

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 23 November 2021 at 1.00 pm

Members

Councillor Tony Annison (Chair)
Councillor Carole Armstrong
Councillor Allan Daniels
Councillor Elaine Lynch
Councillor Ron Munby MBE
Councillor Alan Tyson

Councillor Janet Farebrother (Vice-Chair)
Councillor Nicky Cockburn
Councillor Daniel Horsley
Councillor Antony McGuckin
Councillor Andrew Semple

Apologies for absence were received from

Staff Present

S Long, Rebecca Wilson, K Magnay and J Morgan

Also Present

Shamus Giles, Highways, Cumbria County Council

268. Minutes

The minutes of the meeting on 28 September 2021 and 26 October 2021 were signed as a correct record.

269. Declaration of Interests

Councillor A Semple declared an interest in item 7 as Cockermouth Town Councillor and would leave the meeting for this item.

270. Questions

None received.

271. VAR/2020/0009 - Lowmoor Road, Wigton - Variation of condition 6 of application 2/2016/0249 to remove reference to the mini roundabout

Representations

Sandra Hodgson and Pamela Batley spoke against the application.

The Agent, David Wright spoke in support of the application.

Application

The Senior Planning Officer recommended granting planning permission subject to conditions and the signing of a Deed of Variation to ensure that the contributions secured under the original outline approval are tied to the implementation of this permission.

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

- Removal of a mini-roundabout

The Highways Authority has raised no objection to the alternative provision of a T-junction access to the site as shown within Reserved Matters application RMA/2019/0015.

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

Councillor N Cockburn moved approval for variation of condition 6.
Councillor J Farebrother seconded.

Debate ensued with regards to the difference between a roundabout and a T-junction, members questioned officers and Shamus Giles.

Councillor N Cockburn withdrew her motion of approval and recommended deferral to explore highways consideration relating to the revised access details.

Councillor D Horsley seconded.

A vote was taken; 10 voted in favour, 0 against, 0 abstentions.

The motion in favour of deferral was carried.

Decision

Deferred

272. RMA/2019/0015 - Lowmoor Road, Wigton

The Planning Officer advised that VAR/2020/0009, could be deferred to enable the applicant to consider the previous motion.

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

The motion was carried

Decision

Application deferred as per officers advice.

Councillor T Annison joined the meeting.

Councillor A Semple left the meeting

273. HOU/2021/0201 - 21 Melbreak Avenue - Re-submission of application HOU/2021/0117 for a two storey side extension

Representations

A letter was read out on behalf of the applicant.
The Agent, Anthea Jones spoke in support of the application.

Application

The Senior Planning Officer recommended refusal.

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

- Residential Amenity

The proposal, by reason of its proximity and scale to habitable room windows within the side elevation of 19 Melbreak Avenue, would have a significant harmful effect on the living conditions of the neighbours at 19 Melbreak Avenue, with regard to loss of outlook and oppressiveness

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

Councillor N Cockburn moved refusal as per the officer's recommendations.
Councillor E Lynch seconded.

A vote was taken; 10 voted in favour of refusal

The motion in favour of refusal was carried.

Decision

Refused

Councillor A Semple re-joined the meeting.

274. FUL/2020/0024 - Gleesons Abbeytown - Housing Development

Representations

David Dockray spoke in objection to the application.

The Agent, David Wright spoke in support of the application.

Application

The Senior Planning Officer recommended approval.

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

- Principle of Development

The built development within application site is within the settlement limits of Abbeytown as defined in the Allerdale Local Plan Part 2 and is a Housing Allocation under Policy SA20 of ALPP2. The principle of the development has therefore been previously accepted under its allocated status. The submitted site does partially extend outside the allocated area, but its built development is confined within it (reflecting the settlement limits under policy SA2 of ALPP2). On this basis it has been advertised as a departure to the local plan.

- Benefits of the proposal

The provision of 39 houses would contribute to strategic objective SO2c of the ALPP1, which seeks to ensure a deliverable supply of housing land that meets the needs of the community and local economy, as well as the Council Plan in terms of strengthening our economy and supporting the development of new homes where they are needed.

The additional affordable houses to be provided by the proposal would increase access to affordable housing in the Borough, in accordance with strategic objective SO2d of the ALPP1.

- Balanced and mixed communities including affordable and accessible homes

The development is for 39 two storey dwellings comprising: 8 x 4 bedroom; 25 x 3 bedroom and 6 x 2 bedroom. 4 affordable low cost dwellings are proposed. The housing mix is considered to be acceptable. It was acknowledged that albeit compliant with M4(2) it was not compliant with M4(3) re wheelchair adaptable. This had been omitted on viability grounds.

- Scale, Layout, Design and Materials

The scale and layout is acceptable for this development site with the design and materials responding to the character of the built environment and on site constraints.

