Thursday 21 April 2016

Development Panel

Will meet on
Tuesday 3 May 2016
at
1.00 pm
in
The Wave Centre, Maryport

Membership:
Councillor Peter Bales (Chairman)
Councillor Carole Armstrong
Councillor Adrian Davis-Johnston
Councillor Malcolm Grainger
Councillor Mark Jenkinson
Councillor Ron Munby
Councillor Bill Pegram
Councillor Nicky Cockburn
Councillor Janet Farebrother
Councillor Margaret Jackson
Councillor Billy Miskelly
Councillor Jim Osborn

Members of the public are welcome to attend the meeting. If you have any questions or queries contact Dean Devine on 01900 702556.

Agenda

1. Apologies for Absence
2. Declaration of Interests
   Councillors/Staff to give notice of any disclosable pecuniary interest, other registrable interest or any other interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.
3. Questions
   To answer questions from Councillors and members of the public – submitted in writing or by electronic mail no later than 5.00pm, 2 working days before the meeting.
4. 2/2015/0218 - Ewanrigg Hall, Ewanrigg, Maryport - Hybrid planning application including full planning application for the partial demolition and conversion of Ewanrigg Hall (Grade II Listed) to create 2no dwellings and extension to provide 4no dwellings (Use Class C3), and demolition of associated outbuildings; and outline planning application for the development of approximately 124 dwellings (Use Class C3), with all matters reserved except for means of access (Pages 1 - 36)

http://planning.allerdale.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128072

5. 2/2015/0219 - Ewanrigg Hall, Ewanrigg, Maryport - Listed building consent for the partial demolition and conversion of Ewanrigg Hall (Grade II Listed) to create 2no dwellings and extension to provide 4no dwellings (Use Class C3), and demolition of associated outbuildings (Pages 37 - 48)

http://planning.allerdale.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128088

6. 2/2016/0109 - Land at Tallentire Hall, Tallentire, Cockermouth - Variation of condition 2 for amended access plans to planning approval 2/2014/0796 (Pages 49 - 58)

http://planning.allerdale.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140872

7. 2/2015/0566 - Former Corus Steel Works, Lakes Road, Workington - Removal of conditions 3, 9, 10, 11, 14 and 16 and variation of conditions 1, 4, 5, 6, 7, 8, 12, 13, 15, 17, 21, 23, 29, 30, 31, 32, 34 and 39 of planning approval 2/2014/0429 for an outline application for a mixed use development comprising residential, commercial, small scale retail, community and leisure uses (Pages 59 - 84)

http://planning.allerdale.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134153

Corporate Director

Date of Next Meeting
Tuesday 24 May 2016 at 1.00 pm
Council Chamber, Allerdale House
Allerdale Borough Council
Planning Application 2/2015/0218

Proposed Development: Hybrid planning application including:
Full planning application for the partial demolition and conversion of Ewanrigg Hall (Grade II Listed) to create 2no dwellings and extension to provide 4no dwellings (Use Class C3), and demolition of associated outbuildings; and
Outline planning application for the development of approximately 124 dwellings (Use Class C3), with all matters reserved except for means of access.

Location: Ewanrigg Hall
Ewanrigg
Maryport

Recommendation: Approve

Subject to conditions and the completion of Section 106 legal agreement to secure the following:
1) Affordable Housing
   • 14 affordable units to be provided based on the outline scheme.
   • The precise mix and layout of the affordable housing provision to be determined at the reserved matters stage.
   • The tenure split of 10 social rented units and 4 intermediate affordable units.
2) Listed Building Works
   • The works to the Listed Building approved under the full planning details shall be implemented in accordance with the phased programme of works or within 2 years of commencement of the scheme. The listed building works approved under the full planning consent shall be completed within a year of commencement.
3) Public Open Space
   • Public open space areas equating to 0.195 hectares to be provided, including provision of children’s equipped play area.
   • Management plan for the future management and maintenance of the public open space within the site to be secured and implemented.
4) Travel Plan
   • Implementation of travel plan measures as set out in the submitted Travel Plan Framework.
   • Contribution of £6,600 in respect of Travel Plan Administration Fee Contribution to be paid 6 months prior to first occupation.
   • Provision of a Travel Plan Contribution of £54,684 to be payable in the event of the Travel Plan targets not being achieved in whole or proportionally if in part.
**Summary/Key Issues**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
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<tbody>
<tr>
<td>Principle of development</td>
<td>Notwithstanding the fact that the site lies outside of the settlement limit for Maryport officers consider the principle of residential development at this location to be acceptable. The site lies directly adjacent to the saved settlement limit and therefore, can be considered both well related and sustainable. The scale of development proposed, approximately 130 dwellings, is substantial however it is not considered to be disproportionate to the size of the town nor its role as a Key Service Centre (KSC). Allerdale Borough Council are able to demonstrate a 5-year supply of housing and therefore the policies for supply of housing contained within the recently adopted Allerdale Local Plan Part 1 (ALPP1) are to be considered up-to-date. Taking into account the number of existing housing approvals in the town, the proposed development would not result in the scale of development at Maryport identified in the Local Plan spatial strategy being exceeded. Officers conclude that the proposed development constitutes a sustainable location for residential development, complies with the spatial strategy and settlement hierarchy and is of a scale and design that would not detract from the settlement of Maryport. It is therefore considered to be compliant with the provisions of Policies S2, S3 and S5 of the Allerdale Local Plan (Part 1).</td>
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<td>Impact on highway network</td>
<td>No objections are raised by the local highway authority in relation to the proposed access arrangements for the site or the impact of the proposed development on the highway network in Maryport. The Highways Authority have requested a number of conditions be attached that includes necessary improvements to Ewanrigg Brow and Ewanrigg Lonning to provide adequate infrastructure and ensure a safe walking route is provided. Officers conclude that the proposed development would not have a significant adverse impact on the local highway network and therefore is compliant with the provisions of Policies S2, S5 and S22 of the Allerdale Local Plan (Part 1).</td>
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<td>Affordable Housing</td>
<td>The proposed outline scheme would see 14 affordable units provided split 75% social rented and 25% intermediate affordable units. Although this would see only 11.5% affordable dwellings for the scheme officers consider this is supported by appropriate viability statements to justify the reduction in affordable units, to enable the listed building to be brought back into use.</td>
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<td>Heritage</td>
<td>The Grade II Listed Building Ewanrigg Hall and associated buildings remain on the site. A number of buildings are to be removed, however it is considered a number of these structures do not contribute to the setting of the primary listed building. Building ‘I’ is to be retained and the dressed stone and inscription lintel with the date 1753 on building ‘H’ is to be incorporated into the proposed new development. The details and materials of the alterations/repairs to the listed building are acceptable. Although some concern has been raised with regards to the alteration to the front façade and taking into account the statutory duty under s66 of the Planning (Listed Building and Conservation Areas) Act officers consider the harm caused by the removal of this section is outweighed by the benefits of bringing the remainder of the surviving elements of the Hall back into use and so securing a long term future for them. The new build/extended elements are of a modern design which contrasts clearly with the detailing of the original elements of the listed building and would not detract from or cause any significant harm to the character of the listed building. Officers conclude that the proposed development would not adversely affect any heritage assets and therefore is compliant with Policy S8 of the Allerdale Local Plan (Part 1).</td>
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<td>Landscape and Visual Impact</td>
<td>Officers consider that although the proposal may result in changes to the immediate landscape, the development when viewed from long range views would be seen in the context of the existing urban edge of Maryport, not as a disconnected or projecting entity. Officers conclude that the proposed development is in line with the Cumbria Landscape Character Guidance and would not have a significant adverse impact on landscape character and visual amenity and therefore is compliant with the provisions of Policies S32 and S33 of the Allerdale Local Plan (Part 1).</td>
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<td>Ecology</td>
<td>Officers have considered the standing advice for protected species referred to in the NE response. Based on the information and guidance contained therein, officers consider that subject to the inclusion of the mitigation measures identified within the Ecological Assessments, the proposed development would not cause significant harm to protected species that may roost, forage or commute within the site. Officers conclude that the proposed development would not have a significant adverse impact on ecology and therefore is compliant</td>
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<td><strong>Trees and Hedgerows</strong></td>
<td>There are a number of trees on the site protected by a Tree Preservation Order. A tree survey has been commissioned by the applicant to assess these trees and others throughout the site. There are a number of trees near the access, however the tree report shows the proposed access will not result in the loss of any trees and appropriate root protection areas are proposed. As the application is in outline form it cannot be determined at this stage what impact the proposal may have on the overall development of the site. A condition shall be attached to the approval requiring an updated Tree Survey to be submitted with the reserved matters application when the final layout is known. Officers conclude that a proposed layout could be achieved that would safeguard, where possible, existing trees and hedgerows that contribute positively to the character of the local area and provide ecological value in compliance with the provisions of Policies S33, S35, and DM17 of the Allerdale Local Plan (Part 1).</td>
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<td><strong>Flood Risk and Drainage</strong></td>
<td>The applicant has commissioned a Flood Risk Assessment that concludes the proposal will not result in any Flood Risk to the site or nearby properties. United Utilities have assessed the proposal and consider the proposal to be acceptable subject to conditions requiring full details of the foul and surface water drainage scheme following the principles set out in the Flood Risk Assessment. Officers conclude that the proposed development would not be liable to or exacerbate flood risk and therefore is compliant with the provisions of Policies S2 and S29 of the Allerdale Local Plan (Part 1).</td>
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<td><strong>Contaminated land and Mineral Stability</strong></td>
<td>The applicant has commissioned detailed reports to assess the contamination and stability issues on the application site. The details in the reports show that the site is not particularly constrained by on-site contamination and the risk to potential receptors can be made, safe and stable. Officers conclude the proposed development is compliant to the provision of policy S30 of the Allerdale Local Plan (Part 1).</td>
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<td><strong>Community and social infrastructure</strong></td>
<td>Cumbria County Council (CCC) has estimated that the development will yield 26 primary aged children and 19 secondary aged children. However, they have also advised that there is sufficient capacity for both age groups within the schools in Maryport and therefore no education contribution is sought for this proposal.</td>
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The CCC Planning Obligations seeks to ensure that new housing is designed to Lifetimes Homes Standards or a financial contribution is provided as appropriate mitigation. This document is not adopted by the Local Planning Authority.

Policy S10 of the Allerdale Local Plan provides the policy basis for considering CCC adult social care contribution request. This policy encourages new builds to be designed to Lifetimes Homes Standards. The application includes 14 affordable units which will be designed to incorporate Lifetime Homes Standards and is therefore compliant with Policy S10 of the Allerdale Local Plan (Part 1).

Proposal

This hybrid planning application seeks to obtain planning permission for a residential development of approximately 130 dwellings on the site and associated works.

Full planning permission is sought for the partial demolition and conversion of Ewanrigg Hall and associated works which include new build dwellings. This element of the scheme seeks approval for:

- The demolition of all buildings on the site with the exception of Building I which will be retained and converted to provide parking spaces.
- The farmhouse that is to be retained will be converted into 2 no. 4 bed dwellings with single storey extensions to the rear.
- To the east of the main house 4 no. 1 no bedroom units will be constructed.

Outline planning permission is sought for a development of approximately 124 dwellings, which relates to the land to the front of the listed building and the field that runs to the south west. This element of the scheme seeks approval for:

- The principle of accommodating approximately 124 residential units
- The means of access to the site, which would be provided from Ewanrigg Brow with associated works to improve the current access
- Improvements to Ewanrigg Brow to create a pedestrian footpath

Matters pertaining to appearance, landscaping, layout and scale are all reserved for subsequent approval and would be considered as part of any future Reserved Matter(s) Application(s).

Site

The application site is located to the southern edge of Maryport and is approximately 6.2 hectares in size. The site is bounded to the east by Ewanrigg Brow, existing residential units to the north and east of the site, agricultural fields to the south west, allotments to the north west and a residential property and associated caravan storage use are located
to the south east. The site is currently predominately agricultural grazing land. Ewanrigg Hall is a vacant Grade II listed building, which was most recently used as a farm house plus a number of vacant former farm buildings are located on the south of the eastern part of the site.

The site is currently accessible from two locations, Ewanrigg Road, along Ewanrigg Lonning to the north west of the site and Ewanrigg Brow, to the east. Ewanrigg Lonning is a partially surfaced drive that runs east-west through the site connecting these access points. Two public footpaths currently pass through the site, one following the principle access track and another tracing the line of the archaeological feature within the northern field. These footpaths then connect with further links connecting into the adjacent countryside.

There are several significant mature trees scattered across the site. An area of woodland and a wooded gill to the west of Ewanrigg Hall forms part of the remains of the Ewanrigg Hall Wood and have a Tree Preservation Order placed on them.

The beck forming a wooded gill at the southwest was once a small shallow natural watercourse that flows from the southeast through the north-west corner. The ditch at the southwest was culverted under the farm access track and was shallow and muddy / slurry ditch draining into the wetter, marshy area at the west of the site.

In terms of topography the site has a varied topography that relates not only to the natural landscape but reflects the presence of some archaeological features across the site.

With Ewanrigg Hall sitting at +46.00M AOD, the northern field is defined by a high point in the north east corner at +56.00M. Slopes predominately fall westerly until reaching the lower point of the site located at the foot of the wooded gill at +40.00M.

The wooded gill rises up a steep topography and the southern field boasts a north-westerly slope face with the southern boundary siting at approximately +54.50M.

Relevant Policies

**National Planning Policy Framework (March 2012)**

**Achieving Sustainable Development**

**Chapter 4**: Promoting sustainable transport

**Chapter 6**: Delivering a wide choice of high quality homes

**Chapter 7**: Requiring good design

**Chapter 8**: Promoting healthy communities

**Chapter 10**: Meeting the challenge of climate change, flooding and coastal change

**Chapter 11**: Conserving and enhancing the natural environment

**Chapter 12**: Conserving and enhancing the historic environment

**Allerdale Local Plan (Part 1) Adopted July 2014**
Policy S1 Presumption in favour of sustainable development
Policy S2 Sustainable development principles
Policy S3 Spatial Strategy and Growth
Policy S4 Design principles
Policy S5 Development principles
Policy S7 A Mixed and Balanced Housing Market
Policy S8 Affordable housing
Policy S21 Developer Contributions
Policy S22 Transport principles
Policy S25 Sports, leisure and open space
Policy S27 Heritage Assets
Policy S29 Flood Risk and Surface Water Drainage
Policy S30 Reuse of Land
Policy S32 Safeguarding amenity
Policy S33 Landscape
Policy S35 Protecting and enhancing biodiversity and geodiversity
Policy S36 Air, water and soil quality
Policy DM14 Standard of Good Design
Policy DM17 Trees, hedgerows and woodland

Relevant Planning History

A Screening Opinion (SCR/2014/030) has been issued by the Local Planning Authority, which stated that the proposal did not constitute EIA development.

2/2015/0219 Listed Building Consent for the partial demolition and conversion of Ewanrigg Hall (Grade II Listed) to create 2 no. dwellings and extension to provide 4 no. dwellings (Use Class C3), and demolition of associated outbuildings – pending.

Representations

Maryport Town Council – Maryport Town Council Members would like to stress that this is a grade two listed building and they would like to see the outside of the building restored and the development to take place behind that.

This is a very prominent building in Maryport with lots of historical significance.

Main issues with road safety and access onto and near the site. More details would be required regarding this and a possible site visit.

County Council Spatial Planning - It is considered that the proposed development site is reasonably well located in terms of proximity to existing adjacent residential development. Given the aspirations of the Local Plan to support development in Key Service Centres, it is felt that this scale of development is not likely to prejudice the wider strategic development plan strategy.

In terms of education infrastructure, it is considered that there is sufficient education capacity in relation to primary and secondary schools. Consequently, no financial contribution will be sought.
Environmental Health - No objections to the proposal subject to conditions attached relating to further site investigations been carried out in relation to contamination of the site and the requirement of a Construction Management Plan to be provided prior to works commencing.

County Highways, Transport & Lead Local Flood Authority – No objections to this application but would recommend that conditions are attached.

