Summons to Meeting
Monday 5 November 2018

Development Panel
Tuesday 13 November 2018, 1.00 pm
Council Chamber - Allerdale House, Workington

Membership:
Councillor Peter Bales (Chair)  Councillor Billy Miskelly (Vice-Chair)
Councillor Tony Annison  Councillor Carole Armstrong
Councillor Nicky Cockburn  Councillor Janet Farebrother
Councillor Malcolm Grainger  Councillor Mark Jenkinson
Councillor Ron Munby MBE  Councillor Jim Osborn
Councillor Bill Pegram  Councillor David Wilson

Members of the public are welcome to attend the meeting. If you have any questions or queries contact Gayle Roach on 01900 702502.

Agenda

1. Minutes (Pages 3 - 20)
   To sign as a correct record the minutes of the meeting held on 16 October 2018.

2. Apologies for Absence

3. 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.

4. 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.
5. Development Panel- 2/2018/0397 Land adjacent to Rigg Top, Coldgill Avenue, Gt Broughton- Erection of detached dwelling with detached glass house (Pages 21 - 38)

6. Development Panel- 2/2018/0454 Pear Tree Farm, Bowness on Solway- Change of use of utility and storage rooms into a small tea room (Pages 39 - 52)

Chief Executive

Date of Next Meeting:

Tuesday 11 December 2018, 1.00 pm
Council Chamber, Allerdale House
At a meeting of the Development Panel held in Council Chamber - Allerdale House, Workington on Tuesday 16 October 2018 at 1.00 pm

Members

Councillor Peter Bales (Chair) Councillor Billy Miskelly (Vice-Chair)
Councillor Tony Annison Councillor Carole Armstrong
Councillor Joseph Cowell Councillor Janet Farebrother
Councillor Malcolm Grainger Councillor Mark Jenkinson
Councillor Jim Osborn Councillor Mark Jenkinson
Councillor David Wilson

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

Staff Present

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

173. Minutes

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

174. Declaration of Interests

None declared.

175. Questions

None received.

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

Representations

The agent Anthea Jones spoke in support of the application.

Application

The report recommended granting permission subject to conditions.

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

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

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

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

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

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

- Sustainability, Access and Parking

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

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

Parking provision within the scheme was acceptable.

- Impact on heritage assets

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

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

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

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

• Protected Species

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

• Affordable Housing

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

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

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

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

Resolution

Permission granted subject to conditions.

Conditions/Reasons

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.
Time limit/submission of reserved matters for the outline application for five dwellings:

2. Before any development commences details of the landscaping of the site (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.
   Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:
   (a) The expiration of 3 years from the date of the grant of this permission, or
   (b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
   Reason: In order to comply with Sections 91 and 92 of the Town and Country Planning Act 1990.

Pre-commencement conditions

4. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:
   (a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off site parking, turning and compound areas;
   (b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.
   (c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
   (d) A written procedure for dealing with complaints regarding the construction or demolition;
   (e) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);
   (f) Programme of work for Demolition and Construction phase;
   (g) Hours of working and deliveries;
   (h) Details of lighting to be used on site.
   (i) Highway signage / Haulage routes
   The approved statement shall be adhered to throughout the duration of the development.
Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

5. Prior to the commencement of works, details of the disposal of surface water drainage from the site (including attenuation measures), shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall set out arrangements for ongoing management and maintenance of the drainage system over the lifetime of the development. The approved surface water drainage scheme shall be fully implemented before any part of the development is brought into use and shall be managed and maintained thereafter in accordance with the approved details.
Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding, in compliance with the National Planning Policy Framework and Policy S29 of the Allerdale Local Plan, Part 1, 2014.

6. No development shall commence until full details and cross sections demonstrating any re-profiling of ground levels and any retaining structures across the site (including details of the external finish to the retaining structures) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed only in accordance with the approved details.
Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy S4 of Allerdale Local Plan (Part 1) Adopted July 2014.

7. No development shall commence until a phasing of works schedule has been submitted to the Local Planning Authority for approval in writing. Unless otherwise agreed in writing by the Local Planning Authority through submission of the schedule, the phasing of works schedule shall specify that all necessary works to convert the existing hotel to flats shall be completed before development commences on the construction of the third, fourth or fifth dwelling houses hereby approved above ground floor level. The development shall only be completed in accordance with the approved phasing of works schedule.
Reason: To ensure that the conversion of the existing hotel is secured before the completion of all enabling development in accordance with Policy S3 of the Allerdale Local Plan Part 1.

Accordance with approved details

8. The development hereby permitted shall be carried out solely in accordance with the following plans:
Amended Dwg 04102 Rev 14 Proposed Site Plan 5 no detached units submitted 29-5-18
Amended Dwg 04203 Rev 06 Proposed Type A1A Dwelling submitted 29-5-18
Amended Dwg 04205 Rev 04 Proposed Type A2A Dwelling submitted 29-5-18
Amended Dwg 04206 Rev 06 Proposed Type A3 Dwelling submitted 29-5-18
Amended Dwg 05100 Rev 03 Sectional Elevation of Proposed New Houses submitted 29-5-18
Amended Drawing 34001 03 Balcony Details submitted 18.1.18
Amended Drawing 05002 04 Elevations submitted 2 18.1.18
Amended Drawing Window details submitted 18.1.18
Amended Drawing Railings submitted 18.1.18
Amended Drawing 05001 03 Elevations submitted 18.1.18
Amended Drawing 04012 03 Proposed ground floor hotel submitted 18.1.18
Amended Drawing 04011 03 Proposed ground floor annex submitted 18.1.18
Amended Drawing 04006 01 Basement plan submitted 18.1.18
Amended Drawing 04001 06 Proposed ground floor plans submitted 18.1.18
Dwg 04017 Rev 01 - Proposed third floor - function room
Dwg 04015 Rev 01 - Proposed second floor - function room
Dwg 04013 Rev 01 - Proposed first floor function room
Dwg 04003 Rev 04 - Proposed second floor
Dwg 04002 Rev 04 - Proposed first floor
Dwg 01005 Rev 02 - Location plan

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

Post commencement/Pre – start conditions for certain elements:

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

10. Before any part of the development hereby approved is constructed above ground floor level, a plan shall be submitted to the Local Planning Authority indicating details of all new door and window openings to the north east facing elevation of the existing building, including the basement flat within the former hotel. The details shall include cross sections of glazing bars, to a scale of not less than 1:20. The works shall be implemented solely in accordance with the approved door and window details.
Reason: To ensure that the external appearance of the building / structure is acceptable, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. **Foul and surface water shall be drained on separate systems.**
   Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policies S29 and S36 of the Allerdale Local Plan Part 1.

