



## **Planning Committee**

**Date:** Wednesday 17 July 2024

**Time:** 10.30 am

**Location:** Bainbridge Room - The Copeland Centre

**Present:** Cllr A Glendinning (Chair), Cllr R Dobson (Vice-Chair), Cllr J Grisdale, Cllr L Jones-Bulman, Cllr Dr B Kelly, Cllr J Mallinson, Cllr A Markley, Cllr A Semple and Cllr C Southward

**In Attendance** Senior Lawyer  
Senior Planning Officer  
Senior Business Support - Electoral & Democratic  
Principal Planning Officer  
Senior Countryside Officer  
Head of Planning and Place  
Countryside Access Officer  
Head of Development Management  
Lead Officer - Flood & Development Management

### **PC.16/24 Apologies for absence**

Apologies for absence were submitted on behalf of Councillor Betton.

### **PC.17/24 Declarations of Interest**

Councillor Markley declared an interest in item 5a, application FUL/2024/0020 being the chairman of the Solway Coast AONB Partnership and the Ward Councillor for the Solway Coast but confirmed he had no prior knowledge or involvement in this item and confirmed that he remained of an open mind.

Councillor Semple also declared an interest on item 5a, application FUL/2024/0020, having been appointed to the Solway Coast AONB Partnership but he confirmed he had no prior knowledge or involvement in this item and confirmed that he remained of an open mind.

Councillor Dobson declared an interest in item 5f, application 24/0200, due to being the Ward Councillor and would be removing himself from the Committee to present his views in objection.

Councillor Mallinson declared an interest in item 5g, application 24/0220 due to presenting his views of the previous application and would be removing himself from the Committee for this item.

### **PC.18/24 Exclusion of Press and Public**

There were no items on the agenda for the press and public to be excluded from the meeting.

## **PC.19/24 Minutes of Previous Meeting**

Councillor Dobson asked that it be recorded that the Vice Chair took up the Chair position for application 21/1068, due to the Chair declaring an interest in the item and would be removing herself from the Committee.

RESOLVED – With the inclusion of the Vice Chair taking up the Chair position for application 21/1068 the minutes of the meeting held on 5 June 2024 be approved

## **Legal Update**

The Senior Lawyer gave an update to Members to confirm that the West Cumbria Mining challenge was before the High Court between the 16-18 July 2024 and once a decision was known it would be confirmed to Members.

## **PC.20/24 Schedule of Applications**

RESOLVED – That the report be noted.

## **PC.21/24 FUL/2024/0020 - Land at Solway and Duddon Mosses, Anthorn to Whitrigg, Kirkbride, CA7 5BB**

**Proposal: Restoration and habitat creation works to restore the raised bog ecosystem. Creation of a network of cell bunding to retain water and rewet the surface, blocking drainage ditches and clearing scrub that dries the peat. Installation of 15 monitoring points.**

The Specialist Planning Assistant submitted a report.

Slides were displayed on screen showing; a wider location plan, site location plan, example of bunds, aerial view of location, monitoring points, aerial view of restoration site and photographs of the site. An explanation of which was provided for the benefit of Members.

The Specialist Planning Assistant recommended that the application be approved subject to the conditions.

The Applicant spoke in support of the application, advising Members of the goals and objectives of the restoration project on Bowness Common which included raising water level within the peat through blocking of drainage ditch and creation of bunds within peat. Benefits to CO2 sequestration, flood risk, water quality and biodiversity. Contributes to and is essential for good condition of SSS1/SAC lowland raised bog.

The Parish Councillor spoke in objection to the application with the main concerns raised in relation to previous works carried out in the Parish being changed on site with no preparation or application submitted and no follow up of an ecological survey and no flood risk report had been submitted. The Parish Council were also concerned that no maintenance had been carried out or ongoing management in place. The Parish Council wanted to know if the works had been carried out from the initial funding or had extra funding been given.

The Parish Councillor stated that they are all for peat restoration however without all the data the Parish Council are unable to make a decision that the restoration works.

In response to a couple of points the Parish Councillor raised, the Planning Manager advised Members that budgets/funding were not a material planning consideration. Members were also advised that the Parish Council could submit a freedom of information (FOI) request to request

the data from other peat restoration schemes and were informed that it is not up to the Planning Authority to compile the information. The Parish Council had access to the information submitted by the applicant in relation to this scheme.

A Member questioned the monitoring rods that were to be used and who monitored the data, they also asked for reassurance that the officers were confident the scheme would work. In response the Planning Manager advised that the data would be fed back to the Wildlife Trust for them to monitor the success of the restoration and that there were mitigations in place if it was found that it didn't work.

Members expressed their concerns to the lack of data provided to help the Parish Council. In response to this the Planning Manager clarified again that it was up to the Parish Council to submit a FOI to the Cumbria Wildlife Trust to obtain the data but that was with regard to other schemes.

Members questioned if a condition could be included to request that the applicant makes regular contact with the Parish Council. In response to this Members were advised that such a condition would not meet tests for imposing planning conditions, as it was not necessary to have this condition in order to make the application acceptable in planning terms, however an informative could be added onto the decision notice that the applicant liaise with the Parish Council on a regular basis.

Following consideration of the application a Member moved the Officer's recommendation and to include an informative that the applicant liaise with the Parish Council on a regular basis. This was seconded and following voting it was:

RESOLVED – that the application be approved subject to the conditions set out below with an informative that the applicant liaise with the Parish Council on a regular basis.

### **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:  
Map RP3b – Rogerscough Restoration Works (Received 6<sup>th</sup> February 2024) Map R5b – Rogerscough Restoration East Detail (Received 6<sup>th</sup> February 2024)  
Map RP1 – Rogerscough Location Plan (Received 6<sup>th</sup> February 2024) Map R3a – Rogerscough Restoration (Received 6<sup>th</sup> February 2024)  
Map RP5a – Rogerscough Restoration SW Detail (Received 6<sup>th</sup> February 2024)  
Peatland Restoration Plan (Received 6<sup>th</sup> February 2024)  
Site Location Plan including Access Points (Received 8<sup>th</sup> February 2024) Flood Risk Assessment (FRA) received 02/04/2024  
Additional information Received 25/04/2024 – Trench information, access track information and restoration works details.  
Additional information received 15/05/2024 – Cell bunding details, monitoring information.

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

#### Pre-commencement conditions

3. 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 submitted by the applicant and approved in writing by the Local Planning Authority. The written scheme of investigation will include a programme of paleoenvironmental assessment and, where appropriate, analysis.

Reason: To afford reasonable opportunity (prior to the excavation/disturbance of the site and any loss/damage to any potential important remains) 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.

4. 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;
  - b) Procedure to monitor and mitigate noise and vibration from the construction 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 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 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), Adopted July 2014 and in the interests of highway safety.

#### Informatives

The applicant is advised to liaise with Bowness Parish Council to establish an agreed timetable for update meetings regarding the restoration of the site.

Environmental permit - Some main rivers are impacted by the peat bund proposals. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Highways permit - The Local Planning Authority highlight that the proposed works by virtue of their alterations to the adopted highway will also require a permit from the County Councils highway authority under the provisions of the statutory highway legislation under the Highways Act. Details of the permit and its application procedure can be found at Cumbria County council's website. For further details please contact; Cumbria County council, Environment, Joseph Noble Road, Lillyhall, Workington CA14 4JH or e-mail [streetworks.west@cumbria.gov.uk](mailto:streetworks.west@cumbria.gov.uk) Any alterations to the approved plans arising from the permit should be discussed with the Local Planning Authority. It is essential that these permit works be submitted and approved by the County Council's Highway Authority in order to comply with the requirements of the planning highway conditions of the planning permission. It is deemed that these highway measures are essential in order to ensure a satisfactory standard of development in the interests of highway safety.

Non-compliance with these conditions may be subject to enforcement proceedings.

Building regulations approval may still be required for the proposed development and you can contact a Building Inspector at these offices on 01900 702520 for clarification or further details on Building Regulations these can be accessed via [https://www.allerdale.gov.uk/en/planning-building-control/building-control/do-i-need\[1\]building-control/](https://www.allerdale.gov.uk/en/planning-building-control/building-control/do-i-need[1]building-control/)

Prior to any building work or development you are advised to check the location of any Electricity Northwest cables, overhead lines or any other electrical equipment that may be located near to where you will be working using their self-service Know Before You Dig. Please use following link [https://www.enwl.co.uk/advice-and-services/know-before-you\[1\]dig/](https://www.enwl.co.uk/advice-and-services/know-before-you[1]dig/)

## **PC.22/24 4/23/2313/0F1 - Land to the South of Daleview Gardens, Egremont**

**Proposal: Full planning permission for the residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS and associated infrastructure works.**

The Senior Planning Officer submitted a report which had been subject to a site visit by the Committee on 16 July 2024.

