

At a meeting of the Development Panel held in Wigton Market Hall, CA7 9AA on Tuesday 6 July 2021 at 10.00 am

## **Members**

Councillor Tony Annison (Chair)  
Councillor Allan Daniels  
Councillor Peter Kendall  
Councillor Elaine Lynch  
Councillor Antony McGuckin  
Councillor Alan Tyson

Councillor George Kemp  
Councillor Adrian Kirkbride  
Councillor Carni McCarron-Holmes  
Councillor Ron Munby MBE

Apologies for absence were received from Councillor Janet Farebrother Councillor Carole Armstrong, Councillor Nicky Cockburn, Councillor Daniel Horsley and Councillor Andrew Semple

## **Staff Present**

S Brook, C Fearon, J Irving, K Magnay, Y Martin, G Roach, S Sewell, S Sharp and S Tranter

### **86. Minutes**

The minutes of the meeting held on 13 April 2021 were signed as a correct record.

### **87. Declaration of Interests**

None declared.

### **88. Questions**

None received.

### **89. Development Panel - FUL/2019/0251 - Langrigg Hall, Langrigg - Retrospective application for change of use of farm buildings to house 1x CHP and 1x RHI unit and erection of associated chimneys (increase in height of 2no chimneys) Heat 2x properties not in association with the farm and heat used to dry paper for animals.**

#### **Representations**

Richard Davidson and Rae McGrath spoke against the application.

Councillor Holland-Reid on behalf of Bromfield Parish Council, spoke against the application

Councillor Johnson on behalf of Allhallows and Waverton Ward spoke against the application.

The agent, Rachel Lightfoot spoke in support of the application.

## **Application**

The report recommended to grant permission subject to conditions.

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

### Principle of Development

Policy S19 of the Local Plan (Part 1) seeks to promote and encourage the development of renewable and low carbon energy resources given the significant wider environmental, community and economic benefits. The proposal accords with these objectives.

### Design/Visual Impact

The flues (described as chimneys in the application) will be viewed in the context of large farm buildings and against the backdrop of the lines of pylons. They will assimilate into the environment of existing buildings, and will not exert a harmful impact on the character and appearance of the locality, in accordance with policies S4 and S33.

### Amenity

The applicant has proposed several mitigation measures that will address the ongoing noise issues experienced from the boilers. These include wood chipping being undertaken off-site and the CHP plant only operating between day-time hours. With regards to air quality the applicant has been able to demonstrate that the proposal is acceptable in accordance with policies S2, S4 and S32 of the Allerdale Local Plan Part 1 2014. The proposal is acceptable but only with conditions in place to mitigate the impacts of the development to an acceptable level.

### Heritage Impact

The flues will be viewed in the context of the farm buildings with the existing planting and that approved under an earlier application on the site offering a degree of screening from the Listed Building. It is considered that the significantly less than substantial harm to the setting of the listed building would be outweighed by the public benefits of the low carbon heat and power produced. In terms of impact on the heritage asset, officers consider the proposal to be acceptable and in accordance with Policy S27 of the Allerdale Local Plan Part 1 2014.

### Highway Issues

It is considered the proposal will be unlikely to have a material effect on highway conditions

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

Members were also shown plans and images of the site including the location within the Hamlet of Langrigg.

The Councils appointed Noise Consultant also provided clarity to members in relation to sound and tonality.

Questions were asked of the speakers in relation to noise, smoke, materials, smells, economic development and business use.

Questions were asked of the officers in relation to smoke, sound levels including monitoring and compliance.

Councillor Kendall moved the motion to grant permission subject to conditions as set out in the officer's report.

The motion was seconded by Councillor Lynch.

A vote was taken on the motion to approve, 3 voted in favour, 5 against and 0 abstentions. The motion was lost.

The Monitoring Officer advised the Panel that in the absence of a positive approval decision in line with the officer recommendation then a motion for refusal with clear planning grounds for the reason for refusal was required.

The Chair called a break to seek legal advice at 12.05pm.

The meeting resumed at 12.15pm.

Further debate then ensued.

Councillor Kendall moved the motion to grant permission subject to conditions as set out in the officer's report.

The motion was seconded by Councillor Lynch.

A vote was taken on the motion to approve, 3 voted in favour, 4 against and 1 abstention. The motion was lost.

