

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Minutes of a Meeting of the Development Control and Regulation Committee held on Wednesday, 4 December 2019 at 10.00 am at Council Chamber, County Offices, Kendal.

PRESENT:

Mr GD Cook (Chair)

Mr A Bowness	Mr JS Holliday
Mrs HF Carrick	Mr AJ Markley
Mr F Cassidy	Mr W McEwan
Mr N Cotton	Mr FI Morgan
Mrs BC Gray	Mr MH Worth
Mr D English	Mr CP Turner
Mr LN Fisher	Mr K Hitchen
Mr KR Hamilton	

Also in Attendance:-

Philippa Christie	-	Solicitor
Paul Haggin	-	Manager - Development Control and Countryside Management
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

85 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr R Bingham, Mr A McGuckin and Mr D Wilson.

86 CHANGES IN MEMBERSHIP

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

87 DISCLOSURES OF INTEREST

There were no disclosures of interest made at the meeting.

88 EXCLUSION OF PRESS AND PUBLIC

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

89 MINUTES

RESOLVED that, the minutes of the meeting held on 31 October 2019 be confirmed as a correct record and signed by the Chairman.

90 HIGHWAYS ACT 1980 SECTION 119 - APPLICATION TO DIVERT A SECTION OF PUBLIC FOOTPATH NO 570030 IN THE PARISH OF SKELSMERGH: DISTRICT OF SOUTH LAKELAND

A report was considered from the Executive Director – Economy and Infrastructure regarding the Highways Act 1980 Section 119 – Application to divert a section of public footpath no 570030 in the parish of Skelsmergh: District of South Lakeland. The report advised that an application had been received to divert a short section of public footpath no 570030 at Gurnal Bridge in the parish of Skelsmergh: District of South Lakeland. Members were asked to reach a decision as to whether or not a diversion order should be made.

The Countryside Access Officer advised that during Storm Desmond in 2015, Gurnal Bridge (U5272) had been severely damaged by a landslip, where the highway ran parallel, and above, to the River Sprint. Additionally, the County Council had commenced work to reopen the road which required it to be realigned further away for the river bank. Consequently, realignment works were necessary to divert a short section of public footpath no 570030 near Gurnal Bridge to meet the new highway. No objections had been raised during the consultation. The Countryside Access Officer was satisfied that the proposed changes passed the relevant legal tests set out in the 1980 Highways Act and asked Members to approve the recommendation in the report.

It was moved by Mr Bowness and seconded by Mr Cotton that the recommendation, as set out in the report, be agreed. Following a unanimous vote in favour of the motion, 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 that section of public footpath no 570030 in the parish of Skelsmergh shown A-B to a new section C-B as shown on the plan at Appendix A to the report and that all necessary action be taken to confirm the order.

A short recess took place to consider a submission from Mr D Rigg in relation to Agenda item 9. Application Reference No. 5/19/9011. Proposal: Installation of shipping containers to create a temporary storage facility for fire service equipment and the associated erection of a paladin style fence to the site boundary and a

vehicle access barrier. Location: Former Archives Store (Strong Room 3) Site, Busher Walk, Kendal, LA9 4RQ.

91 APPLICATION REFERENCE NO. 4/17/9004. PROPOSAL: YARD FOR SKIP HIRE, STORAGE AND SORTING OF WASTE. LOCATION: WHITEHAVEN SKIPS AND SERVICE LTD, 12, LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR, CA25 5QB

A report was considered from the Executive Director – Economy and Infrastructure regarding Application Reference No. 4/17/9004. Proposal: Yard for Skip Hire, Storage and Sorting of Waste. Location: Whitehaven Skips and Service Ltd, 12, Leconfield Industrial Estate, Cleator Moor, CA25 5QB.

Members were shown an aerial photograph showing the site and the Planning Officer explained the usage of the areas surrounding the site. The recent history of the site's use by the operator was detailed along with the meeting held between the operator and the Planning Officer and the work undertaken to resolve the issues at the site. The Planning Officer did not believe that planning permission should be granted for the retrospective Change of Use.

Mr Turner, who was familiar with the site, expressed his concerns regarding the issues at the site and moved that the Change of Use be refused. This was seconded by Mrs Gray.

