

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 12 April 2022 at 10.00 am

### **Members**

Councillor Tony Annison (Chair)  
Councillor Nicky Cockburn  
Councillor Daniel Horsley  
Councillor Elaine Lynch  
Councillor Andrew Semple

Councillor Janet Farebrother (Vice-Chair)  
Councillor Allan Daniels  
Councillor Jim Lister  
Councillor Antony McGuckin  
Councillor Alan Tyson

Apologies for absence were received from Councillor Carole Armstrong and Councillor Ron Munby MBE

### **Staff Present**

G Law, S Long, K Magnay and J Morgan

### **Also Present**

Pieter Barnard, Cumbria County Council

### **452. Minutes**

The minutes of the meeting on 29 March 2022 were signed as a correct record.

### **453. Declaration of Interests**

Senior Planning Officer, S Long wanted it noted for item 5 he is looking to purchase a property on another site which has no bearing on this item.

Councillor N Cockburn declared an interest in item 7 - FUL/2020/0047; Councillor N Cockburn has attended lots of meetings and consultations regarding Derwent Forest and part of Derwent Forest is in her ward, however this will not affect her ability in the decision-making.

Councillor T Annison declared an interest in item 5 – FUL/2021/0299; Councillor T Annison is a resident of Thursby but advised the panel this has no impact on the decision.

### **454. Questions**

None received.

### **455. FUL/2021/0299 - Land West of St Andrews Road, Thursby - Housing Scheme**

#### **Representations**

Richard Noons, Colin Edgar and Lisa Hays Hudson spoke in objection to the application.

A letter of objection was read out on behalf of Ian Wood

Peter Hunter, Thursby Parish Council spoke in objection to the application.

The Applicant, David Hayward spoke in support of the application.

## **Application**

The Planning Manager, Graeme Law recommended to approve the application subject to conditions and the signing of a legal agreement to secure the section 106 and a travel plan monitoring contribution of £6,600.

The Planning manager reported reference to the report and a proofing error on page 15, which should read Thursby not Abbeytown.

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

- Principle of Development

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

- Benefits of the Proposal

The provision of 67 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.

- Balanced and mixed communities including affordable and accessible homes

The development is for 67 dwellings comprising: 6 x 5 bedroom; 35 x 4 bedroom; 16 x 3 bedroom and 20 x 2 bedroom (3 of these are bungalows). 13 affordable dwellings are proposed. The housing mix is considered to be acceptable.

- Scale, Layout, Design and Materials

The scale and layout is acceptable for this development site with the design and materials responding to the character of the built environment and on site constraints.

- Sustainability, Vehicular Access and Highway Safety

The highway arrangements are acceptable. Suitable visibility splays can be provided to allow for a safe vehicular access. Parking standards are met.

- Flooding / Drainage

The development secures an acceptable scheme for the disposal of foul and surface. The foul will connect to the existing pumping station before entering the public sewer, with surface water draining to the existing SuDs pond to the north of the site, before directed to the watercourse at a controlled rate.

- Noise

The existing noise from the wind turbine and road traffic from the A595 would not lead to unacceptable living conditions of the dwellings subject to appropriate mitigation measures.

- Shadow Flicker

The impacts from shadow flicker from nearby wind turbines would not lead to unacceptable living conditions of the dwellings.

- Heritage/Archaeology

The County Archaeologist has highlighted that the site is of some archaeological interest. A further investigation of the site should be undertaken and this can be controlled by condition.

- Landscape and Visual Effects

The development will not have a significant adverse visual impact on the landscape and amenity and will be seen in line with the existing built development. There will also be hedgerow and tree planting proposed as part of the scheme. There will be a visual change for nearby dwellings however the change is deemed acceptable and will not have a significant impact on neighbouring residential amenity by virtue of overlooking or loss of light.

- Play Provision/Amenity Greenspace

The developer has provided amenity green space throughout the development in line with the SPD.

A play area is to be provided on site, with a pedestrian link to the phase 1 development. The size is in line with those stated on the SPD and the siting is considered acceptable.

- Ecology/Biodiversity Enhancements

A suitable Ecological Appraisal has been provided for the proposal along with soft landscaping plans.

The proposal will see existing trees retained and landscaping increased throughout the site to encourage a wider variety of wildlife to use the site.

Following member discussions, Councillor A Semple proposed to defer the application to allow for a site visit to view the impact of the wind turbine and its relation of the houses, noise of the main highway.

