

At a meeting of the Development Panel held in Wigton Market Hall on Tuesday 15 June 2021 at 11.00 am

## **Members**

Councillor Tony Annison (Chair)  
Councillor Carole Armstrong  
Councillor Hilary Harrington  
Councillor Elaine Lynch  
Councillor Ron Munby MBE  
Councillor Andrew Semple

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

Apologies for absence were received from Councillor Nicky Cockburn and Councillor Daniel Horsley

## **Staff Present**

S Brook, A Gilbert, L Jardine, G Roach, S Sewell, S Sharp and S Tranter

## **Also Present**

R Swales (Consultant)

### **57. Minutes**

The minutes of the meeting held on 30 March 2021 were signed as a correct record.

### **58. Declaration of Interests**

None declared

### **59. Questions**

None received

### **60. Development Panel - ADD/2020/0001 - Dovenby Hall Estate, Cockermouth - Submission of further details requiring approval in accordance with the provisions of Noise Management Plan Issue 3b (approved under condition 6 of planning permission 2/2014/0350).**

#### **Representations**

Peter Nicholson, Ian Chambers, John Palmer and Michael Fossey spoke against the application

A letter against the application was also read on behalf of Christine Nicholson

#### **Application**

The report recommended that the details submitted, as amended in May 2021 and as set out at sections 3.3 and 13.1, be approved.

Members were provided with a summary of the history of the application. In 2015 the Council granted planning permission to M-Sport for the Evaluation Centre and Test Track Facility within the grounds of the Dovenby Hall Estate for M Sport.

Planning permission was granted subject to conditions. Condition 6 of planning permission prevents operational use of the test track until an updated Noise Management Plan, based on the principles and community noise levels set out in the Noise Management Plan Issue No 1 dated November 2014) is submitted to and approved in writing by the Local Planning Authority, and until completion of physical testing on site, following completion of the test track, in order to demonstrate compliance with the agreed noise levels.

The Senior Planning Officer then went through the main issues as detailed in the report.

#### Trackside Monitoring Number and Location

Based on the advice from the Council's Environmental Health Officer and the Council's appointed acoustic engineer, a single monitor at Track Centre as shown on drawing 081010-1193 Track Layout - Monitoring Location is considered to be acceptable.

#### Anemometer and Wind Vane

Based on the advice from the Council's Environmental Health Officer and the Council's appointed acoustic engineer, the details of the anemometer and wind vane as shown on drawing 081010-1191 Anemometer and wind vane position, are considered to be acceptable.

#### Noise Reduction Figures for LAFmax and LAeq noise indices

Based on the advice from the Council's Environmental Health Officer and Council's appointed acoustic engineer, the reduction figures of 36dB and 39dB respectively, for use for the two zones allowing levels of 76dB and 73dB within the community for the LAFmax, and the reduction figure of 30dB for the LAeq 1 hour and LAeq 5mins, as set out in section 4 'Compliance Methodology' of the document, 'Application of Noise Reduction Factors to Demonstrate Compliance with Community Noise Limits', PDA, May 2021, are considered to be acceptable.

Members were also shown images and plans of the site within the vicinity of the Dovenby Hall Estate.

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

Clarity was also provided to members on the points raised by speakers, the Senior Planning Officer was supported by the Environmental Protection Manager and the Council appointed Noise Consultant.

Questions were asked of the officers in relation to compliance, local objectors, noise testing, the location of the receptors and the impact that weather may have on the receptors.

Debate then ensued in relation to the testing, monitoring and reports from the experts.

Councillor Semple moved the motion to approve the recommendations that the details submitted, as amended in May 2021 and as set out at sections 3.3 and 13.1, be approved.

The motion was seconded by Councillor McGuckin.

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

The motion was carried.

### **Resolution**

Permission granted as per officers recommendations

### **Meeting adjourned for Lunch - 1:05pm - 1:45pm**

#### **61. Development Panel - FUL/2020/0203 - Land at Station Road, Aspatria, Wigton, Cumbria - 65 Dwellings**

### **Representations**

Ryan Fisher spoke against the application

The Agent, David Wright (Gleeson Homes) spoke in support of the application

### **Application**

The report recommended to delegate the granting of permission subject to conditions detailed in Annex 1 (and any required in response to matters 1 to 4 below) to the Planning and Building Control Manager or Head of Service upon:-

1. The completion and signing of a s106 agreement securing 6 Affordable housing units – (3 units for rent and 3x unit for low cost home ownership).
2. The resolution of outstanding issue raised by Sport England and Network Rail pertaining to the off-site surface water drainage system.
3. The resolution of the outstanding issue raised by Sport England of ball strike arising from the use of Aspatria Rugby Club's training pitch.
4. The resolution of the outstanding issue raised by Sport England in relation to floodlight glare.

The Senior Planning Officer then went through the main issues as detailed in the report.

## Principle of Development

The site is within the settlement limit of the adopted Part 2 of the Local Plan (ALPP2). Aspatria is identified as a Key Service Centre in policy S3 of the Allerdale Local Plan Part 1. This Centre is expected to absorb 4% of the total growth provision across the Plan period. The site is an allocated site under Policy SA15 of the Local Plan Part 2 (ALPP2). The site is a sustainable location, well related to the existing built form of Aspatria.

