 states that proposals for the extraction of sand and gravel from the search area will be permitted subject to there being a demonstrable need. Consent for works outside the search area will not be supported unless significant benefits would occur to the local communities or the environment.

Policy 29 of the Minerals Plan aims to grant sufficient permission for a landbank of permitted reserves for at least seven years extraction and Policy 28 aims for an annual average rate of 1.05 million tonnes of sand and gravel.

Policy 27 states that proposals for the extraction of minerals (accompanied by an Environmental Impact Assessment) will need to take into account:-

i) national, regional and local need;
ii) the location, amount, quality and type of existing permitted reserves and the rate to which they are being worked;
iii) the availability of less damaging alternative sites or sources of supply.

Policy 1 specifically relates to road traffic generation highlighting the necessity of roads, junctions and site access of an appropriate standard to accommodate the type and volume of traffic of the proposal without detriment to highway safety.
Policy 7 stipulates that mineral waste development will only be permitted where any visual impact can be reduced to an acceptable level in its siting, phasing and restoration details. The County Council has also prepared a core strategy of preferred options towards a Cumbria Minerals and Waste Development Framework (CMWDF) which would act as their future development plan to the year 2018.

The core strategy policies are presently at a consultation stage but include the following Policies:-

CS01 – promoting sustainable minerals and waste management development.
CSM1 – aims for the plan to meet the Regional Spatial Strategies apportionment of crushed rock and sand and gravel production.

Policy CSM3 – seeks to provide a landbank of permitted reserves equivalent to seven years production at the Regional Spatial Strategy Cumbrian apportionment of 700,000 tonnes/year. The landbank will be refined to relate to local supply pottery and the need to minimise “mineral rules”. However, unlike the existing Local Plan, the alternative strategies of the preferred options for CMWDF propose no specific areas of search.

In an accompanying document outlining the proposed ‘Generic Development Council Preferred Option’ Policy DCE 1 states new mineral developments should be encouraged where they are well related to the strategic route network with proposals only being permitted where they do not have unacceptable impacts on highway safety and where an appropriate standard of access can be provided.

Policy DCE 5 seeks development to be compatible with the distinctive features of Cumbrian landscape.

Policy DCE 11 outlines the criteria for restriction of sites.

Allerdale have lodged no objections to these new policies including the County Council’s preferred option of not including any specific area of search in the Local Development Framework.

Members may recollect that this application was deferred at the last committee meeting to seek additional information relating to the issues of mineral demand and traffic movements relating to the quarries in the vicinity of the application site. Some additional written evidence has been submitted, although the comments of County Planning Officers are awaited.
The County Council seeks Allerdale’s views on two separate planning applications relating to the applicant’s existing quarry site at Overby.

The applicant seeks consent (02/2006/9033) for the extension of the quarry and also the relocation of fixed plant from their existing nearby plant at New Cowper.

As a result of the proposal the applicant also seeks consent under (02/2006/9035) to vary the planning conditions of the planning consent for the existing quarry (02/1995/9007) for variations to revise its restoration programme (i.e. the revised restoration conditions on the quarry extension proposal would supersede the existing quarry condition).

The applicant has submitted a supporting Environmental Impact Assessment Statement in support of the application.

The Statement outlines that historically the sand extracted from Overby has been processed at the existing plant at the other nearby sand quarry at New Cowper (washing, drying, bagging and packing of sand). The processing operation also serves the quarries at both the New Cowper quarry itself, plus another existing sand quarry at Bullgill, but due to their limited reserves it is expected all three quarries will finish during the course of 2007.

The Statement advises the proposal is within the local policies identified area of search as suitable for sand and gravel extraction. The existing washing and drying facilities at New Cowper would cease and the bagging and packing operation relocate to Overby.

The quarry’s extension is two fold with a 6 ha extension to the south west and a larger 14 ha extension to the north east.

This would provide additional sand resources of 4.5 million tonnes over an 18 year period (i.e. approximately 250,000 tonnes per annum).

A new access would be constructed to the south of the quarry via the disused Aikshaw Quarry to serve the locations south of the quarry with the existing access (directly onto the B-classified highway) would be used by traffic from the north of the quarry.

In addition, the quarry accepts a modest volume of inert wastes to assist restoration (totalling 80,000 cubic metres over the duration of the site).
The applicant advises that the proposed supply sand to the Cumbrian market and their concrete plants at Silloth and Workington. The company employs around 900 people of which 117 are within the aggregates division.

The Statement advises the extension will provide a further 18 years of reserves and is considered essential in securing provision of reserves for the processing plant and concrete plants at Silloth/Workington plus existing customers.

The applicant contests that the national and local policies seek to ensure an adequate flow of materials for built development in the Cumbria market both for the applicant and other businesses in this area. (There are two suppliers supplying concrete sand from the Aldoth area, with both companies seeking extensions to their existing quarries which would secure supplies of sand and gravel for the regeneration of West Cumbria.)

The option of relocating the processing plant to an industrial area was rejected on economic and sustainability grounds (increased transport mileage).

The other option of creating a new processing plant site would have noise and visual implications.

The development would be undertaken in a phased manner to enable the progressive restoration of the site.

The new processing plant would comprise a building of 12.5m width x 30m length and 8m in height to house hoppers and packing equipment. The washing aspect of the process is no longer needed as the sand in the quarry is clean.

The new southern access cutting would be constructed in the first phase and upon completion of the quarry operations would upon completion be filled and restored to its previous levels. The floor of the quarry would be restored to agriculture with the quarry sides to provide for local wildlife.

In assessing the Environmental Impact effects the summary advises the proposal will not affect groundwater levels and a lining will be provided to prevent any pollution from infilling materials. In terms of landscape it was considered the site is remote from dwellings and the screened location of the site would not have any significant impact on the local landscape (even when assessed cumulatively with the other nearby quarry extension at High House (0.5 km). Indeed, the report considers the possible future linking of the quarries (not included in the proposal) to create an elongated depression
would benefit from a new topographical feature.

Various surveys have been undertaken as the potential for sub-surface archaeology remains high (crop mark features may represent field settlement or possible ritual sites). A trial trench exercise at the site identified a number of archaeological features confirming the presence of a prehistoric settlement at the northern end of the targeted area and Bronze Age at the southern end. In view of the archaeological potential if consent if granted there should be an agreed on-going assessment carried out in association with the phased working of the quarry.

The Statement refers to traffic/transport impact. The principle noise is the B5301 for the transportation of minerals both north to Silloth and south to the Strategic Route Network in Aspatria.

The New Cowper site processes sand from the Overby and Bulgill quarries.

In an additional statement the applicant summarises the existing traffic movements on the B5301 as follows:-

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In relocating the processing plant to Overby the delivery of sand materials from Bulgill would no longer be necessary as the sand at Overby is more coarse than that at New Cowper, (i.e. similar sand materials to that at Bulgill) thus omitting 60 movements along the B5301. It is anticipated there would be 50 visits (100 movements) associates with the activities at the quarry. However, in a worst case scenario involving a major construction project, it is considered up to 100 vehicles could visit the site (i.e. 200 movements).

The applicant contests this will generate an additional 15 vehicle movements than existing. (The movements of vehicles carrying inert waste are difficult to predict. Similarly, this is also applicable to materials to be packed at the plant.)
A transport assessment was undertaken on these worst case scenarios. It was found the road network is lightly trafficked (i.e. not leading to congestion) but some safety issues were identified prompting a route accident study which concluded there are several locations on the route where there are carriageway restrictions and bends which have led to accidents (7 recorded accidents).

The report suggests additional signage to reduce speed and warn of hazards which could reduce the number of accidents. The applicant highlights that the proposal constitutes a continuation of existing quarrying operations with no envisaged increase in customer output. The processing is also the transfer of an existing operation to a new site. It is understood therefore that the levels of traffic will remain stable. It is understood that the County Highways Authority seek to discuss details relating to the access plus a financial contribution to other works in the area which are the subject of ongoing negotiations.

The report also refers to ecological considerations including any protected species. The loss of two outlier badger setts were assessed as slight adverse. The loss and replacement of hedgerows was considered to have a neutral impact, with a gain of woodland. Part of the quarry is Geological/Geomorphological (RIG) site as an example of fluvio glacial delta. It is considered as this area degrades over time, fresh exposures would retain interest.

A noise assessment was undertaken to identify whether noise from the proposal would affect the four nearest properties. It was concluded that the noise from the extensions in a worst case scenario would just exceed noise levels recommended in government ministerial advice. The applicant contests this arises from quiet background noise levels of the open countryside rather than noisy quarrying operations. The assessment concludes that there will not be a significant adverse impact from noise but the consultant recommended a condition be applied to limit the noise levels in accordance with government ministerial advice.

It is considered dust control measures be also applied under planning conditions.

The applicant’s statement therefore concludes the proposal complies with current policy guidelines and would not affect its local environment.
Officers in assessing the proposal consider that both the principle and environmental considerations need detailed evaluation.

The principle of the development relate to the context of current mineral planning policies.

The planning policies of the minerals local plan as an adopted plan carry significant weight. The draft policies of the forthcoming local development framework are presently of little weight, however, its supporting documentation does provide an insight into the current situation relating to landbanks of mineral resources within the County.

In the context of the mineral plan and its associated policies the site is located within the preferred area of search for sand and gravel. However, although this indicates it is located within the area of search any extension would also be subject to an identified demand and any environmental constraints.

The issue of demand is complicated as it is dependant on the levels of permitted reserves and differing production rates for the County within differing policy documents. However, the County are also concerned on the accuracy of their landbank records.

The background information within the draft local development framework indicates that in 2004 there was a 15 year landbank of sand and gravel supplies within the County.

Indeed, the applicant accepts that presently the landbank serves the seven year supply but highlights that the existing quarries at Bullgill, Overby and New Cowper which shortly expire and that in addition, the County Council has been encouraging the transfer of existing New Cowper processing plant into the local plan’s preferred area of search. The applicant’s case therefore relates to the County’s regional supply, whereby from a regional perspective, they contest that there is not a seven year landbank for the western Cumbria area.

Officers are aware of a similar approved extension application (02/2006/9017) on the neighbouring High House Quarry site in March 2007. Additional written evidence has recently been submitted on the reserves approved on this neighbouring quarry (but as yet its approval decision has not been issued due to finalising details in an accompanying S106 Agreement). The views of the County Planning
Officers are awaited on this additional information and its impact on any seven year landbank for the West Cumbria region (details to be reported at the committee meeting). Indeed, members may wish to assess whether the principle of a regional concept of local supply (rather than the existing satisfactory established landbank for sand and gravel) within the wider picture of the overall County outweighs this criteria, especially as the plan policy acknowledges that local supply and ‘mineral miles’ is a planning consideration. (Reliance on quarries further afield from West Cumbria would generate increased traffic movements.)

(Whilst the applicant contests the sand provides their own supplies for their existing concrete plants at Workington and Silloth, this would not be of relevance if a satisfactory landbank was evident.) Therefore, the principle of the proposal is dependant as to whether the approved extension at High House quarry secures a 7 year landbank for West Cumbria or whether the current proposal is essential to supplement any outstanding demand to meet the landbank target figure.

In terms of landscape the site extension concerned is not within a designated sensitive landscape area. The existing quarry occupies a hollowed out section of a ridgeline, forming one of several quarries within the area of search relating to the reserves of sand in this area. It is considered that from a landscape perspective the proposed, especially given the additional landscaping and limited public view points the extension would not have a significant adverse impact on the character of the surrounding landscape.

(Although a deep cutting would be provided for the ridgeline for the new access this cutting landform would be filled-in and re-instated as part of the restoration scheme.)

The primary physical constraint of the site relates to traffic, due to the constraints of the B5301 highway which acts as the main transportation link to the markets for the sand.

Officers observe that the application acknowledges the problems of traffic in seeking to provide a new secondary access which will serve all southbound traffic movements and retain the existing northern access for all northbound traffic (removing the highway hazards to the intersection between the two access entrances and its residential properties).

Officers acknowledge that this road is not heavily trafficked, but by virtue of its bends and hills, represents a hazardous
route for quarry traffic. Officers do not oppose the principle of transferring the bagging operation to the quarry subject to it not resulting in any increase in traffic movements. It is understood that the inert fill would likely be transported in the ‘return’ journey of vehicles to the quarry (i.e. no additional traffic movement).

The existing traffic levels combined from both New Cowper and Overby have been accepted in the past under previous consents. Whilst the Bullgill quarry has a restriction on its vehicle movements, the applicant indicates that these would be processed elsewhere and would therefore result in a reduction of traffic. However, Officers consider this aspect, as it is not related to the traffic generated by the quarry’s consent, be considered as a loss, especially given the forthcoming expiry date of this quarry.

Further evidence is to be submitted by the applicant on existing and proposed traffic movements associated in the locality which will be reported at the committee meeting.

Therefore, unless the evidence is received that overall traffic figures do not exceed that imposed and accepted under the conditions of the former existing quarry consent, any additional traffic generation should be resisted.

(Officers are also concerned on the poor visibility arising from the U highway (to which the new southern quarry road exits onto) on the B5301 which has poor visibility. Any increase in the existing access to the quarry may also be hazardous due to the restricted visibility.)

The application contests the retention of the bagging operation at the quarry is sustainable. Officers consider that this is an industrial rather than mineral operation. It is considered that it would also not result in material harm if there is no additional generation of traffic arising from its operation. It is considered the existing traffic movements from Bullgill cannot be considered as they are not local to these sites and that its bagging operations could be undertaken elsewhere and indeed would shortly cease (i.e. the traffic levels should reflect that generated by the quarry activities at the site. If there is any bagging process it should constitute an ancillary operation to the site.) If there was to be additional traffic it is recommended a more sustainable location (e.g. industrial estate) be sought for this process. Whilst the applicant contests this would result in increased traffic movements (e.g. if sited in Workington it would increase traffic movements to Silloth), Officers would anticipate any supply would primarily be targeted at the West
Cumbria area and question the need of bagged supplies for the Silloth area.

