Proposed Development: Construction of 12 No. units for B1, B2, B8 use, together with associated access road service areas and car parking.

Drawing Numbers:
- Site Plan
  - M06140(0)02 Unit 1 received 11/04/2007
  - M06140(0)03A Units 2, 3 & 4 received 21/08/2007
  - M06140(0)04A Units 5 & 6 received 21/08/2007
  - M06140(0)06 Units 11 & 12 received 11/04/2007
  - Letter received on 21 June 2007 +
  - M06140(0)05B Units 7 to 10 received 21/08/2007
  - Letter & Report received 16 August 2007 +
  - M06140(0)01 Proposed Site Layout (Revised Landscaping) received 16/08/2007
  - Letter & Plan received 17 August 2007 Drg No. M06140(0)101

Location: Land at Derwent Mills Commercial Park Cockermouth

Applicant: Priority Sites Ltd

Constraints:
- NLUD Sites
- Site Of Arch Interest
- Settlement Limit HS5
- Radon Assessment
- Residential
- Allerdale Flood Zone 1
- Allerdale Flood Zone 2
- Conservation Area: COCKERMOUTH
- ASCA Area
- Adv Control Exclusion – Cockermouth

Policies: Allerdale Local Plan

Policy EM2 reviews the allocation of this site for light industrial (B1) and limited general industrial (B2) development.

Policy EN6 governs noise pollution.

EN3 governs landscaping.

EN40 development on the edge of the urban area.
CO2 development in conservation areas.

CO13 setting of conservation area.

CO22 development affecting an archaeological site.

**Structure Plan**

E37 landscape character.

**Representations:**

- **Town Council** – Recommend approval.
- **Cumbria Highways** – Requires revisions/additional supporting information (revised plans obtained which are the subject of reconsultation).
- **County Archaeologist** – Request archaeological survey before development takes place.
- **Fire Officer** – No objections.
- **Access Officer** – Requires disabled parking.
- **Environment Agency** – Advice awaited on condition limiting use of units and noise emanating from units.

The application has been advertised on site and within the local press. Adjoining owners have been notified.

Letters of objection have been received from seven neighbouring residents on grounds of unneighbourly development, visual impact, impact on wildlife, noise nuisance, loss of privacy, should be located at/adjacent to the sheep and wool centre, buffer zone inadequate, adverse impact of night time working on very quiet residential area, should incorporate security cameras as site will encourage anti-social behaviour/criminal activity outside operating hours, design is inappropriate and intrusive.

**REPORT**

This application relates to land to the east of the present Derwent Mills Commercial Park at Cockermouth. The site abuts residential properties at Derwentside Gardens and agricultural land in the Derwent Valley owned by Lady Egremont which featured in a painting by Turner.
In assessing the details of this proposal it is considered that the main planning considerations relate to the visual impact of the proposal, particularly in relation to the Derwent Valley and the conservation area, and to the impact of scheme on neighbouring residents and to flood risk.

**Landscape and Visual Impact**

As a proposal on the edge of the urban area within the conservation area and adjacent to a landscape of recognised quality, the appearance of the proposed units and their landscaping are considered particularly important.

The submitted plans show a group of twelve single storey units which incorporate a mounded landscaped beffer at the southern edge of the site, but which otherwise relies on screening provided by the adjacent landowner in anticipation of the scheme and additional planting which the adjoining landowner proposes to plant in the future. Additional lower level planting within the adjoining landowner’s ground is the subject of ongoing discussions following recommendations from the applicant’s landscape consultant.

Were the neighbouring landowner’s screen planting not in evidence and no additional planting on the neighbouring land proposed, it is considered that the development, which includes the removal of an existing (though sparse) hedge within the site, would be unacceptable in terms of its visual impact. Furthermore, the Local Planning Authority cannot condition additional planting, or the retention of existing planting when this involves a third party’s property over which the applicant has no control.

The representative of the adjoining landowner has indicated to the Council, however, that his client, Lady Egremont, is herself anxious to ensure that both the outlook from Cockermouth Castle and the landscape painted by Turner are safeguarded from any adverse impact of the development of this allocated site. Lady Egremont would be unlikely to remove any of the planting she has recently commissioned and indeed is herself minded to add to it in future years. She would not be included, however, to be a party to a S106 Agreement requiring additional planting on her land in association with the present scheme.

