

At a meeting of the Development Panel held on Zoom Virtual Meeting on Tuesday 28 July 2020 at 1.00 pm

Members

Councillor Tony Annison	Councillor Malcolm Grainger (Vice-Chair)
Councillor Janet Farebrother	Councillor Allan Daniels
Councillor George Kemp	Councillor Daniel Horsley
Councillor Andrew Semple	Councillor Elaine Lynch
Councillor Alan Tyson	Councillor Alan Smith

Apologies for absence were received from Councillor Carole Armstrong, Councillor, Nicky Cockburn, Councillor Adrian Kirkbride and Councillor Ron Munby MBE

Staff Present

W Collins, J Irving, L Jardine, S Sewell, S Sharp and L Tomlinson

70. Declaration of Interests

None declared

71. Questions

None received

72. Development Panel - FUL/2019/0304 - Full planning for the erection of 81 dwellings and associated infrastructure, Land At Stainburn Hall Farm, Stainburn, Workington

Representations

Iain Massey and Janice Lee spoke against the application

A letter against the application was read out on behalf of Doris and Andrew Coldicott

A letter against the application was read out on behalf of Councillor Janet King, Ward Councillor for Stainburn and Clifton.

A letter of support for the application was read out on behalf of the Applicant, John Blue from Genesis Homes.

Application

The report recommended that the decision to grant permission subject to conditions be delegated to the Planning and Building Control Manager upon the signing of a section 106 agreement securing 4 affordable housing units on the site and the securing of a maintenance scheme for public open space, the surface water drainage, and funding of £15,525 for highways works.

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

Principle of Development

The site is within the settlement limits of the Allerdale Local Plan Part 2 which was adopted at Council 22 July 2020. As an adopted Plan this has assumed primacy and is afforded full weight.

Design and Layout

The design and layout are acceptable for this edge of settlement location responding to the character of the built environment to the west and the countryside to the east

Highway Safety

The access arrangements including the pedestrian footway, pedestrian refuge island and the visibility splays onto this existing highway are acceptable subject to conditions.

Viability and Affordable housing

The proposed development would provide 4 affordable housing units for rent on the site. This equates to a reduction from the 20% expected by the current policy requirements to 5%. However, this has been justified by the peer reviewed Viability Assessment.

Drainage

The foul drainage will be to the mains and the surface water to a sustainable urban drainage scheme, with outlet into an existing watercourse, secured by planning condition

Ecology

Suitable mitigation to safeguard species and habitats on site

Landscape

No adverse impact on the wider landscape due to the topography and landscaping proposed.

Contamination

Ground conditions have been addressed through a Phase 1 Desktop Study and a Phase 2 Ground Investigation Report, with additional investigation work. The implementation of ground works to address contamination can be addressed through planning conditions

Members were also shown images, plans and videos of the site including the location within the vicinity of Stainburn.

The Planning and Building Control Manager clarified to members that the Local Plan Part 2 (2020) now forms part of the Development Plan alongside Part 1 (2014). The 1999 Local Plan and matters of tilted balance are now not relevant.

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

Questions were asked of the officers and speakers in relation to environmental issues, highway safety, public transport, landscaping, local infrastructure and the impact this development has in relation to the full site allocation. The members' debate that followed included consideration of whether the proposal accorded with the site considerations in the allocation. The Planning and Building Control Manager advised that, the lack of a proposal for the whole allocation did not preclude this element being granted; what was important was that it did not prejudice the bringing forward of the rest of the allocation and the proposed layout, appearance and landscaping could be seen as an, albeit large part, of an overall homogeneous development. He likened it to a piece of a larger jigsaw puzzle.

Councillor Semple moved the motion to grant permission as per officer recommendations subject to conditions.

The motion to approve was seconded by Councillor Lynch

A further motion was tabled by Councillor Smith to defer the application to receive further information from the County Highways Authority in relation to concerns over the external highway infrastructure.

The motion to defer was seconded by Councillor Horsley

Further debate ensued in relation to Highway Safety and the need for off-site highways' infrastructure. The Planning and Building Control Manager clarified to members that the County Highways had already made representations as part of the consultation for the adopted Local Plan Part 2 (2020) and not objected to this application. In this context, requiring further off-site infrastructure from that proposed or resisting the application of highway safety grounds would not be reasonable or defensible.

A vote was taken on the motion to defer, 5 voted in favour, 5 against and 0 abstentions.

The chair made the casting vote and voted against the motion to defer; the motion was lost.