With regards to the outline element, the submitted details are satisfactory though clearly more detail will have to be submitted with the Reserved Matter(s) Stage(s). Subject to the improvements to Ewanrigg Brow, it is considered the development will not have severe adverse impacts to traffic nor infrastructure.

With regards to drainage issues and the full application works conditions should be applied relating to sustainable surface water drainage and securing the implementation of the proposed parking arrangements.

County Archaeologist - No objections to the proposed development but have the following comments to make regarding other historic environment issues that are raised by the construction of the proposed development:

- The proposal involves some alterations to the historic fabric of the listed Ewanrigg Hall and also proposes the demolition of a number of ancillary buildings and structures of the 18th, 19th and early 20th century date to the rear of the Hall. These buildings and structures should be recorded prior to alteration and demolition which can be controlled via condition.

- Building H, the structure with the 1753 inscription, is proposed for demolition and, although the building itself is of limited architectural significance, the inscribed lintel with the date 1753 and the dressed stone on the façade are of interest. I recommend that the inscription and dressed stone of ‘Building H’ should be conserved and sensitively incorporated into the proposed new development and that this can be secured by condition.

- The construction of the proposed new dwellings has the potential to disturb buried archaeological assets of the a medieval tower, elements of the designed 18th and 19th century landscape that once surrounded the Hall, and industrial remains associated with the 18th century Thompson’s pit. The archaeological assets threatened by the development should be subject to a programme of archaeological investigation and recording in advance of the development. These works can be secured via condition.

Historic England - We support the principle of re-using and repairing the listed building and we have previously indicated that the proposed demolitions of less significant structures can be justified in relation to the public benefits the proposals would bring.

Conservation Officer – The revised details and materials of the alterations/repairs to the listed building are now acceptable, although I would prefer to see the retention of all of the front wall as I consider it important to understanding more about the scale and
importance of the former hall. However the harm caused by the removal of this wall section can be argued to be outweighed by the benefits of bringing the remainder of the surviving elements of the Hall back into use and so securing a long term future for them.

The proposed revised materials for the new buildings at the eastern end of the former Hall are far preferable to the original proposals and I have no objection to the design which provides a contemporary contrasting style, whilst creating a much more appropriate aesthetic for a residential building in this location.

I am pleased that the historic curtilage building I is now to be retained and reused. The loss of building H is a shame but as this is not in its original form, it is less important, but I agree with the suggestion of the Cumbria County Council Historic Environment Officer that the dressed stone and inscribed lintel should be retained on the site and incorporated into a new wall as close as possible to the site of the existing building.

**Georgian Group** – Object on the following grounds.

The remains of the Hall - The Georgian Group remains of the view that as much of the listed façade as possible should be incorporated within the new buildings, and does not believe that the proposed measures are sufficient to ensure a long-term preservation of the surviving historic fabric.

We would like to take this opportunity of re-emphasizing the importance of retaining the remaining section of the principal façade above the string course, this historic fabric contains valuable evidence of the original fenestration pattern of the first floor of the later eighteenth century façade and should be retained in full. The applicants have not provided a convincing justification for the demolition of this part of the building’s original façade and therefore the listed building application should be withheld.

The Surviving Historic Outbuildings - The group welcomes the decision to retain the cartshed; however we wish to reiterate our earlier advice that if possible the most important elements of ‘Building H’ should also be preserved within any new development.

**Victoria Society** – No reply to date.

**Environment Agency** - No objections are raised subject to the inclusion of a condition requiring further investigations are carried out relating to contamination of the land.

**Natural England** – No objections.

**Cumbria Wildlife Trust** – No reply to date.

**Electricity Northwest** - The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operation land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West.

**The Coal Authority** - The Coal Authority considers that the content and conclusions of
the Mineral Stability report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

**United Utilities** - No objections to the proposed development subject to the inclusions of conditions requiring full details of how foul and surface water drainage will be disposed.

**Fire Officer** – No reply to date.

**Access Officer** – No objections.

**Cumbria Constabulary** – No reply to date.

**Housing Services** – The proposal should be in line with Policy S8 of the Allerdale Local Plan.

**Barn Owl Trust** - A full suite of mitigation and enhancement measures is required at this nesting site to minimise disturbance to the resident Barn Owls and enhance the site for the future. We therefore concur with all the recommendations contained in the Bat and Barn Owl Survey and request these are conditioned as part of the consent.

**World Owl Trust** – No reply to date.

The application has been advertised on site and in the local paper. Adjoining neighbours have been notified.

4 letters of objection have been received. The concerns relate too:

- The creation of 130 dwellings would impact the road traffic/safety in the area. A single entrance point would be for a site of this site would be dangerously unsatisfactory.
- The existing Ewanrigg Brow should be widened to allow traffic to flow in both directions freely.
- The buildings work will cause dust, noise and angry a lot of residents.
- The proposed path that is to run to the rear of Loweswater Road is too narrow and will allow people to overlook our properties.

2 letter of support have been received, one seeking clarification of how drainage will be dealt with.

A further letter of support has been received in relation to the full application for the creation of 6 dwellings who are pleased to see the Halls history will live on. They wish the retention of the existing rear boundary wall to be retained and their drainage route which passes through the application site. In relation to the outline element of the proposal they consider they do not know sufficient about the proposal to comment.

**Main Issues:**

**Principle of the Development**
Geographical location

Policy S5 of the Allerdale Local Plan Part 1 (ALPP1) states that new development will be concentrated within the physical limits of Key Service Centres. The proposed development site lies outside of, but directly adjacent to, the defined settlement limit for Maryport. Notwithstanding the recent adoption of the ALPP1 and the spatial strategy contained therein, the defined limits for individual settlements continue to be derived from the Allerdale Local Plan 1999. The LPA is currently in the process of reviewing settlement limits as part of the site allocations process but this development plan document, Allerdale Local Plan Part 2, is some way from adoption.

Taking into account the age of the current defined settlement limits and also principles of sustainable development set out within the National Planning Policy Framework (NPPF), officers considered that an element of flexibility must be applied when considering proposals for development that lie outside of them. Given the proximity and relationship of the site to the current defined settlement officers consider the principle of residential development to be acceptable at this location.

Scale of development

Maryport is defined as a Key Service Centre in the ALPP1 and is the second largest settlement. Policy S3 states that KSCs will function as service centres for surrounding villages and rural areas by providing a range of services and facilities and will be the focus for new residential and employment development in that area. Paragraph 61 of the ALPP1 states that the principle of large to medium scale residential development within KSCs may be acceptable, depending on the attributes of the centre.

Maryport has a population of 12,045. The Local Plan vision is that Maryport “will have enhanced its role as a key residential, employment and visitor centre, ensuring deprivation has been reduced significantly”. It serves a number of settlements and villages including three Local Service Centres and consequently, is a well-equipped service centre. These attributes are consistent with the provisions and intentions of Paragraph 61 insofar as making the principle of large to medium scale residential development in Maryport acceptable. If approved the proposed development would yield approximately 130 dwellings. Given the aspirations of the Local Plan to support development in Key Service Centres, it is felt that this scale of development is not likely to prejudice the wider strategic development plan strategy for the area. Officers do not consider it to be so disproportionate to the size and role of Maryport that the scheme should be refused on this basis.

Housing supply

The Council published its most recent five year housing land supply statement in August 2014, following the adoption of the ALPP1. The Statement demonstrates the Local Planning Authority has a total supply of 5.8 years based on its annual supply target. This includes 20% increase due to a record of persistent under delivery and shortfalls in delivery since 2011. The local planning authority has adopted the Sedgefield approach of including the shortfall in full within the supply calculation, which it considers to be more closely aligned with the requirements of the NPPF.
As the LPA are able to demonstrate a five year supply of deliverable housing sites the policies for the supply of housing contained within the ALPP1 are to be considered up-to-date, in accordance with paragraph 49 of NPPF. The policy framework for the supply of housing within the plan area is set out in the spatial strategy, contained within Policy S3. This policy identifies that Maryport will receive 12% of the overall housing growth within the plan area. This equates to a total requirement of 651 dwellings in the town over the plan period 2011-2029.

Pertinent to this application, Policy S3 states that completions and commitments since 2011 should be accounted for when considering future proposals for housing growth. In the context of Maryport, the total number of completions/commitments since 2011 stands at 230 units. This leaves residual requirement of 427 units for the town up to 2029.

In seeking approval for approximately 130 residential dwellings, the proposed development would not exceed the housing figures for Maryport and is in line with Policy S3.

**Conclusion on the principle of development**

Notwithstanding the fact that the site lies outside of the settlement limit for Maryport officers consider the principle of residential development at this location to be acceptable. The site lies directly adjacent to the saved settlement limit and therefore, can be considered both well related and sustainable. The scale of development proposed, approximately 130 dwellings, is substantial however it is not considered to be disproportionate to the size of the town nor its role as a KSC.

Allerdale Borough Council are able to demonstrate a 5-year supply of housing and therefore the policies for supply of housing contained within the recently adopted ALPP1 are to be considered up-to-date. Taking into account the number of existing housing approvals in the town, the proposed development would not result in the housing supply target for Maryport being exceeded.

Officers conclude that the proposed development constitutes a sustainable location for residential development, complies with the spatial strategy and settlement hierarchy and is of a scale that would not detract from the settlement of Maryport. It is therefore considered to be compliant with the provisions of Policies S2, S3 and S5 of the Allerdale Local Plan (Part 1).

**Impact of the proposed development on highway network or transport and highway issues**

Ewanrigg Hall has been a farm ‘post-war’ and takes access along Ewanrigg Lonning which is Public Footpath 244040, running from Ewanrigg Road corner, by Buttermere Road, through to the C2007, Broughton Moor at Ewanrigg Brow. It is understood that the Ewanrigg road end of the lonning has been used for most vehicular traffic, indeed this serves several other properties and is the access to the Allotments, but farm traffic mostly used the C2007 end, in particular the farm access onto the C2007 on the bend by the adjacent property, Ewanrigg Gardens.
The planning application is accompanied by a Transport Assessment (TA) and Travel Plan Framework (TPF). The TA was produced in accordance with a scope agreed between WYG and the Local Highway Authority (LHA).

The TA explains that the site is located in an accessible and sustainable location. The site is well connected in terms of access to sustainable modes of transport, therefore providing the opportunity for residents of the proposed development to travel by such modes. There are several bus stops located within 400m of the site which provides services to the surrounding area and further afield. In addition, the application site is located within an acceptable walking distance of a range of facilities, including employment, education, retail, leisure and health care provision. The TA also concludes that the site and surrounding area are conducive to use by cyclists. The TPF submitted with the application aims to promote sustainable travel and to widen choices for residents of the proposed development.

The TA explains that vehicular access to the site is proposed via the construction of a new priority controlled T-junction onto Ewanrigg Brow, which is located to the east of the site. Although the application for wider site is submitted in outline at this stage, the road network layout within the site will be designed in accordance with Manual for Streets principles to produce a low speed traffic environment within the site. It is also proposed to provide a footway along the site’s boundary with Ewanrigg Brow from the site access junction northwards before terminating and continuing on the opposite side of the carriageway. An emergency access point is to be provided into the site from the western corner of the site, which can also be used by pedestrians and cyclists.

The TA sets out the potential traffic impacts associated with the proposed development, in accordance with a methodology agreed with the LHA. The assessment concludes that post-development, the proposed priority controlled site access junction off Ewanrigg Brow will operate at significantly below its capacity, and that the off-site junctions within the study area agreed with the LHA have sufficient capacity to cater for the additional traffic generated by the proposed development. The applicants report therefore concludes that the proposed development will not have a severe impact on the safe and efficient operation of the surrounding highway network.

**Consultation response from the Local Highways Authority and conclusions**

The LHA considers the details provided in relation to the full application are in order and have no objections of the detailed element of the application as shown on the submitted plans.

With regards to the outline scheme the LHA raise no objections subject to the inclusion of conditions relating to the submission of technical details at reserved matter(s) stage(s) and a condition securing the existing Ewanrigg Lonning access to the C2007, highway shall be permanently closed off to vehicular traffic and the Ewanrigg Hall farm access by Ewanrigg gardens bend, as soon as the new estate road is defined by kerbs and surfacing to base/binder course level. A new pedestrian footpath will be constructed along Ewanrigg Brow to ensure a safe walking route is provided.
The implementation of the travel plan measures will be secured through the S106 agreement. Financial contributions in the form of a £6,600 contribution in respect of the Travel Plan Administration Fee to be paid 6 months prior to first occupation and the provision of a Travel Plan Contribution of £54,684 to be payable in the event of the Travel Plan targets not been achieved in whole or proportionally if in part have been requested by LHA and these will also be secured via a S106 agreement.

Officers conclude that the proposed development would not have significant adverse impact on the local highway network and therefore is compliant with the provisions of Policies S2, S5 and S22 of the Allerdale Local Plan (Part 1).

**Affordable Housing / Development Viability**

Policy S8 of the Allerdale Local Plan (Part 1) states that within key service centres, such as Maryport, housing developments of 10 or more will be required to make provision for 20% affordable housing. The Council will require the provision of affordable housing to be in clusters throughout the development so as to be indistinguishable from open market dwellings. The Council will normally seek a tenure split of 75% social rented and 25% intermediate affordable units, but will take into consideration the identified local need and site specifics, including viability. It is explained that in circumstances where viability of a scheme falls short of the policy requirements, the onus will be on the developer/land owner to clearly demonstrate the circumstances justifying a lower affordable housing contribution or a different tenure mix.

**Level of provision within the scheme**

The applicant has advised that given the costs associated with the development, including the regeneration of the Grade II listed building it is not viable to provide 20% local affordable housing on the site. The initial submission included viability reports showing affordable housing at a percentage of 5% (7 units) and 20% (the reports were updated as necessary subject to changes in the scheme).

The Council employed an independent valuer to assess the submitted reports. Their report considered the methodology that had been adopted by the applicant in assessing viability to be reasonable. In relation to the appraisal variables themselves many are considered reasonable for the purpose of the assessment however they made a limited number of adjustments and prepared further appraisals taking account of these changes.

The appraisal summary (as contained at Appendix 4 of the keppie massie report dated January 2016) assumes a development of market housing and 20% (26 units) affordable housing provision split 75% social rent and 25% intermediate of 2 and 3 bed dwellings. The appraisal adopts the same methodology as WYG with the costs including profit being deducted from the GDV to leave a residual land value. The residual land value is then compared with the benchmark land value to determine whether the development is viable and can fund planning policy obligations such as affordable housing. With reference to the appraisal carried out the residual land value is well below this figure and indicates that the development is not sufficiently viable to support 20% affordable housing
provision.

The council’s independent consultant then prepared a further appraisal (which is contained at Appendix 5 of their report dated January 2016). This includes 21 affordable units or 16%, again split 75% social rent and 25% intermediate. On this basis the development provides a residual land value that is slightly above the bench mark land value and indicates that the development is viable on this basis. However they stated that it should be noted that there is very little information available about the final form of development at this stage, and hence this assessment has been undertaken at a fairly high level.

The applicants, agents have assessed the viability assessment provided by the council’s consultant and accept all of the adjustments they have made. They have revised the viability statement to provide a more detailed cost analysis and build details.

The applicant is agreeable to amend the affordable housing provision for this scheme from 5% to 11.5% providing 14 affordable units. The council’s consultant has assessed the latest viability figures and recommended the Council accept 14 affordable dwellings in this case. The tenure split will be 75% social rented and 25% intermediate affordable units in line with Policy S8.

Officers consider the applicants have provided sufficient justification to demonstrate the site is not viable to provide 20% affordable housing. The regeneration of the listed building is considered an important factor when considering the planning obligations for the site. Therefore, the level of affordable housing proposed for this application is considered acceptable. However officers consider it is important to ensure that if implemented, the development ensures the delivery of the restoration works to the listed building.

Officers conclude that the proposed development would achieve a viable scheme with an appropriate provision of affordable housing provided and therefore is compliant with the provisions of Policy S8 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Heritage

The existing Grade II Listed Building known as Ewanrigg Hall remains on the site with a number of associated buildings. The site and farmhouse are currently unoccupied and have deteriorated of late resulting in the farmhouse unsafe for occupation.

