

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 15 March 2022 at 10.00 am

Members

Councillor Tony Annison (Chair)	Councillor Janet Farebrother (Vice-Chair)
Councillor Carole Armstrong	Councillor Nicky Cockburn
Councillor Allan Daniels	Councillor Daniel Horsley
Councillor Carni McCarron-Holmes	Councillor Antony McGuckin
Councillor Ron Munby MBE	Councillor Paul Scott
Councillor Andrew Semple	Councillor Alan Tyson

Apologies for absence were received from Councillor Elaine Lynch

Staff Present

Law, S Long, K Magnay and J Morgan

Also Present

Shamus Giles and Pieter Barnard from Cumbria County Council

418. Minutes

The minutes of the meeting on 15 February 2022 were signed as a correct record.

419. Declaration of Interests

Councillor N Cockburn declared an interest in item 5 - FUL/2021/0070; Councillor N Cockburn has attended lots of meetings and consultations regarding Derwent Forest and part of Derwent Forest is in her ward, however this will not affect her ability in the decision-making.

Councillor D Horsley declared an interest in item 5 – FUL/2021/0070; part of Derwent Forest is in his ward, however, this will not affect his ability in the decision-making.

420. Questions

None received.

421. FUL/2021/0070 - Derwent Forest - Residential Development (71 Dwellings)

Representations

Stephen Murray and Martin Lankester spoke in objection to the application.

Christine Hardman spoke in support of the application.

The Agent, Peter Shannon spoke in support of the application.

Application

The Senior Planning Officer, Steve Long recommended to grant the application subject to no objections from Natural England to an assessment under the Habitats regulations and S106 legal agreement.

The Senior Planning Officer reported reference to the late list document, additional plans had been received which all match each other and further representations had been received from Seaton Parish Council highlighting their previous concerns on the potential traffic impacts.

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

- Principle of Development

The scheme as amended is acceptable in accordance with the objectives of Policy S18 of ALLP1. The proposal will deliver beneficial local connectivity and restoration measures, proportionate to the scale of the development proposed.

- Layout and Scale

As amended, the major development proposed seeks to reflect the house style concepts of the original development and be sympathetic with its open countryside setting.

The nearest property is approx. 260m distance from the site. A Construction Environment Management Plan (CEMP) has been submitted for the development

- Highways

The layout and access details as amended meet the requirements of the County highway authority. In order to improve connectivity, the scheme incorporates the extension of the existing C2C route which lies to the west of the site, across the site to the Broughton Moor/ Gt Broughton highway as well as the estate itself.

The issue of the C2C extension has been confirmed by the applicant as to be Multiuser i.e. available for additional use by horse riders.

The applicant has provided details for the Construction Traffic Management Plan.

- Education

The securing of the enhanced education infrastructure/ transport services has been assessed with the County Education department.

The scheme was amended to deliver all primary/ junior education contributions to the academy at Gt Broughton (£250,000) as unlike

Broughton Moor there is already the bulk of an existing pedestrian footway link to this settlement, which would be completed as part of the development.

In terms of secondary school education contributions, the County agreed to amend their recommendation to deliver the secondary education element to Maryport rather than Cockermouth School as it is nearer and has spare capacity, however would be subject to the provision of a (£71,250) contribution for transport.

The applicant has provided a timetable for the submissions of these sums which has been accepted by the County.

- Contamination

The bespoke Policy S18 of ALPP1 relating to this specific Derwent Forest site seeks a form of enabling development (e.g. residential) to facilitate the clean-up of the site. Policy S30 also endorses the remediation of existing contaminated land/buildings. There has been detailed examination of the historical legacy of the site and its operations, to establish the extent of this constraint. The proposal includes the removal and restoration of the southern section of the former munition site, with the relocation of the existing perimeter fence alongside the revised route of the C2C.

- Affordable Housing

The proposed scheme as amended will deliver 20% local affordable home ownership housing quota (14 dwellings) required under the provisions of Policy SA3 of ALLP2 to be secured under the S106.

- Drainage

The foul and surface water drainage details are acceptable in compliance with policy S29 of ALPP1

- Ecology

Policy S35 refers to ecology/ biodiversity. The application is supported by detailed ecological surveys. Subject to mitigation being secured these details are safeguarded.

A habitat regulation assessment (HRA) for the proposed works has been received.

Following member discussions, Councillor A Semple proposed to refuse the application doesn't deliver the vision or comply with Policy S18.

Councillor N Cockburn seconded the motion and to include policy S22.

Planning Manager Graeme Law advised members they need to be clear and concise with the wording for the motion.

