

At a meeting of the Development Panel held in SEN Centre, Lakes College, Workington CA14 4JN on Tuesday 28 September 2021 at 1.00 pm

## **Members**

Councillor Tony Annison (Chair)  
Councillor Carole Armstrong  
Councillor Hilary Harrington  
Councillor Elaine Lynch  
Councillor Ron Munby MBE  
Councillor Alan Tyson

Councillor Janet Farebrother (Vice-Chair)  
Councillor Allan Daniels  
Councillor Daniel Horsley  
Councillor Antony McGuckin  
Councillor Andrew Semple

Apologies for absence were received from Councillor Nicky Cockburn and Councillor George Kemp

## **Staff Present**

S Brook, D Copeland, J Irving, L Jardine, J Morgan, S Sewell, S Tranter and R Wilson

### **200. Minutes**

The minutes of the meeting held on 06 July 2021 were signed as a correct record.

### **201. Declaration of Interests**

None declared

### **202. Questions**

None received

### **203. Development Panel - FUL/2020/0241 - Beech House, Hayton - Creation of Slurry Lagoon**

#### **Representations**

A presentation from Andrew Fielding was played, against the application.

Willie Smith, Bill Finlay and Christine Steele spoke against the application.

Jonny Kidd spoke in support of the application.

The applicant, Michael Dixon and Agent, Anthea Jones spoke in support of the application.

#### **Application**

The report recommended to grant permission subject to conditions.

The Senior Planning Officer introduced the report, confirming that members of the development panel had attended a site visit prior to this meeting.

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

#### Principle of Development

In principle, the proposed slurry lagoon is an appropriate development supporting an existing farming business and is appropriately designed and related to the existing farm buildings.

#### Scale and Design

Officers consider the proposed development is acceptable and assimilates the local landscape.

#### Flood Risk and Drainage

The site is entirely in flood zone 1. There will be no increase in surface water run off at the site. The surface water will go to the existing drainage system.

#### Highway Safety

The existing access to the farm will be unchanged and there will be no increase in traffic as a result of the proposal.

#### Residential Amenity

A number of representations were received in relation to the proposal raising concerns relating to the impact the proposal would have upon residential amenity, particularly by way of odour and gases. During the course of the application, an odour assessment was provided and the Council has commissioned a peer review of this assessment. Additional information was subsequently provided and the peer review concluded that the proposed slurry lagoon with cover, was unlikely to be more odorous than the existing slurry tower on site.

#### Heritage

Given the location of the slurry lagoon to the rear of the existing farmstead, officers consider the proposal will not have an adverse impact on the adjacent heritage assets or their setting.

The Senior Planning Officer referred to the late list representation from the Environment Health which recommended an additional condition relating to odour management. Officers confirmed they were satisfied with this condition and it had been added to the officers recommendation with the inclusion of a review mechanism.

Members were also shown plans and images of the site within the vicinity of the Village of Hayton.

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

Members asked questions of the speakers in relation to wildlife, odour, weather conditions, location of the lagoon, slurry storage and umbilical slurry spreading and economic benefits.

Members asked questions of the officers in relation to slurry cover systems, residential amenity and ecology.

Councillor Semple moved the motion to grant permission as per officers recommendations, with the additional condition (as suggested by Environment Health) ensuring an odour management plan be submitted and approved in writing by the Local Planning Authority.

The motion was seconded by Councillor Munby.

A vote was taken on the motion, 11 voted in favour, 0 against and 0 abstentions.

### **Resolution**

Permission granted as per officers recommendations with an additional condition ensuring an odour management plan be submitted and approved in writing by the Local Planning Authority.

### **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**
  - **Design and access statement & ecological statement – Amended Document Received 11/01/21**
  - **D.01 – A1 – Lagoon Details**
  - **D.02 a – Site Plan**
  - **D.03a – Site Location Plan**
  - **D.01 A1 – Lagoon Details – Additional Plans Received 11/01/21**
  - **Odour report – 22/02/2021**
  - **Odour Response Note dated 18 August 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.

**Pre-commencement:**

- 3. No development shall commence until, detailed cross sectional drawings for the slurry lagoon showing the extent of earthworks and bunding, have been submitted to the Local Planning Authority for approval in writing. The development shall be undertaken and completed only in accordance with the approved details.**

Reason: In order to ensure that the development is carried out to a satisfactory standard and to ensure that any material and non-material alterations to the scheme are properly considered.