Any importation of any additional materials to the site other than those relating to restoration will adversely increase traffic. Little information has been submitted on these details. The applicant’s increase of traffic to 100 vehicles movements (200 in the worst case scenario) would increase traffic to the detriment of highway safety. It is considered traffic safety measures (e.g. signs) would result in little improvement to highway safety as its hazards relate primarily to the physical characteristics of the road itself (i.e. bends, views if hills, visibility etc). Overall, in terms of traffic numbers, the normal combination traffic levels of both quarries and bagging and New Cowper (32) and quarrying at Overby (15) (i.e. 47 traffic movements) would be a similar reflection to that proposed of 50 movements.

However, Officers would recommend opposing any increase in levels of traffic (including any importation of materials to the site for bagging which would increase traffic levels. (The proposal therefore provides the opportunity to specifically determine all traffic movements to and from the site.) Officers would, however, oppose any proposal which would generate additional traffic (e.g. redevelopment of steelworks, Workington) may potentially substantially increase traffic levels from the site for a considerable period of time. If this option is to be pursued it is recommended alternative traffic routes be explored to provide a more suitable route for this generation which, in the worst case scenario, would generate approx. 1 vehicle movement per six minutes.

The Council considers the importance of the archaeological remains at the site is dependant on the response from the County Archaeologist. Subject to there being no objections from his respective consultation reply, Officers would not oppose this issue.

The other final issue of environmental concern relates to noise levels. The applicant contests that it is not the noise of the quarry that is excessive, but that it is the quieter background noise levels of its open countryside location that hinder the ability to comply with ministerial guidance on noise.

The applicant has volunteered to a planning condition to comply with the standards stated in the ministerial advice. However, previous noise tests for the worst case scenario (unlike normal conditions) slightly exceeded the guidance levels.
The Environmental Health Officer has indicated that he would not oppose the development on the grounds of noise disturbance subject to the imposition of the recommended noise planning condition. (He envisages that any breach may not occur or would be on an infrequent basis.)

Therefore, Officers consider that there remains uncertainty on the existing landbank on sand, confirmation is awaited from County Officers on the additional evidence submitted to demonstrate whether there remains a demand for a quarry extension at the site (especially the evidence relating to the quarry extension at High House).

There does remain inadequate information to verify that it would not result in an increase in traffic from that imposed under the two existing quarry consents at the site.

Allerdale therefore object to the proposed extension on the following grounds.

**Recommendation:** Objection  
**Conditions/Reasons:**

1. The Local Planning Authority considers the proposed increase in traffic in the worst case scenario from the proposed extension and the additional industrial processing of the reserves at the site would increase the use of traffic on a sub-standard junction onto and along the B5301 highway to the detriment of highway safety contrary to Policy 1 of the Cumbria Minerals and Waste Local Plan 1996-2006.

   (However, Officers would not oppose the proposal in terms of traffic levels if a condition was imposed to restrict traffic levels of all traffic movements associated with both quarrying and bagging operations at the site to 50 vehicle movements per day.)

2. The Local Planning Authority considers any increased traffic use of the quarry's existing northern access entrance onto the B5301 or the access by southbound/returning traffic entrance of the C2012 onto the B5301, would by virtue of their restricted visibility be hazardous to highway safety.

Unless the principle of the proposed extension to the quarry and its associated phased operation are approved. Officers are consequently unable to support the variation of the conditions under the separate application (02/2006/9035) for the restriction of the existing quarry (i.e. the variation timescale derived from the extension at the site).
Officers seek the speed restriction of the site in order to minimise disturbance arising from the traffic operations. The Council therefore also object to the variation of condition on the quarry on the grounds that:-

Allerdale opposes any variation of the former consent (02/1995/9007) for extending operations at Overby as they seek the speedy restoration of the site to end temporary disturbance arising from its traffic operations.
Reference No: 02/2006/9035
Received: 09/03/2007

Proposed Development: Implementation of planning permission 2/95/9007 without compliance with the conditions of that permission - application under Section 73 of the Town & Country Planning Act 1990

Location: Overby Quarry
Aikshaw
Aspatria

Applicant: Thomas Armstrong (Holdings) Ltd

Constraints: Regionally Important Geological Sites 2/05
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1460,Overby Quarry,A/NY14/6

Policies: The application site is located in an open area of countryside. The relevant planning policies relate to both Strategic and Local Plan Policies.

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The planning policies of the minerals local plan as an adopted plan carry significant weight. The draft policies of the forthcoming local development framework are presently of little weight, however, its supporting documentation does provide an insight into the current situation relating to landbanks of mineral resources within the County.

In the context of the mineral plan and its associated policies the site is located within the preferred area of search for sand and gravel. However, although this indicates it is located within the area of search any extension would also be subject to an identified demand and any environmental constraints.

The issue of demand is complicated as it is dependant on the levels of permitted reserves and differing production rates for the County within differing policy documents. However, the County are also concerned on the accuracy of their landbank records.

The background information within the draft local development framework indicates that in 2004 there was a 15 year landbank of sand and gravel supplies within the County.

Indeed, the applicant accepts that presently the landbank serves the seven year supply but highlights that the existing quarries at Bullgill, Overby and New Cowper which shortly expire and that in addition, the County Council has been encouraging the transfer of existing New Cowper processing plant into the local plan’s preferred area of search. The applicant’s case therefore relates to the County’s regional supply, whereby from a regional perspective, they contest that there is not a seven year landbank for the western Cumbria area.

Officers are aware of a similar approved extension application (02/2006/9017) on the neighbouring High House Quarry site in March 2007. Additional written evidence has recently been submitted on the reserves approved on this neighbouring quarry (but as yet its approval decision has not been issued due to finalising details in an accompanying S106 Agreement). The views of the County Planning
Officers are awaited on this additional information and its impact on any seven year landbank for the West Cumbria region (details to be reported at the committee meeting). Indeed, members may wish to assess whether the principle of a regional concept of local supply (rather than the existing satisfactory established landbank for sand and gravel) within the wider picture of the overall County outweighs this criteria, especially as the plan policy acknowledges that local supply and ‘mineral miles’ is a planning consideration. (Reliance on quarries further afield from West Cumbria would generate increased traffic movements.)

(Whilst the applicant contests the sand provides their own supplies for their existing concrete plants at Workington and Silloth, this would not be of relevance if a satisfactory landbank was evident.) Therefore, the principle of the proposal is dependant as to whether the approved extension at High House quarry secures a 7 year landbank for West Cumbria or whether the current proposal is essential to supplement any outstanding demand to meet the landbank target figure.

In terms of landscape the site extension concerned is not within a designated sensitive landscape area. The existing quarry occupies a hollowed out section of a ridgeline, forming one of several quarries within the area of search relating to the reserves of sand in this area. It is considered that from a landscape perspective the proposed, especially given the additional landscaping and limited public view points the extension would not have a significant adverse impact on the character of the surrounding landscape.

(Although a deep cutting would be provided for the ridgeline for the new access this cutting landform would be filled-in and re-instated as part of the restoration scheme.)

The primary physical constraint of the site relates to traffic, due to the constraints of the B5301 highway which acts as the main transportation link to the markets for the sand.

Officers observe that the application acknowledges the problems of traffic in seeking to provide a new secondary access which will serve all southbound traffic movements and retain the existing northern access for all northbound traffic (removing the highway hazards to the intersection between the two access entrances and its residential properties).
Officers acknowledge that this road is not heavily trafficked, but by virtue of its bends and hills, represents a hazardous route for quarry traffic. Officers do not oppose the principle of transferring the bagging operation to the quarry subject to it not resulting in any increase in traffic movements. It is understood that the inert fill would likely be transported in the ‘return’ journey of vehicles to the quarry (i.e. no additional traffic movement).

The existing traffic levels combined from both New Cowper and Overby have been accepted in the past under previous consents. Whilst the Bullgill quarry has a restriction on its vehicle movements, the applicant indicates that these would be processed elsewhere and would therefore result in a reduction of traffic. However, Officers consider this aspect, as it is not related to the traffic generated by the quarry’s consent, be considered as a loss, especially given the forthcoming expiry date of this quarry.

Further evidence is to be submitted by the applicant on existing and proposed traffic movements associated in the locality which will be reported at the committee meeting.

Therefore, unless the evidence is received that overall traffic figures do not exceed that imposed and accepted under the conditions of the former existing quarry consent, any additional traffic generation should be resisted.

(Officers are also concerned on the poor visibility arising from the U highway (to which the new southern quarry road exits onto) on the B5301 which has poor visibility. Any increase in the existing access to the quarry may also be hazardous due to the restricted visibility.)

The application contests the retention of the bagging operation at the quarry is sustainable. Officers consider that this is an industrial rather than mineral operation. It is considered that it would also not result in material harm if there is no additional generation of traffic arising from its operation. It is considered that the existing traffic movements from Bullgill cannot be considered as they are not local to these sites and that its bagging operations could be undertaken elsewhere and indeed would shortly cease (i.e. the traffic levels should reflect that generated by the quarry activities at the site. If there is any bagging process it should constitute an ancillary operation to the site.) If there was to be additional traffic it is recommended a more sustainable location (e.g. industrial estate) be sought for this process. Whilst the applicant contests this would result in increased traffic movements (e.g. if sited in Workington it would
increase traffic movements to Silloth), Officers would anticipate any supply would primarily be targeted at the West Cumbria area and question the need of bagged supplies for the Silloth area.

Any importation of any additional materials to the site other than those relating to restoration will adversely increase traffic. Little information has been submitted on these details. The applicant’s increase of traffic to 100 vehicles movements (200 in the worst case scenario) would increase traffic to the detriment of highway safety. It is considered traffic safety measures (e.g. signs) would result in little improvement to highway safety as its hazards relate primarily to the physical characteristics of the road itself (i.e. bends, views if hills, visibility etc). Overall, in terms of traffic numbers, the normal combination traffic levels of both quarries and bagging and New Cowper (32) and quarrying at Overby (15) (i.e. 47 traffic movements) would be a similar reflection to that proposed of 50 movements.

However, Officers would recommend opposing any increase in levels of traffic (including any importation of materials to the site for bagging which would increase traffic levels. (The proposal therefore provides the opportunity to specifically determine all traffic movements to and from the site.) Officers would, however, oppose any proposal which would generate additional traffic (e.g. redevelopment of steelworks, Workington) may potentially substantially increase traffic levels from the site for a considerable period of time. If this option is to be pursued it is recommended alternative traffic routes be explored to provide a more suitable route for this generation which, in the worst case scenario, would generate approx. 1 vehicle movement per six minutes.

The Council considers the importance of the archaeological remains at the site is dependant on the response from the County Archaeologist. Subject to there being no objections from his respective consultation reply, Officers would not oppose this issue.

The other final issue of environmental concern relates to noise levels. The applicant contests that it is nor the noise of the quarry that is excessive, but that it is the quieter background noise levels of its open countryside location that hinder the ability to comply with ministerial guidance on noise.

The applicant has volunteered to a planning condition to comply with the standards stated in the ministerial advice. However, previous noise tests for the worst case scenario
(unlike normal conditions) slightly exceeded the guidance levels.

The Environmental Health Officer has indicated that he would not oppose the development on the grounds of noise disturbance subject to the imposition of the recommended noise planning condition. (He envisages that any breach may not occur or would be on an infrequent basis.)

Therefore, Officers consider that there remains uncertainty on the existing landbank on sand, confirmation is awaited from County Officers on the additional evidence submitted to demonstrate whether there remains a demand for a quarry extension at the site (especially the evidence relating to the quarry extension at High House).

There does remain inadequate information to verify that it would not result in an increase in traffic from that imposed under the two existing quarry consents at the site.

Allerdale therefore object to the proposed extension on the following grounds.

**Recommendation:** Objection

**Conditions/ Reasons:**

1. The Local Planning Authority considers the proposed increase in traffic in the worst case scenario from the proposed extension and the additional industrial processing of the reserves at the site would increase the use of traffic on a sub-standard junction onto and along the B5301 highway to the detriment of highway safety contrary to Policy 1 of the Cumbria Minerals and Waste Local Plan 1996-2006.

   (However, Officers would not oppose the proposal in terms of traffic levels if a condition was imposed to restrict traffic levels of all traffic movements associated with both quarrying and bagging operations at the site to 50 vehicle movements per day.)

2. The Local Planning Authority considers any increased traffic use of the quarry’s existing northern access entrance onto the B5301 or the access by southbound/returning traffic entrance of the C2012 onto the B5301, would by virtue of their restricted visibility be hazardous to highway safety.

   Unless the principle of the proposed extension to the quarry and its associated phased operation are approved. Officers are consequently unable to support
the variation of the conditions under the separate application (02/2006/9035) for the restriction of the existing quarry (i.e. the variation timescale derived from the extension at the site).

Officers seek the speed restriction of the site in order to minimise disturbance arising from the traffic operations. The Council therefore also object to the variation of condition on the quarry on the grounds that:-

Allerdale opposes any variation of the former consent (02/1995/9007) for extending operations at Overby as they seek the speedy restoration of the site to end temporary disturbance arising from its traffic operations.
ALLERDALE BOROUGH COUNCIL

Reference No: 02/2007/9002
Received: 05/02/2007
Proposed Development: Change of use and extension of existing building to create a metals recycling facility, erection of a security fence and lodge and ancillary works.
Location: Unit 1 Joseph Noble Road Lillyhal Industrial Estate Workington
Applicant: Studsvik UK Ltd

Constraints: Allerdale Flood Zone 1 British Coal Area Adv Control Exclusion – Winscales

Policies: PPS10 – Sustainable Waste Management
Includes advice on addressing waste as a resource and looking to disposal as the last option. A key objective should be to help secure the recovery or disposal of waste without endangering human health and without harming the environment and enable waste to be disposed of in one of the nearest appropriate installations. Planning for waste management should also reflect the concerns and interests of communities, the needs of waste disposal authorities and business and encourage competitiveness. The particular locational needs of some types of waste management facilities, together with the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining planning applications. Waste planning authorities are required to work effectively with pollution control authorities to ensure the best use is made of expertise and information.