An assessment of impact of the proposed development on heritage assets has been undertaken by the applicant and is set out in the Heritage Statement and Archaeological Desk-Based Assessment and Walkover Survey.

Impact on archaeological sites

The applicants Desk-Based Survey concluded that none of the remains on the site are likely to be of substantial significance to warrant preservation in their own right. The
The proposal requires the demolition of the curtilage listed outbuildings, which have been assessed by the applicant as neutral or negative contribution, in order to provide a viable scheme.

The County Councils Historic Environment Officer confirms that many of the undesignated structures proposed for demolition/alteration are of local or negligible significance and do not contribute to the setting of the listed building. No objections are raised to these works subject to structures been recorded prior to alteration and demolition. However, he considers two of the buildings that are proposed for demolition to have a potentially greater architectural and historic significance and provide a more positive contribution to the setting of the designated heritage asset than is given credit in the applicant’s heritage statement. These buildings are the structure with the 1753 date-stone (termed building H in the heritage statement) and the former cart shed (termed building I in the heritage statement). By virtue of their age, building materials and historic functions they contribute to the character and appearance of the setting of the grade II Ewanrigg Hall.

The applicant provided additional information in relation to Building H which indicates it is of limited architectural and historic interest. The historic fabric of the building is restricted to 2 facades, one of which will be preserved in the boundary wall of the site. The other façade has been considerably altered to reflect a variety of uses and, although it retains dressed stone and an inscribed lintel with the date 1753, it is considered of minor significance and does not positively contribute to the setting of the designated heritage asset. In light, of this the County Archaeologist has no objection to the demolition of the building. However, it is recommended, that the dressed stone and the inscription should be retained and sensitively incorporated into the proposed new development and this can be secured via condition.

Through discussions with the applicant it is now proposed that the former cart shed, building I to be retained and put to sustainable use as part of the scheme. This will be used for parking.

The construction of the proposed new dwellings has the potential to disturb buried archaeological assets of a medieval tower, elements of the designed 18th and 19th landscape that once surrounded the Hall, and industrial remains associated with the 18th century Thompson’s Pit. These archaeological assets threatened by the development should be subject to a programme of archaeological investigation and recording in advance of development. These works can be controlled via condition.

**Impact on listed buildings**

The applicants Heritage Statement advises that the heritage assets at Ewanrigg Hall are currently at risk. It is advised that the proposed scheme has the potential to conserve and enhance the significance of the heritage assets and to give them a sustainable long term future. The applicant’s proposal seeks to strip the historic remains of its poor quality additions, and recapture its integrity as a fragmentary survival of a once fine Georgian house. The significant features are to be retained with the existing farmhouse subdivided to form two dwellings, and a new east wing is to be built as a balancing feature to
strengthen the overall composition. In terms of the impact on the setting of the heritage asset, the Heritage Statement advises that the layout respects the supremacy of the Hall as the focus of the site, and gives it a new visual and functional role.

The heritage report considers the following to be the chief features of significance:

- The history of Ewanrigg Hall and the evidence it provides about the social and economic life of the area and leading families in previous centuries;
- The potential survival of archaeological fabric;
- The physical survival of the farmhouse and the ground floor front screen wall of the main house as a fragmentary reminder of the Hall;
- The fine ashlar construction of the front wall;
- The inscribed stone dated 1753 and other dressed stone elements in the surviving front wall of the former cow house ENE of the main hall; and
- The stone boundary walls to the south, east and west of the property

The proposal will see the features above retained, although there will be some alteration to the existing ground floor front façade wall. The front wall is to be reduced in height to the level of the existing string course that runs above the ground floor windows, and the wall top will be consolidated with a new stone coping. During this process it is proposed that the embedded iron band, which is built into the masonry just above the window head level and which the applicant advises is causing damage by corrosion will be removed. The window openings that have been blocked up will be opened up once again to restore the proportions of the frontage wall.

The applicant advises that although the interior of the farmhouse has been much altered, and is of limited interest, subdivision is achieved with minimum intervention to historic fabric. The only feature of any interest that would be lost is the original servant’s staircase, which is in very poor condition and has suffered unsympathetic alteration. The merits of the internal fabric of the building were further undermined by a recent fire at the property. Although the roof has been repaired and reinstated the interior was damaged, thus placing a greater emphasis on the reuse of this building to secure its long term viability. The applicant advises the location of the staircase makes it difficult to convert the building in a viable manner without its replacement. In other respects, the conversion reinstates lost internal walls and involves the repair of the roofs and floors.

The existing agricultural building to the rear of the front wall will be demolished with the wall retained as detailed above. The applicant has taken on board the comments from the Conservation Bodies and is now proposing the land to the rear will be subdivided to provide a private garden area for one of the converted properties within the existing farmhouse. The remainder of the land would provide a shared garden area for the 4 new build dwellings.

The applicant considers the proposed scheme will deliver substantial benefits by bringing the currently vacant listed building back into use. The proposals for the wider housing development will help to enable substantial investment that is required to convert the currently vacant building, which has deteriorated over the years due to lack of
occupation, for residential use. The proposals will ensure the building is put to long term viable use and can be enjoyed by future generations.

**Design of extensions/alterations to Hall**

Planning and Conservation Officers consider the revised details and materials of the alterations/repairs to the listed building are now acceptable. The Conservation Officer would still prefer to see the retention of the entire front wall as she considers it important to understanding more about the scale and importance of the former Hall. However, the Conservation Officer acknowledges that the harm caused by the removal of this section can be argued to be outweighed by the benefits of bringing the remainder of the surviving elements of the Hall back into use and so securing a long term future for them.

The new build/extended elements are of a modern design which contrasts clearly with the detailing of the original elements of the listed building and in officers opinion the (latest amended) plans would not detract from or cause any significant harm to the character of the listed building as long as the door and window reveals are a minimum of 100mm deep, which can be controlled via condition.

Officers consider it is important for the setting of the listed building with regards to the outline proposal to be safeguard where possible at this stage. Therefore a no build zone has been agreed between the applicant and officers which will allow the longer views of the Hall to be seen safeguarding its setting.

Officers now consider that the design of the proposed alterations to the listed building and the new build elements attached would comply with the conservation and design provisions of the NPPF and Allerdale Local Plan policies S4, S27 and DM15.

**Consultation response and conclusions**

The Georgian Group have considered the revisions submitted and with regards to the remains of the Hall still consider the most practical and efficient way of ensuring the survival of the remaining section of the Hall’s entrance faced is for it to be incorporated within a new dwelling or dwellings. The Group remains of the view that as much of the listed façade as possible should be incorporated within new buildings, and does not believe that the proposed measures are sufficient to ensure the long-term preservation of the surviving historic fabric.

They also consider it important to retain the remaining section of the principle façade above the string course, as this historic fabric contains valuable evidence of the original fenestration pattern of the first floor of the later eighteenth century façade and should be retained in full.

The Group welcomes the decision to retain the cart shed, however they wish to reiterate our earlier advice that if possible the most important elements of 'Building H' should also be preserved within any new development.

The County Archaeologist raises no objections to the proposal subject to the inclusion of
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Therefore given the special statutory status of this material consideration, considerable importance and weight should be accorded to it. In considering the details above officers consider the agent has worked with officers to provide an acceptable form of development that will not negatively affect the historic fabric of the building and protect the setting of the grade II Listed Building.

Officers accept the comments made by the Conservation Officer and the Georgian Group that they would wish to see the remaining part of the wall retained in full, however it is considered the agent has provided sufficient justification for the removal of the iron band, resulting in the height of the wall reduced. In assessing the potential harm this work may have on the designated heritage asset officers consider the benefit of bringing the listed building back into use outweighs the harm it will cost to the character of the front façade wall.

The Planning (Listed Buildings and Conservation Areas) Act 1990, requires applications which involves the demolition of a listed building (including ancillary buildings) to consult with the Secretary of State if an objection from one of the National Amenity Societies, in this case the Georgian Group is received. The Secretary of State has therefore been consulted on this application.

Officers consider that the proposed development would not adversely affect any heritage assets within or external to the site and is therefore compliant with the provisions of Policies S2, S4, S5 and S27 of the Allerdale Local Plan (Part 1).

**Landscape and Visual Impact Issues**

The site lies in landscape sub-type 5a: Ridge and Valley, as defined by the Cumbria Landscape Character Guidance and Toolkit. Key characteristics are:

- A series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells
- Well maintained regular shaped medium to large pasture fields
- Hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations
• Scattered farms and linear villages found along ridges
• Large scale structures generally scarce

The open coastal landscape of the Solway Coast Area of Outstanding Natural Beauty sits to the north of Maryport, approximately 2.5km from the site and supports a variety of ecological and historically valued assets alongside a diversity of recreational opportunities.

Open countryside is located to the south of the site. This rural landscape comprises a rolling topography with agricultural fields and dispersed sections of woodland and wooded gills.

A Public Right of Way links through the site and plugs into the wider network extending through the countryside to the south and north into Maryport.

The Cumbria Landscape Character Guidance acknowledges that there could be a trend towards the development of urban fringe characteristics where the sub type abuts towns and village, as is the case with this proposal. The development will seek to retain existing trees/hedges where possible with further planting acknowledge within the ecology/tree reports.

Officers consider that although the proposal may result in changes to the immediate landscape, the development when viewed from long-range viewpoints would be seen in the context of the existing urban edge of Maryport, not as a disconnected or projecting entity.

Officers conclude that the proposed development would not have a significant adverse impact on the landscape character and visual amenity and therefore is compliant with the provisions of Policy S32 and S33 of the Allerdale Local Plan (part 1).

**Standards of housing environment and effect on neighbouring properties**

This will be considered in full at reserved matters stage. However, from the indicative plan provided it is considered an acceptable form of development can be achieved in terms of the standard of housing for future occupiers, while not adversely affecting the residential amenity of neighbouring properties. The topography of the land alters throughout the site and therefore full levels and site sections will need to be submitted as part of the reserved matter(s) application(s).

With regards to the proposed 6 dwellings officers consider the design and siting of all openings will protect the amenity of the future occupiers of the units and existing neighbouring residential properties.

Any noise and disturbance during the developments construction phase is not considered to be sufficient grounds for refusal, but may be safeguarded under a planning condition.

Officers conclude that the proposed development would not have a significant adverse
impact on the visual landscape and amenity and therefore is compliant with the provisions of Policy S32 and S33 of the Allerdale Local Plan (Part 1).

Ecology

An assessment of the ecological value of the site has been undertaken, based on data obtained from the Cumbria Biodiversity Data Centre (CBDC) and a phase one habitat and scoping survey for European Protected Species and a Daytime Roost Inspection Survey for Bats and Barn Owl and Activity Surveys for Bats has been submitted with the application.

The habitat survey concludes the development proposals for the site are considered to pose minimal risk of impact to European protected species and important habitats.

Woodland, scrub, hedges, watercourse and individual mature trees on site have some moderate conservation value and provide habitat suitable for use by local populations of bats and birds as well as the potential to support other imported species.

It is not expected for there to be significant loss of woodland habitat across the site. Mitigation planting and increased wildlife provision built into the design for the site and incorporated to the landscape plan would enhance and maintain the site for biodiversity.

Recommendations have been provided on mitigation, methodology and any likely requirement for further survey during the planning process. This will reduce any risk of impact on any protected species, in particular bats and breeding birds and retain a benefit for biodiversity in the long term.

A daytime inspection survey for Bat and Barn Owl has been carried out. This report concludes that there was no evidence of roosting bats within the buildings proposed for works and there are no anticipated significant impacts from the proposed works. The activity surveys found several species of bats using the development and surrounding grounds for foraging and commuting.

The report makes recommendations on enhancing the site for bats which should be considered by the applicant when designing the detailed layout to compensate for the loss of covered flying space and habitat. Adherence to the methodology provided will reduce any risk of disturbance or harm to individual bats.

The surveys undertaken also provided evidence of current use of the site by nesting barn owls. Any development must adhere to the mitigation provided to avoid risk of disturbance / impact to local populations.

Officers are satisfied that the mitigation measures identified within the phase one habitat survey and the bat and barn owl survey can be secured by planning conditions. An additional survey of the barns will need to be carried out pre-works to confirm the current use / no birds are nesting and that an alternative roost has been provided. Natural England’s (NE) response raised no objections in relation to statutory nature conservation
sites. In relation to the impact on the protected species identified as being potentially affected by the proposed development, officers have considered the standing advice referred to in the NE response. Based on the information and guidance contained therein, officers consider the proposed development would not cause significant harm to these species in terms of roosting, foraging or commuting subject to the proposed mitigation measures been followed and recommendations implemented.

Officers conclude that the proposed development would not have a significant adverse impact on ecology and therefore is compliant with the provisions of Policies S35 and S36 of the Allerdale Local Plan (Part 1).

Trees and Hedgerows

An arboricultural report has been submitted with the application that identifies that twenty-one trees were fully surveyed on site and on the boundary. From this assessment only one tree T11 was classed as category U and considered to be removed due to poor health or quality. However, the report highlights this tree has a low potential for bat roosts and would need to be assessed for bats prior to removal.

All the trees on site, with the exception of the trees in the former allotment area to the northeast of the site are covered by a Tree Preservation Order and would require consent from the LPA for any tree removal within the TPO area with the exception of any tree removal specifically approved as part of the detailed planning permission granted.

From the current indicative Master Plan, it appears that the proposed layout (or any alternative layout) could potentially impact on a number of trees, and could entail a number of trees requiring removal to accommodate the scheme in particular the woodland area along the beck due to a required access road to the west of the site.

The detailed section of the hybrid application not impact on any trees. The remaining outline section of the site has the potential to impact on existing protected trees. However, as the scheme is outline, with all matters reserved apart from access, it is difficult to determine whether the removal of any trees will be required or if retained what impact the development may have on their root protection areas (RPA).

Officers consider it would be appropriate for a full tree report to be submitted with the reserved matters application when the exact impact on trees will be known. Any loss of trees can be compensated by replanting.

In considering the arboricultural assessment officers acknowledge in developing greenfield sites there is always the potential for some loss of trees/hedges on the site. Therefore it is the scale of loss and the extent of the attempt to retain important arboricultural features that are the determining factors when assessing whether schemes are satisfactory in this regard. Equally the ecological impacts of any removal must also be considered.

On balance officers except that the development may result in the loss of some trees on
the site, but the detailed layout can be designed to minimise this impact with additional planting and/or enhancement of existing hedgerows surrounding the site. The report makes no reference to existing hedgerows being removed.

Officers conclude that a proposed layout can be achieved that would safeguard, where possible, existing trees and hedgerows that are important to the local community and contribute positively to the character of the local area in compliance with the provisions of Policies S35 and DM17 of the Allerdale Local Plan (Part 1).

**Flood risk and drainage**

The Environment Agency Flood Maps show the whole of the application site falls within Flood Zone 1. As such this indicates there is no significant risk of flooding to the site from rivers or the sea. A Flood risk assessment of flood risk and drainage strategy assessment for the proposed development has been undertaken by the applicant. The findings contained in the report are detailed below.

The land sits in an elevated position and slopes significantly from north east to south west for most of its area and the remainder of the ground slopes from south east towards the north west. This results in the whole of the site falling towards an open watercourse in the most westerly corner of the site. This watercourse then continues as a culverted stream towards the west.

There are two potential sources of flooding within the site namely rainfall and watercourses described above should the outfall become blocked during a storm event.

The site is presently occupied to around 85% of its full area by agricultural grassland with the remaining 15% occupied by building, road and yard areas forming the existing farm house and facilities. There are no records of the land or buildings having flooded in the past but with the effects of climate change becoming more evident the risk of future flooding will increase slowly. The report highlights there is little likely-hood that the effects of climate change will lead to increased risk to properties downstream of the site as the outflow from the land is restricted by the culvert that conveys flows off and away from the site.

The site lies some considerable distance from any watercourse designated “Main River” by the Environment Agency. The site is completely within Flood Zone 1 and as such is not at risk from flooding from any river, nor indeed from the sea due to its separation distance from the sea and also its elevated position.

There are no records of flooding from sewers in the vicinity of the site and this does not therefore present a risk to the development.

