

At a meeting of the Development Panel held on Zoom Virtual Meeting on Tuesday 22 December 2020 at 1.00 pm

Members

Councillor Nicky Cockburn (Chair)
Councillor Michael Heaslip
Councillor George Kemp
Councillor Anthony Markley
Councillor Andrew Semple
Councillor Alan Tyson

Councillor Malcolm Grainger (Vice-Chair)
Councillor Daniel Horsley
Councillor Elaine Lynch
Councillor Paul Scott
Councillor Alan Smith

Apologies for absence were received from Councillor Carole Armstrong, Councillor Allan Daniels, Councillor Janet Farebrother, Councillor Adrian Kirkbride and Councillor Ron Munby MBE

Staff Present

J Irving, L Jardine, S Sharp and L Tomlinson

254. Minutes

The minutes of the meetings held on 25 August 2020, 22 September 2020 and 20 October 2020 were signed as a correct record.

255. Declaration of Interests

None declared

256. Questions

None received

257. Development Panel - FUL/2020/0010 - Land adjacent Heatherfields, Broughton Moor - Residential development of 66 no dwellings and associated infrastructure

Representations

The Agent, David Wright of Gleeson Homes spoke in support of the application.

Application

The report recommended the following.

Delegate the granting of planning permission subject to the conditions detailed in Annex 1 to the Planning and Building Control Manager upon the completion and signing of a s106 agreement to secure the following:

A. Affordable housing provision (6 x 2 bedroom rented properties and 7 LCHO - 5 x two-bedroom homes and 2 x 3 bedroom homes) to provide 20% of the development (13 homes) as affordable housing.

B. Provision of a pedestrian access link to and the upgrade of the adjacent play area.

C. Maintenance of the on-site sustainable urban drainage features.

D. Maintenance of on-site landscaping works in accordance with the approved Landscaping Plan.

E. Financial contribution for a traffic regulation order (TRO) to re-site the existing 30mph speed limit.

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

Principle of Development

The application site is within the settlement limits of Broughton Moor as defined in the Allerdale Local Plan Part 2 and is a 'Housing Commitment'.

Highway Safety

The highway arrangements are acceptable. A Traffic Regulation Order is required to extend the 30mph limit to the site frontage. Suitable visibility splays can be provided to allow for a safe vehicular access. Parking standards are met.

Design and Layout

The design and layout is acceptable for this edge of settlement location responding to the character of the built environment and on site constraints.

Public Open Space and Play Areas

The scheme comprises the provision of a pedestrian access and updated equipment to the nearby village play area. The access will also provide a safe route for families accessing Broughton Moor School.

Housing Mix

The housing mix is considered to be acceptable.

Drainage

There are acceptable drainage arrangements proposed. Surface water drainage details can be secured by planning condition based on the sustainable hierarchy of drainage options as defined in the National Planning Practice Guidance.

Visual and Landscape Impacts

There is limited adverse impact on the landscape character of the locality due to the relatively flat nature of the site, the arrangement of the dwellings and the relationship with existing development. There will also be hedgerow retention and tree planting.

There will be a visual change for nearby dwellings however the change is deemed acceptable and will not have a significant impact on neighbouring residential amenity by virtue of overlooking or loss of light.

Contamination and Ground Condition

There is a significant potential risk of surface instability resulting from 'shallow' former mine workings beneath the site. The remediation and verification of remediation measures related to historic coal mining activities are to be secured by planning conditions in accordance with Policy S30 ALPP1.

The site is constrained to a degree by overhead lines and major gas pipeline. The proposed layout has factored in these constraints and further conditions are proposed to protect this apparatus during the construction phase.

Members were also shown images and plans of the site including the location within the village of Broughton Moor. The Planning and Building Control Manager also provided further detail in relation to Drainage.

Members were also directed to the conditions, in particular condition 9 and condition 14 in respect to Coal Mining and Gas Pipes.

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

Questions were asked of the speakers in relation to pedestrian access, attenuation systems, affordability of homes, the housing market, climate change, access roads, housing standards, flooding and pre commencement planning conditions.

Questions were asked of the officers in relation to the recommendations to delegate authority to grant permission to the Planning and Building Control Manager and on schools and local infrastructure.

Debate ensued over policy SA5 of the local plan, (Housing Standards), officers advised members that in officers' opinion limited weight should be afforded to this policy in the overall balance but members were open to afford different weight if evidenced and come to a different conclusion. The member debate continued with the clear consensus that it was regrettable that standards could not be achieved on all dwelling but it was heavily outweighed by the need to deliver these open market and affordable homes in Broughton Moor.

