

At a meeting of the Development Panel held in Wigton Market Hall on Tuesday 1 June 2021 at 11.00 am

## **Members**

Councillor Tony Annison (Chair)  
Councillor Carole Armstrong  
Councillor Allan Daniels  
Councillor Elaine Lynch  
Councillor Ron Munby MBE  
Councillor Andrew Semple

Councillor Janet Farebrother (Vice-Chair)  
Councillor Nicky Cockburn  
Councillor George Kemp  
Councillor Antony McGuckin  
Councillor Paul Scott  
Councillor Alan Tyson

Apologies for absence were received from Councillor Daniel Horsley

## **Staff Present**

J Irving, L Jardine, S Sharp and L Tomlinson

### **17. Minutes**

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

### **18. Declaration of Interests**

None declared

### **19. Questions**

None received

### **20. Development Panel - FUL/2020/0098 - Greggains Garage, Curzon Street, Maryport - Partial demolition and change of use of garage/depot to retail store (A1 Use) with associated parking, loading platform and plant area**

The Planning and Building Control Manager explained to members that a late letter of objection had been received from an opposing developer.

The full objection letter was read out to members.

The objector has raised concerns that officers require time to consider.

Councillor Annison moved the motion to defer the application as per officer's advice.

The motion was seconded by Councillor Lynch.

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

The motion was carried

## **Resolution**

Application deferred as per officers advice.

21. **Development Panel - FUL/2021/0058 - Old Joiners Workshop, Croft View, Westnewton - Change of use of former joiner's workshop to dwelling (resubmission of FUL/2020/0158)**

## **Representations**

The applicant, Steph Agnew spoke in support of the application.

## **Application**

The report recommended refusal

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

### Principle of Development

The site lies within the infill/rounding off village (as defined by policy S3 of the Local Plan Part 1) of Westnewton where development is acceptable in principle (subject to policy S5 criteria)

### Residential Amenity

No issues with residential amenity for neighbours or future occupiers. A condition would be required to secure joint amenity space with Croft View

### Highway Safety

No change to access. Condition would be required to secure joint parking with Croft View.

### Design

Minor alterations to fenestration are acceptable. Harmful increase in scale with prominent band of new stone around wall head

### Heritage

The building is a non-designated heritage asset. Increase in scale has negative impact on identity and legibility of original use. The band of new stone around wall head would be prominent; there is substantial harm to the significance of both the conservation area (its appearance will not be preserved) and the non-designated heritage asset of the building itself.

Members were also shown images and plans of the site within the village of Westnewton.

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 Roofing, Character, and Parking.

Debate ensued in relation to Building Materials and whether the development can be achieved without significant harm to the Village of Westnewton.

Councillor Kemp then moved approval as the development will enhance the character and appearance of the conservation area and that there are no harm to public benefit arising from the development. The approval will also be subject to conditions as recommended by the Planning and Building Control Manager.

The motion was seconded by Councillor Cockburn.

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

The motion was carried.

## **Resolution**

Permission granted subject to conditions.

## **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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) no development falling within Class A, B and C of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the appearance of the site and safeguard the amenities of adjacent properties.

**3. No part of the development hereby permitted shall be constructed above ground floor level until a sample of the external stone / brick / roof materials for the development hereby approved has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.**

Reason: To ensure the use of appropriate materials for the external appearance of the

approved development in the interests of visual amenity (and to safeguard the character and setting of the Conservation Area in which it is located, in compliance with the National Planning Policy Framework and Policies S4 and S27 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**22. Development Panel - FUL/2021/0085 - Croft Foot Farm, Eaglesfield - Erection of one new dwelling**

**Application**

The report recommended to grant permission subject to conditions.

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

**Principle of Development**

The principle of one new dwelling on this site has already been established under planning permission FUL/2020/0216

**Highway Safety**

Highway safety has been established under planning permission FUL/2020/0216.

**Design**

Design has been established under planning permission FUL/2020/0216 except the increase in levels and relocation of the proposed dwelling to west of site. The changes are acceptable within the context of the character of Eaglesfield

**Heritage**

The separation distance and intervening dwelling between the site and the Listed Buildings means the principle of a dwelling on the site can be accepted. There is no harm to the significance of the listed building (its setting will be preserved).