12. **No works for the installation of the private treatment plant for foul drainage shall commence until the siting of the private treatment plant has been submitted to the Local Planning Authority for approval in writing. The development shall be completed only in accordance with the approved details.**
   Reason: To ensure that the development is completed in a manner that minimises damage to existing trees, in accordance with Policy DM17 of the Allerdale Local Plan Part 1.

13. Before any part of the conversion of the hotel commences, a scheme of sound proofing showing measures to deal with sound insulation of floors and ceilings between the various floors of the building shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the occupation of any part of the converted hotel.
   Reason: To ensure an appropriate standard of residential amenity for future occupiers in accordance with Policy S32 of the Allerdale Local Plan Part 1.

14. All works to trees shall be undertaken in accordance with the recommendations contained within the submitted Tree Report prepared by Planning Branch Ltd, dated July 2017 (Revised) and shall include the submission to the Local Planning Authority of a method statement detailing any works proposed within or adjacent to the Root Protection Area of any retained tree for approval in writing. The method statement shall include the method of construction and types of materials to be used, and the location of protective fencing. All works to trees shall be undertaken in accordance with British Standard 5837, 2012: Trees in Relation to Construction.
   Reason: To minimise any damage or disturbance to those trees to be retained, in accordance with Policy DM17 of the Allerdale Local Plan Part 1 2014.

15. The development shall be undertaken in accordance with the recommendations contained within the submitted Phase 1 Habitat Survey and the Updated Bat Survey received 22nd August 2018, prepared by Envirotech.
   Reason: In order to ensure that protected species are adequately considered during the conversion of the buildings, in accordance with policy S35 of the Allerdale Local Plan.

**Before Occupation conditions:**
16. Notwithstanding the submitted plans, details of the siting, height and type of all means of enclosure (including boundary treatment and bin store) shall be submitted to and approved by the Local Planning Authority prior to the occupation of any flats/dwelling(s). Any such means of enclosure shall be constructed as approved prior to the development being brought into use. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority. 
Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties.

17. Prior to the occupation of the development, a detailed lighting scheme shall be submitted to the Local Planning Authority for approval. The lighting scheme shall be accompanied by a lighting impact assessment undertaken by a suitably qualified engineer and shall include consideration of wildlife. The lighting scheme shall include for approval the hours of operation and levels of illumination. The approved lighting scheme shall be adhered to at all times during the operational phase of the development. 
Reason: To safeguard the visual amenity of the locality and to ensure that ecological interests are appropriately protected, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

18. Prior to the occupation of the dwellings (flats or houses) hereby approved, a 1.8m footway shall be provided extending from the existing access to the bus stop along the A596 heading towards Birkby. The footway shall be constructed in accordance with details submitted to and approved in writing by the Local Planning Authority before construction of the footway commences. 
Reason: To ensure satisfactory facilities for pedestrians in the interests of highway safety and in accordance with policies S5 and S22 of the Allerdale Local Plan 2014.

19. Prior to the occupation of the dwellings (flats or houses) hereby approved, a crossing point over the A596 to the bus stop on the opposite side of the road shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before construction of the crossing point commences. The location of the crossing point shall be informed by a Stage 1 Road Safety Audit. 
Reason: To ensure satisfactory facilities for pedestrians in the interests of highway safety and in accordance with policies S5 and S22 of the Allerdale Local Plan 2014.

20. Flat 1 of the hotel conversion hereby approved shall not be occupied until the detail and extent of obscure glazing to bedroom 1 and bedroom 2 has been submitted to and approved in writing by the Local Planning Authority and the obscure glazing has been installed as approved.
Reason: To ensure an appropriate standard of residential amenity in accordance with Policy S32 of the Allerdale Local Plan Part 1.

21. A landscaping management plan including management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any flats or dwelling houses hereby approved. The development shall thereafter be maintained at all times in accordance with the approved management plan.
Reason: To ensure the long term maintenance and management of public open space within the residential estate.

22. The development shall not be brought into use until visibility splays providing clear visibility of 2.4 metres x 215 metres towards Birkby and 2.4m x 160m towards Maryport measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.
Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Post construction conditions:

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

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

Representations
Councillor B Cannon spoke on the application as Ward Councillor.
A pre-prepared statement was read out on behalf of the agent Rachael Graham in support of the application.

Application

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

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

- **Principle**

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

- **Play equipment**

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

- **Layout**

  The revised layout was acceptable as a suitable change.

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

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

Following member discussion, and the questions raised to the speakers, Councillor M Jenkinson moved refusal on the grounds that the application for the development was contrary to policy S25 of the Allerdale Local Plan Part 1 (2014), specifically criterion e) as the specific provision proposed failed to address the deficiency in the provision of play and recreation spaces designed for children and young people. This was seconded by Councillor D Wilson.
A vote was taken on the motion for refusal on the grounds that the application for the development was contrary to policy S25 of the Allerdale Local Plan Part 1 (2014), specifically criterion e) as the specific provision proposed failed to address the deficiency in the provision of play and recreation spaces designed for children and young people, 8 voted in favour, 3 against and 0 abstentions. The motion was carried.

**Resolution**

Refused.

**Reasons for Refusal**

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

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

**Representations**

Councillor H Harrington spoke on the application as Ward Councillor.

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

**Application**

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

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

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

- **Principle of the development**

  The merits of the residential development itself had been approved and implemented under the original permission 2/2013/0445. The principle of the development remained acceptable and not under review. The development was largely complete.
• Approved play area under 2/2013/0445

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

• Alternative site

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

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

1. The choice of the site for the play equipment. The original permission’s condition and details stood and could be enforced. However officers outlined that there were constraints relating to the approved site. It had physical limitations for its practical use. The only other play area in the immediate vicinity was at the Marina which had recently been purchased by the Town Council. The report recorded that as being at a direct distance of 475m distance but officers verbally confirmed at the meeting that, via the best practicable walking route, it was 533m from the nearest permitted dwelling and 643m from the furthest. Officers considered there would be wider community benefits in expanding those facilities.

Amount of equipment – the level of equipment on the original permission was identified and approved under condition. Further to the granting of the permission the Council had adopted a Supplementary Planning Document for calculating the sum for off-site contributions reasonably required to make a development acceptable.

2. Using the Supplementary Planning Document (SPD) calculated the required contribution was £8.5k for the equipment and £11.5k for ongoing maintenance. The Town Council had requested £50k but had not included any evidence base on how that sum was identified. Officers considered the applicant’s £20k accounting for the SPD guidance was acceptable in this instance.

