

At a meeting of the Development Panel held in Council Chamber, Allerdale House on Tuesday 21 February 2023 at 12.30 pm

Members

Councillor Tony Annison (Chair)
Councillor Carole Armstrong
Councillor Allan Daniels
Councillor Hilary Harrington
Councillor Alan Smith

Councillor Janet Farebrother (Vice-Chair)
Councillor Nicky Cockburn
Councillor Jimmy Grisdale
Councillor Andrew Semple

Apologies for absence were received from Councillor Daniel Horsley and Councillor Antony McGuckin

Staff Present

I Fairlamb, N Howard, R Lightfoot, K Magnay J Morgan and A Williams

365. Minutes

The minutes of the meeting held on the 17 January 2023 were signed as a correct record.

366. Declaration of Interests

None declared

367. Questions

None received.

368. HOU/2022/0225 - 13 Carlton Road, Workington - Re-submission of application HOU/2022/0022 for installation of new ecoslide pvc-u sliding sash windows

Councillor J Farebrother proposed to defer the application for members to carry out a site visit and allow the applicant to be present at the meeting.

Councillor T Annison seconded.

A vote was taken: The vote in favour of deferral was unanimous.

Decision

Deferred

369. FUL/2022/0208 - Kelsick Moss House, B5302 Abbeytown to Wheyrigg, Abbeytown, CA7 4TJ - Replacement dwelling with associated landscaping and parking

Representations

Will Rogers, Planning Consultant spoke in support of the application.

Application

The Planning Officer, Naomi Howard recommended to approve the application subject to the recommended conditions.

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

- **Principle**

The development proposal is in accordance with criteria (g) of Policy S3 'Spatial Strategy and Growth' and the principle of development is acceptable subject to compliance with Policy S31 'Reuse of Rural Buildings and Replacement Dwellings in the Countryside' in the Allerdale Local Plan (Part 1).

Policy S31 also states that the building should be replaced without substantial alteration to the original footprint. The development proposal involves the relocation of the dwelling towards the centre of the site (approximately 40 metres into the site from the north-eastern boundary). Whilst the relocation is contrary to Policy S31, Officers consider that the applicants have provided sufficient justification for this and included appropriate mitigation measures for the new location.

- **Design**

Officers consider that the simple arrangement results in a sensitive design that brings together traditional and contemporary elements. Overall, the proposed development will deliver a high-quality residential scheme that is visually attractive, and a significant betterment compared to the existing dilapidated dwelling. Officers consider that it will enhance the existing aesthetic of the site and it is therefore in accordance with Policies S4 and S31 of the Allerdale Local Plan (Part 1).

- **Landscape and Visual Impact**

The proposed landscaping scheme combined with the sensitive layout and design will ensure that development does not encroach into the open countryside or have adverse impacts on the landscape character. The development is therefore acceptable under the provisions of Policy S33 of the Allerdale Local Plan (Part 1).

- Flood Risk

The replacement dwelling will be located outside any known areas of flood risk. This will clearly be of benefit to the occupants having a property that is at reduced risk of flooding. It also appears unlikely that the proposals would have any material effect on flood risk elsewhere. The Environment Agency have not raised any objections to the application, and it is considered to be in accordance with Policy S29 of the Allerdale Local Plan (Part 1).

- Access

Relocating the dwelling will enable the access to be relocated and a 'pull in' provided for deliveries and visitors. The improved access will allow unobstructed visibility for over 200 metres in both directions. A shared courtyard will provide sufficient parking provision. The development is therefore acceptable in terms of access and highway safety.

- Ecology

The applicant has submitted an Ecological Assessment which concludes that the development will not result in any negative impacts upon designated sites. The submitted Landscape Plan shows that the majority of the trees and hedgerow boundary will be retained and enhanced by further planting. Officers, therefore, consider that the development is acceptable under the provisions of Policy S35 of the Allerdale Local Plan (Part 1).

The Planning Officer advised members of some typo's within the report and condition 13:

Paragraph 11.26 – Should say “replacement dwelling will be located wholly in Flood Zone 1”.

Paragraph 11.29 – Should say “replacement dwelling will be located closer to Flood Zone 2 (than the existing)”.

Condition 13 should say “should a remediation scheme be required under Condition 12” (rather than Condition 4).

Following members discussions, Councillor A Daniels proposed to approve the application as per officers recommendation and subject to the conditions.

