

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 21 March 2023 at 10.30 am

Members

Councillor Tony Annison (Chair)
Councillor Carole Armstrong
Councillor Allan Daniels
Councillor Jimmy Grisdale
Councillor Daniel Horsley
Councillor Alan Smith

Councillor Janet Farebrother (Vice-Chair)
Councillor Nicky Cockburn
Councillor Malcolm Grainger
Councillor Hilary Harrington
Councillor Antony McGuckin

Apologies for absence were received from Councillor George Kemp

Staff Present

K Bamford, I Fairlamb, K Magnay and S Sewell, A Williams and R Wilson

Also Present

Shamus Giles, Cumbria County Council

432. Minutes

The minutes of the meeting held on 21 February 2023 were signed as a correct record.

433. Declaration of Interests

None declared.

434. Questions

None received.

435. HOU/2022/0225 - Carlton Villa, 13 Carlton Road - To replace existing windows with double glazed EcoSlide PVC-U sliding sash windows (re-submission of HOU/2022/0022)

Representations

Letters of support were read out on behalf of Michelle Williams and Nick Whitehead.

The applicant, Kevin Hughes spoke on the application.

Application

The Planning Manager, Alison Williams recommended to refuse the application on the following grounds:

The proposal, by virtue of its modern UPVC materials, will neither preserve nor enhance the character and appearance of the designated conservation area as a result of the harm from the proposed interventions 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 would be contrary to policies S2, DM15 and S27 of the adopted Allerdale Local Plan Part 1 (2014) and the provisions of the National Planning Policy Framework 2018.

The Planning Manager 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 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 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 members discussions, Councillor A McGuckin proposed to approve the application.

Councillor C Armstrong seconded.

A vote was taken: 4 voted in favour of approval, 6 against and 1 abstention

The motion for approval was lost.

Councillor J Farebrother proposed to refuse the application as per officer's recommendations.

Councillor N Cockburn seconded.

A vote was taken: 6 voted in favour of refusal, 4 against and 1 abstention.

Decision

Refused.

436. HOU/2021/0004 - 44 St Helen's Street, Cockermouth - Retrospective application to replace two fog kennels in rear garden

Application

The Senior Planning Officer, Rebecca Wilson brought to members attention the recommendation on the application was incorrect and should state grant subject to conditions.

The Senior Planning Officer advised members an additional condition would be added in relation to the 3rd kennel to be removed from the site within 6 weeks of the date of the decision notice.

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

- Noise and Disturbance

The location of the kennels housing 8 dogs within an urban area close to neighbouring properties has the potential to cause noise disturbance to the living conditions of neighbouring residents.

- Impact on Conservation Area

Boundary and landscaping treatments could screen the 2 kennels from the wider conservation area.

Members questioned officers in relation to with regards to landownership.

The Senior Planning Officer advised members an additional condition to remove the 3rd kennel within 6 weeks of the decision notice.

Following members discussions, Councillor C Armstrong proposed to approve the application.

Councillor D Horsley seconded.

A vote was taken: 10 voted in favour of approval, 0 against and 1 abstention

Decision

Approved

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

Pen 1 Proposed Plans

Pen 2 Proposed Plans

Proposed Layout Plan

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

- 3. The two kennels as approved shall be finished with a smooth render within 3 months of the date of this decision notice.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 4. The approved boundary fencing (indicated in green) and landscaping details (beech hedge) as shown on the Proposed Layout Plan, shall be implemented within 3 months of the date of the decision notice and shall be retained at all times thereafter unless agreed in writing with the Local Planning Authority. A 2m acoustic fence shall be erected to the western boundary between 44 and 42 St Helens Street and retained thereafter unless agreed in writing with the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 5. There shall be no more than 8 canines housed at the kennels at anytime and the kennels shall be used solely for keeping canines belonging to the owners/ occupiers of 44 St Helens Street, Cockermouth.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. **The third kennel shall be removed from the site within 6 weeks of the date of the decision notice.**

Reason: In the interest of the visual amenity of local residents and Cockermouth Conservation area and to restrict the number of kennel buildings at the site to mitigate noise disturbance from canines.