Councillor Grainger moved the motion to accept the recommendations as stated in the report.

The motion was seconded by Councillor Markley.

A vote was taken on the motion to accept the recommendations as stated in the report, 9 voted in favour, 2 against and 0 abstentions.

The motion was carried.

Resolution

Members resolved to delegate the granting of planning permission subject to the conditions detailed in Annex 1 to the Planning and Building Control Manager upon the completion and signing of a s106 agreement to secure the following:

- A. Affordable housing provision (6 x 2 bedroom rented properties and 7 LCHO - 5 x two bedroom homes and 2 x 3 bedroom homes) to provide 20% of the development (13 homes) as affordable housing.
- B. Provision of a pedestrian access link to and the upgrade of the adjacent play area;
- C. Maintenance of the on-site sustainable urban drainage features.
- D. Maintenance of on-site landscaping works in accordance with the approved Landscaping Plan;
- E. Financial contribution for a traffic regulation order (TRO) to re-site the existing 30mph speed limit.

CONDITIONS

Time limit

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

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

In accordance

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

- **Location Plan PL-01**
- **Amended drawing PL-02 Layout received 17.11.20**
- **Landscape Plan GHDR-WW-01 Rev B received 02.12.20**
- **Amended drawing PL-04 Street Scenes received 25.09.20**
- **Proposed Drainage Details DWG 6481-103**
- **Proposed Road Details DWG 6481-104**
- **Vehicle Swept Path Analysis Sheet 2 Dwg 6481-106 received 01.09.20**
- **Access Arrangements Dwg VN91318-D100 Rev A received 25.08.20**
- **DWG 6481-300 Rev B Proposed Road Layout received 23.11.20**

- Sheet 1 of 3
- DWG 6481-301 Rev B Proposed Road Layout received 23.11.20
- Sheet 2 of 3
- DWG 6481-302 Rev B Proposed Road Layout received 23.11.20
- Sheet 3 of 3
- DWG 6481-400 Rev B Proposed Adoptable Drainage received
- 23.11.20 Sheet 1 of 3
- DWG 6481-401 Rev B Proposed Adoptable Drainage received
- 23.11.20 Sheet 2 of 3
- DWG 6481-402 Rev B Proposed Adoptable Drainage received
- 23.10.20 Sheet 3 of 3
- Boundary Treatments 1800mm high timber fence
- Post and Wire fence SD103 REV B
- DWG 13/201 -8 Rev A Type 201 Rural Elevations Plan
- House Type 201 floor plans
- DWG 13-301-8 REV E - Type 301 Elevations (Rural 13)
- DWG 13-303-9 REV F - Type 303 Elevations
- Type 303 - The Wicklow
- DWG 304/1E House Type 304 Floor Plans
- DWG 13/304 -10 Rev G Type 304(AC) Rural 13 Elevations
- DWG 443/220 House type 314 Rural
- DWG 13-315-9 REV A - Type 315 Elevations (Rural 13)
- Type 315 - The Brandon
- House Type 337 Floor Plans
- DWG 13/337-10 Rev A Type 337 (A) – 10 Rural 13 Elevations
- DWG 13/353-09 Rev A Type 353 Elevations Rural 13
- DWG 353/1A House Type 353 Floor Plans
- House Type 354 – Floor plans
- House Type 354 – Elevations (Rural)
- DWG 435/1 A House Type 435 – Floor Plans
- DWG 13/435-9 Rev A House Type 435 – Rural Elevation
- DWG 13/454 -10 B Rural Elevations
- DWG 454 dwelling type
- Standard Garages - double SD701 REV B
- Standard Garages - single SD700 REV
- Amended Affordable Housing Statement
- Affordable Housing justification email 11.11.20
- Amended Flood Risk Assessment REV 1 August 2020 received 1.09.20
- Phase 1 Habitat Survey
- Appendix 1 Extended Phase 1 Habitat Survey
- Appendix 2 Dearham Rd Broughton Moor Sites Search
- Construction Management Plan January 2019 - Broughton Moor - 06-01-2020 as amended by email received 24.11.20.
- Economic Benefits Report
- Ground Investigation Report - Geo-environmental Appraisal Report
- Ground Gas Monitoring Addendum Letter 17.1.20
- Gas Addendum Letter Reports
- Outline Landscape and Visual Impact Appraisal Rev A 12 12 19

