

At a meeting of the Development Panel held in Council Chamber - Allerdale House, Workington on Tuesday 27 August 2019 at 1.00 pm

Members

Councillor Nicky Cockburn (Chair)	Councillor Malcolm Grainger (Vice-Chair)
Councillor Carole Armstrong	Councillor Allan Daniels
Councillor Joan Ellis	Councillor Janet Farebrother
Councillor Daniel Horsley	Councillor Elaine Lynch
Councillor Ron Munby MBE	Councillor Alan Smith
Councillor Alan Tyson	Councillor Will Wilkinson

Apologies for absence were received from Councillor Adrian Kirkbride

Staff Present

J Irving, L Jardine, K Kerrigan, K McCartney, J Morgan, S Sharp and L Tomlinson

110. Minutes

The minutes of the meeting held on 2 July 2019 were signed as a correct record.

111. Declaration of Interests

5. Development Panel - OUT/2019/0010 - Plot 5 Moor Road Great Broughton - Outline application for dwelling.
Councillor Elaine Lynch; Other Interest; knows the applicant.
8. Development Panel - TPO/2019/0004 - Land adjacent to Old Pump House Papcastle Road Papcastle Cockermouth - Confirmation of TPO for Sycamore, Scots Pine and Horse Chestnut.
Councillor Joan Ellis; Disclosable Pecuniary Interest; co-owner of land subject to application.
9. Development Panel - WTPO/2019/0017 - Land adjacent to Old Pump House Papcastle Road Papcastle Cockermouth - Pruning works to trees protected by TPO.
Councillor Joan Ellis; Disclosable Pecuniary Interest; co-owner of land subject to application.
10. Development Panel - WTPO/2019/0014 - 11 The Parklands Cockermouth - Pruning works to tree protected by TPO.
Simon Sharp; Other Interest; applicant is his neighbour.

112. Questions

None Received

113. Development Panel - OUT/2019/0010 - Plot 5 Moor Road Great Broughton - Outline application for dwelling

Application

The report recommended granting permission subject to conditions.

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

Principle of Development and Application of the Tilted Balance

The application is located outside the designated saved settlement limits for Broughton under the Allerdale Local Plan 1999. The Part 2 Draft Local Plan pre-consultation document extends the proposed settlement limit along Moor Road to include four building plots already with consent. The application site is not included in the extended settlement limit.

Neither the saved 1999 settlement limits, nor the emerging Part 2 limits are afforded significant weight. The 1999 limits are not afforded significant weight because development is needed to meet the 2014 Local Plan's medium term trajectories for supply. The Part 2 settlement limits are not afforded significant weight at this juncture as there are still substantive objections to them, including about their very existence.

Layout

The layout is a reserved matter. However, a sketch scheme has been provided that demonstrates how the site can be arranged to be compatible with the adjacent plots under construction with building lines respected and adequate outside space and vehicle turning achieved.

Access and Highway Issues

The outline application considers access with the need for a modest amount of hedgerow removal. The roadway allows for visibility splays in both directions. However, in order to achieve this, the applicant has agreed to move the 30mph speed restriction pole to the west in order to have the application site access within that 30mph zone and thus allow for shorter visibility splays. This is considered acceptable to the Highway Authority as demonstrated on the amended plan and brings a general benefit to the adjacent bungalows and the village as a whole with lower traffic speeds approaching the village from the north-west. A Grampian style condition is proposed to require the movement of the 30 mph speed limits.

Landscape Impact

The site is on the periphery of the village, and is an elevated site. The site is difficult to see and identify from the south and west due to the topography, woodland and other buildings screening it from view. The views of the site from receptors along the footpaths and roads within the Derwent Valley to the south are largely concealed and over a substantial distance exceeding 1km. The backdrop of green countryside and woodland on higher ground are a prominent

feature and minimise impact. The horizon remains unbroken by the proposed development.

It is considered by Officers that the proposed development will not have an adverse visual impact upon the landscape from close or distant views

Drainage

Foul drainage is planned to a treatment plant already implemented to serve Plots 1-4 and in the applicant's control and ownership. A similar communal surface water drainage scheme is also implemented with attenuation and drainage outfall to a watercourse. This methodology has been fully agreed by discharge of condition for Plots 1 and 4 and can accommodate the additional plot in a sustainable manner.

Ecology

Of most significance is the presence of a Great Chested Newt (GCN) habitat beyond the site at 800 metres to the north.

Considering the distance of the habitat from the application site and the low chance of migration (with the lack of a water environment within the site), the matter is considered to be concluded satisfactorily. The method statement for safeguarding has been resubmitted for this site and can be conditioned.

