

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 20 December 2022 at 11.00 am

Members

Councillor Tony Annison (Chair)
Councillor Allan Daniels
Councillor Jimmy Grisdale
Councillor Daniel Horsley

Councillor Janet Farebrother (Vice-Chair)
Councillor Malcolm Grainger
Councillor Hilary Harrington
Councillor Alan Smith

Apologies for absence were received from Councillor Carole Armstrong, Councillor Nicky Cockburn and Councillor Antony McGuckin

Staff Present

I Fairlamb, N Howard, S Long, K Magnay, J Morgan and A Williams

296. Minutes

The Senior Planning Officer advised of a couple of amendments that needed made to the minutes for OUT/2021/0026 – within condition 7 ‘Amended 04 Technical illustrative masterplan Rev I 14/11/22’ needs to be removed.

Condition 10 has a typo this should be (9) not (10) as the minutes stated.

Members were in favour of approving the minutes and incorporate the amendments.

297. Declaration of Interests

Councillor M Grainger declared an interest in Item 6, FUL/2022/0115 he advised the panel it would not affect his decision.

Councillor A Semple declared an interest in item 7, HOU/2022/0174, he advised the panel he is the Ward/Town Councillor and will remove himself from the meeting for the item.

Councillor A Smith declared an interest in item 7, HOU/2022/0174, he advised the panel he had been present at the Cockermouth Town Council meeting and it would not affect his decision.

298. Questions

None received.

299. FUL/2022/0115 - 322 Mossbay Road, Workington - Change of use of showroom to workshop facility

Representations

Mrs Denise Adams and Mrs Iris Fraser spoke in objection to the application.

The Agent, Ken Thompson spoke in support of the application.

Application

The Senior Planning Officer, Steve Long recommended to approve the application subject to the mitigation measures in the report and subject to the recommended conditions.

The Senior Planning Officer highlighted to members Highways Authority did not raise any objections.

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

- Principle

The proposal is located within the defined settlement of Workington, in an area of mixed commercial and residential uses. The principle of commercial development is therefore acceptable within this location, subject to compliance with other relevant Local Plan policies.

- Residential Amenity

Given the existing commercial activity taking place in the building, it is considered that the proposed change of use of the upper floor from showroom to workshop facility would not have any significant adverse impact upon adjacent residential amenity. Conditions are suggested to safeguard existing amenity standards.

- Highways

Given the existing use of the premises, it is considered that the proposal would not lead to a significant increase in vehicular traffic to and from the site. The Highways Authority raise no objections to the proposal.

Members questioned Planning Officers and the County Council

Following members discussions, Councillor A Daniels proposed to approve the application with an additional conditional to include no workshop activity on the forecourt and amend condition 4 to omit 'during the operation'.

Councillor M Grainger seconded.

A vote was taken: 4 voted in favour of approval, 5 against, 0 abstentions

The motion was lost.

Councillor H Harrington proposed to refuse the application on the following grounds – the local planning authority consider the proposed development, by virtue of the proposed workshops operational use and proximity to the nearby residential properties on Mossbay Road would result in adverse noise

disturbance to the detriment of the residential amenity of the dwellings contrary to Policy S32 of the Allerdale Local Plan (Part 1).

Councillor D Horsley seconded.

A vote was taken: 5 voted in favour of approval, 4 against, 0 abstentions

Decision

Refused

300. FUL/2022/0210 - The Barn, Syke Farm, Wigton - Change of use of former agricultural building to single dwelling house

Representations

The Applicant, Jonathan Scott spoke in support of the application.

Application

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

- Principle

The application building is not of traditional design, nor does it have any significant historic character, that would elevate it as a building worthy of protection and retention. In this regard, the building is not of the character or architectural style identified as having the potential to be adapted into a high quality building as outlined within Policy S31.

- Scale, Design and Siting

The proposal would introduce a detached double garage of a significant scale and massing in a visually prominent position so as to appear incongruous in this location, in conflict with the surrounding rural character of the area.

- Other Matters

The proposal provides adequate access, parking and turning. Officers consider that matters relevant to the environment and drainage could be secured by condition.

The Senior Planning Officer, Steve Long then drew members attention to the late list and advised members that officers have reviewed the grounds of refusal in the recommendation and for the purposes of clarity and precision in the policy context, were recommending that they be amended to the following single reason for refusal.

1. The proposed conversion would not result in the enhancement of the immediate rural setting by virtue of the scale and siting of the double garage, which would be out of character with the existing built form of the

locality, contrary to Planning Policies S2, S4, S5 S32 and DM14 of the Allerdale Local Plan (Part 1) and the National Planning Policy Framework and paragraph 80 criteria C.