- Sustainability, Vehicular Access and Highway Safety

The highway arrangements are acceptable. Suitable visibility splays can be provided to allow for a safe vehicular access. Parking standards are met.

- Flooding / Drainage

The development secures an acceptable scheme for the disposal of foul and surface water that will not introduce new flow routes or increased flows into the existing watercourses from the drained site nor does it increase flood risk downstream.

- Heritage / Archaeology

The development will preserve both the physical and functional setting characteristics of the nearby listed buildings with less than substantial harm to the significance of the assets.

- Landscape and Visual Effects

There is limited adverse impact on the landscape character of the locality due to the relatively flat nature of the site, the arrangement of the dwellings and the relationship with existing development. There will also be hedgerow tree planting proposed as part of the scheme. There will be a visual change for nearby dwellings however the change is deemed acceptable and will not have a significant impact on neighbouring residential amenity by virtue of overlooking or loss of light.

- Play Provision / Amenity Greenspace

The developer has provided amenity green space throughout the development in line with the SPD.

A financial contribution of £6,271.20 will be paid to the parish council for the upgrade / extension of the existing play provision in the village.

- Ecology / Biodiversity Enhancements

A suitable Ecological Appraisal has been provided for the proposal along with soft landscaping plans.

The proposal will retain boundary hedging and trees. Additional tree planting is proposed throughout the scheme and infill hedgerow is proposed to the outer boundaries, which will be secured by condition

The Senior Planning Officer advised members that the application is for 39 dwellings not 40 as set out in the title of the report.

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

Councillor E Lynch proposed to accept approval as per the officers recommendations.

Councillor N Cockburn seconded.

A vote was taken; 11 voted in favour.

The motion in favour of approval was carried.

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 45D-MJD-001 Rev B Site Location Plan 21.10.21**
 - Amended 45D-MJG 120 Revision D Proposed Streetscenes 08.10.21**
 - Amended 45D-MJG 100 Revision G Detailed Site Layout Plan 08.10.21**
 - Amended 45D-MJG 102 Revision F Boundary and Elevation Diagram 08.10.21**
 - SD 103 Rev B Boundary Details Post & Wire Fence**
 - SD-100 Rev D Boundary Treatments 1800mm High Timber Fence**
 - GH-AY-TS01-A Rev A Topographical Survey**
 - 45D-MJD-103 Rev C Access Drawing (access details only)**
 - Amended 45D-MJG 122 Revision B Management Control Plan 08.10.21**
 - Amended GHA-WW01A Landscape Plan 8.10.21**
 - Amended 443-045 House Type 201/301 08.10.21**
 - Amended 443-045 House Type 201 08.10.21**
 - Amended 201/1F House Type 201 Floor Plans 16.08.21**
 - Amended 443-045 House Type 301 08.10.21**
 - Amended 443/045 House Type 301 Plans & Elevations 16.08.21**
 - Amended 301/1G House Type 301 Floor Plans 16.08.21**
 - Amended 13/301-08 Rev E House Type 301 (Rural) Elevations only 18.06.21**
 - Amended 443-045 House Type 302 08.10.21**
 - Amended 302/1G House Type 302 Floor Plans 16.08.21**
 - Amended 13-310-10 Rev D House Type 310 (Rural) Elevations only 18.06.21**
 - 310-03 Rev R House Type 310 Ground Floor Plan only**
 - 310-04 Rev Q House Type 310 First Floor only**
 - Amended 443-045 House Type 315 08.10.21**
 - Amended 13-315-9 Rev A House Type 315 (Rural 13) Elevations only 18.06.21**
 - 315 House Type 315 Floor Plans & Elevations**
 - Amended 443-045 House Type 350 08.10.21**
 - Amended 13-350-8 Rev B House Type 350 (Rural 13) Elevations only 18.06.21**
 - Amended 350-03 Rev E House Type 350 Ground Floor 21.09.21**
 - Amended 350-04 Rev G House Type 350 First Floor 13.09.21**