Councillor McCarron-Holmes moved the motion to refuse permission due to its conflict with policy S32 safeguarding amenity, criterion C) where proposals would not be supported where they would generate severe highway infrastructure or network problems in relation to access, road safety, traffic flow or car parking.

The motion was seconded by Councillor Daniels.

A vote was taken, 3 voted in favour, 3 against and 2 abstentions. The vote was tied, the Chair had the casting vote.

The Chair called a break to seek legal advice at 12.46pm.

The meeting resumed at 12.48pm.

As the vote was tied, the Chair had the casting vote and voted against the motion; 3 voted in favour, 4 against and 2 abstentions. The motion was lost.

The application was opened back up for debate.

Councillor Annison moved the motion for deferral to enable ABC planners to liaise with County Highways to explore a number of options in relation to a Transport Management Plan that could respond to members' concerns about highway impact (resulting from the comings of goings of HGVs associated with the proposal along the Langrigg lanes).

The motion was seconded by Councillor Daniels.

A vote was taken on the motion, 7 voted in favour, 1 against and 0 abstentions. The motion was Carried.

### **Resolution**

Application deferred to enable Allerdale planning officers to liaise with County Highways to explore a number of options in relation to a Transport Management Plan that could respond to members' concerns about highway impact (resulting from the comings of goings of HGVs associated with the proposal along the Langrigg lanes).

### **90. Development Panel - FUL/2020/0022 - Langrigg Hall, Langrigg - Change of use of building for storage of woodchip fuel for boilers associated with farm**

As members resolved to defer the previous application (FUL/2019/0251) Councillor Kendall moved the motion to defer the application.

The motion was seconded by Councillor McGuckin

A vote was taken on the motion for deferral, 8 voted in favour, 0 against and 0 abstentions.

The motion was carried.

### **Resolution**

Application deferred

**The meeting broke for lunch at 1pm**

**The meeting resumed at 1.30pm**

**Councillors A Kirkbride and G Kemp joined the meeting**

**91. Development Panel - FUL/2020/0223 - Land opposite the Willows, Flimby -  
Erection of agricultural store building for the housing of animals and  
horses**

Application withdrawn.

**92. Development Panel - VAR/2020/0507 - Dovenby Hall Estate, Dovenby -  
Removal of highways condition**

**Representations**

A letter of objection was read out on behalf of Ian Chambers.

**Application**

The report recommended delegating to the Planning and Building Control Manager the granting of permission subject to conditions upon the signing of a Deed of Variation to tie the existing s106 legal agreement to this permission

The Senior Planning Officer went through the main issues as detailed in the report.

**Highway Works**

The Highways Authority has advised that the highways works secured by condition 16 are not necessary for that part of the development secured by the extant full planning permission for the test track and evaluation centre and associated works.

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

Councillor Kendall moved the motion to delegate to the Planning and Building Control Manager the granting of permission subject to conditions upon the signing of a Deed of Variation to tie the existing s106 legal agreement to this permission, as per the report.

The motion was seconded by Councillor Lynch.

A vote was taken on the motion, 8 voted in favour, 0 against and 2 abstentions. The Motion was carried.

**Resolution**

Delegate to the Planning and Building Control Manager, the granting of permission subject to conditions upon the signing of a Deed of Variation to tie the existing s106 legal agreement to this permission.

**Conditions**

**Full permission - Demolition of up to seven buildings including School House, Hodgson House and Howard House. Evaluation Centre (B1)**

including testing and evaluation facility (2.5km in length), car parking (242 spaces), earthworks including sound attenuation bunds, surface water attenuation ponds, grounds maintenance shed incorporating fuel store (B1 & B8) and separate underground fuel tank. Temporary widening of eastern access from A594 for construction vehicles.