**Prior to use commencing**

- 4. The proposed cover shall be installed prior to the operational use of the development and shall be retained thereafter in good working order, for the lifetime of the development.**

Reason: In the interests of safeguarding residential amenity of other properties in the locality from the operational use of the application site, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 5. Prior to the slurry lagoon being brought into use, a landscaping plan detailing the full extent of the proposed hedgerow to the perimeter of the lagoon shall be submitted to the Local Planning Authority for approval in writing. 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 in compliance with Policies S32 and S33 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**Other:**

- 6. Within two months of the commencement of the use of the slurry lagoon hereby approved, use of the existing slurry tank for the purpose of storage/disposal of any slurry shall cease.**

Reason: To ensure that any adverse odour impacts of the development are not greater than those assessed as acceptable within the submitted

Odour Assessment, in the interests of residential amenity and in accordance with policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and advice contained within the NPPF.

- 7. Prior to the slurry lagoon being brought into use, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority which sets out the measures and procedures that will be adopted to minimise odour emanating from the operation and maintenance of the slurry lagoon and its contents including details;**
  - a. The use of odour reducing additives**
  - b. The method of filling and emptying the lagoon**
  - c. Any pumping/slurry handling equipment to be used and**
  - d. The frequency and method of slurry spreading (identifying areas of land where slurry will be spread) and as to how and as to what account will be taken of local weather conditions when carrying out the above measures or procedures.**

**The Odour Management Plan shall include the detail and timing of a review process for the Odour Management Plan, which will be undertaken in conjunction with the Local Planning Authority, to assess the effectiveness of the odour management measures being used. At all times, the slurry lagoon shall be operated in accordance with the most recently approved odour management plan.**

Reason: To ensure that any odours from the slurry lagoon are minimised, in the interests of residential amenity, in accordance with policy S32 of the Allerdale Local Plan Part 1 (2014).

**Meeting adjourned 14:50pm - 15:00pm**

- 204. Development Panel - FUL/2020/0250 - Land East of Main Road, High Harrington - Construction of 123 residential dwellings with associated parking, access and landscaping**

#### **Representations**

JC Muir and K Harper spoke against the application

David Hayward (Story Homes) spoke in support of the application.

#### **Application**

The report recommended to grant permission, subject to conditions and the signing of a legal agreement to secure the affordable housing provision (8 units for social rent and 4 units for discounted sale) with re-appraisal mechanism, and a commuted sum for the ongoing monitoring of a travel plan (£6600.00)

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

## Principle

High Harrington lies within the Principle Service Centre for the Borough within the Allerdale Local Plan Part 1 (ALPP1), to which the major new development is directed, including the largest proportion of new housing. The provision of an additional 123 dwellings would contribute to and not exceed the requirement to be provided by the Principle Centre, and as an allocation with Part 2 and with an extant planning permission for housing, the principle of housing at this site has already been accepted.

## Benefits

The provision of 123 houses would contribute to strategic objective SO2c of the ALPP1, which seeks to ensure a deliverable supply of housing land that meets the needs of the community and local economy, as well as the Council Plan in terms of strengthening our economy and supporting the development of new homes where they are needed. The additional affordable houses to be provided by the proposal would increase access to affordable housing in the Borough, in accordance with strategic objective SO2d of the ALPP1.

## Sustainability, Access, Highway Network, Parking

The site is considered to have good access to a regular bus and rail route and can connect to a national cycle route. Lit pedestrian footpaths exist to the north and south of the site, albeit some walkers may be discouraged by distance and the busy A597. Overall, the site is considered to be sustainable, given the level of access for pedestrians, cyclists and the proximity of a regular bus and train route.

The proposal is considered to provide adequate access arrangements and no concerns are raised by the Local Highways Authority in terms of impact on the adjacent road network. No concerns are raised by the Highways Agency with respect to the trunk road. The parking provision is considered to be acceptable having regard to the County Council's Design Guide.

## Flood Risk/Drainage

Subject to conditions to secure a detailed drainage scheme, then no concerns are raised by the Local Lead Flood Authority or United Utilities. Using attenuation measures including an on-site pond, run-off will be restricted to the greenfield run-off rate and the system is designed to accommodate a 1 in 100 year event plus an allowance for climate change.

