Minutes of a Meeting of the Development Control and Regulation Committee held on Tuesday 16 September 2008 at 11 am at County Offices, Kendal.

PRESENT

Mr GR Prest (Chair)

Mr R A Bird  Mr A D Nicholson
Mr W Cameron  Mr G Humes
Mr N Clarkson  Mr L Lishman
Mr L Fisher  Mr W Smith
Mrs PM Halfpenny  Mr P Phizacklea
Mr K Hamilton  Mr A P R Richardson
Mr J C Hemingway

Officers in Attendance:-

Mr S Gorman  -  Head of Environment
Mr G Hale  -  Principal Planning Officer
Mr J Pell  -  Development Control Manager
Ms N Phillips  -  Senior Democratic Services Officer
Mrs J Wain  -  Principle Officer, Landscape and Countryside

Also in Attendance:-

Councillor R Bingham  -  Making representations for Planning Application 5/08/0318 – Land at Crosslands Farm, Old Hutton, Kendal
Councillor J Collier  -  Making representations for Planning Application Numbers 01/08/0600, Westwood Nurseries, Orton Grange, Carlisle and 1/07/9023 – land adjacent to The Vicarage, Wreay, Carlisle.

PART I – ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

45. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Mr B Barton, Mr R Calvin, Mrs W Kolbe, Mr J R D Robinson and Mr A C Ross.
46. **CHANGES IN MEMBERSHIP**

Mr A D Nicholson, Mrs P M Halfpenny and Mr K Hamilton substituted for Mr A C Ross, Mr J R D Robinson and Mr R Calvin respectively, as members of the Committee for this meeting only.

The Chairman announced that Mr W Smith was now a permanent member of the Committee, filling the Labour vacancy.

47. **DISCLOSURES OF INTEREST**

Mr N Clarkson declared a personal and prejudicial interest in Planning Application Numbers 1/08/0707 – Newlands Farm, Carleton, Carlisle and 5/08/0318, Crosslands Farm, Old Hutton as his objection to the proliferation of wind farms in Cumbria had been published in the press.

Mr L Fisher declared a personal interest in Planning Application 1/08/0600 Westwood Nurseries, Orton Grange, Carlisle as he was a friend of the owner of the site.

Mr K Hamilton declared a personal and prejudicial interest in Planning Application Number 6/08/9011 – Barrow Civic Community Site, Walney Road, Barrow-In-Furness as he had been present at a meeting of Barrow Local Committee where the application had been discussed and he had supported it.

Mr A Nicholson declared a personal and prejudicial interest in Planning Application Number 6/08//9011 – Barrow Civic Community Site, Walney Road, Barrow-In-Furness as he had been present at a meeting of Barrow Local Committee where the application had been discussed and he had supported it.

Mr P Phizacklea declared a personal and prejudicial interest in Planning Application Number 6/08//9011 – Barrow Civic Community Site, Walney Road, Barrow-In-Furness as he had been present at a meeting of Barrow Local Committee where the application had been discussed and he had supported it.

Mr W Smith declared a personal and prejudicial interest in Planning Application Number 6/08//9011 – Barrow Civic Community Site, Walney Road, Barrow-In-Furness as he had been present at a meeting of Barrow Local Committee where the application had been discussed and he had supported it.

48. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED, that the press and public be not excluded from the meeting during consideration of any item on the Agenda.
49. MINUTES

RESOLVED, that the minutes of the meeting held on 18 August be confirmed as a correct record and signed by the Chairman.

50. REPORTS ON CONSULATATIONS BY DISTRICT COUNCILS, NATIONAL PARK AUTHORITIES, JOINING PLANNING AUTHORITIES AND GOVERNMENT DEPARTMENTS ETC

(1) Planning Application 01/08/0600 - Garden Centre retail development incorporating restaurant/café and farm foodhall with ancillary works including car parking, access, “green house” horticultural interpretation centre, outdoor display/demonstration areas and landscaping. Site of Westwood Garden Centre and land to the north of the Westwood Nurseries, Orton Grange, Carlisle.

The Local member, Mr Collier had attended the Committee to advise that the Parish Council was concerned that the proposal would generate a lot of traffic and increase parking problems in Dalston. Dalston only had rural roads which were not built to withstand a lot of traffic.

Those members in favour of granting planning permission thought that the proposal would secure employment and boost the rural economy, it would not cause significant damage to the landscape and as local roads were excellent traffic would not be a problem. A number of members who had attended the site visit thought that the proposal would attract so much traffic that it would cause problems getting into Carlisle.

The Principal Planning Officer explained that although the developer had not consulted closely with the County Council, officers had liaised with Carlisle City Council who would determine the application. There had been a failure on the developers side to satisfy a number of policies and these had been highlighted as it was important for the County Council to provide a strategic context for developers to work within.