Following discussions with Lady Egremont and her agent, the developers have proposed to modify the colour of the rear face of the units backing onto her land to an olive green, thereby attempting to reduce their visual impact on the Derwent Valley.
The circumstances of this case are somewhat unusual, but officers are of the view that in this instance reliance on the good will of the neighbouring landowner to maintain her planting and potentially to add to it is sufficient. Were Members not to share this view, alternative planting within the confines of the site could only be achieved by a complete redesign of the scheme, probably involving a significant reduction in the number of units. The developers indicate that the viability of the scheme is marginal at present and that such a reduction in the number of units. The developers indicate that the viability of the scheme is marginal at present and that such a reduction in unit numbers would be likely to mean that it could not go ahead.

**Impact on Neighbours**

Whilst residents of the neighbouring Derwentside Gardens had reason to be aware of the Local Plan designation of the land, it may be noted that the proposed units are somewhat closer to their properties than are the units on the existing industrial development adjacent.

Revised plans received on 21 June 2007 improve that relationship, but continue to offer a lesser buffer zone. Nevertheless, with appropriate mounding and landscaping it is considered that an appropriate visual relationship between the dwellings and the industrial units can be achieved.

The Environmental Health Officer's advice has been sought on appropriate conditions in relation to noise and on the number of units which should be restricted to B1 (light industrial/office use) in the context of the amended plans. This is expected before the Panel meets. National guidance suggests that B1 units should be acceptable adjacent to housing.

**Flood Risk**

The applicants have produced a flood risk assessment and undertaken a sequential test demonstrating that no more appropriate site for this development exists within Cockermouth.

The flood risk assessment and the potential need for the application of an ‘exceptional test’ remains under discussion with the applicant and the Environment Agency. The issue is expected to be resolved before the Panel meets.
Subject to the satisfactory resolution of flood risk issues and to the recommendations of the Environmental Health Office, the Highways Authority and the County Archaeologist, it is recommended that planning permission be granted.

**Recommendation:** Approved

**Conditions/Reasons:**

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 51 of the Planning & Compulsory Purchase Act 2004.*

2. 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 by the Planning Authority. This written scheme will include the following components:
   
   i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
   
   ii) An archaeological recording programme, the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation;
   
   iii) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.
   
   *Reasons: 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 preservation, examination or recording of such remains.*
Reference No: 2/2007/0527
Received: 24/05/2007

Proposed Development: Proposed residential development (Resubmission to 2/2007/0145), as amended by plan received on 20 July 2007, plan received on 25 July 2007, plans received on 3 August 2007 and plans received on 17 August 2007.

Drawing Numbers: 06/1654/01C – Plot 1 received 17/08/07
06/1654/02A – Plot 2 received 20/07/07
06/1654/03B – Plot 3 received 03/08/07
06/1654/04A – Plot 4 received 20/07/07
06/1654/06D – Site Layout received 25/07/07

Location: Kilngreen
78 Main Road
High Harrington
Workington

Applicant: Mr Ray Dowding
Kilngreen Homes Limited

Constraints: Settlement Limit HS5
Allerdale Flood Zone 1
British Coal Area
Adv Control Exclusion – Workington

Policies: Allerdale Local Plan
HS8

Representations: Town Council – No objections.
County Highways – No representations have been received to date (20/08/2007).
Environmental Health – No objections.
Fire Officer – No objections.

The application has been advertised on site and adjoining owners have been notified.

14 letters of objection have been received.
Planning permission is sought for a housing development of four detached dwellings at Kilngreen, High Harrington. The development site is within the grounds of Kilngreen House, Main Street, Harrington, which is a residential property that is now converted into two residential units. The site frontage is bound to the east by the A597 main road and the Galloping Horse Public House and its car park. To the north-west and south are dwellings of various styles with bungalows being predominant to the west on a housing estate known as Springfield Avenue. It is proposed to demolish an existing garage and various trees within the site to accommodate the development. Part of the site to the south is adjacent to agricultural land.

The site currently benefits for planning approval for two number detached bungalows (planning application 2/2006/0145 refers).

The main issues to consider in this application are the vehicular access arrangements onto the adjacent A597 road and the design of, and any impact the proposed dwellings may have on, the residential amenity of existing nearby residents.

14 letters of objection have been received from consultations and the issues raised are as follows:

1. Concern regarding the safety of vehicular access and egress arrangements to and from the housing development. The A597 Main Road is a busy traffic route to and from Workington and the proposed access to the housing development is close to an existing mini roundabout. The access proposed would have an adverse impact on highway safety in the locality.

