

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 6 September 2022 at 10.00 am

Members

Councillor Tony Annison (Chair)
Councillor Carole Armstrong
Councillor Malcolm Grainger
Councillor Hilary Harrington
Councillor Jim Lister
Councillor Paul Scott
Councillor Alan Smith

Councillor Allan Daniels
Councillor Jimmy Grisdale
Councillor George Kemp
Councillor Elaine Lynch
Councillor Andrew Semple

Apologies for absence were received from Councillor Janet Farebrother Councillor Nicky Cockburn, Councillor Daniel Horsley, Councillor Antony McGuckin and Councillor Alan Tyson

Staff Present

I Fairlamb, S Long, K Magnay and J Morgan

Also Present

Shamus Giles, Cumbria County Council

141. Minutes

The minutes of the meeting held on 9 August 2022 were signed as a correct record.

142. Declaration of Interests

Councillor A Semple declared an interest in FUL/2022/0151 – chaired the planning meeting for Cockermouth Town Council.

143. Questions

None received.

144. OUT/2019/0017 - Beech Grove, Seaton - Outline application for 8 dwellings with all matters reserved except access

Representations

Gill Brinicombe, spoke in objection to the application.

A letter of objection was read out on behalf of Natalie Fisher and Kathleen Fisher.

Aileen Brown, Seaton Parish Council spoke in objection to the application.

Drainage Consultant, Chris Scott spoke in support of the application.

Application

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

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

- Principle of Development

The application site is considered to represent a sustainable location for further housing development within the village in compliance with the settlement objectives of Policy S3 of Allerdale Local Plan Part 1 (ALP Part 1) and the updated settlement limits of Policy SA2 of the Allerdale Local Plan Part 2 (ALPP2).

The site is well related to the surrounding built development.

- Highways

The intensification of the use of the existing vehicular access from the small Beech Grove estate onto Causeway Road is acceptable with no significant adverse impacts on highway safety. The details are acceptable to the Local Highway Authority.

- Drainage

Policy S29 of ALPP1 refers to surface water drainage and flood risk. This subject represented a key concern within the representations received, prompting the applicant to undertake a detailed flood risk /surface water drainage assessment towards adopting a drainage strategy (including cumulative considerations with the recently approved nearby major housing development on the opposite side of Causeway Road). The submitted detailed scheme is considered to be acceptable to the Lead Local Flood Authority.

- Ecology

Policy S35 seeks to protect and safeguard biodiversity. Assessments were undertaken to establish the ecological value of the site (including a reptile survey) It was concluded the proposal would not have a significant impact on ecology and biodiversity gain can be achieved via planning condition.

Members questioned Planning Officers and Cumbria County Council

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

Councillor J Lister seconded.

A vote was taken: 6 voted in favour of approval, 6 against, 0 abstentions

The chair had the casting vote and voted in favour of the application.

Decision

Approved

Conditions

- 1. Prior to the commencement of works, details of the scale and appearance, and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.**
Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the town and country Planning (General Development Procedure) Order 1995.

- 2. Insofar as this decision grants outline permission for residential development of up to 8 dwellings, the development hereby permitted shall be carried out in accordance with the following plans:**
60790-01 Rev B Site location plan (amended) 28/07/22
Amended plan (60790:10 Rev D) received 9/12/21
Amendment 078467-CUR-00-XX-RP-Z-92001 P02 Drainage strategy Part 1 (30/05/2022)
Amendment 078467-CUR-00-XX-RP-Z-92001 P02 Drainage strategy Part (30/05/2022)
Amendment 078467-CUR-00-XX-RP-Z-92001 P02 Drainage strategy Part (30/05/2022)
Amended Dwg 078467-CUR-00-XX-DR-C-90003 Surfacing plan and details Rev P01 (received 12/07/2022).
Amended Dwg 078467-CUR-00-XX-DR-C-92003-P01 Exccedence flow plan received (30/06/22)
Amended 078467-CUR-XX-XX-CA-D-92001-V02 Surface water calculations received (30/06/22)
Amended Ecological Assessment survey report 11/10/2021
Amended reptile survey report 11/10/21
E-mail dated 9/12/21 confirming reserved matter means of access within the application.
Reason: To ensure a satifctory housing density for the development.

- 3. Insofar as this decision grants outline permission for residential development of up to 8 dwellings, the submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:**
(a) The expiration of 3 years from the date of the grant of this permission, or

(b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 4. Excluding drainage works, no development shall be undertaken within a three metre easement to each side of the route of Gale Brook watercourse, whether that be the open or culverted sections of the watercourse.**

Reason: To enable the future maintenance and management of the watercourse, in the interests of proper drainage and reducing flood risk, in accordance with Policy S29 of the Allerdale Local Plan (Part 1) (July 2014).