Councillor J Grisdale 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. Unless specified by separate condition, the development hereby permitted shall be carried out solely in accordance with the following plans:**

(02)001 – Site Location Plan (Received 09/09/2022)

(02)200 – Existing Plans and Elevations (Received 13/09/2022)

(02)020 – Proposed Site Plan Rev B (Received 13/01/2023)

(02)021 – Proposed Plans Rev B (Received 13/01/2023)

(02)022 – Proposed NE and SE Elevations Rev B (Received 13/01/2023)

(02)023 – Proposed NW and SW Elevations Rev B (Received 13/01/2023)

(02)024 – Proposed Garage Plans and Elevations (Received 13/01/2023)

(02)025 - Landscape Plan (Received 13/01/2023)

(02)026 - Proposed Tree Planting (Received 13/01/2023)

Planning Submission Amended (Received 23/01/2023)

Topographical Survey (Received 09/09/2022)

Flood Risk Assessment (Received 23/11/2022)

Structural Report (Received 19/12/2022)

BS5837 Tree Report Amended (Received 23/01/2023)

Bat Activity Report (Received 25/08/2022)

Preliminary Ecological Appraisal (Received 25/08/2022)

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

- 3. The existing dwelling shall be demolished or removed from site no later than two months after the first occupation of the replacement dwelling.**

Reason: The removal is necessary to ensure that the proposal does not result in an increase in the number of non-essential residential units in the open countryside, contrary to Policy S3 of the Allerdale Local Plan (Part 1) and Policy SA2 of the Allerdale Local Plan (Part 2).

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

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

5. No development shall commence until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water 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 fully completed prior to occupation and shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing and undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. 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 E and F of Part 1 and Class A of Part 2 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.

Reason: The Local Planning Authority wishes to retain control over any proposed alterations in the interests of the appearance of the site.

7. All hard and soft landscaping works shall be carried out in accordance with the approved Landscaping Plan and Tree Planting Plan (Drawing References (02)025 and (02)026). The approved scheme shall be fully implemented within the first planning season following the occupation of the dwellinghouse(s) approved and any trees or plants which within

a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

- 8. The dwellinghouse hereby approved shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.**

Reason: To ensure a minimum standard of access, parking and turning provision when the development is brought into use.

- 9. 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 to accord with policy S22 of the Allerdale Local Plan (Part 1) 2014.

- 10. The access drive, including construction, surface and drainage details, shall be implemented solely in accordance with the approved details prior to the occupation of any of the dwellinghouses hereby approved.**

Reason: To ensure a satisfactory standard of development and in the interests of highway safety.

- 11. 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.

12. Should land affected by contamination be identified 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.

13. Should a remediation scheme be required under condition 4, 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.

14. 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 work 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.

370. FUL/2022/0033 - Rowanbank - Stationing of two caravans

Representations

Richard Lightbowne spoke in objection to the application.

A letter of objection was read out on behalf of Peter White.

A letter of support was read out on behalf of the Agent, Jo Steele.

Application

The Planning Officer, Rachel Lightfoot recommended to approve the application subject to the recommended conditions and an additional condition with a fence to be along the boundary to be required prior to occupation.

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

- Principle of Development

The proposed static caravans would be provided as an extension to an existing site, this is permissible under Policy S17 of the Allerdale Local Plan Part One. The proposals are therefore considered to be acceptable in principle.

- Sustainability

The site is an existing tourist site and can be accessed by the adjacent Hadrian's Cycleway. It is considered that the addition of 2 caravan units would not have a demonstrable impact on sustainability.

- Landscape Impact

The siting of two additional caravans adjacent to the existing site and maintaining a recessed visual when viewed from the adjacent public highway is considered to be acceptable.

- Impact on Amenity

The application seeks consent for 2 additional units on a larger existing caravan site. Concerns were raised over 4 units, which were much closer to existing residential properties and the plans were amended as a result. It is considered that the proposal would not cause any demonstrable harm through loss of amenity by the siting of the additional 2 units.

Members questioned the response from Natural England and the walk over requested.

The Planning Officer advised once the response from Natural England is received if members were minded to approve the application the decision would

be delegated to officers to approve and conditions will be agreed between council and applicant.

Following members discussions, Councillor J Farebrother proposed to refuse the application, the proposals by virtue of their scale, design and siting would result in a detrimental effect on the local area in terms of visual amenity and an unacceptable effect on residential amenity in terms of loss of privacy as a result of overlooking and increased sense of enclosure as a result of overbearing development contrary to Policy S32 (b&d) of the Allerdale Local Plan (Part 1) 2014.

Councillor J Grisdale seconded.

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

Decision

Refused

The meeting closed at 1.52 pm