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

Questions were asked of the officers and debate followed relating to ecology, settlement limits (including the weight afforded to the saved limits in the adopted plan and the emerging Local Plan Part 2) and visibility splays. Specific queries were made by the Chair as to whether the required visibility splay was achievable given the bend in the road to the west and the changes in land levels. The Planning and Building Control Manager confirmed that he had verified the County Highway Authority's comments and, indeed, the splay was achievable within land in the applicant's control or within the extent of the adopted highway, subject to the 30mph limit being extended westwards.

Councillor Grainger moved to grant permission subject to conditions, as per the officer's recommendation.

The motion was seconded by Councillor Daniels.

A vote was taken on the motion to approve, 9 voted in favour, 3 voted against with 0 abstentions.

The motion was carried.

Resolution

Permission granted subject to conditions as per officers recommendations.

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:

Dwg EL30b Site Block Layout (access only) (amended plan 17/6/2019)

Site Location Plan

GEO2016-2304P1 Phase 1 Desk Top Study Report

GEO2017-2403P2 Ground Investigation Report

SCS92v1 Hedgerow Assessment, Phase One Habitat and Scoping Survey

AWG3620 Method Statement Great Crested Newt (amended plan received 26/9/2016)

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 details required by the reserved matters details shall relate to the development of a bungalow or dormer bungalow.

Reason: It is considered this is the most appropriate type of dwelling in this location taking into account the site conditions / character of the surrounding area and adjacent properties, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. The development shall be undertaken only in full accordance with the submitted report (AWG3620 Method Statement Great Crested Newt).

Reason: In the interests of safeguarding protected species.

Pre-commencement conditions:

4. Before any development commences details of the layout, 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 (Development Management Procedure) Order 2015.

5. Any application for reserved matters of scale 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.

6. Before development commences, details of a highway 'gateway feature', as shown on plan EL30b, incorporating relocated signage that enforces local speed limit restrictions to support the achievable visibility splays, shall be provided and approved in writing by the Local Planning Authority. The works shall be implemented before the development commences in conjunction with a Section 278 Agreement with the local Highway Authority.

Reason: In the interests of highway safety

7. The development shall not commence until visibility splays providing clear visibility of 90 metres measured 2.4m down the centre of the access roads and the nearside channel line of the major road have been provided at the junction of the access roads 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, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

8. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed. A permit from the highway authority will be required to carry out this work.

Reason: To ensure a suitable standard of crossing for pedestrian safety.

9. 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.

10. Before development commences, notwithstanding the submitted plans, further details of the foul and surface water drainage system including system management and maintenance shall be provided to the Local Planning Authority and approved in writing. 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. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: In order to achieve a satisfactory sustainable drainage system to manage and minimise the risk of flooding and pollution.

11. 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.

12. Should land affected by contamination identified under the desk top study 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.

Post-commencement/Pre-use commencing conditions:

13. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

16. Should a remediation scheme be required under condition 12, 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

Advisory Note

The applicant/developer is reminded of the need to contact Cumbria County Council Highway Authority for a Section 278 Agreement for highway works that are essential in order to achieve the access visibility condition of this planning approval

Councillor Elaine Lynch left the meeting

114. Development Panel - FUL/2019/0175 - 11 Oaktree Crescent Cockermouth - Erection of new dwelling and removal of garage

Representations

Richard Evans, agent and Dave Bodecott spoke in support of the application.

Application

The report recommended refusal

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

Principle of Development

This is considered acceptable in basic terms at a sustainable location within a Key Service Centre.

Layout

Overdevelopment of the site with a dominance of access road, parking and turning provision. Back land development not compatible with the existing suburban character and plot ratios.

Residential Amenity

The intensity of vehicle movements to serve the dwelling in close proximity to adjacent dwellings will have an adverse impact upon residential amenity.

Drainage

Achievable to sustainable guidelines.

Appearance

Small scale contemporary dwellings with no significant visual impact in this area.

The Planning and Building Control Manager also explained to the panel, using photographs, the location of the application site and the proposed access, including the demolition of a small garage.

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

Questions were asked of the officers and speakers and debate followed relating to the location of the development, the dwelling type, density of development and parking. Specific queries to officer focused on the impact of the development on the street scene, the implications for parking serving the host dwelling, the ability for the host dwelling to increase its parking without needing an application for planning permission and whether conditions could control the

retention and enhancement of existing soft landscaping as well as future extensions and alterations to the new dwelling (to safeguard amenity and prevent overdevelopment). The Planning and Building Control Manager confirmed that conditions could be used for these matters.

Councillor Wilkinson moved the motion to approve, as the site does not represent over-development.

This was seconded by Councillor Horsley

A vote was taken on the motion to approve, 4 voted in favour, 6 against and 1 abstention.

The motion was lost

Councillor Armstrong then moved the motion to refuse the application as per officer's recommendations

This motion was seconded by Councillor Grainger.

A vote was taken on the motion to refuse, 7 voted in favour, 3 against, 1 abstention.

The motion was carried.

Resolution

Refuse as per officers recommendations.

