DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Minutes of a Meeting of the Development Control and Regulation Committee held on Wednesday, 1 April 2015 at 10.00 am at Council Chamber - County Offices, Kendal, LA9 4RQ

PRESENT:

Mr LN Fisher (Vice-Chair, in the Chair)
Mr RK Bingham
Mrs HF Carrick
Mr N Cotton
Mr D Fletcher
Mrs BC Gray
Mr KR Hamilton
Mr JS Holliday
Mr G Humes

Mr AJ Markley
Mr W McEwan
Mr FI Morgan
Mrs C Tibble
Mr A Toole
Mr E Wilson
Mr M Wilson
Mr H Wormstrup

Also in Attendance:-

Ms R Brophy - Senior Planning Officer
Mrs J Corry - Team Leader, Development Control
Ms J Hounslow - Senior Democratic Services Officer
Mr E Page - Planning Officer
Mr R Pearse - County Countryside & Landscape Officer
Mrs J Petersen - Senior Planning Officer
Mrs M Spark - Legal Advisor (Managing Associate - Addleshaw Goddard)

PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

86 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr A Clark.

87 CHANGES IN MEMBERSHIP

It was noted that Mr M Wilson replaced Mr A Clark as a member of the Committee for this meeting only.

88 DISCLOSURES OF INTEREST

Mr Markley declared an interest in Agenda Item No. 10a) as he is an Allerdale Borough Councillor.
89 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded during consideration of any items of business.

90 MINUTES

A member queried the wording relating to Minute No. 80a) as it read as if they were new planning applications but the first two related to the removal of time extensions to existing planning permissions. The Team Leader – Development Control agreed to re-look at the wording after the meeting.

RESOLVED, that the minutes of the meeting held on 18 February 2015 be confirmed as a correct record and signed by the Chairman.

91 REPORTS ON APPLICATIONS FOR PLANNING PERMISSION

a 2/14/9018 Retrospective application for the storage, recycling and transfer of materials. The Old Airfield, Silloth, Wigton, CA7 9PH

Mrs Petersen, Senior Planning Officer presented the report which was a retrospective application for the external storage of recycling and transfer of inert material up to 75,000 tonnes per annum. Pre-notification of the application had been sent to Silloth Town Council who had requested a site visit which took place on 4 March but they did not send a representative. Mr Markley, the local member and a Silloth Town Councillor advised that the Town Council had expected he would be present at the site visit but unfortunately he was unable to attend. He added that most of the waste material was from the airfield itself which was now being reinstated as agricultural land. Concern was raised at the amount of waste already amassed on the site, given it was a retrospective application. Members were informed that in order for the applicant to obtain a licence from the Environment Agency to remove the material, they first had to gain planning permission. Whilst on the site visit a member had observed that the site was easily accessible to the public and thought some fly-tipping had already taken place. He believed that situation needed to be managed appropriately by the applicant.

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2.

b 4/14/9015 Variation of Condition 2 of Planning Permission 4/06/9017 to extend the timescale for operating and restoring the Quarry. Peel Place Quarry, Gosforth, Holmrook

Mrs Brophy, Senior Planning Officer presented the report which was a variation of Condition 2 of planning permission 4/06/9017 to extend the timescale for operating and restoring Peel Place Quarry.
RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2.

c 4/15/9001 Section 73 Planning Application to vary Condition 2 of Planning Permission 4/02/9022 in order to extend the timescale for mineral working by 15 years, to 31st July 2030. Birkhams Quarry, Sandwith, Whitehaven, CA28 9UU

Mr Page, Planning Officer presented the report which was a Section 73 planning application to vary Condition 2 of planning permission 4/02/9022 in order to extend the timescale for mineral working by 15 years to 31 July 2030. Members’ attention was drawn to the update sheet as an additional planning condition had been added so that annual meetings be arranged by the operator to review the ongoing progressive restoration. Mr Wormstrup the local member asked that he be invited to the annual liaison meeting.

RESOLVED, that planning permission be granted for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2 with the inclusion of the following condition:-

Annual meetings shall be arranged by the operator to be held on the site to review the ongoing progressive restoration. The parties to be invited to attend the meetings shall include the County Planning Authority, The National Trust (representing the Colourful Coast Partnership), and Cumbria Geo-Conservation. At least one month prior to the meeting date, a written schedule of restoration and/or related aftercare works undertaken and planned over the previous/following 12-24 month period shall be submitted to all parties invited to attend by the mineral operator. Any modifications to the restoration methodology and/or seed mixes forthcoming from the annual reviews should be submitted to and approved in writing by the local planning authority. Once approved the details shall be implemented in full.