The report highlights the risk of flooding from groundwater, surface water, sewers and climate change is considered to be very low and it is therefore recommended that mitigation measures will be un-necessary to protect properties within the development.
Surface Water Drainage

Whilst the overall site areas will remain unchanged and therefore the overall volume of surface water run-off will remain unaltered, the change in the ground surface will be extensive with approximately 50% of the site becoming impervious compared to 15% at present. This will increase the potential speed at which water reaches the watercourses and could lead to their overburdening during larger storm events.

Because of the restrictions placed on flows off the site by the outfall culvert it will be necessary to strictly control the flows into the watercourse to present day levels via a selection of sustainable methods such as soak-away systems, swales, rain gardens, ponds and attenuation systems.

As part of the assessment the applicants have carried out some outline calculations using attenuation techniques to demonstrate that a suitable system of drainage can be provided that will also protect the existing watercourse now and in the future.

By restricting the final discharge rates from the re-developed site to the equivalent of a present day 1 in 2 year storm, the proposed drainage systems will provide a significant range of betterment to the local watercourse systems through a series of reductions in the rates of discharge especially in the larger, more intense rainfall events.

Foul drainage design

At present there are no public foul drains on the site and the foul effluent from the Hall and the farm buildings is discharged into a septic tank on the site.

Foul water discharges from the new buildings on the site will be conveyed to the existing public sewers close to the site.

United Utilities have assessed the proposal and raise no objections to the proposal subject to conditions. The Environment Agency provided no comments in relation to Flood Risk and the Local Lead Flood Authority raise no objections to proposal in terms of flooding.

Overall officers consider through suitable design, detailing and implementation, the above range of foul and surface water drainage solutions will enable the proposed development to provide a sustainable development without risk of additional or increased flood risk.

A number of properties adjacent to the site currently connect into the drainage system that runs through the site and neighbouring properties have sort assurances that this will not alter. The granting of the proposal will not alter any legal rights these properties have in relation to drainage, third parties are advised to discuss this issue direct with the applicant as it does not form a material planning consideration.

Officers conclude that the proposed development would not be liable to or exacerbate
flood risk and therefore is compliant with the provisions of Policies S2 and S29 of the Allerdale Local Plan (Part 1).

**Contaminated Land and Mineral Stability**

A Phase 1 Desk Top Study (DTS) has been prepared by GEO Environmental Engineers to determine any geohazards that may affect the development of the site for residential use. The DTS notes that the development site is at potential risk relating to the former coal mining activities taking place on the site. It is recommended that prior to the commencement of development on the site, rotary openhole boreholes are completed to determine the presence, depth and extent of any potential shallow unrecorded workings, and that the five coal mining entries on the site are located accurately and remediation measures undertaken as necessary. A Coal Mining Risk Assessment / Mineral Stability Report (MSR) and Mineral Stability Desk Study and Report have been submitted as part of the application which responds to these recommendations.

The DTS concludes that the site represents a high to very high geotechnical risk due to the previous mining activities on the site. As a result, it is recommended that detailed Phase 2 Ground Investigation Works are undertaken at the site to provide further details in relation to the ground/groundwater conditions and ground gas regime at the development site.

The Mineral Stability Desk Study and Report provides details of boreholes undertaken on the site in order to ascertain the position of the abandoned mine shafts referred to in the DTS. The report confirms that no mine shafts are located outwith the development site are not within influence distance of the proposed development and therefore will not require any form of treatment. It is therefore concluded that the site is stable and suitable for the development envisaged.

The Council’s Environment Protection Team has reviewed the DTA submitted by the applicant and concurs with their findings, conclusions and recommendations and raise no objections subject to further conditions for investigation works.

The Environment Agency (EA) raises no objections to the proposal. Fuel was stored on site, but there are no structures present to offer a location for assessment of adequate containment or spillage. Recommendations in the report suggest ground investigations to examine the geotechnical aspects of the site from a mining stability perspective. The EA recommend these should be expanded to include geochemical soil properties and confirm the presence of spoil and thus assess if it is a problem. These can be controlled via condition.

The Coal Authority raise no objections to the submitted evidence demonstrating that the application site is, or can be made, safe and stable for the proposed development.

On the basis of the contents of the DTS and Mineral Stability Desk Study and Report, officers conclude that the site is not particularly constrained by on-site contamination and the risk to potential receptors can be made, safe and stable. Therefore, officers conclude that the proposed development is compliant with the provisions of Policy S30 of the Allerdale Local Plan (Part 1).
Education and social infrastructure

Cumbria County Council (CCC) are the local education authority and are also responsible for adult social care and has considered the proposed development in the context of its impact on the infrastructure associated with these services.

CCC has estimated that the development will yield 26 primary aged children (15 infant and 11 junior) and 19 secondary aged children. The catchment schools are Ellenborough and Ewanrigg Infant School (0.56 miles away), Ewanrigg Junior School (0.55 miles away) and Netherhall School (0.56 miles away).

Including the catchment schools there are eight schools within a 2 mile radius of this development. These include four infant, two junior, one CE primary and one RC primary school.

CCC state there is sufficient space in Ellenborough and Ewanrigg Infant School to accommodate the infants, however, Ewanrigg Junior School is full and is projected to be for foreseeable future. There is sufficient capacity at Maryport Junior School (1.4 miles) for the junior children yield arising from the development. There is sufficient capacity at Netherhall Secondary School. As there is sufficient capacity in schools within a 2 miles radius of this development no education contribution is sought.

CCC has adopted a planning obligation’s policy of which part seeks to ensure that new housing designs can easily be adapted to meet the requirements of occupants should their needs change over time known as Lifetime Homes Standards. The most frequently requested adaptations are stair lifts and level access showers. Housing designs that incorporate a straight staircase and a room for level entry shower facilities adjacent to ground floor toilet facilities will support the provision of these adaptations in the most cost effective way. Given the additional costs of adapting homes that do not provide these features, CCC are now seeking the provision of financial contribution as appropriate mitigation.

Although the application for the development of the site is outline only, the applicant does not accept the need for this contribution and has omitted it from the Section 106 agreement.

Policy S10 of the Allerdale Local Plan provides the policy basis for considering the CCC request. The policy states the Council will ‘[…] encourage the incorporation of Lifetime Homes Standards within all new residential development too enable new housing to be adaptable to meet household needs over time. Therefore it is not mandatory for new residential development within the Allerdale Plan Area to incorporate the Lifetime Homes Standards and this council has not adopted CCC planning obligations policy or sought this type of contribution in other recent applications for residential development.

The proposal includes 14 affordable dwellings that will be designed to incorporate Lifetime Homes Standards in line with the requirements of Policy S10. It is therefore considered that the request for the contribution cannot be sustained and the proposal is compliant with the provision of Policy S10 of the Allerdale Local Plan (Part 1).
Other Issues:

Provision of Open Space

The applicant is proposing the detailed scheme will include 0.195 hectares of public open space on the site in line with the Councils draft SPD. This will include a provision of children’s equipped play area. The POS areas and their maintenance will be secured under a Section106 agreement.

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act 1990 (as amended) the proposal would attract ‘New Homes Bonus’ and future council tax receipts. The S106 will also require financial contributions in relation to the travel plan to the paid by the developer and affordable units on site.

Conclusion

The proposed site lies directly adjacent to the existing built development of Maryport and therefore, is considered to be sustainable and well related to the settlement. Officers consider, in the context of the spatial strategy and associated policies contained within the Allerdale Local Plan (Part 1), that the scale of development sought cannot be considered to be disproportionate to the settlement. Maryport is a Key Service Centre (KSC) and the second largest settlement within Allerdale and therefore can accommodate larger scale residential developments.

Officers consider the development of this site is in line with Policy S3 and will support the spatial growth required for Maryport. The siting of the development achieves a satisfactory extension to the built format of Maryport and will not significantly impact on the character and landscape of this part of the town.

The works to the heritage assets have been fully assessed by the applicant and officers consider the slight harm to the listed frontage wall due to the reduction in height is outweighed by the benefits of the proposal which will see the listed building been brought back into use.

The proposal is considered to be acceptable and the individual physical constraints of the site as highlighted above have been fully addressed. The application is recommended for approval subject to the approval from the Secretary of State and the inclusion of conditions and signing of a Section 106 agreement to secure the affordable dwellings, provision and maintenance of public open space within the site, implementation of the travel plan and a timeframe for the listed restoration works.
Annex 1

Conditions/Reasons

1. Before any works commence on the outline scheme details of the layout, scale and appearance and landscaping (hereinafter called reserved matters’) shall be submitted to and approved by the Local Planning Authority.
Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (Development Management Procedure) Order 2015.

2. The development hereby permitted shall be carried out in accordance with the following plans:
   L(-)0001A Site Location Plan (amendment received 13 January 2016)
   L(--)0020 Revision E Site Plan Proposed (amendment received 4 April 2016)
   L(--)0025 Revision B No Build Zone Plan (amendment received 4 April 2016)
   P001 Revision B Potential Site Access (amendment received 23 March 2016)
   P002 Ewanrigg Brow Proposed Footway Provision (amendment received 23 March 2016)
   C(--)0002 Revision B Proposed Door Types (amendment received 24 February 2016)
   L(--)0021 Revision D Proposed Elevations (amendment received 27 November 2015)
   L(--)0022 Revision F Proposed Elevations (amendment received 24 February 2016)
   L(--)0023 Revision C Proposed Floor Plans (amendment received 27 November 2015)
   L(--0024 Retained Cart shed (amendment received 7 October 2015)
   L(-)0010 Revision B Site Plan – Removals (amendment received 7 October 2015)
   L(--0011 Revision A Existing Building Elevations – Removals (amendment received 2 June 2015)
   L(--)0012 Revision A Existing Building Floor Plan – Removals (amendment received 2 June 2015)
Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. The submission of phase 1 reserved matter application under condition 5 shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:
   (a) The expiration of 3 years from the date of the grant of this permission, or
   (b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: In order to comply with Section 51 of the Planning and Compulsory
4. Any application for reserved matters of layout shall include plans showing the following:
   (a) Cross sections through the site;
   (b) Details of existing and proposed ground levels;
   (c) Proposed finished floor levels of buildings;
   (d) Levels of any paths, drives, garages and parking areas;
and the development shall be carried out in accordance with the details so approved.
Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.

5. Any application for reserved matters of layout shall include a programme showing the phasing of the development, including during which phase the works to Ewanrigg Hall will take place, to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing programme.
Reason: To serve in the public and visual interests a satisfactory correlated order of the construction of the development in accordance with the National Planning Policy Framework and Policies S5 and DM14 of the Allerdale Local Plan.

6. Prior to the submission of the first reserved matters application a detailed design brief on building form, scale and design including heights, bulk, massing, materials, colour, palettes and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters application(s) shall be designed in line with the approved design brief.
Reason: In order to achieve a satisfactory and complementary form of phased development across the extended build out period for the development.

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

8. Should land affected by contamination be identified under the desk top study under condition 7 be found which poses unacceptable risks to human health, controlled waters or the wider environment, no development in that
phase shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

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

9. Should a contamination remediation scheme be required under condition 8, the approved strategy shall be implemented and a verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action are submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All work shall be undertaken in accordance with current UK guidance, particularly CLR11.

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

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

The approved statement shall be adhered to throughout the duration of the development.
Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. Prior to the commencement of development, a scheme for both the outline and full application for surface water and foul water drainage to be drained on a separate system (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Flood Risk Assessment, ref: C-0634, dated 12.12.2013, proposing surface water discharging into watercourse and foul water discharging into the 300mm diameter combined sewer along Ewanrigg Road. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, nor land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.
Reason: To ensure a suitable means of drainage from the site and minimise the risk of water pollution to the local water environment and ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework and Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

13. No dwellinghouses shall be sited within an easement strip of 5 metres either side of the centre line of each existing sewers traversing across the site.
Reason: In order to protect the existing drainage infrastructure services on the site.
14. The carriageway, footways, footpaths, cycleways (including the footpath route to the local primary school) for each phase of the reserved matters (as approved under condition 5) shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect full engineering details shall be submitted with the Reserved Matter(s) Application(s). No construction work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All works so approved shall be constructed before the development is considered complete. Reason: To ensure a minimum standard of construction in the interests of highway safety.

15. Full details of the scheme of improvements works to the existing C2007 highway network and the formation of the access there from, along with a phasing scheme for the implementation of these works, shall be submitted with the Reserved Matters Application(s). The scheme of highway improvement works shall include:

- C90m c/w widening on Ewanrigg Brow (6m width to 7.8m fronting terraced houses)
- C90m 2.4m wide shared use footway Ewanrigg Brow to corner of site
- Signage and carriageway markings

No work shall be commenced until a full specification and phasing scheme for the highway improvement works has been approved. There shall be no vehicular access to or egress from the site other than via the approved access route (Ewanrigg Brow), unless otherwise agreed by the Local Planning Authority. The works shall be carried out solely in accordance with the approved details. Reason: To ensure adequacy of the highway network and avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of local amenity road safety and convenience to all existing highway users.

16. The layout, submitted at Reserved Matters stage, shall detail changes necessary to the existing public Footpath network within the site so pedestrian and cycleway routes are provided that are convenient to use and link to existing provision outwith the site. Reason: In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

17. The existing Ewanrigg Lonning access to the C2007, highway shall be permanently closed off to vehicular traffic and the Ewanrigg Hall farm access by the Ewanrigg Gardens bend, as soon as the new estate road access is defined by kerbs and surfacing to base/binder course level. Prior to the occupation of the first dwelling, a suitable vehicular barrier will be provided at the point Public Footpaths 244038/224039/244040 meet, so vehicular traffic associated with the development cannot use the western portion of Ewanrigg Lonning as a shortcut to/from Ewanrigg Rd. Details of the siting and design of the vehicular barrier shall be provided and approved by the local planning authority. The works shall be carried out solely in accordance with the approved works.
18. No dwelling of the full detailed scheme shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.
Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

19. Prior to the carrying out of any alteration or demolition works the existing historic buildings affected by the proposed development shall be recorded in accordance with a Level 3 Survey as described by English Heritage’s document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant Level 3 Survey report shall be furnished to the Local Planning Authority.
Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development.

20. Before development commences on the outline scheme, a detailed method statement for the long-term management/eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
Reason: To avoid the spread during construction works of an invasive and prohibited plant species in the interests of avoiding harm to the environment.

21. The works shall be implemented solely in accordance with the mitigation and recommendations outlined in Section 6 of the Daytime Roost Inspection Survey for Bat and Barn Owl and Activity Surveys for Bats dated August 2014, the recommendations and mitigation measures outlined in Section 5 of the Phase One Habitat and Scoping Survey for European Protected Species dated August 2014 and Section 4.2 of the Tree Survey Report dated March 2015 (unless updated as part of the reserve matter(s) application(s)).

22. A survey of the buildings on the site should be undertaken prior to the demolition of any buildings on the site to confirm that no barn owls are
nesting. If nesting barn owls are found, appropriate mitigation measures should be agreed with the local planning authority prior to works commencing on site. Development shall proceed in accordance with the approved mitigation measures.

23. Each Reserved Matters application should be accompanied by a Tree Survey that assess the impact the detailed layout will have on trees including the root protection areas (including an assessment of any impact a loss of tree may have on protected species). The works shall be carried out solely in accordance with approved details.
Reason: In order to fully assess the impacts the development of the larger site will have on trees and hedgerows including protected species that may be affected by the development, in compliance with the National Planning Policy Framework and policies S35 and DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

24. Notwithstanding the submitted information in relation to the full detailed scheme details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure in relation to the full application shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling(s). 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 safeguards the character of the listed building, is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties.

25. Each phase of the reserved matters applications shall include a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

26. No development hereby permitted in relation to the full detailed scheme shall be commenced until a scheme of hard and soft landscaping works have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until all surfacing/landscaping works have been
implemented in accordance with the approved details. Any tree or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning.
Reason: In order to enhance the appearance of the development and safeguard the setting of the listed building.