Mr Morgan advised that he had forwarded on complaints from constituents about issues at the site, particularly rat infestation. He highlighted that the site was under scrutiny by the Environment Agency. He stated that he had not been involved in any planning issues and therefore would not declare an interest and would vote on the planning application.

Following a unanimous vote in favour of the motion, it was

RESOLVED that, the retrospective Change of Use for a yard for Skip Hire, Storage and Sorting of Waste be refused for the reasons set out in Appendix 1 to the report.

92 APPLICATION REFERENCE NO. 4/19/9007. PROPOSAL: AMENDMENT OF CONDITION 5 AND 13 OF PLANNING PERMISSION 4/17/9016, EXTENDING THE OPENING OF THE FLOODLIGHT 3G PITCH TO ALLOW THE COMMUNITY TO USE IT UP UNTIL THE HOURS OF 22.00 MEANING THE LIGHTS WOULD BE KNOCKED OFF BY 22:10 MONDAY TO THURSDAY, 21.00 MEANING THE LIGHTS WOULD BE KNOCKED OFF BY 21:10 ON FRIDAYS AND 20.00 MEANING THE LIGHTS WOULD BE KNOCKED OFF BY 20:10 ON SATURDAY AND SUNDAYS AND AT NO TIMES ON PUBLIC BANK HOLIDAYS. CONDITION 13 - THE USE OF THE SPORTS PITCHES BY THE COMMUNITY SHALL ONLY TAKE PLACE UNTIL 22.00 HOURS MONDAY TO THURSDAY, 21.00 HOURS FRIDAY AND 20.00 ON SATURDAY AND SUNDAYS AND AT NO TIMES

**ON PUBLIC BANK HOLIDAYS.
LOCATION: CAMPUS WHITEHAVEN, RED LONNING, WHITEHAVEN,
CA28 8UG**

A report was considered from the Executive Director – Economy and Infrastructure regarding Application Reference No. 4/19/9007. Proposal: Amendment of condition 5 and 13 of planning permission 4/17/9016, extending the opening of the floodlight 3G pitch to allow the community to use it up until the hours of 22.00 meaning the lights would be knocked off by 22:10 Monday to Thursday, 21.00 meaning the lights would be knocked off by 21:10 on Fridays and 20.00 meaning the lights would be knocked off by 20:10 on Saturday and Sundays and at no times on Public Bank Holidays. Condition 13 - the use of the sports pitches by the community shall only take place until 22.00 hours Monday to Thursday, 21.00 hours Friday and 20.00 on Saturday and Sundays and at no times on Public Bank Holidays. Location: Campus Whitehaven, Red Lonning, Whitehaven, CA28 8UG.

The Planning Officer presented an aerial photograph of the site and explained the location of the application, the internal street lighting spillage diagram and floodlight plan. She explained the reasons for the variation to the current planning permission. Photographs showing the site from various viewpoints were shown and a report was provided on the representations which had been received. She considered that the proposal would not be detrimental to local residents and asked members to grant planning permission.

In response to a member question about the impact of noise on local residents, the Planning Officer commented on the noise assessment undertaken in 2016, adding that traffic noise would be louder than that coming from the pitch. In response to a member question about plans for planting trees on Red Lonning, the Planning Officer talked about the planting that would take place.

Mr Morgan considered the use of LED lights on the pitch to be acceptable and moved that planning permission be approved, subject to conditions. This was seconded by Mr Hitchen. Following a unanimous vote in favour of the motion, it was

RESOLVED that, Planning Permission be approved as set out in Appendix 1 to the report.

93 APPLICATION REFERENCE NO. 5/19/9011. PROPOSAL: INSTALLATION OF SHIPPING CONTAINERS TO CREATE A TEMPORARY STORAGE FACILITY FOR FIRE SERVICE EQUIPMENT AND THE ASSOCIATED ERECTION OF A PALADIN STYLE FENCE TO THE SITE BOUNDARY AND A VEHICLE ACCESS BARRIER. LOCATION: FORMER ARCHIVES STORE (STRONG ROOM 3) SITE, BUSHER WALK, KENDAL, LA9 4RQ

A report was considered from the Executive Director – Economy and Infrastructure regarding Application Reference No. 5/19/9011. Proposal: Installation of shipping containers to create a temporary storage facility for fire service equipment and the associated erection of a paladin style fence to the site boundary and a vehicle

access barrier. Location: Former Archives Store (Strong Room 3) Site, Busher Walk, Kendal, LA9 4RQ.