Condition Reason: In order to monitor the progressive restoration of the site in accordance with the approved scheme of working and Policy DC16 of the Cumbria MWDF Generic Development Control Policies.

92 APPLICATIONS DETERMINED UNDER DELEGATED POWERS

RESOLVED, that the list of applications/consultations determined under delegated powers be noted.

93 APPLICATIONS PROPOSED TO BE DETERMINED UNDER DELEGATED POWERS

Mrs Corry, informed members that Planning Application No. 5/15/9002 Section 73 application to amend conditions 9 and 18 of planning permission 5/13/9002 to
increase vehicle movements and operating hours, Winder Moor, Willow Lane, Flookburgh, would now be considered by Committee as objections had been received. A site visit had been held when the application was first considered by the Committee in 2013 so she asked if a further visit was needed. A number of the members had attended the site visit in 2013 and did not believe a further visit was required.

RESOLVED, that the list of applications/consultations proposed to be determined under delegated powers be noted.

94 APPLICATIONS TO BE CONSIDERED AT FUTURE MEETINGS

The list of applications to be considered at future meetings was discussed. Mr Humes requested a site visit to Planning Application No. 2/14/9017 Restoration scheme to return former colliery spoil area to agricultural land. Land north of Pennygill Lane, Flimby, Maryport.

A member asked for an update on Planning Application No. 3/08/9020 Shapfell Quarry. Members were advised that officers were discussing consultation responses from the Environment Agency and Natural England with the applicant so it was still not quite the right time for a site visit and that this would be arranged at a future date once all relevant information could be put before Members.

RESOLVED, that a site visit be held to Planning Application No. 2/14/9017 Restoration scheme to return former colliery spoil area to agricultural land. Field 3771, land north of Pennygill Lane, Flimby, Maryport.

95 REPORTS ON CONSULTATIONS BY DISTRICT COUNCILS, NATIONAL PARK AUTHORITIES, ADJOINING PLANNING AUTHORITIES & GOVERNMENT DEPARTMENTS, ETC.

a 2/2015/0030 Application to Allerdale Borough Council for the Erection of 3 Wind Turbines, Land at White Lees Farm, Aiglegill Farm and West Farm, Aspatria, Wigton, Cumbria, CA7 2PL

Mr Pearse, Principal Planning Officer, Landscape and Countryside presented the report which was an application to Allerdale Borough Council (ABC) for planning permission for the erection of 3 wind turbines on land at White Lees Farm, Aiglegill Farm and West Farm, Aspatria.

RESOLVED, that an objection is raised due to adverse landscape, visual and cumulative effects which are not outweighed by the environmental benefits associated with the renewable energy generation and carbon savings which would arise from this scheme.

b 4/15/2022/0F1 Application to Copeland Borough Council for the Erection of 5 Wind Turbines, Land South of HMP Prison, off North Lane, Haverigg, Millom
Mr Pearse, Principal Planning Officer, Landscape and Countryside presented the report which was an application to Copeland Borough Council (CBC) for planning permission for the erection of 5 wind turbines on land south of HMP prison, Haverigg, Millom. A member referred to the ‘topple distance’ in the highways response and asked if it was Policy. He was informed it was not Policy but a rule of thumb used by highways officers.

**RESOLVED,** that an objection is raised due to adverse landscape, visual and cumulative effects which are not outweighed by the environmental benefits associated with the renewable energy generation and carbon savings which would arise from this scheme.

**96 REPORTS AND UPDATES ON PLANNING ENFORCEMENT RELATED MATTERS**

a  **EN13-3005 Low Plains Quarry - Withdrawal of Enforcement Notice**

Mrs Corry, Team Leader – Development Control presented the report which asked members to note the withdrawal of the enforcement notice. Mrs Spark, Legal Adviser, added that the public inquiry had been held on 17-19 February and the Planning Inspector's findings should be made known hopefully sometime in May or June this year. Mrs Carrick, the local member noted the action taken and stated that despite the enforcement notice being served the applicant had never ceased operating. Members were informed that when planning permission was refused, the applicant appealed the decision and the enforcement notice and therefore no further action could be taken until both appeals had been determined.

**RESOLVED,** that the report be noted.

**97 FUTURE MEETING DATES**

**RESOLVED,** that the list of future meeting dates be noted.

The meeting ended at 10.50 am