

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Minutes of a Meeting of the Development Control and Regulation Committee held on Friday, 22 February 2019 at 10.00 am at Council Chamber - County Offices, Kendal, LA9 4RQ

PRESENT:

Mr GD Cook (Chair)

Mr A McGuckin (Vice-Chair)	Mr KR Hamilton
Mr RK Bingham	Mr AJ Markley
Mr A Bowness	Mr W McEwan
Mr F Cassidy	Mr FI Morgan
Mr N Cotton	Mr D Wilson
Mrs BC Gray	Mr D Gawne
Mr D English	Mr K Hitchen
Mr LN Fisher	

Also in Attendance:-

Svetlana Bainbridge	-	Commons Registration Officer
Mark Brennand	-	Lead Officer - Historic Environment and Commons
Richard Cryer	-	Lead Officer - Development Control
Paul Haggin	-	Manager - Development Control and Countryside Management
Edward Page	-	Planning Officer
David Gibson	-	Senior Countryside Access Officer
Mrs H Harrington	-	Public Participation for Commons Registration – Land at Harrington Marina
Mr R Peters	-	Public Participation for Planning Application Nos 3/18/9004 and 3/189005
Mr G Barton	-	Public Participation for Planning Application Nos 3/18/9004 and 3/189005
Mr C Queen	-	Public Participation for Planning Application Nos 3/18/9004 and 3/189005

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

107 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs H Carrick, Mr J Holliday, Mr D Whipp and Mr M Worth.

108 CHANGES IN MEMBERSHIP

It was noted that Mr Kitchen had replaced Mr Whipp and Mr Gawne had replaced Mrs Carrick as members of the Committee for this meeting only.

109 DISCLOSURES OF INTEREST

Mr Fisher declared a non-pecuniary interest in agenda item 11a, Planning Application No 1/19/9001 Application Type: Full & Change of Use Proposal: Change of use to and construction of a Multi-Use Games Area and associated enabling demolition and structural stabilisation works at land adjacent to Brook Street Primary School, Edward Street, Carlisle, CA1 2JD as he was Chair of Governors at the school. He stated that he would not leave the room during consideration of the item and would not vote.

110 EXCLUSION OF PRESS AND PUBLIC

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

111 MINUTES

Minute 101(a) Application no 1/18/9012 at Kingmoor Park Industrial Estate, Land to the North of Kings Drive, Carlisle, CA6 4SE. Page 22 of the Agenda pack. Hydrolysis be changed to pyrolysis.

RESOLVED that subject to the correction above, the minutes of the meeting held on 18 January 2019 be confirmed as a correct record and signed by the Chairman.

112 COMMONS REGISTRATION: - APPLICATION FOR REGISTRATION OF LAND AT HARRINGTON MARINA, HARRINGTON, WORKINGTON AS A TOWN OR VILLAGE GREEN

Mr Morgan stated that he would abstain from voting on this application.

A report was considered from the Acting Executive Director – Economy and Infrastructure on an application for registration of land at Harrington Marina, Harrington, Workington as a town or village green.

The Commons Registration Officer guided members through the report, advising on background to the application, the Law, the application of the law to the facts and evidence of the application, objections received, oral representations and the legal implications of the application. She presented maps and photographs of the area and advised members of the one objection that had been received. In her opinion, the statutory criteria had been satisfied.

The Chair reported that he had received written comments from the Local Member but the comments were not strictly relevant to the application.

Mrs Harrington, the applicant attended the meeting as per the Public Participation Scheme and made the following points:

- 500 houses had been built in the Harrington Ward since the application was submitted and more were planned
- The land was vital for local people to use as there were few local green spaces.
- Local residents made regular use of the land
- The only recreational area in Harrington was the Marina
- Increasing numbers of residents were using the area
- Most of Harrington green spaces no longer existed due to Government house building policy which had no preparation for infrastructure
- Local children needed green spaces for healthy development

The applicant was thanked for her application, with a number of members commenting on how comprehensive it was. A member queried whether the photographs included in the application pertained to the area in question. The applicant commented on the activities undertaken on and the extensive use of the land by local residents.

The Local Member's written comments were referred to, with a member commenting on the validity of the comments. The Chair advised that the application before members was not for a housing development. A member commented on the use and history of the area and endorsed the application. It was raised that the area had been overlooked in the Allerdale Local Plan.

It was moved by Mr Fisher and seconded by Mr Wilson that the application be accepted. Following a vote For: 15, Against: 0, Abstention: 1 (Mr Morgan) it was

RESOLVED that the Committee accept the application on the ground that the statutory requirements contained at Section 15(2) of the Commons Act 2006 have been met.