## Landscape and Visual Impacts

A development of this scale will undoubtedly have some landscape and visual impact. These impacts will be localised and contained to some extent by existing development to the north, west and east. The main changes of note will be the loss of farmland and a further encroachment into the open countryside,

the presence of development over the crest of the hill when approaching High Harrington from the south and the change in outlook for nearby residents. The adverse effects in this respect are not considered to be significant, sufficient to warrant refusal of the development.

#### Design/ Appearance

The scheme is considered to provide a good quality scheme that responds appropriately to the surroundings.

#### Residential Amenity

Subject to a number of recommended conditions relating to the treatment of levels across the site, the scheme is considered to provide a high standard of housing environment without having a significant adverse effect on existing occupiers.

#### Ecology/Trees

A suitable Ecological Appraisal has been provided for the proposal along with soft landscaping plans, the recommendations/mitigation measures of which are proposed to be secured by condition. The proposal will retain boundary hedging and trees, with the exception of the hedge to the site frontage. Additional tree planting is proposed throughout the scheme and infill hedgerow is proposed to the southern boundary, which will be secured by condition.

#### Amenity Greenspace/ Children's Play Space

Generally compliant with the Council's adopted Supplementary Planning Document. A condition is proposed to secure the provision of at least four pieces of play equipment which should provide for an age range for toddlers and juniors. Delivery is stipulated before the 80<sup>th</sup> plot.

#### Affordable Housing Provision

10% affordable housing provision is offered in the amended scheme. The viability evidence provided by the applicant to justify this lower provision has been externally reviewed on behalf of the Council and is considered to be acceptable. A section 106 agreement will be necessary to secure the works and the Peer Review recommends a re-appraisal mechanism be included, should the development secure higher sales revenues than accounted for within the Viability Report.

#### Education Services

Cumbria County Council confirms that provision is available at both Primary and Secondary age and that no contributions are necessary.

#### Other Matters

No concerns relating to ground conditions or heritage impacts.

Members were shown images and plans of the site including access from the highway and views from neighbouring properties. Officers advised that this site already had full planning permission for 115 dwellings, which was granted in July 2019, the permission remains extant.

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

Members asked questions of speakers in relation to highway safety, traffic, residential amenity, public consultation, schools, play equipment, affordable housing, national space standards and ecology.

### **The meeting was adjourned 16:20pm – 16:25pm**

In response to concerns raised, officers clarified the public consultation and representation procedure.

Members then asked questions of the officers in relation to traffic volume, social housing, and the NPPF local design guidance.

Debate ensued on traffic volume and that the transport surveys were for 115 homes not 123. Concerns were also raised around education places and travelling to school.

Councillor Lynch moved the motion to grant permission subject to conditions as per officers recommendations.

The motion was seconded by Councillor Annison.

A vote was taken on the motion to approve, 8 voted in favour, 3 voted against and 0 abstentions.

The motion was carried.

### **Resolution**

Permission granted as per officers recommendation, subject to conditions and the signing of a legal agreement to secure the affordable housing provision (8 units for social rent and 4 units for discounted sale) with re-appraisal mechanism, and a commuted sum for the ongoing monitoring of a travel plan (£6600.00)