Pre commencement

- 5. Prior to the occupation of any of the dwellinghouses hereby approved the development shall be completed, maintained and managed in accordance with the conclusions, recommendations principles set out in the amendment 078467-CUR-00-XX-RP-Z-92001 P02 Drainage strategy (Parts 1- 3) dated 30/05/2022 and its accompanying associated floor levels, appendices, drawings and calculations.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution from surface water in compliance with Policy S29 of the Allerdale Local Plan (Part 1) (July 2014) and policies within the NPPF and NPPG.

- 6. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.**

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

- 7. The carriageway, footways, footpaths, cycleways etc. shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections and a footpath link to Beech Grove, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. 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.

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

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

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

9. Prior to development commencing, a Construction Environmental Management Plan shall be 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 on-site parking and turning for site and staff traffic;
- b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.
- c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
- d) Mitigation measures to ensure that no harm is caused to wildlife species during construction.
- e) A written procedure for dealing with complaints regarding the construction;
- f) Measures to control the emissions of dust and dirt during construction and demolition;
- g) Programme of work for Construction phase;
- h) Hours of working and deliveries;
- i) Details of lighting to be used on site.
- j) Appropriate pollution prevention guideline measures to include biosecurity, materials and machinery storage, and mitigation for the control and management of noise, dust, surface water run-off and waste to protect Gale Brook and any surface water drains from sediment, and pollution from cement or fuel.

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

Reason : In the interests of amenity and safeguarding ecological interests and biodiversity in compliance with policies S32 and S35 of the Allerdale Local Plan (Part 1) (July 2014).

- 10. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to the commencement of works.**

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

During operational works

- 11. Where land affected by contamination is found which poses unacceptable risks to human health, controlled waters or the wider environment under condition 10, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

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

- 12. Should a remediation scheme be required under condition 11, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**

Reason: To minimise any risk during or post construction works arising from any possible contamination 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) (July 2014).

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

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local

environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1) (July 2014).

- 14. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:**
- 1) As built drawings for all Suds components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc.);**
 - 2) Construction details (component drawings, materials, vegetation);**
 - 3) Health and Safety file;**
 - 4) Details of ownership organisation/adoption details.**

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-statutory technical standards in accordance with the NPPF

- 15. Vehicular access to the development site hereby approved shall solely be via the existing access onto Beech Grove estate, Seaton.**
Reason : In the interests of highway safety.

- 16. The development hereby approved shall only be undertaken in full accordance with the recommendations and mitigation measures outlined in the submitted ecological report ref Amended Ecological Assessment survey report dated 11/10/2021.**

Reason : In the interests of safeguarding local wildlife and biodiversity in compliance with Policy S35 of the Allerdale Local Plan (Part 1) (July 2014).

- 17. No residential dwelling shall be constructed above ground level until full details of the layout, maintenance and management of the public open space (the corridor adjacent to Gale Brook watercourse) have been submitted to and approved in writing by the Local Planning Authority. The public open space shall be fully implemented prior to the occupation of the completion dwellinghouse on the site and retained for the lifetime of the development.**

Reason: To ensure the satisfactory provision of open space in accordance with the National Planning Policy Framework and Policies S2, S4, S24, S25, S26 and DM14 and safeguard the future maintenance corridor of Gale Brooks watercourse of the Allerdale Local Plan (Part 1) (July 2014).

Prior to occupation

- 18. No dwelling shall be occupied until the estate road, including footways and cycleways to serve that dwelling, have been constructed in all respects to base course level and street lighting**

where it is to form part of the estate road, has been provided and brought into full operational use.

Reason: In the interests of highway safety.

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

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

Reason: To seek to secure sustainable superfast (as defined by Government standards) fibre broadband connectivity in accordance with policy SA33 of the Allerdale Local Plan Part 2 (July 2019).

- 20. Any landscaping scheme submitted at the reserved matters stage shall include retention of the existing hedgerow on the western boundary of the site, together with measures for its protection during the construction of development. All planting, seeding or turfing comprised within any approved landscaping 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 improve biodiversity in compliance with policy S33 and S35 of the Allerdale Local Plan (Part 1) (July 2014).

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, E and F of Part 1 of Schedule 2 of the said Order for Plots 1-4 of the development hereby approved shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions/ outbuildings and hardstandings in the interests of safeguarding existing water utility infrastructure, ensure a satisfactory standard of surface water drainage for the site and minimising flood risk in compliance with Policy S29 of the Allerdale local plan (Part 1).

