

23 November 2022

**To: The Chair and Members of the
Development Control and Regulation
Committee**

Update Sheet

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Please find attached the Update Sheet for the meeting of the Development Control and Regulation Committee to be held as follows:

Date: Thursday 1 December 2022
Time: 10.00 am
Place: Council Chamber - County Offices, Kendal, LA9 4RQ

Simon Higgins
Assistant Director – Customer and Community Services

Enquiries and requests for supporting papers to: Nicola Harrison
Direct Line: 07825 832 545
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This agenda is available on request in alternative formats

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MEMBERSHIP

Labour (5)

Mr F Cassidy
Mr KR Hamilton
Mr W McEwan
Mr FI Morgan
Mr MH Worth

Conservative (8)

Mr RK Bingham
Mr A Bowness
Mrs HF Carrick
Mr D English
Mr AJ Markley
Mr J Mallinson
Mr CP Turner
Mr D Wilson

Liberal Democrat (3)

Mr GD Cook (Chair)
Mr N Cotton
Mr P McSweeney

Independent (2)

Mr R Betton
Mr A McGuckin

ACCESS TO INFORMATION

Agenda and Reports

Copies of the agenda and Part I reports are available for members of the public to inspect prior to the meeting. Copies will also be available at the meeting.

The agenda and Part I reports are also available on the County Council's website – <http://councilportal.cumbria.gov.uk/ieListMeetings.aspx?CId=124&Year=0>

Background Papers

Requests for the background papers to the Part I reports, excluding those papers that contain exempt information, can be made to the Legal and Democratic Services Unit at the address overleaf between the hours of 9.00 am and 4.30 pm, Monday to Friday.

A G E N D A

PART 1: ITEMS LIKELY TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

17 UPDATE SHEET (Pages 5 - 12)

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TO: The Chair and Members of the Development Control & Regulation Committee

FROM: The Executive Director - Economy and Infrastructure

PLANNING APPLICATIONS**Agenda Item 10** (Pages 289-344 of the Agenda Pack)

Reference & Applicant	Proposal Description / Site Location
1/21/9007 North West Recycling	Section 73 application to vary condition 2 of planning permission ref. 1/20/9013 to alter the design and layout of the approved buildings (including adjustments to the footprint and siting of the proposed extensions and an increase in height of part of the proposed southern extension element). [<i>Revised Proposal Description</i>] Unit B, Kingmoor Park Rockcliffe Estate, Rockcliffe, Carlisle, CA6 4RW

UPDATES**Reduction to Southern Extension Footprint**

Following further discussion and negotiation, the applicant has put forward an amendment that reduces the proposed footprint of the lower roofed component of the southern extension back to the footprint of that originally approved. That is to say, for a 31m length the extension would be set back by 3.5m from the building-line originally sought as part of this section 73 application. As a result of this amendment the eaves and ridgeline of this element would revert back to those of the approved scheme – i.e. 5.6m and 8.1m in height respectively. The applicant has provided updated plans incorporating this change as follows:

- Site Location and Block Plan - Drawing No. 21-C-15989-201-Rev.F
- Proposed Plan - Drawing No. 21-C-15989-03-Rev.D
- Proposed Elevations - Drawing No. 21-C-15989-202-Rev.A
- Proposed Drainage Plan - Drawing No. 21-C-15989-24-Rev.E

This change would provide greater circulation space around this element of the building and creates scope for more of the existing trees to be retained around this area. The officer presentation will show the above revised plans.

In light of this change, it is proposed that part a. of Planning Condition 2 on Page 338 of the report be amended as to incorporate the above listed revisions of the drawings.

Further Representation Received from the Chair of Rockcliffe Parish Council on 25 November 2022.

This expresses objection to this application and requests deferral of its consideration. The representation raises no new issues. However, as Rockcliffe Parish Council is a statutory consultees, the key points raised in this representation are set out below for members information.

The representation explains that they “*object to the proposed expansion of the NWR plant, on the grounds that they consistently pollute the verges of Rockcliffe with waste. Expansion would exacerbate the problem hence [sic] my objection. There have been 5 more reported incidents since the PC last made their objection; only weeks ago. How many instances of pollution go unnoticed?*”. Report that details of the incidents (including video footage) have been provided to the Environment Agency (EA) and Cllr John Mallinson. Alleges that: “*NWR are unable to demonstrate compliance with the law and have zero intention of doing so moving forwards. I write this because this problem has been going on for years now with no improvement.*”

States that: “*The EA have advised that the local authority enforce & govern activities on the site (see email below). On these grounds I request the planning be deferred for at least 18 months until NWR have proven they are willing to integrate with the residents and Parish of Rockcliffe in an environmentally conscientious manner. Rockcliffe is a rural community, the polluted plastic waste emanating from the site affects dairy stock, livelihoods and habitats*”. Continues that “*Since the EA have passed the buck to you, I request the planners do their duty and ensure NWR prove they can operate diligently and within the law with what they have currently got, before granting permission to expand the operation and intensify the pollution problems.*”

Officer Comment:

The EA response of the 3 November 2022 provided and referenced by the Chair of Rockcliffe Parish Council set out the following: “*The Environment Agency is the lead waste regulatory authority for permitted sites and we would be responsible for regulating litter blown off the site. But as this issue is about vehicles littering the highway it would be more appropriate in this instance for the local authority to respond to this.*”

UPDATE SHEET

– DEVELOPMENT CONTROL & REGULATION COMMITTEE SITTING [1 DECEMBER 2022](#)

- Published 30 November 2022 – 13:00 –

Litter in the public realm, including highway verges, is a matter that relates to Carlisle City Council local authority functions.

There are planning conditions on the planning permissions covering North West Recycling's Kingmoor Park Rockcliffe Estate site that require vehicles transporting materials from the site to have their cargoes sheeted, covered or otherwise contained. Such a condition is also proposed to be retained in respect of this section 73 application. Planning conditions cannot exert control over vehicles travelling to the site.

I have spoken to the applicant/operator and they have set out that it is their company policy that all their operatives securely contain waste and materials being brought to and from their sites. They report that they have only received one complaint in respect of litter in November and this involved a third party vehicle whose netting system developed a fault in transit resulting in it becoming unhooked in places and the net billowing-up in part. They explain that on their own fleet that they have a very secure netting/covering systems. They have undertaken to remind employees of their policy and to ensure that all loads are secured through their staff newsletter and toolbox talks.

Errata

At Paragraph 5.25 on Page 302, CRAIN are incorrectly referred to as Cumbria Residents Against Incineration. The campaign group's acronym actually stands for Carlisle Residents Against Incineration.