### **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:
  - Location Plan Rev A 20011-LOC
  - Revised application form, Section 3 – Change to description of development
  - Highways and Drainage layout drawing number 30094/1 rev C, received 6th May 2021
  - Existing & Proposed levels layout drawing number 30094/103 rev D, received 6th May 2021
  - Construction Management Plan 20011-CMP rev B, received 6th May 2021
  - Management Company Plan Drawing number 20011-MAN01 rev B, received 6th May 2021
  - Proposed parking layout drawing number 20011-PL01 rev E, received 6th May 2021
  - Proposed site layout drawing number 20011-PL01 rev E, received 6th May 2021
  - Site Sections drawing number 20011-SS01 rev B, received 6th May 2021
  - Boundary Treatments drawing number 20011-BT01 rev D, received 6th May 2021
  - Elevation Treatments drawing number 20011-ET01 rev C, received 6th May 2021
  - Existing property stand-off plan drawing number 20011-SP01 rev B received 6th May 2021
  - Hard Surfaces Layout drawing number 20011-HS01 rev C, received 6th May 2021
  - Milford House Type Booklet, received 6th May 2021
  - Wexford House Type Booklet received 6th May 2021
  - Robinson House Type Booklet, received 6th May 2021
  - Branford House Type Booklet received 6th May 2021
  - Hartford House Type Booklet received 6th May 2021
  - Pearson House Type booklet
  - Sanderson House Type Booklet
  - Emmerson House Type Booklet
  - Baxter House Type Booklet
  - Spencer House Type Booklet
  - Harper House Type Booklet
  - Carney House Type Booklet
  - Scottish Garage Booklet, received 6th May 2021
  - Materials Samples, received 6th May 2021
  - External Plot Finishes Booklet (Boundary Treatments) received 6th May 2021
  - General Arrangement drawing number UG\_699\_LAN\_GA-DRW\_01 rev P05, received 6th May 2021
  - Soft Landscape plan sheet 1 of 4 drawing number UG\_699\_LAN\_SL\_DRW\_03 rev P05 received 6th May 2021
  - Soft Landscape plan sheet 2 of 4 drawing number UG\_699\_LAN\_SL\_DRW\_04 rev P05 received 6th May 2021

Soft Landscape plan sheet 3 of 4 drawing number  
UG\_699\_LAN\_SL\_DRW\_05 rev P05 received 6th May 2021  
Soft Landscape Plan sheet 4 of 4 drawing number  
UG\_699\_LAN\_SL\_DRW\_06 rev P05 received 6th May 2021  
Drawing BD100 Proprietary Field Gate  
Arboricultural Method Statement drawing number  
UG\_699\_ARB\_AMS\_01 rev 00 Arboricultural Method Statement  
drawing number UG\_699\_ARB-AMS\_02 rev 00 Arboricultural  
Method Statement drawing number UG\_699\_ARB-AMS\_03 rev 02  
Arboricultural Method Statement drawing number  
UG\_699\_ARB\_AMS\_03 rev 00  
Flood Risk Assessment and Drainage Strategy – dated October  
2020  
Noise Assessment report v10, RS Acoustics Ltd, dated 26.04.2021  
Travel plan, TPS dated April 2021  
Arboricultural Impact Assessment, Urban Green, dated November  
2020  
Landscape and Visual Appraisal, Urban Green, September 2020  
Preliminary Ecological Appraisal, Urban Green, September 2020  
Archaeological Assessment, CFA Archaeology Ltd Report no. 3215  
Phase 1 Desk Study, GRM, Sept 2014.  
Phase 2 Site Appraisal, GRM, Sept 2016  
I-Transport letter dated 27 August 2020

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

**Pre-commencement conditions:**

**3. 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.**
- j. Construction Surface Water Management Plan**

**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.

- 4. The carriageway, footways, footpaths, ramps etc shall be designed, constructed, drained and lit 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 Audit 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.

- 5. Prior to the commencement of any development, a detailed 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 and maintained 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 drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated October 2020 proposing surface water discharging to the ordinary watercourse at the north west of the site. 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. This condition is imposed in light of policies within the NPPF and NPPG.

- 6. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage**

**system) downstream of the surface water discharge point shall be provided to the Local Planning Authority. The information provided should include mitigation measures where it is deemed that improvements are required and a timetable for the implementation of those mitigation measures. The development shall proceed only in accordance with the approved details.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy S29 of the Allerdale Local Plan Part 1.

**Post commencement:**

- 7. Notwithstanding the approval plans, no development shall commence on the construction of Plot 15 until full details of the treatment of level changes/terraces/patio areas to the rear garden of the plot and additional soft landscaping measures to the rear boundary of the plot have been submitted to the Local Planning Authority for approval in writing. The development shall be completed only in accordance with the approved details.**

Reason: To ensure that the development is undertaken in a manner that would not give rise to significant overlooking to no.33 Harringdale Drive, in accordance with policy S32 of the Allerdale Local Plan Part 1.

