

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Minutes of a Meeting of the Development Control and Regulation Committee held on Tuesday, 9 June 2020 at 10.00 am. This was a virtual meeting, held online.

PRESENT:

Mr GD Cook (Chair)

Mr A McGuckin (Vice-Chair)	Mr JS Holliday
Mr RK Bingham	Mr AJ Markley
Mr A Bowness	Mr W McEwan
Mrs HF Carrick	Mr FI Morgan
Mr F Cassidy	Mr CP Turner
Mr N Cotton	Mr MH Worth
Mrs BC Gray	Mr D Gawne
Mr D English	Mr K Hitchen
Mr KR Hamilton	

Also in Attendance:-

Philippa Christie	-	Solicitor
Richard Cryer	-	Lead Officer - Development Control
Paul Haggin	-	Manager Development Control and Sustainable Development
David Hughes	-	Planning Officer
Edward Page	-	Planning Officer
Jayne Petersen	-	Planning Officer
Andy Sims	-	Countryside Access Officer

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

131 ROLL CALL AND APOLOGIES FOR ABSENCE

Before the business of the meeting commenced, the Chair announced the sad death of Councillor Lawrence Fisher, who had been a long standing member of the Committee. A minute's silence was held in honour of Councillor Fisher.

A roll call was taken of members and officers present online.

Apologies for absence were received from Mr D Wilson.

132 CHANGES IN MEMBERSHIP

It was noted that Mr Hitchen had replaced Mr Wilson as a member of the Committee for this meeting only. Mr Gawne was the Conservative Group replacement following the sad death of Mr Fisher.

133 DISCLOSURES OF INTEREST

Mr Bingham declared a non-pecuniary interest in Agenda Item 11, Application Reference No. 5/20/9002 & 5/20/9003 Change of use for temporary storage and crushing of road planings prior to recycling. Sandside Quarry, Sandside, Milnthorpe CA7 7HW. The application had been considered by Milnthorpe Parish Council where he had expressed a view. He would not vote on this application.

Mr Turner declared a non-pecuniary interest in Agenda Item 10, Application Reference No. 4/20/9002. Proposal: Section 73 planning application to amend planning permission 4/91/0315 to remove conditions 1, 2, 3, 4 and 5 granted by Copeland Borough Council as the conditions have either been complied with or are no longer required. Location: Sellafield, Seascale, Cumbria, CA20 1PG. He had heard comments on the application made at Parish Council meetings but had not taken part in them, nor formed a view. He would vote on this application.

134 EXCLUSION OF PRESS AND PUBLIC

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

135 MINUTES

Corrections as follows:

Page 11, Minute 123, 3rd Paragraph. Replace Mr Graham with Mr Fisher.

Page 13, Minute 125, 2nd Paragraph. 3rd line, add the word 'so' after 'doing'.

The minutes would be reviewed again at the 8 July 2020 meeting after confirmation from the relevant officer of the following:

Page 8, Minute 119, Resolution, penultimate line, officer to review the wording.

Page 14, Minute 126, last paragraph, confirmation of the members moving and seconding the motion.

Page 15, Minute 126 confirmation be provided on the 3rd line 'are removed' to be replaced by 'are replaced'

136 HIGHWAYS ACT 1980 SECTION 119 APPLICATION TO DIVERT PUBLIC FOOTPATH NO 109124 CITY OF CARLISLE

A report was considered from the Executive Director – Economy and Infrastructure regarding Highways Act 1980 Section 119 Application to divert public footpath no 109124 city of Carlisle.

The Countryside Access Officer presented maps of the location to the Committee, explained the route and set out the background to the application. He presented photographs of the location, with one showing the start of the route. He explained that the costs would be paid by the landowner who was the applicant. He advised on the consultation responses, reporting that no objections had been received. He highlighted that Cumbria and Lakes Local Access Forum had expressed concern over the width of the route and that this would be addressed before the implementation of the Order. He recommended that the order be approved.

