

At a meeting of the Development Panel held in on Tuesday 9 August 2022 at 10.00 am

Members

Councillor Tony Annison (Chair)
Councillor Nicky Cockburn
Councillor Malcolm Grainger
Councillor Hilary Harrington
Councillor Paul Scott
Councillor Alan Smith

Councillor Allan Daniels
Councillor Jimmy Grisdale
Councillor Antony McGuckin
Councillor Andrew Semple
Councillor Alan Tyson

Apologies for absence were received from Councillor Janet Farebrother, Councillor Carole Armstrong, Councillor Daniel Horsley and Councillor George Kemp

Staff Present

I Fairlamb, K Hampson, K Magnay, J Morgan and R Wilson

Also Present

P Barnard, Highways Cumbria County Council and J Alexander

115. Minutes

The minutes of the meeting held on 5 July 2022 were signed as a correct record.

116. Declaration of Interests

Councillor A Smith declared an interest in item FUL/2022/0105

117. Questions

None received.

118. FUL/2021/0067 - Princess Street, Workington - Demolition of existing two storey building and the construction of a two storey mixed use building accommodating 2 nos. retail units at ground floor with 7 no. apartments at first floor, alongside 3 no. town houses.

Representations

A letter of objection was read out on behalf of Brenda Willis and Harry Branney

A letter of support was read out on behalf of the Agent, Craig Welsh.

Highways Consultant, Phil Tilby spoke in support of the application.

Application

The Senior Planning Officer, Rebecca Wilson recommended to approve the application subject to conditions be delegated to the Chief Officer – Place and

Governance of the Planning Manager subject to the signing of a section 106 to secure a sum of £6000 to cover a traffic regulation order to undertake highway road marking and parking alterations.

Should the legal agreement not be satisfactorily completed within 3 months, then it is requested that the powers to refuse the proposal be delegated to the Chief Officer, Place and Governance on the basis that those measures necessary to make the development acceptable in policy terms have not been secured through necessary legal agreement.

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

- Principle of Development (Residential)

The principle of residential development is acceptable. The site is located within the settlement of Workington and is previously developed land. The proposal complies with Policies S3 and S5.

- Principle of Development (Retail)

The sequential assessment shows that there are no sequentially preferable sites that are available, suitable and viable. The proposal therefore accords with Policies S16 and DM8 and the retail development is acceptable in principle.

- Layout of Development

The layout of the development is in keeping with the character of the area and accords with Policy S4. The scheme has been revised so there is now only 1 access off Frazer Street and 3 town houses are proposed to provide a compliant level of residential car parking.

- Highway Safety

The proposal will not be harmful to highway safety.

- Residential Amenity

Residential amenity can be safeguarded during demolition and construction activities, through the provision of a construction management plan and from restricting hours/ days of operation and for deliveries, secured through planning conditions.

Members questioned Planning Officers and Cumbria County Council

Following member discussions, Councillor A McGuckin proposed to refuse the application, concerns over the traffic management with the effects on traffic safety and parking congestion.

Councillor A Smith seconded.

A vote was taken: 6 voted in favour of refusal, 5 against, 0 abstentions

Decision

Refused

119. OUT/2019/0017 - Land at Beech Grove, Seaton - Outline for 8 dwellings

Representations

Aileen Brown, Seaton Parish Council spoke in objection to the application.

Application

The Senior Planning Officer, Rebecca Wilson recommended to approve the application subject to conditions 1 - 20.

The Senior Planning Officer advised members the key conditions to consider were 5, 6 and 14.

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

- Principle of Development

The application site is considered to represent a sustainable location for further housing development within the village in compliance with the settlement objectives of Policy S3 of Allerdale Local Plan Part 1 (ALP Part 1) and the updated settlement limits of Policy SA2 of the Allerdale Local Plan Part 2 (ALPP2).

The site is well related to the surrounding built development.

- Highways

The intensification of the use of the existing vehicular access from the small Beech Grove estate onto Causeway Road is acceptable with no significant adverse impacts on highway safety. The details are acceptable to the Local Highway Authority.

- Drainage

Policy S29 of ALPP1 refers to surface water drainage and flood risk. This subject represented a key concern within the representations received, prompting the applicant to undertake a detailed flood risk /surface water drainage assessment towards adopting a drainage strategy (including cumulative considerations with the recently approved nearby major housing development on the opposite side of Causeway Road). The submitted detailed scheme is considered to be acceptable to the Lead Local Flood Authority.

- Ecology

Policy S35 seeks to protect and safeguard biodiversity. Assessments were undertaken to establish the ecological value of the site (including a reptile survey) It was concluded the proposal would not have a significant impact on ecology and biodiversity gain can be achieved via planning condition.

Following member discussions, Councillor A McGuckin proposed to refuse the application, on the grounds of future serious flooding risk caused by the development.

Councillor J Grisdale seconded.

A vote was taken: 5 voted in favour of refusal, 5 against and 1 abstention.

The chairman used his casting vote against the refusal of the application bringing the total to 6 against. The motion for refusal was lost.

Councillor T Annison proposed to approve the application as per officer's recommendations.