3. Delivery – the delay in the delivery of this outstanding matter was acknowledged. The applicant had endeavoured to engage with the development’s residents to understand their perspective on the options. It was recognised the need to resolve the matter within a short term timescale. Should either party dispute the findings it was recommended that the details be returned for consideration by the Panel at their December meeting.
If both the developer and the Town Council accepted the s106 recommendation it was hoped to conclude the s106 within 3 months and deliver the items within 6 months. If refused it was suggested it be a breach of the original condition notice 9, and would be given 3 months to rectify the situation.

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

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

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

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

Resolution

Refused.

Reason for Refusal

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

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

Representations

Mr Tim Cartmell spoke in support of the application.

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

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

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

Application

The report recommended refusal.

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

- **Principle of the development**

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

- **Heritage Assets**

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

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

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

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

• Trees and Ecology

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

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

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

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

• Access and parking arrangements

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

• Foul and surface water

Foul to mains.

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

• Residential amenity

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

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

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

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

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

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

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

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

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

Resolution

Refused.

Reason for Refusal

The development by virtue of introducing a dwelling of the siting and massing proposed will neither preserve nor enhance the character and appearance of the Caldbeck Conservation Area. The felling of the Beech tree (T1) and introduction of the form proposed results in the loss of one of the few fields that penetrate into the built envelope of the village and defines the historic character
of the settlement. The loss is particularly harmful given the juxtaposition with the Bridge and Church. As such the proposal is contrary to the provisions of policy S27, S32 and DM17 of the adopted Allerdale Local Plan Part 1 2014.

The setting of both the Church of St Kentigern and the packhorse Bridge will not be preserved by the introduction of a dwelling of the siting and massing proposed. Much of the historic setting of these assets has been lost but the application site is one of the remaining fields in close proximity that defined this historic setting and materially contributes to the significance of these assets. The development would result in the irrevocable loss of the field and harm to the significance of the assets, this harm not being outweighed by the minimal public benefits arising from the proposal. As such the proposal is contrary to the provisions of policy S27, S32 and DM17 of the adopted Allerdale Local Plan Part 1 2014.

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

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

The meeting closed at 4.33 pm
Allerdale Borough Council
Planning Application 2/2018/0397

Proposed Development: Erection of detached dwelling with detached glass house

Location: Land Adjacent to Rigg Top Coldgill Avenue Great Broughton Cockermouth

Applicant: Mr A Telford

Recommendation: APPROVE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle of the development and application of the tilted balance</td>
<td>The application site is located outside the designated saved settlement limits for Broughton under the Allerdale Local Plan 1999. The Part 2 Draft Local Plan pre consultation document extends the proposed settlement limits to include the southern section of Coldgill’s road frontage. The 1999 Local Plan settlement limits are considered to be out date, and little weight can be attached to the current early stages of Part 2 Plan. Sites beyond the adopted settlement limits are required to meet the Local Plan Part 1’s medium term housing trajectory in advance of the Part 2 allocations being examined and afforded more weight. In this context, applying the National Planning Policy Framework’s tilted balance, the site is considered to provide the benefit of a dwelling with significant and demonstrable adverse impacts. It represents a sustainable development on the edge of a local centre settlement and well related to existing development.</td>
</tr>
<tr>
<td>Highways</td>
<td>The highway details are considered satisfactory, including the provisions of a grassed footway on the highway frontage which replicates the existing footway treatment on the neighbouring plots.</td>
</tr>
<tr>
<td>Design</td>
<td>The design of the proposal is considered satisfactory and well related to its site and surroundings</td>
</tr>
<tr>
<td>Visual impact</td>
<td>Whilst sited on the edge of the settlement, it is not considered to have any significant adverse impact on either the residential or landscape amenity of its locality</td>
</tr>
</tbody>
</table>
Proposal

The application site seeks detailed permission for a single dwelling sited on the cul-de-sac highway of Coldgill Avenue which is located on the south western perimeter of the village.

The proposal comprises of a four bedded dormer bungalow. A detached glasshouse building is proposed to be sited within the rear curtilage.

The proposed dwelling includes a balcony on its rear elevation and would be finished in stone/ render walls and a slate roof.

Site

The site represents a corner plot at the end of Coldgill avenue. It is presently an area of grassland fenced off from the adjoining agricultural field. There is a slight gradient on the land which falls to both the south and the west.

The northern highway boundary is bordered by existing terraced properties occupying an elevated level on the opposite side of the street. The site southern rear outlook opens out onto a wider landscape area of the River Derwent’s valley. The western edge abuts an allotment area segregated by a minor road.

Two existing bungalow / dormer bungalow premises have recently been constructed along the frontage of Coldgill Avenue to the east of the application site.

Access to the site is via Coldgill Avenue’s single track tarmacadam highway. The surfaced highway traverses around the sharp north western corner of the plot before traversing going down the valley side towards the river. Coldgill Avenue itself, albeit continuing westwards, becomes an unsurfaced track after the corner junction.

Relevant Planning History

There is no previous planning history on the site itself.

The two neighbouring bungalows were approved and implemented under the respective consents 2/2013/0889 and 2/2014/0272.

Further to the construction of these properties a further application was submitted to and approved 2/2017/0232 and 2/2017/0233 to vary the surface treatment of their frontage footway details from tarmac to grass.

A recent outline consent 2/2018/0116 has also been approved on the vacant plot between the existing bungalows and the last house on the edge of the settlement (No.25 Coldgill Avenue) which remains extant.

Representations

Broughton Parish Council – Broughton Parish Council have serious concerns relating to this development given the previous planning history in the locality and the community feeling around this site. In addition there is insufficient information available on the plans
provided to allow a final decision to be made and to provide in the Parish Councils opinion to provide a sufficiently detailed plan to form part of any future planning approval.

In particular the information missing from the plans is the height & elevation of the proposed new dwelling, and in relation to the neighbouring dwellings (Rigg Top & Derwent View).

Broughton Parish Council would like to be consulted once more regarding this proposal once appropriately detailed plans are in place (including elevations & heights of the proposed development and Rigg Top & Derwent View).

**Cumbria Highways** – No objections, subject to planning conditions.

**Natural England** – Natural England raise no comments. Assessment on any protected species should be in accordance with standing advice.