Slides were displayed on screen showing; location context plan, site location plan, propose site plan, proposed access arrangement plan, proposed house types, proposed character areas, access & highway safety, principle of development, footpath enhancement, impact of

development and photographs of the site. An explanation of which was provided for the benefit of Members.

The Senior Planning Officer recommended that the application be approved subject to the planning conditions and a S106 agreement as detailed in the update report to Members, to secure:

- the delivery of the required 10% affordable dwellings;
- a travel plan monitoring fee of £6,600;
- a financial contribution of £41,700 for footway improvements between Uldale View junction and Bookwell School;
- an education contribution of £1,065,480 to provide additional accommodation capacity at Westlakes Academy; and
- a financial contribution of £83,000 towards the offsite upgrades to local plan, sport and open space provision.

If the S106 planning obligation is not entered within 6 months of the date of the Planning Committee or any other extension of the determination period mutually agreed with the applicant, delegated authority to be given to the Head of Planning and Place to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured. It was also recommended that delegated authority be granted to the Head of Planning and Place to add to and/or make any amendments to the conditions as they consider appropriate, taking into account the development plan policies and national planning guidance.

Four objectors spoke on the application with the main concerns raised; adverse impact on highway safety, lack of play park on site, adverse effect on local residents, loss of agricultural land, existing road in serious disrepair, lack of GP appointments and no dental facilities, oversubscribed schools, no mining survey carried out and concerned where the water will drain into from the ponds designated on site. It was also mentioned that the school crossing patrol was no longer in place increasing the risk to children and parents with the extra vehicles the new site would create.

One objector advised the panel that they had a petition against the site signed by 400 residents.

The Applicant addressed the committee and the concerns raised by the objectors. The Applicant explained that Officer's had requested that they contribute to off-site improvements to support public open space, sports pitches and play areas within the town for the benefit of the wider community. The proposed development is designed to increase biodiversity with a third of the site for wild flower meadows, planting/enhancing hedgerows, trees and the creation of ponds.

The proposed development would also provide funding for local infrastructure improvements which include footway improvements and traffic calming measures on Bookwell. The Applicant highlighted the economic benefits of the development and in conclusion there had been no objections from statutory consultees and the development falls within the emerging Local Plan.

Members discussed the lack of school crossing and as a committee what could be done, in response the Lead Officer – Flood & Development Management advised that he would speak to colleagues as they were not aware this was no longer in place. A Member also suggested that the school approach the Community Panel who could offer support with this.

A Member asked for clarification on the emerging local plan, in response the Head of Planning and Place advised that the plan had been worked on for the last 5 years and been through a number of public consultations, due to the advanced stage of the plan which is currently awaiting the final inspector report the development is supported by the emerging plan.

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

RESOLVED – that the application be approved subject to the conditions set out and a S106 agreement. Delegated authority granted to the Head of Planning and Place to refuse the application if the S106 agreement is not entered into.

**Conditions:**

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
  - Covering Letter, prepared by Savills September 2023, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
  - Site Location Plan, Scale 1:1250, Drawing No: 01, Revision: -, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
  - Existing Site Plan and Topographical Survey, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
  - Detailed Site Layout Plan (Amended), Scale 1:500, Drawing No: 100, Revision: J, received by the Local Planning Authority on the 27<sup>th</sup> May 2024.
  - Detailed Site Layout Plan (Unit Typology) (Amended), Scale 1:500, Drawing No: 802, Revision: -. received by the Local Planning Authority on the 11<sup>th</sup> April 2024.
  - Proposed Boundary and Elevation Plan (Amended), Scale 1:500, Drawing No: 103, Revision: E, received by the Local Planning Authority on the 27<sup>th</sup> March 2024.
  - Proposed Boundary and Elevation Plan Including Character Areas, Scale 1:500, Drawing No: 801, Revision: -, received by the Local Planning Authority on the 27<sup>th</sup> March 2024.
  - Proposed Parking Provision Plan (Amended), Scale 1:500, Drawing No: 104, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
  - Landscape Plan (Amended), Scale 1:500, Drawing No: WW/L01, Revision: A, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
  - Landscape Management Plan (Amended), Scale 1:500, Drawing No: WW/L02, Revision: A, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
  - Tree Constraint Plan, Scale 1:1500, Map Filename: Land east of Uldale View TCP, Rev: 1, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.

- Tree Mitigation Plan (Amended), Drawing No: WW/L03, Revision: A, received by the Local Planning Authority on the 8<sup>th</sup> April 2024.
- Tree Survey, Drawing No: Uldale View\_Rec1.0, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Tree Survey Report (Amended), Prepared by Westwood Landscape Chartered Landscape Architects April 2024, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
- Tree Schedule, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Plant Schedule, Prepared by Westwood Landscape Chartered Landscape Architects August 2023, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- House Type Drawings, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Planning Statement, Prepared by Savills September 2023, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Design and Access Statement, Prepared by Design by Pod, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Desk-based Assessment, Prepared by Gerry Martin Associates Ltd, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Heritage Statement, Prepared by Humble Heritage May 2023, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- FRA and Drainage Strategy Report (Amended), Prepared by Gadsden Consulting April 2024, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.
- Flood Exceedance Routes (Amended), Scale 1:500, Drawing No: 1005, Rev: P04, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.
- S38 Adoption Plan, Scale 1:500, Drawing No: 1590, Rev: SK03, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.
- Impermeable Areas, Scale 1:500, Drawing No: 1040, Rev: P03, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.
- Drainage Layout (Amended), Scale 1:500, Drawing No: 1000, Rev: P07, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.
- Soil Infiltration Report, Prepared by Environmental Engineering February 2023, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.
- Response to LLFA Letter, Prepared by Gadsden Consulting April 2024, Ref: 23127, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.



- Gadsden Consulting Drawing Register, received by the Local Planning Authority on the 26<sup>th</sup> April 2024.
- Phase 2: Ground Investigation Report, Prepared by GEO Environmental Engineering November 2022, Report Ref: 2022-5346, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Transport Assessment, Prepared by Vectos August 2023, Vectors Ref: VN222370, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Technical Note 01, Prepared by SLR Consulting Limited March 2024, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
- Swept Path Analysis – Refuse Vehicle (Amended), Scale 1:500, Drawing Number: VN222370-TR102, Revision: B, received by the Local Planning Authority on the 11<sup>th</sup> April 2024.
- Emergency Vehicle Access Visibility Splays & Swept Path Analysis (Amended), Scale 1:500, Drawing Number: VN222370-D105, Revision: B, received by the Local Planning Authority on the 11<sup>th</sup> April 2024.
- General Arrangement Visibility Splays & Swept Path Analysis (Amended), Scale 1:500, Drawing Number: VN22370-D104, Revision: B, received by the Local Planning Authority on the 11<sup>th</sup> April 2024.
- Economic Benefits Report, Prepared by Gleasons June 2023, Version 001, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Biodiversity Net Gain Assessment, Prepared by Biodiverse Consulting November 2023, Version: V1.0, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Landscape and Visual Appraisal Report, Prepared by Westwood Landscape Chartered Landscape Architects June 2023, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Site Sections (Amended), Scale: 1:250, Drawing No: 1450, Rev: P02, received by the Local Planning Authority on the 8<sup>th</sup> April 2024.
- 201 House Type Rural, Scale 1:100, Drawing No: 21-201-R-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 201 House Type Urban, Scale 1:100, Drawing No: 21-201-U-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 201 Render, Scale 1:100, Drawing No: 21-201-M-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 254 House Type Urban, Scale 1:100, Drawing No: 21-254-U-0001, Revision: C03, received by the Local Planning Authority on the 28<sup>th</sup> March 2024.
- 301 House Type Rural, Scale 1:100, Drawing No: 21-301-R-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 301 Render, Scale 1:100, Drawing No: 21-301-M-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 302 House Type Rural, Scale 1:100, Drawing No: 21-302-R-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.

- 302 House Type Urban, Scale 1:100, Drawing No: 21-302-U-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 302 Render, Scale 1:100, Drawing No: 21-302-M-0001, Revision: C02, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 304 House Type Rural, Scale 1:100, Drawing No: 21-304-R-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 304 House Type Urban, Scale 1:100, Drawing No: 21-304-U-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 304 House Type Render, Scale 1:100, Drawing No: 21-304-M-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 337 House Type Rural, Scale 1:100, Drawing No: 21-337-R-0001, Revision: C05, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 337 House Type Urban, Scale 1:100, Drawing No: 21-337-U-0001, Revision: C06, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 337 Render, Scale 1:100, Drawing No: 21-337-M-0001, Revision: C05, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 340 House Type Rural, Scale 1:100, Drawing No: 21-340-R-0001, Revision: C06, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 340 House Type Urban, Scale 1:100, Drawing No: 21-340-U-0001, Revision: C08, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 340 Render, Scale 1:100, Drawing No: 21-340-M-0001, Revision: C06, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 358/359 House Type Rural, Scale 1:100, Drawing No: 21-358/359-R-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 358/359 House Type Urban, Scale 1:100, Drawing No: 21-358/359-U-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 358/359 Render, Scale 1:100, Drawing No: 21-358/359-M-0001, Revision: C03, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 360 House Type Rural, Scale 1:100, Drawing No: 21-360-R-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 360 House Type Render, Scale 1:100, Drawing No: 21-360-M-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 369 House Type Urban, Scale 1:100, Drawing No: 21-369-U-0001, Revision: -, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 390 House Type Urban, Scale 1:100, Drawing No: 21-390-U-0001, Revision: -, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 401 House Type Urban, Scale 1:100, Drawing No: 21-401-U-0001, Revision: C06, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 401 Render, Scale 1:100, Drawing No: 21-401-M-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.