**1. The development hereby permitted shall be begun before the 16th January 2015.**

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

**2. Unless otherwise specified by separate condition, the development hereby permitted shall be carried out solely in accordance with the following plans:**

**081010-004A Demolition Plan  
081010-005A Detailed Planning dwg  
081010-007 Mitigation Plan amended 29th August 2014  
081010-100A Site Boundary Plan  
081010-102E Masterplan  
081010-103G MEC - Level 0  
081010-104D MEC - Level 1  
081010-105A MEC - Roof Plan  
081010-106B MEC - Sections  
081010-107C MEC - Elevations  
081010-150A Sound Attenuation Bunds  
081010-151C Planting Plan  
081010-152A Underground Fuel Store  
081010-153A Photovoltaic Panels to MEC  
081010-154B Eastern Access  
081010-500D Grounds Maintenance Shed & Fuel Store  
099-02-T-PL-001B Track Plan Layout - FIA Fills  
099-02-T-PL-001B Track Plan Layout - Apex Fills  
099-02-3DCL-001A Track Centreline Geometry Plan  
099-02-T-3DLS-001B Track Profile Chainage (8 Dwgs)  
099-02-T-3DXS-001B Track Cross Sections (7 Dwgs)  
099-02-T-3DCT-001B Track Contours  
099-02-T-3DEW-001B Track Cut and Fill  
099-02-G-PL-001B Track Conduit Plan  
099-02-G-PL-002A Drainage Plan  
48609-DR-S-S2-0010E Drainage strategy plan  
M-Sport Environmental Statement and Environmental Statement and Addendum**

Reason: To ensure a satisfactory standard of Development and for the avoidance of doubt.

**3. A lighting scheme shall be installed only in accordance with the following approved details:**

**081010 1210 External lighting and bollard plan  
External Lighting Types**

**External lighting design and Lighting Impact Assessment. The approved details shall be fully operational before the use commences. The measures shall be retained as approved and maintained operational for the lifetime of the development.**

Reason: In the interests of preserving the amenity and protecting species/habitats, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**4. The development shall be undertaken in accordance with the approved Demolition and Construction Method Statement Rev A. The approved statement shall be adhered to throughout the duration of any demolition or construction for the development.**

Reason: In the interests of the amenity of the occupiers of neighbouring properties, to prevent pollution of the environment and to protect important habitats/species in compliance with the National Planning Policy.

**5. At all times the test track facility shall operate in accordance with the most recently approved Noise Management Plan. The test track shall operate at all times in accordance with the Community Levels as set out in the Noise Management Plan. The Noise Management Plan Issue 3b shall be taken as the approved Noise Management Plan unless and until it is replaced by a review thereof. Any Noise Management Plan shall be based on the principles and community noise levels set out in the Noise Management Plan Issue 3b and must include maximum noise levels as provided for below and demonstrate compliance with the Community Levels. Any Noise Management Plan shall include the following:**

- a) LAeq1 hour noise levels**
- b) Maximum noise levels measured in LAeq5minutes and LAmox**
- c) details of M Sport operational and management structure**
- d) details of how the Council will access a noise monitoring system at all times**
- e) details of the sound control and monitoring scheme and methodology used to demonstrate compliance with the community levels**
- f) details of the measures proposed to ensure compliance with the community levels including reference to hours of operation, number of days and sound levels and the type of vehicles and activity that will be permitted at the track**
- g) a detailed complaints procedure**

**A review of the Noise Management Plan Issue 3b shall take place within the first six months of the operational use of the test track facility commencing and then annually thereafter.**

Reason: In the interests of amenity and to minimise disturbance to wildlife, in accordance with Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**6. There shall be no use of the track for racing of vehicles or**

**competition. There shall be no spectators, other than for M Sports corporate activities.**

Reason: In the interests of amenity, in accordance with Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**7. No use of the test track shall commence until the mitigation bunding has been constructed as approved on drawings:**

**081010-1105 - Sound Attenuation Bunding Positioning**

**081010-1106 - Sound Attenuation Bunding Sections**

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

**8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that order relating to permitted development, no use of the land falling within Part 4 Temporary Buildings and Uses, Class B, of the said Order shall be carried out without the prior written approval of the Local Planning Authority.**

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

**9. The approved materials and external finish for the MEC building are as shown in document 'External finishes detail'. 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 the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**10. The laying of external floor surfaces shall be completed in accordance with the following approved details:**

**033076-CUR-94-506-C01- External Works and Hardstanding Details**

**081010-1200 - Landscape plan**

**External Ground Finishes**

**The details so approved shall be completed prior to the use of the development commencing and shall be retained at all times thereafter.**

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 DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**11. The means of enclosure shall be constructed only in accordance with the following approved details:**

**081010-1200 - Landscape plan**

**081010-1201 - Screening of Waste Storage**



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

**12. The development shall be completed in accordance with the approved detailed plans for hard and soft landscaping:**

**Planting Plan Drawing 081010 PL/01B**

**Planting Plan Drawing 081010 PL/02B;**

**Tree/Planting Plan 081010/1104 Rev A;**

**All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development, mitigate for removal trees/woodland and to minimise the impact of the development in the locality.