**ABC Environmental Health** – No reply to date

**United Utilities** – No objections, subject to drainage conditions

**Cumbria County Minerals and Waste** – Site falls within a Mineral safeguarding area for sand and gravel and also carboniferous coal measures and that future supplies of a sand and gravel will be required prior to the end of the plan period (2030). This site however is on the edge of the village and therefore would not be environmentally acceptable. As such do not object to the application i.e. complies with the safeguarding Policy criteria of the Minerals and Waste Local plan

**The application has been advertised on site and within the local press.**

Eight letters of objection were received on the grounds of:

- Impact on views of the River Derwent Valley from Great Broughton and its lanes towards the fells of the Lake District.
- Cumulative harmful visual impact when considered alongside the two existing large bungalows constructed on adjoining plots.
- Loss of view from walkers within the village.
- It will obliterate the views from the nearby seat on the lane.
- Impact on the view from the holiday let on Coldgill Avenue, hindering its business use and its associated economic benefits to the village (which employs 3 part time local jobs).
- Loss of views /open space to suburbia which should alternatively be preserved.
- Cumulative impact on highway safety with other developments in the immediate locality.
- Impact on the highway and its means of access to public rights of way, 218002 and 218010. The lane to Penny Bridge serves two dwellings and an allotment site meaning it is well used. Coldgill Avenue serves as the access the lane to over 30 allotments, plus traffic for the existing houses on Coldgill.
- Hazard to pedestrian safety; grass verge is not suitable, especially with a telegraph pole within it and along with the existing bungalows should be reverted back to tarmac.
• Current speeds are inadequate; seek speed limit to be reduced to 20mph as 30mph is unsuitable with even higher speed limits outside the 30mph zone.
• Inadequate visibility –seek to ensure adequate viability splays in both directions, including the addition of Penny Lane which approaches the lane at right angles.
• Lanes are narrow and uneven making access difficult, plus parking and blockages within the lane. This will be increased by the proposal.
• Question the local people in need will be able to afford these properties and therefore does not serve the community.
• Need to protect residents from speculative developments.
• There must be alternative brownfield sites to avoid “eco-vandalism” -other properties are for sale elsewhere in the village.
• Devaluation of property
• Proposal is outside the designated settlement limits including those in the Pre-submission draft plan –policy SA3 (part 2) of the local plan which is to be considered by an Inspector i.e. not appropriate for development
• The policies (including Policy S3 and S32) solely support development within the settlement limits. No previous planning permissions on the site and would affect the character landscape of its surroundings.
• Rural sprawl of the village-ribbon development.
• Precedent for further development. Alternative sites should contain future growth and exclude the recreational and open amenity space that extends into the countryside – seek no more development on the south side of Coldgill Avenue or the north side of Camerton Road.
• Adverse impact of the scale and design of the building on neighbouring properties.
• Contrary to protocol 1, Article 1 of the Human rights Act which states that a person has the right to a peaceful enjoyment of all their possessions which includes the home and other land, and Article 8 of the Human Rights Act which states a person has the substantive right to respect for their private and family life (confirmed in the case of Britton vs SOS which ruled that the protection of the countryside) fall within this Article i.e. private and family life encompass the home and surroundings.
• Also argue under the Human Rights Act and trading law that the occupiers of the dwelling have the right to continue to receive the benefits of their property in terms of income, unhampered by others.
• Impact on the River Derwent and its Natura 2000 network.
• No details on the height of the building which affects the visual amenity of the opposite properties.
• The existing bungalow Derwent View was built higher (2m) than that approved, to the detriment of the view of the opposite houses setting an adverse precedent for a higher roof pitch and retrospective applications.
• Impact on the letting value and living standards of opposite house,
• Hazard to highway safety parking contrary to human rights and impact on nature conservation.

If allowed, one letters seeks the following mitigation: confirmation of height, no repetition of roof levels adopted on Derwent View, strict adherence to any approved plans, roof pitch should be low as possible, property built at lowest point foundations are dug to the lowest point on the plot rather than the highest.
**Development Plan policies**

**Saved settlement limits Allerdale Local Plan 1999**

**Allerdale local plan (Part 1) 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 S22 - Transport principles
- Policy S29 - Flood Risk and Surface Water Drainage
- Policy S30 - Reuse of Land
- Policy S33 - Landscape
- Policy S35 - Protecting and enhancing biodiversity and geodiversity

**Other material considerations**

**Allerdale Local Plan (Part 2) – Pre-submission Consultation Version – 2018**

**National Planning Policy Framework (July 2018)**

**Policy weighting**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the settlement limits from the 1999 Plan and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy in decision making.

A material consideration is the provisions of the updated NPPF. Paragraph 47 of the NPPF advises that applications be determined in accordance with the development plan, unless material considerations dictate otherwise. Paragraph 48 of the NPPF advises that weight can be afforded to emerging plans, that weight dependent on the stage of preparation, the extent of unresolved objections and consistency with the provisions of the Framework.

The overall aim of the NPPF and its core planning principles is to achieve sustainable development through strengthening the economy whilst supporting the needs of the community and protecting and enhancing the natural, built and historic environment.

In line with the NPPF, the Council is committed to take a positive approach in the determination of planning applications and will always seek to approve proposals unless material adverse effects would significantly and demonstrably outweigh the benefits (Policy S1).
A material consideration, especially in the local context, is the appeal decision for land at Little Broughton (PINs ref APP/G0908/W/17/3183948) which specifically addressed the weighting afforded to development plan policies in the context of paragraphs 215 and 14 of the former NPPF.

In the decision for this appeal the inspector commented that we are now within the medium term of the 2014 Local Plan’s delivery period. Within this time it was expected that new allocations, within part 2 of the Local Plan and beyond the 1999 settlement limits, would come forward for delivery to meet the planned housing delivery trajectories. However, the allocations are at a pre-submission stage that cannot afford meaningful weight in the development management process; the emerging Local Plan is not anticipated to be adopted until 2019. The significant contributions to housing supply anticipated from allocated sites have therefore not yet come to fruition. Other housing sites, including on land outside of the 1999 settlement limits, need to come forward to meet the 2014 Part 1 Local Plan’s medium terms growth objectives.

Although the Inspector’s decision predated the publication of the 2018 NPPF, comparisons of paragraph 14 of the 2012 version and paragraph 11 of this latest publication reveal that it is only rational to still afford significant weight to the decision as a material consideration.

Consequently, for these reasons, the settlement limits from the 1999 Local Plan are out of date as are policies S3 and S5 of the 2014 Part 1 Local Plan to the extent where they refer to the 1999 settlement limits and the housing numbers for each settlement. As a consequence little weight is afforded to the settlement limits and these parts of policies S3 and S5. The provisions of paragraph 11 of the NPPF 2018 are therefore engaged and the “tilted balance”. Specifically, the principle should only be resisted if any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, this does not mean to say that other Local Plan Part 1 policies are out of date and should not be afforded substantial weight where they are consistent with the provisions of the NPPF 2018. In this instance, it is assessed that the settlement hierarchy within policy S3 can be afforded substantial weight given its consistency with the sustainability principles of the NPPF 2018 as can the criteria a) to f) of policy S5. Other polices within the Part 1 Local Plan also maintain their full weight.