437. FUL/2023/0006 - 322 Moss Bay Road, Workington - Re-submission of application FUL/2022/0115 for the change of use of car showroom to workshop facility

Representations

A letter of objection was read out on behalf of Wynn Boyes.

Iris Fraser and Denise Adams spoke in objection for the application.

The agent, Ken Thompson spoke in support of the application.

Application

The Senior Planning Officer, Rebecca Wilson recommended to grant the application subject to the planning conditions.

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

- Principle

The proposal is located within the defined settlement of Workington, in an area of mixed commercial and residential uses. The principle of commercial development is therefore acceptable within this location, subject to compliance with other relevant Local Plan policies.

- Residential Amenity

Given the existing commercial activity taking place in the building, it is considered that the proposed change of use of the upper floor from showroom to workshop facility would not have any significant adverse impact upon adjacent residential amenity. Conditions are suggested to safeguard existing amenity standards.

- Highways

Given the existing use of the premises, it is considered that the proposal would not lead to a significant increase in vehicular traffic to and from the site. The Highways Authority raise no objections to the proposal.

Members question officers in relation to condition 6, the Senior Planning Officer advised members the wording could be changed to stipulate no customer or staff parking.

Following members discussions, Councillor H Harrington proposed to refuse the application on the following grounds – the local planning authority consider the proposed development, by virtue of the proposed workshops operational use and proximity to the nearby residential properties on Mossbay Road would result in adverse noise disturbance to the detriment of the residential amenity of the dwellings contrary to Policy S32 of the Allerdale Local Plan (Part 1).

Councillor C Armstrong seconded.

A vote was taken: 5 voted in favour of refusal, 6 against and 0 abstention

The motion for refusal was lost.

Councillor A Daniels proposed to approve the application as per officer's recommendations with the additional wording in condition 6 to restrict staff and business parking.

Councillor J Farebrother seconded.

A vote was taken: 6 voted in favour of approval, 5 against and 0 abstention.

Decision

Approved

Conditions

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

- a. **IE/KT/23/01 – Location Plan**
- b. **IE/KT/23/02 – Block Plan**
- c. **IE/KT/23/DAS – Design and Access Statement**

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-commencement conditions:

2. The development hereby approved shall solely be carried out from the building marked A on approved drawing numbers IE/KT/23/01 and IE/KT/23/02 received 8th March 2023, with no external operations to be carried out at any time.

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

3. The use hereby permitted shall be restricted to the hours of operation between 8am and 6pm Monday to Friday and between 8am and 1pm Saturdays, and not at all on 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.

- 4. The openings on the south east elevation to the workshop area hereby approved shall remain closed whilst machinery/plant is in operation from the workshop, other than for access.**

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. Noise emanating from the premises shall not exceed NR40 when measured at the monitoring location (see attached plan) during the operation of the proposed workshop. All measurements to assess compliance must comply with BS7445 part 1, 2 and 3.**

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.

- 6. There shall be no parking of customer, staff or business owner vehicles within the areas marked E (section between no. 314 Moss Bay Road and area D shown hatched in Magenta only), and F on the approved drawing numbers IE/KT/23/01 and IE/KT/23/02 received 8th March 2023, at any time.**

Reason: In the interests of preserving the amenity of neighbouring residents by virtue of noise disturbance and to safeguard access to residents off road parking, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014

Lunch Break - 13:00 - 13:45

Councillor A McGuckin left the meeting

- 438. FUL/2022/0119 - Site K - site with garage located to rear of houses 10-16 Garth Road, Workington - 2 no. new bed bungalows on site K, and associated external works**

Representations

A letter of objection was read out on behalf of Gavin Taylor.