RPG13 recognises that the North West is a centre of national and international expertise in radioactive waste management. It also identifies Workington as “economically fragile” and in need of development to ensure regeneration.

The emerging Regional Spatial Strategy requires plans and strategies to support the region’s role in radioactive waste management.

Structure Plan Policy
ST3 – Principles applying to all development.
**R49 – Waste Recovery Facilities**

New facilities will be required to meet targets for increased recovery and recycling of work. There is a presumption in favour of large scale recovery and treatment materials designed to handle a range of work from a wide area, to be located on existing industrial or previously developed land close to major work arisings, subject to no significant adverse impact on landscape character, conservation interests, environmental infrastructure, transport and local communities and measures to reduce impacts. Sites should, where possible, be rail or port linked. Priority will be given to sites in the vicinity of named centres including Workington.

The management of increased volumes of low level radioactive waste following decommissioning is defined as an issue in the Minerals and Waste Local Development Framework Issues and Options Paper.

**Cumbria Minerals and Waste Local Plan 1996-2006**

In assessing the extent to which proposals for minerals and waste development meet the social and economic needs of the County’s population and help maintain rural communities, the following will be taken into account:-

i) the number, type and duration of direct and indirect jobs to be generated or maintained and how many will be or are occupied by local people; and

ii) the opportunities for the development of skills of locally employed people; and

iii) the level and nature of investment in the local economy from ages and use of local businesses; and

iv) the impact on economic development initiatives and neighbouring businesses, including tourism.

**Allerdale Local Plan**

**EM8** – Seeks high standard of design on industrial estates.

**EM9** – Control of noise. Proposals for uses generating noise which would be harmful to the amenity of neighbouring uses will not be acceptable.

**EM11** – Proposals for scrapyards and salvage operations will not be permitted in prestige areas of industrial estates except in exceptional circumstances. In all cases the following criteria apply:-

i) the proposal is not located in a visually prominent position

ii) there should be effective landscape screening

iii) there should be no detrimental impact on neighbouring uses
iv) conditions will govern access, stacking heights, hours of working, noise, emissions, smell, design and layout.

**EM12** – Planning permission will not be given except in the most exceptional circumstances for the use of land and buildings which
- require licensing under the Nuclear Installations Act, 1965
- require licensing under the Explosives Act, 1975
- come under the Notification of Installations handling Hazardous Substances Regulations, 1982.

**WKEM6** – Seeks good quality landscaping in this area of Lillyhall.

**Representations:**

**REPORT**

Allerdale Borough Council has been asked to consider a consultation from Cumbria County Council on a “county matter” planning application for the change of use and extension of an existing building to create a metals recycling facility at Joseph Noble Road, Lillyhall.

The proposal involves a vacant industrial unit adjacent to the roundabout at Lillyhall. The site’s longer frontage is onto the Branthwaite Road opposite land where planning permission was recently granted for a cheese making factory. Access is from Joseph Noble Road.

In physical terms the development involves extensions to the existing buildings, the provision of a 12 metre chimney stack, a security fence and gatehouse and the creation of a container storage area. Some landscaping within the site boundary would be removed.

The proposal involves the importation of metals suffering low levels of radioactive contamination. These would then be cut or compacted into smaller pieces which would be subject to processes of decontamination involving grit blasting and/or wiping. Contaminants would then be returned to the sender or forwarded to the Low Level Waste Repository at Drigg. Decontaminated metals would be subject to appropriate disposal or recycling. Metals which could not be fully decontaminated at Lillyhall would be shipped onward to the firm’s plant in Sweden.

The facility is aimed at dealing with waste arising from Sellafield but would also be available to deal with waste arising elsewhere and the presence of the Port of Workington and rail link are seen as important elements in site selection.
As well as dealing with the decontamination of metals the plant’s compaction facility would be used to reduce the volume of other low level waste such as plastics, clothing and paper.

The decontamination of metals and compaction of other low level waste reduces the amount of space needed in low level waste repositories. In relation to contaminated metal the amount of waste needing to be sent for disposal would be only 5% of the incoming material. As the quantity of low level waste is likely to increase with nuclear decommissioning and space for its disposal is at a premium, this accords with government objectives.

The Development Panel’s previously expressed views.

Allerdale’s Development Panel considered this application at its meeting on 5 April, at which time more limited information on the proposal was available. It resolved to raise no objections to the proposal subject to the following:-

- Confirmation that the proposal does not require licensing under the Nuclear Installations Act 1965

- The inclusion of a satisfactory landscaping scheme to secure confirmed screening of the site from major roads

- Conditions as recommended by the Environmental Health Officer in his letter to the County Planning Officer of 21/02/2007, namely:-

  1. Before use commences, a scheme shall be agreed with the County Planning Authority which specifies the provisions to be made for the control of noise emanating from the site.

  2. Atmospheric emissions from the site shall be controlled by a scheme of ventilation and control measures to be agreed with the County Planning Authority.

The County Council has now re-consulted Allerdale with additional information which confirms that the proposal does indeed require licensing under the Nuclear Installations Act. In the intervening period
Dean Parish Council and Iggesund Paperboard have forwarded their objections to this Council.

The Development Panel is invited to reconsider its response to the proposal in the light of the new facts.

**Main Planning Considerations**

**Health and safety and environmental issues**

The applicants have described the impacts of the proposal in relation to air quality, water quality and groundwater and conclude that the proposal presents no threat to human health, to wildlife or to the environment. Allerdale’s Environmental Health Officer has been consulted and raised no objections to the development on grounds of health and safety or noise nuisance.

Officers are, however, aware that the County Planning Authority has received a significant body of objections to the proposal based on grounds principally related to environmental and health and safety concerns. Amongst these are Dean Parish Council who raise issues including the movement of contaminated materials by road through populated areas and the high number of potential receptors within a relatively short distance of the site should an accident occur. These include the Lakes College and residential areas at High Harrington.

It is understood that the statutory agencies responsible for licensing and association controls at the plant have not yet confirmed that their requirements have been satisfied.

**Highway safety issues**

The report supplied by the applicants also concludes that the scheme will have no adverse impact on highway safety, a subject on which the County will be advised by its own highway officers.

**Security issues**

The developers state that the company has liaised with representatives of the relevant security services who are satisfied with the levels of security to be provided at the plant.

**The suitability of Lillyhall as a location for waste or scrap recovery uses**

Although Structure Plan Policy R49 (dealing with waste in
general rather than radioactive waste) suggests that waste recovery facilities may be located on existing employment sites and gives priority to Workington as a potential location, Allerdale Local Plan Policy EM11 states that scrapyards and other salvage operations will not be permitted in prestige areas of industrial estates unless exceptional circumstances apply. Even then “the proposal should not be located in a visually prominent position on an industrial estate frontage, main estate road or public highway.” The current proposal is at face value contrary to that policy.

The supporting text associated with Policy EM11, however, makes it clear that the policy is “aimed at preventing the deterioration of the environment of industrial estates and important highway frontages in the plan area, which could potentially have a detrimental impact on the regeneration prospects for West Cumbria.” This proposal is not for a standard scrapyard use and will not have the same visual characteristics. Furthermore, the site is well screened and additional planting could be sought, in line with Policy WKEM6. In weighing the benefits of the proposal in terms of employment creation and the development of nuclear related skills in line with RPG13 and the emerging Regional Spatial Strategy) against any negative impact on regeneration prospects of an area that Policy EM11 can be set aside.

**The impact of the proposal on other marketing or other potential business uses at Lillyhall**

Cumbria Minerals and Waste Local Plan Policy 23 sets out factors to be considered in weighing the benefits of a waste development (in terms of job creation, training opportunities and investment in the local economy) against the impact on neighbouring businesses and other economic development initiatives.

Allerdale Local Plan Policy EH12 develops this in relation to the nuclear industry stating that planning permission will not be given, except in the most exceptional circumstances, for the use of land or buildings which require licensing under the Nuclear Installations Act 1965.

The reasoned justification to the policy suggests that such development “presents inherent dangers to adjacent occupiers and sometimes to a wider area. The Council will only grant planning permission for such uses if and when it can be shown that exceptional circumstances have arisen to justify such consent and any proposal fully satisfied the appropriate regulations.”
Officers are aware that a number of local businesses have raised objections to the proposal. These include a major local employer, Iggesund Paperboard who express their concerns as follows:-

- Iggesund Paperboard (Workington) Ltd, a part of the Swedish Group Holmen AB, has over 500 employees in Workington, but creates more than 1000 additional job opportunities in the area. Our turnover is over £150 million with a decent return, i.e. one of very few big long term sustainable companies in the Western coastal area.

- Power is an absolute essential commodity for our businesses; therefore we fully support the proposed nuclear programme for this area, including the decommissioning. Our objection is purely concerning the location of this facility. About 70% of our products are used as packaging for many consumer applications and are all despatched through another Cumbria company, Eddie Stobart Limited whose facilities at Lillyhall are located less than 200m from the planned Studsvik facility.

- The consequences of an incident at the premises at Lillyhall would have a detrimental impact on Iggesund’s business. The effect of an incident occurring would possibly result in the creation of an exclusion zone; this would mean that we would have no access to our products, which are presently at a value exceeding £10 million.

- The impact from the public opinion of storing material for the food industry next to a nuclear waste recovery facility cannot be neglected.

The County Planning Authority must consider whether the potential disbenefits to major employers such as Iggesund, to other smaller firms and to companies which might in the future consider locating at Lillyhall can be offset by the benefits of this proposal. It must also consider whether the expressed concerns could be overcome by conditions attached to any planning permission and to what extent weight can be given to perceptions of risk, even where strict controls are imposed. Such fears could lead to disinvestment in the area and prejudice the “fragile economy” RPG13 seeks to protect and bolster.
In responding to the County’s consultation this Council must consider whether there are sufficiently special circumstances to allow Policies EM11 and EM12 of the Allerdale Local Plan to be set aside and how the criteria contained in Policy 23 of the Cumbria Minerals and Waste Local Plan should be weighed against one another.

At its meeting on 19 June the Council's Nuclear Issues Task Group resolved to support this scheme, but it falls to the Development Panel to consider the County’s planning consultation in the light of planning policy.

**Recommendation:** NONDETERMINED

**Conditions/Reasons:** Members are therefore requested to provide the County Council with their observations and recommendation on this proposal.
ALLERDALE BOROUGH COUNCIL

Reference No: 2/2006/1304
Received: 04/12/2006


Location: Land Off Browside Road
Dearham
Maryport

Applicant: Rachel Lightfoot
Story Land & Development

Constraints: NLUD Sites
Settlement Limit HS5
Vacant Land & Buildings
Allerdale Flood Zone 1
British Coal Area

Policies: National planning policy guidelines on housing development are provided with Planning Policy Statement 3 ‘Housing’.

The application site is located within the designated settlement limits for Dearham and is specifically allocated for housing under Policy RHS4.

Dearham’s settlement limit is not restricted by the criteria of the Council’s Interim Housing Policy.

Policy HS7 of the Allerdale Local Plan’s Approved Alterations seeks the preferable development of brownfield sites prior to greenfield sites.

Policies HS5 and HS8 outline the design criteria for new housing development, whilst Policy HS9 seeks the provision of satisfactory access and drainage facilities for new housing development.

Policy HS14 of the Approved Alterations to the Allerdale Local Plan seeks, where appropriate, the provision of a ratio
(up to 20%) of affordable housing at proposed sites involving housing exceeding more than five units.

Policy L1 of the Allerdale Local Plan seeks a local equipped area for play in housing sites of 60-150 dwellings.

Policy EN9 outlines the criteria for development affected by contaminated land.

Policy EN12 seeks to ensure development does not result in any increased flood risk.

Representations: **Parish Council** – Recommend refusal on the grounds of:

(a) Inadequate existing sewer capacity for the proposed development.

Highlight the objection from United Utilities advising there is no spare capacity at the treatment plant making the development not feasible.

(b) Hazardous Access: Browside Road already has heavy on-street parking congestion as its properties lack off-street parking facilities.

Browside’s access onto Central Road has limited visibility due to a brow in the road. Central Road is also supporting a high volume of traffic and is congested with cars.

The junction of Central Road with the A594 is also hazardous due to restricted visibility and reference is made to previous accidents.

The proposal will generate at least a further 134 car journeys per day, and may be even greater.

The Council express concern on the potential for the footpath link acting as a drop off point.

(c) Services: There are no details of services, or the diversion route of the existing overhead line traversing across the site.

(d) Public Footpath 226006: Pedestrian use of this route would have to cross the entrance to the proposed development, raising safety concerns, especially for school children.
(e) Loss of hedgerows and trees and their associated wildlife.

(f) Greenfield: Question whether there are alternative brownfield sites available, including the site at Flimby Lodge.

(g) Fencing: The 2m tall perimeter boundary fencing would be prominent in its surroundings.

(h) Question whether the development would create more open spaces and refer to lack of details on its maintenance. The terrace of three storey dwellings would be an alien feature as there are no comparable dwellings of this size in the village.

(i) Four Bedroom Units: In consideration of other new build four bed dwellings which are unoccupied in the village questions the need for this type of dwelling.

(j) Loss of amenity to the neighbouring dwellings.

(k) Contamination: Consider it is inappropriate to site a play area adjacent to a contaminated site.

In response to the amendments the Parish accept that they seek to address the highway problems on the Browside/Central Road area, but do not overcome their previous highway reasons to recommend refusal including:-

(i) The ability to enforce the parking details

(ii) Increased parking restrictions will continue and exacerbate parking on the remaining section of Browside Road.