- 435 House Type Urban, Scale 1:100, Drawing No: 21-435-U-0001, Revision: C07, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 435 Render, Scale 1:100, Drawing No: 21-435-M-0001, Revision: C04, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 436 House Type Rural, Scale 1:100, Drawing No: 21-436-R-0001, Revision: C05, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 436 House Type Urban, Scale 1:100, Drawing No: 21-436-U-0001, Revision: C06, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 436 Render, Scale 1:100, Drawing No: 21-436-M-0001, Revision: C05, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 455 House Type Urban, Scale 1:100, Drawing No: 21-455-U-0001, Revision: C03, received by the Local Planning Authority on the 28<sup>th</sup> March 2024.
- 455 House Type Rural, Scale 1:100, Drawing No: 21-455-R-0001, Revision: C03, received by the Local Planning Authority on the 28<sup>th</sup> March 2024.
- 490 House Type Urban, Scale 1:100, Drawing No: 21-490-U-0001, Revision: -, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- 590 House Type Urban, Scale 1:100, Drawing No: 21-590-U-0001, Revision: -, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Proposed Elevation Configurations 1, Scale 1:200, Drawing No: 501, Rev: -, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
- Proposed Elevation Configurations 1 (Colour), Scale 1:200, Drawing No: 501, Rev: -, received by the Local Planning Authority on the 28<sup>th</sup> March 2024.
- Proposed Elevation Configurations 2, Scale 1:200, Drawing No: 502, Rev: -, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
- Proposed Elevation Configurations 2 (Colour), Scale 1:200, Drawing No: 502, Rev: -, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
- 3m x 7m Internal Dimension Detached Single Garage Details, Scale 1:50 & 1:100, Drawing No: SD1700, Rev: -, received by the Local Planning Authority on the 12<sup>th</sup> February 2024.
- 3m x 7m Internal Dimension Det. Double Garage (Pyramid Roof), Scale 1:20 & 1:100, Drawing No: SD3X7P, Rev: -, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
- 3m x 7m Internal Dimension Detached Double Garage Details, Scale 1:20 & 1:100, Drawing No: SD3X7P, Rev: -, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
- SD125 - 1800mm Timber Screen Fence (Amended), Scale 1:20, Drawing No: SD-125, Rev: P01, received by the Local Planning Authority on the 15<sup>th</sup> April 2024.
- SD100 – 1800mm Hit and Miss Timber Fence (Amended), Scale 1:20, Drawing No: SD-100, Rev: F, received by the Local Planning Authority on the 15<sup>th</sup> April 2024.
- NSD109B – 900mm High Vertical Rail (Amended), Scale: 1:10, Drawing No: NSD109, Rev: B, received by the Local Planning Authority on the 15<sup>th</sup> April 2024.

- 450 High Knee Rail Fence, Scale 1:10, Drawing No: NSD122, Rev: -, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
- Boundary Treatments 1800mm High Brickwork Screen Wall, Scale 1:20, Drawing No: SD-110, Rev: B, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
- Boundary Detail – 600mm High Reconstituted Stone Wall, Scale 1:20, Drawing No: SD-001, Revision: - , received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
- Estate Rail – 900mm High, Scale 1:20, Drawing No: SD-002, Revision: -, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.

#### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### Pre-Commencement Conditions:

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
  - (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);
  - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - (v) Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. No development must commence until a construction surface water management plan has been agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details at all times thereafter.

#### Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

5. The carriageway, footways, footpaths, cycleways etc must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Council Design Guide. Any works so approved must be constructed before the development is complete.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

6. The development hereby approved must not commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge, and 43m measured 1.5m from the carriageway edge at the two pedestrian crossing points and the nearside channel line of the carriageway edge have been provided.

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 grown 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 in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

7. Development must not commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:
  - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;

- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian);
- specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians [Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety].

The development must be completed in accordance with these approved details at all times thereafter.

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

8. No development must take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during the construction phase. The development must be carried out in accordance with the approved details at all times thereafter.

#### Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

9. No development must commence until a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan must include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2,5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

#### Reason

To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028 and the Environmental Act 2021.

10. Prior to the commencement of any works hereby approved the required additional species surveys and details of the proposed enhancement measures must be submitted to and approved in writing by the Local Planning Authority as set out in the following approved documents:

- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.

The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within this approved document and retained thereafter.

#### Reason

To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

11. No development must 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 Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, 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 preservation, examination or recording of such remains in accordance with Policies ENV4 and DM27 Copeland Local Plan 2013 - 2028.

**12. Prior to the commencement of each phase of the development details of a Phasing Plan for the development shall be submitted to and approved in writing by the Local Planning Authority unless a Phasing Plan has previously been submitted to and approved in writing by the local planning authority for the whole site.**

The Phasing Plan will provide the following information;

- The boundary of the land within that phase, previous and subsequent phases;
- The number of market dwellings in that phase; and,
- The number of affordable dwellings in that phase.

#### Reason

To ensure a high level of design quality and minimise impacts upon neighbouring residents in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

#### Prior to Occupation Conditions:

13. Prior to the first occupation any dwelling on the site hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) 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 must 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 in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

14. All hard and soft landscape works must be carried out in accordance with the details illustrated on the following approved documents:

- Landscape Plan (Amended), Scale 1:500, Drawing No: WW/L01, Revision: A, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
- Landscape Management Plan (Amended), Scale 1:500, Drawing No: WW/L02, Revision: A, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.

The works must be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting must be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

#### Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.



15. Prior to the first occupation of each dwelling hereby approved, the boundary treatment and landscaping on that occupied plot must be installed in accordance with the following approved plans:
- Landscape Plan (Amended), Scale 1:500, Drawing No: WW/L01, Revision: A, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
  - Proposed Boundary and Elevation Plan (Amended), Scale 1:500, Drawing No: 103, Revision: E, received by the Local Planning Authority on the 27<sup>th</sup> March 2024.

Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

16. Prior to the occupation of the first dwelling hereby approved a scheme detailing the layout and design, including play equipment specifications, of the approved trim trail must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented as per the approved details prior to the completion of the development hereby approved. The area must be maintained for use as a public open space in accordance with the approved details for the lifetime of the development.

Reason

To ensure the provision of sufficient provision of children's play space within the development for use by residents in accordance with the provisions of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

Travel Plan Conditions:

17. Prior to the first occupation of any dwelling on the site hereby approved, the developer must prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan must be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason

To aid in the delivery of sustainable transport objectives in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

18. An annual report reviewing the effectiveness of the approved Travel Plan and including any necessary amendments or measures must be prepared by the developer and submitted to the Local Planning Authority for approval following occupation of the 100<sup>th</sup> unit on the site.

Further Annual Performance Reports and Travel Plan modifications are to be prepared and submitted to the County Council for approval within two months of each subsequent anniversary of the aforementioned dated on an annual basis up to and including the fourth anniversary of the first Annual Performance Report.

Reason

To aid in the delivery of sustainable transport objectives in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

Other Conditions:

19. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document “FRA and Drainage Strategy Report (Amended), Prepared by Gadsden Consulting April 2024, received by the Local Planning Authority on the 26<sup>th</sup> April 2024”, and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

20. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved documents:
- Preliminary Ecological Appraisal, Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment June 2023, Ref: P.1723.22, Rev: B, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
  - Habitat Regulations Assessment (HRA), Prepared by Ascerta: Landscape, Arboricultural & Ecological Solutions for the Built Environment July 2023, Rev: C, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

21. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document ‘Phase 2: Ground Investigation Report, Prepared by GEO Environmental Engineering November 2022, Report Ref: 2022-5346, received by the Local Planning Authority on the 6<sup>th</sup> November 2023’. All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

22. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:

- Tree Constraint Plan, Scale 1:1500, Map Filename: Land east of Uldale View TCP, Rev: 1, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Tree Mitigation Plan (Amended), Drawing No: WW/L03, Revision: A, received by the Local Planning Authority on the 8<sup>th</sup> April 2024.
- Tree Survey, Drawing No: Uldale View\_Rec1.0, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.
- Tree Survey Report (Amended), Prepared by Westwood Landscape Chartered Landscape Architects April 2024, Revision: B, received by the Local Planning Authority on the 4<sup>th</sup> April 2024.
- Tree Schedule, received by the Local Planning Authority on the 6<sup>th</sup> November 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To adequately protect the existing trees on site.