Rachel Lightfoot spoke in support of the application on behalf of the agent.

Application

The Senior Planning Officer, Rebecca Wilson recommended to grant the application subject to the planning 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.

Workington is the Principal Centre 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 Workington.

- Highways

No further comments from Cumbria Highways regarding the amended details received. Officers note although the highway access to the existing garage court is narrow, the scheme for 2 bungalows is likely to produce less traffic movements than the existing 19 garages and on that basis, the scheme is deemed acceptable.

- Drainage

The Lead Local Flood Authority raise no objections in relation to the drainage proposals subject to planning conditions.

- Ecology

The garage site is currently tarmac and there is no impact on ecology.

Following members discussions, Councillor M Grainger proposed to approve the application as per officer's recommendations.

Councillor A Daniels seconded.

A vote was taken: 9 voted in favour of approval, 0 against and 1 abstention

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:**

**Amended Site Plan and Site Section Site K 20058-10
Amended site Location & Block Plan Site K 22058-11
Bungalow A3 Plans and Elevation 20054-35
Drainage Strategy Site K
Site K, Blocks 1 & 2 – Catchment Area Plan WDS/05/7273/110 P1
Site K, Blocks 1 & 2 – Drainage Plan WDS/05/7273/111 P1
Amended design and access Statement 2nd March 2023.**

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. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:**

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

Reason: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority in compliance

with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 4. No development shall take place until a Construction and Demolition Method Statement 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;**
 - 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 protected species during construction.**
 - e) A written procedure for dealing with complaints regarding the construction or demolition;**
 - f) Measures to control the emissions of dust and dirt during construction and demolition;**
 - g) Programme of work for Demolition and Construction phase;**
 - h) Hours of working and deliveries;**
 - i) Details of lighting to be used on site.**

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

Reason: In the interests of residential amenity in compliance with policy

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

- (a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and**
- (b) Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Post-commencement/Pre use commencing conditions:

- 5. Prior to occupation, boundary details shall be provided to the local Planning Authority for approval, and the approved scheme shall be implemented prior to occupation and retained thereafter.**
Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policies S4, DM14 and DM15 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 6. Prior to the first occupation of the dwelling, details 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

439. OUT/2022/0014 - Land rear of Moor House, Marsh Terrace, Ellenborough - Demolition of existing dwelling and re-development to provide part residential development and part allotments (outline with all matters reserved)

Representations

Craig Thompson spoke in objection to the application.

The Agent, Richard Evans spoke in support of the application.

Application

The Planning Manager, Alison Williams recommended to grant the application subject to the planning conditions and the signing of a section 106 agreement to secure 10% affordable housing and provision of a Traffic Regulation Order.

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

- Principle of Development

The site falls within the existing settlement limits of Maryport and the scale of the housing proposal remains as previously approved (15 dwellings) is considered to be commensurate to the size and role of the town as a Key Service Centre. The site is surrounded

predominantly by existing housing and therefore additional housing on this site would be a compatible use.

The proposal will involve the development of predominantly greenfield land, which is sequentially less preferable to previously developed land. However, the allocation of housing land for Maryport includes mainly greenfield sites within the Allerdale Local Plan Part 2 and whilst there are small pockets of previously developed land within the town, the anticipated level of housing that Maryport is intended to deliver would exceed this. As such, the release of a greenfield site is considered to be acceptable.

- Replacement Allotment Provision

The original proposal has been amended to include the provision of some allotments. This has followed a quantitative and qualitative assessment of the site by Officers which has established that 576sqm of land on site is presently in genuine allotment use. This provision would be secured by condition. On this basis, the health and wellbeing benefits of the existing use would be retained in the long term, albeit there is likely to be some short term disruption.

The open space has limited amenity value in other respects. Subject to the replacement allotment provision, the scheme is considered to accord with the requirements of Policy S25.

- Sustainability, Access and Parking

The site is considered to be in a sustainable location, with access to public transport and a range of amenities within reasonable walking distance.