(iii) The restrictions applied at Browside and Central Road would adversely affect pensioners, those with a disability (young mums and elderly residents) who need carers.

(iv) High Levels of Contamination: Seek guarantees of its satisfactory treatment including any mitigation measures, impact on water courses, and the works to the mineshaft. Consider the report re-inforces that the site is unsuitable for development.
The amended layout reduces the number of two bedroom houses being reduced by 50% affecting the level of affordable housing on the estate.

There is inadequate information on the drainage catchment for the spoil heap which presently enters the public sewer.

The retention of 1.8m tall boundary fences which separate new build houses from existing social housing is contrary to Government guidelines (referring to supporting letters from the MP and Yvette Cooper) and stating such fences should be omitted and controlled under planning conditions.

A further letter was received from the MP in support of his initial letter providing further guidance from the Housing and Planning Minister on the policy background relating to this detail.

Whilst the letter advised it cannot comment on any individual proposal, it states proposals should be determined on its individual planning merits, including the guidance in Planning Policy Statement 3 (PPS3) ‘Housing’. The policy seeks to create sustainable, inclusive and mixed communities with a mix of housing to create places that work for people. The design of schemes can affect well-being, including mixed use, mixed income development that does not alienate people. Schemes that cause residential segregation and re-inflame divisions between communities are not acceptable.

The letter therefore seeks a high standard of design and seeks Council’s to reject poor design schemes. Specific reference is made to para14 and 16 of PPS3 Para 14 “seeks Local Authorities to develop a shared vision with local communities of the residential environments that they wish to see for their local area (creating places, streets and places which meet the needs of the people and are safe, accessible, functional, inclusive and have their own distinctive identity and maintain and improve local character plus adopt design and layouts which are high quality and make the efficient use of land).

Para 16 – Outlines the design criteria for development seeking efficient uses of space (including access and residential space) integrated into local areas in terms of scale and density, addresses, implications of climate change, provides satisfactory highway facilities, creating
and enhancing distinctive character and retaining biodiversity within residential environments.

(o) Inadequate surface water drainage facilities have been submitted for the proposed development.

(p) Movement of contaminated materials on site would pose an unacceptable risk to residents and would cause inconvenience to local residents.

(q) No guarantee that the works to the spoil heap will be completed.

(r) Height of spoil heap is still a concern with, also, no details of its maintenance.

**Environmental Health** – Additional submitted evidence to the initial contamination report outlines arsenic contamination levels are just below soil guidance values and therefore do not require any remediation on the site. Seek a condition requiring validation testing on 1 in 3 garden plots. Submitted evidence on gas tests is acceptable. Seek additional information on the submitted method statement relating to validation testing.

**Cumbria Highways** – No objections to the amended scheme incorporating the double yellow line parking restrictions/traffic management scheme, subject to highway conditions (subject to further amendments to turning areas for Plots 48-55). Seek a Grampian condition to ensure the highway works to Browside Road prior to the occupation of any dwellings. (Although they also recommend a condition requiring the submission of a Travel Plan, as the Council would not be minded to refuse the application without this detail it is recommended that it be alternatively incorporated as a Note to Applicant.)

**County Archaeologist** – The site has been the subject of a desk based assessment and evaluation which indicates no remains of archaeological significance remain (although this excluded the contaminated area of land which might include remains of a 19th century brickworks). Seek an archaeological evaluation condition to allow further assessment of this area prior to the commencement of works.

**United Utilities** – Initially raised no objections to the proposal subject to conditions relating to the rate of discharge for the foul drainage only into the public sewer plus maintenance corridors for the sewers. (In response to the
Parish and objectors’ concerns on the foul drainage layout, they advise they do not oppose the principle of pre-fabricated bends subject to the provision of manhole covers at the bends.) However, more recently they lodged an objection to the proposal on the grounds of concerns on the inadequate capacity of the village’s wastewater treatment works to accommodate the development (with no plans to invest in the current management plan to 2010).

**Fire Officer** – No objections.

**Environment Agency** – Consider there are no objections on the grounds relating to contamination subject to the submission of a method statement relating to the regarded mound (comments awaited). Advise that subject to a condition restricting flow rates to 21 litres per second from the estate or mound section of the development, they do not object on flood risk grounds (conditioned). However, they do seek additional evidence on the future maintenance of the drain from the mound as this would constitute a ‘private drain’. The submitted method statement is considered adequate.

**Council Engineer** – Surface water concerns relating to flood risk drainage to properties on the south-east edge of the site which should be remedied with a cut-off drain ditch. Additional evidence is required from the applicant on the noise condition and the capacity of the existing culvert proposed to accommodate the surface water discharge from the capped mound.

**Dearham Primary School**  Confirmed no objections to the development subject to the retention of the hedge between the school field and the development.

The application has been advertised on site and within the local press. Adjoining owners have also been notified.

Forty letters of objection from 21 residents have been received to the proposal and its amendmentson the grounds of:

(1) No capacity for the scale of the development in the existing sewage system which presently results in flooding problems.

(2) Insufficient Access – Will there be any other alternative access?

(3) Increased traffic levels in the village to the detriment of
highway safety (reference to recent minor accidents). Hazard of Central Road access onto the A594 which has limited visibility.

(4) Poor access for construction traffic.

(5) Detrimental impact on wildlife on the site.

(6) Browside Road is unsuitable as an access as its dwellinghouses lack off-street parking facilities resulting in a one way traffic flow along this street. The increased traffic flow (approx 134 additional daily cars) along this road would be a hazard to children’s safety.

(7) Hazards of increased traffic flows on Central Road which also lacks off-street parking.

(8) The properties at the rear of Browside would result in loss of light to the existing dwellinghouses on this street.

(9) Three storey dwellings would be unsympathetic at this site.

(10) No demand for this scale of housing in the village.

(11) Hazards from contaminated land (former mine workings).

(12) Lack of details on electricity/telephone supplies.

(13) The footpath link may act as a drop off point for school children, increasing traffic movement (loss of existing pedestrian route to the school).

(14) Lack of details on surface water drainage.

(15) The contamination of the field used as an amenity area would be a hazard to children.

(16) Inadequate education facilities at the village school for the extra pupils generated by the development, plus the village infrastructure/services for the scale of the development.

(17) Threat to public safety from the contamination and its mitigation measures.

(18) Hazards associated with the movement of contaminated materials on the site to public health and
local watercourses, including that associated with vehicles arriving/departing from the site.

(19) The amendments do not overcome the original grounds of objection.

(20) Unsatisfactory design.

(21) Oppose the introduction of double yellow lines outside properties, reduced facilities (same number of vehicles on a reduced length of road).

(22) Lack of need for proposed homes.

(23) Lack of affordable housing.

(24) Lack of details on future maintenance of mound.

A petition containing the signatures of 419 people was received opposing the development. (In the absence of any specific grounds of objection, officers consider little weight can be attached to the petition i.e. insufficient evidence to indicate the reasons prompting signatures on the petition.)

Two letters of support for the proposal were received.

REPORT

Members at the last meeting of the Development Panel resolved to defer the application following the submission of a late objection from United Utilities relating to the capacity of the existing sewerage works for the village and its inability to cope with the level of foul drainage arising from the development.

A former detailed application (2/2005/0353) for the development of 92 dwellinghouses on the site was withdrawn after a wide range of constraints were identified at the site.

The current resubmission application seeks detailed consent for 67 dwellinghouses. The layout of the dwellinghouses is concentrated around the northern, eastern and western boundaries of the site.

A large proportion of the overall site, which is presently occupied by a large spoil mound, is proposed to be re-modelled and capped to form a raised bank area which would be maintained as an area of public open space.

The housing layout (as amended) comprises of a mix of detached, semi-detached and terraced houses. It involves a range of 7 two bedroom dwellinghouses, 34 three bedroom
units, and 26 four bedroom dwellinghouses.

The proposed dwellinghouses would be finished in render/brick materials and tiled roofs.

In a supporting access and design statement the applicant advises the development is located within the village’s local centre. The site was partially formerly a brickworks and has been previously mined, with a mineshaft remaining at the site. However, these uses have ceased and the site has returned to agriculture, although the spoil mound remains a local feature which is prominent in its immediate surroundings. Access to the site is via Browside Estate Road which links onto Central Road.

The applicant contests that the proposal is sustainable and complies with national and local plan housing policies. The applicant also contests there are no other alternative brownfield sites in Dearham/Maryport (dismissing a ½ acre site at Maryport on the quayside, with others requiring a high degree of remediation – the allocated site for Maryport has been developed and a site at Flimby Lodge as a result of its overgrown condition has reverted back to a greenfield site.)

The applicant considers the development would benefit the community, support its services and provide both open market and local market housing, reflecting the guidance in PPG3/PPS3. The applicant contests that in the absence of any detailed housing survey for Dearham the proposal’s housing mix complies with the guidance in PPS3 (which will become a material consideration by the date of the next Development Panel). The applicant considers the amendments increase in the number of three bedroom units will provide compact units which will allow for flexibility for changes in family situations. (No strategic housing assessment is available for Dearham to identify specific house type need).

The applicant considers the development is well related to the existing density without resulting in any loss of amenity and, excluding the remediated area of land, would represent a site density of 31 dwellings per hectare. The applicant contests the layout is well related to the levels of the site and would include both a pedestrian link to the school and a central open space area. The applicant considers the house type and their design are sympathetic with their surroundings.

The statement also advises the public open space would include low maintenance landscaping to enable its use by the
public with planting on its steeper banks and further softening with hedgerows and grassed areas of the bank (as supported by the submitted landscaping scheme).

The proposed local area of play is centrally located in the site. The terraced house type reflects existing housing in the village. The supporting statement also advises the access has been discussed with the Highways Authority. The site has access to public transport and includes pedestrian links (including a pedestrian link to the nearby school).

The applicant has submitted a range of consultants’ reports to address some of the physical constraints previously identified at the site.

Firstly, in response to the extent of the spoil mound on the site and its potential contamination, the application has submitted a consultant’s contamination assessment of the site. This report states that the mound will be retained on site as it would be prohibitively expensive to remove (estimated at £4.5 million).

The report refers to the site’s spoil mound which needs to be elongated and enlarged to provide 1 in 3 side slopes and drain facilities. The results in a mound approx 530 metres in length, 70 metres wide, rising to a height of 5.5-11 metres. A 1m cap of surplus soil materials is needed to provide a barrier to contaminants or accidental ignition of the materials in the spoil mound.

The applicant has highlighted the cap will not be lifted on the existing landform adjacent to the existing houses. They also highlight the existing mound is at risk of slippage, which some letters indicate may already be happening. The mounding operations would stabilise the mound, and its continued maintenance would be incorporated into the management company.

In addition the report proposes the site’s existing mine shaft be drilled, grouted and capped to the National House Building Controls regulations (including stand-off zones).

It was identified that there were no mine workings in influencing distance of the surface. An area in the southwest corner of the site was identified as having elevated levels of heavy metals. It is therefore recommended that this area be excavated and transferred to the spoil mound, and replaced with a new topsoil cap.
Gas monitoring recordings have also been undertaken at the site. Environmental Health has confirmed there is no necessity for gas protection measures.

Details are also provided in the report on structural constraints (with no close proximity of development to the shaft).

Further to the Development Panel meeting, following concerns of local residents and the Parish Council, the applicant has submitted a method statement for the movement of contaminated materials to overcome the revised enlarged mound on the site (comments of both Environmental Health and the Environment Agency are awaited on this issue.)

An additional archaeological report provided an archaeological evaluation of the site (excluding the spoil mound and the mine shaft).

In response to concerns of the Highways Authority, the applicant has also submitted a supporting Transport Assessment plus an associated Stage 1/2 Road Safety Audit.

The report evaluates the highway merits of the proposal in accordance with the National Planning guidance in PPG13 Transport and PPS3.

The assessment included the highway network of Browside Road and its junction onto Central Road, plus the wider context of Central Road itself and its junction onto the A594. It concludes there are no visibility issues that prevent Browside Road being suitable for residential development.

Vehicle counts were undertaken with peak hours 8:00-9:00 a.m. and 5:00-6:00 p.m. Although two accidents have occurred in the previous three years, there are not considered to be any safety problems which will be worsened by the development’s traffic.

The site has access to public transport and has suitable pedestrian links (including to the school). Using Highway formulae and forecasting techniques, the statement considers the existing highway infrastructure has adequate capacity to accommodate the traffic trips generated by the development.

The report therefore considers there are no transport grounds for the refusal of the application.
The application details indicated the means of foul drainage was to be to the public sewer.

The applicant has also submitted an amended surface water drainage plan which proposes the discharge of the surface water via a 500m pipe to the North East to Row Beck following the Environment Agency’s objections to the initial surface water drainage scheme.

A revised flood risk assessment initially proposed the discharge of the surface water from the revised mound into an existing nearby culvert traversing through the neighbouring estate. However, further to a meeting with the Council’s Engineer, the developer has submitted amendments proposing the alternative installation of a separate water pipe alongside the surface water pipe for the estate drainage.

Officers consider that the merits of the detailed proposal relate to both the principle and physical constraints of the site.

Firstly in assessing the principle, although the site is within Dearham’s settlement limits and is an allocated site for housing under Policy RHS4 in the Local Plan, the principle of the development needs to be evaluated in the context of the revised Policy HS7 within the adopted alterations to the Allerdale Local Plan. Dearham settlement is not affected by the restrictions within the Council’s Interim Housing Policy. This policy seeks the preferable development of brownfield sites prior to greenfield sites.

Officers acknowledge that a proportion of the site (predominantly within the spoil mound), by virtue of the features former worked materials would be classed as brownfield. Indeed, in the Local Plan housing policy the site outlines part of the justification for its allocation is, “There is a small colliery spoil tip on the site, the removal of which would be a significant improvement to the environment of Dearham.”