It was MOVED by Mr Richardson and SECONDED by Mr Clarkson that no objection be raised to the proposal. Following a vote (5 for no objection and eight against) it was;

RESOLVED, that an objection be raised to the proposal on the grounds that;

(1) (i) the applicants have not rigorously assessed all potential sequentially preferable sites, either within or on the edge of a Key or Local Service Centre identified in JSP Policy ST5 or ST7, and the application fails to satisfy the sequential approach as required by JSP Policies ST3 and L54;

(ii) the applicants have not demonstrated that the scale of retail development proposed is essential for this rural
location and the development would fail to satisfy Policies ST7 and ST9;

(iii) the scale and nature of the development would not be sympathetic to the character of the area and would cause significant harm to the local landscape character contrary to Policies ST3, EM15 and E37;

(iv) insufficient information has been provided in order to demonstrate that the proposal satisfies JSP Policies ST3, T24, T25, T30 and T31 and LTP Policies LD4, LD5, LD7 and LD8

(v) the proposed development site should be subjected to an archaeological evaluation, to be commissioned at the expense of the developer, and carried out prior to the granting of planning permission.

(2) In the light of the concerns raised in the report (for report see Minute Book) about a quantitative need, Carlisle City Council ensure that they have an objective evidence base against which they can assess the likely effects of the development proposal in terms of the tests of retail need.

Following a declaration of a personal and prejudicial interest earlier in the meeting, Mr N Clarkson left the meeting.

(2) Planning Application 01/08/0707 – Construction of three wind turbines, access tracks and ancillary infrastructure. Land at Newlands Farm, Cumwhinton, Carlisle.

It was moved by Mr Cameron and SECONDED by Mr Bird that an objection be raised. Following a vote (eleven in favour and none against) it was:

RESOLVED, that an objection be raised due to the lack of an adequate assessment of the landscape, visual and cumulative effects of the proposal and the lack of a detailed archaeological evaluation of the site. The application should have been supported by an Environmental Impact Assessment. the scheme is contrary to Policies R44, E37 and E38 of the Cumbria Joint Structure Plan.

(3) Planning Application 5/08/0318 – Construction of six wind turbines, access tracks and ancillary infrastructure. Land at Crosslands Farm, Old Hutton.

Prior to the last Committee meeting, a number of representations had been made to the County Council both in favour and against the proposal. To give members time to consider all the information this application had been deferred to this meeting.
Councillor Bingham had attended the meeting to advise members of the following issues:-

- The Northern Boundary of his electoral division adjoined the site.
- His electoral division was extremely vulnerable as a number of large structures crossed it including the M6, the A6, gas and power lines etc but it was still classed as a county landscape;
- He was relating the views of the people he represented not giving his own views;
- Residents objected to the site being used for wind turbines as it was not a plateau, it was ridge and was in fact a relatively level area which was very attractive;
- There were a number of archaeological issues. Artefacts had been found and this would have to be a planning consideration;
- A number of residents who were not against the proposal were sympathetic to people employed in agriculture in the area;
- Local opinion was to protect the natural heritage.
- It was thought that the turbines could affect the sustainability of the area.
- The area was crossed by footpaths and was used for recreational purposes for people using both National Parks.
- This was a prominent site
- Members were asked to make their own minds up about whether the effect on the landscape would outweigh the benefits of the energy that would be generated;

The Principal Officer – Landscape and Countryside explained that studies had shown that in Cumbria in future, mid-dark grey would be the most likely colour to be used to paint wind turbines.

A number of members commented on the tone of wording used in the letters of representation that they had received in relation to this proposal.

It was moved by Mr Cameron and seconded by Mrs Halfpenny that no objection be raised.

Resolved, that no objection be raised subject to the highways and archaeology issues identified being satisfactorily dealt with by conditions. Any significant landscape and visual effects would be localised and are outweighed by the environmental benefits associated with the renewable energy generation and carbon savings that would arise from this scheme. The scheme broadly accords with policies of the Cumbria Joint Structure Plan.

Mr Clarkson returned to the meeting.

The Chairman drew members’ attention to the Planning Achievements Award 2008. The Wind Energy Supplementary Planning Document as adopted by the County Council in 2007 had been awarded a commendation in the Royal Town Planning Institute North West Planning Achievement Awards 2008. The Chairman
congratulated the officers who had contributed to the professional accomplishment.

51. REPORTS ON PRIVATE APPLICATIONS FOR PLANNING PERMISSION

(1) Planning Application 01/07/9023 – Construction of a new wastewater treatment works together with associated landscaping and outfall structures. Land adjacent to The Vicarage, Wreay, Carlisle.