- 8. Notwithstanding the approved plans, where any re-contouring of ground levels within the development would result in retaining walls or structures exceeding 1.0m in height, full details of the retaining walls or structures shall be submitted to the Local Planning authority for approval in writing before their implementation. Any such structures shall be implemented only in accordance with the approved details.**

Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme and to ensure a good standard of housing environment for future occupiers, in accordance with policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 9. Notwithstanding the approved plans, the boundary treatment to the the central area of public open space/equipped play area and SUDS pond shall be constructed of black vertical railings with plain top as indicated on drawing SD100-C-002 of the External Plot Finishes Booklet. The development shall be completed in accordance with the approved details and thereafter retained for the lifetime of the development.**

Reason: To ensure a satisfactory appearance and maintenance to boundary treatment within public areas, in accordance with policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**10. Notwithstanding the submitted plans, the equipped play space to the central public open space, as defined by fencing, shall be a minimum of 165sqm and shall incorporate as a minimum four individual pieces of play equipment (excluding seating and bin) that provide for an age range of both 0-5 year olds and 5+ year olds. Full details of the play equipment and its layout, maintenance and management for the central public open space and the toddler climbing equipment and seating indicated to the public open space within the western portion of the site, shall be submitted to the Local Planning Authority for approval in writing prior to any works commencing on the equipped play area. The equipped play area to the central public open space and the toddler play equipment to the western public open space shall be constructed and made available for use as approved, before the 80th dwellinghouse hereby approved is occupied.**

Reason: To ensure a satisfactory provision of play equipment that meets the needs for future residents of the development, in accordance with policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**11. 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.

**12. The development shall be undertaken in accordance with recommendations and mitigation measures submitted within the Arboricultural Impact Assessment dated November 2020 & Arboricultural Method Statement dated October 2020, prepared by Open Green.**

Reason: To ensure that existing trees and hedgerows to be retained as part of the development are adequately protected during the construction of the development, in accordance with policy DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**13. The development shall be undertaken in accordance with the recommendations and mitigation measures contained within the submitted Ecological Appraisal by Urban Green dated September 2020.**

Reason: To minimise the impacts of the development on the ecological interests of the site in compliance with the National Planning Policy Framework, and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 14. Prior to works commencing on the construction of the Emergency Vehicle Access hereby approved, details of the design/construction of the Emergency Vehicle Access shall be submitted to the Local Planning Authority for approval in writing. The Emergency Vehicle Access shall be constructed in accordance with the approved details.**

Reason: To ensure that the Emergency Vehicle Access is constructed in a manner that would minimise its impact on the rural character of the locality.

- 15. Foul drainage from the development shall be connected to the public sewer.**

Reason: To ensure a satisfactory means of foul drainage and to 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.

**Before Occupation conditions:**

- 16. The sound attenuation measures detailed in the submitted noise assessment (RS Acoustic engineering Ltd noise impact assessment reference 170/2016 dated 26 April 2021) shall be fully implemented within those plots specified as requiring mitigation measures, prior to their occupation and the mitigation measures shall be permanently retained thereafter.**

Reason: To ensure an appropriate standard of housing environment in accordance with policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 17. A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including public open space, landscaped buffers and play area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse hereby approved. The development shall thereafter be maintained at all times in accordance with the approved management plan.**

Reason: To ensure the long term maintenance and management of public open space and landscaped buffers within the residential estate.

- 18. No dwelling shall be occupied until the estate road, including footways and cycleways and private road where necessary 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 of the occupiers of residential units hereby approved.

**19. The development shall not be brought into use until visibility splays providing clear visibility of 58 x 54 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.**

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**20. The Emergency Vehicle Access hereby approved shall be constructed and be capable of use before the occupation of the 101st dwellinghouse hereby approved. The Emergency Vehicle Access shall be retained thereafter for the lifetime of the development.**

Reason: A second emergency access route is considered necessary for this scale of development, in the interests of public safety.

**21. The proposed footpath link up to Beaufort Avenue (adjacent Plots 26-28) shall be laid up to the boundary of the site and any existing fencing within the site boundary shall be removed for the width of the footpath link, prior to the occupation of Plot 26. The link shall thereafter be retained.**

Reason: To facilitate pedestrian permeability through the site to adjoining land, in accordance with Policy S4 of the Allerdale Local Plan Part 1 and advice contained within the NPPF (2018).