27. Prior to works commencing on the conversion of the farmhouse and erection of the new build (excluding demolition works), details and samples of materials to be used to the exterior of the development hereby approved, including those to be used for the boundary treatments and coping on the front wall, to be submitted to the Local Planning Authority for approval. The development shall be constructed in accordance with the approved details.
Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area and to protect the character of the listed building, in compliance with the National Planning Policy Framework and Policy S27 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development on the full detailed scheme falling within Class(es) A, B, C, D and E of Part 1 and Class A of part 2 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.
Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the appearance of the site and safeguard the setting of the listed building.

Proactive Statement

Application Approved Following Revisions

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

Notes to Applicant:

The consultation responses of United Utilities, The Coal Authority and Electricity North West are to be forwarded to the applicant so that additional issues relating to their specific regulations can be investigated by the applicant.
Allerdale Borough Council
Planning Application 2/2015/0219

Proposed Development: Listed building consent for the partial demolition and conversion of Ewanrigg Hall (Grade II Listed) to create 2no dwellings and extension to provide 4no dwellings (Use Class C3), and demolition of associated outbuildings.

Location: Ewanrigg Hall
Ewanrigg
Maryport

Recommendation: Approve

Summary/Key Issues

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<th>Issue</th>
<th>Conclusion</th>
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<td>Heritage</td>
<td>The Grade II Listed Building Ewanrigg Hall and associated buildings remain on the site. A number of buildings are to removed, however it is considered a number of these structures do not contribute to the setting of the listed building. Building ‘I’ is to be retained and the dressed stone and inscription lintel with the date 1753 on building ‘H’ is to be incorporated into the proposed new development. The details and materials of the alterations/repairs to the listed building are acceptable. Although some concern has been raised with regards to the alteration to the front façade wall, and having regard to the duty under s66 of the Planning (Listed Building and Conservation Areas) Act, officers consider the harm caused by the removal of this section is outweighed by the benefits of bringing the remainder of the surviving elements of the Hall back into use and so securing a long term future for them. The new build/extended elements are of a modern design which contrasts clearly with the detailing of the original elements of the listed building and would not detract from or cause any significant harm to the character of the listed building. Officers conclude that the proposed development would not adversely affect any heritage assets and therefore is complaint with Policy S2, S4, S5 and S27 of the Allerdale Local Plan (Part 1)</td>
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Proposal

Listed Building Consent is sought for the partial demolition and conversion of Ewanrigg Hall (Grade II Listed) to create 2 no. 4 bed dwellings with single extensions to the rear
and extension to provide 4 no. 1 bed units (Use Class Cs) and demolition of associated outbuildings.

Site

The application site is located to the southern edge of Maryport. The wider site is bounded to the east by Ewanrigg Brow, existing residential units to the north and east of the site, agricultural fields to the south west, allotments to the north west and a residential property and associated caravan storage use are located to the south east. The land associated with the Hall is currently predominately agricultural grazing land. Ewanrigg Hall is a vacant Grade II listed building, which was most recently used as a farm house plus a number of vacant former farm buildings are located on the south of the eastern part of the site.

The site is currently accessible from two locations, Ewanrigg Road, along Ewanrigg Lonning to the north west of the site and Ewanrigg Brow, to the east. Ewanrigg Lonning is a partially surfaced drive that runs east-west through the site connecting these access points. Two public footpaths currently pass through the site, one following the principle access track and another tracing the line of the archaeological feature within the northern field. These footpaths then connect with further links connecting into the adjacent countryside.

Relevant Policies

National Planning Policy Framework (March 2012)

Achieving Sustainable Development
Chapter 6: Delivering a wide choice of high quality homes
Chapter 7: Requiring good design
Chapter 12: Conserving and enhancing the historic environment

Allerdale Local Plan (Part 1) Adopted July 2014

Policy S1 Presumption in favour of sustainable development
Policy S2 Sustainable development principles
Policy S4 Design principles
Policy S27 Heritage Assets
Policy DM15 Extensions and alterations to existing buildings and properties

Relevant Planning History

2/2015/0218 Hybrid planning application including: Full planning application for the partial demolition and conversion of Ewanrigg Hall (Grade II Listed) to create 2 no. dwellings and extension to provide 4 no. dwellings (Use Class C3), and demolition of associated outbuildings and; outline planning application for the development of approximately 124 dwellings (Use Class C3), with all matters reserved except for means of access – pending.
Representations

Maryport Town Council – Maryport Town Council Members would like to stress that this is a grade II listed building and they would like to see the outside of the building restored and the development to take place behind that. This is a very prominent historical building in Maryport with lots of historical significance.

County Archaeologist - No objections to the proposed development but have the following comments to make regarding other historic environment issues that are raised by the construction of the proposed development:

- The proposal involves some alterations to the historic fabric of the listed Ewanrigg Hall and also proposes the demolition of a number of ancillary buildings and structures of the 18th, 19th and early 20th century date to the rear of the Hall. These buildings and structures should be recorded prior to alteration and demolition which can be controlled via condition.

- Building H, the structure with the 1753 inscription, is proposed for demolition and, although the building itself is of limited architectural significance, the inscribed lintel with the date 1753 and the dressed stone on the façade are of interest. I recommend that the inscription and dressed stone of 'Building H' should be conserved and sensitively incorporated into the proposed new development and that this can be secured by condition.

- The construction of the proposed new dwellings has the potential to disturb buried archaeological assets of the a medieval tower, elements of the designed 18th and 19th century landscape that once surrounded the Hall, and industrial remains associated with the 18th century Thompson’s pit. The archaeological assets threatened by the development should be subject to a programme of archaeological investigation and recording in advance of the development. These works can be secured via condition.

Historic England - We support the principle of re-using and repairing the listed building and we have previously indicated that the proposed demolitions of less significant structures can be justified in relation to the public benefits the proposals would bring.

Conservation Officer – The revised details and materials of the alterations/repairs to the listed building are now acceptable, although I would prefer to see the retention of the entire front wall as I consider it important to understanding more about the scale and importance of the former hall. However the harm caused by the removal of this wall section can be argued to be outweighed by the benefits of bringing the remainder of the surviving elements of the Hall back into use and so securing a long term future for them.

The proposed revised materials for the new buildings at the eastern end of the Former Hall are far preferable to the original proposals and I have no objection to the design which provides a contemporary contrasting style, whilst creating a much more appropriate aesthetic for a residential building in this location.

I am pleased that the historic curtilage building I is now to be retained and reused. The loss of building H is a shame but as this is not in its original form, it is less important, but I
agree with the suggestion of the Cumbria County Council Historic Environment Officer that the dressed stone and inscribed lintel should be retained on the site and incorporated into a new wall as close as possible to the site of the existing building.

**Georgian Group** – Object on the following grounds.

The remains of the Hall - The Georgian Group remains of the view that as much of the listed façade as possible should be incorporated within the new buildings, and does not believe that the proposed measures are sufficient to ensure a long-term preservation of the surviving historic fabric.

We would like to take this opportunity of re-emphasizing the importance of retaining the remaining section of the principal façade above the string course, this historic fabric contains valuable evidence of the original fenestration pattern of the first floor of the later eighteenth century façade and should be retained in full. The applicants have not provided a convincing justification for the demolition of this part of the building’s original façade and therefore the listed building application should be withheld.

The Surviving Historic Outbuildings - The group welcomes the decision to retain the cartshed; however we wish to reiterate our earlier advice that if possible the most important elements of ‘Building H’ should also be preserved within any new development.

**The Victorian Society** – No reply to date.

**Ancient Monument Society** – No reply to date.

Access Officer – On access issues into the dwellings for disabled people no objections providing the new dwellings have level access and the principle entrance doors have a minimum clear opening width of 775mm.

The application has been advertised on site and in the local paper. 1 letter of objection has been received on the grounds of road traffic safety.

A further letter has been received are pleased to see the Hall will be brought back into use but do not wish to see a reduction in height of the rear boundary wall.

**Main Issues:**

**Heritage**

The existing Grade II Listed Building known as Ewanrigg Hall remains on the site with a number of associated buildings. The site and farmhouse are currently unoccupied and have deteriorated of late resulting in the farmhouse unsafe for occupation.

An assessment of impact of the proposed development on heritage assets has been undertaken by the applicant and is set out in the Heritage Statement and Archaeological Desk-Based Assessment and Walkover Survey.
Demolition of buildings

The County Councils Historic Environment Officer has assessed the proposal in terms of the demolition of the outbuildings and the construction of the new dwellings. He confirms that many of the undesignated structures proposed for demolition/alteration are of local or negligible significance and do not contribute to the setting of the listed building. No objections are raised to these works. However, he considers two of the buildings that are proposed for demolition to have a potentially greater architectural and historic significance and provide a more positive contribution to the setting of the designated heritage asset than is given credit in the applicant’s heritage statement. These buildings are the structure with the 1753 date-stone (termed building H in the heritage statement) and the former cart shed (termed building I in the heritage statement). By virtue of their age, building materials and historic functions they contribute to the character and appearance of the setting of the grade II Ewanrigg Hall.

The applicant provided additional information in relation to Building H, that was helpful in showing that building H, the structure with the 1753 inscription, is of limited architectural and historic interest. The historic fabric of the building is restricted to 2 facades, one of which will be preserved in the boundary wall of the site. The other façade has been considerably altered to reflect a variety of uses and, although it retains dressed stone and an inscribed lintel with the date 1753, it is considered of minor significance and does not positively contribute to the setting of the designated heritage asset. In light of this the County Archaeologist has no objection to the demolition of the building. However, it is recommended, that the dressed stone and the inscription should be retained and sensitively incorporated into the proposed housing development considered concurrently with this application under planning reference 2/2015/0218.

Through discussions with the applicant it is now proposed that the former cart shed, building I to be retained and put to sustainable use as part of the scheme. This will be used for parking.

Impact on listed buildings

The applicants Heritage Statement submitted with the application advises the heritage assets at Ewanrigg Hall are currently at risk. It is advised that the proposed scheme has the potential to conserve and enhance the significance of the heritage assets and to give them a sustainable long term future. The applicant’s proposal seeks to strip the historic remains of its poor quality additions, and recapture its integrity as a fragmentary survival of a once fine Georgian house. The significant features are to be retained with the existing farmhouse subdivided to form two dwellings, and a new east wing is to be built as a balancing feature to strengthen the overall composition. In terms of the impact of the development on the setting of the heritage asset, the Heritage Statement advises that the layout respects the supremacy of the Hall as the focus of the site, and gives it a new visual and functional role.

The heritage report considers the following to be the chief features of significance:

- The history of Ewanrigg Hall and the evidence it provides about the social and
economic life of the area and leading families in previous centuries;

- The potential survival of archaeological fabric;
- The physical survival of the farmhouse and the ground floor front screen wall of the main house as a fragmentary reminder of the Hall;
- The fine ashlar construction of the front wall;
- The inscribed stone dated 1753 and other dressed stone elements in the surviving front wall of the former cow house ENE of the main hall; and
- The stone boundary walls to the south, east and west of the property

The proposal will see the features above retained, although there will be some alteration to the existing ground floor front façade wall. The front wall is to be reduced in height to the level of the existing string course that runs above the ground floor windows, and the wall top will be consolidated with a new stone coping. During this process it is proposed that the embedded iron band, which is built into the masonry just above the window head level and which the applicant advises is causing damage by corrosion will be removed. The window openings that have been blocked up will be opened up once again to restore the proportions of the frontage wall.

The applicant advises that although the interior of the farmhouse has been much altered, and is of limited interest, subdivision is achieved with minimum intervention to historic fabric. The only feature of any interest that would be lost is the original servant’s staircase, which is in very poor condition and has suffered unsympathetic alteration. The applicant advises the location of the staircase makes it difficult to convert the building in a viable manner without its replacement. In other respects, the conversion reinstates lost internal walls and involves the repair of the roofs and floors.

The existing agricultural building to the rear of the front wall will be demolished with the wall retained as detailed above. The applicant has taken on board the comments from the Conservation Bodies and is now proposing the land to the rear will be subdivided to provide a private garden area for one of the converted properties within the existing farmhouse. The remainder of the land would provide a shared garden area for the 4 new build dwellings.

The applicant considers the proposed scheme will deliver substantial benefits by bringing the currently vacant listed building back into use. The proposals for the wider housing development will help to enable substantial investment that is required to convert the currently vacant building, which has deteriorated over the years due to lack of occupation, for residential use. The proposals will ensure the building is put to long term viable use and can be enjoyed by future generations.

**Design of extensions/alterations to Hall**

Planning and Conservation Officers consider the revised details and materials of the alterations/repairs to the listed building are now acceptable. The Conservation Officer would still prefer to see the retention of the entire front wall as she considers it important to understanding more about the scale and importance of the former Hall. However, the Conservation Officer acknowledges that the harm caused by the removal of this section
can be argued to be outweighed by the benefits of bringing the remainder of the surviving elements of the Hall back into use and so securing a long term future for them.

The new build/extended elements are of a modern design which contrasts clearly with the detailing of the original elements of the listed building and in officers opinion the (latest amended) plans would not detract from or cause any significant harm to the character of the listed building as long as the door and window reveals are a minimum of 100mm deep, which can be controlled via condition.

Officers consider it is important for the setting of the listed building with regards to the outline proposal to be safeguard where possible at this stage. Therefore a no build zone has been agreed between the applicant and officers which will allow the longer views of the Hall to be seen.

Officers now consider that the design of the proposed alterations to the listed building and the new build elements attached would comply with the Conservation and design provisions of the NPPF and Allerdale Local Plan policies S4, S27 and DM15.

**Consultation response and conclusions**

As a result of the proposed demotion works a range of additional historic amenity groups are consulted.

The Georgian Group have considered the revisions submitted and with regards to the remains of the Hall still consider the most practical and efficient way of ensuring the survival of the remaining section of the Hall’s entrance faced is for it to be incorporated within a new dwelling or dwellings. The Group remains of the view that as much of the listed façade as possible should be incorporated within new buildings, and does not believe that the proposed measures are sufficient to ensure the long-term preservation of the surviving historic fabric.

They also consider it important to retain the remaining section of the principle façade above the string course, as this historic fabric contains valuable evidence of the original fenestration pattern of the first floor of the later eighteenth century façade and should be retained in full.

The Group welcomes the decision to retain the cartshed; however we wish to reiterate our earlier advice that if possible the most important elements of ‘Building H’ should also be preserved within any new development.

The County Archaeologist raises no objections to the proposal subject to the inclusion of conditions securing the a programme of archaeological investigations and recording of existing buildings and securing the inscribed lintel with the date 1753 and dressed stone is incorporated into the new development. Historic England raise no objections to the proposal.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states
“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Therefore given the special statutory status of this material consideration, considerable importance and weight should be accorded to it. In considering the details above officers consider the agent has worked with officers to provide an acceptable form of development that will not negatively affect the historic fabric of the building and protect the setting of the grade II Listed Building.

Officers accept the comments made by the Conservation Officer and the Georgian Group that they would wish to see the remaining part of the wall retained in full, however it is considered the agent has provided sufficient justification for the removal of the iron band, resulting in the height of the wall reduced. In assessing the potential harm this work may have on the designated heritage asset officers consider the benefit of bringing the listed building back into use outweighs the harm it will cost to the character of the front façade wall.

The Planning (Listed Buildings and Conservation Areas) Act 1990, requires applications which involves the demolition of a listed building (including ancillary buildings) to consult with the Secretary of State if an objection from one of the National Amenity Societies, in this case the Georgian Group is received. The Secretary of State has therefore been consulted on this application.

Officers consider that the proposed development would not adversely affect any heritage assets within or external to the site and is therefore compliant with the provisions of Policies S2, S4, S5 and S27 of the Allerdale Local Plan (Part 1).

Other Issues:

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act there are no local financial implications.

Conclusion

Officers consider the proposed alterations and extensions to the listed buildings will ensure the listed buildings are brought back into use and secure the future use of the site. The farmhouse has been sensitively designed to retain existing features where possible and retain the character of this heritage asset.

The new build/extended elements are of modern design which contrast clearly with the detailing of the original elements of the listed building and would not detract from or cause significant harm to the character of the listed building.