113 HIGHWAYS ACT 1980 SECTION 119 - APPLICATION TO DIVERT PUBLIC FOOTPATH NO 218007 PARISH OF BROUGHTON AND PUBLIC FOOTPATH NO 247003 PARISH OF PAPCASTLE: DISTRICT OF ALLERDALE

A report was considered from the Acting Executive Director – Economy and Infrastructure regarding the Highways Act 1980 Section 119 – Application to divert public footpath no 218007 parish of Broughton and public footpath no 247003 parish of Papcastle: District of Allerdale.

The Senior Countryside Officer guided members through the report, presenting a map for members to understand the area.

Following member questions, the Senior Countryside Officer advised on the placement and resilience of the footbridge. Members were advised of the

responsibility of the County Council to realign the footpath should there be future erosion.

It was moved by Mr McGuckin and seconded by Mr Bingham that the sections of the footpath outlined in the report be diverted to a new route and action be taken to confirm the order. Following a vote, For: 16, Against: 0, Abstain:0 it was

RESOLVED, that

- 1 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 those sections of public footpath no 218007 in the parish of Broughton shown A-B to a new route A-B and shown C-E to new route C-D-E on the plan at Appendix A; and that section of public footpath no 247003 in the parish of Papcastle shown F-G to a new route F-G on the plan at Appendix A;
- 2 That all necessary actions be taken to confirm the order

114 HIGHWAYS ACT 1980 SECTION 119 - APPLICATION TO DIVERT PUBLIC FOOTPATH NO 214012 PARISH OF BOWNESS ON SOLWAY: DISTRICT OF ALLERDALE

A report was considered from the Acting Executive Director – Economy and Infrastructure regarding the Highways Act 1980 Section 119 – Application to divert public footpath no 214012 parish of Bowness on Solway: District of Allerdale.

The Senior Countryside Officer guided members through the report, presenting a map for members to understand the area.

Following member questions, the Senior Countryside Officer commented on the new path and its crossing of drains and the vehicular bridges in place. Members were informed that drainage in the area was being altered.

The Local Member gave his support to the application. It was moved by Mr Markley and seconded by Mr Bowness that the order to divert the footpath outlined in the report be made. Following a vote For: 16, Against: 0, Abstain: 0

RESOLVED that,

- 1 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 214012 shown A-B to a new route A-C-D-E-F-G-H-B on the plan at Appendix A;
- 2 That all necessary actions be taken to confirm the order

115 WILDLIFE & COUNTRYSIDE ACT 1981 - SECTION 53 PROPOSAL TO UPGRADE PUBLIC FOOTPATH NO 362033 TO BRIDLEWAY AND ADD A SECTION OF PUBLIC BRIDLEWAY AT LINTON GILL, IVEGILL IN THE PARISH OF SKELTON, DISTRICT OF EDEN

A report was considered from the Acting Executive Director – Economy and Infrastructure regarding Wildlife & Countryside Act 1981 – Section 53 proposal to upgrade public footpath no 362033 to a bridleway and add a section of public bridleway at Linton Gill, Ivegill in the parish of Skelton, district of Eden.

The Senior Countryside Officer guided members through the report, presenting a map of the area in order to aid members' understanding of the application. Members were advised that there had been a previous application to upgrade the public footpath and add a section of public bridleway at this location which had been rejected by the Committee and that the applicant had been advised that only new evidence would be considered. The applicant had been given the opportunity to present further evidence however, the evidence produced was insufficient.

Members were informed that the footpath in question would remain as a public right of way. The differences that would occur on the footpath should it be upgraded were outlined for members.

It was moved by Mr McGuckin and seconded by Mr Fisher that the application to upgrade the footpath as outlined in the report be rejected. Following a vote For: 15, Against: 0, Abstain: 1, it was

RESOLVED that the application to upgrade public footpath no 362033 to a bridleway (shown A-B on the map at Appendix A) and add a new length of public bridleway in the parish of Skelton (shown B-C on the map annexed at Appendix A) be rejected.

116 LOCALISM ACT 2011 SECTION 1(1) - APPLICATION TO CREATE PUBLIC FOOTPATHS AT WALKMILL IN THE PARISH OF MORESBY: DISTRICT OF COPELAND

A report was considered from the Acting Executive Director – Economy and Infrastructure regarding the Localism Act 2011 section 1(1) – Application to create public footpaths at Walkmill in the parish of Moresby: district of Copeland.

The Senior Countryside Officer outlined the background to the proposed dedication of a network of public footpaths. Members were informed that local people were concerned that permissive routes would be lost in the sale of land in the near future. It was confirmed that if the land was sold, the landowner could apply to divert the footpaths. The actions relating to footpaths that could be taken by the new landowner were outlined for the Committee. A member commented that using the powers of the Localism Act 2011 was the best method for retaining public rights of way in this case.