Councillor Farebrother then proposed an amendment to the motion to approve. The amendment was to approve as per officer recommendations with an addition to condition 7, to include hedgehog gaps in the boundary treatments across the site.

The proposer (Councillor Semple) and seconder (Councillor Lynch) of the original motion to approve as per officer recommendations agreed to the amendment to condition 7.

A vote was taken on the amended motion to approve, 6 voted in favour, 4 against and 0 abstentions.

The motion was carried.

Resolution

Permission granted subject to conditions

CONDITIONS

Time Limits

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

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

In accordance

2. The development hereby permitted shall be carried out solely in accordance with the following plans subject to the revisions required to be submitted and approved under conditions 6, 7, 8 and 14:

DWG 1866 Detailed Layout House Types
DWG 1866 010 Existing Site Layout
DWG 1866 011 Location Plan
DWG 1866 100 Rev E Detailed Layout
DWG 1866 101 Rev B Hard Surfaces
DWG 1866 102 Rev B Rev B Boundary treatments
DWG 1866 103 Rev B Elevation treatment
DWG 1866 104 Rev B Parking Layout
DWG 1866 107 Rev B Management Layout
DWG 1866 108 Rev E Colour Layout
DWG 1866 109 Rev B Street Elevations
DWG 1866 110 Rev F Detailed Layout
19163-CK-XX-XX-DR-C-52 101 Rev P2 External works
19163-CK-XX-XX-DR-C-52 102 Rev P2 External works
19163-CK-XX-XX-DR-C-90 201 Rev P2 Engineering arrangements
19163-CK-XX-XX-DR-C-90 202 Rev P2 Engineering arrangements
DWG A114782-Poo5 Extent of proposed 40mph zone
A115280 Technical Note 2 April 2020
WOU-179 BT Boxes
Landscape Plan
Preliminary Ecological report GH-19-05
Habitat Regulations Screening Report

House types: The Dee (3 bed bungalow), The Esk (bed bungalow), The Tunstall (4 bed detached), The Lowther with garage (4 bed detached), The Gelt V2 (3 bed Semi detached) The Ellen (4 bed detached), The Eden (4 bed detached), The Derwent (3 bed detached), The Pettrill (3 bed) and Caldew (2 bed).

Email regarding amended Viability Assessment 08.07.20 confirming 4 affordable homes for rent.

Flood Risk Assessment as amended 02.07.20

Phase 1 Desk Top Study Report (Preliminary Environmental Risk Assessment)

Phase 2 Supplementary Ground Investigation report 20.06.20

Final Ground Investigation Report 20.06.20

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

3. The contamination remediation strategy shall be implemented in accordance with The Phase 1 Desk Top Study Report, Phase 2 Ground Investigation Report and the Supplementary Ground Investigation report ref 202004112 dated 4.6.2020.

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

4. Mitigation measures to safeguard protected species and habitats during construction and operations shall be carried in accordance with Chapter 5 Conclusions and Recommendations of the Preliminary Ecological Appraisal.

Reason: To safeguard the habitat of protected species during construction and operations in compliance with the National Planning Policy Framework and Policy S35 and DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

5. All hard and soft landscaping works, planting, seeding or turfing shall be carried out in accordance with the approved Landscaping Plan subject to the revisions required to be submitted and approved under conditions 6, 7 and 8. The approved scheme shall be fully implemented within the first planning season following the occupation of the dwellinghouse(s) approved and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise landscape harm and preserve visual amenity as well as preserving the setting of Stainburn Hall to accord with policies S4, S24, S27, S33 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and SA8 of the Allerdale Local Plan (Part 2).

Pre commencement conditions

6. Notwithstanding the details of the approved Landscaping Plan, mitigation, compensation and enhancement measures for trees and hedgerow shall be carried out in accordance with Chapter 5 Conclusions and Recommendations of the Preliminary Ecological Appraisal. Compensation for the loss of existing hedgerow or trees that are removed shall be replicated onsite in a native species mix the details of which shall be submitted to and approved in writing by the local planning authority before development commences. Any landscape planting shall use native plant species and/or species of known wildlife value that will enhance the ecological value of the site for local populations of invertebrates, birds, bats and small mammals.

Reason: To provide appropriate habitat mitigation in compliance with policy S35 and DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. Notwithstanding drawing 1866 102 Boundary Treatment Rev B, details of a mixed species hedgerow boundary treatment for plots 1, 2 and 3 bordering Stainburn Road shall be submitted to the local planning authority for approval prior to development commencing and shall be implemented in accordance with the approved details and maintained thereafter to accord with the requirements of the vehicular access visibility splays as addressed in condition 12.