- **Preliminary Ecological Assessment July 2019**
- **Transport Statement VN91318 January 2020**
- **Transport Statement Addendum received 13.11.20**
- **Framework Travel Plan VN91318 November 2020**
- **Heads of Terms Section 106 received 13.11.20**
- **Amended planning application form received 13.11.20 proposing 66 dwellings**
- **Broughton Moor Recreation drawing details Outline Landscape Plan received 13.11.20 (regarding section 106)**
- **Drainage Strategy Report Dec 2019**
- **Email regarding drainage received 23.11.20**

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 development shall be undertaken in accordance with the mitigation measures specified within the Phase 1 Habitat Survey and the Preliminary Ecology Appraisal July 2019 Part 3 Ecological Evaluation and recommendations.

Reason: In the interests of safeguarding ecological interests during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. All hard and soft landscaping works shall be carried out in accordance with the approved Landscape Plan DWG GHDR-WW-01 Rev B received 02.12.20 within the first planting 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 enhance the appearance of the development and minimise the impact of the development in the locality.

5. The development hereby approved shall be implemented in accordance with the details within the Construction Management Plan – Broughton Moor - 06-01-2020. 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.

6. The construction compound, including vehicular access thereto as detailed as the ‘Contractor’s Car park’, within the Construction Management Plan January 2020, showing the compound for the parking of vehicles engaged in the construction operations associated with the

development hereby approved, shall be used for or be kept available for these purposes at all times until the completion of the construction works.

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.

Pre commencement conditions

7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- **Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development**
- **Cleaning of site entrances and the adjacent public highway;**
- **Details of proposed wheel washing facilities;**
- **The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
- **Construction vehicle routing;**
- **The management of junctions to and crossings of the public highway and other public rights of way/footway;**
- **Details of any proposed temporary access points (vehicular / pedestrian);**
- **Surface water management details during the construction phase.**

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

8. Prior to the commencement of works, a phasing plan showing the sequencing of the development for managing the construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented solely in accordance with the approved scheme or as subsequently amended by written agreement with the Local Planning Authority.

Reason: To serve in the public and visual interests a satisfactory correlated order of development, in accordance with Policies S5 and DM14 of the Allerdale Local Plan (Part 1) Adopted July 2014.

9. Prior to any construction works on site, in line with the recommendations of the Ground Investigation Report C7 956 received 17.1.20 and the Ground gas Monitoring Addendum letter dated 17.1.20, intrusive site investigation works shall be undertaken to establish the exact situation regarding coal mining legacy issues on the site and a remediation and mitigation strategy shall be submitted to and approved by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

The approved remediation strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

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

10. The carriageway, footways and footpaths shall be designed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is fully occupied.

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

11. Notwithstanding the submitted plans, prior to commencement of the 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 (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. 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, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. No development shall commence until it has been demonstrated to the satisfaction of the Local Planning Authority through the submission of a condition and capacity survey, that the surface water drainage system downstream of the surface water discharge point for the development, is of a satisfactory standard to accept the surface water drainage from the site, or that upgrade works have been undertaken to ensure that surface water drainage from the site can be accommodated satisfactorily.

Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

13.The development shall not commence until visibility splays providing clear visibility of 43 metres to the west x 60 metres to the east, measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: 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.

14.No development shall commence until a High Pressure Gas Transmission Pipeline Strategy has been submitted to and approved in writing by the Local Planning Authority, for the Northern Gas Networks Bulk Transmission System which crosses the northern section of the site. The details provided shall satisfy points 1 to 8 of email dated 19 November 2020 from Northern Gas Networks, a copy of which is attached to this decision. The scheme shall be implemented only in accordance with the approved details.

Reason: To ensure that this infrastructure is adequately protected, during and post construction, in the interests of safety and protection of supply.

15.Notwithstanding the submitted plans, no development shall commence until foul drainage details have been submitted to and approved in writing by the Local Planning Authority. The approved foul drainage details shall be implemented in accordance with the approved details and 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.

During works / Prior occupation conditions

16.No dwelling shall be occupied until the 30mph speed limit has been extended to include the length of the visibility splays in accordance with Access Arrangements Dwg VN91318-D100 Rev A received 25.08.20

Reason: In the interests of highway safety.