It was moved by Mr Morgan and seconded by Mr Hitchen that the sections of land as outlined in the report be dedicated as public footpaths. Following a vote, For: 16, Against: 0, Abstain: 0 it was

RESOLVED that, using powers set out in the Localism Act 2011 at section 1(1), dedicate those sections of land as public footpaths marked A-B-C-D-E- F; B-G and C-H-I-J described in Appendix A shown on the plan at Appendix B to the report

117 REPORTS ON APPLICATIONS FOR PLANNING PERMISSION

- a Application Reference No. 1/19/9001 Application Type: Full & Change of Use Proposal: Change of use to and construction of a Multi-Use Games Area and associated enabling demolition and structural stabilisation works. Location: Land adjacent to Brook Street Primary School (formerly 3 & 4 Roseville Terrace), Edward Street, Carlisle, CA1 2JD**

A report was considered from the Acting Executive Director – Economy and Infrastructure regarding Application Reference No. 1/19/9001, Application Type: Full & Change of Use, Proposal: Change of use to and construction of a Multi-Use Games Area and associated enabling demolition and structural stabilisation works. Location: Land adjacent to Brook Street Primary School (formerly 3 & 4 Roseville Terrace), Edward Street, Carlisle, CA1 2JD.

The Planning Officer presented the report, showing location and site plans, aerial photographs, the existing and proposed site layout and elevations and photographs showing the current condition of the site and the street scene. Members' attention was drawn to the update sheet which provided errata and clarifications and advised on actions undertaken since the report was published. He was satisfied that the proposal did not affect amenity and recommended that the recommendation be granted as modified by the update sheet.

Following member questions, the Planning Officer confirmed that the proposal would expand the area to play, replace bricks that were in poor condition, the facility would not be open outside of school hours, only one representation had been received from neighbours and the applicant had undertaken engagement sessions with neighbouring residents. A member familiar with the site added that a single brick wall would provide another skin to the home of the neighbouring property. In discussing the compensation claim identified in the report, the Planning Officer advised that the County Council did not have a role in this issue. The Solicitor provided legal clarification on this matter.

A member acknowledged the reasons for time restrictions on the use of this proposal but asked that where site context allowed, school play facilities be made accessible to the wider public where possible. A member familiar with the area commented on the number of public green spaces and play facilities close to the proposal location. He commented that the school was landlocked and advised how play was affected at the school site.

It was moved by Mr Markley and seconded by Mr Morgan that planning permission be granted subject to the conditions set out in Appendix 1 to the report. Following a vote For: 15, Against: 0, Abstain: 1 (Mr Fisher), it was

RESOLVED that planning permission be granted subject to the conditions set out in Appendix 1 to the report

- b Application Reference No. 2/18/9014 Application Type: Full Planning Permission Proposal: Proposed internal remodelling, replacement of existing external windows and doors, external landscaping works and proposed single storey extension. Location: Inglewood Residential Care Home, Lowmoor Road, Wigton, CA7 9QL Applicant: Cumbria County Council - Capital programmes, Economy and Infrastructure**

A report was considered from the Acting Executive Director – Economy and Infrastructure regarding Application Reference No. 2/18/9014 Application Type: Full Planning Permission Proposal: Proposed internal remodelling, replacement of existing external windows and doors, external landscaping works and proposed single storey extension. Location: Inglewood Residential Care Home, Lowmoor Road, Wigton, CA7 9QL

The Lead Officer - Development Control guided members through the main elements of the proposal. Members were shown plans and photographs of the site, floor plans, the extension design and materials to be used, photographs from the road showing parking and gave a view on car parking in the area. He recommended to members that planning permission be granted subject to the conditions set out in Appendix 1 of the report.

It was moved by Mr McGuckin and seconded by Mr Bowness that planning permission be granted subject to the conditions set out in Appendix 1 of the report. Following a vote For:16, Against: 0, Abstain: 0 it was

RESOLVED that planning permission be granted subject to conditions as set out in Appendix 1 of the report.

- c Application Reference Nos. 3/18/9004 & 3/18/9005 Location: Shapfell Limestone Quarry, Hardendale, Shap, Penrith, CA10 3LH Application Types: Section 73 Applications to Vary and/or Remove Planning Conditions Proposals 3/18/9004: To vary and remove conditions of planning permission 3/06/9011 to provide an extended timeframe for the completion of restoration operations and revised restoration scheme. 3/18/9005: To vary and remove conditions of planning permission 3/06/9010 to provide an extended timeframe for the completion of restoration operations and revised restoration scheme. Applicant: Tata Steel**

A report was considered from the Acting Executive Director – Economy and Infrastructure regarding Application Reference Nos. 3/18/9004 and 3/18/9005

Location: Shapfell Limestone Quarry, Hardendale, Shap, Penrith, CA10 3LH
Application Types: Section 73 Applications to Vary and/or Remove Planning Conditions Proposals_3/18/9004: To vary and remove conditions of planning permission 3/06/9011 to provide an extended timeframe for the completion of restoration operations and revised restoration scheme. 3/18/9005: To vary and remove conditions of planning permission 3/06/9010 to provide an extended timeframe for the completion of restoration operations and revised restoration scheme.