However, a higher significant proportion of the land to be developed for the housing remains greenfield, with only a small area of the overall estate on the south-eastern boundary representing an area of brownfield land to be reclaimed for residential dwellings. Consequently, despite the reclamation mitigation works to the spoil mound itself (as the applicant indicates their removal from the site would make the project uneconomic and therefore not viable), the housing development itself is primarily greenfield.
The application has submitted a sequential test document to assess the merits of any other alternative brownfield sites in both Dearham and in its wider context as part of Maryport’s housing market.

Officers are unaware of any other alternative brownfield sites within Dearham. Dearham is considered to form part of Maryport’s larger housing market. Whilst there are some smaller brownfield site’s in Maryport (e.g. Woods Harbour), there is nothing in comparison with the scale of the current proposal. Although the applicant has referred to another site in Flimby, it is considered this would not, by virtue of its geographical location and distance, form part of Dearham’s individual local housing market.

Therefore, overall, in the absence of any satisfactory alternative brownfield site, the merits of the principle of the proposal are considered satisfactory subject to addressing any physical constraints.

The physical characteristics of the layout and design raise a range of issues (especially given the range of constraints at the site) which may be summarised as follows:

(i) **Foul Drainage:** Whilst United Utilities initially raised no objections to the proposal, shortly prior to the last committee meeting they lodged a late objection advising the original comments had related to their network and had not addressed the capacity problems of the village wastewater treatment works (thus prompting the deferral of any decision on the application). Policy HS9 of the Local Plan (as amended) requires the submission of satisfactory drainage details.

   It is understood the applicant is undertaking discussions with United Utilities to explore the feasibility of expanding the sewage treatment works.

   Unless sufficient evidence is received to address this fundamental constraint, it is recommended insufficient evidence has been submitted to demonstrate a satisfactory means of foul drainage for the site. (An update on this issue will be reported at the committee meeting.)

(ii) **Housing Density:** The housing density of the developed area reflects the guidance criteria within Policy HS8 of the Alterations and the guidance in PPG/PPS3 ‘Housing (i.e. a ratio of 30 dwellings per hectare). The applicant wishes to highlight this density
is at the bottom of the 30-50 dwellings per hectare ratio specified in government advice. Therefore, subject to Members being satisfied that the existing infrastructure within the village can support the scale of the development, there are no objections to the scale of the development.

(iii) **Local Needs Housing:** The applicant has agreed in principle to allocating dwellinghouses (5 x 2 bed houses and 3 x 3 bed houses; 8 x local occupancy, affordable houses); within progressive phases to meet the local housing provision recommended and identified by the Council’s Housing Section under a S106 (in accordance with the provisions of Policy HS14).

(iv) **Archaeology:** The County Archaeologist accepts the findings of the report and raises no objections, subject to a condition relating to further investigation into the outstanding areas within the spoil mound.

(v) **Surface Water/Flood Risk:** This issue has been raised by the objectors. The Environment Agency has withdrawn their initial objection subject to a planning condition restricting the discharge rate of the surface water both from the estate section and re-modelled mound of the site. As the surface water of open space section of the site is via a private pipe (rather than a watercourse), they consider this particular aspect of the surface water drainage alternatively falls under the jurisdiction of the Council’s Engineer. Both the Council’s Engineer and the Environment Agency do not oppose (subject to discharge rates) the alternative drainage scheme for the mound. (However, as a private drain its future maintenance will need to be secured under the S106 to accompany the application.)

(vi) **Contamination/Landscape:** The applicant has submitted a detailed evaluation of the site, including site investigation analysis. The Council’s Building Control Officers consider that despite extensive mineworkings underneath the site, by virtue of the coal seam being below a layer of bedrock, there would be no significant structural concerns other than those around the immediate vicinity of the mineshaft.

As specified previously, the applicant, on economic grounds, seeks to retain and consolidate the contaminated land at the site and cap it with an area of soil from the site which will be used as public open space. As a consequence this would address the
hazards associated with the combustible and health hazard materials identified with the existing spoil mound on the site. (If refused these issues would have to be pursued by Environmental Health with the existing land owner under their own respective regulations.)

Both the Environmental Health Officers and the Environment Agency are satisfied that the proposed capping scheme is acceptable subject to condition relating to additional testing. The Environment Agency considers the method statement is adequate but reserved the right to take enforcement action if necessary. Environmental Health also considers the method statement details are acceptable subject to validation of its details. Officers therefore consider that, subject to the implementation of the mound in accordance with the revised scheme and the method statement, the merits of the resubmission scheme are acceptable with no threat to public health or the water environment.

Inter-related to the mitigation measures proposed to overcome the contamination constraints is the physical landform of the resulting mound and its impact on the visual amenity and landscaping of its surroundings. Officers are surprised at the scale of the enlargement of the mound to secure the contamination measures.

The applicant has submitted a detailed landscaping scheme for the mound. A second option of a lower, broader steep sided but flat plateau mound was considered less prominent but more unnatural in its landscape form. Whilst the resulting mound substantially enlarges the existing mound, its height, which is approx 5.5 metres higher than the land on the western boundary and 11 metres higher than the land on the eastern boundary (i.e. exceeding the height of a dwellinghouse), is not considered excessive given the overall size of area to be landscaped and would form more of a natural feature than that of the existing irregular shaped spoil mound presently on the site.

It is, however, essential for Members to assess whether the large scale of this feature and the environmental impact of the physical form of the resulting mound outweigh the benefits of resolving the contamination at the site and enabling the beneficial development of the site for housing. However, officers are also awaiting additional surface water drainage details for this individual aspect of the development to ensure it poses
no risk in terms of contamination or flood risk (due to the clay content of its capping material).

(vii) **Highway Concerns:** This issue constitutes one of the primary physical constraints to the site due to the limited options of access to the site and its associated infrastructure and details.

The Highways Authority has confirmed that the amended plan addresses their initial concerns. It is understood that the provision of the parking restrictions at each end of Browside’s Estate’s road would act as passing places for the traffic from the proposed estates and allow vehicles to wait for oncoming traffic.

The Highways Authority considers that this would enable four cars to ‘stack’ off to wait for traffic approaching along Browside Road. A build out area is also proposed to improve visibility.

It was accepted the junction of Central Road with the A594 is sub-standard but that the traffic flares generated by the development would not be significant and increase danger at this junction. (The accident record is low with two accidents in the past three years, though these did not highlight any particular safety issues.)

Officers, however, accept the highway consultant’s comments relating to Central Road and its junction onto Browside Road (whose visibility would be further secured by the proposed parking restrictions.)

The application has been amended to incorporate the footpath link details to the school.

In the absence of any objections to the proposal (as amended) from the Highways Authority to the submitted Traffic Assessment and Road Safety Audit officers consider the highway merits of the proposal are acceptable.

Officers, however, consider the Highways Authority’s requirement under a condition for the submission of a Travel Plan is insufficient in merit to be included as a condition (i.e. Officers consider the absence of this individual detail would be insufficient to warrant the refusal of the application.
(viii) **Design:** The objections concerns relating to the three storey element of the housing layout has been superseded by the amendments more sympathetic two storey terrace.

The Parish Council have also referred to concerns on the boundary treatment for both the regarded mound and the dividing fences between proposed and existing dwellinghouses.

The applicant has amended the boundary treatment to the perimeter of the open space to a more sympathetic landscaped/post and rail fence.

Whilst reference has been made that 1.8m fencing should not be supported between properties, this type of treatment of on rear curtilages on most housing estate developments, and officers are unaware of any specific planning regulation guidance which resists this individual aspect of the development. Officers are satisfied that the overall layout integrates well into the neighbouring layouts of neighbouring housing areas. It is therefore considered the proposed boundary details are acceptable.

Therefore, overall, Officers do not oppose the principle of the development. However, the merits of the development are subject to addressing the physical constraints of the access, landscaping, drainage and contamination.

However, it is evident that a by virtue of United Utilities’ objection a satisfactory means of foul drainage has not been demonstrated for the development. Unless satisfactory alternative drainage details are received prior to the committee meeting it is recommended the proposal be resisted. (A S106 Agreement would be needed to secure the housing development’s recommended affordable housing on the site and the future maintenance of the private drain for the mound).

**Recommendation:** Refused

**Conditions/Reasons:**

1. The Local Planning Authority considers insufficient evidence has been submitted to demonstrate a satisfactory means of foul drainage for the proposed development, contrary to Policy HS9 of the approved alterations to the Allerdale Local Plan (May 2006).
Reference No: 2/2007/0358
Received: 02/04/2007
Proposed Development: Outline application for erection of new club premises with integral steward accommodation.
Location: Land at Casson Road Mossbay Workington
Applicant: Mossbay Working Mens Club

Constraints: Settlement Limit HS5
Allerdale Flood Zone 1
British Coal Area
Adv Control Exclusion – Workington

Policies: Allerdale Local Plan
EN5 seeks to ensure that development minimises pollution including noise pollution

EN6 – Proposals for potentially polluting development in locations which would unacceptably adversely affect pollution sensitive development will not be approved

WKHS7 – Enhancement of Moss Bay Renewal Area
L3 – Supports new leisure and community facilities
EN3 – Landscaping
TR9 – Disabled access

Structure Plan
ST3 – Principles applying to all new development
L55 – Local services and facilities. Proposals for new local services and facilities will be supported where their detrimental impact including traffic generation is minimised.

Representations: Town Council – No objections.
Cumbria Highways – No objections subject to conditions.
Environmental Health – Verbal advice to re-state appeal condition.
The application has been advertised on site and adjoining owners have been notified.
Three letters of objection and a petition from local residents have been received on grounds of nuisance, late night comings and goings, taxi and other late night traffic, parking problems, late night disturbance, loss of residential amenity, inappropriate neighbour for elderly residents or for a chapel.

Letter from Westfield Housing Association echoing these comments and confirming that the site is opposite a development housing frail elderly people. It also raises prospect of outdoor smoking and drinking areas.

REPORT

This application relates to a vacant brownfield site and the site of a domestic garage on Casson Road, a predominantly residential area which has benefited from the Moss Bay Renewal Area and from new housing association development. A small chapel abuts the site on its Cross Street frontage, but on all other sides the site is adjacent to residential properties.

The proposal, submitted in outline, is for a detached building, predominantly single storey, but with a two storey wing (maximum height 4.86m) to accommodate a manager’s flat. The layout plan shows the site accessed from Cross Street and off street parking provided at the southern end of the site, adjacent to the chapel and the Cross Street/Casson Road junction.

The development is intended to replace existing premises on nearby Salisbury Street, which is also surrounded by residential property. The applicants are willing to enter into a S106 Agreement to require the use of the existing premises to cease when the new club opened. The present club has no off street parking and visiting cars must compete with residents’ vehicles for on street parking spaces.

In 1997 the Council considered a near-identical proposal for new premises for the Moss Bay Working Mens Club on this site. Although at that time it was recognised that the Club could provide a useful facility for residents within the area, the scheme brought local objections and the Authority considered that late night disturbance caused by patrons and cars entering and leaving the premises would be likely to result in a loss of residential amenity. The application was refused on this basis.

An appeal was lodged against the Council’s decision. In his report the Inspector took the view that the Working Mens Club was a traditional and valued feature of the locality and that it was in the community’s interests that it should be able to relocate to less cramped and more accessible premises.
He saw the site as within a closely developed area which has traditionally encompassed community and social facilities and where there was always likely to be some late night activity and traffic. In this regard he pointed to Moss Bay Road as an important traffic route into the town centre and to a taxi business at that time operating from part of the site.

The Inspector took the view that subject to conditions a well run club “need not cause material harm to the reasonable amenities of nearby residents such as to override the wider benefits arising from the provision of an improved and long established community facility.”

It is considered that there has been little change in circumstances since the last appeal beyond that the taxi operation referred to has ceased and this is not seen as a crucial element in the Inspector’s reckoning.

In the light of largely unchanged circumstances it is considered that the Authority has little appropriate alternative than to determine the current application in line with the Inspector’s appeal decision. An additional condition to prevent the creation of a beer garden is proposed subject to S106 Agreement to ensure the use of the existing club ceases when the new club opens.

**Recommendation:** Approved

**Conditions/ Reasons:**

1. Approval of the details of the layout, scale and appearance of the building[s], the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
   
   **Reason:** To enable the Local Planning Authority to assess all the details of the development.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
   
   **Reason:** To enable the Local Planning Authority to assess all the details of the development.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of THREE years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of FIVE years from the date of this permission, or before the expiration of TWO years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, planting and hard surfacing. Such scheme which shall be implemented within the first planting season following the opening of the club premises. For a period of 5 years following their planting the trees/shrubs shall be protected and maintained and any trees/shrubs that cease to grow shall be replaced in the following planting season with others of similar size and species.

Reason: In order to ensure a satisfactory standard of development in compliance with Policy EN3 of the Allerdale Local Plan.

6. Before the development is commenced details of access arrangements and hard surfacing within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to the commencement of the use hereby approved.

Reason: In the interests of highway safety.

7. The building shall not be occupied until space has been laid out within the site for a minimum of 15 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Those areas shall not thereafter be used for any other purpose.

Reason: In the interests of highway safety.

8. Before the development is commenced details of a scheme of soundproofing, to include acoustic glazing and air conditioning, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of the use of the club premises hereby approved.

Reason: In the interests of the amenity of
neighbouring residents and in compliance with Policy EN6 of the Allerdale Local Plan.