**Post construction conditions:**

**22. All planting, seeding or turfing comprised within the scheme and shown on the approved landscaping plans 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, in compliance with Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**23. Following completion of the development hereby approved, an annual report reviewing the effectiveness of the Travel Plan for a period of 5 years, including any necessary amendments or further measures, as well as timing for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Any amendments hereby approved shall be implemented in accordance with the approved timescales.**

Reason: To aid in the delivery of sustainable transport objectives from the operational use of the site in accordance with Policy S22 of the Allerdale Local Plan (Part 1) 2014.

#### NOTES TO APPLICANT

A condition has been placed which requires approval of any retaining features exceeding 1.0m in height. This is to ensure that any significant level changes (in combination with any boundary treatment) would not be visually oppressive for future residents. As such, where level changes between plots are significant, design measures such as terracing or sloping of land should be incorporated to ensure that future residents are not adversely impacted by inappropriately designed retaining walls and boundary treatments. For the avoidance of doubt, this planning permission does not give consent for the removal of the hedgerow to the frontage of the field directly to the south of the proposal site in its entirety. Any removal is limited to the width of the Emergency Vehicle Access proposed.

#### **Meeting adjourned 16:55pm - 17:00pm**

**205. Development Panel - FUL/2021/0161 - Siddick Ponds Nature Reserve, Workington - Wetland enhancements, existing brackish pond and improvement of path surface and installation of a length of boundary fence**

#### **Application**

As the press advert for the application had not expired (expires on 30 September 2021). Members were asked to delegate the final consideration of any representations received after the Development Panel meeting to the Head of Governance and Regulatory Services.

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

Biodiversity

The scheme is intended as an enhancement of the existing nature reserve and is acceptable in relation to Policy S35. Natural England supports the proposal.

#### Flood Risk

No objections to the proposal have been raised by the Environment Agency or the Local Lead Flood Authority. The works will be subject to separate Flood Risk Activity Permit from the Environment Agency.

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.

Councillor Armstrong moved the motion to approve as per officers recommendations

The motion was seconded by Councillor Horsley

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

The motion was carried.

#### **Resolution**

Delegation granted to the Head of Governance and Regulatory Services following consideration of any representations received by 30 September 2021.

#### **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:  
GM11500-003 Rev A - Proposed Stop Gate Arrangements to Existing Bridges  
GM11500-004 – Rev A - Wetland Enhancement Section A-AA  
GM11500-002 – Rev A - Wetland Enhancement General Arrangement GM11500-006 Site Location Plan  
GM11500-005 - Wetland Enhancement Section B-BB**

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

**Pre-commencement conditions:**

**3. Construction Environment Management Plan:**

**No development shall take place until a Construction Environment 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 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;**
- e. **Measures to control the emissions of dust and dirt during construction (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.**
- j. **Construction Surface Water Management Plan**
- k. **Pollution prevention measures to include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the Special Area of Conservation from sediment, and pollutants such as fuel and cement.**
- l. **Measures to establish a 10m buffer strip to the river, and a bund across the track that leads down to the river to prevent any sediment and pollution in surface water run-off from reaching the Special Area of Conservation. All materials and equipment must be stored outside the buffer strip, and there should be a designated concrete mixing / refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling.**
- m. **Measures to include the check-clean-dry procedure to reduce the risk of introducing and/or spreading invasive non-native species (e.g Himalayan balsam, Japanese knotweed, Crassula helmsii, Dikerogammarus villosus) or infecting the river with the fungal spores of crayfish plague. Any machinery or equipment to be used in the river must be high**

**pressure washed or steam cleaned with clean tap water (not river water) then dried. Once dry, the machinery/equipment must be kept completely dry for 48hours prior to use in the river.**

**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 to minimise pollution and disturbance to the Local Nature Reserve during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policies S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 4. No development shall take place on the sluices hereby approved until a detailed design for an eel pass to the sluices has been submitted to the Local Planning Authority for approval in writing. The approved eel passes shall be fitted to the sluices before the development is substantially complete.**

Reason: In the interests of biodiversity, in accordance with policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and advice contained within the National Planning Policy Framework.

- 206. Development Panel - FUL/2021/0181 - Part Land to Rear of 51 High Street, Workington - Change of use of part domestic garden to additional storage area for existing roofing company including the retrospective engineering works to lower the site by up to 600mm**

### **Representations**

Letters against the application were read out on behalf of Ian Payne and Howard Walker.

Letters against the application (with accompanying images) were read out on behalf of Andrew and Stacey Smith.