23. Prior to the first occupation of any of the development hereby approved footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian within and to and from the site shall be provided that is convenient to use.

Reason

In the interests of highway safety in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

24. All works, construction activities, and ancillary operations which are audible at the site boundary must be carried out only between the following hours:

- 08:00am to 18:00pm Monday to Friday;
- 08.00am – 13.00pm Saturdays and at no time on Sunday or Bank Holidays.

No construction works shall take place at any time on Sundays or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028

**The Planning Committee adjourned at 12:20pm and reconvened at 12:35pm**

**Proposal: Erection of a 400mw battery storage facility with boundary fencing, access track, landscaping and other associated infrastructure.**

The Head of Development Management submitted a report which had been subject to a site visit by the Committee on 15 July 2024.

Slides were displayed on screen showing; wider location context plan, location plan, illustrative masterplan, context location plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development drew Members attention to the update list which set out a change to condition 1, if Members were minded to approve the application a period of 5 years from the date of approval is sought as opposed to the 3 years as contained within condition 1 of the main planning committee report.

The Head of Development Management recommended that the application be approved subject to the conditions with the amendment to condition 1.

The Agent spoke in support of the application highlighting to Members that there would be no negative impact on the surroundings, there would be significant natural screening. One tree has been removed however 47 new trees are to be planted along with hedgerow with a net gain of 32,51% biodiversity. The purpose of the application is to create renewable energy.

Members raised questions over a community fund and the length of time energy can be stored in batteries. Responses were given advising that neither are material planning considerations.

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

RESOLVED – that the application be approved subject to the conditions set out.

**Conditions:**

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 12th February 2024;
  2. the Arboricultural Statement received 12th February 2024;
  3. the Archaeological Desk-Based Assessment received 12th February 2024;
  4. the Landscape and Visual Appraisal received 12th February 2024;
  5. the Biodiversity Net Gain Assessment received 12th February 2024;
  6. the Statement of Community Involvement received 12th February 2024;
  7. the Transport Statement received 12th February 2024;

8. the Construction Ecological Management Plan received 12th February 2024;
9. the Construction Traffic Management Plan received 12th February 2024;
10. the Flood Risk Assessment received 12th February 2024;
11. the Noise Impact Assessment received 12th February 2024;
12. the Preliminary Ecological Appraisal received 12th February 2024;
13. the Battery Management Plan Summary received 12th February 2024;
14. the Site Location Plan received 12th February 2024 (Drawing No. BESS351-16-SLP);
15. the Site Layout received 12th February 2024 (Drawing No. BESS351-18-SL-A);
16. the Illustrative Masterplan received 12th February 2024 (Drawing No. 1120074-ADAS-XX-XX-DR-L-1000);
17. the Elevation Views received 12th February 2024 (Drawing No. BESS351-18-SUB);
18. the East Elevation Views received 12th February 2024 (Drawing No. BESS351-18-EL1);
19. the East Elevation Views with 1 & 15 year planting received 12th February 2024 (Drawing No. BESS351-18-EL2);
20. the South Elevation Views received 12th February 2024 (Drawing No. BESS351-18-EL3);
21. the South Elevation Views received 12th February 2024 (Drawing No. BESS351-18-EL4);
22. the Indicative Surface Water Drainage Strategy received 12th February 2024 (Drawing No. 01 Sheet 01 Revision P02);
23. the East Elevation Views received 12th February 2024 (Drawing No. BESS351-18-EL1);
24. the East Elevation Views with 1 & 15 year planting received 12th February 2024 (Drawing No. BESS351-18-EL2);
25. the South Elevation Views received 12th February 2024 (Drawing No. BESS351-18-EL3);
26. the South Elevation Views received 12th February 2024 (Drawing No. BESS351-18-EL4);
27. the 11kV Unit Substation received 12th February 2024 (Drawing No. BESS351-17-11kVSUB);
28. the Battery, Inverter and Transformer Cabinets received 12th February 2024 (Drawing No. BESS351-17-BAT);
29. the 4m CCTV column with speaker and LED floodlight received 12th February 2024 (Drawing No. BESS351-17-CCTV);
30. the Control Room received 12th February 2024 (Drawing No. BESS351-17-CTRM);
31. the Palisade Security Fence with Electric Topper received 12th February 2024 (Drawing No. BESS351-17-PF-A);
32. the Storage Container received 12th February 2024 (Drawing No. BESS351-17-SC);
33. the Client Switchroom received 12th February 2024 (Drawing No. BESS351-17-SWRM);
34. the Axillary Transformer received 12th February 2024 (Drawing No. BESS351-17-TR-A);
35. the Welfare Room/Office received 12th February 2024 (Drawing No. BESS351-17-WLRM);
36. the Water Containers and Pump House received 12th February 2024

- (Drawing No. BESS351-17-WTR);
37. the Notice of Decision;
  38. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Prior to the commencement of any 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 drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated February 2024 proposing surface water discharging to EA main river.

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 in accordance with the NPPF, PPG and policies CC4 and CC5 of the Carlisle District Local Plan 2015-2030.

4. The development shall not commence until visibility splays providing clear visibility as detailed in Drawing No. SCP/111454/D01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 grown 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 in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

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 15 metres inside the site, as measured from the carriageway edge of the adjacent highway.

**Reason:** In the interests of highway safety in accordance with Policies

SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** In the interests of highway safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding the submitted details, construction and de-commissioning works shall not take place outside the hours of 0730 hours to 1800 hours Monday to Friday inclusive and 0730 hours to 1300 hours on Saturdays. No construction or de-commissioning works shall take place on a Sundays or Public Holidays. Exceptions for work outside these hours may be carried out only with the prior written approval of the local planning authority. Emergency works may be carried out at any time provided that the operator retrospectively notifies the local planning authority in writing of the emergency and works undertaken within 24 hours following the event.

**Reason:** In the interests of amenity to restrict noise impact and the protection of the local environment in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

8. The combined noise emissions from the development shall not exceed the levels set out in the Noise Assessment. If this requirement is exceeded, the applicant shall, within 28 days, propose a scheme of noise mitigation to the local planning authority, to utilise any appropriate on-site measures as is necessary, to ensure that sound levels from the site are reduced to an acceptable level. This scheme shall specify the time scales for implementation.

**Reason:** To ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring properties, in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

9. In the event that a complaint is received relating to noise caused by the proposed facility: within 28 days from the receipt of a written request from the local planning authority, the operator of the proposed facility shall, at the operators expense, employ an independent consultant approved by the local planning authority, to assess the level of noise emissions from the facility at the complainant's property. This should be carried out in accordance with the most appropriate current standard, as agreed by the local authority (such as BS4142) and a suitable report prepared. The report should demonstrate compliance with the appropriate standard. The combined noise emissions from the development shall not exceed the levels set out in the Noise Assessment. If this requirement is exceeded, the applicant shall, within 28 days, propose a scheme of noise mitigation to the local planning authority, to utilise any appropriate onsite measures as is necessary, to ensure that sound levels from the site are reduced to an acceptable level. This scheme shall specify the time scales for implementation.

**Reason:** To ensure that the proposal would not have an adverse impact

on the living conditions of the occupiers of neighbouring properties, in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

10. Prior to the installation of any external lighting within the development hereby approved, details of the lighting scheme including measures to minimise light spillage, shall be submitted to and approved in writing by the local planning authority. The scheme shall have regard to "Lighting Design for Bats", following Guidance Note 8 - Bats and Artificial Lighting (ILP and BCT 2018) and the design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in strict accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.

**Reason:** In order to ensure no adverse impact on European Protected Species and residential amenity in accordance with Policies G13 and CM5 of the Carlisle District Local Plan 2015-2030.

11. In the event that a complaint is received, relating to light overspill from the facility: within 28 days from the receipt of a written request from the local planning authority, the operator of the facility shall, at the operators expense, employ an independent consultant approved by the local planning authority, to assess the level of light overspill from the facility, at the complainant's property. This should be carried out in accordance with the most appropriate current standard and a suitable report prepared. The report should demonstrate compliance with the appropriate standard. If necessary, the applicant shall, within 28 days, propose a scheme of mitigation to the local planning authority, to utilise any appropriate on-site measures as is necessary, to ensure that any light overspill from the site is reduced to an acceptable level. This scheme shall specify the time scales for implementation

**Reason:** To ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring properties, in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

12. The development shall be undertaken in strict accordance with the Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing by the local planning authority.