Note to applicant

Prior to any work commencing on the watercourse the applicant should contact the Environment Agency to confirm if Flood Defence Consent is required.

145. OUT/2022/0010 - Land at Causeway Head - Outline planning application for residential development with all matters reserved (resubmission)

Representations

The Applicant, Mark Orchard spoke in support of the application.

Application

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

The Senior Planning Officer drew members attention to the late list.

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

- Principle of Development

The dwelling lies outside and detached from any settlement limit therefore is development within the open countryside.

The applicant has not evidenced any location need for dwellings in this location. The proposal would therefore constitute non-essential development in an unsustainable open countryside location contrary to Policies S1, S2 and S3 of Part 1 of the Local Plan and Policies SA2 and SA4 of Part 2 of the Local Plan.

- Highway Issues

Access is to be considered as part of this application. There are a number of trees located along the highway boundary that could impede visibility from the site. In the absence of detailed information from the applicant relating to the proposed access and associated visibility splays they have failed to demonstrate that a safe and adequate access can be achieved to serve the development in line with Policies S4 and DM14 of the Local Plan Part 1.

- Trees

The existing trees offer a high level of visual amenity to the area. In the absence of an arboricultural assessment the applicant has failed to demonstrate the trees will not be harmed by the development.

- Drainage

In the absence of a Flood Risk Assessment and the fact that the application site represents a small island surrounded by Flood Zone 3 land, the applicant has not been able to adequately demonstrate that the proposal site can be safely developed and that it will not increase flood risk elsewhere in line with Policy S29 of the Local Plan Part 1.

Following member discussions, Councillor A Daniels proposed to defer the application to gain additional information with regards to the flood risk, visibility splays, trees and planning history of houses in the surrounding area and any identified need for the dwelling.

Councillor A Smith seconded.

A vote was taken: 8 voted in favour of deferral, 4 against, 0 abstentions

Decision

Deferred

Lunch Break 12:22pm - 13:00pm

146. FUL/2022/0118 - Land adjoining Barncroft, 16 High Seaton - Proposed detached dwelling

Representations

Joanne Mounsey spoke in objection to the application.

Ward Councillor, Joe Sandwith spoke in objection to the application.

Application

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

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

- Principle of Development

The site falls within the settlement limits of the adopted Part 2 of the Local Plan.

Seaton is included as part of the Principal centre (Workington) in policy S3 of the Allerdale Local Plan Part 1. This Centre is expected to absorb 35% of the total housing growth provision across the Plan period.

The site is in a sustainable location and well related to the existing built form of Seaton.

- Highways

This is a modest proposal of one dwelling. The Highway Authority have confirmed that there are no objections to the proposed access arrangements.

- Drainage

There are no known critical drainage problems or surface water flooding records for the site. The Lead Local Flood Authority raise no objections in relation to the drainage proposals which have been approved under previous applications.

- Ecology

There are no records of any protected species on the site which forms part of a larger building plot and there is therefore no impact on ecology.

Following member discussions, Councillor P Scott proposed to refuse the application on the grounds that the local planning authority consider the proposed dwellinghouse and revised boundary treatment by virtue of its scale, massing and proximity to the boundary would result in an adverse detrimental impact on the residential amenity of No's 16 and 17 High Seaton contrary to policies S4 and S32d of the Allerdale Local Plan (Part 1).

NB. Members additionally seek enforcement investigation as to whether the two dwellinghouses on the neighbouring plots are being built in accordance with the approved plans especially as aerial shots appear to show bigger footprints than those on the approved block plan.

Councillor C Armstrong seconded.

A vote was taken: the vote for refusal was unanimous

Decision

Refused

- 147. LBC/2022/0029 - Pear Tree House, Blenerhasset - Listed building consent for replacement of windows, repairs to the east chimney and repairs to painting to external walls to all elevations of the property**

Application

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

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

- Heritage

The building is a Grade II listed property within the Conservation Area. The proposed works are to replace the properties existing range of external window fenestration and undertake repair works to the properties chimney plus paint its exterior. The window works mainly affect modern elements of the building and combined with the repair works /repainting are considered to represent an appropriate repair with minimal impacts.

Following member discussions, Councillor T Annison proposed to approve the application as per officers recommendations.

Councillor J Lister seconded.