Lorna Wilson and Joanne McCaul spoke in support of the application

A letter in support of the application was read out on behalf of Councillor Mike Johnson

Councillor Michael Heaslip spoke in support of the application

The applicant, Simon Younghusband-Mawson and Anthea Jones spoke in support of the application.

### **Application**

The report recommended approval subject to conditions.

The Senior Planning Officer introduced the report, confirming that members of the development panel had attended a site visit prior to this meeting.

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

#### Principle of Development

The development as amended is considered to be compliant with Policies within the Allerdale Local Plan.

#### Amenity

Any detrimental effects arising from the development can be controlled by way of conditions.

Members were provided with an overview of the site history. Application FUL/2020/0087 had been recently approved which allowed the change of use to of an adjacent dwelling to office accommodation. The change of use application excluded the area of land to which this application relates. The Council considered that an application for a certificate of lawful use should be submitted. If granted it would regularise the activities that were being undertaken on site. An application was not submitted so the Council served an enforcement notice. The enforcement notice was appealed but dismissed by the inspector on the grounds that insufficient evidence was submitted to demonstrate a continuous 10-year use as a builders yard.

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

Members were shown images and plans of the site, including views from several viewpoints, including neighbouring properties.

An update was provided from the late list confirming that the representations submitted by Workington Town Council had been withdrawn.

Questions were asked of the speakers and officers in relation to operating hours, residential amenity and noise.

Councillor Daniels then moved the motion to approve as per officers recommendations.

The motion was seconded by Councillor Semple.

Councillor McGuckin then moved an amendment to the motion to approve as per officers recommendation however with the removal of condition 6.

The motion was seconded by Councillor Farebrother.

Debate ensued in relation to hours of operation and access to the site.

A vote was taken on the amended motion, 2 voted in favour, 7 against and 0 abstentions.

The amended motion lost.

A further amendment was proposed by Councillor McGuckin which was to approve as per officers recommendation but with an amendment to condition 6 to add 'unless in the event of an emergency'.

The amended condition would read 'The storage use hereby permitted shall be restricted to the hours of operation between 08:00 and 17:30 on Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays, unless in the event of an emergency'.

The motion was seconded by Councillor Farebrother.

A vote was taken on the amended motion, 2 voted in favour, 7 against and 0 abstentions.

The amended motion was lost.

A vote was then taken on Councillor Daniels original motion to approve as per officers recommendations, 9 voted in favour, 0 against and 0 abstentions.

The motion was carried.

## **Resolution**

Permission granted as per officers recommendations, subject to conditions.

## **CONDITIONS**

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

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

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans: Location Plan Proposed Fence plan amended plan received 13 July 2021 Bollard details – amended plan received 15 September 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. Storage of any goods or materials at the site shall at no time exceed two metres in height.**

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

- 4. The site shall solely be used for storage purposes and there shall be no material dressing or treatment operations undertaken within the application site.**

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

- 5. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 (as amended), (or any Order revoking or re-enacting that Order with or without modifications), this permission shall relate solely to the use of the land for the storage of slates, tiles, ridge tiles and chimney pots and for no other storage purpose, including any other activity within the same class of the schedule to that Order.**

Reason: The Local Planning Authority wishes to re-assess any change of use and to maintain control over any development.

- 6. The storage use hereby permitted shall be restricted to the hours of operation between 08:00 and 17:30 on Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.**

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

- 7. There shall be no use of powered tools or machinery within the application site.**

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

- 8. The existing timber fence to the eastern boundary of the site shall be retained prior to the commencement of the storage use hereby approved and shall thereafter be retained in situ and shall not be reduced in height and shall remain unaltered at all times for the lifetime of the development**

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 9. There shall be no vehicular access to or egress from the site, unless otherwise agreed by the Local Planning Authority.**

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

**10. The approved plan Bollard details – amended plan received 15 September 2021 outlining the technical details, fixed positions and height shall be implemented prior to the commencement of the use of the site. The bollards as approved shall thereafter be retained and maintained at all times for the lifetime of the development hereby approved.**

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**207. Development Panel - VAR/2021/0001 - Plot 1, Land Adjacent to Northscape, Eaglesfield - Variation of condition 2 for a new design and condition 3 relating to surface water discharge into the sewer on application 2/2018/0164**

### **Representations**

Mr. Kevill spoke against the application

A letter against the application was read out on behalf of Councillor Fitzgerald.

