



## **Planning Committee**

**Date:** Wednesday, 13 March 2024

**Time:** 10.30 am

**Location:** Council Chamber - Allerdale House,  
Workington

**Present:** Cllr A Glendinning (Chair), Cllr R Dobson (Vice-Chair), Cllr R Betton, Cllr J Grisdale, Cllr L Jones-Bulman, Cllr Dr B Kelly, Cllr J Mallinson, Cllr A Markley, Cllr A Semple and Cllr C Southward

**In Attendance** Senior Lawyer  
Senior Business Support - Electoral & Democratic  
Principal Planning Officer  
Senior Manager - Planning and Development  
Head of Planning and Place  
Assistant Director of Thriving Place and Investment  
Planning Officer  
Head of Development Management  
Lead Officer - Flood & Development Management  
Principal Planning Officer

### **PC.116/24 Apologies for absence**

There were none made.

### **PC.117/24 Declarations of Interest**

Councillor Semple declared an interest in item 5e, application FUL/2023/0088 due to being the Ward Councillor however this would not affect his consideration of the application.

Councillor Mallinson declared an interest in item 5f, application 23/0639 having previously been the Ward Councillor and had spoken on the item at a previous planning committee. As he was predetermined he would be removing himself from the committee for this item.

### **PC.118/24 Exclusion of Press and Public**

There were no items on the agenda for the press and public to be excluded from the meeting.

### **PC.119/24 Minutes of Previous Meeting**

RESOLVED – That the minutes of the meeting held on 31 January 2024 be approved.

### **PC.120/24 Schedule of Applications**

RESOLVED – That the report be noted.

**PC.121/24 4/20/2432/0F1 - Land at Howbank Farm & Former Orgill Infants School Site, Egremont**

**Proposal: Residential development (105 dwellings in total)**

The Principal Planning Officer submitted a report which had been subject to a site visit by the committee on 11 March 2024. They further drew the Committee Members attention to the updated report which had been circulated at the start of the meeting.

Slides were displayed on screen showing; context plan, site location plan, flood map, proposed site layout plan, proposed landscaping plan, proposed access junction specification, extract of adopted Copeland local plan 2013-2028, extract of emerging Copeland local plan 2021-2038, extract of Copeland landscape settlement study July 2020 and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be refused on the following grounds:

1. The proposed development compromises a market led residential development located on a site outside of the settlement boundary of Egremont in direct conflict with the provisions of Policy DS3PU and Policy H4PU of the emerging Copeland Local Plan 2017-2038.
2. The proposed development by virtue of its location, scale and developed form does not respond positively to the character of the site and the immediate and wider setting or enhance local distinctiveness and will result in adverse impacts upon the local landscape character and localised views from within and adjacent to Egremont in conflict with the provisions of Policy ENV5, Policy DM10 of the Copeland Local Plan 2013-2028 and Policy H6PU and Policy N6PU of the emerging Copeland Local Plan 2017-2038.
3. The former Orgill Infant School site is located in a combination of Flood Zone 1, Flood Zone 2 and Flood Zone 3. Dwellings are proposed within Flood Zone 2 on the former Orgill School site. The Howbank Farm site is principally located in Flood Zone 1, with part of the site access located in Flood Zone 3. Whilst the access to the Howbank Farm site is not technically within the application site, the site access is an integral element of the development, without which it could not be delivered. The proposed development is a more vulnerable use and would be located within Flood Zones 2 and 3; therefore, the sequential test and exception test are applicable to the development as a whole. The sequential test and exception test have not been passed to the satisfaction of the Local Planning Authority in conflict with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028 and Policy CO4PU and Policy CO5PU of the emerging Copeland Plan 2017-2038.

An objector spoke on the application and raised a concern in relation to the landownership of the site. The Senior Lawyer and Assistant Director of Thriving Place and Investment advised the objector that only material planning considerations could be taken into account and the matters that were being raised related to private matters. Although they understood the objectors concerns the ownership of the land was not relevant to the committee and the application before them, and therefore should not be taken into consideration when determining the application.

The objector then advised the committee that they object to seeing the development daily, the land should not be built on and it would be morally wrong for this settlement to be agreed.

An Egremont Town Councillor spoke in support of the application and thanked members for attending a site visit. As a resident in the flood risk area, the flood risk had been eliminated through diligence.