**Reason:** To avoid hazard and obstruction being caused to users of the public highway, in the interest of public safety and to protect biodiversity and wildlife in accordance with Policies SP6, IP2, IP3, CM5, G13 and G16 of the Carlisle District Local Plan 2015-2030.

13. The development shall be undertaken in strict accordance with the Construction Traffic Management Plan (CTMP) unless otherwise agreed in



writing by the local planning authority.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-20230.

14. The development hereby permitted shall be constructed in strict accordance with the enhancement and mitigation measures contained within the Preliminary Ecological Assessment and the Construction Environmental Management Plan. Any subsequent reports and mitigation strategies shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

**Reason:** To afford protection of protected habitats and species during the construction phase of the development in accordance with Policies GI1 and GI3 of the Carlisle District Local Plan 2015-2030.

15. The landscaping scheme shall be undertaken in strict accordance with the Arboricultural Planning Statement and Illustrative Masterplan (Drawing Number 1120074-ADAS-XX-XX-DR-L-1000) and shall be undertaken in the first planting season following the completion of the construction works for the Battery Energy Storage System. Any trees or plants which within a period of 30 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 the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and maintained, in accordance with Biodiversity Net Gain and Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

16. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

17. The development hereby permitted shall be for a maximum temporary period of 40 years from the date when the development is brought into use. Thereafter, the site shall be decommissioned and returned to its former state

in accordance with details that have been submitted to, and agreed in writing by, the local planning authority. Such details shall include a time scale of the decommissioning works.

**Reason:** To determine the scope of this permission and in the interests of visual amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. 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 in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Further guidance can be found on the Cumberland Council's website "Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers". Site investigations should follow the guidance in BS10175:2011 (or updated version) "Investigation of Potentially Contaminated Sites.- Code of Practice". Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP6 and CM5 of the Carlisle Distinct Local Plan 2015-2030.

**PC.24/24 24/0328 - Land at Harker Industrial Estate, Kingmoor Park Harker Estate, Low Harker, Carlisle, CA6 4RF**

**Proposal: Variation of condition 2(approved documents) of previously approved permission 23/0870 (erection of 300no. dwellings including associated open space and infrastructure) to substitute the house types & to make minor modifications to the layout.**

The Head of Development Management submitted a report.

Slides were displayed on screen showing; wider location plan, location context plan, application site boundary, site plan approved under application 23/0870, current site plan, example of Gleeson Homes house types, example of Hartfell Homes house types, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that the application be approved subject to the conditions.

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

**RESOLVED** – that the application be approved subject to the conditions set out.

## Conditions:

1. The development shall be undertaken in strict accordance with the approved documents for this Reserved Matters Consent which comprise:
  1. the submitted planning application form, received 3 Mar 2021 (submitted under 21/0194);
  2. the submitted planning application form, received 2 Jan 2024 (submitted under 23/0870);
  3. the submitted planning application form, received 15 May 2024 (submitted under 24/0328);
  4. the Site Plan As Proposed (Dwg no. 1946-PL210 Rev H) received 20 May 2024;
  5. the Proposed Floor plans for the 3-bed terraced dwellings (Dwg no. M3BAT S101-110 -The Bainbridge), received 2 Jan 2024 (submitted under 23/0870);
  6. the Proposed Elevations for the 3-bed terraced dwellings (Dwg no. M3BAT S101-160 -The Bainbridge), received 2 Jan 2024 (submitted under 23/0870);
  7. the Proposed Floor plans for the 2-bed semi-detached dwellings (Dwg no. A2BAS S101-110 – The Abberton), received 2 Jan 2024 (submitted under 23/0870);
  8. the Proposed Elevations for the 2-bed semi-detached dwellings (Dwg no. A2BAS S101-160 -The Abberton), received 2 Jan 2024 (submitted under 23/0870);
  9. the Proposed Floor plans for the 3-bed semi-detached dwellings (Dwg no. A3BAS S101-110 – The Albourne), received 2 Jan 2024 (submitted under 23/0870);
  10. the Proposed Elevations for the 3-bed semi-detached dwellings (Dwg no. A3BAS S101-160 – The Albourne), received 2 Jan 2024 (submitted under 23/0870);
  11. the Proposed Floor plans for the 3-bed semi-detached dwellings (Dwg no. M3BAS S101-110 - The Bainbridge), received 2 Jan 2024 (submitted under 23/0870);
  12. the Proposed Elevations for the 3-bed semi-detached dwellings (Dwg no. M3BAS S101-160 The Bainbridge), received 2 Jan 2024 (submitted under 23/0870);
  13. the Proposed Floor plans for the 3-bed semi-detached dwellings (Dwg no. M4BGS S101-110 – The Grantham), received 2 Jan 2024 (submitted under 23/0870);
  14. the Proposed Elevations for the 3-bed semi-detached dwellings (Dwg no. M4BGS S101-110 – The Grantham), received 2 Jan 2024 (submitted under 23/0870);
  15. the Proposed Floor plans for the 3-bed semi-detached dwellings (Dwg no. M3BCS AS S101-110 – The Didcot), received 2 Jan 2024 (submitted under 23/0870);
  16. the Proposed Elevations for the 3-bed semi-detached dwellings (Dwg no. M3BCS AS S101-160 – The Didcot), received 2 Jan 2024 (submitted under 23/0870);
  17. the Proposed Floor plans for the 3-bed semi-detached dwellings (Dwg no. Type Br S101-110 – The Braithwaite), received 23 May 2024;

18. the Proposed Elevations for the 3-bed semi-detached dwellings (Dwg no. Type Br S101-160 –The Braithwaite), received 23 May 2024;
19. the Proposed Floor plans for the 4-bed detached dwellings (Dwg no. M4BAD S101-110 – The Fairfield), received 2 Jan 2024 (submitted under 23/0870);
20. the Proposed Elevations for the 4-bed detached dwellings (Dwg no. M4BAD S101-160 - The Fairfield), received 2 Jan 2024 (submitted under 23/0870);
21. the Proposed Floor plans for the 4-bed detached dwellings (Dwg no. M4BBD S101-110 - The Garsdale), received 2 Jan 2024 (submitted under 23/0870);
22. the Proposed Elevations for the 4-bed detached dwellings (Dwg no. M4BBD S101-160 - The Garsdale), received 2 Jan 2024 (submitted under 23/0870);
23. the Proposed Floor plans for the 4-bed detached dwellings (Dwg no. M4BCD S101-110 – The Hadlow), received 2 Jan 2024 (submitted under 23/0870);
24. the Proposed Elevations for the 4-bed detached dwellings (Dwg no. M4BCD S101-160 – The Hadlow), received 2 Jan 2024 (submitted under 23/0870);
25. the Proposed Floor plans for the 4-bed detached dwellings (Dwg no. M4BDD S101-110 – The Ingham), received 2 Jan 2024 (submitted under 23/0870);
26. the Proposed Elevations for the 4-bed detached dwellings (Dwg no. M4BDD S101-160 – The Ingham), received 2 Jan 2024 (submitted under 23/0870);
27. the Proposed Floor plans for the 4-bed detached dwellings (Dwg no. M4BED S101-110 - The Kemble), received 2 Jan 2024 (submitted under 23/0870);
28. the Proposed Elevations for the 4-bed detached dwellings (Dwg no. M4BED S101-160 – The Kemble), received 2 Jan 2024 (submitted under 23/0870);
29. the Proposed Floor plans for the 4-bed detached dwellings (Dwg no. M4BFD S101-110 - The Ladbrooke), received 2 Jan 2024 (submitted under 23/0870);
30. the Proposed Elevations for the 4-bed detached dwellings (Dwg no. M4BFD S101-160 - The Ladbrooke), received 2 Jan 2024 (submitted under 23/0870);
31. the Proposed Floor plans for the 5-bed detached dwellings (Dwg no. M5BAD S101-110 - The Manley), received 2 Jan 2024 (submitted under 23/0870);
32. the Proposed Elevations for the 5-bed detached dwellings (Dwg no. M5BAD S101-160 – The Manley), received 2 Jan 2024 (submitted under 23/0870);
33. the Proposed Garage Plans (Dwg no. GARAGE S101-110), received 27 Feb 2024 (submitted under 23/0870);
34. the Proposed Floor Plans and Elevations Plans for the 2-bed semi-detached Gleeson Homes House Type Render (Dwg no. 21-252-M-0001 Rev C05), received 20 May 2024;
35. the Proposed Floor Plans and Elevations Plans for the 2-bed semi-detached Gleeson Homes House Type Urban (Dwg no. 21-252-U-0001 Rev C05), received 20 May 2024;

36. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Render (Dwg no. 21-350-M-0001 Rev C05), received 20 May 2024;
37. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Urban (Dwg no. 21-350-U-0001 Rev C05), received 20 May 2024;
38. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Render (Dwg no. 21-352-M-0001 Rev C04), received 20 May 2024;
39. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Urban (Dwg no. 21-352-U-0001 Rev C03), received 20 May 2024;
40. the Proposed Floor Plans and Elevations Plans for the 3-bed detached Gleeson Homes House Type Render (Dwg no. 21-353-M-0001 Rev C04), received 20 May 2024;
41. the Proposed Floor Plans and Elevations Plans for the 3-bed detached Gleeson Homes House Type Urban (Dwg no. 21-353-U-0001 Rev C04), received 20 May 2024;
42. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Render (Dwg no. 21-357-M-0001 Rev C03), received 20 May 2024;
43. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Urban (Dwg no. 21-357-U-0001 Rev C03), received 20 May 2024;
44. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Render (Dwg no. 21-358-M-0001 Rev C03), received 20 May 2024;
45. the Proposed Floor Plans and Elevations Plans for the 3-bed semi-detached Gleeson Homes House Type Urban (Dwg no. 21-358/9-U-0001 Rev C03), received 20 May 2024;
46. the Proposed Floor Plans and Elevations Plans for the 3-bed detached Gleeson Homes House Type Render (Dwg no. 21-360-M-0001 Rev C04), received 20 May 2024;
47. the Proposed Floor Plans and Elevations Plans for the 3-bed detached Gleeson Homes House Type Urban (Dwg no. 21-360-U-0001 Rev C04), received 20 May 2024;
48. the Proposed Floor Plans and Elevations Plans for the 4-bed detached Gleeson Homes House Type Render (Dwg no. 21-450-M-0001 Rev C03), received 20 May 2024;
49. the Proposed Floor Plans and Elevations Plans for the 4-bed detached Gleeson Homes House Type Urban (Dwg no. 21-450-U-0001 Rev C03), received 20 May 2024;
50. the Proposed Floor Plans and Elevations Plans for the 3-bed detached Gleeson Homes House Type Render (Dwg no. 21-451-M-0001 Rev C02), received 20 May 2024;
51. the Proposed Floor Plans and Elevations Plans for the 3-bed detached Gleeson Homes House Type Urban (Dwg no. 21-451-U-0001 Rev C02), received 20 May 2024;
52. the Proposed Floor Plans and Elevations Plans for the 4-bed detached Gleeson Homes House Type Render (Dwg no. 21-452-M-0001 Rev C05), received 20 May 2024;
53. the Proposed Floor Plans and Elevations Plans for the 4-bed

- detached Gleeson Homes House Type Urban (Dwg no. 21-452-U-0001 Rev C05), received 20 May 2024;
54. the Proposed Floor Plans and Elevations Plans for the 4-bed detached Gleeson Homes House Type Render (Dwg no. 21-454-M-0001 Rev C07), received 20 May 2024;
  55. the Proposed Floor Plans and Elevations Plans for the 4-bed detached Gleeson Homes House Type Urban (Dwg no. 21-454-U-0001 Rev C07), received 20 May 2024;
  56. the Proposed Floor Plans and Elevations Plans for the 4-bed detached Gleeson Homes House Type Render (Dwg no. 21-455-M-0001 Rev C04), received 20 May 2024;
  57. the Proposed Floor Plans and Elevations Plans for the 4-bed detached Gleeson Homes House Type Urban (Dwg no. 21-455-U-0001 Rev C04), received 20 May 2024;
  58. the Proposed Gleeson Homes detached single garage details plan (Dwg no. SD1700 Rev E), received 20 May 2024;
  59. the Proposed Gleeson Homes detached double garage details plan (Dwg no. SD1701 Rev E), received 20 May 2024;
  60. the Proposed Gleeson Homes timber fence details (Dwg no. SD-100 Rev F), received 20 May 2024;
  61. the Boundary & Elevation Treatments and Layout Plan as Proposed (Dwg no. 1946-PL211 Rev I), received 20 May 2024;
  62. the Hard Surfacing & Facade Treatments Plan as Proposed (Dwg no. 1946-PL213 Rev H), received 20 May 2024;
  63. the Parking Layout Plan as Proposed (Dwg no. 1946-PL214 Rev H), received 20 May 2024;
  64. the External Finishes Schedule for Hartfell Homes (H1 - H114) (ref. PLD/002 Rev B), received 20 May 2024;
  65. the External Finishes Schedule for Gleeson Homes (G1 to G186) (ref. PLD/003 Rev C), received 20 May 2024;
  66. the Landscaping Layout Plan as Proposed (Dwg no. 1946-PL216 Rev A), received 20 May 2024;
  67. the Engineering Strategy (Dwg no. QD2127-00-01 Rev C), received 11 Jun 2024;
  68. the Engineering Strategy Impermeable Areas (Dwg no. QD2127-00-11 Rev B), received 11 Jun 2024;
  69. the Surface Water Drainage Strategy (Dwg no. QD2127-00-12 Rev B), received 11 Jun 2024;
  70. the micro-drainage calculations, received 11 Jun 2024;
  71. the public open space layout plan as proposed (Dwg no. 1946-PL214 Rev H), received 20 May 2024;
  72. the Planting Strategy Report (ref: 1946-D03), received 18 Jan 2024 (submitted under 23/0870);
  73. the Notice of Decision;
  74. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. Notwithstanding the requirements of Condition 4 of Outline Application 22/0668, which relates to the proposed finished ground levels and finished floor levels of the dwellings, and the discharge of Condition 8 that was

approved via Application 23/0513, the proposed finished ground levels and finished floor levels of the dwellings hereby approved shall be implemented in accordance with the Engineering Strategy (Drawing No. QD2127-00-01 Rev C, received 11 June 2024), or any revision to those documents that may be approved via any subsequent application under Section 73, Section 73A or Section 96A of the Town and Countryside Planning Act 1990, as may be amended from time to time.

**Reason:** In order that the approved development responds to planning issues associated with the topography of the area and preserves amenity, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

3. Notwithstanding the requirements of Condition 5 of Outline Application 22/0668, which relates to the proposed surface water drainage scheme, and the discharge of Condition 9 that was approved via Application 22/0669, the surface water drainage scheme shall be implemented in accordance with the Surface Water Drainage Strategy (Drawing No. QD2127-00-12 Rev B, received 11 June 2024), or any revision to those documents that may be approved via any subsequent application under Section 73, Section 73A or Section 96A of the Town and Countryside Planning Act 1990.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. In accordance with the NPPF and NPPG together with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030.

#### **PC.25/24 FUL/2024/0083 - Land adjacent to Maryport Harbour, Maryport, CA15 8AB**

**Proposal: The application seeks to re-use existing outdoor space at the harbour side to host events such as outdoor markets and local festivals. Proposals include a pop up stage area, bar, outdoor seating, marquee space, market stall spaces, an internal bin storage and re-landscaping of the area.**

The Planning Manager submitted a report which had been subject to a site visit by the Planning Committee on 16 July 2024.

Slides were displayed on screen showing; location plan, aerial view, proposed site plan, pop up stage and pop up bar elevations, plant plans, visuals and photographs of the site. An explanation of which was provided for the benefit of Members.

The Planning Manager advised Members that condition 8 would be revised and should refer to condition 7 not 6 and include the word “days” after event.

The Planning Manager recommended that the application be approved subject to the conditions and the revised wording to condition 8.

The Ward Councillor spoke in support of the application, The Ward Councillor was originally concerned in regards to noise levels but having read the report were satisfied that there would be no more than 36 events per year and the hours were restricted. The Ward Councillor also

highlighted that the proposal fits into the local plan and would enhance the leisure and tourism of the town.

A Member questioned disabled access, in response the Planning Manager advised that the disabled access would be improved and that the picnic benches would also have wheelchair access.

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

RESOLVED – that the application be approved subject to the conditions set out.

**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:

PV2325-APP-ZZ-ZZ-DR-A-003 Rev P1 Location Plan

PV2325-APP-ZZ-ZZ-DR-A-005 Rev P1 Pop up Stage Plan and Elevations

PV2325-APP-ZZ-ZZ-DR-A-002 Rev P1 Proposed Site Plan

PV2325-APP-ZZ-ZZ-DR-A-004 Rev P1 Pop up Bar Plan and Elevations

PV2325-APP-XX-XX-DRA-07 Version 0 Palisade Fence Detail

Wayfinding Board Sign

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.

**Prior to commencement**

3. No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2,5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.



Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy S35 of the Allerdale Local Plan (Part 1) (2014), the National Planning Policy Framework and The Environment Act 2021.

4. 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.

### **Prior to first use conditions**

5. All hard and soft landscaping works shall be carried out in accordance with the approved landscaping plan ref: WW/L01 Planting Plan dated 8<sup>th</sup> April 2024. The approved scheme shall be fully implemented within the first planning season following the first use of the development hereby 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.

6. Prior to the installation of permanent lighting on site, details of the lighting scheme (including siting and design), details of all lamps plus levels and hours of illumination shall be submitted to and approved by the Local Planning Authority. The lighting details should be solely implemented in accordance with the approved details.