Officers consider the proposed alterations/extensions/new build elements comply with
the provisions of Policy S4 and S27 of the Allerdale Local Plan (Part 1) and members are recommended to approve the application, subject to the approval from the Secretary of State.
Annex 1

Conditions/Reasons

Listed Building Application

1. The works hereby granted listed building consent shall be begun before the expiration of three years from the date of this consent.
   Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
   Site Location Plan (L0001 Rev A amendment received 13 January 2016)
   Proposed Site Plan (L0020 Rev E amendment received 4 April 2016)
   Proposed Elevations (L0021 Rev D amendment received 27 November 2015)
   Proposed Elevations (L0022 Rev F amendment received 24 February 2016)
   Proposed Floor Plan (L0023 Rev C amendment received 27 November 2015)
   Proposed Cart Shed and Elevation (L0024 amendment received 7 October 2015)
   Proposed Removals Site Plan (L0010 Rev B amendment received 7 October 2015)
   Proposed Removals Elevations (L0011 Rev A amendment received 2 June 2015)
   Proposed Removals Floor Plan (L0012 Rev A amendment received 2 June 2015)
   Proposed Window Types (C0001 Rev B amendment received 27 November 2015)
   Proposed Door Types (C0002 Rev B amendment received 24 February 2016)
   Reason: In order to ensure that the development is carried out in complete accordance with the approved plans.

3. Prior to works commencing on the conversion of the farmhouse and erection of the new build (excluding demolition works), details and samples of materials to be used to the exterior of the development hereby approved, including those to be used for the boundary treatments and coping on the front wall, to be submitted to the Local Planning Authority for approval. The development shall be constructed in accordance with the approved details.
   Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area and to protect the character of the listed building, in compliance with the National Planning Policy Framework and Policy S27 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. No development hereby permitted shall be commenced until a scheme of hard and soft landscaping works have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until all surfacing/landscaping works have been implemented in accordance with the approved details. Any tree or plants which within a period of 5 years from the completion of the development die, are removed or become seriously
damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning.
Reason: In order to enhance the appearance of the development and safeguard the setting of the listed building.

5. Any new windows and doors shall be recessed a minimum of 100mm.
Reason: To ensure a satisfactory standard of development compatible with this historic setting, in compliance with the National Planning Policy Framework and Policy S27 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. Before work is commenced a scheme containing a methodology statement and timetable for the removal, storage and relocation of the 1753 inscription and dressed stone of ‘building H’ shall be submitted to and approved by the local planning authority. The works shall be carried out strictly in accordance with the approved details.
Reason: To order to safeguard the historic interest of the site.

7. Before construction work is commenced the exact new location of the 1753 inscription and dressed stone of ‘building H’ shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timetable under condition 6.
Reason: To order to safeguard the historic interest of the site.

Proactive Statement

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern within the application (as originally submitted) and where appropriate negotiating, with the Applicant, acceptable amendments and solutions to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
Allerdale Borough Council
Planning Application 2/2016/0109

Proposed Development: Variation of condition 2 for amended access plans to planning approval 2/2014/0796
Location: Land at Tallentire Hall Tallentire Cockermouth

Recommendation: APPROVE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal decision</td>
<td>An appeal was allowed for a detached dwelling, with garage, landscaping and access on land at the rear of Tallentire Hall under appeal reference APP/G0908/W/15/3035833 following the refusal at Development Panel of application 2/2014/0796. The Development Panel decision was contrary to Officer recommendation. This proposal seeks to revise the design of the dwelling by the re-siting of the attached garage and providing a vehicular and pedestrian access from the archway and adjacent courtyard associated with Tallentire Hall (modifying condition 2).</td>
</tr>
<tr>
<td>Outside settlement of Tallentire</td>
<td>Although outside the settlement boundary for Tallentire. The dwelling is discretely sited and retains an access through the archway into the adjacent courtyard and therefore retains a relationship with the courtyard conversions' and the Tallentire Hall estate in line with an independent assessment of Places Matter which promotes good design in the north-west. The Inspector's decision supported a dwelling at this location.</td>
</tr>
<tr>
<td>Setting of listed building</td>
<td>Officers consider the setting of the Grade II listed building of Tallentire Hall is retained; due to the sympathetic design and materials of this development as amended; that takes account of the site’s constraints, provides a satisfactory outlook from the site and is sympathetic to the trees within the locality. The development retains a linkage through the nearby archway towards Tallentire Hall and the various converted courtyard buildings that now comprise of dwellings and this supports a relationship with the listed Tallentire Hall, nearby dwellings and the further connectivity to the settlement of Tallentire.</td>
</tr>
<tr>
<td>Access arrangements</td>
<td>This scheme seeks to re-site the attached garage to enable vehicular access from the archway and existing courtyard. There are no objections from Cumbria Highways because the access is a</td>
</tr>
</tbody>
</table>
private access. There are objections from nearby residents who set out concerns relating to residential amenity and noise of vehicles passing through the arch way; given there is a bedroom above.

<table>
<thead>
<tr>
<th>Trees and ecology</th>
<th>A Pre Development Arboriculture report was submitted under planning application 2/2014/0796 and the condition established in the Inspector decision letter remains relevant.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage</td>
<td>The conditions relating to foul and surface water drainage remains as per the Inspector’s decision letter.</td>
</tr>
<tr>
<td>Contamination</td>
<td>The condition relating to possible contamination remains as per the Inspector’s decision letter.</td>
</tr>
</tbody>
</table>

**Proposal**

The application is to amend condition 2 of the appeal decision to consider revised drawings showing the alternative use of the listed courtyard archway as the main vehicular access to the site rather than the adjacent farm lane. The Inspector found that the access through the archway was the preferable link with the listed Hall although the farm access was also considered to be acceptable.

**Site**

The site is located on the edge of the village of Tallentire and forms part of the Tallentire Hall estate. The site is outside the settlement boundary and the site is bounded by the south east by the existing converted outbuildings of Tallentire Hall which is a residential courtyard development to the west of the main hall. To the north of the site are agricultural fields used as pasture and to the west immediately adjacent to the site is an existing track serving the agricultural land and a single dwelling is to the far north of the site. The site is surrounded by trees on three sides, which is a mixture of plantation and managed landscape. The site has a mixture of trees, of young Sycamore, Ash, Holly, Hawthorn and Rhododendron. A number of mature trees exist on the edge and adjacent sites. It is noted that no veteran trees or mature trees are proposed for removal.

**Relevant Policies**

**National Planning Policy Framework 2012**

- Building a strong, competitive economy
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Delivering a wide choice of high quality homes
- Requiring good design
Allerdale Local Plan (Part 1) Adopted July 2014

Policy DM14 - Standards of Good Design
Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles
Policy S3 - Spatial Strategy and Growth
Policy S4 - Design principles
Policy S5 - Development Principles
Policy S27 - Heritage Assets
Policy S29 - Flood Risk and Surface Water Drainage
Policy S30 - Reuse of Land Policy
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S35 - Protecting and enhancing biodiversity and geodiversity

Relevant Planning History


Representations

Bridekirk Parish Council – Objection. The proposed archway for access on to the site was designed for horse and carriage and not for modern transport and is inappropriate. Emergency services could not reach the development through the narrow arch. The space is narrow and there is no footpath regarding this shared route. It will be difficult to get building materials through the arch. There will be noise in the bedroom above the archway.
Cumbria Highways – No objection
County Archaeologist – No objections
Environmental Health – No objections subject to planning conditions
Environment Agency – No objections
United Utilities – No representations received
Natural England – Unlikely to affect statutorily protected sites.
Fire Officer – No representations received
English Heritage – No comment

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

2 letters of objection has been received setting out the following concerns:
There is no regard to health and safety for people who visit the property known as ‘The Hayloft’ and there has been no vehicular traffic for 40 years since the ‘bypass’ farm road. A combined sewer runs underneath the archway and that previously there has been refusal from building control to add a sewer outfall to the existing pipeline. It is noted that Tallentire Hall has been recently sold and it is not known whether a right of access has been established by the new owner and how it will affect maintenance as residents within the courtyard have a 15% stake in the driveway maintenance.
Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act the following local financial considerations are relevant to the determination of the application.

There will be benefits arising from the scheme through the New Homes Bonus scheme.

Assessment and Conclusion

Planning appeal APP/G0908/W/15/3035833 was allowed following the refusal at Development Panel of application 2/2014/0796. The scheme seeks to re-site the garage associated with the scheme and to provide a vehicular access through the existing residential courtyard outbuildings of the listed hall.

An existing archway from the courtyard would serve the site. Above the archway is a flying free hold and a bedroom which is part of the dwelling known as ‘The Hayloft’. Residents of The Hayloft have objected setting out concerns over the proposed archway vehicular access regarding safety of the shared access, and the potential for an adverse impact on residential amenity particularly regarding noise from the comings and goings of traffic. There is concern due to the limited size of the archway that its use during construction will be difficult.

Following the appeal decision, the Inspector did not find the use of the archway vehicular access route as an issue but set out this was the preferable access arrangement for the site.

‘Access via the archway seems preferable, maintaining a better link with the listed Hall, but the design would not be compromised if that were not used. …’

Following the findings of the Inspector’s decision, the merits of the alternative vehicular access through the archway from the courtyard and the amended design of the dwelling are considered to be acceptable and sympathetic to the character of the building, the setting of the listed buildings and the locality.

The key new planning issue relating to the alternative access route is the weight attached to any loss of amenity to the occupiers of the living accommodation above the arch. However in officer’s opinion it is considered this is likely to generate a low level of travel trips and the associated level of disturbance does not warrant the refusal of the application.

With regard to the listed status of Tallentire Hall regard is given to the following;

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
With regard to the proposed dwelling’s impact on the setting of the listed buildings adjacent, this is a material consideration of considerable importance and weight should be accorded to it. In considering the details above and from the findings of the Inspector’s decision the proposal is considered to be an acceptable form of development that will not negatively affect the historic fabric of the building and will protect the setting of the grade II Listed Building.

With regard to rights of access over the land, a revised plan shows highway access from land within ownership of the person who was appropriately served notice at the time of submission. It is acknowledged the access (and Hall) is in new ownership but it has been confirmed rights of vehicular and pedestrian access are retained from Tallentire Hall main gate for the proposed development.

The revised scheme is deemed to be in accordance with Allerdale Local Plan (Part 1) adopted July 2016 policies as set out within the report. Subject to no adverse comments from the fire officer the scheme is recommended for approval accordingly.
Annex 1

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 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out solely in accordance with the following plans: 130903-10 Rev B Plans and Elevations 130903-11 Rev B Site Layout 130903-12 Rev B Protected Landscape amended plan received 3 December 2014 (2/2014/0796) 130903-13 Rev B Foul Drainage Connection 130903-14 Rev C Location Plan 2 amended plan received 11 April 2016 130903-16 West Elevation (2/2014/0796) DS1171P Single Sewage Pump Chamber Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. Development shall not begin until the following have been submitted to and approved in writing by the Local Planning Authority: Details, and samples where appropriate, of the materials to be used in the construction of the external surfaces of the dwelling; Details of all eaves and verges; Details of all windows and doors. Development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory standard of development.

4. Development shall not begin until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include proposed new tree planting; finished levels; means of enclosure; vehicle and pedestrian access; hard surfacing materials; and a programme for implementation. All hard and soft landscape works shall be carried out in accordance with the approved details and programme. Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

5. Development shall not begin until full details of existing trees to be retained and measures for their protection during the course of construction works have been submitted to and approved in writing by the local planning authority. The details shall be broadly in accordance with the Pre-development Arboricultural Report (Addendum) dated January 2015 Revised. Development shall be carried out in accordance with the approved details. Reason: In the interests of protecting of the woodland habitat in accordance with Policy S24 of the Allerdale Local Plan (Part 1) 2014.
6. The dwelling shall not be occupied until works for the disposal of foul drainage have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution in compliance with Policy S29 of the Allerdale Local Plan (Part 1) July 2014.

7. Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the works have been implemented as approved.
   Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding, in compliance with the National Planning Policy Framework and Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

8. Development shall not begin until a strategy for investigating contamination present on the site has been submitted to and approved in writing by the Local Planning Authority; An investigation has been carried out in accordance with the approved strategy; and A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and a proposing remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority; Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details submitted to and approved in writing by the local planning authority subsequent to its discovery.
   Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

9. The dwelling shall not be occupied until the means of vehicular and pedestrian access have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.
   Reason: In the interests of residential amenity within the locality.

10. Measures to protect birds and badgers during the construction period shall be carried out in accordance with the Recommendations in Phase 1 habitat Survey dated December 2014.
Proactive Statement

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern within the application (as originally submitted) and where appropriate negotiating, with the Applicant, acceptable amendments and solutions to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
Allerdale Borough Council
Planning Application 2/2015/0566

Proposed Development: Removal of conditions 3, 9, 10, 11, 14 and 16 and variation of condition 1, 4, 5, 6, 7, 8, 12, 13, 15, 17, 21, 23, 29, 30, 31, 32, 34 and 39 of planning approval 2/2014/0429 for an outline application for a mixed use development comprising residential, commercial, small scale retail, community and leisure uses.

Location: Former Corus Steel Works
Lakes Road
Workington

Applicant: Mrs Rachel Graham
Persimmon Homes Lancashire

Recommendation: APPROVE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal of Development</td>
<td>The land use merits of the proposal remain as assessed under the approved scheme 2/2008/0879 (as varied under 2/2014/0429) and the approved EIA 2008 remains relevant although an addendum to the EIA has been submitted to clarify the current position. The application seeks to vary or remove certain planning conditions associated with the original 2008 application (as varied in 2/2014/0429). Certain original conditions and section 106 financial commitments are now not considered to be compliant with current planning policy or relevant to the economic climate and local infrastructure needs. Matters of viability are also considered.</td>
</tr>
<tr>
<td>Constraints</td>
<td>This former steel works site is a contaminated brownfield site with significant remediation works required. The site is part cleared and vacant. The site is within an urban environment adjacent to employment areas and the West Coast railway line. A new vehicular access route is required to be implemented in phase 1 of the development. Further highway works will be required within the local vicinity to be triggered as the development progresses. Coastal defence works will need to be undertaken as required and a coastal defence strategy has been provided. Mitigation to secure habitats for blue butterfly and lizard populations are required.</td>
</tr>
<tr>
<td>Viability</td>
<td>Due to the on-site constraints, the yield from the development is limited, particularly at the initial phase 1 of the development which</td>
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</table>
provides the access road, requires large areas of contamination remediation to enable residential development and habitat works required to secure blue butterfly and lizard populations. Significant upfront investment is necessary to enable the development. A viability assessment has been independently verified and considers the investment required for remediation of contaminated land, vehicular access provision and wider road improvements, bus service and travel plan commitments, noise mitigation, coastal protection measures and ecology mitigation/enhancement.

Due to the issues of viability, the original approved 2008 planning decision (as varied in 2014) is to be varied in terms of certain planning conditions and the associated section 106 legal agreement financial obligations. The current proposal notably seeks to provide a phased approach to the development and reflects current expectations for infrastructure, the economic climate and up-to-date planning policy expectations. Affordable housing provision would be considered at each phase and considered against viability.

**Removal of conditions**
The proposed conditions to be removed as outlined in brief below:

Condition 3 - Relates to the submission of reserved matters and that a phase 1 reserved matters has already been submitted under 2/2014/0530. Officers consider this condition is complied with.
Condition 9 - Building for Life (CABE) requirements not necessary as Allerdale Local Plan policies enable assessment of scheme.
Condition 10 - Relates to predicted Co2 emmission reduction by 10% however Building Regulations will secure energy requirement for new homes to comply with part L Building Regulations.
Condition 11 - Regards on site renewable energy initiatives however Building Regulations will secure energy requirement for new homes.
Condition 14 - Regards phasing however phasing already secured in condition 1.
Condition 16 - Off site public realm work costing £50,000 is not CIL/ para 204 NPPF compliant regarding the legal tests for planning obligations. The condition is not necessary to make the development acceptable in planning terms; not directly related to the development; and fairly and reasonably related in scale and kind to the development.