The proposal will involve the creation of a new access off the A594 and the Highways Authority have indicated that the previous provision of a Traffic Regulation Order is no longer required to secure the original visibility splays.

No concerns have been raised as to any wider safety issues arising from an additional highway access at this location.

Officers are satisfied that the scale of housing development proposed can accommodate any need for residual off street parking for the proposed housing, including the provision of displaced spaces for residents of Marsh Terrace, from the loss of on-street parking likely to arise from visibility splay requirements.

On this basis, the proposal is considered to be acceptable in terms of the sustainability of the location, the provision of parking and highway safety.

- Standard of Housing Environment

As the application has been submitted in outline with all matters

reserved, it is not possible at this stage to determine the standard of housing environment for future occupiers. However, the indicative plan is considered sufficient to conclude that the site would be capable of accommodating up to 15 units that would be able to provide a good standard of housing environment in terms of privacy/outlook/outdoor space.

- Housing Mix

The adequacy of the housing mix would be fully assessed at the reserved matters stage. The applicant has confirmed their willingness to provide for 10% affordable housing provision in accordance with policy SA3. This would need to be secured by s106 agreement along with the tenure mix, should Members be minded to approve the application. The size and positioning of these units within the scheme would be determined at the reserved matters stage.

- Impact on Residential Amenity

As the application has been submitted in outline with all matters reserved, it is not possible at this stage to determine the standard of the development in terms of residential amenity at this stage. However, due to the significant change in levels in the vicinity of the site, it is considered appropriate to limit the number of units proposed to that shown on the indicative plan, to limit any dwellings adjacent to the northern boundary of the site to single storey only and to condition the submission of cross sections and existing and proposed floor levels as part of the reserved matters. Through these controls, it is considered that the amenity of neighbouring residents would be adequately protected.

- Heritage Assets

The former Crown Inn to the eastern boundary of the site is a Grade II listed building and the proposal has the potential to impact on its setting. Given the historic use of the building, the open aspect frontage and orientation of this building to the A594 is considered the most important aspect of its setting.

Whilst the full impact of the proposal on the setting of this listed building cannot be determined at this stage, it is considered that will careful consideration of placement, massing and levels, a scheme could be achieved that would not impact significantly on the setting of the heritage asset.

- Ecology

Ecological interest is considered to be limited to the potential presence of bats, and any direct impacts are considered to be a low risk. An

advisory note is considered to be sufficient in this case.

- Trees

The proposal would involve some tree removal, none of which are considered worthy of a TPO. Landscaping of the site is a reserved matter and, at this stage, replacement tree planting can be secured.

- Ground Conditions

Environmental Health recommends further site investigation due to past use of the site which can be secured by appropriate conditions. Further, a Construction Management Plan secures measures to monitor and protect adjacent properties from vibration damage during the build stage.

- Surface Water Drainage

The site is not at risk of flooding but flooding issues have been experienced along Gill Beck to the north. Conditions are recommended for the control, management and maintenance of a detailed drainage scheme.

Members questioned officers in relation to the access.

Shamus Giles from Cumbria County Council clarified that the access sites were post application. An engineering assessment had been done and no parking would be removed from in front of the houses.

Following members discussions, Councillor C Armstrong proposed to approve the application as per officer's recommendations.

Councillor A Daniels seconded.

A vote was taken: 4 voted in favour of approval, 3 against and 3 abstentions

Decision

Approved

Conditions

Time Limit:

1. **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 Sections 91 and 92 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:**

5147-02 Rev C - Location Plan

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. Before any development commences details of the layout, scale and appearance, access 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 (Development Management Procedure) Order 2015.

- 4. 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.**

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), Adopted July 2014.

- 5. Should land affected by contamination be identified following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, 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),
Adopted July 2014.