Councillor M Grainger seconded.

A vote was taken: 5 voted in favour of approval and 6 against. The motion was lost.

Councillor A Smith proposed to defer the application in order to get the site cleared for a further site visit.

The Planning Manager advised members that this would not be beneficial to ask the developer to clear the site.

Councillor A Smith withdrew the motion.

Councillor T Annison proposed to approve the application.

A vote was taken: 5 voted in favour of approval and 6 against. The motion was lost.

Councillor P Scott proposed to refuse the application based on the loss of amenity.

The Planning Officer clarified to members the application is an outline application to consider the layout and access.

Councillor P Scott withdrew the motion.

Councillor A Semple proposed to approve the application on the grounds that all conditions are brought back before the panel in particular condition 1 and 14 prior to development.

A vote was taken: 5 voted in favour of approval, 6 against. The motion was lost.

Councillor A McGuckin proposed to refuse the application based on the measures proposed do not go far enough to address the risk of flooding within the engineering works.

Councillor J Grisdale seconded.

The officers clarified to members that within the report the applicant has provided a detailed drainage strategy plan.

Councillor A McGuckin withdrew his motion to refuse and proposed that the application be deferred based on the evidence provided and invite a drainage expert to the meeting and hear extensive information with regards to the flood management.

Councillor J Grisdale supported the amended motion.

A vote was taken: 9 voted in favour of deferral, 2 against.

The motion was carried.

Decision

Deferred.

Lunch Break 13:00pm - 13:30pm

Councillor N Cockburn left the meeting

120. HOU/2022/0118 - 7 Everest Mount, Workington - Re-submission of application HOU/2021/0212 for a 1.5 storey rear extension and porch to front

Representations

The Agent, Richard Lindsay spoke in support to the application

Application

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

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

- Residential Amenity

The proposed rear extension, by reason of its scale and proximity to the shared boundary with 5 Everest Mount, would have overbearing and unneighbourly impact on the occupiers of this property, detrimentally increasing a sense of enclosure, and materially harming their residential amenity.

Following member discussions, Councillor A McGuckin proposed to approve the application with a condition to put in place obscure glass on the gable.

Councillor P Scott seconded.

A vote was taken: 6 voted in favour of approval, 4 against.

Decision

Approved with condition.

121. VAR/2022/0013 - Land off Abbey Road, Abbeytown - Variation of 2/2018/0214

Representations

The Agent, Stuart Woodall spoke in support to the application

Application

The Senior Planning Officer, Rebecca Wilson recommended to approve the application subject to the conditions and a revised S106.

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

- **Principle of Development**

The applicant's original outline application 2/2018/0214 for the erection of dwellinghouses was originally conditionally approved (subject to a s106 re affordable dwellings provision) by the development panel in February 2019. Further to the recent submission of a reserved matters application for nine dwellings (pending) this original consent remains extant, thus the principle of the development is acceptable. The site is within the approved settlement limits for the village under Policy SA2 of ALPP2 and Abbeytown constitutes a "local centre" under the provisions of the settlement hierarchy of Policy S3 of the Allerdale local plan (Part 1).

- **Highways**

The linear shaped application site is served by a single cul-de-sac highway off Abbey road.

Although the reserved matter applications technical highway specification is to an adoptable standard, its associated drainage details are not. However the County highway/LLFA authority consider these details remain acceptable but will require alternative private management.

Subject to an alternative condition to address this issue the details are acceptable.

- Design/Landscaping

The design/technical/landscaping details themselves are alternatively seeking to be addressed through the pending reserved matter and discharge of condition applications.

- Affordable Housing

The former application, under the provisions of the planning policies at that point in time, required the delivery of 25% of the dwellings to be local affordable properties. Albeit the original application was solely an outline application supported by an indicative plan, a planning condition on the consent restricted it to a maximum of fifteen dwellings (reflecting the indicative drawing details)

This reflected the criteria of the national and local plan policies in situ at the point in time of the applications determination. (This was endorsed under the a s106 which required the provision of 1 local affordable dwelling , plus an off-site financial contribution equating to 2.25 dwellings which would be reinvested back into the delivery of affordable houses.)

There has been a significant change of policy circumstances since the former decision with the updated National Planning Policy Framework only requiring affordable housing for major development (10 dwellings /sites more than 0.5ha) with a minimum of 10% low cost affordables, plus Policy SA3 of ALLP2 revising the requirement for a maximum of 10% local affordable housing provision for this part of the Borough.

Although the current reserved matters is for nine units it remains above the 0.5ha area threshold. Therefore local affordables would normally be required.

However officers consider the characteristics of the site hinder the means to deliver more units especially as the applicants housing mix under the reserved matter application incorporates bungalows /dormer bungalows in order to address the constraints of the sites linear shape. Therefore, on balance it is considered unreasonable in this instance to impose the requirement of affordable dwellings due to its site area, which would solely relate to one low cost affordable unit.

Officers recognise the policy implications of the proposal and it has been advertised as a departure.

Following member discussions, Councillor A McGuckin proposed to approve the application as per officer's recommendations and subject to conditions.