Motion

Reason 1: The proposal is contrary to Local Plan Policy S18 (Derwent Forest) in that it fails to adequately demonstrate a viable mix of uses to enable the restoration of the whole Derwent Forest site.

As a piecemeal proposal covering only one part of the allocated Derwent Forest site, it fails to adequately meet the criteria of the policy and in particular fails to:

- a) Produce a comprehensive masterplan for the site as part of the planning application. (The applicants 'masterplan' is not comprehensive, failing to provide appropriate triggers and thresholds, without clear mechanism for overall delivery).
- b) Ensure that off-site infrastructure is adequate to accommodate the overall proposals for the site.

Reason 2: The proposal is contrary to Local Plan Policy S22 (Transport Principles) in that it fails to adequately demonstrate that it meets the transport principles of the Local Plan both for the specific proposal and for the masterplan required under Policy S22 (Derwent Forest).

The proposal is therefore contrary to the Development Plan, no material planning considerations have been identified to justify departure from the Development Plan; consequently the proposal fails to balance Economic, Environmental and Community objectives as set out in the government's NPPF guidance and is therefore not sustainable development.

A vote was taken: 11 voted in favour of refusal and 1 against.

The motion in favour of refusal was carried.

Decision

Refused

422. OUT/2021/0024 - Land to the rear of Thorndykes, Hayton - Re-submission of OUT/2020/0016 - Outline application for one dwelling with access and landscaping

Representations

Bill Finlay and Christine Steele spoke in objection to the application.

The Planning Officer read out an email on behalf of Andrew Fielding and Vanessa Sonnabend these were in objection to the application.

The Agent, Anthea Jones spoke in support of the application.

Application

The Planning Officer, Kerry McCartney recommended to refuse the application.

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

- Principle of Development

The proposal site is situated within the village of Hayton which is specified in the Local Plan (part 1) as an infill/rounding off village. Part 2 of the Local Plan omits any settlement limits for the village. The merits of the principle of the development therefore fundamentally relate to whether, physically, the plot itself constitutes an infill or rounding off plot. It is the opinion of officers that this site does not fall into this category.

The proposal is therefore considered contrary to Policy S3 of the Allerdale Local Plan.

- Highways

Cumbria Highways have raised no objections to the proposal subject to conditions relating to visibility splays and construction and drainage specification details for the access area. The proposal is therefore considered acceptable in terms of highway considerations.

- Amenity

It is considered that the development site is of significant distance to neighbouring properties to overcome any potential amenity issues and any amenity issues would be addressed as part of any future reserved matters application.

- Heritage

The site falls just outside of the Hayton Conservation Area, however the access road is within. The application site is located within Hadrian's Wall World Heritage Site Buffer Zone and is also adjacent to a Listed Building (The Chapel) directly to the right of the access track.

It is considered that a development of one residential dwelling could be achieved without resulting in detriment to the above assets.

- Drainage

A drainage report has been submitted with the application which are considered satisfactory for the development.

Following member discussions, Councillor N Cockburn proposed to refuse the application as per officers recommendations.

Councillor R Munby seconded the motion.

Councillor C Armstrong requested a recorded vote. A vote was taken on the request for a recorded vote, which was approved.

A recorded vote was taken on the Motion, viz. –

In favour:

Councillors T Annison, C Armstrong, N Cockburn, A Daniels, J Farebrother, D Horsley, C McCarron-Holmes, A McGuckin, R Munby, P Scott, A Semple and A Tyson

12 voted in favour of refusal

The motion in favour of refusal was carried.

Decision

Refused

Break for Lunch 12:40 - 13:30

Councillor McCarron-Holmes and Councillor Munby left the meeting

- 423. FUL/2021/0301 - Barn Neighbouring Holme Leigh & Kelsick Farm, Kelsick - Proposed barn conversion to provide residential dwelling, demolition of existing WC to front (south) elevation and erection of two storey rear/side extension to provide quiet living, work area, rehabilitation and shower room on the ground floor and playroom, office, bedroom, bathroom and cupboard at first floor**

Representations

The Applicant, Matthew Atkinson spoke in support of the application.

Application

The Senior Planning Officer, Rebecca Wilson recommended to refuse the application.

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

- Principle of Development

Policy S3 and S31 of the Local Plan (Part 1) supports the reuse of rural buildings in the open countryside.

Officers are satisfied that the building is capable of conversion and the principle of conversion can be supported.

However, concern is raised with regards to the new build element that would significantly alter the footprint of the development contrary to Policies S14 and S31 of the Local Plan (Part 1).

- Demolition and Biodiversity

The scale of the small lean to element on the southern elevation offers little character to the site or visual amenity to the area and no objections are raised to its demolition.