The Ward Councillor also spoke in support of the application and welcomed the regeneration of what had been a derelict site attracting antisocial behaviour and fly tipping. In relation to the flood zones this had been discussed with the applicant and they have addressed these issues with no properties placed in the flood zone. There are no objections from highways or the environment agency. It is a positive application for Egremont with direct investment.

The Applicant disclosed their interest in the matter, being an Egremont Town Councillor and confirmed that they had not considered this item in their role not been present for any discussions held by the Town Council. The Applicant addressed the committee and the concerns relating to the flood risk areas, they have worked closely with the Environment Agency and advised that none of the properties would be in the flood risk area. The economic benefits of the application is to regenerate a brownfield site and provide biodiversity on site, boost the housing supply and supply affordable homes. There had been no objections from statutory consultees.

A Member expressed that he was impressed with the positive aspects that the application would bring to the site and asked the Officer's opinion on the flood risk issue. The Principal Planning Officer replied that on the Howbank Farm site the proposed dwellings are located within Flood Zone 1; however, the vehicular access to the site is located within Flood Zone 3. It was confirmed that the Environment Agency had raised questions regarding the safety access for evacuation in the event of a flood. It was confirmed that the quantity/speed of water could remove the road. Insufficient information had been provided by the Applicant to determine if access to the Howbank Farm Site or via the proposed Emergency Vehicle Access would be safe for the lifetime of the development and so the Environment Agency had been unable to comment on this. It was confirmed that the majority of the Former Orgill Site is located within Flood Zone 1 with elements of the site including some proposed dwellings located in Flood Zones 2 and 3. The Principal Planning Officer advised Members that Sequential Tests had been undertaken and the conclusions were detailed within the planning report.

A Member questioned if a planning condition could be implemented in relation to flood evacuation. The Principal Planning Officer advised that if further investigation was completed there was a potential that a planning condition could be imposed.

A Member sought clarity on the weight to be afforded the adopted Copeland Local Plan 2013-2028 and the emerging Copeland Plan 2017-2038. The Principal Planning Officer confirmed that the planning system is plan led and that planning applications are required to be determined in accordance with the Development Plan unless material planning considerations dictate otherwise. The weight to be afforded to the Copeland Local Plan 2013-2028 and the emerging Copeland Plan 2017-2038 was explained with reference to the provisions of Paragraph 48 of the National Planning Policy Framework (NPPF) and the planning balance. It was confirmed that the level of weight to be attributable to the relevant policies of the Copeland Local Plan 2013-2028 and the emerging Copeland Plan 2017-2038 was ultimately a matter for the decision maker in their considerations of the planning balance. It was confirmed that the relevant weight deemed applicable to the relevant policies of the Copeland Local Plan 2013-2028 and the emerging Copeland Plan 2017-2038 is explained with the committee report; however, Members were reasonably able to conclude differently.

The Assistant Director of Thriving Place and Investment advised Members that the application could be deferred for further investigation relating to flood risk.

A Member moved to defer the application for further investigation of the issues relating to flood risk. This was seconded.

The Committee gave further consideration to the application and following this a Member moved to grant the application subject to planning conditions, a S106 agreement and further investigation and resolution of issues relating to flood risk with delegated authority given to the Assistant Director of Thriving Place and Investment. This was seconded. The proposal for deferment was withdrawn.

A further Member moved to defer the application, this was not seconded.

A vote was taken on the proposal to grant the application and following voting it was;

Resolved – that the application be granted subject to appropriate S106 agreement and planning conditions. Authority was delegated to the Assistant Director of Thriving Place and Investment to negotiate and enter into the S106 and to agree appropriate planning conditions following the further investigation and resolution of issues relating to flood risk.

*The Planning Committee adjourned at 11:48am and reconvened at 12:00pm*

### **PC.122/24 FUL/2023/0088 - Old Fire Station, Cockermouth**

#### **Proposal: Change of use from site of former Fire Station to private housing development**

The Planning Manager submitted a report and advised Members that the application had been brought back to the Planning Committee following further information that an out of date ecological survey had been submitted by the applicant with the previous application which had been before Committee in September 2023. The Assistant Director of Thriving Place and Investment informed the Committee for transparency it was decided to resubmit the application to the Planning Committee for the applicant to bring valid up to date information for the Committee to review. The findings in the ecology report were the same as when the matter was last brought before Committee.