**13. The access road, parking and hardstanding areas serving the evaluation centre and testing facility shall be retained as approved, and shall be capable of use for the lifetime of the development and shall not be removed or altered thereafter, without the prior consent of the Local Planning Authority.**

Reason: To ensure a minimum standard of access and parking when the development is brought into use.

**14. The detailed drainage design/scheme as set out in the approved document 'Curtins Surface water drainage design report 48609-R1', shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**15. The installation of underground tanks shall be completed only in accordance with the following approved details:**

**Drawing 081010-152A – Underground fuel store**

**Curtins Surface water drainage design report 48609-R1**

**Klargester fuel/oil separator and alarm data sheet**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details, or any changes as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To prevent pollution of the water environment and the underlying aquifer.

**16. The development shall be undertaken only in accordance with the approved Openspace Ecological Method Statement dated February 2015.**

Reason: In order to secure appropriate mitigation and monitoring of ecology interests on and adjacent to the site, in accordance with Policy S35 of the Allerdale Local Plan (Part 1) adopted July 2014

**Outline permission - For future expansion space of 5000sqm (use class B1), Offices 2450sqm (B1), 60 bed Hotel 6000sqm (C1) all to include associated parking and external works.**

**17. Before any works commence details of the layout, scale and appearance, and landscaping, of the site (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To enable the Local Planning Authority to assess all the details of the development.

**18. The submission of all reserved matters applications shall be made no later than 16th January 2020 and the development shall begin no later than whichever is the later of the following dates: (a) The 16th January 2020 or (b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on difference dates, the final approval of the last such matter to be approved.**

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

**19. The details submitted under the reserved matters application shall include a programme showing the phasing of the development to be submitted to and approved by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.**

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

**20. Unless otherwise specified by separation condition, the development hereby permitted shall be carried out solely in accordance with the following plans:**

**081010-004A Demolition Plan**

**081010-006A Outline Planning dwg**

**081010-007 Mitigation Plan amended 29th August 2014**

**081010-100A Site Boundary Plan**

**081010 - 102E Masterplan**

**081010-151C Planting Plan**

**081010-154B Eastern Access**

**081010-500D Grounds Maintenance Shed & Fuel Store  
48609-DR-S-S2-0010E Drainage strategy plan**

Reason: To ensure a satisfactory standard of development and for the avoidable of doubt.

**21. Prior to the first use of any part of the approved development full details of a lighting scheme (including details of all lamps plus levels and hours of illumination) for that phase has been submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by a lighting impact assessment by a suitably qualified engineer. Any lighting scheme shall be installed in accordance with the approved details and shall be fully operational before the use of that phase of development commences. The measures shall be retained as approved and maintained operational for the lifetime of the development.**

Reason: In the interests of preserving the amenity and protecting species/habitats, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**22. No development of any phase shall take place until a Demolition and Construction Method Statement for that phase 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, offsite parking, turning and compound areas;**

**b Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.**

**c Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**

**d A written procedure for dealing with complaints regarding the construction or demolition;**

**e Measures to control the emissions of dust and dirt during construction and demolition;**

**f Programme of work for Demolition and Construction phase;**

**g Hours of working and deliveries shall be limited to 8am until 6pm Monday to Friday; 8am until 1pm Saturday and no working on Sunday or Bank Holidays**

**h Details of construction lighting on site**

**i Environmental monitoring plan**

**j Plant usage**

**k Measures to prevent pollution to the water environment**

Reason: In the interests of the amenity of the occupiers of neighbouring

properties, to prevent pollution of the environment and to protect important habitats/species in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**23. Before the use commences, all details of odour abatement measures to be installed at the hotel shall be submitted to and approved in writing by the Local Planning Authority prior to development. The details shall be implemented as approved and retained for the lifetime of the use of the development and shall be operated and maintained in accordance with the manufacturer's instructions.**

Reason: In the interests of 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.