The applicant has adequately addressed the proposal is acceptable in terms of impact on protected species in line with Policy S35 subject to mitigations measures which can be secured by condition.

- Design

Officers consider the proposed alterations and extension to the building, in the form of the scale of the two storey extension, addition of a balcony at first floor level and the use of inappropriate materials are inappropriate for its rural location and fails to respond positively to the character and history of the existing resulting in a development that would adversely alter the appearance of the existing building contrary to Policies S3, S31 and DM15 of the Allerdale Local Plan.

Following member discussions, Councillor C Armstrong proposed to defer the application for further communication between the officers and the applicant to draw together the council's policy and the applicant's requirements.

Councillor P Scott seconded the motion.

A vote was taken: the vote for deferral was unanimous.

The motion in favour of deferral was carried.

Decision

Deferred

424. FUL/2021/0013 - Gale Brow - Caravan Development

Representations

The Agent, Richard Lindsay spoke in support of the application.

Application

The Senior Planning Officer, Rebecca Wilson recommended to approve the application subject to the conditions in the report and in addition, condition 8 has been revised, additional conditions 25, 26 and 27 have been added.

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

- Background

The site has been used for mixed purposes and has a varied planning history. Inspectors comments in relation to recent planning appeals for tourism accommodation at the site have suggested that the main area of concern for tourism development related to landscape impact.

- Principle

Inspectors comments in relation to recent planning appeals found the site to have accessible access to facilities. The site is brownfield and is well related to the local transport network. Despite conflict with Planning Policy SA32 of the Allerdale Local Plan (Part 2) July 2020, it is recognised that the development would bring about a cohesive use for the previously developed site in place of the existing mixed uses and would bring about some benefits to the local economy.

- Landscape

The application is accompanied by a Landscape Visual Impact Assessment (LVIA) and landscaping scheme to mitigate against any adverse impacts which would be brought about by the development. Appropriately worded conditions can be used to safeguard the landscaping plan and ensure mitigation for the development.

- Highways

Cumbria highways object to the proposal due to the absence of specified visibility splays from the existing access. It is considered that refusal of the application on these grounds would be unwarranted given the limited use of the access road by vehicular traffic, the likely low speed of such traffic and that the access is an existing access in use at the site.

- Residential Amenity

The development would bring about a low density lodge site, separated from adjacent properties. Conditions are suggested to ensure the residential amenity of neighbouring properties is safeguarded.

- Drainage

Suitable drainage can be secured by condition.

- Contamination

Conditions in relation to contamination are required.

- Ecology

Further ecology survey works prior to demolition of existing buildings can be secured by planning condition.

Following member discussions, Councillor T Annison proposed to approve the application as per officers recommendations and the conditions.

Councillor C Armstrong seconded the motion.

A vote was taken: the vote for approval was unanimous.

The motion in favour of approval was carried.

Decision

Approved

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. The development hereby permitted shall be carried out solely in accordance with the following plans:**
Location Plan received 26th January 2022
Brochure detail for lodges
Drwg No: 01003 Rev:01 - Section through proposed entrance
Drwg No: 01002 Rev:01 – Proposed works to existing entrance
Plan of buildings to be demolished
Drawing number D/01 – Paving details
WW/10B Rev B – Landscape Sections
WW/L01 Rev J – Outline Landscape Plan
WW/L01 Rev F - Planting 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.

- 3. Prior to the commencement of demolition works on site, details of a bat emergence survey, a dawn survey or automated bat survey and further internal and external inspection by a qualified consultant shall be submitted to and approved by the Local Planning Authority. Any approved mitigation measures shall be fully implemented in accordance with the approved detailed scheme.**
Reason: To safeguard any potential bat species during construction works at the application site, in compliance with the National Planning Policy Framework, Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 4. No trees or hedges on the site shall be topped, lopped, felled or uprooted without the prior consent of the Local Planning Authority.**
Reason: In order to ensure that adequate protection is afforded to the existing trees on the site.

- 5. Landscaping works shall be carried out in accordance with drawing number WW/L01 Rev F. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and 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 other 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.

- 6. A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to operation. The development shall thereafter be maintained at all times in accordance with the approved landscaping management plan.**

Reason: To ensure the long term maintenance and management of the landscaping for the development in the open countryside in compliance with Policies S32 and S33 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 7. Details of the lodges including any terrace, platform or hard surfacing on or around the lodges site shall be submitted to and approved by the Local Planning Authority, prior to installation.**

Reason: In the interests of and to protect surrounding visual amenity.