Councillor A McGuckin seconded the motion.

A vote was taken: 4 voted in favour of deferment, 5 against and 1 abstention.

The motion in favour of deferment was lost.

Councillor J Lister proposed to approve the application as per officer's recommendations.

No seconder the motion was not carried.

Councillor N Cockburn proposed to refuse the application it is considered that the proposal will fail to provide an acceptable level of amenity for residents of the planned development because:

1) Under Local Plan Policy S32 (Safeguarding Amenity) – the proposal will create an unacceptable quality of amenity for both internal and external environments of the proposed homes, either by exposure of residents to unacceptable levels of noise from nearby main road or from wind turbine, or by 'flicker' from the nearby wind turbine, or by restrictions of amenity by measures taken to mitigate exposure to noise and 'shadow flicker'.

2) Local Plan Policy S19a(i & ii) (Renewable Energy and Low Carbon Technologies) – seeks to protect local residents from unacceptably adverse impacts from renewable energy and low carbon technologies (such as wind turbines) – the applicant has failed to demonstrate that adequate protection from impacts on amenity will be provided, without an unacceptable impact on the amenity of new householders.

3) Under Local Plan Policy S24a (Green Infrastructure) – as a result of the applicants design response to environmental factors, the development both fails to "promote high quality, attractive places which allow everyone to enjoy direct and regular contact with the natural environment."

As such the proposal fails to provide an acceptable balance between the Economic, Environmental and Community objectives of the Council and is therefore not sustainable development as required by Section 2 of the National Planning Policy Framework.

Councillor D Horsley seconded.

A vote was taken: 7 voted in favour of refusal, 2 against and 1 abstention.

## **Decision**

Refused

### **Lunch Break 13:00 - 13:45**

#### **456. FUL/2021/0301 - Barn Neighbouring Holme Leigh and Kelsick Farm, Kelsick - Barn Conversion**

### **Representations**

Carole Storey from the Parish Council spoke in support of the application.

### **Application**

The Planning Manager, Graeme Law recommended to approve the application subject to the conditions.

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

- **Principle of Development**

Policy S3 and S31 of the Local Plan (Part 1) supports the reuse of rural buildings in the open countryside.

Officers are satisfied that the building is capable of conversion and the principle of conversion can be supported.

The scale of the extension has been significantly reduced and is considered to be proportionate to the existing building.

- **Demolition and Biodiversity**

The scale of the small lean to element on the southern elevation offers little character to the site or visual amenity to the area and no objections are raised to its demolition.

The applicant has adequately addressed the proposal is acceptable in terms of impact on protected species in line with Policy S35 subject to mitigations measures which can be secured by condition.

- **Design**

Officers consider the proposed alterations and extension to the building, to be acceptable for its rural location and responds positively to the character and history of the existing building in compliance to Policies S3, S31 and DM15 of the Allerdale Local Plan.

Councillor T Annison proposed to approve the application as per officers recommendations.

Councillor E Lynch seconded the motion.

A vote was taken: the vote for approval was unanimous.

The motion in favour of approval was carried.

## **Decision**

Approved

## **CONDITIONS**

### **Time Limit:**

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

**2.**

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

### **In Accordance:**

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

**4. 21-11-04 Location Plan**

**21-11-02 Rev B As Proposed Ground Floor Plan, Elevations & Section A-A received 30.03.2022**

**21-11-03 Rev C As Proposed First Floor Plan, Elevations & Section B-B received 30.03.2022**

**21-11-05 Rev C As Proposed Site (Block) Plan received 30.03.2022**

**Drainage Strategy dated March 2021**

**Planning Statement – Drainage and Structural Survey for Bats, Barn Owls & Breeding Birds**

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 development conditions:**

- 3. Prior to the carrying out of any construction works the existing buildings affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described in Historic England's document 'Understanding Historic Buildings A Guide to Good Recording Practice, 2016'. Within two months of the commencement of construction works a digital copy of the resultant Level 2 survey report shall be furnished to the Local Planning Authority.**

Reason: To ensure that a permanent record is made of the existing buildings of architectural and historic interest prior to their alteration as part of the proposed development, in compliance with Policy S27 of the Allerdale Local Plan (Part 1), Adopted July 2014.

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

4. **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 for constructional and operational traffic.