Councillor Elaine Lynch returned to the meeting

115. Development Panel - HOU/2019/0129 - 22 Seadown Drive Workington - Single storey rear extension

Application

Members were advised that this item was brought to panel as the applicant was an officer of Allerdale Borough Council.

The report recommended granting permissions subject to conditions.

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

Principle of Development

The development would not adversely alter the appearance of the host dwelling and would meet the requirements of the Local Plan policies.

Scale and Design

The proposed development is acceptable in scale and design

Highways

The Highway Authority have responded in full regarding highway issues with no objections as it is considered that the existing driveway provides an adequate in-curtilage parking facility.

Residential Amenity

The proposed development would not result in any significant loss of amenity of neighbouring residential properties.

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

Councillor Grainger moved the motion to approve, subject to conditions.

The motion was seconded by Councillor Munby.

A vote was taken on the motion to approve, 12 voted in favour, 0 against and 0 abstentions.

The motion carried.

Resolution

Grant subject to conditions.

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:

- 22SD-DS-002 Proposed Elevations
- 225D-DS-004 Proposed South
- 225D-DS-005 Proposed East
- 225D-DS-006 Proposed West
- 225D-DS-007 Existing Ground
- 225D-DS-008 Proposed Ground
- 225D-DS-009 Proposed Site & Block
- 225D-DS-010 Proposed Drainage

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

Councillor Joan Ellis left the meeting

116. Development Panel - TPO/2019/0004 - Land adjacent to Old Pump House Papcastle Road Papcastle Cockermouth - Confirmation of TPO for Sycamore, Scots Pine and Horse Chestnut

Application

The report recommended that the Tree Preservation Order No.4 of 2019 for the Sycamore (T1), Scots Pine (T2) and Horse Chestnut (T3) at Land Adjacent to the Old Pumhouse, Papcastle Road, Cockermouth be confirmed.

The Planning Officer introduced the item and went through the main issues as detailed in the report.

A Tree Preservation Order was made on the 11th March 2019 following the receipt of a Section 211 Notice to carry out various works to trees on the land adjacent to Old Pumhouse, Papcastle Road, Papcastle, Cockermouth. Officers considered that the three trees merited protection following the legal process explained in this report.

The Officer also explained that all three of the trees merit TPOs as per the TEMPO assessment that was carried out.

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

Members asked questions of the officers and debate ensued in relation to the TEMPO assessment and the situation of the trees in relation to the nearby dwellings.

Councillor Farebrother moved the motion to confirm the TPO

This motion was seconded by Councillor Munby

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

The motion was carried.

Resolution

The tree preservation order No.4 of 2019 for the Sycamore (T1), Scots Pine (T2) and Horse Chestnut (T3) at Land Adjacent to the Old Pumhouse, Papcastle Road, Cockermouth is confirmed.

117. Development Panel - WTPO/2019/0017 - Land adjacent to Old Pump House Papcastle Road Papcastle Cockermouth - Pruning works to trees protected by TPO

Representations

The applicant Sheila Prescott spoke in support of the application.

Application

The report recommended that the application for the works to the trees is approved.

The Planning Officer introduced the item and went through the main issues as detailed in the report reminding members that they had just resolved to confirm the TPO.

An application was to carry out pruning works to a Sycamore tree and Horse Chestnut tree within land at The Pumhouse, Papcastle. The application sought permission to reduce the crown of the Sycamore tree by up to 30% and to reduce a limb affecting the stone boundary wall of the Horse Chestnut to a point where the trees limb forks and to reduce its crown by 10 – 15%. Officers consider that the proposed works are acceptable.

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

Members asked questions of the speaker and debate ensued in relation to the impact of the works on the nearby bank. There was specific debate about whether the works went far enough, balancing the need to protect the trees from falling (with the consequent danger to residents) and preserving their amenity value.

Councillor Grainger moved the motion to approve

The motion was seconded by Councillor Horsely

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

The motion was carried.

Resolution

The application for works to the trees is approved.

Councillor Joan Ellis returned to the meeting

118. Development Panel - WTPO/2019/0014 - 11 The Parklands Cockermouth - Pruning works to tree protected by TPO

Application

The report recommended that the application for the works to the trees is approved.

The Compliance Officer for Planning/Place Development and Housing introduced the item and went through the main issues as detailed in the report.

An application was to carry out pruning works to an Oak tree within the garden of 11 The Parklands, Cockermouth. Following officers obtaining independent advice from an arborist, the application was amended on the 31st July 2019 to reflect the works recommended within the independent report carried out on behalf of the Council. Officers consider that the proposed works are acceptable following the legal process explained in this report.

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

Councillor Smith moved the motion to approve

The motion was seconded by Councillor Grainger

A vote was taken on the motion to approve, 12 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Resolution

The application for works to the trees is approved.

The meeting closed at 3.10 pm