The Planning Officer presented slides showing an aerial photograph of the site and a plan of the site which highlighted key buildings and their elevations in the area. He noted the extent of the Kendal Conservation Area. Photographs showed the footprint of the development site and view-points of it from a number of vantage points in the area. Images of the proposed containers and fencing materials were shown.

The Planning Officer drew members' attention to the Update Sheet circulated before the meeting and to the submission considered at the start of the meeting during the short recess, from Mr D Rigg. He did not consider that any issues had been raised that had not been covered in the report before members. He advised that the three year period that the shipping containers were proposed to be in situ was acceptable in light of the reasonable timescales for a permanent built solution to be brought forward and whilst there may be minor temporary residual harm, this would be outweighed by the benefits. He recommended that members grant planning permission for a temporary three year period.

Following member questions, the Planning Officer confirmed that the print works' development site had been granted permission for business use. He explained in detail why the alternative locations that had been reviewed in Kendal before the application site had been chosen. In summary, they did not meet the needs of the Fire Service. He noted the greater potential for an adverse effect on residential amenity at the former Busher Walk site.

A member highlighted that temporarily moving the storage of fire service equipment would benefit Kendal but would be less beneficial to the Penrith based fire service. The member also asked how the temporary storage facility would fit in with the long term plans for a permanent storage facility being considered in the phase 1 feasibility study for the development of a Blue Light Hub in/for Kendal. The Planning Officer explained that the proposal was to bring the fire service equipment store as close to Kendal fire station as possible and informed members about the current methods for storage and travel between storage sites. The proposal would ensure the service was more efficient and effective in terms of time and checking equipment. In terms of the Kendal Blue Light Hub proposal, he reported that he understood that the ongoing outline feasibility proposal for it included provision of a fire equipment store. If the Blue Light Hub was to progress then whilst ambitious, it could reasonably be delivered within three years.

Following a member query, the Planning Officer confirmed that the site where the shipping containers were placed may not necessarily be the site where the Hub would be hosted as ten sites were under consideration.

A member expressed that it could be difficult to keep to the three years stated in the planning conditions as further planning applications to extend the permission could be granted. He asked for assurance that planning permission would be for three years only. The Manager Development Control and Countryside Management

acknowledged members' concerns, adding that officers may be reluctant to recommend a time extension of planning permission in future and, if a planning application for their retention permanently or a further temporary time period was submitted, the Committee was entitled to refuse the application. He was sympathetic to members but could not offer a guarantee that there would not be a future application for an extension of time.

A member asked for clarification on the alternative sites considered. She considered that Mintsfeet highway depot could be an option for siting the store. She queried why the site had been chosen. The Planning Officer advised that he had raised the Mintsfeet depot as a potentially preferable option with the applicant himself. He had been informed that close proximity of the fire service store to the fire station was paramount, with the proposed site being in touching distance whereas Mintsfeet depot was at least five minutes from the Fire Station.

It was moved by Mr Morgan and seconded by Mr Fisher that planning permission be granted, subject to the conditions in the report. Following a vote, with 15 in favour of the motion, 0 against and 1 abstention (Mr G Cook) it was

RESOLVED that, Planning Permission be granted for a temporary time period subject to the conditions set out in Appendix 1 to the report.

94 APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

95 APPLICATIONS PROPOSED TO BE DETERMINED UNDER DELEGATED POWERS

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

96 FORWARD PLAN

Members considered the Forward Plan for the Committee.

The Manager - Development Control and Countryside Management advised that a site visit may be held to High Close Quarry given the level of interest in the planning application.

The Manager - Development Control and Countryside Management advised that the briefing for members on the creation of the Carlisle Southern Link Road Planning Application may be repeated.

97 DATE AND TIME OF NEXT MEETING

The next meeting of the Committee will be held on 22 January 2020 at 10.00am at County Offices, Kendal, Cumbria

The meeting ended at 10.50 am