9. The level of noise emitted from the site shall not exceed 45dBA LAeq 1hr at any time, as measured at the boundary of the site.
   *Reason: In the interests of the amenity of neighbouring residents and in compliance with Policy EN6 of the Allerdale Local Plan.*

10. Before the development is commenced a scheme indicating the provision to be made for disabled people to gain access, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby implemented is brought into use.
   *Reason: In order to ensure a satisfactory standard of development in compliance with Policy TR9 of the Allerdale Local Plan.*

11. The development hereby permitted shall not be open for use by members or others outside the following times - 1100hrs to 2300hrs - other than with the written consent of the Local Planning Authority.
   *Reason: In the interests of the amenity of neighbouring residents and in compliance with Policy EN6 of the Allerdale Local Plan.*

12. No amplified or other music shall be played in the premises outside the following times - 1100hrs - 2300hrs - other than with the written consent of the Local Planning Authority.
   *Reason: In order to ensure a satisfactory standard of development in compliance with Policy TR9 of the Allerdale Local Plan.*

13. No part of the curtilage of the property shall be used as a beer garden or outdoor drinking area without the prior consent of the Local Planning Authority.
   *Reason: In the interests of the amenity of neighbouring residents and in compliance with Policy EN6 of the Allerdale Local Plan.*

14. Access gates, if provided, shall be hung to open inwards only away from the highway.
   *Reason: In the interests of highway safety.*

15. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development
is occupied.
Reason: In the interests of highway safety.

16. Details of all measures to be taken by the applicant 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.

17. The development shall not be brought into use until visibility splays providing clear visibility delineated by straight lines extending from the extremities of the site frontage with the highway (Cross Street) to points 2.4m along the centre line of the access drive measured from the edge of the adjacent highway has been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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.
Reason: In the interests of highway safety.

18. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highways Authority.
Reason: In the interests of road safety.

19. Before the development is occupied the existing accesses 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.
Reference No: 2/2007/0399
Received: 26/04/2007
Location: Land at Greenside Thursby Carlisle
Applicant: Mr A P Brown

Constraints: Settlement Limit HS5 Allerdale Flood Zone 1

Policies: Allerdale Local Plan
EN4 seeks to safeguard trees covered by tree preservation orders.

EN9 seeks to safeguard public health by ensuring that potentially contaminated sites are assessed and necessary remediation measures are undertaken.

TR6 provides the criteria for car parking requirements for new residential development.

HS5 and HS8 provide the criteria for the design and siting of new residential development.

HS9 requires that new residential development has a satisfactory means of access and foul/surface water drainage.

County Structure Plan
ST3 seeks to secure high standards of design, siting and sustainability in all new development.

Representations: Parish Council – Gable walls are close to plot boundary and may cause problems for future maintenance.

Cumbria Highways – No objections subject to conditions.

Natural England – No objections.

Fire Authority – No objections.

Environmental Health – No objections.

United Utilities – No objections.
The application has been advertised on site and adjoining owners have been notified.

Six pieces of correspondence have been received in connection with application. Four letters of objection, 1 petition containing 19 signatures and an e-mail of a general query nature. Issues of concern which are valid planning considerations relate to 1) method of surface water drainage 2) protection/safeguarding of TPO trees in proximity to site 3) conflicting landuse between proposed dwelling and existing commercial garages standing adjacent 4) impact of development on protected species 5) Potential on-site contamination 6) size of plot to dwelling 7) siting of dwelling 8) means of enclosure 9) design and external appearance of dwelling 10) site levels.

REPORT

The application relates to a brownfield plot located within the western section of the Thursby settlement. The plot has been subdivided from a larger L-shaped site, which was granted outline planning consent (2/2004/1210) for the erection of three detached dwellings. The applicant seeks an individual detailed consent for the easternmost plot abutting the southern perimeter of the wider site. A similar scheme (2/2007/0008) to that currently under consideration was submitted earlier in the year but was withdrawn to enable the applicant to investigate whether the site formed a habitat for protected species (i.e. bats).

Bounded by the dwellings 'Red Gable' and 'Birtley House' either side (former to the west, latter to the east) and the Westhaven housing estate to the north, the plot is considered as infill. Access can currently be gained from two points; north via the Westhaven estate road or south via the main village/’Old Cockermouth’ road. The site has a noticeable declivity on a south-north axis. The centre of the site lies approximately 1.2m lower than the main village road and 0.6m higher than that serving the Westhaven estate.

Currently in an overgrown and unkempt state, the wider site is considered to have negligible amenity value. An empty garage currently stands on the centre of the plot subject of this application whose former use, along with others of a similar nature on the remainder of the site, relates to a classic car repair business. Trees with preservation orders (TPO) stand in close proximity to, but not actually within, the plot itself. A single tree stands on the boundary of the wider site, due north, and a group in the south-west corner of the curtilage of ‘Birtley House’ directly adjacent to the mutual boundary. Theoretically development on the plot could potentially have a detrimental effect on either TPO should it
impinge on their root system.

The proposal (as amended) entails proposed full consent for the erection of a detached two storey dwelling with integral garage on the site. The external appearance comprises of brickwork elevations and timber effect UPVC windows/doors beneath a grey tiled roof. A sun room of identical materials projects from the rear elevation closest to the mutual western boundary shared with ‘Red Gable’. Access is gained from the south via the ‘Old Cockermouth’ road, with a driveway/turning area leading from the highway to the front of the dwelling.

With regards to design and external appearance, officers are of the opinion that the proposal achieves a satisfactory relationship with existing development in the immediate locality. The site levels have been confirmed by the applicant and officers are satisfied that the massing of the proposal is comparable with adjacent properties. Objections have been raised in relation to these aspects of the proposal, citing that when assessed against national planning guidance (PPS3) it is substandard on all three criteria. Officers disagree with this viewpoint and maintain that by virtue of the variety of house types, lack of homogeneous character and density differentials in the locality, there are insufficient grounds to warrant refusal of the proposal on design grounds.

The size of the plot in relation to the dwelling, the proposed siting of the dwelling upon on it and the resultant impact on adjacent properties has also raised concerns. Officers consider the size of the plot to be of sufficient size to accommodate the dwelling proposed. Whilst agreeing with objectors that the amenity space associated with the dwelling is smaller than that of existing dwellings in the locality, it is comparable to those on recently approved estate developments. The trend of smaller plot sizes is underpinned by the prevailing planning guidance requiring higher densities for residential development. Whilst officers concur with objectors that the proposal is in close proximity to either side boundary, this in itself is not grounds for refusal. Issues relating to the future maintenance of the property as a result of impinged access due to site constraints are not valid planning considerations.

Objections to the siting of the dwelling (specifically that the principal projects forward of Birtley House) on amenity grounds are deemed unsustainable. There is no perceptible building line with regard to the properties fronting onto the ‘Old Cockermouth’ road, thereby making its regulation in this
instance difficult to both justify and uphold. Approximately half of the 3m projection is at single storey only, with the remainder rising to 1½ storeys at maximum height. Taking into account the distance between the two properties and their orientation (south facing), officers consider no harmful loss of amenity would be incurred. Indeed, the group of TPO trees in the south-west corner of the Birtley House curtilage will themselves already cause interruption to the amount daylight received by the front garden of the property by reason of their height and maturity.

The applicant has been asked to confirm that none of the TPO trees adjacent to the development plot would be affected as a result of the proposal. The driveway is positioned well away from the mutual boundary with Birtley House and therefore there is no risk of damage to the root system of the TPO trees within its curtilage. An amended plan indicating the canopy spread of the single tree on the northern boundary demonstrates to the satisfaction of the Local Planning Authority that it is of sufficient distance away from the development not to be at risk. An appropriate condition would ensure its long-term health was protected safeguarded nevertheless.

As with the approved 2004 outline application, the applicant intends to dispose of surface water via public sewer to which United Utilities has no objections. Notwithstanding objectors’ requests for incorporation into the proposal of a sustainable drainage system (SUDS), giving weight to the details approved under the previous decision and the comments of United Utilities the drainage of surface water into the public sewer is acceptable.

Given that the site appears to have been broken up into individual plots, objectors stated that a conflict in landuse would occur should this plot developed and the commercial garage use be resumed on the remainder of the site. Officers are satisfied that an appropriate condition could be attached, any consent granted requiring the cessation of the garages for commercial use, thereby safeguarding the amenity of future occupants. Given the applicant has included the remainder of the site within the blue line and therefore indicated ownership, this condition would be both reasonable and enforceable.

With regard to potential on-site contamination, no objections to the scheme have been received from Environmental Health. However, a desk-top study was requested by them under the 2004 application. Given the lack of information as to the previous use on the site (i.e. storage of chemicals etc)
officers consider it prudent for a contamination study to be undertaken prior to the commencement of development. This will also address the concerns of objectors to the development in this respect.

Following the submission of additional details by the applicant, English Nature has withdrawn the objections to the scheme and are satisfied that the site is unlikely to provide a habitat suitable for bats. This does certainly not undermine objectors' claims that bats have been noted on and around the site. The applicant is fully aware that should bats be discovered, appropriate action and mediate measures should be undertaken in consultation with English Nature.

Officers consider the proposal can be approved under the current policy guidelines subject to the conditions suggested below.

**Recommendation:** Approved

**Conditions/Reasons:**

1. The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.
   
   *Reason: In order to comply with Section 51 of the Planning & Compulsory Purchase Act 2004.*

2. Before any development is commenced on the site, including siteworks of any description, the tree indicated on Drawing No. AB/KT/06/01A dated 14/06/2007 accompanying this Decision Notice shall be securely fenced off by a post and wire or chestnut pale fence erected in a circle round each tree at a radius from the bole of ten feet or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of two inches or more shall be left unsevered.
   
   *Reason: In order to ensure that adequate protection is afforded to the existing trees on the site, having regard to Policy EN4 of the Allerdale Local Plan, Adopted 1999 (First Alteration, June 2006).*

3. Details 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 before development commences. 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, having regaird to Policies HS8 of the Allerdale Local Plan, Adopted 1999 (First Alteration, June 2006) and Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

4. The dwelling shall not be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access and parking provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access and parking provision when the development is brought into use, having regard to Policies HS5, HS9 and TR6 of the Allerdale Local Plan, Adopted 1999 (First Alteration, June 2006) and and Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

5. A desk study shall be undertaken and agreed by the Local Authority to investigate and produce an assessment of the risk of the potenital for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should 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. If remediation measures are necessary they will be implemented in accordance with the assessment and the satisfaction of the Local Authority.

Reason: In the interests of public health, having regard to Policy EN9 of the Allerdale Local Plan, Adopted 1999 (First Alteration, June 2006).

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety and to secure a satisfactory standard of development having regard to Policy ST3 of the Cumbria and Lake District

7. The development shall not commence until visibility splays providing clear visibility delineated by straight lines extending from the extremities of the site frontage with the highway to points 2.4m along the centre of the access drive measured from the edge of the adjacent highway have been provided. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (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 in excess of 1m in height which obstruct the visibility splays.

Reason: In the interests of highway safety and to secure a satisfactory standard of development having regard to Policies HS5 and HS9 of the Allerdale Local Plan, Adopted 1999 (First Alteration, June 2006) and Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

8. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.

Reason: In the interests of highway safety and to secure a satisfactory standard of development having regard to Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).

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 to secure a satisfactory standard of development having regard to Policy HS9 of the Allerdale Local Plan, Adopted 1999 (First Alteration, June 2006) and Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted Plan, April 2006).
Reference No: 2/2007/0403
Received: 10/04/2007
Proposed Development: Erection of 1.2m fence and enclosure of land for parking
Location: Land next to 6 Infirmary Road, Workington
Applicant: Mr Burns & Mrs Bell

Constraints: Settlement Limit HS5
Allerdale Flood Zone 1
CZ1-CZ6
British Coal Area
Adv Control Exclusion – Workington

Policies: Allerdale Local Plan
TR13 – The needs of pedestrians taken into account

Cumbria and Lake District Joint Structure Plan 2001-2016, Adopted Plan, April 2006
ST3 – Principles applying to new development

Representations: Town Council – No objections (08/06/2007).

Cumbria Highways – 1) Due to the annexation of the land, it may be useful to realign the access road arrangements for ease of access regress along the road. 2) There should be adequate space on the private road for vehicles to pass freely but this would be to the detriment of long standing parking provision on the lane.

The applicant will need to ensure that the affected area of the private road is stopped up under Section 247 of the Town and Country Planning Act 1990.

Environmental Health – No objections.

The application has been advertised on site and adjoining owners have been notified.

Seventeen letters of objection and seven letters of support have been received (see report).

REPORT This application was deferred from 12 June 2007 planning panel to take account of any further representations. Retrospective planning permission is sought for the erection
of a 1.2 metre wooden fence and the enclosure of land for domestic parking adjacent to an end terrace dwelling on Infirmary Road. The enclosed land measures a minimum of 3.7 metres in width and 13.4 metres in length (which includes a 1.2 metre width and 9 metres in length private footway).

The enclosed land has historically formed part of an unmade access lane to a small cul-de-sac of 5 nos. bungalows and their garages known as West Grove. The access lane also serves a garage court of 18 nos. garages and provides for informal parking for local residents.

The main issues to consider are whether the enclosure of the land for the provision of private parking has any adverse impact on amenity and highway safety of local residents as a result of partly blocking up the access lane that serves West Grove and the garage court adjacent. The appearance and design of the fence and any loss of historic informal parking arrangements for local residents is also to be considered.

The applicant sets out that 7 metres of access lane remains, however, Officers note that this is often parked up with informal parking. The enclosure of the land requires the realignment of the original route of the lane but the applicant states a parking bay is normally 2.4 metres in width (2 metres if there is a verge) and therefore users of the lane take a similar route as that prior to the fence being erected given cars historically informally parked in the now enclosed area.

17 letters of objection and 7 letters of support have been received from neighbour notification and from the publicising of the proposal by site notice and local newspaper.

The objections raised include:
1. The roadway is the only way in and out of West Grove, serving 5 dwellings and 23 garages.
2. The applicant does not own the land, has no right to claim the land by erecting a fence around the land and the applicant has no legal claim on the land.
3. The land is owned by Curwen Estates.
4. The owners have created 2 private parking spaces but 3 public parking spaces have been lost, therefore the enclosed land has had a detrimental effect on local parking.
5. For decades the enclosed land has been used for access and parking by local residents and has been maintained by local residents.
6. The main services to West Grove (electricity, gas, water and drains) run under the main road, some
underneath the enclosed area. There is concern that there would not be access for maintenance and repairs of the utilities.