**24. Before the use commences a scheme showing details of sound level data and noise control measures of all fixed plant and equipment to be installed on site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the commencement of the permitted use and shall thereafter be operated and retained as approved.**

Reason: In the interests of 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.

**25. No part of the external finish of any building hereby permitted shall be constructed until details and representative samples of all external and roofing materials (including colour finish) for that particular building have been submitted to and approved in writing 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 the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**26. The laying of surfaces for access roads, car parks and hard landscaping for any phase shall not commence until details of the treatment and finishes of all surfaces for that phase of development have been submitted to and approved by the Local Planning Authority. Only the treatment and finishes so approved shall be used in the development as approved.**

Reason: In order to ensure a satisfactory standard of development in relation to its surroundings, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**27. Details of the siting, height and type of any means of enclosure (screen walls/fences/other means of enclosure) for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to being erected. The means of enclosure shall be constructed only in accordance with the approved details before use of that phase commences.**

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

**28. Full engineering details showing the access, parking, turning and loading/unloading facilities for vehicles entering/exiting the site, including the provision of parking spaces in accordance with the Cumbria Parking Standards, shall be submitted with any Reserved Matters application. Where Reserved Matters are sought only in relation to part of the scheme, the level of detail required shall be commensurate with that part of the development. No development shall be brought into use until the facilities have been constructed and are available for use as approved. Such facilities shall be kept available for the approved purpose at all times thereafter.**

Reason: To ensure appropriate standards of construction.

**29. The development hereby permitted shall not be commenced until such times as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipe work and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To prevent pollution of the water environment and the underlying aquifer.

**30. No development approved by this planning permission shall take place until such time as a detailed drainage design which demonstrates how rainfall events up to 1 in 100 plus Climate Change are dealt with via on site storage. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**31. The minimum finished floor level for the hotel hereby approved shall be set at least 300mm above the predicted 1 in 1000 year fluvial flood levels in the Dovenby Beck for the reach of the watercourse (i.e. between 64.32mAOD and 72.15mAOD).**

Reason: To ensure that the proposed development is resilient to fluvial flooding.

**32. No development of any phase shall commence until a scheme that includes the following components to deal with the risks associated with contamination of that phase has been submitted to and approved, in writing, by the local planning authority:**

- a) A site investigation scheme, based on the findings of the submitted document 'M Sport Mixed Use Development at Dovenby - Phase 1' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- b) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Application of this condition shall not be general but shall be specific to areas where pollution by fuel tanks or other contaminative storage areas has been identified. The scheme shall be implemented as approved.**

Reason: To protect the water environment.

**33. 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 protect the water environment and human health.

**34. No development shall commence until protective fencing has been erected, in a manner to be submitted to and approved in writing by the Local Planning Authority, around the two earthwork sites and the well shown in drawing numbers MMD-299469-EVT-DR-XX-001 and MMD-299469-EVT DR-XX-002 in appendix C of the Environmental Statement Historic Environment Technical Appendix Volume III, and the listed medieval cross base. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. The protective fencing shall be retained as approved throughout the construction period of the development.**

Reason: To protect the listed medieval cross and remains of archaeological interest in accordance with Policy S27 of the Allerdale Local Plan Part 1.

**35. No development within the area of the hotel shall commence until detailed plans for permanent protective measures to the listed medieval cross base have been submitted to and approved in writing by the Local Planning Authority. The approved permanent protection measures shall be implemented following removal of the temporary protection measures required during the construction phase and shall be completed before the hotel is brought into use. The approved permanent protection measures shall thereafter be retained for the lifetime of the development.**

Reason: To protect the listed medieval cross in accordance with Policy S27 of the Allerdale Local Plan Part 1.

**36. No development within the area of the hotel or future expansion space shall commence 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 in writing by the Local Planning Authority. This written scheme will include the following components:**

- i) An archaeological evaluation;**
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;**
- iii) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.**

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains)in accordance with Policy S27 of the Allerdale Local Plan Part 1.