Councillor A Daniels seconded.

A vote was taken: The vote was unanimous for approval

Decision

Approved

Conditions

Time Limit:

Conditions/Reasons

1. Before any works commence, details of the layout, scale and appearance, access and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.

Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (Development Management Procedure) Order 2015.

2. The development hereby permitted shall be carried out in accordance with the following plans:

5640-001 - Location plan

5640-002 Rev B (amendment 26/07/18)

Reason: In order to ensure a satisfactory standard of development.

3. The development shall begin no later than the expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with Sections 91 and 92 of the Town and Country Planning Act 1990.

4. The development hereby approved is for a maximum of 15 dwellings.

Reason: This is considered the maximum number of dwellings that can be accommodated on site to reflect the prevailing densities in the area, preserve residential amenity and the amenity value of the trees protected by the Tree Preservation Order and to accord with policies S32 and S33 of the Allerdale Local Plan (Part 1) 2014.

5. Provision shall be made in the submission of any 'reserved matters' application for parking spaces for each individual dwellinghouse. In compliance with the parking standards within the County Councils Cumbria Design Guide

Reason: To ensure that a minimum standard of off-street parking provision is made for the development and in the interests of highway safety, in compliance with the National Planning Policy Framework 2018 and Policy S22 of the Allerdale Local Plan (Part 1) 2014.

6. The carriageway, footways and footpaths shall be designed 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 completed.

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

7. The development shall not be commence until visibility splays providing clear visibility of 43 measured along the nearside channel line of the B5307 public road from a position 2.4metres inset from the carriageway edge, on the centre line of the prospective access road, at a height of 1.05metres, have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no development, trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: To ensure an acceptable standard of highway access, in compliance with the National Planning Policy Framework 2018 and Policy S4 and S22 of the Allerdale Local Plan(Part 1) 2014.

8. Prior to the occupation 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 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.

9. No development approved by this permission shall commence until a desktop study has been submitted to and approved by the Local Planning Authority. Should the preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all necessary site investigation works within the site boundary must be 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 their commencement.

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 2018 and Policy S30 of the Allerdale Local Plan (Part 1) 2014.

10. Should land affected by contamination be identified under the desk top study under condition 9 be found 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 arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework 2018 and Policy S30 of the Allerdale Local Plan (Part 1).2014

11. Should a contamination 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 arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy EN9 of the Allerdale Local Plan (Saved).

12. 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 2018 and Policy S30 of the Allerdale Local Plan (Part 1) 2014.

13. 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:

- (a) Traffic Management Plan to include all traffic associated with the development, including the parking and turning facilities and off-street compound staff traffic;**
- (b) 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.**
- (c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
- (d) Mitigation measures to ensure that no harm is caused to protected species during construction.**
- (e) A written procedure for dealing with complaints regarding the construction or demolition;**
- (f) Measures to control the emissions of dust and dirt during construction and demolition;**
- (g) Programme of work for Demolition and Construction phase;**
- (h) Hours of working and deliveries;**

(i) Details of lighting to be used on site.

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

Reason: In the interests of the amenity of the occupiers of neighbouring properties, in compliance with the National Planning Policy Framework 2018 and Policy S32 of the Allerdale Local Plan, (Part 1) 2014.

14. 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 in writing by the Local Planning Authority. The written scheme of investigation will include the following components:

- a) An archaeological evaluation;**
- b) An archaeological recording programme, the scope of which will be dependent upon the results of the evaluation.**
- c) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.**

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.

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

Reason: To secure proper drainage and manage the risk of flooding and pollution

16. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and**
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.**

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

17. No part of the development hereby permitted shall be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained, together with the positions and height of protective fences, the areas for the storage of materials and stationing of machines and huts, and the position and width of temporary site roads and accesses. The details so

approved shall be implemented prior to the commencement of the development and maintained at all times during the construction period.
Reason: In order to ensure that adequate protection is afforded to the existing trees on the site prior to any excavation/construction works on the site.

18. Prior to occupation of the development a highway management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
Reason: To ensure a minimum standard of construction in the interests of highway safety.

Councillor A Smith left the meeting

122. FUL/2022/0105 - Fellcroft, Windmill Lane, Cockermouth - Conversion of garage to iron press room for existing laundry

Application

The Planning Officer, Kelly Hampson recommended to approve the application.

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

- Principle of Development

The application site forms a domestic garage associated with a residential property to be part converted for use as an iron press room in connection with an existing laundry business adjacent and partly connected to the dwellinghouse.

- Highways Safety

The proposal does not fall within the criteria for consultation with Cumbria Highways

- Heritage

The garage is on the boundary of Cockermouth Conservation Area, however it is not considered to create a harmful impact given the lack of external changes to its appearance and the existing laundry already being an established business.

Following member discussions, Councillor T Annison proposed to approve the application as per officer's recommendations.

Councillor A McGuckin seconded.

A vote was taken: The vote was unanimous for approval

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: Dwg No 01 Site and Floor Plan and Elevations as proposed**
Location Plan
Proposed Floor Plan
Block 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.

The meeting closed at 2.22 pm