

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 1 November 2022 at 10.00 am

## **Members**

Councillor Tony Annison (Chair)  
Councillor Carole Armstrong  
Councillor Jimmy Grisdale  
Councillor Jim Lister  
Councillor Alan Smith

Councillor Janet Farebrother (Vice-Chair)  
Councillor Allan Daniels  
Councillor Daniel Horsley  
Councillor Antony McGuckin

Apologies for absence were received from Councillor Nicky Cockburn, Councillor Malcolm Grainger and Councillor George Kemp and Councillor Alan Tyson.

Apologies were also received from Councillor Allan Daniels for the first hour of the meeting.

Councillor T Annison thanked Councillor Tyson for all his work and dedication throughout his term and wishes him well.

## **Staff Present**

I Fairlamb, S Long, K Magnay and J Morgan and L White

## **Also Present**

D Copeland

### **212. Minutes**

Councillor J Farebrother advised the panel Councillor A Semple was her substitute at the last meeting but his attendance hadn't been marked down and asked for this to be amended.

### **213. Declaration of Interests**

None received.

### **214. Questions**

None received.

### **215. FUL/2022/0115 - 322 Moss Bay Road, Workington - Change of use of showroom to workshop facility**

The Planning Officer advised members further information had been submitted in relation to the site and the recommendation would be to defer the application for a site visit and report update.

Councillor T Annison proposed to defer the application as per officer recommendations.

Councillor C Armstrong seconded.

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

### **Decision**

Deferred

## **216. OUT/2022/0021 - Part Field 7800, Newton Arlosh, Wigton - Outline planning with access for up to two dwellings**

### **Representations**

A letter of support was read out on behalf of Councillor M Grainger

### **Application**

The Senior Planning Officer, Steve Long recommended to approve the application subject to the recommended conditions.

The Senior Planning Officer advised members there was an error on paragraph 12.1 of the report this should relate to council tax not business rates.

The Senior Planning Officer also advised members that the local finance considerations relate to S70 of the Town and Country Planning Act regarding new homes bonus and council tax, however this had no weight to the decision.

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

- Principle of Development

Newton Arlosh is a village within the fourth tier, defined a 'Limited Growth Village' of the settlement hierarchy as detailed in Policy S3 which can accommodate small-scale developments. The site is within the settlement limit of Newton Arlosh as defined by the recently adopted Part 2 Allerdale Local Plan.

- Amenity

The proposal is adjacent to an existing agricultural building, separated by a line of trees/hedgerow. The scheme has been amended following a former refusal of 3 dwellings to 2, providing a further separation distance between the proposed dwellings and the existing agricultural building.

Members questioned Planning Officers and the Environmental Health Officer

Councillor A McGuckin proposed to approve the application as per officer's recommendations.

Councillor D Horsley seconded.

A vote was taken: 7 voted in favour of approval, 1 against, 0 abstentions

## **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:**
  - i. Dwg No 21.38. LOC Rev B – Location Plan**
  - ii. Dwg No 21.38.O.P1 Rev A – Proposed Block Plan & Schematic floor plans & elevations (site layout only)**
  - iii. Dwg No 18.09.FP.HD – Highway Detail**  
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. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include: (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and (iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.**  
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4. **The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road 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

5. **The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.**  
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.

**Post-commencement/Pre use commencing conditions:**

6. **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 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.**  
Reason: In the interests of highway safety.
7. **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.

- 8. Any windows on the north east gable elevation (facing the neighbouring agricultural building) of the proposed dwellings shall be fixed (non-opening) and shall not be removed or altered without prior consent from the Local Planning Authority.**

Reason: In order to safeguard the residential amenity of future occupants of the dwellings against any potential odour issues from the neighbouring agricultural building in accordance with Policy S32 of the Allerdale Local Plan.

**217. OUT/2022/0023 - Land between The Green & Plumbland Village Hall, Parsonby - Outline application for the erection of two dwellings**

**Representations**

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

**Application**

The Senior Planning Officer, Steve Long recommended to approve the application subject to the recommended conditions.

The Senior Planning Officer advised members that the local finance considerations relate to S70 of the Town and Country Planning Act regarding new homes bonus and council tax, however this had no weight to the decision.