Slides were displayed on screen showing; context site location plan, site location, proposed site plan, apartment elevations and plans, house types and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Manager recommended that the application be approved subject to the planning conditions and a S106 securing 6 affordable units (2x first homes and 4 x discounted sale) and off site planting in Harris Park.

Five objectors spoke on the application with the main concerns raised; the presence of lead and oils in the soil, increase in traffic to an already congested area of the town, impact upon the safety of people using the greenway due to the new lighting being placed in the gardens thus leaving insufficient lighting on the path, noise/dust/runoff pollution, disturbance to existing habitats and breach of TPO's. It was noted contrary to the ecology report sightings of red squirrels have been reported. The objectors also raised concerns with the reliability of the new updated ecology report. The site falls outside of the local plan. The objectors urged to committee to defer the application and request a full independent ecological impact assessment.

A Cockermouth Town Councillor spoke on the application addressing the committee that it's an overdevelopment of the site highlighting the height of the block and the visual aspect. In regards to the ecological report multiple visits should be undertaken to produce a suitable report, the report shows only one visit was undertaken. The Town Councillor read out section 186 and 188 of the National Planning Policy Framework. The Councillor understood that there is a

requirement to meet a target for new housing and suggested if the application is approved that the 4 storey development be removed.

The Applicant addressed the Committee and the objector's concerns advising that all needs have been properly balanced i.e, community, economy, environment, affordable housing and wildlife habitat. He advised the committee that there is no direct threat to red squirrels in relation to the development. The future woodland would maximise the benefit creating a healthier environment.

The applicant's Ecologist addressed the Committee advising them that an independent survey had been carried out on behalf of the applicant and was undertaken at a suitable time of the year highlighting that red squirrels are easier to find in the winter months, thermal camera and high spec binoculars were used. The Ecologist didn't disagree that they are in the area, however if there was a high population the detailed search would uncover feed remains. The landscape plan for the application would improve the woodland structure including bird boxes and 2 red squirrel boxes and would also provide suitable breeding habitats.

A Member questioned why the original ecology report was invalid. The Planning Manger responded that the onus is on the applicant to provide up to date information and it was brought to Officer's attention following the Committee in September 2023 that the report was from 2018 which would only be valid for 2 years. In 2019 an application had been submitted for a different development and it was identified that the squirrel report element of the document was a duplicate and it appeared that the dates and the original ecologists details had been removed.

A Member asked for clarification if there had been illegal activity on the site to remove trees. The Planning Manager advised that it was understood that the works carried out had been authorised.

A Member also questioned a comment that had been made that the development is outside the local plan, the Planning Manager clarified that the application site is fully located within the settlement boundary and therefore doesn't need to be an allocated site.

A Member asked for clarification on paragraph 14 of the report. The Senior Lawyer gave the Committee an explanation – if it is the case that the information before Committee is exactly the same as on the previous occasion, which is the case here, if the Committee were to find against the application, where it had been approved before, they would need to outline their reasons for this departure and explain them.

The Committee gave consideration to the application and following this a Member moved to defer the application for a full ecological assessment to be carried out providing a more detailed report. This was seconded

A Member questioned if the applicant had been asked to carry out the detailed ecological assessment at a specific time of the year. The Planning Manager advised that the onus is on the ecologist who is specialised but that red squirrel surveys can be undertaken throughout the year. The Assistant Director of Thriving Place and Investment informed the Committee that the Council could undertake their own independent ecology assessment.

A vote was taken on the proposed motion of deferment, following voting it was;

Resolved – that the application be deferred in order for a full independent ecological assessment to be undertaken providing a more detailed report.

A Member wanted it noted that he was disgusted with the request for Council to pay for an ecological assessment to be carried out when the Council are to make savings.

### **13:20pm - Suspension of Procedural Rules**

*The Chair moved to suspend the procedural rules 8.2. Following voting the Committee agreed to continue with the meeting.*

*The Planning Committee adjourned at 13:20pm and reconvened at 14:00pm*

### **PC.123/24 23/0639 - Firbank Farm Buildings, Firbank, Westlinton, CA6 6AQ**

**Proposal: Amendment to scheme approved under application 20/0471 (erection of replacement agricultural building together with construction of new access track) (retrospective permission); and the siting of a silo (revised application)**

The Head of Development Management submitted a report which had been subject to a site visit on 12 March 2024.