The Agent, Paul Boustead spoke in support of the application.

### **Application**

The report recommended approval subject to conditions.

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

### **Principle of Development**

Principle of residential development has been accepted. The application varies the approved permission.

### **Design/Scale**

Scale, design and massing considered acceptable in relation to its setting.

### **Drainage**

Foul to main sewer and surface water to rainwater harvesting system is acceptable in compliance with policy S29 of ALP1

### **Residential Amenity**

No significant harm to nearby properties

Access and Parking

Access and parking are considered to be satisfactory.

Officers went through the late list and members were shown images of the site including plans and diagrams of the proposed drainage strategy.

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

Members asked questions of the speakers and officers in relation to water tank capacity and installation.

Councillor Annison moved the motion to delegate authority to officers to seek clarification from the Lead Local Flood Authority that they are satisfied that the sustainable drainage hierarchy has been fully considered, and once confirmation is received to proceed with the recommendations to approve as per conditions as set out in the officers report.

The motion was seconded by Councillor Horsley.

A vote was taken on the motion, 7 voted in favour, 2 against and 0 abstentions.

The motion was carried.

### **Resolution**

Authority delegate to officers to seek clarification from the Lead Local Flood Authority that they are satisfied that the sustainable drainage hierarchy has been fully considered, and once confirmation is received to proceed with the recommendations to approve as per conditions as set out in the officers report.

### **Conditions**

- 1. The development hereby permitted shall be carried out solely in accordance with the following plans:  
223-04020 Rev 01 Proposed Ground Floor Plan  
223-04021 Rev 01 Proposed First Floor Plan  
Dwg No 18.18 - Location Plan – Amended plan received 7 April 2021  
GRAF Rainwater Harvesting Solutions – The Platin Flat Tank System– Amended plan received 20 April 2021  
Email from Richard Lindsay dated 20 April 2021 – Amended plan received 20 April 2021  
DWG No 21.24.ELE - Elevations – Amended Plan received 30 July 2021  
EAG-001-005 – Site Levels – Amended Plan received 30 July 2021  
Dwg No 21.24.Site – Site Plan – Amended plan received 30 July 2021  
Dwg No. 18.18.RW – Section through Retaining Wall – approved under CON1/2020/0027**

**21-406r001 - Drainage Report – Amended plan received 7 September 2020**

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

Post-commencement/Pre use commencing conditions:

- 2. The development shall not be brought into use until visibility splays providing clear visibility to the extremity of the frontage x 2.4 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. Any existing planting within the visibility splay shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.**

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 and S22 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 3. Prior to the occupation of the dwelling the works to the proposed crossing of the highway verge and surfacing and/or footway; surfacing in porous bituminous or cement bound materials; access drive gradient and measures to prevent surface water discharging onto or off the highway; shall be carried out in accordance with approved plans and shall be maintained operational at all times thereafter.**

Reason: To ensure a suitable standard of verge crossing and that the verge is properly reinstated before the development is brought into use, to ensure that pedestrians can negotiate road junctions in relative safety, minimise the risk of flooding and in the interests of highway safety.

- 4. The approved scheme must be in accordance with the approved amended drainage report dated 7th September and with the Non-Statutory technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed prior to occupation of the dwellinghouse hereby approved and thereafter 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 in compliance with policy S29 of the Allerdale local plan (Part 1).

Other

**5. Foul and surface water shall be drained on separate systems (unless agreed under condition 4 of this consent).**

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.

**6. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.**

Reason: In the interests of highway safety and environmental management

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

Reason: In the interests of highway safety.

**8. The dwelling/land use hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.**

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

**9. All means of enclosure shown on Dwg No 21.24.Site – Site Plan – Amended plan received 30 July 2021 shall be constructed and 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 area

**Advisory Note**

The applicant should contact the Cumbria County Council in relation to the retaining wall to the rear boundary of the property as, this will require the wall to be designed and built to Cumbria CC's Technical Approval Procedure for Developers Structures. Enquiries should be made to Cumbria Highways,

Highways Depot, Joseph Noble Road, Lillyhall Industrial Estate, Workington,  
CA14 4JH, Tel: 01946 506550

**The meeting closed at 7.10 pm**