## Scale and Design and Impact Upon Residential Amenity

Officers consider the proposed development is acceptable in design, scale and materials and assimilates into the local built landscape. Following the amendments to incorporate bungalows, the proposed dwellings are not considered to give rise to significant amenity impacts on surrounding homes, by virtue of overlooking or loss of light.

## Flood Risk and 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, however local consultation responses have indicated that the site is prone to being boggy. The County Council in their capacity as Lead Local Flood Authority raise no objections to the proposal subject to planning conditions.

## Highway Safety

The sustainable location means that residual trips to and from the site by car will be satisfactory. Adequate sight lines can be afforded onto Station Road with regards the access.

Members were shown plans of the site including site layout and drainage, and images of the site and surrounding area.

The Senior Planning Officer also addressed responses and concerns raised by residents, community groups and statutory consultees.

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 speakers in relation to the site boundary, ecology, first time buyers, schools, sustainability and affordable housing.

Members then asked questions of the officers in relation to highway safety, visibility splays, compliance with space standards, pedestrian access and safety and local infrastructure.

Debate ensued in relation to pedestrian safety, in particular children that will be walking to and from school. The merits of the development were also debated including the requirement for new developments in Aspatria.

Members debated whether to defer the application to request further information from the County Highways officer. Clarity was provided by the Building Control Manager on the consultation response from County Highways.

Councillor Lynch then moved the motion to approve the application as per officers recommendations.

The motion was seconded by Councillor McGuckin.

A vote was taken on the motion to approve, 8 voted in favour 4 against and 0 abstentions.

The motion was carried.

## **Resolution**

Members resolved to delegate the granting of permission subject to conditions detailed in Annex 1 (and any required in response to matters 1 to 4 (detailed in report) to the Planning and Building Control Manager or Head of Service.

## **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. Notwithstanding the provisions of condition 6, with the exception of the external areas of plot 52, the development hereby permitted shall be carried out solely in accordance with the following plans:**

**1935-PL100 Location Plan**

**1935-PL210 Rev G Site Layout as proposed 28.5.21**

**1935-PL211**

**1935-PL212 Boundaries, Enclosures & Facades**

**1935-PL410 Rev A Site Section A-A & B-B as Proposed**

**1935-PL411 Site Section C-C as Proposed**

**WWSRAS – 01 Landscape Plan**

**19198 D001 Rev 2 Proposed Engineering Plan 28.4.21**

**19198 D200 Rev 2 MANHOLE\_SCHEDULE-REV1 28.4.21**

**19198 D201 REV 2 FLOOD ROUTING PLAN 28.4.21**

**19198 D100 Rev1 Proposed Levels Plan 28.4.21**

**19198 D200 Rev 2 Adoptable manhole schedule 28.4.21**

**19198 D201 Rev 2 Flood Routing Plan 28.4.21**

**19198 D202 Rev 2 Drainage Areas Plan 28.4.21**

**19198 D203 Rev 2 Basin details 28.4.21**

**19198 D204 Rev 2 Proposed Drainage Plan 28.4.21**

**19198 D205 Rev 1 Private Manhole Schedule 28.4.21**

19198 D300 Rev 2 PROPOSED ROAD LONGSECTIONS SHEET 1 28.4.21  
19198 D301 Rev 2 PROPOSED ROAD LONGSECTIONS SHEET 2 28.4.21  
19198 D302 Rev 1 Proposed Drainage Long sections 28.4.21  
19198 D400 Rev 1 Plot and Fence Setting Out 28.4.21  
19198 D500 Rev 2 Kerbs and Surfacing Plan 28.4.21  
19198 D600 Rev 2 Direct Cut and Fill Comparison plan 28.4.21  
19198 D700 Rev 1 Drainage details 28.4.21  
19198 D701 Rev 1 Drainage details 28.4.21  
19198 D702 Rev1 Hydrobrake detail SW10FC 28.4.21  
19198 D800 Rev 1 Section 104 28.4.21  
19198 D801 Rev 1 Section 38 28.4.21  
19198 D802 Rev 1 Section 104 28.4.21  
CCE-20002 01 P3 Proposed Engineering Layout  
20002 12 P1 Detention Basin Section  
Letter dated 23 March 2021 from agent  
Affordable Housing Statement  
Photo of Georock Retaining wall 24.3.21  
SHE-0192-1850-1000-1850 Hydro brake details  
Construction Management Plan  
Phase 1 Desktop Study  
Phase 2 Ground Investigation report  
201 Render variant  
301 Render variant  
360 Render variant  
435 Render variant  
454 Render variant  
FRA Drainage  
House types:  
201 Floor Plans  
250 Elevations 13/250 -8 Rev B  
250 Floorplans  
254 House Type 254 0763-254-01 – Planning Layout  
301 Floor plans  
301 AG – 8 Rural 13 ELEVATIONS  
314 – Rural  
350 Floor plans  
350 Elevations Rural  
353 Elevations Rural  
353 Floor Plans  
360 Elevations (Rural)  
360 Floor Plans  
435 – Floor plans  
435- Rural ELEVATIONS

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. Notwithstanding the requirements of condition 6 all hard and soft landscaping works other than for plot 52 shall be carried out in accordance with the approved Landscape Plan DWG WWSRAS – 01 Landscape Plan within the first planting season following the occupation**

**of the dwellinghouse(s) approved and any trees or plants which within a period of five 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 others of 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.