Slides were displayed on screen showing; wider location plan, block plan, elevations and photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that the application be approved subject to the conditions set out in the Planning Committee report.

A supporter spoke on the application, he advised the committee that there are no issues with noise or odour and are in favour of the silo being moved.

The Agent addressed the committee, he advised the Committee that Environmental services had no objection to the application. The noise levels are low, odour impact are moderate to negligible. The Agent hoped that Members would support the application.

The Planning Committee considered the application and following this a Member moved the Officer's recommendation. This was seconded and following voting it was;

RESOLVED – That the application be approved subject to the conditions.

### **PC.124/24 23/0148 - Land to the West of junction on Orton Road & Sandsfield Lane, Carlisle**

**Proposal: Residential development and associated infrastructure**

The Planning Officer submitted a report.

Slides were displayed on screen showing; wider location plan, location plan, site layout plan, house type range and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that authority to issue approval with conditions listed in the Planning Committee report be granted to the Assistant Director of Thriving Place and Investment subject to a satisfactory nutrient mitigation scheme to reduce the impact of nutrient pollution on the River Eden SAC and the completion of a satisfactory S106 legal agreement to secure:

1. provision of affordable housing (9 discounted sale properties and 9 affordable rented properties);
2. the payment of £409,800 towards secondary education;
3. the payment of £6,500 towards a Traffic Regulation Order;
4. the payment of £6,600 towards a Travel Plan monitoring fee;
5. the payment of £78,433.50 to enhance, increase accessibility, and upgrade existing facilities on Yewdale Road and Richmond Green;
6. the payment of £29,484 toward the provision of artificial pitches district wide;
7. the management of on-site open space; and
8. mitigation to deal with nutrient neutrality.

If the S106 legal agreement is not signed or a satisfactory resolution to nutrient pollution through an appropriate mitigation scheme is not agreed, authority be given to the Assistant Director of Thriving Place and Investment to issue refusal.

The Head of Development Management read out the Supporters notes as they had to leave the meeting – at the previous meeting they had objected to the application however since the developer had agreed to include a footpath to alleviate the danger to pedestrians they are now in support of the application. It was noted that the Supporter had made reference to an off road layby condition to be included to keep the flow of traffic on Orton Road. The Supporter had also mentioned that the relocation of the 30mph on Orton Road would make it safer for the new development and asked what about the current residents and the provision of a zebra crossing would be contrary to the objective of the community infrastructure levy regulations 2010 – why?

The Agent addressed the Committee informing them that following the last planning committee meeting the developer had liaised with the objectors who are now supportive of the scheme. Genesis homes would be happy to amend the TRO and look into the supporters comments of the bus stop and zebra crossing.

The Lead Officer, Flood and Development Management advised the Committee that Highways would not support the reduction of the speed limit on Sandsfield Road.

A Member asked about a Zebra crossing being included to Priorwood Lane or a chicanes for traffic calming measures on Sandsfield Lane. The Planning Officer and the Lead Officer, Flood and Development Management advised Members that a footpath link has been included onto Orton Road and that the proposals for a Zebra crossing had been looked into however this goes against government guidelines, there are sufficient gaps in the traffic and adequate visibility for safe crossing. The Assistant Director of Thriving Place and Investment mentioned to Members that they would take away the concerns and revisit the traffic calming measure and what could be achieved.

The Planning Committee considered the application and following this a Member moved the Officer's recommendation. This was seconded and following voting it was;

**RESOLVED** – that the application be approved subject to the conditions set out in the Planning Committee report, a satisfactory nutrient mitigation scheme and the completion of a satisfactory S106 legal agreement.

**PC.125/24 23/0833 - Land situated between the villages of Todhills and Westlinton, Carlisle, CA6 6AL**

**Proposal: Construction and installation of a battery energy storage facility, with associated infrastructure, access, landscaping and buried cable grid connection route.**

The Planning Officer submitted a report.

Slides were displayed on screen showing; wider location plan, location plan, landscape mitigation plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions set out in the Planning Committee report.