Assessment

Principle of the development

Broughton is classed as a local centre under the settlement hierarchy of policy S3 of the Allerdale Local Plan, which along with its other local centres in the Borough is expected to deliver up to 20% of the council housing supply up to 2029 (approx 1,090 dwellings). The settlement and its associated services provide for a sustainable location for additional housing development. Inevitably this is unlikely to be achieved within the confines of the existing settlement pattern but will likely necessitate some growth on its periphery. There are little alternative brownfield plots available in this rural village.
Derwent forest is detached from the village and given its significant scale cannot be considered as a brownfield alternative in any sequential assessment. The preceding section of this report has also detailed that little weight is afforded to adopted 1999 settlement limits and those emerging in the draft Part 2 Local Plan. In this context the tilted balance is engaged and housing must come forward on peripheral greenfield sites to maintain housing supply. The situation will change again when Part 2 is adopted but for now, the context and applicability of the tilted balance is clear.

It is also noted that the principle of housing on Coldgill Avenue (albeit departures) has been recently approved and in some cases implemented on Coldgill Avenue within three separate plots on the southern side of its highway corridor. These were also approved as sustainable development which was considered to be well related to the existing settlement and its village pattern. This corner site represents the last remaining land fronting onto Coldgill Avenue and its unclassified highway. The building line of the dwelling and its plot proportions reflect those on the adjoining plots. Although adding to the line of existing properties it would not project the built form of the settlement into the open countryside, reflecting the extent of the built form on the opposite side of the street. Its corner junction of existing tracks provides a physical demarcation of the end of the row, i.e. not acting as a precedent for further development.

**Design**

The front building line of the dwelling, by virtue of the falling gradients of the site will be slightly dug into the site, whereas the rear section will be elevated out of the ground. The applications include cross section plans which demonstrate that the ridgeline of the proposal will be comparable to the size of the new bungalow on the adjoining plot which is located at a higher level.

The scale of the dormer bungalow (6.3m in height) is comparable in size to the next door-but-one dormer bungalow. As a result of the opposite terraces being at a higher level on an elevated bank, it is considered the proposal would not dominate the streetscene and is sympathetic in scale to its site and surroundings on the edge of the village. The design details are considered acceptable and comply with the criteria of Policy S4 of the Allerdale local plan.

**Loss of amenity**

The design of the proposal minimises the impact on the amenity on the existing terraced houses which are approximately 36m separation distance from the dwelling. The bungalows windows are primarily concentrated on the rear elevation with only a stairwell rooflight window on the front elevation. There is a side ground floor door and window on the eastern gable plus first floor dressing room and en-suite bathroom windows. Privacy from these can be secured by condition with an additional condition removing p.d rights to prevent any later window openings which may have any impact on amenity. Officers acknowledge that the introduction of an additional dwelling at this location will have a substantial change to the outlook of the existing opposite terraced properties. However, in view of its design characteristics of siting, lower level, scale and massing and siting of openings, the degree of any loss of amenity is insufficient to warrant the
refusal of the application. The right to a view is not a material planning consideration. In the absence of any right to a view the impact The right to a view is not a material planning consideration.

**Impact on highway safety**

The issue of highway safety has been raised within the submitted representations. Para 109 of the NPPF advises “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Weight is afforded to this consideration in the context of assessing the proposal against policies S4, S5 and S22 of the Local Plan.

Coldgill avenue is a single track unclassified road which ends at the end of the applicant’s frontage, splitting into two separate tracks, the northern one of which connects to public bridleway network.

The application proposes a single vehicular access to the plot off Coldgill Avenue with off street parking and turning area. Given its position at the end of the cul-de sac, any surplus traffic onto the unmade lane by residents on Coldgill Avenue and users of the allotment would be limited and, as a small scale single residential proposal, it is not considered reasonable to insist on visibility splays beyond its frontage. Traffic from the unmade side lane would slow down due to the sharp bend on the corner of the plot, or the western unmade surface of Coldgill Avenue. Weight is also attached to the comments of the highway authority that raise no highway objections. The provision of turning facilities ensures the ability for traffic to enter and egress from the site in forward gear. The merits of the access are therefore considered acceptable.

Reference is also made to the footway which is to be grassed. The applicant does not dispute the need for the footway which is outlined on the plan, representing the elongation of the existing footway fronting the existing neighbouring plots. The merits of its surface material were assessed in detail as part of previous applications on the adjoining plots whereby it was accepted that a grassed surface reflected the character of this section of the village. As a result of the precedent of the earlier consent with no insistence of a hard surface from the highway authority, this detail is considered acceptable.

**Amenity value of public rights of way**

There are public highways in the locality. Public bridleway 218010 is located 150m to the west of the site off the unsurfaced section of Coldgill Avenue. Users of the highway experience a rural corridor remote from built development including the village. Views of the application site are obscured by existing hedgerows and trees and therefore there will not be any significant loss of amenity from this highway.

The other public highway is 218005 which runs down the eastern side of the new plots before dropping downhill towards the valley floor of the River Derwent. The views from this highway are more open with the existing recent constructed properties being clear to public view. However, it is considered that an additional single unit would not have any significant visual impact given its close physical and scale relationship to the neighbouring property and the backdrop of other terraced houses on this highway.
Impact on landscape

The site occupies an elevated position on the hillside overlooking the fields within the corridor of the River Derwent. The County Council’s Landscape Character Assessment places the site on the boundary between landscape types “Lowland Ridge and Valley” and “Broad Valleys” with it appearing to be more within the latter. It describes its key characteristics as, wide and deep valleys with open floodplains, rural farmland with improved pasture, pockets of scrub, hedge/wall boundaries with road/rail links within the valley corridors. It indicates these landscapes will be conserved and enhanced advising “development will be sited to compliment traditional settlement pattern and use vernacular materials” stating “there is likely to be continued pressure for expansion of villages and towns along the Derwent, Eden, Kent and Lune”.

In reference to new development it advises “Minimise the impact of infrastructure and housing development by careful siting, avoiding open valley floors, obstruction of corridor views and relating them to existing development” and “minimise developments on local character through ensuring design and scale respects the local vernacular and character particularly regarding the introduction of modern large-scale farm building. Reduce the impact of large scale new buildings by careful location, siting and design and “discourage fringe development in non-traditional materials that will affect the setting of the village.”