6. Construction Management Plan:

No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- (a) 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.**
- (b) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
- (c) A written procedure for dealing with complaints regarding the construction or demolition;**
- (d) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- (e) Programme of work for Demolition and Construction phase;**
- (f) Hours of working and deliveries;**
- (g) Details of lighting to be used on site;**

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.

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

- (a) pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;**
- (b) details of proposed crossings of the highway verge;**
- (c) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;**
- (d) cleaning of site entrances and the adjacent public highway;**
- (e) details of proposed wheel washing facilities;**
- (f) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
- (g) construction vehicle routing;**

- (h) the management of junctions to and crossings of the public highway and other public rights of way/footway;**
- (i) surface water management details during the construction phase**

Reason: In the interests of highway safety.

- 8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.**

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

- 9. No development shall commence until a detailed assessment of noise and odour emanating from the adjacent restaurant at the former Crown Inn, Main Street, Maryport, has been submitted for approval in writing by the Local Planning Authority. The report shall be carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines. The aim of the report will be to establish whether any proposed housing could potentially be impacted by noise and odour and a scheme of mitigation measures to alleviate any unacceptable impacts. The approved scheme of mitigation shall be implemented prior to the beneficial occupation of the dwellinghouses hereby approved and shall be permanently retained thereafter.**

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

- 10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance 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, no surface water shall discharge to the public sewerage system either directly or indirectly.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 11. Any application for reserved matters of scale and/or layout shall include plans showing the following:**

- (a) Cross sections through the site, including the relationship of proposal to off site properties to the northern, southern and eastern boundaries of the site;**
- (b) Details of existing and proposed ground levels;**
- (c) Proposed finished floor levels of buildings;**
- (d) Levels of any paths, drives, garages and parking areas; and the development shall be carried out in accordance with the details so approved.**

Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.

- 12. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a schedule of works for the managed replacement of the existing allotments on site. The development (Including the construction phase) shall be undertaken only in accordance with the approved details.**

Reason: To ensure the replacement allotment provision is delivered in a safe and timely manner, in accordance with Policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 13. The carriageways, footways, footpaths, cycleways etc shall be designed and constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/ cross sections, shall be submitted to the Local Planning Authority for approval before work commences. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All 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.

- 14. Any application for reserved matters of layout shall include plans showing the provision of allocated parking spaces for residents of Marsh Terrace of a number that is the same as or exceeds that number identified to be lost due to creation of the new access and associated visibility requirements. A detailed scheme for the temporary and permanent arrangements for the provision of these parking spaces during the construction phase and once the development is completed, shall be submitted to the Local Planning Authority for approval in writing before the development commences. The approved scheme shall be adhered to at all times during the construction phase and the permanent arrangements shall be provided as approved and retained and made available for use for the lifetime of the development.**

Reason: To ensure adequate alternative parking provision is made available to compensate for that parking provision on street that will require removal as a result of the development in the interests of highway safety and residential amenity, in accordance with policies

S5, S22 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

15. The development shall not commence until:

- (1) Visibility splays providing visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel 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.**
- (2) Measures have been put in place on the County highway to ensure that parking on street within the visibility splays is restricted.**

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.

Post-commencement/Pre use commencing conditions:

16. Should a remediation scheme be required under condition 5, 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), Adopted July 2014.

17. 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.

18.No development shall be occupied until the details of future drainage management and maintenance are agreed in writing with the Local Planning Authority. The development shall thereafter be maintained and managed at all times in accordance with the approved details.

Reason: To ensure that the surface water system continues to function as designed.

19.No part of the development hereby permitted shall be constructed above ground floor level until details of all external and roofing materials have been submitted to and approved by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.

Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

20.Details of the siting, height and type of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling(s) or the use of the allotments commencing. Any such means of enclosure shall be constructed prior to the approved development being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed or replaced without the prior consent of the Local Planning Authority.

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties.