The Agent addressed the Committee advising that the proposal would assist in providing energy security whilst also facilitating the increased use of renewable energy across the UK. The Agent confirmed to Members that the existing trees and hedgerow would be largely retained along with a landscape mitigation to provide noise and visual screening is proposed in the form of a landscape earth bund, hedgerow planting and two new areas of woodland to the west and south of the proposed equipment. The accompanying landscape and visual appraisal (LVA), with visualisations, demonstrates how the proposed landscaping would limit the impact of the development to the site and would provide screening from the limited public views available in the wider landscape. Noise emissions would be minimised with acoustic fencing to be erected around the on-site substation compound and in locations between battery containers. There had been no objections raised by any consultees and asked the Committee to support the application.

A Member questioned the nature of the batteries. The Planning Officer clarified they are lithium ion batteries. The Member raised concerns with the risk of fire from lithium ion batteries and large storage areas. The Planning Officer addressed the concerns and advised that condition 9 of the Planning Committee report required further information prior to commencement.

The Committee gave consideration to the application and following this a member moved the officer's recommendation. This was seconded and following voting it was;

RESOLVED – that the application be approved subject to the planning conditions.

**PC.126/24 23/0870 - Land at Harker Industrial Estate, Kingmoor Park, Harker Estate, Low Harker, CA6 4RF**

**Proposal: Variation of condition 2 (approved documents) of previously approved permission 22/0616 (erection of 300no. dwellings including associated open space and infrastructure (reserved matters application pursuant to outline permission 15/0812) to substitute the house types and to make minor modifications to the layout**

The Principal Planning Officer submitted a report.

Slides were displayed on screen showing; wider location plan, location plan, approved site layout plan – application 22/0616, approved site plan – application 21/0194, site plan – current application 23/0870, proposed elevations, garage floor plans and elevations and proposed material schedule, an explanation of which was provided for the benefit of Members.



The Principal Planning Officer recommended that the application be approved subject to the conditions set out in the Planning Committee report.

A Member made an observation in relation to the position of the letterboxes and requested that developers are asked not to install low level letter boxes. The Assistant Director of Thriving Place and Investment responded that an advisory note could be issued to avoid installation of low level letterboxes.

A Member raised concerns in relation to the size of the development, lack of infrastructure and social housing. The Assistant Director of Thriving Place and Investment responded that a legal agreement relating to infrastructure was already in place relating to this development.

The Committee gave consideration to the application and following this a Member moved the Officer's recommendation. This was seconded and following voting it was;

RESOLVED – that the application be approved subject to the planning conditions and an advisory note to avoid the installation of low level letter boxes.

#### **PC.127/24 23/0426 - Land at Byegill Farm, Corby Hill, Carlisle, CA4 8QB**

**Proposal: Closure and change of use of layby and wood from operational highway to become ancillary to the Hayton estate.**

The Head of Development Management submitted a report which had been subject to a site visit on 12 March 2023.

Slides were displayed on screen showing; wider location plan, location plan, site plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that the application be approved subject to the conditions set out in the Planning Committee report and an advisory note relating to statutory undertakers infrastructure.

The Committee considered the application and following this a Member moved the Officer's recommendation. This was seconded and following voting it was;

RESOLVED – that the application be approved subject to the planning conditions and an advisory note relating to statutory undertakers infrastructure.

#### **PC.128/24 24/0001/TPO - 48 Lansdowne Close, Carlisle, CA3 9HN**

**Proposal: Pollard 1no. Ash tree to 5m subject to TPO 288**

The Principal Planning Officer submitted a report and drew Members attention to the update report.

Slides were displayed on screen showing; location plan, location of the tree and photographs of the tree, an explanation of which was provided for the benefit of Members.

The Parish Councillor spoke in objection to the application, the tree provides significant wildlife habitat, and there had been no evidence of Ash dieback. The tree has withstood two recent storms and positively contributes to the area. The applicant had not provided a risk assessment and that the tree should be pollarded to 10 metres as previously approved therefore the application should be refused.

The Applicant addressed the Committee and the Parish Councillors objection advising that three professional tree surgeons had recommended that the tree is reduced to 5 meters for public safety. Pollarding the tree to 5 metres would reinforce it and should the tree fall there would be no amenity or wildlife value.

The Committee considered the application and following this a Member moved the Officer's recommendation. This was seconded and following voting it was;

RESOLVED – that the application be approved subject to the planning conditions.

**PC.129/24 21/1060 - Land Adjacent Geltsdale Avenue, Durranshill, Carlisle, CA1 2RL**

RESOLVED – That the report be noted.

The meeting finished at 3.27 pm