Reason: To safeguard and enhance the habitat of protected species in compliance with the National Planning Policy Framework and Policy S24 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and policy SA8 of the Allerdale Local Plan (Part 2).

8. Notwithstanding the details of the approved Landscaping Plan, prior to development commencing, details of an area of wildflower meadow to the south west of the site and woodland green infrastructure planting to the northern boundary with Stainburn Road (including frontage hedgerow retention) and their maintenance strategies shall be submitted to and approved in writing by the local planning authority and shall be implemented and maintained thereafter in accordance with the approved details.

Reason: To safeguard and enhance the habitat of protected species in compliance with the National Planning Policy Framework and Policy S24 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and policy SA8 of the Allerdale Local Plan Part 2.

9. 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) A written procedure for dealing with complaints regarding the construction or demolition;
- e) Measures to control the emissions of dust and dirt during construction and demolition;
- f) Programme of work for Demolition and Construction phase;
- g) Hours of working and deliveries;
- h) Details of lighting to be used on site.

The approved statement shall be adhered to throughout the duration of the development.

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties and minimising any impact on protected species during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

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

- a) pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- b) details of proposed crossings of the highway verge;
- c) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- d) cleaning of site entrances and the adjacent public highway;
- e) details of proposed wheel washing facilities;
- f) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- g) construction vehicle routing;
- h) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- i) surface water management details during the construction phase

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

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

- a) An archaeological evaluation;**
- b) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;**
- c) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.**

Reason: To afford reasonable opportunity (prior to the excavation/disturbance of the site and any loss/damage to any potential important remains) for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in compliance with policy S27 of the Allerdale local plan (Part 1).

12. The development shall not commence until visibility splays providing clear visibility to the west of 2.4 x 108 metres and to the east 2.4 x 120 metres, measured down the centre of the access road and the nearside channel line of the major road, have been provided at the junction of the access road with the county highway in accordance with drawing A114782 P005. 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 development shall be erected and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay. 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 and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

13. No development shall commence until 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 in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated 2nd July 2020. 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.

14. Notwithstanding DWG 19163-CK-XX-XX-DR-C-52 101 Rev P2 External works and DWG19163-CK-XX-XX-DR-C-90 201 Rev P2 Engineering arrangements, and DWG 1866 102 Rev B Boundary Treatments, cross section details of rear garden levels and boundary treatments showing terraced levels for plots 21 to 44 inclusive shall be submitted to the local planning authority for approval. The garden and boundary treatments shall be implemented in accordance with the approved plans and shall be retained thereafter as approved.

Reason: In order to preserve visual amenity through the avoidance of high retaining walls and to provide appropriate levels of residential amenity for future occupiers in compliance with the National Planning Policy Framework and Policy S32 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

During works / Prior occupation conditions

15. Construction shall be carried out in accordance with the recommendations set out in Chapter 6 of the Habitat Regulations Screening Report FGH-19-05.

Reason: To safeguard the interest features that are relevant for this area of the River Derwent Special Area of Conservation in accordance with policies S29 and S35 of the Allerdale Local plan part 1 adopted July 2014.

16. A verification report (with regard to condition 3) shall be submitted, to and approved in writing by the Local Planning Authority, prior to the first occupation of any the dwellings hereby approved.

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

17. In accordance with Chapter 5 Conclusions and Recommendations of the Preliminary Ecological Appraisal 15% of residential dwellings shall have a bat roosting feature (bat loft or external bat box) and bird boxes installed prior to the dwelling being first occupied, the details of the installation having previously been submitted to and approved in writing by the local planning authority. The approved installations shall thereafter be retained.

Reason: To provide the necessary bio-diversity net gain to accord with policy S35 Allerdale Local Plan (Part 1), Adopted July 2014 and policy SA8 of the Allerdale Local Plan (Part 2).

18. Prior to the first occupation of any of the dwellings hereby approved, the surface water system shall be implemented in accordance with drawings 19163-CK-XX-XX-DR-C-90 201 Rev P2 Engineering arrangements

and 19163-CK-XX-XX-DR-C-90 202 Rev P2 Engineering arrangements and the submitted Flood Risk Assessment dated 2 July 2020.

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 and to accord with policy S29 of the Allerdale Local Plan (Part 1) 2014.