**Variation of conditions**
The applicant seeks to vary the following conditions as outlined below:

Condition 1 - Inserts phasing relating to reserved matters of the layout, scale, appearance, access and landscaping.
Condition 4 - This condition will not be removed. The applicant has agreed to retain but vary the condition and clarifies the
timescale for the commencement of works. The condition provides confirmation that the development hereby permitted shall be begun either before the expiration of 5 years from the date of the 2/2008/0879 permission, or before the expiration of 2 years from the approval of the last of the reserved matters (of phase 1) to be approved whichever is the later.

Condition 5 - Prior to the approval of any reserved matters a phasing plan is required.

Condition 6 - Removal of sub point 4 as affordable housing as covered in condition 13 and the section 106 agreement and will relate to viability in each phase.

Condition 7 - Considers development in each phase being in accordance with an approved design brief and code.

Condition 8 - Considers reserved matters for each phase and a written design statement.

Condition 12 - Considers phasing and coastal protection works

Condition 13 - Regards 10% affordable housing in accordance with a submitted viability assessment for each phase.

Condition 15 - Considers phasing and community facilities and removes the requirement for a financial contribution for community facilities from section 106. The contribution for community facilities was not included within the original section 106 agreement however a contribution for sports provision of £250,000 is to be removed from the section 106 due to matters of viability.

Condition 17 - Relates to cycle and pedestrian links within and beyond the boundaries of each phase.

Condition 21 - Considers phasing and provision of a public art strategy.

Condition 23 - Regards temporary landscaping and temporary storage areas on phases of the site awaiting development.

Condition 29 - Alters highway scheme to regard phasing, current highway infrastructure requirements and provides trigger points for highway works.

Condition 30 - Regards Travel Plan submission for each phase.

Condition 31 - Reviewing the effectiveness of the Travel Plan for each phase.

Condition 32 - Relates to highway design and construction for each phase.

Condition 34 - Requires contamination remediation for each phase.

Condition 39 - Drawing numbers revised

<table>
<thead>
<tr>
<th>Unchanged conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers confirm the following conditions remain unchanged:</td>
</tr>
</tbody>
</table>

Condition 2 - Relates to reserved matters layout, scale, appearance, access and landscaping.

Condition 16 - Regards an air quality impact assessment.

Condition 18 - Relates to air quality assessment.

Condition 19 - Details required in the submission of each phase of the development (layout plans, sections, foul and surface water transport works)
disposal, means of surfacing, means of enclosure)
Condition 20 - Before commencement of each phase the submission and approval by the LPA of a landscaping plan including where appropriate the seafront feature.
Condition 22 - The permission relates to a maximum of 651 dwellings.
Condition 24 - Relates to any Class C2 being of a scale and type that meets the needs of Workington and the locality.
Condition 25 - Relates to programme of archaeological works.
Condition 26 - Where appropriate an archaeological post excavation assessment with reports and publication.
Condition 28 - Requires step free access at footbridge. The Transport Statement sets out that there will be a step free access to pedestrian bridge. This will provide step free access to assist pedestrians, cyclists and wheelchair user, parents with prams.
Condition 33 - Regards site investigation for each phase for contamination.
Condition 35 - Regards remediation works and validation report.
Condition 36 - Relates to maximum area class A1 floor space.
Condition 37 - Restricts A1 floor space.
Condition 38 - Prevents combining A1 retail units.

**Discharged conditions**
Condition 27 - Relates to a written ecological mitigation and management strategy and has been discharged under CON1/2014/0429.

**Additional conditions**
Condition 40 - Provision of a bus service, rather than secured by section 106 contributions. Further details will be provided at the Development Panel meeting.
Condition 41 - Mitigation details for protection of toads and lizards.

### Proposal

The application is not to reassess the principle of the development on this approved mixed use development, but to assess certain planning obligations and planning conditions placed on the development, which are to be considered against the current planning policy, the site and local infrastructure needs and economic climate. Matters of site constraints, infrastructure requirements and viability require careful balance to enable the delivery of the site.

Proposed conditions to be removed and varied planning conditions associated with planning applications 2/2008/0879 (as subsequently varied by planning application 2/2014/0429) are outlined in the above table.

The main variations in planning conditions relate to the introduction of ‘phasing’ of the development associated with planning
conditions. This approach correlates with infrastructure requirements for particular phases e.g. road works, coastal defences, ecology requirements, affordable housing. A viability assessment establishes the need for this phased approach within certain planning conditions. Planning conditions that are no longer compliant to current planning policy or particular site viability issues outweigh their provision have been either removed or varied.

Site

The site extends to some 31 hectares, and lies to the west of the main body of the town and between the Barrow-Carlisle Railway line and the coast. The site is partly shielded from the sea by a slag bank to the south-west and the reclaimed slag banks known as ‘The Howe’ to the north.

The site has an industrial history and is currently derelict and part cleared following the demolition of the steel works in 2008. The site requires considerable decontamination works.

The master plan indicates that the proposed vehicular access roads are solely from the northern end of the site in the locality of the Derwent Howe industrial estate’s main spine road. There would be two vehicular accesses from this northern end of the site as detailed later in the report. Towards the southern end of the site are coastal footpath links.

The proposed main new build access road will be parallel to the West Coast railway line and would open up land for new employment and retail uses and then links southwards to the proposed residential development on the site.

Having regard to the master plan, the new access road is fundamental to the delivery of the site, including the residential elements of development. Phase 1 would provide the access road and the phase 1 reserved matters housing scheme details this and the application is pending.

The site includes areas of kidney vetch which together with nearby land supports a population of small blue butterfly, particularly at the northern entrance to the site in the vicinity of the new access road adjacent to the railway line.

The master plans are required to provide areas of suitable habitat for protected species as part of the development. A phasing plan has been provided that details this implementation. Details relating to the blue butterfly enhancement is agreed under CON1/2014/0429.
Relevant Policies

National Planning Policy Framework 2012

1 Building a strong, competitive economy
4 Delivering a wide choice of quality homes
7 Requiring good design
8 Promoting healthy communities
10 Meeting the challenge of climate change, flooding and

Allerdale Local Plan Part 1 2014

S1 - Presumption in Favour of Sustainable Development
S2 - Sustainable Development Principles
S3 - Spatial Strategy and Growth
S4 - Design Principles
S5 - Development Principles
S7 - A mixed and balanced Housing Market
S8 - Affordable Housing
S12 - Land and Premises
S14 - Rural Economy
S16 - Town Centre and Retail
S21 - Developer Contributions
S22 - Transport Principles
S23 - Supporting and safeguarding Strategic Infrastructure
S24 - Green Infrastructure
S25 - Sports, Leisure and Open Spaces
S26 - Community and Rural Services
S27 - Heritage Assets
S29 - Flood Risk and Surface Water Drainage
S30 - Reuse of Land
S32 - Safeguarding Amenity
S35 - Protecting and Enhancing Biodiversity and Geodiversity
S36 - Air, Water and Soil Quality
S37 - Shoreline Management and Coastal Development
DM8 - Protecting Town Centre Vitality and Viability
DM12 - Improvements to the Public Realm
DM14 - Standards of Good Design
DM16 - Sequential Test for Previously Developed Land

Relevant Planning History

The original scheme was submitted in outline (2/2008/0879), with all matters reserved for subsequent approval (layout, scale, appearance of buildings, the means of access thereto and the landscaping of the site). Illustrative layout plans and an Environmental Statement (2/2008/0879) supported the assessment of the original scheme which was approved 8 August 2011 subject to planning conditions and a section 106 agreement. Planning application 2/2014/0429 subsequently varied condition 2,
3, 5 and 6. The section 106 agreement remains the same as previously agreed although updated via an addendum to establish that traffic movements will be reduced as proposed and comments on recent surveys provided for blue butterfly and lizards.

Currently pending is the phase 1 reserved matters scheme for a housing scheme of 225 units and the site vehicular access arrangements.

CON1/2014/0429 relates to condition 27 and a written ecological mitigation and management strategy and is considered acceptable.

**Representations**

Workington Town Council - The planning conditions were justified and necessary for the effective delivery of the project. Concern about traffic on Bessemer Way and the relinquishing of the condition to regenerate the underpass on Shore Road would result in an increase in anti-social behaviour and crime as well as distorting pedestrian flows.

Cumbria Highways - No objections to the introduction of phasing into conditions 30 (Travel Plan), 31 (Travel Plan) and 32 (Highway design and construction).

Acceptable alterations to condition 29 to highway access and improvement works and a triggered approach based on levels of development. Alterations to section 106 highway financial contributions are agreed.

For the avoidance of doubt the following are no longer to be provided as were previously detailed in the original condition 29 (2/2008/0879 as varied under 2/2014/0429): A Toucan crossing on Lakes Road (as the revised access & signalisation would create a crossing) and a Controller & MOVA at Harrington Road / Annie Pitt Lane.

With regard to Condition 16 (Public Realm Contribution) Cumbria highways are agreeable to the removal of £50,000 public realm contribution; being set against a viability assessment.

Highways Agency - No objections

Environment Agency - No objections

Natural England - No objections

Cumbria Wildlife Trust - No representations received
County Planning - No representations received

ABC Drainage Engineer - No representations received

Housing Services - The viability assessment has demonstrated that at present, the costs associated with site preparation, delivery and build costs against sales values and an appropriate return for the land owner will not allow the provision of affordable housing. This has been agreed for the first phase of the development by the Local Authorities independent advisors. This position can be revisited with the assessment of each phase.

Access Officer - No objections

Coal Authority - The application site falls within an area defined Development High Risk Area. No comments as the conditions to be varied/removed do not relate to coal mining issues.

Rail Track North West - No objections subject to advisory notes.

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

Three letters have been received providing support to the scheme subject to appropriate housing specification and siting with regard to the railway line.

Butterfly Conservation Cumbria - Letters of objection have been received expressing concern that condition 27 relating the mitigation strategy and habitats of blue butterfly has not been discharged. (Officers note condition 27 is not being varied or removed in this application but has been discharged and is considered to be acceptable).

Assessment:

Principle of Development and Land use

Within the Allerdale Local Plan, 2014, Workington is identified as a major centre for housing, employment, retail and leisure services. The site has been identified as the principle location for future housing and employment growth. Workington is identified as the Principal Service Centre of Allerdale.

This proposal seeks to vary certain planning conditions or remove them as outlined above. Officers note that the principle of development has been previously established for this mixed use development. Since the original decision in 2008, there has been new planning guidance issued, including the NPPF 2012 and the Allerdale Local Plan (Part 1) 2014 and the scheme is now
considered against the current economic climate and infrastructure requirements.

The NPPF para 173 advises that development should not be subject to such a scale of obligation and policy burdens that their ability to be developed viably is threatened.

Circular 5/05 and NPPF paragraph 204 addresses the use of planning obligations and that planning conditions should be used to make the development acceptable in planning terms; and should be directly related to the development and fairly and reasonably related in scale and kind to the development.

Viability

A viability assessment has been provided and verified independently. Officers conclude that due to the scale of the development, it is appropriate to consider viability for affordable housing at each phase. This is because the site has a number of constraints that need to be dealt with up front to include contamination remediation, highway works and contributions, infrastructure provision, habitat provision and sustainable travel provision (bus provision).

S106 Clauses

Proposed changes to the section 106 will be by an addendum as follows:

- Public Realm Works £50,000 (also removal of condition 16) not to be provided as no longer planning policy compliant.
- Town Centre Highway Improvements (was £218,430. Proposing £87,123 agreed contribution to Cumbria Highways);
- Falcon Street gyratory MOVA £20,000 to Cumbria Highways (no contribution as agreed with Cumbria Highways);
- Bus Service, the developer to provide bus service for five years, or £336,000 commuted sum as established within the submitted viability assessment however the precise details to be secured by planning condition 40.

The original bus service planning obligation in planning application 2/2008/0879 was £505,000 to the County Council. On consideration of the viability assessment and due to onsite constraints, infrastructure requirements and the current economic climate the provision of £505,000 would not deemed to be viable to enable the delivery of the site. (Originally in the 2008 scheme, £130,000 bus service contribution was required upon
commencement of the first dwelling and at 12 month intervals thereafter, £125,000, £100,000, £90,000, £60,000. This giving the total of £505,000).

The applicant has provided details that indicate the reduced sum to support bus provision from the site to Workington Town Centre of £336,000 and this would relate to Phase 1 (329 dwellings in total) and the 201st residential unit would be the trigger. (Phase 1a comprises 225 units and 1b 104 residential units). Further details will be provided to Development Panel.

- Bus Service Vouchers (£117 per property Mega-rider Ticket. As agreed with Cumbria Highways, increased from £99). This will be supplied to each household to assist in the site wide Travel Plan targets.
- Travel Plan payments to Cumbria Highways – no payments to be provided as agreed with Cumbria Highways. Remove £181,058.
- Remove £250,000 to Council housing investment programme. Not NPPF compliant and omitted for viability purposes.
- Remove £250,000 regarding Sports provision. Omitted for viability purposes.

To remain within the section 106 legal agreement:

- Travel Plan Monitoring and checking (Fee to revert to £1,320 per year x 10 years as to Cumbria Highways).
- Lighting of Shore Road Underpass (£7,657 S106 Contribution to Cumbria Highways).

Local Finance Considerations

Having regard to S70 (2) of the Town and Country Planning Act the following local finance considerations are relevant to the consideration of the application. There will be benefits arising from the scheme through the New Homes Bonus scheme. With regard to highway contributions to upgrade the highway network, this will be undertaken as a phased approach as set out in condition 29 and as detailed above in section 106 details. Details relating to bus service provision will be detailed through condition 40.

The contributions relating the Council housing stock and sports facility provision is removed due to matters of site viability.

Highway and Access and Pedestrian routes

The provision of the site highway access is to be addressed.
through reserved matters application for a phase 1 housing scheme for 225 dwellings which is a submitted and pending application.

In support of the site master plan, details have also been provided that set out the phasing and delivery of the revised highway junctions, roundabout and internal access route arrangements (including the bus route and pedestrian links), whilst balancing the needs of the ecology mitigation strategy, public open space/ play areas and footpaths that link in with the wider footpath network including coastal footpaths.

In terms of application 2/2015/0566 a phased approach (condition 29) for vehicular access arrangements, following the principles for a:

- Temporary priority access junction on to Lake Road;
- Junction (shown on drawing number ITM7262-GA-013 Rev D);
- New signal controlled junction located at the Bessemer Way/Lakes Road junction and;
- Improvements to the existing Morrison's mini roundabout on Derwent Drive (shown on drawing number ITM7262-GA-003) and;
- Details of improvements to the Shore Lane underpass.

The required highway and pedestrian works would have a triggered approach based on levels of development.

Access is taken from Lakes Road for residential (weight restricted), and Adams Road for other vehicles and this is deemed acceptable by Cumbria Highways. Within the site, the master plan indicates a proposed road hierarchy that provides a weight restricted main access from Lakes Road, Primary Route shown as 6.7m wide with 2m service verges (for bus route); a secondary route as 5.5m wide with 2m verges; tertiary roads to be 4.8m wide with 2m verge; and private drives.

Pedestrian Routes Amended PL50 show potential links through the habitat mitigation areas to the south of the site and this link can be fenced off if necessary at each relevant phase.

A secondary access off Adams Road will be provided and this will be used to serve the commercial elements of the scheme off Adams Road. Although outside the original outline application site, the land would be within the ownership of the current land owner and a certificate B has been served on the land owner.

Coastal Defence Strategy

The variation to condition 12 relates to the introduction of phasing
to the coastal defence strategy, and that it would be assessed at each phase of the development. In support of the consideration of phasing to a coastal defence strategy, this application is supported be a Coast Protection Works February 2015- revised May 2015 document received 11 September 2015.

The strategy recommends that defences are constructed along the full 170m length of the site boundary in year 6 (or sooner if Cumbria County Council constructs adjacent defences at an earlier date). The reports also sets out that in the interim period emergency works will be carried out to maintain the existing seawall.

The strategy for coastal protection measures regard regrading of the slag bank and construction of a revetment consisting of a rock armour under layer and a concrete block primary layer, using XBLOC or similar precast concrete units.

This independent peer review of the coastal defence strategy confirms in principle that the strategy appears to be appropriate for a phased approach for development of the Corus site, however further exact design details would be required and would support each phase of development. The principle of the coastal defence strategy is considered to be reasonable to be address for each for each phase.

