

At a meeting of the Development Panel held in Zoom Virtual Meeting on Tuesday 13 April 2021 at 1.00 pm

Members

Councillor Nicky Cockburn (Chair)	Councillor Malcolm Grainger (Vice-Chair)
Councillor Allan Daniels	Councillor Janet Farebrother
Councillor Daniel Horsley	Councillor Adrian Kirkbride
Councillor Elaine Lynch	Councillor Ron Munby MBE
Councillor Paul Scott	Councillor Andrew Semple
Councillor Alan Smith	Councillor Alan Tyson

Apologies for absence were received from Councillor Carole Armstrong

Staff Present

J Irving, L Jardine, J Morgan and S Sharp

395. Minutes

The minutes of the meeting held on 16 February 2021 were signed as a correct record.

396. Declaration of Interests

None declared

397. Questions

None received

398. Development Panel - FUL/2021/0026 - Barncroft, 16, High Seaton, Seaton - Proposed erection of 2no 3 bed dormer dwellings (Type B & C) resubmission of FUL/2020/0043

Representations

Joanne Mounsey spoke against the application

A letter of support was read out on behalf of the applicant.

Application

The report recommended to grant permission subject to conditions.

Members were advised that an application for this site had previously been to Development Panel (FUL/2020/0043) and that members had attended a site visit. That application had been refused due to the unacceptable effect dwelling A had on the residential amenity of No 17 High Seaton.

This application is for plots B and C only.

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

Principle of Development

The site falls within the settlement limit of the adopted Part 2 of the Local Plan. Seaton is included as part of the Principal Centre in policy S3 of the Allerdale Local Plan Part 1. This Centre is expected to absorb 35% of the total growth provision across the Plan period. The site is a sustainable location, well related to the existing built form of Seaton.

Scale and Design and Impact upon Residential Amenity

Given the amended design and revisions to the scale, massing and design of the proposed dwellings that was previously amended and submitted under planning application FUL/2020/0043, officers consider the proposed development is acceptable and assimilates into the local built landscape. There are no additional amendments from the former proposal in relation to dwellings B & C. The proposed 2 dwellings are not considered to give rise to significant amenity impacts on surrounding homes.

Flood Risk & Drainage

The site is entirely in flood zone 1, the preferred location for the more vulnerable use proposed here. There are no known critical drainage problems or surface water flooding records for the site. The County Council in their capacity as Lead Local Flood Authority raise no objections to the proposal.

Highway Safety

This is a modest proposal. The sustainable location and small scale of the proposal will mean that residual trips to and from the site by car will be very low. Adequate sight lines can be afforded onto Fernleigh Drive and then onto High Seaton.

Members were also shown plans and images of the site including the location within the village of Seaton.

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 speakers and officers in relation to listed buildings, ecology, drainage, culverts, and permeable paving.

Councillor Grainger moved the motion to approve recommendations as set out in the officer's report.

The motion was seconded by Councillor Daniels.

Debate then ensued in relation to overlooking and whether the development fits within the character of neighbouring properties. The debate included references

and consideration of the impact of the listed farmhouse towards the village centre. The debate also considered the prevailing characters of Fernleigh Drive, Fernleigh Close and High Seaton. It was clear that members' thoughts on these matters were mixed.

A vote was taken on the motion to approve, 6 voted in favour, 6 against and 0 abstentions.

As the vote was tied, the Chair had the casting vote and voted for the motion.

The motion was carried.

Resolution

Grant permission, subject to conditions as per officer's recommendations.

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:

- DWG 04051 01 – Proposed Floor Plans, House Type B**
- DWG 04052 01 - Proposed Floor Plans, House Type C**
- DWG 05052 02 – Proposed Elevations**
- DWG 04024 03 – Proposed Surface Water Drainage**
- DWG 05051 01 – Proposed Elevations, House Type B**
- DWG 212 05026 – Site Location Plan**
- Drainage and Flood Risk Assessment Report**
- 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.

Pre-commencement conditions:

3. No development pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in

accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011; and

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring. If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Contamination Land Guidance at: <https://www.gov.uk/contaminated-land>, Last accessed October 2019.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with policy S36 of the Allerdale Local Plan Part 1 2014.

Post-commencement/Pre use commencing conditions:

4. Neither of the two dwellings hereby permitted hereby permitted shall be first occupied until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy S36 of the Allerdale Local Plan Part 1 2014.