**37 . No phase of the development shall commence until a detailed method statement for that phase, which includes the timing of works, proposed mitigation measures (including details and location of replacement bat roosts or bat/bird boxes), and a monitoring strategy during and post construction, that comprehensively addresses all habitat and species (particularly bats) and which draws on and incorporates the mitigation measures and recommendations of the Environmental Statement Ecology Technical Appendix, the Environmental Statement Landscape and Visual Technical Appendix, the Woodland Management Plan, Arboricultural Report, and Botanical Assessment, has been submitted to and approved in writing by the Local Planning Authority. That phase of development shall be undertaken only in accordance with the approved method statement.**

Reason: In order to secure appropriate mitigation and monitoring of ecology interests on and adjacent to the site, in accordance with policy S35 of the Allerdale Local Plan.

**38. Any reserved matters application seeking approval of the details of landscaping shall include:**

**(1) details of any individual trees to be retained, together with measures for their protection during construction**

**(2) measures for the protection of areas of woodland during construction (3) details of a replacement planting scheme at a ratio of 1:1 for all other trees/woodland**

**All planting, seeding or turfing comprised within the landscaping details 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, mitigate for removed trees/woodland and to minimise the impact of the development in the locality.

**Councillor P Kendall left the meeting**

**93. Development Panel - FUL/2019/0160 - Land Opposite, Verona, Blitterlees, Silloth, Wigton, Cumbria, CA7 4JJ - 5 detached bungalows**

**Representations**

Jeff and Lynn Downham spoke against the application.

Councillor John Graham, on behalf of Holme Low Parish Council spoke against the application.

**Application**

The report recommended to grant permission subject to conditions.

Members were advised that this application was originally considered by Members on the 1st October 2019. A decision on the application was deferred pending further information in relation to flooding and surface water.

The Senior Planning Officer then went through the main issues as detailed in the report.

Principle of Development

Planning permission has been granted for the site for five dwellings (ref. 2/2016/0727) during the current plan period, but this has now expired. Therefore, the principle of the development has already been accepted under the current Development Plan.

Visual Impact



The visual impacts of the development are considered to be acceptable. Blitterlees consists of a mix of house types and styles and the design of the single storey dwellings proposed is considered to be acceptable.

#### Landscape Impact

Given the large scale and wide open nature of this landscape subtype (Coastal Plain), this small scale encroachment is considered to be acceptable.

#### Residential Amenity

An acceptable relationship with neighbouring properties is considered to be achieved.

#### Ecology

A survey has been provided which demonstrates that Great Crested Newts are unlikely to be affected by the proposal.

#### Drainage

Localised flooding issues with the beck along the site frontage and standing water have been highlighted by representations received from the public. Subject to conditions, no concerns have been raised by the Environment Agency or United Utilities. The County Council as Local Lead Flood Authority has sought further information to substantiate local concerns. This additional information has now been provided to the satisfaction of the Local Lead Flood Authority and they raise no objection to the proposal subject to conditions to include securing of the flood risk and drainage details provided on the 23<sup>rd</sup> April 2021.

#### Trees/Hedgerows

Following amended plans, no significant removal is required. A new hedgerow is proposed to the rear of the site that would compensate for any limited hedgerow removal to the site frontage.

#### Affordable Housing

No provision has been sought on the basis that the proposal is for less than 10 dwellings and the gross floor space for the five dwellings combined does not exceed 1000sqm.

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

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 in relation to drainage, the maintenance of the watercourses and the Local Plan Part 2, (Adopted July 2020).

Councillor Daniels moved the motion for approval subject to conditions as per the report.

The motion was seconded by Councillor McGuckin.

Debate then ensued in relation to flooding and the suitability of the site for the development of 5 dwellings.

A vote was taken on the motion, 7 voted in favour, 2 against and abstentions. The Motion was carried.

## **Resolution**

Grant permission, subject to conditions as per officer's recommendations.

## **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 in accordance with the following plans:**

**19.1952.2C Proposed Site Plan received 23rd April 2021.**

**C-0748-02 rev B Surface Water Catchments Layout received 23rd April 2021.**

**C-0748-01 rev C Outline Drainage Layout received 23rd April 2021.**

**C-0748-03 rev A FW Outfall Section, Road Construction Details, SW Outfall Section received 23rd April 2021.**

**C-0748-04 Proposed Site Layout**

**Site Location Plan**

**19.1952.14 Plot 5, Proposed elevations, Type 2 Version 3**

**19.1952.12 Plot 3, Proposed elevations, Type 2 Version 2**

**19.1952.11 Plot 2, Proposed elevations, Type 1 Version 1**

**19.1952.10 Plot 1, Proposed elevations, Type 2 Version 1**

**19.1952.13 Plot 4, Proposed elevations, Type 1 Version 2**

**19.1952.7B Existing & Proposed Street Scene**

**19.1952.8 Proposed Ground Floor Plan V2**

**19.1952.3 Proposed Ground Floor Plan**

**Flood Risk Assessment and Drainage Strategy Report Issue 4, Hamilton Technical Services, dated 29th March 2021.**

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 hereby approved shall be implemented solely in accordance with the approved foul and surface water drainage details as shown on drawings**