21.Any areas of parking or open space within the approved layout and landscaping scheme that do not fall within private domestic gardens or curtilages shall be maintained at all times in accordance with a Landscape Management Plan that has been submitted to and approved in writing by the Local Planning Authority before any dwellings hereby approved are brought into use.

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

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

Reason: In the interests of highway safety of the occupiers of residential units hereby approved.

23.The dwellings/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

made available for 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.

24. **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.

Other:

25. **Any new housing adjacent to or adjoining the northern boundary of the site shall be limited to single storey only.**

Reason: It is considered that development shall be limited to single storey in this location taking into account the site conditions, levels and character of the surrounding area, in compliance with the National Planning Policy Framework and Policy S4, S5 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

26. **The development hereby permitted shall be limited to the construction of 15 dwellinghouses only.**

Reason: No information has been provided to demonstrate that a greater number of residential units could be provided on site without having a significant adverse impact on the locality by way of residential amenity and standard of housing environment, in accordance with policies S4, S32 and DM14 of the Allerdale Local Plan Part 1.

27. **The development hereby approved shall provide for a minimum of 576sqm of land to be laid out for use as allotments.**

Reason: To ensure an adequate replacement allotment provision in accordance with Policy S25 of the Allerdale Local Plan (Part 1), Adopted July 2014.

28. **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.

29. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and manage the risk of flooding and pollution.

Councillor M Grainger left the meeting

440. OUT/2022/0010 - Land at causeway Head, Opposite New Rose Cottage, Silloth - Outline planning application for residential development with all matters reserved (re-submission)

Representations

A letter of support was read out on behalf the Ward Councillor, Councillor Tony Markley

The applicant, Mark Orchard and the Agent, Rachel Lightfoot spoke in support of the application.

Application

The Planning Manager, Alison Williams recommended to refuse the application on the following grounds:

1. The proposed development constitutes non-essential residential development within the open countryside. The proposal is detached from the built settlement of Silloth located in an unsustainable location due to the lack of any pedestrian link to Silloth, and as a result there would be a high reliance on car-borne journeys to access services and facilities. The proposal is considered to be contrary to Policies S1, S2 and S3 of the Allerdale Local Plan (Part 1), Adopted July 2014 and Policies SA2 and SA4 of the Allerdale Local Plan (Part 2), Adopted July 2020.
2. Insufficient information has been submitted to demonstrate that a safe and adequate vehicular access can be achieved to the site whilst protecting the existing Trees within the frontage boundary of the site with the highway. The proposal has therefore not been able to demonstrate compliance with Paragraph 110 of the National Planning Policy Framework and Policies S4, DM14 and DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

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

- Principle of Development

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

The applicant has not evidenced any locational need for a dwelling 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

The submitted Flood Risk Assessment demonstrates that the development would be safe without exacerbating flood risk elsewhere if the proposed flood mitigation measures are implemented.

Following members discussions, Councillor N Cockburn proposed to refuse the application as per officer's recommendations.

Councillor T Annison seconded.

A vote was taken: 6 voted in favour of refusal, 1 against and 2 abstention

Decision

Refused

441. OUT/2022/0022 - Land behind Mill yard, Lime Road, Harrington - Outline application with all matters reserved for the erection of a single dwelling with associated parking and demolition of existing buildings

Application

The Senior Planning Officer, Rebecca Wilson recommended to approve the application subject to the planning conditions.

The Senior Planning Officer advised members a late response had been received from environmental protection with regards to an additional condition being added for an acoustic fence to be erected and retained thereafter.

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

- Principle of Development

The proposals relate to an enclosed brownfield site in a sustainable location at the edge of the principal service centre. Outline planning permission has been granted for residential development on this site during the current plan period, effectively accepting and establishing the principle of residential development in this location.

- Highways

The proposed development is accessible by modes other than the car, would not have an unacceptable impact on highway safety, nor would there be any residual cumulative impacts on the road network, consistent with Policy S22 of the ALPP1 and advice contained within the NPPF.