5. Neither of the two dwellings hereby approved shall be first occupied until the vehicular access and surface water drainage system have been completed in accordance with plans: • 212 04024 Rev 03 – Proposed Site Plan • Drainage and flood risk assessment The said access and drainage system (including the rainwater harvesting) shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highways safety and to ensure no increase in flood risk on site and to adjoining properties and to accord with policy S22 and the drainage hierarchy in policy S29 of the Allerdale Local Plan Part 1 2014.

6. The dwelling C hereby permitted shall not be first occupied until the ground floor window on the South Western elevation on the approved plan 05052 Rev 02 - Proposed Elevations for Type C House have been fitted with obscure glazing. The obscure glazing shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity, in accordance with Policy S32 of the Allerdale Local Plan, Part 1, Adopted July 2014

7. 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, B, C and E of Part 1 of Schedule 2 of the said Order shall be carried out to either of the two dwellings hereby permitted 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 in the interests of the appearance of the site and safeguard the amenities of adjacent properties to accord with policy S32 of the Allerdale Local Plan Part 1 2014.

8. 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 modified Submission Draft of the Allerdale Local Plan Part 2 (2018).

Advisory Note

Any works within the Highway must be agreed with the Highway Authority. No works and/ or any person performing works on any part of the Highway,

including verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquiries should be made to Cumbria County Councils Street works team.

399. Development Panel - FUL/2021/0049 - Barncroft, 16, High Seaton, Seaton - Re-submission of application FUL/2020/0043 for a detached dormer type dwelling and detached garage

Representations

Joanne Mounsey spoke against the application.

A letter of support was read out on behalf of the applicant.

Application

The report recommended to grant permission subject to conditions

Members were advised that this site has previously been to Development Panel (FUL/2020/0043) and that they had attended a site visit, the application was refused due to the unacceptable effect dwelling A had on the residential amenity of No 17 High Seaton.

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

Principle of Development

The site falls within the settlement limit of the adopted Part 2 of the Local Plan Seaton is included as part of the Principal Centre in policy S3 of the Allerdale Local Plan Part 1. This Centre is expected to absorb 35% of the total growth provision across the Plan period. The site is a sustainable location, well related to the existing built form of Seaton.

Scale and Design and Impact upon Residential Amenity

Flood Risk & Drainage

Highway Safety

Members were also shown plans and images of the site including the location within the village of Seaton.

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 speakers in relation to privacy, residential amenity, hedges, boundary walls, and surface water.

Questions were then asked of officers and debated ensued in relation to separation distances, the size of the footprint, the street scene and flooding. Members were shown the block plan of the previous approval for this area of

the garden and noted the material differences between it and the current application. Members' debate particularly focused on the relationship of the building proposed and No. 17, High Seaton's windows on the gable end facing the site. The differences in levels were also noted and an area of the debate focused on the amount of garden space that would be afforded to the new dwelling given that 16, High Seaton would retain the land between it and the High Seaton itself.

Councillor Scott moved the motion to refuse permission as the development is contrary to part D, of section 32 of the Allerdale Local Plan Part 1 2014 as dwelling A as proposed has an unacceptable effect on the residential amenity of No. 17 High Seaton in terms of loss of privacy as a result of overlooking, an increased sense of enclosure as a result of being overbearing and loss of sunlight and daylight received as a result of overshadowing. The development also constitutes overdevelopment in the context of the existing character of the area, due to its increased footprint which is contrary to policy S5 (Development Principles) of the Allerdale Local Plan Part 1, 2014.

The motion was seconded by Councillor Farebrother.

A vote was taken on the motion to refuse, 11 voted in favour, 1 voted against and 0 abstentions

The motion was carried.

Resolution

Permission refused as the development is contrary to part D, of section 32 of the Allerdale Local Plan Part 1 2014 as dwelling A as proposed has an unacceptable effect on the residential amenity of No. 17 High Seaton in terms of loss of privacy as a result of overlooking, an increased sense of enclosure as a result of being overbearing and loss of sunlight and daylight received as a result of overshadowing. The development also constitutes overdevelopment in the context of the existing character of the area, due to its increased footprint which is contrary to policy S5 (Development Principles) of the Allerdale Local Plan Part 1, 2014.

The meeting closed at 3.30 pm