7. The applicant already benefits from a large garage adjacent to their property.

8. There is a shortage of parking spaces within the locality, with less than 25% sufficient parking spaces for the number of properties.

9. The erected fence and gates are considered ugly, unsightly and not in-keeping with the area. The fence is considered a dominant feature and an intrusion on the lane. The fence could be a health and safety hazard.

10. The enclosed area forms part of the vehicular access to West Grove and a garage court which has now been narrowed so that it is restricted and refuse, utility and emergency vehicles cannot always gain access.

11. Vehicular access is restricted to Hazelmere, Infirmary Road.

12. Stopping up of the access lane would require the agreement of all the users.

13. The enclosure of the land would establish a dangerous precedence. It may encourage other residents to fence off land in the future and compound access issues.

14. The enclosure of the land by a fence has impeded the access lane and is a danger to pedestrians and motorists.

15. The lane is narrowed by the fence on one side and parking on the other. The lane is now single width only.

16. Neighbours thought the fence was temporary only while the applicant did work to alleviate localised flooding.

17. Pedestrians have historically used the path adjacent to 6 Infirmary Road.

18. The enclosure of the land may impede the adoption of the road with 2 lane width and pavements at a later date.

19. The applicant has only lived at the address for 18 months but claims to know the walking habits of the locality.

20. Cars are reversing onto Infirmary Road which is going to get busier because of a new housing development.

The reasons for support include:

1. The fence has improved the view and tidied up the area.

2. Pot holes on the lane have been filled which has stopped flooding and reduced the risk of damage to
3. The visibility at the junction has improved since the fence has been erected.
4. The work done has not materially reduced the width of the unadopted access road as cars have always parked on both sides of the road.
5. Refuse vehicles can access the lane both forwards and in reverse without difficulty.
6. Visitors have not had problems finding parking spaces since the enclosure of the land.
7. The erection of the fence has slowed down vehicle speed.

With regard to the issues raised, although the applicant does not own the land, the correct Certificate D has been completed within the application. This establishes that the applicant has taken reasonable steps to find out the names and addresses of the owner(s) of any part of the land to which the application relates by undertaking a Land Registry search, by advertisement in the Times and Star and by placing a Site Notice.

It is stated that the land is owned by Curwen Estates which is administrated by Allerdale Borough Council, however, it has been confirmed that this subject land parcel is not part of the Curwen Estate that is administrated by Allerdale Borough Council.

It is considered by County Highways that vehicular and pedestrian access rights have been acquired over time for local residents and garage court users on West Grove to cross the access lane. The partial enclosure of the access lane will therefore require a Stopping-Up Order.

County Highways advises that there should be adequate space remaining on the private road for vehicles to pass freely, but this would be to the detriment of the long standing parking provision on the lane. It is likely, however, that cars will continue to park on the lane and therefore the lane will become single width. In addition, the enclosed land is wider than the width of cars that have historically been parked in the locality. It may be considered that the enclosure of the land further impedes the free flow of traffic and pedestrians than that of the previous informal car parking.

The applicant has addressed issues raised and sets out the following in further support of the application:–
1. Prior to the erection of the fence, residents had nowhere safe to walk but walked down the centre of the road, given there has never been a footpath for
pedestrians and that the path adjacent to 6 Infirmary Road is private.

2. The road has been upgraded to make slips, trips or falls less likely.

3. There are no access issues for bin wagons passing down the lane, even with cars parked on the lane; taking into account the number of cars parked on the road, there is still a clearance of 4.2-4.4 metres and a fire engine needs 4 metres.

4. The applicants parked on the lane before the fence was erected and non-residents also used the parking spaces adjacent to 6 Infirmary Road because there are no time limits (sometimes untaxed vehicles).

5. The volume of users of the lane is small, only 20/30 per day.

It is Officer opinion that the main issue to consider is whether the partial blocking up of the access lane as a result of the enclosure of the land by a fence to provide domestic curtilage and private parking, has adversely affected the users of the lane in terms of amenity, vehicular and pedestrian access and parking.

Having measures the site Officers confirm that the width of the lane is 7 metres from fence to wall. The accessibility of the lane is further reduced, however, by a grass verge and trees of 1.4 metre width and a further 2.0 metres for informal parking. This leaves 3.6 metres of lane accessible for cars/vehicles. Measurements have been taken at several points from the edge of parked cars to the unauthorised fence and it appears that although there may be wider accessible points within the lane this is depicted by how close cars are parked to the wall or onto the grass verge.

It is considered there is an insufficient width to allow for two way traffic to pass safely through the lane. The Manual for Streets has indicated that a road width of 4.1 metres may be acceptable in certain circumstances to allow for two way traffic. In this circumstance, given the uncontrolled nature of street parking outside the applicants control and by virtue of the volume of traffic (given the lane serves 5 dwellings and their garages and 18 garages on a garage court) the enclosure of part of the lane and its subsequent reduction in width and realignment is deemed unacceptable and likely to have an adverse effect on vehicular and pedestrian access arrangements for users of the lane, local parking and the amenity of local residents.

Given the on-street historic informal parking is likely to continue on the lane, vehicles may reverse into Infirmary
Road to allow oncoming traffic through the single width lane. The 3.8 metres in front of the enclosed area’s access gates are considered to be insufficient space to enable vehicles to use it as a passing place. It is noted that the enclosed land is wider than the cars that have previously been parked within the area.

The design and materials of the fence are not considered a reason alone for refusal of planning permission and it is noted that the fence could be reduced in height by 20cm and enjoy permitted development rights under Part 2, Minor Operations of the Town and Country (General Permitted Development) Order 1995. This would not, however, take away the need for the enclosed land to require a change of use from access lane to domestic curtilage or for the requirement of a Stopping-Up Order for the partial blocking up of the access road from Infirmary Road to West Grove.

The informal parking arrangements on the lane have historically made the vehicular and pedestrian movements across the lane sub-standard. It is considered as a result of the proposed reduction in the width of the lane, and that the uncontrolled informal parking arrangements on the lane are likely to continue, that proposed enclosure of the lane is likely to exacerbate sub-standard vehicle and pedestrian access arrangements and the scheme is not considered to satisfactorily address these issues.

Recommendation: Refuse

**Conditions/Reasons:**

1. The partial blocking up, reduction in width and the realignment of the access lane from Infirmary Road to West Grove in order to provide domestic curtilage and private parking by virtue of existing on-street parking, is deemed to have an adverse effect on the vehicular and pedestrian access arrangements for users of the unmade lane, including local residents and users of the nearby garage court and is likely to have an adverse effect on the free flow of traffic, pedestrians and highway safety in the locality. The proposal is therefore contrary to Policy ST3 of the Cumbria and Lake District Joint Structure Plan.
Reference No: 2/2007/0467
Received: 11/05/2007
Proposed Development: Erection of 56 no dwellings (including the house type substitution on plots 8 - 21 application 2/2006/1092) - resubmission to 2/2006/1337.
Location: Land Off Bellaport Gardens Harrington Workington
Applicant: Taggart Homes Harrington Cumbria Ltd

Constraints: Site Of Arch Interest
Public Right Of Way
Settlement Limit HS5
Landfill Waste Disposal
Allerdale Flood Zone 1
Allerdale Flood Zone 2
Allerdale Flood Zone 3
British Coal Area
Adv Control Exclusion - Workington

Policies:
Structure Plan Policy
ST3 – General principles governing development

Allerdale Local Plan
HS5 – Housing in settlements
HS8 (First Alteration) – Housing design and minimum density
HS7 (First Alteration) – Prioritisation of brownfield sites
HS9 (First Alteration) – Access and services
CO18 – Setting of a Listed building
EN9 – Contaminated/derelict land
G1 – Provision of landscaping

Representations:
Town Council – Request a road survey to be carried out particularly at the busy times 3pm – 4pm and 8.30am – 9.30am each weekday.

Cumbria Constabulary – Application referred to traffic management section for comment.

Environment Agency – No change to comments previously offered.

United Utilities – No objections. Separate requirements.
Environmental Health – No representation has been received to date (21/06/2007).

Fire Officer – No objections.

County Archaeologist – No objections.

The application has been advertised on site and within the local press. Adjoining owners have also been notified.

One letter of objection has been received expressing regret at appeal decision and dissatisfaction with planning system. One letter of objection relating to traffic and parking problems on Church Road. Letter from residents group, Community Concerns, requesting a traffic survey by the County Council.

REPORT

The site

This application relates to a former sand quarry close to the railway station at Harrington. Planning permission for 41 dwellings on the site was kept alive by a start having been made on the development. Alternative dwellings have subsequently been approved and/or erected on some of those plots on the basis of revised applications and outline planning permission has been granted for the development of the remaining land, based on an alternative layout.

The site history

An application for the erection of 87 dwellings on this site under reference 2/2006/0332 was refused by full Council in October 2006 on the following grounds:

“The development is of a scale and design which will detract from the character of the settlement and as such is contrary to Policy HS5 (i) and HS8 (iii) of the Adopted Local Plan.”

These policies relate to the requirement that “the development is of a scale and design which will not detract from the character of the settlement” and “new development should not be intrusive and should relate well to both existing development and natural features. Detailed elements of the design should reflect local tradition where appropriate.”

An application for 21 dwellings on part of the site (ref 2/2006/1092) was subsequently considered by the Development Panel and was approved subject to a S106 Agreement governing the maintenance of a play area.
An application was next made for 56 dwellings under reference 2/2006/1337. As some of the plots occupied land which was already the subject of planning permission 2/2006/1092, the maximum number of dwellings on the site as a whole would have been 63 (not 77) if both schemes were built. This compared with 87 on the scheme which had earlier been refused (2/2006/0332).

This reduction in site density attempted to address concerns at the scale of the development which led to the refusal of application 2/2006/0332. The house types used in the new scheme were similar to those previously considered, though the length of a series of three storey blocks backing onto the embankment at the rear of the site was reduced and the development opposite these blocks was reduced to two storeys, giving a more open appearance. The scheme retained two blocks of flats, though of altered design.

The application attracted a high number of objections. As with the earlier scheme, many letters centred on highway issues related to Church Road. Despite these objections, the Highways Authority continued to advise that there were no sound highway safety grounds to refuse planning permission, or to require that provision be made for a future relief road through the site emerging at Shore Road at Salterbeck.

Objections based on increased flood risk to Church Road, and sewage disposal problems were not supported by technical consultees.

Despite the applicants efforts to overcome the reasons for refusal of the earlier scheme the application was refused on exactly the same grounds.

The applicants had, in the meantime, lodged an appeal against the refusal of planning permission for their first scheme for 87 houses (2/2006/0332). This appeal in due course proved successful, leaving the developers able to proceed with that scheme.

The Inspector wrote of the proposal:-

“I conclude that the proposed development would not adversely affect the character and appearance of this part of Harrington. Rather it would make good use of a site which is in a sustainable location and achieve a more efficient use of land by increasing the density of development without compromising design. I appreciate that local people believe the development would cause difficulties and I have carefully considered the various
points which have been made but I am not persuaded by any of the arguments against the proposal."

The developers, however, had by this point decided that they would prefer to build the lower density scheme represented by application 2/2006/1092 and had already lodged an appeal against that second refusal. In the light of the Inspector’s decision on the first appeal it seems likely that such an appeal would be successful. The applicant is seeking to avoid a further public enquiry by re-submitting his proposals in a new application and inviting the Council to reconsider its view in the light of the first appeal decision.

The planning merits of the proposal

It is considered that this scheme is of a better design than that the developer is now at liberty to build and offers a higher quality of townscape. The density of the development, a matter of concern to many local residents, is lower than that of the scheme approved at appeal. Subject to conditions similar to those applied by the Inspector and to a S106 Agreement governing the maintenance for the play area and common areas it is considered that planning permission should be granted.

It is further recommended that residents request for a traffic survey be passed on to the County Council.

**Recommendation:** Approved

**Conditions/ Reasons:**

1. The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.
   
   *Reason:* In order to comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

2. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the buildings and details of the treatment and finishes of all other surfaces within the site hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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 Policy HS8 of the Allerdale Local Plan.
3. No development shall take place until details of all windows, external doors, eaves and verge details at not less than 1:10 scale have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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 Policy HS8 of the Allerdale Local Plan.

4. No development shall take place until details of the siting, height and type of all means of enclosure including screen walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. 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, in compliance with Policy HS8 of the Allerdale Local Plan.

5. Before development commences a landscaping scheme shall be submitted to and approved by the Local Planning Authority. Planting shall be carried out in accordance with the approved details. The works shall be carried out not later than the first planting season following the first occupation of the last of the buildings to be occupied or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die or are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In order to ensure a satisfactory standard of development in compliance with Policy EN9 of the Allerdale Local Plan.

6. The development hereby permitted shall not be occupied until the means of vehicular access, including the access drives have been constructed in accordance with the approved plans. Access gates, if provided, shall be hung to open inwards only away from the highway and the access drives shall be surfaced in bituminous or cement bound materials.
7. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption. In this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any work commences on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed in accordance with the approved details before the development is completed. 
*Reason: In the interests of highway safety.*

8. Before development commences, full details of the treatment of all unadopted roads, courtyards, parking areas and footpaths shall be submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the details so approved. 
*Reason: In the interests of highway safety.*

9. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to and approved by the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development. 
*Reason: In the interests of highway safety.*

10. Before development commences, plans showing the provision of a Toucan or Pelican crossing on Church Road adjacent to the junction with Eadie Street shall be submitted to and approved by the Local Planning Authority. No more than 40 dwellings within the development shall be occupied until such time as this crossing has been installed and is fully operational. 
*Reason: In the interests of highway safety.*

11. Full details of the drainage works including the surface water drainage system shall be submitted to and approved by the Local Planning Authority prior to works commencing on site. Details shall include all measures to be taken by the developer to prevent surface water discharging onto or off the highway. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter. 
*Reason: In order to ensure a satisfactory standard of development.*
12. Before development commences, full details of finished floor levels for all dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with Policy HS8 of the Allerdale Local Plan.