A member questioned the legality of the development of adjacent land incrementally encroaching onto the historic and recorded alignment over time and queried how it could be ensured that further encroachment would not take place onto County Council funded improvement works. The Countryside Access Officer advised that the applicant would only pay for the works on the section he owned where there was the majority of the encroachment and he considered it appropriate for part of the improvement works to be paid for by the County Council using its Rights of Way budget. The Countryside Access Officer explained that in the past, the path had not had a recorded width so it was difficult to tell people not to encroach onto the path. This order would now be a permanent record of the path's width.

It was moved by Mr Markley and seconded by Mr McEwan that the recommendation as set out in the report be agreed.

A roll call vote was taken. Members confirmed if they were present and connected for the whole Agenda Item. Following a vote cast as follows, in Favour: 18, Against: 0, Abstain: 0, it was

RESOLVED that, pursuant to the power set out at Part 2G paragraph 2.1(g) (iii) of the Council's Constitution, an order be made under Section 119 of the Highways Act 1980 to divert a section of public footpath no 109124 in the City of Carlisle as shown A-B to a new route A-C-D-E-F-G-H-I as shown on the plan at Appendix 1 of the report and that all necessary action be taken to confirm the order.

137 HIGHWAYS ACT 1980 SECTION 119 APPLICATION TO DIVERT PUBLIC FOOTPATH NO 119003 PARISH OF IRTHINGTON: DISTRICT OF CARLISLE

A report was considered from the Executive Director – Economy and Infrastructure regarding Highways Act 1980 Section 119 Application to divert public footpath no 119003 parish of Irthington: District of Carlisle.

The Countryside Access Officer presented a map showing the existing path and explained the route. An overhead view of the locations showing the landscape was shown. He explained the work required and gave his view that the diversion would not be a less convenient route and passed all the legal tests, highlighting that the order would be made in the interest of the landowner.

A member commented that the area was of great archaeological importance and questioned whether heritage organisations had been consulted on the application. The Countryside Access Officer did not think that the organisations were statutory consultees but would make enquiries and report back to the member. A member asked for clarification on the owner of adjacent pasture land. The Countryside Access Officer advised that this belonged to the applicant landowner.

It was moved by Mr Markley and seconded by Mr Cassidy that the recommendation, as set out in the report be agreed.

A roll call vote was taken. Members confirmed if they were present and connected for the whole Agenda Item. Following a vote cast as follows, in Favour: 18, Against: 0, Abstain: 0 it was

RESOLVED that, pursuant to the power set out at Part 2G paragraph 2.1(g) (iii) of the Council's Constitution, an order be made under Section 119 of the Highways Act 1980 to divert a section of public footpath no 119003 in the parish of Irthington as shown A-B to a new route C-D-E-F-G-H-B as shown on the plan at Appendix A of the report and that all necessary action be taken to confirm the order.

138 WILDLIFE & COUNTRYSIDE ACT 1981 - SECTION 53 APPLICATION TO MODIFY A SECTION OF PUBLIC FOOTPATH NO 423011 PARISH OF ST BEES: DISTRICT OF COPELAND

A report was considered from the Executive Director – Economy and Infrastructure regarding the Wildlife and Countryside Act 1981 – Section 53 Application to modify a section of public footpath no 423011 parish of St Bees: district of Copeland.

The Countryside Access Officer presented a slide which indicated that the route had been recorded in the wrong place. He explained the route in detail explaining that it appeared to be recorded in the wrong position where it crossed the railway line and highlighted that the Definitive Statement referred to the path as going “to and under the railway”. He reported that there was no evidence on the ground to suggest the presence of an underpass for the recorded line and historic plans depicted the surface crossing and steps on the western embankment. From the photographs presented, he considered the historically walked route crossed the railway via a wooden platform with 2 to 3 steps at either end before continuing down the embankment on 15 concrete steps. He stated that it was the County Council's statutory duty to keep the Definitive Map and Statement of Rights of Way under continuous review and considered that there was sufficient evidence to demonstrate that a mistake was made at the time the Definitive Map was drawn. He recommended that the appropriate Order be made to correct the anomaly.

It was moved by Mr Turner and seconded by Mr McEwan that the recommendation, as set out in the report be agreed.