- Noise Levels

Given the proximity of the adjoining kennels and cattery, measures will be required to mitigate against the potential of noise disturbance to occupiers of the new dwelling, and to ensure and that the operation of the kennels and cattery is not prejudiced. Members will be updated with Environmental Health's response to the indicative layout supplied by the applicant.

- Drainage

The site is not at risk from flooding. Foul water and surface water drainage details are to be secured by planning condition in line with LLFA standing advice and United Utilities comments.

- Residential Amenity

Whilst the application is in outline form only, an indicative plan has been submitted to demonstrate that a dwelling could be sited in the western part of the site, furthest from the Kennels/cattery, without harming the amenities of the occupiers of the adjoining dwellings.

Following members discussions, Councillor A Daniels proposed to approve the application as per officer's recommendations and the extra condition for the acoustic fence.

Councillor D Horsley seconded.

A vote was taken: The vote in favour of approval was unanimous.

Decision

Approved

Conditions

Conditions

- 1. Before any development commences details of the layout, scale and appearance, access 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 (Development Management Procedure) (England) Order 2015, as amended.

- 2. The development hereby permitted shall be carried out in accordance with the following plans:
01003 01 Location plan**

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

- 3. The 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 Sections 91 and 92 of the Town and Country Planning Act 1990.

- 4. Any application for reserved matters of layout shall include plans showing the following:
(a) Cross sections through the site;
(b) Details of existing and proposed ground levels;
(c) Proposed finished floor levels of buildings;
(d) Levels of any paths, drives, garages and parking areas;
and the development shall be carried out in accordance with the details so approved.**

Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.

- 5. Details of the provisions of a vehicle turning space within the site which enables vehicles to access and egress from the site onto the**

highway in forward gear shall be submitted within any reserved matters application to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the turning space fully implemented. The turning space shall thereafter be retained at all times and shall not be used for any other purpose.

Reason: To ensure that the provision is made for off street vehicle turning space to enable access and egress from the site in forward gear in the interests of highway safety both during the construction works and following the completion of the development.

- 6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer should be restricted to existing greenfield runoff for any storm event. 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.

- 7. Details of all measures to be taken by the applicant/ developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.**

Reason: In the interest of highway safety

- 8. No development approved by this permission shall commence until a desktop study has been submitted to and approved by the Local Planning Authority. Should the preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all necessary site investigation works within the site boundary must be 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 their commencement.**

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), Adopted July 2014.

- 9. Should land affected by contamination be identified under the desktop study condition 8 following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, 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), Adopted July 2014.

- 10. Should a remediation scheme be required under condition 9, 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), 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. Before any development takes place a plan shall be submitted for the prior approval of the Local Planning Authority for adequate land to be reserved for the parking of vehicles engaged in construction**

operations associated with the development hereby approved and that the land, including vehicular access, and any off site, parking, turning or compound facilities thereto shall be used for and kept available for those purposes at all times until the completion of the construction works.

Reason: The carrying out of the development without the provision of these facilities during construction works would likely lead to inconvenience and danger to road users.

13.No development shall take place until a Construction and Demolition Method Statement 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 Demolition and Construction phase;**
- (g) Hours of working and deliveries;**
- (h) Details of lighting to be used on site.**
- (i) Highway signage / Haulage routes**

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

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

14.An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the approved development. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in advance of the commencement of works on the approved development. Within two months of the completion of

the permitted development three copies of the report shall be furnished to the Local Planning Authority

Reason: To afford reasonable opportunity (prior to the excavation/disturbance of the site and any loss/damage to any potential important remains) for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.

15. Prior to occupation, details of an acoustic fence to the northern and eastern boundaries shall be submitted to the Local Planning Authority for approval. The approved scheme shall be erected prior to occupation of the approved dwelling house and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity to mitigate from noise disturbance from the adjacent kennels/cattery in accordance with Policy S32 Allerdale Local Plan adopted July 2014.

The meeting closed at 3.09 pm