**19.1952.2C Proposed Site Plan,**

**C-0748-02 rev B Surface Water Catchments Layout,**

**C-0748-01 rev C Outline Drainage Layout,**

**C-0748-03 rev A FW Outfall Section,**

**Road Construction Details,**

**SW Outfall Section and C-0748-04 Proposed Site Layout, and the**

**principles and mitigation measures set out within Flood Risk Assessment and Drainage Strategy Report Issue 4, Hamilton Technical Services, dated 29th March, prior to the development being completed and before occupation of any dwelling. The approved measures shall be maintained operational at all times thereafter.**

Reason: To minimise flood risk and pollution and in the interests of securing appropriate drainage measures for the site in accordance with policy S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**Pre-commencement conditions:**

**4. Construction Management Plan:**

**No development shall take place until a Construction Management Plan 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 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. The carriageway, footways, footpaths, ramps etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. The highway design details shall be informed by Road Safety Audits Stages 1 & 2 and ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. No work shall be commenced until a full specification has been approved and any works so approved shall be constructed before the development is complete.**

Reason: To ensure a minimum standard of construction in the interests of highway safety

**6. The development shall not be brought into use until visibility splays providing clear visibility of 2.4 metres x 60 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, 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.

**7. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted and approved by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:**

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and**
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements 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 manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and

maintenance mechanism for the lifetime of the development, in accordance with policies S21, S29, S32 and S36 of the Allerdale Local Plan 2014.

**Post-commencement/Pre use commencing conditions:**

**8. No part of the development hereby permitted shall be constructed above ground floor level until details of all external and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Only the materials so approved shall be used in the development as approved. The mix of render and brick materials shall be completed in accordance with the details provided on amended drawing 19.1952B Existing and Proposed Street Scene, 13-9-19.**

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.

**9. No part of the development hereby permitted shall be built above ground floor level until there has been submitted to and approved by the Local Planning Authority a full scheme of hard and soft landscaping which shall include indications of all existing trees, hedges and shrubs on the site, and details of those to be retained, together with measures for the protection in the course of development. The submitted landscaping plan shall accord with Amended Dwg 19.1952.2B Proposed Site Plan, 1-8-19 insofar as it specifies trees and hedgerow to be retained and a new native hedge to the eastern boundary of the site. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

**10. The means of enclosure for the site shall be erected in accordance with Amended Dwg 19.1952.2C Proposed Site Plan, received 23rd April 2021, unless otherwise agreed in writing by the Local Planning Authority. The means of enclosure shall be constructed prior to the approved dwellings 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 and protect the privacy of occupiers.

**11. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub-base construction.**

Reason: To ensure that the access roads are defined and laid out at an early stage. To support Local Transport Plan Policies: LD5, LD7, LD8

**12. No dwellings shall be occupied until the estate road including footways to serve such dwellings 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.

**13. 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 the development being constructed above plinth level. Any approved works shall be implemented prior to the development being completed and shall be maintained operational at all times thereafter.**

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

**Other:**

**14. Foul drainage shall be disposed of to the adopted Public Sewerage system.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of pollution in accordance with policies S32 and S36 of the Allerdale Local Plan 2014.

### **Advisory Notes**

Protected species – Great Crested Newt.

Send applicant full responses from Environment Agency 6th July 2020, United Utilities 16th October 2020 and Cumbria County Council June 2021.

## **94. Development Panel - FUL/2021/0006 - Dearham Road, Maryport - Two Dwellings**

### **Application**

The report recommended to grant permission subject to conditions.

The Planning and Building Control Manager advised that the application was before the panel as it was the subject of a 'call in'. Members were advised that the application is however within the settlement limits of the Allerdale Local Plan, Part 2 (2020).