17. Prior to occupation of the dwelling house(s), boundary fencing shall be constructed in accordance with DWG Boundary Treatments 1800mm high timber fence, DWG Post and Wire fence SD103 REV B and Amended drawing PL-02 Layout received 17.11.20.

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

18. No dwelling shall be occupied until the estate road, including footways and cycleways, to serve that dwelling, has been constructed in all respects to base course level, and street lighting where it is to form part of the estate road, has been provided and brought into full operational use.

Reason: In the interests of highway safety.

19. 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).

Other

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

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

21. The measures identified in the Framework Travel Plan November 2020 shall be implemented by the developer within 12 months of occupation of the first dwelling of the development.

Reason: To aid in the delivery of sustainable transport objectives from the operational use of the development.

258. Development Panel - FUL/2020/0043 - Barncroft, 16 High Seaton, Seaton - Proposed erection of one detached house (Type A) and two dormer bungalows (types B And C) on land adjoining no. 16 High Seaton

Representations

A letter of support was read out on behalf of the agent, Simon Blacker

Application

The report recommended granting permission subject to conditions.

This application was before the development panel in 2020 and the application was deferred pending a site visit and to seek clarification on the information submitted in relation to the culverted watercourse and drainage systems.

The Planning and Building Control Manager confirmed that the Development Panel had attended a site visit and went through the main issues as detailed in the report.

Principle of Development

The site falls within the settlement limit of the now adopted Part 2 of the Local Plan Seaton is included as part of the Principal Centre in policy S3 of the Allerdale Local Plan Part 1. This Centre is expected to absorb 35% of the total growth provision across the Plan period. The site is a sustainable location, well related to the existing built form of Seaton.

Scale and Design and Impact Upon Residential Amenity

Given the amended design and revisions to the scale, massing and design of the proposed dwellings, officers consider the proposed development is acceptable and assimilates into the local landscape. The proposed dwellings are not considered to give rise to significant amenity impacts on surrounding homes.

Flood Risk and Drainage

The site is entirely in flood zone 1, the preferred location for the more vulnerable use proposed here. There are no known critical drainage problems or surface water flooding records for the site. Following further information being submitted, the County Council in their capacity as Lead Local Flood Authority raise no objections to the proposal.

Highway Safety

This is a modest proposal. Whilst concerns have been raised from third parties in relation to highway safety matters, the sustainable location and small scale of the proposal will mean that residual trips to and from the site by car will be very low. Adequate sight lines can be afforded onto Fernleigh Drive and then onto High Seaton.

The Planning and Building Control Manager explained that since the September 2020 application the layout and house types have not been amended but that amendments have been made to the surface water drainage proposals. Specifically, the culvert as identified initially by a third party, was now being used as part of the system rather than proposing a direct connection to the adopted United Utilities maintained sewer.

Members were also shown images and plans of the site including the location within the village of Seaton.

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

Questions were asked of the officers and debate ensued in relation to ribbon development, boundary fencing, excavation of land, site access and the impact the development will have on neighbouring properties.

The Planning and Building Control Manager clarified to members, following queries, that both the party wall and boundary disputes are covered by specific legislation, not relating to planning considerations.

Debate then ensued in relation to potential impacts on residential amenity, several members also commented on the fact that the development seemed to have been 'shoehorned' in.

Councillor Grainger moved the motion to grant permission subject to conditions.

The motion was seconded by Councillor Markley.

A vote was taken on the motion to grant permission subject to conditions 2 voted in favour, 9 against and 0 abstentions

The motion was lost.

Councillor Horsley then moved the motion to refuse permission as the development is contrary to criterion d. of policy S32 of the Allerdale Local Plan Part 1 2014 as dwelling A as proposed has an unacceptable effect on the residential amenity of No. 17 High Seaton in terms of loss of privacy as a result of overlooking, an increased sense of enclosure as a result of being overbearing and loss of sunlight and daylight received as a result of overshadowing.

The motion was seconded by Councillor Semple

A vote was taken on the motion to refuse, 9 voted in favour, 1 against, 1 abstention.

Resolution

Application refused as “The development is contrary to criterion d. of policy S32 of the Allerdale Local Plan Part 1 2014 as dwelling A as proposed has an unacceptable effect on the residential amenity of No. 17 High Seaton in terms of loss of privacy as a result of overlooking, an increased sense of enclosure as a result of being overbearing and loss of sunlight and daylight received as a result of overshadowing.”

The meeting closed at 3.50 pm