19. Only foul drainage shall be connected to the public sewer.

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

20. The highway improvement works shall be implemented in accordance with drawing A114782 P005 (40mph zone), to include the pedestrian refuge and pedestrian footway details to Stainburn Road, prior to the first occupancy of any of the dwellings hereby approved.

Reason: To ensure satisfactory facilities for pedestrians in the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014 and policy SA8 of the Allerdale Local Plan Part 2.

21. Prior to the first occupation of each dwelling, details for that dwelling shall be submitted to and approved in writing by the local planning authority of either:-

- a) Evidence that the applicant will provide onsite access to broadband infrastructure providers during the construction process to allow the providers to install the necessary broadband infrastructure; or**
- b) Evidence, following contact with broadband infrastructure providers, that it is not practicably or viably possible to install broadband infrastructure to achieve superfast (as defined by Government standards) fibre broadband connectivity.**

Reason: To seek to secure sustainable superfast (as defined by Government standards) fibre broadband connectivity in accordance with policy SA33 of the modified Submission Draft of the Allerdale Local Plan Part 2 (2018).

22. Condition requiring details of hedgehog accesses to be created in boundary fences between dwellings before occupation of that dwellings and for accesses to be retained thereafter.

Reason: In the interests of biodiversity and to accord with policy S35 of the Allerdale Local Plan Part 1 2014.

Other

23. The play areas and public open space areas as shown on the approved drawings referred to in condition 2 shall be completed prior to

the occupation of the 30th dwelling hereby approved and thereafter retained.

Reason: To ensure the satisfactory provision of play areas and open space in accordance with the National Planning Policy Framework and Policies S2, S4, S24, S25, S26 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014 and policy SA8 of the Allerdale Local Plan Part 2.

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

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

Councillor Kemp left the meeting

- 73. Development Panel - VAR/2019/0008, Application for variation of condition 2 on planning approval 2/1993/0767 to enable food, drink and tobacco to be sold from Units B and C, Derwent Drive, Workington**

Representations

The Agent, Julie White spoke in support of the application

Application

The report recommended that the decision to grant permission subject to conditions be delegated to the Planning and Building Control Manager upon the securing of a section 106 agreement that surrenders the unrestricted retail floor area (unrestricted by the extant permission on land within the wider Derwent Drive retail site).

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

Principle of Development

Subject to an agreement being in place, the application would have no conflict with development plan policies

Town Centre Viability

Although the sequential test indicates that the Central Road Car Park site is sequentially preferable in terms of new retail development, the applicant has been able to demonstrate that there would be no increase in floor space in this out of town centre location as they propose to surrender floor space which has extant permission on the Derwent Drive retail park; therefore, there is no increase in overall floor space for convenience goods.

The impact on the vitality and viability of Workington Town Centre is not considered to be adversely affected subject to the securing of the section 106 agreement

The Planning and Building Control Manager confirmed to members that they considered this application at the meeting of the Development Panel in October 2019. It was resolved to delegate the granting of permission subject to conditions if the s106 agreement surrendering the unrestricted retail floor area was completed within 6 months. This has not occurred, albeit the agreement is close to being finalised. Therefore, as per the resolution, the matter is brought back before the Panel.

Members were also shown images and plans of the site.

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

Questions were asked of the officers and speakers in relation to potential customers of the premises and the implications of the failure to sign the s106 agreement.

Councillor Daniels moved the motion to grant permission as per officer recommendations subject to conditions.

The motion to approve was seconded by Councillor Smith

A vote was taken on the motion to approve, 9 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Resolution

Permission granted subject to conditions

CONDITIONS

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

2817 110 G – Elevations - Amended plan received 17 August 1995

**2817 20 - Landscape plan – Amended plan received 26 August 1993
(landscaping only)**

10313 P L05 Rev B - Proposed site layout – Amended plan received 30 April 2019
10313 P L01 - 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.

2. The retail units A and C (formerly A and D) hereby permitted on plan 10313 P L05 Rev B - Proposed site layout – Amended plan received 30 April 2019 shall not be used for the sale of food, drink or tobacco without the prior express consent of the Local Planning Authority.

Reason: In the interests of maintaining the vitality and viability of Working Town Centre in accordance with the Policy S16 of the Allerdale Local Plan.

3. Within retail unit B (formerly B and C) hereby permitted on plan 10313 P L05 Rev B - Proposed site layout – Amended plan received 30 April 2019, only 929m² shall be used for the sale of food, drink or tobacco unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of maintaining the vitality and viability of Working Town Centre in accordance with the Policy S16 of the Allerdale Local Plan.

The meeting closed at 4.03 pm