A roll call vote was taken. Members confirmed if they were present and connected for the whole Agenda Item. Following a vote cast as follows, in Favour: 18, Against: 0, Abstain: 0, it was

RESOLVED that,

- 1 Members authorise the Chief Legal Officer, Corporate, Governance and Community to make an order under section 53(3)(c)(i) and (iii) of the Wildlife and Countryside Act 1981, the effect of which, if confirmed, would be delete a section of public footpath no 423011, in the parish of St Bees as shown A-B on the plan at Appendix A of the report and add a section of public footpath no 423011, in the parish of St Bees as A-C-D-E-F-B on the plan at Appendix A of the report to the County Council's Definitive Map and Statement of Public Rights of Way
- 2 If there are no objections to the made order Members authorise the Chief Legal Officer, Corporate, Governance and Community to confirm the order.

139 APPLICATION REFERENCE NO. 1/20/9003. PROPOSAL: EXTENSION OF HARD SURFACED PLAYGROUND. LOCATION: ROCKCLIFFE C OF E PRIMARY SCHOOL, ROCKCLIFFE, CARLISLE, CA6 4AA

A report was considered from the Executive Director – Economy and Infrastructure regarding planning application reference No. 1/20/9003. Proposal: Extension of Hard Surfaced Playground. Location: Rockcliffe C of E Primary School, Rockcliffe, Carlisle, CA6 4AA.

The Planning Officer presented a number of slides showing a location site plan and aerial photographs which included the playing field. These showed hedgerows plus the northern and eastern boundaries as well as the dwellings to the eastern side of the school. Members' attention was drawn to the Update sheet, circulated prior to the meeting which indicated that the live reserved matters housing application referenced in the report was scheduled to return to Carlisle City Council's Development Control and Regulation Committee meeting on 19 June 2020. Photographs were shown of the existing playground, the area to be resurfaced and the MUGA located nearby. The Planning Officer drew members' attention to the Planning Assessment which highlighted that the key planning issue was considered to be whether the proposed development of part of the playing field would be acceptable in this instance. He talked members through the reasons why the proposal complied with planning policies concerning development of playing fields and recommended that the application be granted subject to conditions.

It was moved by Mr McGuckin and seconded by Mr Cotton that the recommendation, as set out in the report be agreed.

A roll call vote was taken. Members confirmed if they were present and connected for the whole Agenda Item. Following a vote cast as follows, in Favour: 18, Against: 0, Abstain: 0 it was

RESOLVED that, Planning Permission is granted subject to the conditions set out in

Appendix 1 to the report.

The meeting adjourned at 10.50 am and reconvened at 11.00am. A roll call was taken which confirmed that all members were present online.

140 APPLICATION REFERENCE NO. 4/20/9002. PROPOSAL: SECTION 73 PLANNING APPLICATION TO AMEND PLANNING PERMISSION 4/91/0315 TO REMOVE CONDITIONS 1, 2, 3, 4 AND 5 GRANTED BY COPELAND BOROUGH COUNCIL AS THE CONDITIONS HAVE EITHER BEEN COMPLIED WITH OR ARE NO LONGER REQUIRED. LOCATION: SELLAFIELD, SEASCALE, CUMBRIA, CA20 1PG

A report was considered from the Executive Director – Economy and Infrastructure regarding planning application Reference No. 4/20/9002. Proposal: Section 73 planning application to amend planning permission 4/91/0315 to remove conditions 1, 2, 3, 4 and 5 granted by Copeland Borough Council as the conditions have either been complied with or are no longer required. Location: Sellafield, Seascale, Cumbria, CA20 1PG.

The Planning Officer clarified that the application was for the type of material stored inside the building. She referred to a late representation from Gosforth Parish Council and read out the following late representation 'This application is being made as a result of the NDA's deliberate strategy to progress the development of a deep repository, although no funding will be available in the foreseeable future. Their inevitable failure to comply with reasonable conditions puts a gun to the head of the LA's involved. They (NDA/Sellafield Ltd) should be forced to build the safe, long term storage facilities required to protect workforce & community, preferably with an enforceable "ready for service" date'.