Amended 443-045 House Type 351 08.10.21
Amended 443/05 House Type 351 Plans & Elevations 16.08.21
Amended 351-REN House Type 351 Render Variant Elevations only 22.06.21
Amended 351-REN House Type 351 Render Variant Elevations only 18.06.21
Amended 443-045 House Type 450 8.10.21
Amended 443/045 House Type 454 08.10.21
Amended 454-03 Rev G House Type 454 Ground Floor 21.09.21
Amended 454-04 Rev E House Type 454 First Floor 13.09.21
SD700 Rev A Detached Single Garage Details
SD701 Rev B Detached Garage Details Double
N19302-250 Rev P1 Road Setting Out
Amended 1915-D701 Rev 1 Drainage Details 05.03.21
Amended 19195-D203 Rev 1 Typical SuDs Details 05.03.21
Amended 19195-D201 Rev 1 Flood Route Plan 05.03.21
Amended 19195-D201 Rev 1 Proposed Manhole Schedule 05.03.21
Amended 19195-D001 Rev 1 Proposed Engineering Layout 05.03.21
Amended 19195-D700 Rev 1 Road Construction Details 05.03.21
Amended 19195-D301 Rev 1 Longsections Sheet 2 of 2 05.03.21
Amended 19195-D300 Rev 1 Longsections Sheet 1 of 2 05.03.21
Amended Storm Water Design Details 16.08.21
Amended Storm Water Design 16.08.21
Amended Specification for M4(2) Plots Rev D 13.09.21
Archaeological Desk Based Assessment dated 7 Dec 2019
Amended Specifications for a Programme of Archaeological Evaluation 07.09.21
Amended Geophysical Survey Report May 2020 07.09.21
Amended Flood Risk Assessment & Drainage Strategy dated Dec 2020 05.03.21
Amended 19195-SuDs Maintenance Strategy 16.08.21
Preliminary Ecological Appraisal dated 20 February 2020
Additional Ecological Statement 25.02.21
GI Phase 1 and 2 Ground Investigation Report dated July 2019
Gas Monitoring Results Addendum Letter dated 24 October 2019
Construction Management 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. 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 any part of the development hereby permitted is commenced. 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. Any works so approved shall be constructed before the development is fully occupied.

Reason: To ensure a minimum standard of construction within the approved development in the interests of highway safety.

- 4. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. This written scheme will include the following components:**

- i) An archaeological evaluation;**
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;**
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.**

Reasons: 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 preservation, examination and recording of such remains.

- 5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme for remedial contamination works relevant to and referencing the submitted and hereby approved site .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:

- 6. Any remediation scheme under condition 5, 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.

- 7. No dwelling shall be occupied until the estate road, including footways, to serve that dwelling, 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 provide and brought into full operational use.**

Reason: In the interests of highway safety.

- 8. The dwellings hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed for that dwelling 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.

- 9. 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, Adopted July 2020.

- 10. The approved means of enclosures as shown on drawing number 45D-MJG 102 Revision F Boundary and Elevation Diagram received 08.10.2021 shall be constructed prior to the approved dwelling being occupied. All means of enclosures so constructed shall be retained and no part thereof shall be removed 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, in compliance with the National Planning Policy Framework and Policy S4 and S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 11. The surface water and foul drainage details Amended 1915-D701 Rev 1 Drainage Details 05.03.21, Amended 19195-D203 Rev 1 Typical SuDs Details 05.03.21, Amended 19195-D201 Rev 1 Flood Route Plan 05.03.21, Amended 19195-D201 Rev 1 Proposed Manhole Schedule 05.03.21, Amended 19195-D001 Rev 1 Proposed Engineering Layout 05.03.21, Amended 19195-D301 Rev 1 Longsections Sheet 2 of 2 05.03.21, Amended 19195-D300 Rev 1 Longsections Sheet 1 of 2 05.03.21, Amended Storm Water Design Details 16.08.21, Amended Storm Water Design 16.08.21, Amended Flood Risk Assessment & Drainage Strategy dated Dec 2020 05.03.21 and Amended 19195-SuDs Maintenance Strategy 16.08.21 hereby approved shall be completed (prior to occupation of any dwellinghouse), maintained and managed in accordance with the approved details.**

Reason: To ensure a satisfactory means of drainage from the site and minimise the risk of flooding from the development, in compliance with the National Planning Policy Framework and Policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Other:

- 12. All landscaping works (including public open space) shall be carried out in accordance with the approved Landscape Plan Drawing Number GHA-AA01A received 08.10.2021 within the first planting season following the completion of the estate. 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 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 minimised the impact of the development on the locality.

- 13. 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.

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

Reason: To ensure a satisfactory means of foul drainage and to 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.

15. 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) the wall adjacent Abbey Road shall not be altered without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: The Local Planning Authority wishes to retain control over the wall in the interests of the appearance of the site in line with Policy S27 of the Allerdale Local Plan (Part 1), Adopted July 2014.

16. The works shall be implemented solely in accordance with the measures outlined in the Ecological Statement: Great Crested Newts dated 25 February 2021.

Reason: To safeguard the habitat of Great Crested Newts in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

17. The development shall be carried out in strict accordance with the approved Construction Management Plan. The site operating hours shall be restricted to 8:00am – 6:00pm Monday to Friday, 9:00am – 1:00pm Saturdays and no working on Sundays or Bank Holidays.

Reason: In the interest of highway safety and 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.

The meeting closed at 3.50 pm