5. **The foul and surface water drainage scheme outlined in the submitted Drainage Strategy shall be fully implemented prior to the occupation of the dwelling house and maintained operational at all times thereafter.**

Reason: To ensure a satisfactory means of drainage and minimise the risk of flooding, in compliance with Policy S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**Other:**

6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.**

Reason: To preserve the character and appearance of the original building and its surroundings.

7. **The works shall be implemented in accordance with the mitigation strategy outlined in Section E and F of the submitted Survey for Bats, Barn Owls and Breeding Birds and Detail 8 (Roof Space Roost for Long Eared Bats) and Detail 4B (Ridge Tile Access Detail 4B).**

Reason: To safeguard the habitat of bats in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (part 1), Adopted July 2014.

- 457. FUL/2020/0047 - Former RNAD site/Derwent Forest - Visiting Centre with associated gatehouse, parking and infrastructure**

**Representations**

The Agent, Dylan Jones spoke in support of the application.

## Application

The Senior Planning Officer, Steve Long recommended to approve the application.

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

- Principle of Development

While not meeting all policy criteria fully, the scheme as amended is considered acceptable in accordance with the objectives of Policy S18 of ALLP1. The proposal will deliver beneficial local tourism facilities to the area with a local connection to the historic legacy of the wider site.

- Tourism

Policy SA32 of the Allerdale Local Plan (Part 2) specifies the criteria for tourist related development. There is a bespoke locational aspect to the proposal which represents a material consideration.

- Layout and Scale

The proposed design is modern in its details, but occupies an isolated and remote location on the RNAD site.

The nearest property is approx. 280m distance from the site.

- Highways

The layout and access details meet the requirements of the County highway authority.

- Contamination

Policy S30 endorses the remediation of existing contaminated land/buildings. The sites are predominantly brownfield Further assessment is required to the coal mining details (conditioned).

- Drainage

The foul and surface water drainage details are acceptable in compliance with Policy S29 of ALPP1.

- Ecology

Policy S35 refers to ecology/ biodiversity. The application is supported by detailed ecological surveys. Subject to mitigation being secured these details are safeguarded.

Following member discussions, Councillor J Farebrother proposed to defer the application until members receive a comprehensive presentation of the masterplan and a site visit has been undertaken.



Councillor A McGuckin seconded the motion.

A vote was taken: 9 voted in favour of the deferment and 1 against.

The motion in favour of deferral was carried.

### **Decision**

Deferred

### **Break 15:20 - 15:30**

#### **458. HOU/2022/0022 - 13 Carlton Road, Workington - Timber to UPVc Windows**

### **Representations**

A letter was read out on behalf of Ward Councillor Paul Scott in support of the application.

Mr K Thompson representing the application spoke in support of the application.

### **Application**

The Senior Planning Officer, Steve Long recommended to refuse the application.

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

- Heritage

The proposal relates to an Article 4 property within the Portland Square Conservation Area. The scheme seeks to substitute existing traditional timber sliding sash to the front elevation with modern UPVC alternatives.

Both the applicant's property, the attached property and a proportion of the street's large Victorian terraced properties within the immediate locality of the site have largely retained their existing traditional details (including their fenestration) not inclusive of the two storey terrace to the south end of Carlton Road that adjoins Elizabeth Street.

Officers consider the proposal would result in the detrimental loss of the existing details, and by virtue of the design and materials of the proposed replacement windows will neither preserve nor enhance the character and appearance of the designated conservation area resulting in significant harm to the façade facing Carlton Road.

There will be consequent harm to the significance of this designated heritage asset which is not outweighed by any public benefits.

The proposal is therefore considered unacceptable being contrary to the criteria of Policy S27 of the Allerdale local plan (Part 1)

Following member discussions, Councillor A Daniels proposed to refuse the application as per officer's recommendations.

Councillor N Cockburn seconded the motion.

A vote was taken: 8 voted in favour of refusal and 2 against.

The motion in favour of refusal was carried.

### **Decision**

Refused

#### **459. CAT/2022/20005 - Park End Road, Workington - Works to a tree in a conservation area**

### **Application**

The Senior Planning Officer, Steve Long recommended to approve the application.

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

- Amenity Value

The proposed works will neither result in detriment to the health of the trees nor the visual amenity they provide.

Councillor T Annison proposed to approve the application as per officer's recommendations.

Councillor J Lister seconded the motion.

A vote was taken: the vote for approval was unanimous

The motion in favour of approval was carried.

### **Decision**

Approved

**The meeting closed at 4.02 pm**