A vote was taken: the vote for approval was unanimous

Decision

Approved

Conditions

Time Limit:

1. **The works hereby consented shall be begun before the expiration of three years from the date of this permission.**
Reason: In order to comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

IN ACCORDANCE:

2. **The works hereby permitted shall be carried out solely in accordance with the following plans:**
Location Plan
Dwg 032 PR WIN
Dwg 032 PRWIN
Dwg 032 PRDIN-DET
Dwg 02 rev 01 GF floor plan
Applicant's amended email and plans dated 18th August 2022 revising the proposed double glazed sliding sash multipane windows to the gable with alternative replacement single glazed timber sliding sash windows and details of the rear elevation sliding sash windows.
Reason: In order to ensure that the works are carried out in complete accordance with the approved plans, and for then avoidance of doubt as to what works are consented, and any material and non-material alterations to the scheme are properly considered.

Councillor A Semple left the meeting

148. FUL/2022/0151 - Allerdale Customer Service Centre, Fairfield Car Park, Cockermouth - Provide detached smoothie hut

Application

The Senior Planning Officer, Steve Long recommended to approve the application subject to the recommended conditions, the Planning Officer advised members there would be further conditions added as follows.

This permission is limited to the period expiring on 6th September 2027. Immediately on the expiry of that period, the use hereby permitted shall cease and within 1 month the land shall be reinstated to its former condition.

The premises hereby approved shall solely operate between the hours of 8am to 4pm Monday to Friday, 10am to 2pm Saturday with no opening on Sundays or bank holidays.

No hot food or drink shall be sold from the premises without the prior written consent of the local planning authority.

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

- Principle of Development

The application site is on Fairfield Car Park in Cockermouth which is owned by Allerdale Borough Council. The application comprises a timber clad shipping container to be used as a smoothie hut.

- Highway Safety

The proposal does not fall within the criteria for consultation with Cumbria Highways however, no new accesses are required and Allerdale Parking Services were satisfied that the proposal would not impact upon parking within the car park.

- Other Issues

The site is outside of Cockermouth Conservation Area and near to a Public Right of Way which crosses the car park. The proposal is not considered to affect either.

Members expressed concerns on the dilapidated state of the neighbouring former customer services centre which had been granted consent for a valeting/car wash albeit commenced had now been in an abandoned state for months/years and was an eyesore. Given this is the same applicant could the matter be taken up with him for his intent.

Following member discussions, Councillor A Daniels proposed to approve the application as per officer's recommendations and subject to the further conditions added and the tidying up of the site.

Councillor M Grainger seconded.

A vote was taken: 9 voted in favour, 2 against, 0 abstentions.

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.**

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

IN ACCORDANCE:

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

DWG01

Existing

Plans

DWG02

Proposed

Plans

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. This permission is limited to the period expiring on 6th September 2027. Immediately on the expiry of that period, the use hereby permitted shall cease and within 1 month the land shall be reinstated to its former condition.**

Reason: The hut hereby approved is only acceptable as a temporary measure in accordance with the National Planning Policy Framework and policies S2, S4 and S32 of the Allerdale Local Plan (Part 1)

- 4. The premises hereby approved shall solely operate between the hours of 8am to 4pm Monday to Friday, 10am to 2pm Saturday with no opening on Sundays or bank holidays.**

Reason: To safeguard the amenity of its locality in accordance with Policy S32 of the Allerdale Local Plan (Part 1).

- 5. No hot food or drink shall be sold from the premises without the prior written consent of the local planning authority.**

Reason: To safeguard the amenity of its locality in accordance with Policy S32 of the Allerdale Local Plan (Part 1).

149. WTPO/2022/0010 - Hill Farm, Causeway Road, Seaton - Proposed felling of t1 and t5 because of Ash dieback

Representations

Aileen Brown, Seaton Parish Council spoke in objection to the application.

Application

The Senior Planning Officer, Steve Long recommended to approve the application subject to a condition securing the planting of a heavy duty replacement oak trees for each tree.

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

- Amenity Value

The trees were protected as part of a cluster of mature individual trees within the grounds of Hill Farm which are of amenity value as a landscape feature within the streetscene.

- Justification

The loss of both of Ash trees T1 and T5 is on the grounds of evidence of Ash dieback which has increased since member's last consideration of the works. It results in it representing a safety threat to the occupiers of the neighbouring bungalow (1a Causeway Rd, Seaton)

The applicant had previously agreed under the earlier TPO application to scale their initial felling request for T1 down to an alternative of 40% crown thinning works, albeit it was acknowledged the condition of the tree will need to be monitored in the future.

Following member discussions, Councillor J Lister proposed to approve the application as per officer's recommendations subject to two replacement heavy standard trees to be monitored.

Councillor M Grainger seconded.

A vote was taken: 7 voted in favour, 2 against, 2 abstentions.

Decision

Approved

The meeting closed at 3.12 pm