2. The Stage 1 Road Safety Audit was not independent and is inadequate and misleading, and does not represent the true volume and nature of traffic. The traffic audit was only over a limited period of time. A public meeting is requested to address highway concerns and an independent Highways Safety Audit should have been undertaken.

3. The design and siting of the proposed dwellings will have an adverse impact on the residential amenity of existing adjacent dwellings by virtue of overlooking and the design and siting of the dwellings. The design of the dwellings is not in keeping with nearby dwellings on Springfield Avenue, which are single storey bungalows.
With regard to the objections raised, it has been confirmed by Cumbria Highways that the visibility splays and proposed access and egress arrangements to the housing development are acceptable in accordance with the requirements of the recently published ‘Manual for Streets’ (see amended drawing number 06/1654/06D received 25 July 2007). Although copy letters of objections from consultations regarding the development have been sent to Cumbria Highways, the Highways Authority consider, the vehicular access/egress arrangements to the development to be satisfactory. This is after taking account of the local concerns, local constraints including the speed of traffic, vehicle numbers, the siting of the mini roundabout, the adjacent bus stop, limitations of visibility splays and any traffic accident incidents in the locality.

With regard to the design and siting of the housing development, the proposed dwellings have catslide roofs to reduce the impact of their two storey nature and this is considered to be sympathetic in form and massing to the adjacent single storey bungalows and other nearby buildings. Each dwelling has garage facilities and parking for two vehicles. External finishes comprise of slate, local stone details, painted wet dash render with artstone cills and heads to window openings. Each house will have solar panels to provide energy for heating and hot water.

It is considered that due to the careful design and siting of these dwellings there is no adverse impact on the amenity of existing nearby residents by virtue of overlooking or overshadowing. The proposed vehicular access and egress arrangements are deemed to be to the satisfaction of the Highways Authority. With regard to loss of existing trees on the site, a landscaping scheme will address new tree and shrub planting.

Recommendation: Approved

Conditions/Reasons:

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 51 of the Planning & Compulsory Purchase Act 2004.
2. The carriageway, footways and footpaths shall be designed, drained 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 work commences on site. 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.*

3. The development shall not be brought into use until visibility splays providing clear visibility delineated by straight lines extending from the extremities of the site frontage with the highway to points 2.4 metres along the centre of the access drive measured from the edge of the highway have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 splays which obstruct the visibility splays.

*Reason: In the interests of highway safety.*

4. Access gates, if provided, shall be hung to open inwards only away from the highway.

*Reason: In the interests of highway safety.*

5. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

*Reason: In the interests of highway safety and environmental management.*

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 occupied/brought into use.

*Reason: In the interests of highway safety.*
7. 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.*

8. Before development commences the existing boundary wall to the public highway shall be taken down and rebuilt in the same materials, or materials of similar specification, and in the same style, immediately behind the visibility splays required by Condition 3 before the development is brought into use. A full specification of the boundary wall shall be submitted to and agreed in writing by the Local Planning Authority and maintained thereafter to the satisfaction of the Local Planning Authority.

*Reason:* *In the interests of highway safety and visual amenity in the locality.*

9. No development shall commence until the access roads as approved are defined by kerbs and sub base construction.

*Reason:* *In the interests of highway safety.*

10. No dwellings shall be occupied until the estate road, including footways and cycle ways to serve such developments, has been constructed in all respects to base course level, and street lighting where it is to form part of the estate has been provided and brought into full operational use.

*Reason:* *In the interest of highway safety.*

11. Before development commences details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved by the Local Planning Authority and the crossings have been constructed.

*Reason:* *To ensure a suitable standard of crossing for pedestrian safety.*

12. There shall be no vehicular access to, or egress from, the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

*Reason:* *In the interests of highways safety.*
13. Before development commences full details of the surface water drainage system shall be submitted to and agreed in writing by the Local Planning Authority, and implemented prior to the development being completed and shall be maintained operational thereafter. 

_Reason: In the interest of highway safety and environmental management._

14. Before the dwellings are occupied the existing access to the highway shall be permanently closed and the highway crossing and the boundary shall be reinstated in accordance with details which have been submitted to and agreed in writing by the Local Planning Authority.

_Reason: In the interest of highway safety._

15. Before development commences the boundary treatment (walls/fencing) around the perimeter of the development site shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed and retained thereafter to the satisfaction of the Local Planning Authority.

_Reason: In the interests of visual amenity in the locality._

16. Before development commences full details of the proposed bus shelter shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed in accordance with the approved plans and maintained to the satisfaction of the Local Planning Authority thereafter.