**4. The development shall be carried out in accordance with the Construction Management Plan – Land adjacent Aspatria RUFC, Station Rd, Aspatria September 2020.**

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.

**5. The construction compound , including vehicular access thereto as detailed in the Construction Management Plan September 2020, showing the compound for the parking of vehicles engaged in the construction operations associated with the development hereby approved, shall be used for or be kept available for these purposes at all times until the completion of the construction works.**

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users. The condition is necessary to accord with policy S22 of the Allerdale Local Plan Part 1, 2014.

Pre-commencement conditions:

**6. No development shall commence within plot 52 as annotated on drawing 1935-PL210 Rev G Site Layout as proposed 28.5.21, until revised details of the external proposed ground levels across this plot have been submitted to and approved in writing by the local planning authority. The grounds levels shall be implemented and retained in perpetuity in accordance with the approved details unless granted by a subsequent planning permission following application to the local planning authority.**

Reason; The ground levels as proposed have a potential to irrevocably damage and/or sever roots within the root protection area of a retained tree. The loss of the tree would be harmful to the landscape value and biodiversity and the condition is required to accord with policies S33 and S35 of the Allerdale Local Plan Part 1 2014.

**7. The carriageway, footways, footpaths, cycleways etc shall be designed, 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 on site. No development 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. Any works so approved shall be constructed before the development is complete.**

Reason: To ensure a minimum standard of construction in the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014

**8. The development shall not commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge 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) (England) 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 and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

**9. No development shall commence until, in line with the recommendations of the Phase 2 Ground Investigation report, intrusive site investigation works have been undertaken to establish the exact ground conditions to the north west part of the site and the findings of those works reported to the local planning authority.**

Reason: To minimise any risk during or post construction works arising from any possible contamination or stability concerns 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 land affected by contamination or stability issues be identified following site investigations required under condition 9 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 or stability concerns 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. Should a remediation scheme be required under condition 10, 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 or stability concerns 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. 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 (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. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated September 2020 proposing surface water discharging to the existing surface water sewer, following attenuation through an attenuation basin.**

Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**13. Prior to development commencing details of the maintenance and management of the surface water scheme shall be submitted to the Local planning Authority for approval. The surface water drainage arrangements shall be implemented prior to first occupation of the dwelling house(s) and maintained in accordance with approved details thereafter.**

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

**14. No development shall commence until details of all tree protection measures for trees T7-T12 (inclusive), T15-T21 (inclusive), C1, G1, G2 and B2 as all annotated on drawing 1935-PL210 Rev G have been submitted to and approved in writing by the local planning authority. The said measures shall include protection fencing around the root protection areas and shall remain in place for the lifetime of the construction phase of the development or the occupancy of the dwellings within which the root protection areas fall.**

Reason: To secure the retention of the trees in the interests of biodiversity and the balance between the natural and built environment and to accord with policies S33 and S35 of the Allerdale Local Plan Part 1 2014.

### **Pre-first occupancy conditions**

**15. 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.

**16. Details of a proposed pedestrian crossing over the B5301 shall be submitted to the Local Planning Authority for approval. The dwelling hereby approved shall be first occupied until the details have been approved and the crossing has been constructed in accordance with said details. The crossing shall thereafter be retained.**

Reason: To ensure a suitable standard of crossing for pedestrian safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014. The crossing is required to enable pedestrians from the development to access the footway on the other side of Station Road (there is no room on the development side to construct a new footway).

**17. No dwellings shall be first 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 and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

**18. 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 the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014

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

**a) Evidence that the applicant will provide onsite access to broadband infrastructure providers during the construction process to allow the providers to install the necessary broadband infrastructure; or**

**b) Evidence, following contact with broadband infrastructure providers, that it is not practicably or viably possible to install broadband infrastructure to achieve superfast (as defined by Government standards) fibre broadband connectivity.**

Reason: To seek to secure sustainable superfast (as defined by Government standards) fibre broadband connectivity in accordance with policy SA33 of the modified Submission Draft of the Allerdale Local Plan Part 2 (2018).

**20. The dwellings annotated as plots 14, 19, 23 and 24 on drawing 1935-PL210 Rev G shall not be occupied until alternative ventilation details have been completed the details of which have been previously submitted to and agreed in writing by the local planning authority. The said ventilation shall be retained throughout the lifetime of these homes.**

Reason: Alternative ventilation is considered necessary to help mitigate intermittent noise from the adjacent rugby pitch and associated events such as the annual music festival in the interests of residential amenity and to accord with policy S32 of the Allerdale Local Plan Part 1 2014.

#### **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.

**The meeting closed at 4.00 pm**