The Development Control Manager explained that this was typical of many schemes that the Committee had considered in the past few years. He drew members attention to paragraph 4.1 in the report which incorrectly stated that the UK could be prosecuted in the European Court as present discharges were in breach of EU Directives. Members were provided with the correct information which reflected the position at the Wreay site which was that paragraph 4.1 should read as follows:

The proposed development is to provide a wastewater treatment system for the village of Wreay to replace the exiting system. Present discharges to a soakaway do not comply with the requirements of the Groundwater Regulations 1998 and will not meet an amended discharge consent issued by the Environment Agency, which is due to come into effect in November 2008. Whilst there have been a number of objections to the proposed scheme, there is a clear need to provide an improved standard of treatment to achieve the amended consent.

Councillor J Collier had attended the meeting as Local member. He advised the Committee that the village was split in their support for the wastewater treatment works and this is why a site visit had been requested.

A member of the Committee extolled the advantages of the site visit as a lot of information had been obtained at the site. It was thought that the treatment works would be a huge improvement to what was already in place.

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 and subject to the conditions set out in Appendix 2 (for Appendices see Minute book).


The Development Control Manager reported that the Applicant had requested a deferral of this planning application to enable further consideration of its impacts on existing and future developments. It was anticipated that the application would be brought back to the Committee in October 2008.

RESOLVED, that the report be deferred.

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 and subject to the conditions stated in Appendix 2 (for Appendices see Minute book).

(4) Planning Application 2/08/9014 – Erection of steel framed buildings to facilitate the processing of household and commercial waste products. Pitwood Road, Lillyhall Industrial Estate, Workington, Cumbria.

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 as subject to the conditions stated in Appendix 2 (for Appendices see Minute book).

(5) Planning Application 3/08/9013 – Change of use of agricultural land/yard for extension of open window green waste composting site. Hilltop Farm, Ivegill, Carlisle.

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 as subject to the conditions stated in Appendix 2 (for Appendices see Minute book).

(6) Planning Application 4/08/9006 – Restoration of degraded agricultural land using inert soils including new field access. Duddon Bridge Farm, Duddon Bridge, Broughton-In-Furness, Cumbria.

There was concern that although a number of conditions related to highways, there were still a number of issues such as the speed of traffic and mud on the road that needed to be resolved. The Development Control Manager agreed that the condition dealing with mud on the road should be reworded to require a scheme of measures to be submitted prior to development commencing. This would be included in the planning permission with members’ agreement

RESOLVED, that

(1) planning permission be granted for the reasons stated in Appendix 1 and subject to the conditions stated in Appendix 2 (for Appendices see Minute book);

(2) a condition relating to mud on the road be amended to require the submission of a scheme of measures prior to commencement of development.

In agreement with the Committee the Chairman changed the Order of Business.
52. APPLICATIONS/CONSULTATIONS DETERMINED UNDER DELEGATED POWERS

The Committee noted a list of applications/consultations determined under delegated powers.

53. APPLICATIONS/CONSULTATIONS WHICH MAY BE CONSIDERED AT FUTURE MEETINGS OR DETERMINED UNDER DELEGATED POWERS

The Committee noted a list of applications/consultations which may be considered at future meetings or determined under delegated powers.

54. REPORTS ON COUNTY COUNCIL APPLICATIONS FOR PLANNING PERMISSION

(1) Planning Application 5/08/9011 – Erection of ten lighting columns, 8 metres in height and the erection of 3 lighting columns 5 metres in height. Operating hours are 07.30 to 16.30 daily. Kendal Civic Amenity Site, Canal Head North, Kendal

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 and subject to the conditions stated in Appendix 2 (for Appendices see Minute book) and subject to the following conditions;-

(i) the development hereby permitted shall be begun before the expiration of 3 years of the date of this permission;

(ii) the development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme should be submitted to and approved by the Local Planning Authority prior to being carried out;

(iii) the use of the lights shall be restricted to the hours 07.30 – 16.30 Mondays to Sundays;

(iv) the lights shall be shielded so that they are not directly visible by motorists on the adjacent highway and the nearby residential dwellings

Following a declaration of a personal and prejudicial interest earlier in the meeting, Mr Hamilton, Mr Nicholson, Mr Phizacklea and Mr Smith withdrew from the meeting.

(2) Planning Application 06/08/0911 – Extension to household waste recycling centre. Barrow Civic Amenity Centre, Walney Road, Barrow-In-Furness.
The Development Control Manager expressed his concerns about vehicles turning right from the site and explained that this would need to be addressed in the future.

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 as subject to the conditions stated in Appendix 2 (for Appendices see Minute book).

The meeting ended at 12.07 pm