13. Before any dwelling hereby permitted is occupied, a cover system including 600mm of clean, inert topsoil/subsoil shall overlie a demarcation layer (coloured geotextile) in any private garden area associated with that dwelling.

Reason: In order to ensure that the development is not compromised by any contamination on the site, in compliance with Policy EN9 of the Allerdale Local Plan.

14. Before development commences, a scheme for the provision of cover systems to all areas of soft landscaped open space within the development shall be submitted to and approved by the Local Planning Authority together with a scheme for the phasing of that work linked to the phasing of the occupation of dwellings within the scheme. No dwelling within a new phase of development shall be occupied until all remediation measures associated with soft landscaped open space within the previous phase of development have been completed.

Reason: In order to ensure that the development is not compromised by any contamination on the site in compliance with Policy EN9 of the Allerdale Local Plan.

15. Before development commences, gas monitoring shall be undertaken at the site at a time when atmospheric pressure is at 1000mb or less and a report detailing measures for gas protection within the site shall be implemented in accordance with a schedule submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that the development is not compromised by any contamination on the site in compliance with Policy EN9 of the Allerdale Local Plan.
This is an application for external roller security shutters subject to Policies CO2, CO13 and RG12 of the Allerdale Local Plan.

The application relates to existing retail premises on a corner site within the recently designated Conservation Area. This property has been unsympathetically altered in the past with large modern shop windows and contemporary fascia signage. Existing roller shutters are noted on three elevations. The property generally offers little to the character of the Conservation Area.

The proposed shutters (as amended) to the large windows facing Oxford Street and South Watt Street have external shutter boxes designed to complement the existing fascia and with a convex profile to give some character. The shutters are perforated and subdivided vertically where possible. The door shutter is to be recessed. They are to be coloured to match the existing shutters. It is considered that these elements of design serve to minimise the visual impact.

As amended the shutters only project 40mm onto the pavement. The Highways Authority object to a projection
exceeding 50mm and even this would appear unreasonable where the pavement width on this occasion is 1680 -2000mm.

Considering the existing building, it is not thought that the appearance is adversely affected with these additional shutters whilst the character of the Conservation Area most concentrated to the rear elevation facing Falcon Place is unaffected.

The applicant has supporting evidence from Cumbria Police regarding the persistent crime problem of vandalism in the area. External shutters are the applicant's only practical solution.

In view of the site circumstances Policy RG12 is therefore considered to be largely satisfied with minimal impact upon the conservation area. The application can be supported on this occasion with a condition to further consider the exact shutter design.

**Recommendation:** Approved

**Conditions/Reasons:**

1. The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.
   *Reason: In order to comply with Section 51 of the Planning & Compulsory Purchase Act 2004.*

2. Before development commences, details of the shutter hereby approved shall be submitted to and approved by the Local Planning Authority.
   *Reason: In the interests of visual amenity and the setting of the Conservation Area in accordance with Policies CO2, CO13 and RG12 of the Allerdale Local Plan.*
ALLERDALE BOROUGH COUNCIL

Reference No: 2/2007/0478
Received: 11/05/2007
Proposed Development: Conversion of existing redundant barns to dwelling and construction of new detached garage, as amended by plan received 20 June 2007.
Location: Clifton Green Farm
Little Clifton
Workington
Applicant: Mr Chris Hill
Roland Hill (Developments) Ltd

Constraints: Settlement Limit HS5
Radon Assessment
Allerdale Flood Zone 1
British Coal Area
ASCA Area

Policies: Interim Housing Policy
SH5 – Essential need housing outside key and local service centres, however, this barn already benefits from planning approval for conversion to a dwelling, 2/2004/1299 refers (expires 21 September 2009).

HS8 – Housing design.

EN32 – Protection of wildlife protected by law.

Representations: Parish Council – No representation has been received to date (22/06/2007).

Environmental Health – No representation has been received to date 22/06/2007).

Cumbria Highways – No objections in principle subject to the highway conditions incorporated in 2/2004/1299.

Fire Authority – No objections.

The application has been advertised on site and adjoining owners have been notified.

No representations have been received to date (22/06/2007).

REPORT Planning permission is sought for the conversion of a redundant traditional barn to provide a 4 bedroom dwelling at Clifton Green Farm, Little Clifton and the provision of a
detached garage. This barn already benefits from planning approval for a dwelling (which expires 21 September 2009, ref 2/2004/1299) as part of a wider scheme for the conversion of a range of traditional farm buildings to provide 4 no residential units. This scheme, as amended by plan received 20 June 2007, alters the approved scheme for barn 2 by reducing the area of a new build ground floor link between barn 2 and barn 3 but increases the roof height to provide a master bedroom with en-suite. Although the scheme does provide an element of rebuild, this is considered to be sympathetic to the character of this traditional barn complex and relates well to the existing structures of barn 2 and barn 3.

Although the barn is within the settlement limit of Clifton, this village is not identified as a key or local service area by the Interim Housing Policy and Policy SH5 would normally restrict new housing development in this rural location to essential need only. Given this barn already benefits from an existing planning approval it is considered that should this scheme be approved and that any consent should accord with the expiration of the existing approval (2/2004/1299 refers).

Planning application 2/2004/1299 refers also to the protection of the habitat of protected species, in particular bats and owls. It is considered prudent that any planning approval should address mitigation measures for the protection of the habitat of bats and owls via planning condition.

This scheme of conversion of this traditional barn within this barn complex is considered to be sympathetic to the historic character of the barns and provides an appropriate form of housing development in accordance with Policies HS8 and EN32 of the Allerdale Local Plan.

**Recommendation:** Approved

**Conditions/ Reasons:**

1. The development hereby permitted shall be begun before the expiration of 21 September 2009 in order to comply with the expiration of planning application 2/2004/1299 and Policy SH5 of the Interim Housing Policy.

   **Reason:** To ensure the development hereby approved expires in accordance with planning application 2/2004/1299 and does not benefit as open market housing at variance with Policy SH5 of the Interim Housing Policy beyond any existing planning approval.
2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to "permitted development", no extensions or other alterations to the building or development within the curtilage of the building hereby permitted shall be carried out without the prior approval of the Local Planning Authority.

   *Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the appearance of the site and the amenities of adjacent properties.*

3. The development shall not commence until visibility splays providing clear visibility of 70 metres x 2.4 metres x 70 metres measured down the centre of the access drive and the nearside channel line of the major road have been provided at the junction of the access drive with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 the general development of the site commences so that construction traffic is safeguarded.

   *Reason: In the interests of highway safety.*

4. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays each side.

   *Reason: In the interests of highway safety.*

5. 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.*
6. 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:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

7. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 10m as measured from the carriageway edge of the adjacent highway.
   
   **Reason:** In the interests of highway safety.

8. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.
   
   **Reasons:** In the interests of road safety.

9. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
   
   **Reason:** In order to enhance the appearance of the development and minimise the impact of the development in the locality in compliance with Policy EN3 of the Allerdale Local Plan.

10. The landscaping scheme required by Condition 9 above shall provide for the planting of a hedge behind the visibility splays.
   
   **Reason:** In order to enhance the appearance of the development and minimise the impact of the development in the locality in compliance with Policy EN3 of the Allerdale Local Plan.

11. Before development commences sectional details of all windows and doors at not less than 1:10 scale shall be submitted to and approved by the Local Planning Authority.
Authority.

Reason: In order to ensure a satisfactory standard of development in compliance with Policy HS8 of the Allerdale Local Plan.

12. Details and representative samples of all external and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. The materials so approved shall be used in the development as approved.

Reason: In order to ensure a satisfactory standard of development in compliance with Policy HS8 of the Allerdale Local Plan.

13. Details of the treatment and finishes of all surfaces within the site shall be submitted to and approved by the Local Planning Authority before development commences. The details so approved shall be completed prior to the use of the development hereby approved being commenced and shall be retained thereafter.

Reason: In order to ensure a satisfactory standard of development in compliance with Policy HS8 of the Allerdale Local Plan.

14. No development shall commence until details of mitigation measures for the protection of bats and owls have been submitted to the Local Planning Authority and agreed in writing. No dwelling shall be occupied until such a time as all mitigation measures have been constructed in accordance with agreed details. Measures intended to facilitate the continued use of this barn by bats and owls shall not be reversed or associated features removed thereafter without the prior express consent of the Local Planning Authority.

Reason: In the interests of the retention of wildlife habitat and the well being of protected species, in compliance with Policy EN32 of the Allerdale Local Plan.
Reference No: 2/2007/0568
Received: 07/06/2007
Proposed Development: Extension to existing dwelling to provide additional living accommodation and attached garage (resubmission to 2/2006/1030)
Location: Maxwell House
Blitterlees
Silloth
Applicant: Mr & Mrs R A Emmerson
Constraints: Settlement Limit HS5
Hadrians Wall Setting,CO24
Allerdale Flood Zone 1
ASCA Area

Policies: Allerdale Local Plan Adopted November 1999

Policy HS12 - Extensions to dwellings will be allowed providing:-

(i) there is no harmful effect on the visual amenities of the immediate locality and on the character and appearance of the dwelling itself;

(ii) they would not significantly reduce the daylight or private open space available to the dwelling;

(iii) they would not significantly reduce the daylight available to adjacent dwellings, or the privacy and visual amenity of adjacent residents;

(iv) the proposal does not result in the loss of 50% or more of the undeveloped curtilage area; and

(v) the proposal accords with the relevant policies for Conservation Areas and Listed buildings.

Policy CO24 - Hadrian's Wall

Development which fails to preserve the setting of the Hadrian's Wall Military Zone World Heritage Site will not be permitted. Proposals will be judged against the following criteria:

a) the scale, siting or design of proposed developments being appropriate to the landscape setting;
b) existing landscape features should be incorporated in a way which preserves or enhances the character of the area and mitigates the effects of development; and

c) the development complies with the other general development and built environment policies of the Local Plan.

Cumbria and Lake District Joint Structure Plan 2001
2016 – Adopted April 2006

Policy ST3 - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

Paragraph 7. Ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.

Representations: Town Council – No representation has been received to date (22/06/2007).

Cumbria Highways – No representation has been received to date (22/06/2007).

English Heritage – No representation has been received to date (22/06/2007).

Environmental Health – No representation has been received to date (22/06/2007).

County Planning – No representation has been received to date (22/06/2007).

The application has been advertised on site and adjoining owners have been notified.

No representations have been received to date (22/06/2007).

REPORT

The application is a resubmission of application 2/2006/1030 which was refused on the grounds of the harmful effect on the visual amenity of the immediate locality and also the character and appearance of the existing dwelling due to its scale and massing.
The resubmission is for a garage, ground floor extension to the front elevation and a two storey extension to the rear elevation. The proposal would substantially increase the footprint of both the ground floor and first floor.

The proposed garage and games room is single storey and would be 5.9m in height, 6m in width and 9.7m in length. This has been reduced from the original proposal which was 6.8m in height, 7m wide and 9.75m in length. The garage could accommodate a room above as there would be sufficient height; this has not been indicated on the submitted plans.

The existing dwelling measures 11.17m in length, 5.45m in width and 7.5m in height with an open porch to the front elevation 0.7m x 7.3m. The extension to the ground floor (excluding garage and games room) and would measure 11.7m x 11.5m and the first floor would measure 11.17m x 9.75m; these floor areas have not been reduced from the original proposal. The height would be increased to 8.5m.

The existing floor space is 121.76m²; the proposal increases the floor space by 144.85m² to a total of 266.61m² (increase of 119%) which excludes the garage; the original proposal increased the area by 165.29m² (135%).

The roof would be a concrete tile pitched roof, roughcast render/brick walls and white UPVC windows. The window are considered an inappropriate design and do not match existing windows. There is also an excessive number of windows on the gable elevation compared to the existing situation.

The existing ridge line would be raised by 1m (original proposal 1.7m) this is considered to significantly alter the appearance of the existing dwelling as is the width of the gable elevation. The buildings in the immediate area of this part of Blitterlees are bungalows or dormer bungalows; the development is considered to be overly large and would have harmful effect on the visual amenities of the immediate locality.

Although the property is set back from the main road the property is still visible. It is considered that the scale and massing of the proposal would significantly alter the character and appearance of the existing dwelling. The proposal can be considered contrary to Policy HS12 of the Allerdale Local Plan in relation to having harmful effect on the existing dwelling.
The harmful effect on the character and appearance of the existing dwelling and harmful effect on the visual amenity of the immediate locality are considered significant enough to warrant refusal.

Pre-application discussions were undertaken prior to the resubmission of this application; the applicant was advised that the original proposal would need to be significantly reduced to be acceptable. It is considered that the applicant has not reduced the original proposal to any significant degree. Amendments were not sought for this proposal as any amendments on this site would have to significantly alter that submitted and it is considered that any amended plans would need to be considered under a fresh application.

This report is subject to no adverse comments being received from the site notice expiring on 11 July 2007.

**Recommendation:** Refused

**Conditions/Reasons:**

1. The proposed development would have a harmful effect on the character and appearance of the existing dwelling due to its scale and massing; this would be contrary to Allerdale Local Plan Policy HS12 and Policy ST3 Paragraph 7 of the Cumbria and Lake District Joint Structure Plan.

2. The proposed development would have a harmful effect on the visual amenity of the immediate locality due to its scale and massing; this would be contrary to Allerdale Local Plan Policy HS12 and Policy ST3 Paragraph 7 of the Cumbria and Lake District Joint Structure Plan.