Contamination

Condition 34 seeks to consider contamination remediation for each phase and this is considered to be a suitable approach with no objections from Environmental Health or the Environment Agency related to a phased approach.

Affordable Housing

Due to matters of viability and the expected length of time to build out the development, it considered agreeable to allow the provision of affordable housing to be considered at each phase of the development. This would allow assessment of the specific economic climate at that time, the policy context and any onsite constraints and infra structure requirements associated with each phase of the development.

Bus Service

Further clarification of bus service provision is being sought and shall be confirmed at Development Panel (to be secured by planning condition 40) rather than through a section 106 contribution.
Conclusion

The variations to conditions and removal of conditions associated with application 2/2014/0429 which varied 2/2008/0879 (the original outline scheme) are considered to be acceptable as set out in detail within the report.

The main of the variations relate to the introduction of phasing to the development. Of particular note is that affordable housing provision will be assessed with regard to viability at each phase of the development. Also works to the coastal defence will be assessed at each phase although emergency works will be undertaken when required.

Cumbria Highways have accepted a phased approach to the provision of highway infrastructure, highway financial contributions and accepted the removal of Travel Plan contributions.

Certain conditions have been removed where no longer compliant with planning policy or no longer required; to include public realm contributions and sports facility provision.

The scheme is recommended for approval being in accordance with the provisions of the National Planning Policy Framework 2012 and policies of the Allerdale Local Plan (Part 1) adopted July 2016 (as detailed above), furthermore there has been due regard to the phasing requirements of the site, the various on-site constraints and matters of viability associated with the site and the wider economic climate.

Recommendation:

Approval subject to planning conditions and amendments to the section 106 as detailed in Deed of Variation submitted and set out within the report.

Conditions

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 (herein called ‘the reserved matters’) shall be obtained from the Local Planning Authority for each phase in accordance with condition 4 in writing before any development on the corresponding phase 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 (within a phased scheme) shall be carried out as approved.
Reason: To enable the Local Planning Authority to assess all the details of the development.

3. Condition 3 discharged under 2/2014/0530 submission of reserved matters.

4. The development hereby permitted shall be begun either before the expiration of five years from the date of the 2/2008/0879 permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, relating to phase 1 whichever is the later.
Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

5. Prior to the approval of any reserved matters application, a plan shall be submitted to and agreed in writing with the Local planning authority to divide the application site into phases on which the submission of detailed applications will be based. Development shall not commence within any phase so defined until all reserved matters details for that phase have been agreed.
Reason: In order to achieve a satisfactory form of development in accordance with an agreed brief.

6. Unless otherwise agreed in writing by the Local Planning Authority, no reserved matters application shall be approved for the development on any phase until a master plan has been approved, providing the following details:
   • A detailed design brief and associated design codes on building form, scale and design including heights, bulk, massing, materials and colour palettes, boundary treatments and important open spaces;
   • A breakdown of residential densities across the whole site
   • A detailed parcelisation and phasing proposal for the provision of all the elements; and
   • The location and scale of play and open space facilities.
Reason: In order to achieve a satisfactory form of development in accordance with the Development Brief.

7. No development shall take place in a phase other than in accordance with the approved detail and design brief and code unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development achieves the objectives set out in the Development Brief and Strategy.
8. Each reserved matters application for each phase shall be accompanied by a written design statement which, unless otherwise agreed in writing, shall demonstrate how the application accords with the approved strategies in the design brief required by condition 6.
Reason: To ensure that the development achieves the objectives set out in the Development Brief and strategy.

9. Removed
10. Removed
11. Removed

12. Before any development hereby approved is commenced for each phase of the scheme a programme for coastal protection shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy and schedule of works shall be implemented in accordance with an agreed phasing programme which shall be agreed in writing with the Local Planning Authority and all works carried out in accordance with the agreed programme.
Reason: Flood defences and coastal protection works safeguard land and property from the damage from the sea and without necessary works in place the development of this site will not be permitted in compliance with the National Planning Policy Framework 2012 and Policy S29, S36 and S37 of the Allerdale Local Plan (Part 1) adopted July 2014.

13. The provision of up to 10% affordable housing types shall be provided on each phase of the development in accordance with the submitted viability assessment for that phase. The location and mix should contribute positively to the promotion of a sustainable and inclusive community.
Reason: To ensure the proposed development delivers a mix of houses and creates a sustainable and inclusive community, in compliance with the National Planning Policy Framework 2012 and Policy S8 of the Allerdale Local plan (Part 1) adopted July 2014.

14. Removed

15. The scale and content, as well as the timing of the delivery, of the proposed community facilities within the site, and the ongoing maintenance and management of the community facilities, shall be agreed in writing with the Local Planning Authority prior to the commencement of the development of that phase.
Reason: To ensure the community facilities will satisfy the needs of future residents in the area and there is a plan and funding in place for the long term management and maintenance of this
16. Removed

17. Before the development is commenced all cycle and pedestrian links within and beyond the boundaries of each phase shall be agreed in writing with the Local Planning Authority. These details shall be constructed in accordance with the approved details prior to the completion of each phase and maintained at all times thereafter.

18. No development shall commence until an air quality assessment has been submitted to and approved in writing by the Local Planning Authority which shall take account of the effect of additional car journeys from the proposed development upon the surrounding area.
Reason: In order to ensure that contamination within the site does not result in the pollution of the water, environment or a threat to human health in compliance with the National Planning Policy Framework 2012 and Policy S30 of the Allerdale Local Plan (Part 1) 2014.

19. The details to be submitted for each phase of the development of the site shall include;
• A layout plan showing the siting of all the buildings to be erected in that phase, the means of access thereto and how the development of that phase relates to the master plan of the site;
• Detailed plans, sections and elevations of all the buildings proposed in that phase together with the materials to be used in their external elevations;
• Detailed plans showing the cross sections of each phase showing the relative levels of the proposed development to existing site levels and the adjoining development;
• Means of foul and surface water disposal for each phase;
• Details of the proposed means of surfacing of the access roads, private drives, pathways and cycle ways of each phase;
• Details of the means of enclosure of the public and private areas in each phase.
Reason: To ensure that the details of each phase are satisfactory and relate to the masterplan for the whole site.

20. Before the commencement of any phase of the development a landscape plan of that phase including where
appropriate the seafront/promenade feature showing the position/type and planting size of all the trees and shrubs shall be submitted to and approved by the Local Planning Authority.
Reason: To ensure the details of the development are satisfactory in compliance with the National Planning Policy Framework 2012 and Policy DM14 of the Allerdale Local Plan (Part 1) July 2014.

21. A public art strategy for the site, including the retention and display of any archaeological artefacts, shall be agreed in writing by the Local Planning Authority prior to the commencement of each phase of development and shall be implemented as part of the agreed landscape scheme for the site.
Reason: To ensure the details of the development are satisfactory.

22. This permission relates to a maximum of 651 dwellings on the site and these numbers should be reflected in the phasing plan to be agreed. Any changes to the housing numbers or mix of the development will require a new planning consent and a renegotiated Section 106 Agreement.
Reason: A change in housing numbers or development mix will require a revised section 106 and could distort the housing supply in the Borough.

23. Before development commences on any part of the site, a plan for the temporary landscaping and temporary areas for storage on phases on the site awaiting development shall be submitted to and approved by the Local Planning Authority. Temporary landscaping and storage on all parts of the site not included in Phase 1 and not identified as protected habitat shall be carried out during the first planting and seeding season following the completion of Phase 1 of the remediation strategy and shall be maintained on each phase of the site until such time as its development commences.
Reason: In order to ensure a satisfactory appearance bearing in mind the long build out period of this development in compliance with the National Planning Policy Framework 2012 and Policy DM14 of the Allerdale Local plan (Part 1) adopted July 2014.

24. Any reserved matters application in respect of provision within Use Class C2 within the site shall demonstrate that the proposal in terms of its scale and type is designed to meet the needs of Workington and its locality.
Reason: In order to ensure that the proposal meets the accommodation needs of the area and does not result in an imbalance in the population mix, or place an unacceptable burden on the local resources of the health service on social services.
25. No construction shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components:

i) An archaeological desk-based assessment and evaluation to be undertaken in accordance with the agreed written scheme of investigation;

ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in compliance with the National Planning Policy Framework 2012 and Policy S27 of the Allerdale Local Plan (Part 1) July 2014.

26. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within two years of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that has been disturbed by the development in compliance with the National Planning Policy Framework 2012 and Policy S27 of the Allerdale Local Plan (Part 1) July 2014.

27. In accordance with the approved Small Blue Protection and Habitat Management plan received 3 February 2016 (CON1/ 2014/0429) the approved works shall be implemented in full in accordance with the agreed phasing plan P6 received 17 February 2016.

Reason: To ensure the survival of the Small Blue and Dingy Skipper butterfly populations with a distribution and population size post-development that is broadly the same or greater than that at pre-development in compliance with the National Planning Policy Framework 2012 and Policy S35 of the Allerdale Local Plan (Part 1) July 2014.

28. Step free access that is suitable for use by the mobility impaired and available for use by the public at all times shall be provided to the pedestrian footbridge in accordance with detailed plans to be submitted to and approved in writing by
the Local Planning Authority, prior to first occupation, unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure that the footbridge is accessible to all pedestrians.

29. The development, or part thereof, shall not be commenced until details following the principles for a temporary priority access junction on to Lake Road, a junction (shown on drawing number ITM7262-GA-013 Rev D), a junction onto Adams Road, a new signal controlled junction located at the Bessemer Way/Lakes Road junction and improvements to the existing Morrison's mini roundabout on Derwent Drive (shown on drawing number ITM7262-GA-003) and details of improvements to the Shore Lane underpass approach have been submitted to the Local Planning Authority and approved in writing.

Following which the development, or part thereof shall not be occupied until the following works are implemented:

- The approved temporary access onto Lakes Road has been completed in accordance with approved details.
- Improvements to Shore Lane underpass footpath approach;
- A junction provided to Adams Road.

Following which, no more than 40 units shall be occupied until:

- A junction (shown on drawing number ITM7262-GA-013 Rev D has been completed);

Following which, no more than 300 units shall be occupied until:

- A new signal controlled junction located at the Bessemer Way/Lakes Road junction and improvements to the existing Morrison's mini roundabout on Derwent Drive (shown on drawing number ITM7262-GA-003) have been completed.

Such details to form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority. The development, or any part thereof, shall not be occupied until the approved highway works have been completed in accordance with such details that form part of an agreement with the Highways Authority under section 278 of the Highways Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the highway network can accommodate
30. Within 6 months of the development being occupied (or any part thereof), the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan for that phase which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes for that phase. The measures identified in the Travel Plan shall be implemented by the developer in accordance with the approved Travel Plan. Reason: To aid in the delivery of sustainable transport objectives.

31. Up until 1 year following the completion of each phase an annual report reviewing the effectiveness of the Travel Plan for that phase and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval. Reason: To aid in the delivery of sustainable transport objectives in compliance with the National Planning Policy Framework 2012 and Policies S2, S3 and S22 of the Allerdale Local Plan (Part 1) 2014.

32. The carriageways, footways, footpaths, cycleways etc shall be designed and constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/ cross sections, shall be submitted for each phase to the Local Planning Authority for approval before work commences on that phase. No work shall be commenced on that phase until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria design Guide. All works so approved shall be constructed before the development of that phase is complete and before the development of any new phase commences. Reason: To ensure a minimum standard of construction in the interests of highway safety.

33. No development approved by this permission shall be commenced until all appropriate detailed site investigations for each phase or zone within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. Reason: In order to ensure that contamination within the site does not result in the pollution of the water, environment or a threat to human health in compliance with the National Planning Policy Framework 2012 and Policy S30 of the Allerdale Local Plan (Part 1) 2014.
34. If it is concluded in the remediation statement that remedial works are necessary, then the remediation statement shall be submitted to and approved by the planning authority prior to the commencement of any remediation. The statement shall demonstrate how the works will render each phase, suitable for use and shall describe the works in relation to the development hereby permitted for each phase or zone within the site boundary. It shall include full details of any works to be undertaken, proposed site clean-up criteria, site management procedures, contingencies and how the works will be validated. The remediation scheme must include details of all works to be undertaken, proposed mediation objectives and remediation criteria for each phase.

Reason: In order to ensure that contamination within the site does not result in the pollution of the water, environment or a threat to human health in compliance with the National Planning Policy Framework 2012 and Policy S30 of the Allerdale Local Plan (Part 1) 2014.

35. Prior to the occupation of any development in each phase or zone within the site boundary, the completion of the remediation works detailed in the approved remediation statement and validation report shall be submitted to and approved in writing by the Local Planning Authority. This report shall:

(i) Describe the remediation works carried out and any significant variations from the works set down in the approved remediation statement;
(ii) Include and discuss substantiating data (analytical or otherwise); and
(iii) Confirm that the remediation objectives set down in the remediation statement have been achieved.

All works shall be undertaken in accordance with current UK guidance, particularly CLR11.

Reason: In order to ensure that contamination within the site does not result in the pollution of the water, environment or a threat to human health in compliance with the National Planning Policy Framework 2012 and Policy S30 of the Allerdale Local Plan (Part 1) 2014.

36. Not more than 1,165 square metres gross floorspace within the site shall be used for purposes falling within Use Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended). Of this 1,165 square metres gross, not more than 500 square metres gross floorspace shall be used for the sale of food, drink and tobacco within Use Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: To control the extent and nature of retailing at the site to
37. **No retail unit falling within Use Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended) and used for the sale of goods other than food, drink and tobacco shall exceed 200 square metres gross floor space.**

Reason: To control the extent and nature of retailing at the site to protect Workington Town Centre in compliance with the National Planning Policy Framework 2012 and Policies S16 and DM8 of the Allerdale Local Plan (Part 1) 2014.

38. **No retail units falling within Use Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended) shall be combined without the prior express consent of the Local Planning Authority.**

Reason: To control the extent and nature of retailing at the site to protect Workington Town Centre in compliance with the National Planning Policy Framework 2012 and Policies S16 and DM8 of the Allerdale Local Plan (Part 1) 2014.

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

- P1 Corus Master Plan Block Layout
- P2 Corus Master Plan Hierarchy of Street and Movement
- P3 Corus Master Plan Urban Form and Principles
- P4 Corus Master Plan Height and massing
- P5 Corus Master Plan Green Infrastructure. Ecology
- P6 Corus Master Plan Master Plan Delivery Phasing and Remediation received 25 February 2016
- Environmental Impact Assessment Addendum amended received 18 February 2016
- Planning Statement Rev A October 2015 as amended received 13 November 2015
- PL01 Rev C (Illustrative) received 17 March 2016
- PL02 Rev E Reserved Matters Layout received 27 January 2016 (Illustrative) associated with revised schedule email received 17 March 2016 confirming 225 residential units for phase 1A.
- PL03 Rev B Site boundaries
- PL04 Rev A Reserved matters and Phase 1B (Illustrative)
- PL05 Proposed Site Layout 1B (Illustrative)
- PL50 Phase 1A delivery plan (Illustrative) and email received 5 February 2016
- C-1383-01 Landscaping proposal (Illustrative)
- C-1383-02 Landscaping proposal (Illustrative)
- C-1383-04 Landscaping proposal (Illustrative)
- Small Blue Protection and Habitat Management Plan ERAP Ltd ref:2014-043b received 3 February 2016

Draft Deed of Variation of Section 106 legal agreement
Reason: In order to ensure a satisfactory standard of development.

40. Prior to construction works, details of the proposed bus service provision from the development to Workington Town Centre shall be provided to the Local Planning Authority for approval and implemented in accordance with the approved details thereafter.
Reason: To aid the delivery of sustainable transport objectives.

41. Prior to the commencement of the development, a plan is required for the protection and/or mitigation of damage to populations of toads and lizards and their associated habitat during construction works and once the development is complete. Any change to operational, including management responsibilities, shall be submitted to and approved in writing by the Local Planning Authority. The species protection plan shall be carried out in accordance with a timetable for implementation as approved.

Proactive Statement

Application Approved Following Revisions

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