_Reason: In the interest of highway safety and visual amenity in the locality._

17. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

_Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality._
Reference No: 2/2007/0658

Received: 14/06/2007


Drawing Numbers:

Location: Plots 52 - 85 incl
Ryehill Farm
Flimby
Maryport

Applicant: Taggart Homes Flimby Cumbria Limited

Constraints: Settlement Limit HS5
Allerdale Flood Zone 1
British Coal Area
Adv Control Exclusion – Flimby

Policies: The application site forms part of a site allocated for housing within the settlement limits for Flimby.

Policy HS7 of the Allerdale Local Plan seeks the preferential development of greenfield sites.

Policies HS5 and HS8 outline the design criteria for residential development within settlement limits.

Policy HS9 of the Allerdale Local Plan seeks the provision of satisfactory access and drainage facilities for housing development.

Policy HS14 of the approved alterations to the Allerdale Local Plan seek, where appropriate, provision should be provided for 20% of the housing to be restricted to local affordable housing.

Policy TR6 of the Allerdale Local Plan seeks the provision of satisfactory parking facilities in accordance with the County Council’s parking guidelines.

Policy L1 seeks the provision of a Local Area for Play for housing estate proposals between 15-60 dwellinghouses.
Policy EN34 advises that developments that result in the loss of important wildlife habitats such as marsh lands or important hedgerows will not be permitted unless the need for the development outweighs the damage and measures are provided for a compensatory habitat.

Policy EN35 of the Allerdale Local Plan supports proposals involving the creation of new wildlife habitats.

**Representations:**

**Town Council** – Recommend refusal – overdevelopment, insufficient infrastructure in a village for a development at this site.

**Cumbria Highways** – Seek amendments to the layout. Seek future maintenance of the wetlands and the maintenance of the boundary fence and the box culvert should be built to adoptable standard. Seek a transport statement, especially as mitigation measures may be required to Brook Street (highlighted in the Phase 1 application).

**Cumbria Wildlife Trust** – Object on the grounds of lack of ecological information. Consultation response awaited on consultation on the submitted ecological report.

**Fire Officer** – No objections.

**County Planning** – No comment.

**Natural England** – No objections.

The application has been advertised on site and within the local press. Adjoining owners have also been notified.

Seven letters of objection have been received on the grounds of:-

i) increased density of houses threefold to that originally approved – no need or demand.

ii) Detrimental loss of wildlife method habitat of the pond and its associated wildlife species (the limited ecological survey is inadequate especially with infilling of pond and previous collapse of the existing culvert (i.e. risk from flash floods).

iii) Increased flood risk to local residents.
iv) Limited width and highway structure of roads in the locality of the site, which have existing on-street parking/traffic congestion and difficult access junctions of Ryehill Road, Chapel Street and Brook Street onto the A596. (Also highway hazard of the proximity of the site to the school.)

v) Development of a Greenfield site contrary to Policy HS7 of the Allerdale Local Plan, with preferential brownfield sites (e.g. Flimby Lodge) not being pursued.

vi) Inadequate sewer network.

REPORT

The application site constitutes an agricultural field on the eastern periphery of Flimby.

An existing watercourse (Penny Gill) is located on the northern boundary of the site.

The locality of the site and neighbouring land has a complex planning history. The land on the northern boundary had been the subject of a series of approved outline consents for 36 dwellinghouses resulting in its allocation as a housing commitment in the Local Plan. The most recent outline consent (2/2004/1503) for the 36 dwellinghouses was approved contrary to the views of the Highways Authority. More recently a detailed application (2/2006/1088) for 58 dwellings on the northern neighbouring housing commitment site referred to as Phase 1 (benefiting the valid outline consent) was withdrawn. However, earlier this year a resubmission detailed application (2/2006/1257) for 51 dwellinghouses on the housing commitment site with access onto Ryehill Road was approved but has to date not been implemented.

The current application site constitutes an allocated site for housing in the Local Plan. An earlier application (2/2006/1041) for 39 dwellinghouses on this site (referred to as Phase 2) was withdrawn.

The current resubmission application to the withdrawn application (2/2007/0658) seeks detailed consent for 34 dwellinghouses on the remainder of the allocated site for housing in the local plan.