- 8. The holiday lodges (except the Manager's lodge) hereby approved shall not be used at any time as the sole or principal residence by an occupants.**

Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policies S2, S3, S32 and S33 of the Allerdale Local Plan (Part 1), Adopted July 2014 and Policy SA2 of the Allerdale Local Plan Part 2 adopted Sept 2020.

- 9. A register of all occupants of the holiday accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority within 10 days of a request. The register shall contain the name and address of the principal occupier together with the dates of occupation.**

Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 10. Prior to the use of the development hereby approved, details of the lighting scheme for the site shall be submitted to and approved by the Local Planning Authority. The works shall be implemented solely in accordance with the approved scheme.**

Reason: To safeguard the amenity of nearby residential properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 11. No part of the development hereby permitted shall be constructed above ground floor level until details of the treatment and finishes of all surfaces within the site have been submitted to and approved by the Local Planning Authority. The details so approved shall be completed prior to the use of the development hereby approved and shall be retained at all times thereafter.**

Reason: In order to ensure a satisfactory standard of development for the external appearance of the approved scheme in relation to its surroundings, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 12. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.**

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.

- 13. Notwithstanding the proposed submitted levels prior to works commencing on site details of all proposed ground floor levels including finished floor levels of the building, levels of any paths, drives, garages, and parking areas and materials of any retaining walls shall be submitted to the Local Planning Authority. The works shall be carried out in accordance with the approved works.**

Reason: To ensure that works are carried out to a suitable level in relation to the adjoining properties and highways and in the interest of visual amenity.

- 14. Prior to the use of the development, a surface water drainage scheme 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 and maintained 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.**

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

15. Prior to the commencement of works, details of the non-mains foul drainage systems for the development shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be carried out in accordance with the approved non-mains drainage assessment including the following specific mitigation measures detailed therein :

- a. **Soakaways to be constructed to BS6297:2007**
- b. **No connection to watercourse or land drainage system and no part of the soakaway system is within 10 metres of any ditch or watercourse.**
- c. **No siting of the septic tank/package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.**

The details hereby approved shall be implemented prior to the use of the development.

Reason: To enable a satisfactory means of non-mains foul drainage, in compliance with the National Planning Policy Framework and Policy DM12 of the Allerdale Local Plan (Part 1), Adopted July 2014.

16. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off site parking, turning and compound areas;

- a. **Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.**
- b. **Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
- c. **A written procedure for dealing with complaints regarding the construction or demolition;**
- d. **Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- e. **Programme of work for Demolition and Construction phase;**
- f. **Hours of working and deliveries;**
- g. **Details of lighting to be used on site;**
- h. **Highway signage/ Haulage routes.**

The approved statement shall be adhered to throughout the duration of the development.

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 and in the interests of highway safety.

17. 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.

18. Should land affected by contamination be identified under condition 17 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.

19. Should a remediation scheme be required under condition 18, 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.

20. 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.

- 21. 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 brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.** Reason: In the interests of highway safety and environmental management.
- 22. The use of the development shall not be commenced until the access has been formed to give a minimum width of 4.8 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.** Reason: In the interests of highway safety and environmental management.
- 23. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway before the development is brought into use and shall not be raised to a height exceeding 1.0m thereafter.** Reason: In the interests of highway safety for the visibility of construction and operational traffic using the approved access.
- 24. 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.
- 25. Unless otherwise agreed in writing by the Local Planning Authority all holiday units shall be sited entirely in accordance with drawing WW/L01 Rev J Gale Brow Winscales Outline Landscape Plan received 20 January 2022 and no more than 12 holiday units plus 1 Manager's lodge shall be sited within the development as hereby approved.** Reason: In order to minimise the visual impact of the development in the locality in compliance with Policies S2, S32 and S33 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 26. Prior to occupation of any lodge, details of the pitch of the Manager's Lodge shall be submitted to and approved by the Local Planning Authority. The approved Manager's lodge shall thereafter be solely occupied by the site Manager or dependants of such**

persons residing with him or her, or a widow or widower of such persons and shall be removed from the site on cessation of the holiday use of the lodge site as approved.

Reason: To ensure that non-essential residential development in the open countryside is removed from the site on cessation of the holiday use in accordance with Policy S3 Allerdale Local Plan (Part 1), Adopted July 2014 and Policy SA2 of the Allerdale Local Plan Part 2 adopted Sept 2020.

27. The lodges hereby approved shall be used for holiday let accommodation (except the Manger's Lodge) and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 2015), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The Local Planning Authority would wish to examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy SA32 of the Allerdale Local Plan (Part 1), Adopted Sept 2020.

The meeting closed at 2.30 pm