**Residential Amenity**

The revised proposals result in the proposed dwelling being significantly higher than the neighbouring terrace This is mitigated by relocating the building to the west to increase the gap between properties. Whilst the height difference is significant, it will not result in a loss of residential amenity.

Members were also shown images and plans of the site within the village of Eaglesfield.

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

Councillor Farebrother moved approval as per officers recommendations.

The motion was seconded by Councillor Farebrother

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

The motion was carried.

## **Resolution**

Permission granted 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:**

**Amendment WDS-05-6283-208 Rev C Site Plan 1:500 06.05.21.**

**Amendment WDS-05-6283-208 Rev C Site Plan 1:500 showing drainage 06.05.21.**

**WDS-05-6283-201 Rev B Garage Plans & Elevations and Location Plan**

**WDS-05-6283-202 Rev B Proposed Elevations**

**WDS-05-6283-203 Rev B Ground Floor Plan**

**WDS-05-RK-104 Rev B First Floor Plan**

**WDS-05-RK-105 Rev A Proposed Levels**

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.

### **During works / Prior occupation conditions**

**3. Prior to the occupation of the development, a surface water drainage 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. The development shall be completed, maintained and managed in accordance with the approved details.**

**4. Prior to the occupation of the dwelling, the agricultural storage sheds to the south of the application site are to be removed.**

Reason: To ensure the residential amenity of future occupiers is protected in accordance with Policy S32 of the Allerdale Local Plan (Part 1) 2014.

**5. No part of the development hereby permitted shall be constructed above ground floor level until details of all external stone 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.

**6. Full engineering details of a sustainable highway surface water drainage regime and system shall be submitted and approved prior to development being constructed above plinth level (other than site Investigations and demolition) commencing. All 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 and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

### **Other**

**7. Only foul drainage shall be connected to the public sewer.**

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**8. 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 and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

**23. Development Panel - HOU/2021/0004 - 44 St. Helen's Street, Cockermouth, CA13 9HX - Retrospective application to replace two dog kennels in rear garden**

**Representations**

Councillor Alan Smith spoke in support of the application

Lez and Graham spoke in support of the application

**Application**

The report recommended refusal.

Prior to the meeting the agent had submitted a request for the application to be withdrawn from the panel meeting. The request had to be determined by members.

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

**Noise and Disturbance**

The location of the kennels within an urban area close to neighbouring properties has the potential to cause significant problems to the living conditions of neighbouring residents, by reason of noise and disturbance

**Impact on Conservation Area**

The proposal would be harmful to the character and appearance of the conservation area and that harm would be less than substantial. The harm would outweigh the public benefits of the proposal.

Members were also shown images and plans of the site.

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 officer in relation to noise, dog welfare and fencing.

Extensive debate then ensued in relation to noise and S32 of the Local Plan (Safeguarding Amenity). Members debated whether a deferral should be considered to obtain an accurate noise assessment.

Councillor Cockburn moved the motion to refuse permission

The motion was seconded by Councillor Armstrong.

A vote was taken on the motion to refuse, 2 voted in favour, 10 against and 0 abstentions.

The motion was lost.

Debate continued over noise and whether a suitable noise assessment could be achieved for the number of dogs that will be homed in the kennels.

Councillor Lynch then moved the motion to defer in order to obtain a noise assessment.

The motion was seconded by Councillor Scott.

Members continued to discuss the accuracy of any noise assessment.

Councillor Semple moved an amendment to the motion to defer, specifying that the noise assessment should be modelled on 8 dogs in the Kennels and that members attend a site visit.

The amendment was seconded by Councillor Farebrother.

Councillors Lynch and Scott agreed to the amendment from Councillor Semple.

A vote was taken on the motion to defer, 10 voted in favour, 1 against and 1 abstention.

The motion was carried.

### **Resolution**

Application deferred in order for the applicant to conduct a noise assessment which will model the impact of 8 dogs, and for members to attend a site visit.

**The meeting closed at 2.55 pm**