The proposal would act as an extension of the earlier approved consent on the neighbouring site utilising the estate access approved under this neighbouring site.
The scheme comprises of eleven two bedroom houses, four two bedroom bungalows, sixteen three bedroom dwellinghouses and two four bedroom dwellinghouses and a single one bedroom flyover apartment. The house types are, with the exception of the bungalows, two storey in height finished in brick render external materials and concrete tiled roofs.

The applicant seeks the scheme’s foul drainage into the public sewer and the surface water drained into Penny Gill on the northern boundary which incorporates an adjoining widened storm water storage corridor area.

A local area for play has been included within the storm water storage area.

A range of supporting documents have been submitted to the application.

The supporting access and design statement refers to:-

The use;
Housing density (34 dwellings on 2.18 acres) – excluding the drainage corridor;
The layout of the estate which adopts houses identified in recent housing survey;
Clearance of the marshy area and improved drainage;
Flimby as a sustainable location for the scale of the development;
Provision of landscaping (including a wetland area adjacent to the watercourse); and
Adopt house designs similar to those approved on the adjoining site.

The statement considers access details meet the recent guidance specified in the ‘Manual for the Streets’ document. The applicant has submitted a transport statement which considers the site is accessible by non-car modes and would not have an adverse impact on the local highway network. The applicant has also submitted a Travel Plan Framework document.

The applicant has also submitted a sequential test on the merits of other possible brownfield sites in the locality of the site which relate to:-
i) Maryport harbour – The report contests that the land between the two quays is to be developed for mixed landuses under Policy MEM3 of the Allerdale Local Plan (i.e. limited residential development). The timescales for the development are uncertain and the scale of treatment required to address any contamination therefore results in the site not being a suitable alternative.

ii) Strand Street – This site is the subject of a hearing but cannot offer the house accommodation in the current proposal.

iii) Land at Risehow – Site was recently refused for housing development and is outside the settlement limits for Maryport and Flimby.

iv) Land at Junction of Ryehill Road/A595 - A transport statement indicates that any means of access to the site (formerly Flimby Lodge) would need a roundabout junction (costing £150k) and involve land in separate ownerships.

Also there is the potential and costs for dealing with any contamination of the site.

The report concludes the other brownfield sites are not suitable alterations to the proposed site.

The applicant has also submitted a Flood Risk Assessment for the proposal on the flood risk both to the development itself and the flood risk implications for the existing watercourse.

An ecological appraisal was also submitted (including an assessment of any protected species) was also submitted with the application detail.

Officers, in assessing the proposal, consider both the principle and physical constraints of the development require greater evaluation.

In terms of the principle of the development the proposal relates to a greenfield site.

The Interim Housing Policy is not applicable to the proposal as Flimby was excluded from its restrictions to enable regeneration of this particular settlement.
However, irrespective of the housing allocation status of the site within the Local Plan, it requires assessment in the context of other brownfield sites in the locality of the site.

The approved Phase 1 of the estate under the former consent, despite also being greenfield, had the benefit of the former outline consent (i.e. the principle of the development of the site had already been established).

Flimby is considered part of the overall housing market for Maryport and therefore any brownfield site assessment must include any brownfield sites within the town, as well as the village itself.

Officers accept that the former sites submitted within the supporting sequential test constitute the only other brownfield sites within the locality.

Officers accept that the Risehow garage site is not suitable for housing due to its detached location from settlements and that similarly the smaller scale site on the Strand Street site in Maryport, which was recently allowed at appeal provides an apartment development which is not the targeted house types included in the recent housing survey.

However, officers remain concerned that the sequential test has not provided sufficient evidence relating to the other two brownfield sites.

Officers are advised that Maryport Development Ltd are soon to market a 4 acre of land between the quayside for mixed uses. Although it was envisaged that a limited amount of housing is to be developed at the quayside, the criteria of Policy MEM3 covers the entire quayside. Consequently, the land at the quayside represents only a small proportion of the overall designation and other commercial developments (e.g. heritage centre, light industrial units) have been approved elsewhere under this designation.

Similarly, the site at Flimby at the junction of the A595/Risehow (formerly occupied by Flimby Lodge) requires additional evidence. The site largely overgrown but the concrete/tarmac bases of the buildings and roads remain in situ on the site. Whilst the overall percentage of these buildings is small, successively land would have been used as curtilage to the buildings. Therefore on this basis unless evidence is received to the contrary this also constitutes a brownfield site. Officers acknowledge that gaining access to this site is constrained by the layout of existing development
around the site. In the past the lower house prices within Flimby undermined the viability of any project which necessitates the provision of major infrastructure (such as highway details). However, given that house prices have risen within the settlement (indeed resulting in the second phase no longer being affordable to local average incomes) further additional evidence is required as to whether the costs/land ownership constraints would enable the ability to develop this site.