However, further to these revisions the applicant had submitted further amended plans 21/870/7 – site layout plan Rev A (dated 16/12/22) excluding the double garage. On the basis of these latest amendments, officers considered the above reason for refusal has been addressed and that the application may alternatively now be recommended for approval subject to conditions.

The Senior Planning Officer advised members conditions 5,6 and 7 as outlined in the late list would be omitted.

Members questioned Planning Officers.

Following members discussions, Councillor D Horsley proposed to approve the application as per officers latest recommendations and subject to the conditions.

Councillor M Grainger seconded.

A vote was taken: The vote in favour of approval was unanimous

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:**
21/870/2 Revision A – Block Plan
21/870/4 Revision A – Plan as proposed
21/870/5 – Elevations as proposed
21/270/6 – Proposed double garage
21/870/7 – Site layout plan Rv A (dated 16/12/22)
Email dated 16/12/22 withdrawing the double garage from the proposal.
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. **The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provisions shall be retained and be capable of use when the development is completed**

and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure that proper access and parking provisions is made and retained for use in relation to the development.

4. **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) no development falling within Classes (A-E) of Part 1 of schedule 2 of the said order shall be carried out without the prior written permission of the Local Planning Authority upon application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interest of safeguarding the amenities of adjacent properties and preserve the character and appearance of the original building and its surroundings.

5. **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 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 S30 and Allerdale Local Plan (Part 1), Adopted July 2014.

301. **HOU/2022/0174 - Park end, Rubbybanks Road, Cockermouth - Construction of a retaining wall in pre-cast concrete blocks to provide resilience against flooding**

Application

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

- Principle of Development

The principle of flood resilience measures is supported, but any such proposal needs to be compatible in its design with its surroundings and compliant with any respective designated regulations which are applicable to its location.

- Highways

The proposal is located on private land but is sited along the route of public footpath. 223033. The County's public rights of way officer considers the proposal would partially obstruct this public right of way and is of the opinion that permission should not be granted (update given in the late list).

- Design/Heritage

The applicant has sought to amend the external exterior finish of the existing blocks through the application of external timber cladding to the exterior and infilling the rear void with soil. As amended the design is considered acceptable including its setting within the Conservation Area

- Flood Risk

Comments of the Environment Agency are awaited (update given in the late list).

The Senior Planning Officer, Steve Long drew members attention to the late list and advised members based on the revised response from the footpath officer they consider that subject to confirmation of the footpath officer that the amended plans are acceptable the recommendation may be amended to approval subject to conditions. No objections were made by the Environment Agency.

Councillor A Smith proposed to deferral the application due to the decision being changed and requested a site visit.

Councillor T Annison seconded.

A vote was taken: The vote in favour of approval was unanimous

Decision

Deferred.

302. FUL/2022/0065 - Large Barn, Scales Farm, Ellerbeck Brow, Brigham - application for a single dwelling on the site of the collapsed barn

Representations

The Applicant, Paul Lightfoot spoke in support of the application.

Application

The Planning Manager, Alison Williamson recommended to approve the application subject to the recommended conditions.

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

- Principle of Development

The proposal is technically a departure from the Local Plan as the proposals are now for a new build dwelling. The original stone barn was damaged and then collapsed following storm damage and as such the original permission for the conversion to 2 dwellings could not be implemented. The proposal for a single dwelling respects the original barn character and incorporates salvaged material to retain local distinctiveness.

Councillor M Grainger proposed to approve the application as per officers recommendations and subject to the conditions.

Councillor A Daniels seconded.

A vote was taken: The favour in of approval was unanimous

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:**
Existing Site Layout and Site Location Plan – KL-1162 No.1 Rev B
Proposed site layout and access plan – KL-1162 No.5
Proposed floor plans – KL-1162 No.2 Rev D
Proposed Elevation Plan - KL-1162 No.3 Rev D
Revised Drainage Plan – KL-1162 No.4 Rev B
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. No external stonework shall be constructed on site, until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.**
Reason: in the interests of visual amenity and the character and appearance of the area.
- 4. The roof shall be finished in natural slate.**
Reason: In the interests of visual amenity and the character and appearance of the area.

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.**

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.
- 6. Prior to the occupation of the development, the approved surface water drainage as detailed on Revised Drainage Plan – KL-1162 No.4 Rev B shall be implemented in full accordance with the approved scheme. Thereafter it shall be 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.
- 7. Notwithstanding the reference to render on the submitted plans, no render shall be installed.**

Reason: In the interests of visual amenity and the character and appearance of the area.
- 8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

The meeting closed at 2.32 pm