The Planning Officer presented a number of slides which included an aerial view of the site and explained the application, detailing the history behind the proposal and the planning conditions. She referred to the update sheet, circulated before the meeting and explained that the concerns of Ponsonby and Gosforth Parish Councils were addressed in the Planning Assessment. She guided members through the Planning Assessment and concluded that the interim storage solution would be acceptable until an alternative solution was found.

A member stated that there was no real alternative storage solution at present and considered that this type of storage solution could continue until there was a Geological Disposal Facility (GDF). He asked if there was any information on likely trends on GDF. The Planning Officer advised that this was a Government issue but that GDF implementation was identified for 2040.

In stating that that this was the only storage solution and considering this was the way forward to ensure the safety of the country, it was moved by Mr Markley and seconded by Mr McEwan that the recommendation, as set out in the report be agreed.

A roll call vote was taken. Members confirmed if they were present and connected for the whole Agenda Item. Following a vote cast as follows, in Favour: 18, Against: 0, Abstain: 0 it was

RESOLVED that, the Section 73 Planning Application be granted subject to conditions set out in Appendix 1 to the report

141 APPLICATION REFERENCE NO. 5/20/9002 & 5/20/9003 CHANGE OF USE FOR TEMPORARY STORAGE AND CRUSHING OF ROAD PLANINGS PRIOR TO RECYCLING. SANDSIDE QUARRY, SANDSIDE, MILNTHORPE CA7 7HW

As he had declared a non-pecuniary interest in this item at the outset of the meeting, Mr Bingham did not vote on this item.

A report was considered from the Executive Director – Economy and Infrastructure regarding planning application Reference No. 5/20/9002 & 5/20/9003 Change of use for temporary storage and crushing of road planings prior to recycling. Sandside Quarry, Sandside, Milnthorpe CA7 7HW.

The Planning Officer presented a number of slides which included a map showing the location of the site, an aerial view of the quarry, the sites of the two locations and photographs from a number of viewpoints, showing the equipment to process the material. The quantities of material to be imported and the context of how much material was quarried was reported. The Planning Officer confirmed that there would not be an increase in traffic if permission was granted. He referred to the update sheet which had been circulated before the meeting and after explaining that part of the site was liable to flooding, he reported that development management colleagues were satisfied with the proposal.

Following member questions relating to speeding vehicles, damage to the roadway and what the final use of the material produced was, the Planning Officer explained that although the state of the road and traffic was raised as a concern, this was a small amount of material. He confirmed that the final use of the material was incorporated into new asphalt, that quarrying had ended and the application would not impact on the site. A member raised that there were concerns about traffic movements at night and asked why this was necessary. The Planning Officer explained that this was necessary in order to be flexible when delivering the material as roads were repaired at night. He did not believe there would be an increase in noise at night.

In confirming that road repairs were undertaken at night and explaining the repair process, it was moved by Mr Markley and seconded by Mr Morgan that the recommendation, as set out in the report be agreed.

A roll call vote was taken. Members confirmed if they were present and connected for the whole Agenda Item. Following a vote cast as follows, in Favour: 17, Against: 0, Abstain: 0 it was

RESOLVED that, Planning Permission be granted subject to conditions set out in

Appendix 1 to the report

142 APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

143 APPLICATIONS PROPOSED TO BE DETERMINED UNDER DELEGATED POWERS

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

144 FORWARD PLAN

The Committee's Forward Plan was considered.

The Manager Development Control and Sustainable Development reported on planning application no 4/17/9007, West Cumbria Mining. He explained the history behind the previous West Cumbria Mining planning applications considered by the Committee. The Committee would be considering application 4/17/9007 as the Section 106 agreement had not yet been released and West Cumbria Mining had offered additional information which had not yet been considered by the Committee. Consequently, it would be considered by the Committee at the 8 July meeting.

A number of members raised the importance of public participation at live streamed Committee meetings. The Chair advised that this matter was being resolved by officers. The Manager - Development Control and Sustainable Development advised that the procedure for the public to make representations would shortly be in the public domain in order for the public to participate at any meeting of the Committee.

RESOLVED that, the Forward Plan be noted.

145 DATE AND TIME OF NEXT MEETING

The next meeting of the Committee will be held on 8 July 2020 at 10.00am.

The meeting ended at 12.00 pm