Officers would highlight that this edge of settlement site has two boundaries bordering built development which limits the extent of any impact on the landscape. Its exposed views from the open countryside west and south (across the valley) would have the backdrop of the existing dwellinghouses minimising the prominence of its built form i.e. its location on the upper valley side abutting the village would not be obtrusive especially given the existing properties and the applicants choice of traditional materials and levels.

The proposal would obscure the river valley view from Coldgill but this relates to the short width of a single plot frontage and views remain at the later section of the Avenue, including a seating area. Therefore, overall it is therefore considered not to have any significant adverse impact on the character or visual amenity of the landscape.

Ecology

The site is located approx. 240m distance from the River Derwent. The river is designated as both an site of Special scientific Interest (SSSI) and Special Area of Conservation (SAC) Natural England raise no comments to the proposal, but advise “the lack of comment does not imply there are no impacts on the natural environment but only that the application is not likely to result in any significant impacts on statutory designated nature conservation sites or landscapes.” In this context it is considered the proposal will not adversely affect the River Derwent SAC Natura 2000 site and its nature conservation sensitivities.

Human rights
Each planning application should be assessed on its individual planning merits, including its context of the local plan policies which seek to ensure a sustainable standard of development.

**Local Financial 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 and council tax income. These are of little weight in judging the overall planning merits of the current scheme.

**Conclusion**

Applying the tilted balance, the proposal, although a departure to the adopted Local Plan, is considered to constitute a sustainable form of development which will provide a contribution to the Council's housing supply. This is a benefit and the impacts of the proposal are not demonstrable or significant.
Annex 1

Conditions/Reasons

**Time limit**

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

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

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

   - AT-KT-18-01 - Proposed elevations.pdf
   - AT-KT-18-02 - Proposed floor plans.pdf
   - Amended Drawing AT-KT-18-05 Block Plan 10.9.18.pdf
   - Amended Drawing AT-KT-18-06 Cross Section 1 10.9.18.pdf

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

**Pre commencement conditions**

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

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

4. Prior to the commencement of development the existing frontage wall means of enclosure shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter.

   Reason; In the interests of highway safety.

5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in
writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details. Reason; To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF.

6. 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;
(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) Mitigation measures to ensure that no harm is caused to protected species during construction.
(e) A written procedure for dealing with complaints regarding the construction or demolition;
(f) Measures to control the emissions of dust and dirt during construction and demolition;
(g) Programme of work for Demolition and Construction phase;
(h) Hours of working and deliveries;
(i) Details of lighting to be used on site.
The approved statement shall be adhered to throughout the duration of the development.

7. No part of the development hereby permitted shall be commenced until a 1m square free-standing panel of the stone to be used in the proposed development has been constructed on the site and the materials approved by the Local Planning Authority. The panel shall be retained on site until such times as the development is completed. The development shall thereafter be solely implemented in accordance with the approved sample materials.
Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with Policy S4 of the Allerdale Local Plan, 2014.

8. No part of the development hereby permitted shall be constructed above plinth level until details of all external and roofing materials have been submitted to and approved by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.
Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with Policy S4 of the Allerdale Local Plan (2014)
9. The approved access and parking arrangements shall be provided prior to any other part of the development hereby approved and thereafter retained.

Reason; The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

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

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

11. No built development shall be implemented within an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of “Sewers for Adoption”, for maintenance or replacement.

Reason; To safeguard the maintenance of the existing sewer at the site.

12. Notwithstanding the approved plans, details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority before the development is built above plinth level. Any such walls/fences etc shall be constructed prior to the approved building being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

Reason; To ensure a satisfactory standard of development which is compatible with the character of the surrounding area.

Prior to occupation

13. The development shall not be brought into use until visibility splays providing clear visibility delineated by straight lines extending from the extremities of the site frontage with the highway to points 2.4m along the centre line of the access drive measured from the edge of the adjacent highway have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) relating to permitted development, no structure, or no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstructs the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason; In the interests of highway safety.
14. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.  
Reason; In the interests of highway safety.

15. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
   a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident’s management company; and
   b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. 

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.  
Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

16. The dwelling shall not be occupied until the frontage footway provision with minimum width of 1.8metre shall be designed, constructed and plans previously submitted to the Local Planning Authority for approval.  
Reason To ensure a minimum standard of construction in the interests of highway safety.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no alterations, extensions, outbuildings or means of enclosure 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 development or alterations of the dwellings in the interests of the appearance of the site and to safeguard visual amenity.
1) Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by, primarily identifying relevant development plan policies, any duties applicable as well as other material considerations that have been afforded weight, including emerging Local Plan policy, stakeholder representations and the National Planning Policy Framework. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.
Allerdale Borough Council
Planning Application 2/2018/0454

Proposed Development: Change of use of utility and storage rooms into a small tea room

Location: Pear Tree Farm
Bowness on Solway
Wigton

Applicant: Mr Steve Marshall

Recommendation: REFUSE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle</td>
<td>The building is suitable for conversion</td>
</tr>
<tr>
<td>Parking and turning</td>
<td>Insufficient parking and turning within the property, issues with manoeuvrability and visibility.</td>
</tr>
<tr>
<td>Design and material</td>
<td>No significant changes or harm to existing building</td>
</tr>
<tr>
<td>Historic Environment and Conservation area</td>
<td>No significant harm to the environment</td>
</tr>
</tbody>
</table>

Proposal

The application seeks permission for the conversion of a number of small outbuildings attached to a residential property on the western side of an existing courtyard into a tea room. The extent of the use proposed is considered a material change of use from the existing uses which are ancillary to a dwellinghouse. The proposed use would fall with Class A3 as defined by the amended Use Classes Order 1987.

The applicant advises the proposal, which involves 12 seat covers, would provide a facility to walkers and cyclists using the coast to coast route as well as visitors to the village. The scheme would not involve any deep fat frying cooking operations.

As a conversion there would be no external alterations to the existing buildings.

The applicant’s supporting statement suggests that the linear village has mostly on street parking, and therefore considers the proposal for three off street parking spaces/turning within the courtyard for three cars is adequate with good visibility at the access entrance. The courtyard also provides parking and access to garages for the applicant’s dwelling. There is also a public car park approximately 200m distance to the west of the site.
The applicant suggests it is a small scale and sustainable rural business, centrally located in the village with no adverse impact on its locality enhancing tourist facilities.

**Site**

The property is located within the village within a small courtyard on the northern boundary of the village. The proposal represents one of several buildings surrounding and enclosing a traditional pavoired courtyard with vehicular access via a traditional single vehicular width arch entrance off the village’s main central public highway. The site is within both the Solway Coast AONB and village conservation area.