The Planning Officer presented the application in detail confirming that there would be no further mineral extraction, only restoration on site. He presented:

- Ordnance Survey maps of various scales showing the site
- An explanation of the area
- The zone of theoretical visibility of the quarry
- A plan showing designated nature conservation areas
- Aerial photography of the location
- Photographs of the quarry
- The currently approved restoration plan
- The proposed restoration plan and 3 phases of restoration
- The reasons for the timescale to restore the site

The Planning Officer drew members' attention to the Update Sheet which included revised text to modify Condition 2. He summed up the reason for his recommendation (as modified by the update sheet) and talked about the Section 106 agreement.

The Applicant Mr R Peters of Turley attended as per the Public Participation Scheme and introduced his colleagues from Tata and Turley to the Committee

He made the following points:

- He had been involved in the extraction of limestone at Shapfell for 50 years
- To support its steel making business, Tata was seeking to restore the site to a high standard to bring long term benefits for ecology and the community in a sensitive and important landscape
- Full pre application consultation with the public and stakeholders had taken place as well as collaborative working with County Council officers to produce the positive restoration scheme
- The Committee report was comprehensive and addressed all issues
- It struck a balance between long term ecology, local farming and agriculture, local interest and other community groups
- The report satisfied the statutory authorities such as the Environment Agency and Natural England

Mr Peters thanked the County Council and the Planning Officer for its comprehensive and positive approach and the efficient presentation of the application to members.

A number of members commented on the excellent presentation from the Planning Officer. The applicant explained the process for identifying the amount of native woodland to be used in the restoration process. A short discussion took place on members' own use of the area and the historical importance of woodland. It was confirmed that following restoration, ownership of the land would return to the original landowner. A short discussion took place on the future demand for limestone. The applicant hoped that restoration of the quarry would be quicker than that identified.

It was moved by Mr Markley and seconded by Mr Fisher that planning permission be granted. Following a vote, For: 15, Against: 0, Abstain: 1 (Mr Hamilton abstained from the vote as he was out of the room for part of the discussion) it was

RESOLVED that

That, subject to the applicant first entering into a Section 106 legal agreement with the County Council to secure the prompt removal of redundant mineral processing infrastructure from the Shapfell Works site and replace the existing Section 33 Legal Agreement which requires the removal of all plant and machinery from the Shapfell Works and its restoration following the cessation of quarrying operations;

- a) planning permission is Granted subject to the conditions set out in Appendix 1 for Application Ref. 3/18/9004;
- b) planning permission is Granted subject to the conditions set out in Appendix 1 for Application Ref. 3/18/900

118 APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

119 APPLICATIONS PROPOSED TO BE DETERMINED UNDER DELEGATED POWERS

Members' attention was drawn to the update sheet which included an extra application that was proposed to be determined under delegated powers.

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

120 APPLICATIONS TO BE CONSIDERED AT FUTURE MEETINGS

RESOLVED that, the list of planning applications to be considered at future meetings be noted

121 PLANNING ENFORCEMENT RELATED MATTERS

There were no reports and updates on planning enforcement matters to be considered.

122 DATE AND TIME OF NEXT MEETING

Discussion took place about the Committee convening a meeting on 19 March 2019 at 10.00am, at County offices, Kendal to consider planning application 4/17/9007 at Former Marchon Site, Pow Beck Valley and area from, Marchon Site to St Bees Coast, Whitehaven, Cumbria only.

Members were asked to consider their availability to attend the meeting and the site visit. A significant number of members of the public had already indicated their wish to speak at the meeting under the Public Participation Scheme.

All Committee members and substitute members would be invited to the Site Visit. Members asked that a detailed presentation be provided by officers at the meeting on the 19 March 2019 meeting. Members concurred that the meeting should be convened.

RESOLVED that the Development Control and Regulation Committee convene a meeting on 19 March 2019 at 10.00am, at County Offices, Kendal to consider only, planning application 4/17/9007 at Former Marchon Site, Pow Beck Valley and area from, Marchon Site to St Bees Coast, Whitehaven, Cumbria.

The meeting ended at 11.50 am