Therefore, unless additional evidence is submitted to qualify the preferable brownfield option the principle of this second phase should be resisted.

In reference to the physical design issues of the site, there are some items which were raised at the time of the earlier Phase 1 development which are similarly applicable to the second phase.

The first of these relates to its impact on the highway network (which was a major issue within Phase 1) especially as it was the same approved but as yet not implemented access junction onto Ryehill Road.

At the time of determining Phase 1, with the benefit of its traffic statement including speed survey evidence, the Highways Authority advised that the estate access and layout (subject to a Grampian condition requiring additional speed control measures on Wedgewood Road) and its associated impact on the access junction of the supporting network roads onto the A595, was acceptable but indicated that its details would not be likely able to support any additional second phase. (Significant weight had been attached to the fact that the Phase 1 part of the site had already the benefit of an outline consent for 36 dwellings resulting in an overall increase of 15 additional dwellings.) However, there has been a major significant change of circumstances since the determination of the previous application through the introduction of the ‘Manual for the Streets’ highway policy documents which reviewed the highway criteria for development proposals. The Highways Authority has verbally confirmed that the estate layout itself (subject to amendments) would comply with the criteria of this guidance. However, insufficient evidence had been initially provided on the traffic implications for the junctions onto the A595. The applicant has submitted a traffic statement on these issues and the comments of the Highways Authority are awaited on these issues which will be reported at the Committee. Therefore it is anticipated that the highway merits of the estate layout itself are acceptable
in principle but that the traffic generation and safety implications of its wider impact on the junction of Ryehill Road and Brook Street onto the A595 are dependant on the views of the Highways Authority.

Another major issue relating to the approved Phase 1 of the estate related to flood risk, which prompted both surface and foul drainage from the development to be discharged at a controlled rate into the public sewer. The current Phase 1 development proposes foul drainage via the public sewer (to which United Utilities raise no objections) and surface water to Penny Gill.

The applicant has discussed a storm water storage corridor with the Environment Agency.

The Environment Agency consider the surface water run-off subject to not exceeding a run-off rate of 11 litres per second is acceptable and will also provide the added benefit of a new wildlife habitat. They subsequently do not object on flood risk grounds.

The local surface water drainage at the site falls under the Council’s engineer's comments. Subject to confirmation that these details are acceptable, there are no objections on flood risk grounds.

Inter-related to the flood risk is the loss of any existing wetland habitat which occupies part of the site and its potential for wildlife (as highlighted by the objectors).

The supporting ecological survey considers there are no protected species affected by the loss of this habitat (although mitigation measures are recommended for any possible grass snakes) and there are no objections from Natural England.

The site is not formally designated as a Local Nature Reserve. The ecological statement also does not designate the habitat as important. Members are therefore in view of Policy EN35 to assess whether the replacement wetland corridor adjacent to Penny Gill provides a satisfactory wetland habitat at the site for the site.

The applicant indicates that the management of this area and other public open spaces are to be handled by a management company (officers, in the light of the importance of this area in terms of flood risk, seek that its maintenance be agreed under a S106 Legal Agreement).
Officers are also seeking the advice of the Health and Safety Officer on the inclusion of the Local Area for Planning and the boundary treatment of the storm water corridor.

The physical design and layout of the houses as amended is considered acceptable with little adverse impact on the amenity of its surroundings or local residents.

The applicant has verbally agreed to increase the number of affordable residential units to six dwellings to comply with the 20% criteria of Policy HS14.

Therefore in summary, unless additional satisfactory evidence is submitted on the beneficial alternatives at Maryport Quayside and Flimby Lodge sites the proposal should be refused. (The important comments of the Highways Authority on the issues of traffic which is a fundamental consideration will also be reported and assessed at the Committee Meeting.)

**Recommendation:**  Refused

**Conditions/Reasons:**

1. The Local Planning Authority consider insufficient evidence has been submitted to demonstrate the preferable development of brownfield sites of Maryport Quayside and Flimby Lodge prior to the current proposed Greenfield site contrary to Policy HS7 of the Allerdale Local Plan and Policies ST2 and ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016.

2. If allowed, the proposal would act as an adverse precedent for the development of greenfield sites prior to brownfield sites elsewhere in the Borough contrary to Policy HS7 of the Allerdale Local Plan.