Reason: To safeguard the amenity of nearby residential properties from the operational use, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

### **Other conditions**

7. The use of the site in relation to events shall solely operate between the hours of 09:00 and 22:30.

Reason: In the interests of preserving the amenity of nearby residential properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

8. Notwithstanding condition 7, no more than 3 event days per calendar month shall be held at the site.

Reason: In the interests of preserving the amenity of nearby residential properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

9. No deliveries shall be taken at the site or despatched from the site between the hours of 23:00 hours and 07:00 hours.

Reason: In the interests of preserving the amenity of neighbouring residents, in compliance with the National Planning Policy Framework and Policy S32 Allerdale Local Plan, (Part 1), Adopted July 2014.

10. The level of noise emitted from the site shall not exceed the limits set out in Table 4 of the Max Fordham Acoustic Report - The Harbourside Acoustics – Stage 2 P01 6 October 2023.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

11. 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).

12. Only foul drainage shall be connected to the public sewer.

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

*Councillor Dobson removed himself from the committee.*

**PC.26/24 24/0200 - Land at Cardunneth, Langley Gardens, Corby Hill, Carlisle, CA4 8PJ**

**Proposal: Erection of up to 20no. plots for self-build and custom housebuilding (outline application with all matters reserved apart from access)**

The Principal Planning Officer submitted a report which had been subject to a site visit by the Planning Committee on 15 July 2024. The updated report was noted to Members.

Slides were displayed on screen showing; wider location plan, context location plan, aerial location plan, location plan, illustrative masterplan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that authority to issue approval with the conditions set out in the planning committee report be granted to the Head of Development Management

subject to a satisfactory nutrient mitigation scheme to reduce the impact of nutrient pollution on the River Eden SAC and the completion of a satisfactory S106 legal agreement to secure:

- a) The provision of up to 20 serviced plots for self-build and custom housebuilding;
- b) The provision of a commuted sum (based on the discounted market value of 6 units) towards the off-site provision of affordable housing in the District in lieu of on-site provision;

If the S106 legal agreement is not signed authority be given to the Head of Development Management to issue refusal.

An objector spoke on the application with the main concerns raised: overdevelopment, outside of the local district plan, increased surface water and impact on the land. Photos were shown on screen of the traffic congestion and cars parked on the side of the road causing pedestrian safety. The objector also raised the issue of the loss of a layby which was used on a regular basis. The objector advised the committee that they were not in opposition if the proposal was scaled down however they were against the layby being closed.

The Ward Councillor spoke on the application advising the committee that he was not in objection to houses being built on the site, the principal reason that the committee should reject the application was the concerns to the loss of the layby which is well used.

The Land Owner spoke in support of the application advising Members that the application complies with the local plan and the demand for self-build properties. No objections had been received from statutory consultees. In relation to the concerns over the layby there is no intention to remove this.

A flood zone assessment had been carried out with no objection from the Lead Local Flood Authority. Existing trees and hedgerows will be retained as much as they can. The development would be an enhancement to the local infrastructure creating public parking spaces.

A Member asked if the layby had been adopted, in response the Principal Planning Officer and the Lead Officer – Flood & Development Management clarified to Members that it formed part of the highway and had been used for informal parking for a number of years and was not a formal layby.

### **13:41pm – Suspension of Procedural Rules**

*The Chair moved to suspend the procedural rules 8.2. Following voting the Committee agreed to continue with the meeting.*

Members questioned if the access to the site could be moved to accommodate the layby, in response the Lead Officer – Flood & Development Management and the Principal Planning Officer advised that if the access was to be moved this would result in reduced visibility and the need for trees and hedgerows being cut down, however 5 of the trees on the frontage had TPO's which had been taken into account when looking at the access arrangements.

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

**RESOLVED** – that the Head of Development Management be granted delegated powers to authorise the application subject to a satisfactory nutrient mitigation scheme, a satisfactory S106 legal agreement and the conditions set out.

## Conditions:

1. Within two years of the date of the planning permission, an application for approval of the appearance, landscaping, layout, and scale (hereinafter called the 'Reserved Matters') insofar as they relate to the initial phase of development which involves all elements of site infrastructure in the scheme excluding the development of individual plot, shall be submitted, to include the following details:
  - The creation of the site access and layout of the internal; access road, footway, and any shared surfaces;
  - All visitor car parking facilities and manoeuvring areas to be provided within the site;
  - Any external lighting in these areas;
  - Site perimeter boundary treatments and structures;
  - Hard and soft landscaping
  - Bin Collection points; and
  - The preparation of serviced building plots and all off-plot site drainage.

Approval of the details of the reserved matters in relation to the initial phase of development shall be obtained from the Local Planning Authority in writing before any development (other than demolition of existing structures on the site) commences. Development shall be carried out in accordance with the approved details.

All subsequent reserved matters applications for the development of each individual plot or plots must be submitted not later than three years from the date of the approval of the above reserved matters and development must be begun not later than two years from the date of the approval of the last reserved matter relating to that plot.

**Reason:** To accord with the provisions of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, because this is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Outline Permission which comprise:
  1. the submitted planning application form, received 25th March 2024;
  2. Location Plan (Dwg CBH.2005.210 Rev A), received 25th March 2024;
  3. Topographical Survey (Dwg PI1001/amr/1 subm.01), received 25th March 2024;
  4. Design and Access Statement, received 25th March 2024;
  5. Planning Statement, received 25th March 2024;
  6. Flood Risk Assessment (version 3.0), received 25th March 2024;
  7. Phase 1 Geo-Environmental Desk Study, received 25th March 2024;

8. Transport Statement, received 25th March 2024;
9. Arboricultural Impact Assessment, received 25th March 2024;
10. Preliminary Ecological Appraisal, received 25th March 2024;
11. Activity Survey for Bats, received 25th March 2024;
12. Bat Emergence Survey, received 25th March 2024;
13. Strategic Biodiversity Net Gain Assessment, received 25th March 2024;
14. Biodiversity Metric 4.0 Calculation Tool, received 25th March 2024;
15. Self-Build and Custom Housebuilding Statement, received 25th March 2024;
16. Housing Needs Statement, received 25th March 2024;
17. Custom and Self-Build Housing Survey Results, received 25th March 2024;
18. Custom and Self-Build Housing Demand Assessment, received 25th March 2024;
19. Statement of Community Involvement, received 25th March 2024;
20. the Notice of Decision; and
21. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. A maximum of 20 self-build and custom-build dwellings shall be erected on the site.

**Reason:** To ensure that the proposal does not have an adverse impact on the character of the area and to protect the retained trees in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of development (other than the demolition of existing structures), a Design Code shall be submitted for approval in writing by the Local Planning Authority. The dwellings shall then be constructed in strict accordance with the Design Code.

**Reason:** To ensure that the design of the dwellings is acceptable, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Development of each individual plot shall not commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure the design and materials to be used are appropriate and do not have an adverse impact on protected trees in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

6. No development shall commence (other than the demolition of existing structures) until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of

the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

**Reason:** *In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy GI3 of the Carlisle District Local Plan 2015-230, the National Planning Policy Framework and The Environment Act 2021.*

7. Prior to the commencement of development, the applicant shall submit details of tree and hedgerow protection fencing to be installed on the site for approval in writing by the Local Planning Authority. This fencing shall be erected prior to the commencement of development and shall remain in place until the works are completed.

**Reason:** To ensure that the existing hedgerow is protected in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of development (other than the demolition of existing structures), a proposed Construction Method Statement to cover works within the Root Protection Areas of the existing trees to be retained shall be submitted for approval in writing by the local planning authority. The development shall then be undertaken in strict accordance with the Construction Method Statement.

**Reason:** To ensure that the existing trees to be retained are protected in accordance with Policy GI6 of the Carlisle District Local 2015-2030.

9. No clearance of vegetation shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

10. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle District.

**Reason:** In accordance with Policy SP6 of the Carlisle District Local Plan

2015-2030.

11. Adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwellings.

**Reason:** To ensure adequate provision of infrastructure and to accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

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 in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 16.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

14. Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) for approval in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details contained within the CEMP.

**Reason:** In order to protect the living conditions of the occupiers of neighbouring residential properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

15. Prior to the commencement of development (other than the demolition of existing structures), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (ii) No surface water is permitted to discharge to the public sewer network;
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to 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:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) 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. The proposed vehicular and pedestrian access points shall be in strict accordance with the details shown on the Illustrative Masterplan (Dwg CBH.2005.2106 Rev B). For the avoidance of doubt, the internal road layout shown on the Illustrative Masterplan does not form part of the approved plans and this will need to be approved through a subsequent Reserved Matters application.

**Reason:** To ensure that suitable access is achieved in the interests of highway safety.



18. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site (other than the demolition of existing structures). No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

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

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

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

20. The development shall not commence until visibility splays providing clear visibility of 2.4 metres measured down the centre of the access road and Site Maximum measured to the nearside channel line of the carriageway edge 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.

21. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- surface water management details during the construction phase

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

22. No dwelling shall be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access 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 provision when the development is brought into use.

23. No dwelling hereby approved shall be occupied until a footway is provided that links continuously and conveniently to the nearest existing footway. Pedestrian access within, and to and from the site, shall be provided that is convenient to use.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

*The Planning Committee adjourned for lunch 13:45 - 14:15*

*Councillor Dobson returned to the meeting and Councillor Mallinson left meeting*

**PC.27/24 24/0220 - Newby Manor, Newby East, Wetheral, Carlisle, CA4 8QX**

**Proposal: Variation of condition 2 (approved documents) of previously approved application 22/0961 (erection of single storey extension to provide garden room; erection of stone wall to rear of property; refurbishment & modernisation of house (LBC) to amend the method of insulation.**

The Principal Planning Officer submitted a report.

Slides were displayed on screen showing; Wider Location Plan, location plan and photographs of the site, floor plan showing the proposed insulation and the specification of the proposed insulation, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved subject to the conditions.

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

RESOLVED – that the application be approved subject to the conditions set out.

**Conditions:**

1. The works identified within the approved application shall be commenced within 3 years of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:
  1. the submitted planning application form, received 27th March 2024;

2. Ground Floor Plan as Proposed (Dwg 2348 (2-) 01 Rev G), received 3rd July 2024;
3. First Floor Plan as Proposed (Dwg 2348 (2-) 02 Rev G), received 3rd July 2024;
4. Second Floor Plan as Proposed (Dwg 2348 (2-) 03 Rev F), received 3rd July 2024;
5. Fabric Record as Proposed (Revised) - Rev F Issue July 2024, received 3rd July 2024;
6. Skanda Savolit Plus Wood Wool Boards Specification Sheet, received 17th June 2024;
7. Diasen Diathonite Thermactive Technical Datasheet, received 3rd July 2024;
8. U-Value Calculations, received 27th March 2024;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The proposed edge treatments of the wool wood board shall be finished in quarter round timber or rounded radius by hand. Steel or galvanised beading must not be present.

**Reason:** To ensure that the proposal does not have an adverse impact on the Listed Building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. A sample panel of the wood wool board etc and lime plaster skim finish shall be made available for inspection by the Local Planning Authority. Once the sample panel has been agreed as acceptable by the Local Planning Authority, the remainder of the works shall be completed in accordance with the sample panel.

**Reason:** To ensure that the proposal does not have an adverse impact on the Listed Building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Within one month of the substantial completion of the works hereby approved, a photographic record of the building shall be submitted to the Local Planning Authority.

**Reason:** To maintain a record of the alterations to the fabric of the listed building.

*Councillor Mallinson resumed his seat*

**Proposal: Conversion of redundant stable block to 1no. dwelling.**

The Principal Planning Officer submitted a report.

Slides were displayed on screen showing; wider location plan, context location plan, location plan, site plan, existing and proposed floor plans and elevations and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved subject to the conditions.

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

RESOLVED – that the application be approved subject to the conditions set out.

**Conditions:**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.  
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form, received 9 April 2024;
  2. the location plan (dwg no. A010 Rev B), received 8 April 2024;
  3. the block plan (dwg no. A015 Rev B), received 8 April 2024;
  4. the ground floor demolition plan (dwg no. B030 Rev A), received 8 April 2024;
  5. the first floor demolition plan (dwg no. B031 Rev A), received 8 April 2024;
  6. the demolition elevations 1 plan (dwg no. B040 Rev A), received 8 April 2024;
  7. the demolition elevations 2 plan (dwg no. B040 Rev A), received 8 April 2024;
  8. the proposed ground floor plan (dwg no. C030), received 8 April 2024;
  9. the proposed first floor plan (dwg no. C032 Rev A), received 8 April 2024;
  10. the proposed roof plan (dwg no. C033 Rev A), received 8 April 2024;
  11. the proposed northeast and northwest elevations plan (dwg no. C040

- Rev A), received 8 April 2024;
12. the proposed southeast and southwest elevations plan (dwg no. C041 Rev A), received 8 April 2024;
  13. the proposed external view 1 (dwg no. C050 Rev A), received 8 April 2024;
  14. the proposed external view 2 (dwg no. C051 Rev A), received 8 April 2024;
  15. the proposed external view 3 (dwg no. C052 Rev A), received 8 April 2024;
  16. the proposed external view 4 (dwg no. C053 Rev A), received 8 April 2024;
  17. the foul drainage plan (dwg no. C060 Rev A), received 8 April 2024;
  18. the design and access statement, received 8 April 2024;
  19. the nutrient neutrality mitigation assessment (prepared by Peter Allan), received 23 May 2024;
  20. the heritage statement, received 24 June 2024;
  21. the structural survey, received 24 June 2024;
  22. the preliminary roost assessment (prepared by Arbtech Ltd, dated 5th June 2024), received 24 June 2024;
  23. the email correspondence from the agent regarding materials and colour for the replacement doors and windows, received 2 July 2024;
  24. the Notice of Decision;
  25. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development hereby approved shall be undertaken in accordance with the recommendations outlined in the preliminary roost assessment (prepared by Arbtech Ltd, dated 5th June 2024), received 24 June 2024. Any mitigation measures informed by further surveys shall be submitted and approved by the local planning authority before commencement of the development.

**Reason:** To ensure no adverse impact to a European protected species of wildlife. In accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

4. The foul and surface water drainage works shall be constructed and completed in accordance with the approved Nutrient Neutrality Mitigation Assessment (prepared by Peter Allan in May 2024, received 23 May 2024) and the approved proposed foul drainage plan (dwg no. C060 Rev A, received 8 April 2024). Should the approved Package Treatment Plant require replacement during the 80 year lifetime of the mitigation, this should be replaced with a plant of the same or lesser P load discharge.

**Reason:** To ensure a satisfactory means of foul and surface water disposal in accordance with Policies IP6, CC5 and GI3 of the Carlisle District Local Plan 2015-2030

5. As part of the development hereby approved, adequate underground infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

**Reason:** To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

**PC.29/24 5/2/438 - Wildlife and Countryside Act 1981 Application to add a network of path at Keekle Woodland in the parishes of Moresby, Weddicar and Whitehaven**

**Proposal: Claimed network of public rights of way at Keekle Woodland**

The Senior Countryside Officer submitted a report.

The Senior Countryside Officer circulated a large scale map to Members for them to get an understanding of the site.

Slides were displayed on screen showing; Maps of the site and photographs, an explanation of which was provided for the benefit of Members.

The Senior Countryside Officer advised Members that there were three options the committee could potentially decide;

1. Not determine the application, however the Secretary of State had already instructed the Council to make a decision on the application
2. Refuse the application which could potentially lead to an appeal
3. Make the order which could be subject to objections which would then be referred to the Secretary of State.

The Senior Lawyer further advised Members that if the order was to be made and no objections were received, that the higher test as described in the committee report would be applied to the evidence and the application would be brought back to the committee to make a decision.

The Senior Countryside Officer is satisfied that there is sufficient evidence that public footpaths subsist or are reasonably alleged to subsist for an order to be made and therefore recommended that the Chief Legal Officer be authorised to make an Order under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add sections of public footpath in the parishes of Moresby, Weddicar and Whitehaven.

A representative from West Cumbria Rivers Trust spoke in support of the application giving Members a background of the recent works to the River Keekle carried out by the West Cumbria Rivers Trust. A statement was also read out from the Whitehaven & Workington MP who fully supported the application and stated it would be an asset to the community.

The Applicant addressed the Committee advising that he had applied to the Secretary of State who directed the Local Authority to deal with the application. The Applicant also advised that the

S106 agreement planning conditions from 1996 had not been adhered to. Walkers have used the proposed footpaths for years and do not want to lose them.

The Senior Lawyer advised Members that the recommendation was to make the order, advising Members that there are two stages that need to be undertaken. Once the order has been made there is a period of time before the order is confirmed, if objections are made during this time the order would be referred to the Secretary of State, if no objections are received during this time then the decision would come back to the Committee to be made.

A Member queried if an objection was made would the same stance be taken as was taken in another application and Parish that had previously been before Committee, in response to this the Senior Countryside Officer advised that the application each application should be judged on its own merits and at this stage it could not be confirmed what the Officers recommendation to Members would be or indeed what stance might be taken..

Following consideration of the application a Member moved the Officer's recommendation. This was seconded and following voting it was:

RESOLVED – That the Chief Legal Officer be authorised to make an Order under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add sections of public footpath in the parishes of Moresby, Weddicar and Whitehaven.

**PC.30/24     23/0361 - Barn adjacent Manor House, Brisco, Carlisle, CA4 0QS**

RESOLVED – That the report be noted.

The meeting finished at 2.50 pm