**Relevant Planning History**

2/2017/0013 - Change of use of buildings into a tea room (A3) and B&B units (C1)- Refused
2/2017/0 - Change of use of utility room and storage room into small tea rooms (C3 to A3 land use)- Withdrawn

**Representations**

**Parish Council**

The Parish Council is satisfied that there is adequate visibility for emerging vehicles from the site within the courtyard. Highways has provided no explanation as to why the ‘proposed use of the courtyard for guest parking is inadequate, due to the site access’ and on this basis this comment should be clarified by the Planning Officer. It is hoped that the clarification will be on the website prior to the Development Planning meeting so it is available for the public to see.

**Cumbria County Highways Authority**

The proposed use of the courtyard as guest parking is considered inadequate by the Highway Authority due to the site access. The visibility when leaving the courtyard in a vehicle, through the archway is severely restricted and is viewed as a danger to those using the public highway, particularly pedestrians.

We would therefore recommend the application is refused for the following reasons:- The application site has insufficient frontage with the county highway to provide an access with adequate visibility for and of emerging vehicles, with consequent danger to all users of the county highway. They also note that this is in addition to our previous recommendation of refusal for lack of parking.

**ABC Environmental Health**

No objections subject to a condition in relation to the submission of details in relation to the ventilation and odour control measures are submitted and approved including any noise attenuation measures.
Historic England
No comments

Natural England
No objections

Fire Service
No objections

The application has been advertised on site and within the local press, neighbouring properties have been notified. There have been 2 letters of support and 1 letter of objection.

The objection raises concerns in relation to parking and they indicate that there are already 4 properties using the area as roadside parking and the development would increase demand. Parking to the front is inadequate and would reduce visibility. Potential noise disturbance, noise and smell from the kitchen. There are existing facilities within the village. The red line encroaches on their property.

Duties

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Development Plan

Allerdale Local Plan 1999 – Saved settlement limits

Allerdale Local Plan (Part 1) July 2014

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles
Policy S4 - Design principles
Policy S5 – Development principles
Policy S6d - Wigton
Policy S14 - Rural economy
Policy S17 - Tourism, Coastal and Countryside Recreation
Policy S27 - Heritage Assets
Policy S28 - Hadrian’s Wall World Heritage Site
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S34 - Development in the Solway Coast Area of Outstanding Natural Beauty
Policy DM14 - Standards of Good Design
Policy DM15 - Extensions and alterations to existing buildings and properties

Other material considerations

Allerdale Local Plan Part 2 – Presubmission Consultation

National Planning Policy Framework 2018

Council Plan 2015-2019

- The council plan priorities include
- Strengthening our economy including;
- Encouraging businesses to grow or move into the area
- Encouraging tourism to help improve the local economy
- Improving health and well being
- Maintaining a safe and clean environment

Policy weighting

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the settlement limits from the 1999 Plan and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy in decision making.

A material consideration is the provisions of the updated NPPF. Paragraph 47 of the NPPF advises that applications be determined in accordance with the development plan, unless material considerations dictate otherwise. Paragraph 48 of the NPPF advises that weight can be afforded to emerging plans, that weight dependent on the stage of preparation, the extent of unresolved objections and consistency with the provisions of the Framework.

The overall aim of the NPPF and its core planning principles is to achieve sustainable development through strengthening the economy whilst supporting the needs of the community and protecting and enhancing the natural, built and historic environment.

In line with the NPPF, the Council is committed to take a positive approach in the determination of planning applications and will always seek to approve proposals unless material adverse effects would significantly and demonstrably outweigh the benefits (Policy S1). The settlement limits from the 1999 Local Plan are out of date as are policies S3 and S5
of the 2014 Part 1 Local Plan to the extent where they refer to the 1999 settlement limits and the housing numbers for each settlement. As a consequence little weight is afforded to the settlement limits and these parts of policies S3 and S5. However, this does not mean to say that other Local Plan Part 1 policies are out of date and should not be afforded substantial weight where they are consistent with the provisions of the NPPF 2018. In this instance all policies in Part 1 relevant to this application can be afforded full weight.

Assessment

Principle of the development

Bowness in Solway is classed as an infill/rounding off village under Policy S3 of the Allerdale local plan which outlines the Borough’s spatial strategy for both residential and commercial growth.

A previous application 2/2017/0013 for the conversion to the tea room and a bunk barn was refused on the site on the grounds of;

“The proposed development does not make adequate provision for the parking and manoeuvring of vehicles within the site and would therefore encourage parking on the highway and will likely result in and vehicles reversing onto or manoeuvring on the highway with consequent risk of additional danger to all users of the road.”

The former bunk barn (C1 use) element of the scheme has been removed from the current application. There are no proposed external areas for dining as part of the proposal.

The application site is a former farming unit which has been in domestic use for a number of years, with the outbuildings used in connection with the domestic use of the site. Parking for the existing dwelling is through a narrow arch into a courtyard area.

The site is located within a residential section of the village. The principle of the conversion to a tea room is considered to be a compatible land use with others in its locality would be supported under policies within the Allerdale Local Plan particularly S17 in relation to tourist facilities. The proposal has strong synergies with the desire to strengthen the economy of this part of the Borough; Bowness is situated on popular, recognised walking and cycling routes as well as being in the vicinity of the RSPB’s Campfield Marsh reserve, Solway Wetlands Centre and Drumburgh Moss National Nature Reserve. The positioning of the village on the Solway is, in itself also an attraction to visitors and the vitality of the community increasingly relies on the tourist economy.

However this would be subject to addressing any physical environmental constraints. It is evident from the former applications refusal decision and the recent comments of the highway authority that there is an issue with the lack of off street parking and limited opportunities for on street parking and manoeuvrability within the site.

The applicant has indicated that they would be aiming the business at walkers using the
Hadrian’s wall route and cyclists.

Parking and Access

The highways officer commented on the original scheme that there would be no room to manoeuvre a vehicle to enable ingress and egress in a forward gear, resulting in an increased intensity/danger from the current access.

The highways authority recommended refusal on the original proposal as the development did not make adequate provision for the parking and manoeuvring of vehicles within the site and would therefore encourage parking on the highway.

The parking in the wider area throughout Bowness on Solway is limited and, in the absence of any double yellow lines on the highway, there is known issues with parking on the highway within the whole of the village which has a limited carriageway width in places and no footways adjacent to the highway.