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

#### Principle of Development

The application is acceptable at the sustainable location, within the Key Service Centre of Maryport as defined in the settlement hierarchy of the Allerdale Local Plan 2014. The site is within the settlement boundary for Maryport as defined in Part 2 of the Allerdale Local Plan 2020.

#### Impact of Character on the Area

The proposed two dwellings would be in keeping with the mixed character of the area and would be in accordance with Policy S4.

#### Site Layout

The proposed site layout accords with the relevant criteria set out in Policy DM14.

#### Highway Issues

The proposed access would not cause harm to highway safety.

Members were also shown plans and images of the site including the location within the Eastern edge of Maryport.

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

Councillor McGuckin moved the motion for approval subject to conditions as per the report.

The motion was seconded by Councillor Lynch.

A vote was taken on the motion, 9 voted unanimously in favour. The Motion was carried.

#### **Resolution**

Grant permission, subject to conditions as per officer's recommendations.

#### **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. Unless specified by separate condition, the development hereby permitted shall be carried out solely in accordance with the following plans:**

**Location plan DWG05,**

**Amended 21st April 2021 Proposed Elevations (Plot 1) DWG02 Rev B,  
Amended 21st April 2021 Proposed Floor plans (Plot 1) DWG01 Rev C,  
Amended 21st April 2021 Proposed Elevations (Plot 2) DWG04 Rev B,  
Amended 21st April 2021 Proposed Floor plans (Plot 2) DWG03 Rev B,  
Amended 21st April 2021 Proposed Block Plan and Sections DWG06  
Received 21st June 2021**

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

**Pre-commencement conditions:**

**3. Notwithstanding the proposed submitted levels, prior to development commencing on site details of all proposed ground levels including finished floor levels of the building, levels of any paths, drives, garages, terraces and parking areas (and materials of any retaining walls) shall be submitted to the Local Planning Authority for written approval. The development shall be carried out only in accordance with the approved details.**

Reason: To ensure that the development is carried out to a suitable level in relation to the adjoining properties and highways and in the interest of visual amenity and to accord with policies S4 and S33 of the Allerdale Local Plan Part 1 2014.

**4. The access and footways shall be designed, constructed, 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 development commences on site. No development 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 prior to occupation of any of the dwellings hereby approved.**

Reason: To ensure a minimum standard of construction in the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

**5. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping that includes the hedge retention and planting depicted on Proposed Block Plan and Sections DWG06 Received 21st June 2021. The scheme shall include details of a replacement hedge to be planted behind the visibility splays required for the proposal. All planting, seeding or**



**turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality and to accord with policies S4, S33 and DM14 of the Allerdale Local Plan Part 1 2014.

**Post-commencement/Pre use commencing conditions:**

**6. Prior to the occupation of each dwellings, a surface water drainage scheme that dwelling, 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 have been completed in accordance with details previously submitted for approval 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to accord with policy S29 of the Allerdale Local Plan Part 1 2014.

**7. No part of the development hereby permitted shall be constructed above ground floor level until details of all external walling 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 for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in accordance with policy DM14 of the Allerdale Local Plan (Part 1) 2014.

**8. 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 prior to the occupation of the dwelling that they serve. 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 and safeguard the amenity of neighbouring properties in accordance with policy DM14 of the Allerdale Local Plan (Part 1) 2014.

**9. The development shall not be brought into use until visibility splays providing clear visibility of 2.4 metres x 60 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. 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 accordance with policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**10. 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 metres inside the site, as measured from the carriageway edge of the adjacent highway.**

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

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

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

**95. Development Panel - CLDP/2021/0002 - 3 Honister Drive, Cockermouth - New Porch**

**Application**

The report recommended that the development is Permitted Development as defined by the Town & Country Planning General Permitted Development Order 2015 (as amended) and a Certificate of Lawful Development can be issued.

The Planning and Building Control Manager advised members that this matter was brought before members as the applicant is an employee of the Council.

Councillor Annison moved the motion as per the recommendation as per the report.

The motion was seconded by Councillor McGuckin.

A vote was taken on the motion, 9 voted unanimously in favour.

The Motion was carried.

## **Resolution**

The development is Permitted Development as defined by the Town & Country Planning General Permitted Development Order 2015 (as amended) and a Certificate of Lawful Development can be issued.

**The meeting closed at 2.50 pm**