The Senior Planning Officer highlighted to members condition 4, the word substantially will be omitted.

The Senior Planning Officer also highlighted paragraph 12.11 of the report to members and if members were minded to approve the application a condition could be included to, control hours of construction traffic around school drop off/pick up times.

The Senior 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 Parsonby 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 fall into this category as infill.

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

- Highways

The proposal of two dwellings is served by the existing access road which leads to a dead end. The layout of this access, having regard that it does not provide any means of connection to the surrounding highway

network, dictates its limited use once past the school and village hall other than for two existing dwellings and the proposed development. 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 is adjacent to Plumbland School which is a Grade II Listed Building.

Given the separation between the site and the School, it is considered that a development of two residential dwellings could be achieved without resulting in detriment to the above asset.

- Drainage

It is considered that a satisfactory drainage design could be achieved for the development which follows the drainage hierarchy. This can be imposed as a condition.

Members questioned Planning Officers in respect of a tree preservation order and if the tree in question had one.

The Senior Planning Officer advised members if they were minded to support the application safeguarding measures could be put in place with a condition to safeguard the site.

Councillor A McGuckin proposed to approve the application as per officer's recommendations including the conditions to control the construction traffic around school drop off/pick up times and the safeguarding of the tree site.

Councillor J Lister seconded.

A vote was taken: the vote in favour of approval was unanimous.

## **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 22.01.01b – Proposed Site Location & Block Plan  
Design & Access Statement & Tree Assessment dated July 2022  
(pages 9 & 10) - Tree Protection Measures**  
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. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include: (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and (iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.**  
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.
- 4. The access and parking/turning requirements shall be met before any building work commences on site so that constructional traffic can park and turn clear of the highway.**  
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.

### Post-commencement/Pre use commencing conditions:

- 5. 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 5.0 metres inside**

**the site, as measured from the carriageway edge of the adjacent highway.**

Reason: In the interests of highway safety.

- 6. 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.

- 7. No development shall take place until a Construction 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 site and staff traffic, off-site parking, turning and compound areas;**
  - (b) Hours of delivery ( allowing for exclusions during peak hours of school pedestrian movements)**
  - (c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
  - (d) A written procedure for dealing with complaints regarding the construction;**
  - (e) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
  - (f) Hours of working and deliveries;**
  - (g) Highway signage/ Haulage routes.**

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

Reason: In the interests of highway safety and 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)

- 8. 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 the position and height of a protective**



**fence to safeguard the existing mature tree on the southern edge of site , 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.

### **Councillor Allan Daniels joined the meeting**

- 218. OUT/2022/0019 - Land opposite Milestone House, Waverton - Re-submission of application OUT/2022/0016 for outline permission with all matters reserved for three infill dwellings**

### **Representations**

Mark Burton and Kathryn Fielding both spoke in support of the application.

Parish Councillor, Councillor Tony Huntington spoke in objection to the application.

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

### **Application**

The Senior Planning Officer, Steve Long recommended to refuse the application for the following reasons:

1. The proposed development is considered to be poorly related to the traditional settlement form and existing buildings within the settlement and is not considered to be infill or rounding off development as defined by Policies S3, S4, and S5 of the Allerdale Local Plan (Part 1), Adopted July 2014.
2. If allowed the proposal will act as an adverse precedent for other non-essential dwellinghouses in the open countryside to the detriment of the character of the village.

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

- Principle of Development

The principle of development is not considered acceptable at this location. The development of the site can neither be considered as infill or rounding-off of the village. The development is not well related to the existing built development and buildings. The proposals are contrary to Local Plan policies S3, S4 and S5

- Highway Issues

Officers consider an acceptable and safe form of access can be achieved to serve the development.

- Drainage

Officers consider an acceptable form of foul and surface water drainage can be achieved for the site.

Members questioned Planning Officers.

Following member's discussion Councillor J Farebrother proposed to refuse the application as per officer's recommendations and in support of the Parish Council.

Councillor A Daniels seconded

A vote was taken: 6 voted in favour of refusal, 2 against and 1 abstention

**Decision**

Refused

**The meeting closed at 12.14 pm**