Whilst acknowledging the scale of the development, the application site’s parking provision would not be satisfactory as the spaces would not provide an appropriate level of off road parking provision for this landuse, even with the limited number of covers proposed. Under the provisions of the County council’s highway authorities Design Guides parking standards, off road parking provisions should provide a disabled space and 1 space per 5m$^2$ net dining area. With an estimation of 20m$^2$ net floor space this would equate to 4 parking spaces plus a disabled space. Although the applicant indicates that the business would be aimed at walkers and cyclists, officers consider that there would be a likely reasonable prospect of visitors using motor vehicles to visit the site.

A condition to prevent car users visiting the facility would not be reasonable or enforceable. There is only limited off street parking areas elsewhere within the village with 4 spaces 315m to the west of the site past the primary school, this provision is considered to be insufficient and could lead to further traffic and congestion near to the school.

Originally the application included a parking area to the front of Pear Tree Cottage which is in the applicant’s ownership and currently let as holiday accommodation. It has been highlighted that this courtyard area is utilised by the cottage as the parking area for that property.

In addition to visitor parking, consideration should be given to deliveries which are not likely to be able to use the archway given its restricted width resulting in parking on the carriageway.

As a result of the limited scope within the courtyard area for parking and turning the applicant has provided a plan to demonstrate that parking would be available within the courtyard area for both the tea room and the dwelling to the rear of Pear Tree Cottage. The applicant has provided a video showing a vehicle turning within the site.

However the layout of the proposed parking is considered to fail to address the issue and the layout would compromise the parking associated with the existing dwelling which the applicant has indicated would be in the existing garage close to the archway.
entrance/exit and also has the potential to impact and compromise vehicle manoeuvrability within the courtyard.

The secondary issue relates to the visibility of the arched entrance itself. The access way through the arch is of limited width and of restricted visibility due to the existing building fronting the highway leading to issues with manoeuvrability both into and out of the site. It may also lead to potential conflicts and vehicles having to reverse onto the public highway with limited restricted visibility.

The application documents refer to the comparative public house within the village which was extended without an objection from the highways authority. The extension to the public was principally to allow for internal reconfiguration and the upgrading of facilities, resulting in a small increase in its floor space. However, this area was previously utilised as part of its associated beer garden which reflected existing seat covers. Therefore, given its existing use and internal configurations of the property, it was considered that there would not be any significant increase in traffic over and above the existing levels.

An further comparison is the development of holiday accommodation at Bowness House Farm in the heart of the village. The Parish Council expressed strong concerns on the necessity of adequate off street parking provision. It was considered necessary to ensure that there was adequate parking for the facility on site due to the local highway conditions of the area, as on street parking would cause congestion, as well as highway safety pedestrian concerns due to the absence of footways.

In summary it is recommended that the application is refused due to insufficient parking and turning within the site and problems with manoeuvrability which is linked with the visibility coming into and out of the site. As such the proposal is contrary to criterion b) of policy S5 and criterion f) of policy DM15 of the Local Plan.

Designated heritage assets

The council therefore has a duty to have a special regard on developments which may affect the character or appearance of the conservation area.

There is no approved Conservation Area Appraisal for Bowness on Solway; the application site is within the defined conservation area for Bowness on Solway which covers all the built development within the village. The village follows a linear development pattern, aligned east-west, parallel to the Solway Coast, It has a mainly residential emphasis and a number of former farming units located centrally within the village have now been converted to residential accommodation. More modern development is on the periphery of the Conservation Area.

Although the location is prominent and within the conservation area, officers have balanced the fact that this is a change of use of an existing building.

It is considered that, although there would be some minor negative effects on the character of the conservation area, through the potential of further on street parking, this harm would be less than substantial given the modest scale of the proposal. The harm would, in heritage terms, be outweighed by the public benefits of the use. Such uses, as already stated, contribute to the vitality of, and investment in the village. In turn this
results in more investment to the historic built fabric of the area thereby preserving its
character and appearance.
The proposal accords with the duty under section 72 of the Listed Building Act and policy
S27 of the Local Plan.

Landscape and AONB

Policy S34 of the Local Plan advises that all development within the Solway Coast AONB
must conserve and/or enhance the distinctive landscape character, quality and heritage
of the area. Although the AONB covers a much wider area than the conservation area, it
is suggested that for the site’s environs it is the same qualities that define both
designations. As such, for the reasons provided in the proceeding sub-section, the
proposals accords with policy S34.

Noise and Ventilation

The kitchen area would require ventilation and this is likely to require some sort of flue.
Given its location in the conservation area, officers would not support an external flue up
the gable of the building. The applicant has indicated that they would be willing to
consider the use of an existing chimney to take the fumes above the main roof ridge
which would be a requirement from our environmental health team. This method of
ventilation would be acceptable and could, if the application was supported, be secured
by a condition.

The operating hours would be 08:00 – 19:30 Monday – Saturday and 10:00 – 16:30 on
Sundays and Bank Holidays. These opening hours are considered not to significantly
affect the residential amenities of nearby residential properties. As such the proposal
accord with criterion d) of policy S5.

Archaeology

The application site occupies a high sensitive location in close proximity to several
important heritage designations.
However as the application is solely for a change of use conversion scheme there would
be no physical disturbance to existing ground levels. Consequently officers consider that
there would be no significant effects on any existing archaeological remains.

In these circumstances the proposal is considered not to affect the setting of Hadrian’s
Wall Military Zone World Heritage site or affect the nearby Scheduled Ancient Monument
and accords with policy S28 of the Local Plan.

Other Issues:

The red line has been amended during the course of the application to follow the line of
the applicant’s property which previously, in error, included part of the adjacent dwelling.

The access officer has raised a number of points in relation to the access of the building.
Given a disabled ramp could be accommodated for the tea room, officers would not
object to the application on these grounds.
Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act the following local finance considerations is relevant to the consideration of the application. There will be benefits arising from the scheme through business rates revenue; however, this is of little weight in judging the overall planning merits of the current scheme.

Conclusion

Members are advised that this is a finely balanced matter. There are a number of benefits arising from the proposal, not least its contribution to the tourist economy and the overall vitality of Bowness. Nevertheless, the issues with regard to highway safety are considered sufficient to warrant a refusal of the application. Given the constraints of the site and its surrounding, there is no opportunity to find another solution.
Annex 1

Reasons

The proposed development does not make adequate provision for the parking and manoeuvring of vehicles within the site and would therefore encourage parking on the highway with consequent risk of additional danger to all users of the road given the constraints of the existing highway arrangement. Furthermore, the proposed arrangements will likely result in vehicles reversing onto or manoeuvring on the highway with restricted visibility resulting in consequent risk of additional danger to all users of the road. As such the proposal is contrary to criterion b) of policy S5 and criterion f) of policy DM15 of the Local Plan.

1.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including emerging Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the proposal and discussed those with the applicant, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and, due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
This page is intentionally left blank