

## **PLANNING PANEL**

### **MINUTES OF MEETING HELD ON WEDNESDAY, 27 OCTOBER 2021**

**Present:** Councillors Joan Hully (Chair), Michael McVeigh (Deputy Chair), Jackie Bowman, Graham Calvin, Linda Jones-Bulman, Charles Maudling, Ged McGrath, Graham Minshaw, Russell Studholme and Doug Wilson.

**Officers:** Nick Hayhurst (Head of Planning and Place), Christopher Harrison (Principal Planning Officer), Chloe Unsworth (Planning Officer), Nicola Hartley (Head of Corporate Governance and Legal (Monitoring Officer)), Michaela Peet (Assistant Solicitor) and Clive Willoughby (Democratic Services Officer).

#### **PP 21/48     Apologies for absence**

Apologies for absence were received from Councillors Councillor Eileen Weir.

#### **PP 21/49     Declarations of Interests in Agenda Items:**

Councillor Linda Jones-Bulman declared a non-pecuniary interest in Application 4a (4/19/2140/001 – Land to north of Ennerdale Country House Hotel, Cleator) due to being a Cleator Moor Town Councillor.

Councillor Joan Hully declared non-pecuniary interests in Applications 4a (4/19/2140/001 – Land to north of Ennerdale Country House Hotel, Cleator) due to being a Cleator Moor Town Councillor and knowing one of the Objectors (Mr Mulholland).

#### **PP 21/50     Minutes of the meeting held on 29 September 2021**

Consideration was given to the Minutes of the meeting held on 29 September 2021.

**RESOLVED** - That the minutes of the meetings held on 29 September 2021 be signed by the Chair as a correct record.

#### **PP 21/51     Schedule of Applications**

The planning applications were then taken in the following order.

PP 21/52     Application 4/19/2140/001 - Land to North of Ennerdale Country House Hotel, Cleator

Following a request made by the Planning Panel at the 29 September 2021 meeting a site visit took place on 13 October.

Present at the site visit were Councillors Joan Hully (Chair), Jackie Bowman, Graham Calvin, Linda Jones-Bulman, Michael McVeigh, Jackie Bowman, Graham Calvin, Linda Jones-Bulman, Charles Maudling, Ged McGrath, Graham Minshaw, Russell Studholme and Doug Wilson Graham Minshaw and Russell Studholme.

Note: Councillors Charles Maudling and Doug Wilson were not present at the 29 September meeting and the site visit. They therefore took no part in the consideration of this application and abstained from voting.

The outline application for residential development (with full details of access) and demolition of derelict barn was presented by the Principal Planning Officer.

During discussion of this item Mr R Mulholland and Mr M Jackson spoke in objection to the application.

The applicant, Mr B Butler, then exercised his right to respond.

Note: At this point, Councillor Michael McVeigh declared a non-pecuniary interest due to knowing Mr Butler many years ago.

Members were then able to ask questions of the planning officers and Mr Pieter Barnard from the Cumbria County Council Highways Department.

A vote was then taken, the recommendation being to Approve the application in outline, subject to the conditions shown in the agenda report.

The result of the vote was 4 For, 4 Against and 2 Abstentions.

The Chair then exercised her casting vote against the recommendation.

**RESOLVED** – that the application be Refused.

As per the Council's constitution, those members voting against the officer recommendation were asked to give their reasons for refusal.

The reasons for refusal were:

Inadequate information has been submitted to demonstrate that the visibility splays of 2.4m x 60m identified as deliverable to the proposed vehicle access are appropriate to the known recorded 85<sup>th</sup> percentile traffic speeds on the A5086 which significantly exceed the designated 30mph speed limit of the highway.

Inadequate information has also been submitted to demonstrate that a cost effective scheme of mitigating traffic calming is deliverable that will achieve a reduction in 85<sup>th</sup> percentile traffic speeds to a level that makes the visibility splays of 2.4m x 60m identified as deliverable to the proposed vehicle access appropriate.

In the context of the above, it has not been demonstrated that the proposed will not result in unacceptable impacts upon highway safety or that such impacts can be cost effectively mitigated to an acceptable degree in conflict with the requirements of Policy T1 of the Copeland Local Plan 2013-2028 and Paragraphs 110 and 111 of the National Planning Policy Framework.

**(Note: A five minute adjournment was taken at this point in the meeting)**

**PP 21/53      Application 4/21/2294/0F1 - West Cumberland Hospital, Homewood Road, Whitehaven. CA28 8JG.**

Prior to the meeting an addendum report containing late representations was distributed to all Planning Panel members, both by email and the meeting in hard copy.

The application for a proposed two storey extension was presented by the Principal Planning Officer.

During discussion of this item Ms L Brown addressed the panel on behalf of the applicant.

Following questions from Members, a vote was then taken, the recommendation being to issue delegated authority to the Head of Planning and Place to approve Full Planning Permission subject to the following:

- The planning conditions outlined at the end of the addendum report; and,
- The Applicant entering into a Section 106 planning obligation to secure any required Travel Plan Monitoring fee.

The result of the vote was 10 For, 0 Against and 0 Abstentions.

**RESOLVED** – that delegated authority be granted to the Head of Planning and Place to approve Full Planning Permission subject to the following:

- The planning conditions outlined at the end of this report; and,
  - The Applicant entering into a Section 106 planning obligation to secure any required Travel Plan Monitoring fee.
1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -
  - Planning Application Form
  - Site Location Plan – Drawing No. WCHPH2-GDA-V99-ZZ-DR-A-99001 Rev. P01
  - Proposed Site Plan – Drawing No. WCHPH2-GDA-V99-ZZ-SK-A-99012 Rev. P02
  - Block E & F - Proposed New Fire Escape Stair – Drawing No. WCHPH2-GDA-V2-ZZ-DR-A-30001 Rev. P02
  - Proposed Phase 2 Building Level 03 – Drawing No. WCHPH2-GDA-V7-03-DR-A-99001 Rev. P01
  - Proposed Phase 2 Building Level 04 – Drawing No. WCHPH2-GDA-V7-04-DR-A-99001 Rev. P01
  - Proposed Phase 2 Building Level 05 – Drawing No. WCHPH2-GDA-V7-05-DR-A-99001 Rev. P01
  - Proposed Phase 2 Building Roof Level – Drawing No. WCHPH2-GDA-V7-06-DR-A-99001 Rev. P01
  - Proposed Elevations – Sheet 1 of 3 – Drawing No. WCHPH2-GDA-V7-ZZ-DR-A-99002 Rev. P02
  - Proposed Elevations – Sheet 2 of 3 – Drawing No. WCHPH2-GDA-V7-ZZ-DR-A-99003 Rev. P02
  - Proposed Elevations – Sheet 3 of 3 – Drawing No. WCHPH2-GDA-V7-ZZ-DR-A-99004 Rev. P02
  - Proposed Phasing Plan – Drawing No. WCHPH2-GDA-V99-ZZ-DR-A-10017 Rev. P02

Demolition Plan – Drawing No. WCHPH2-GDA-V99-ZZ-DR-A-99005 Rev. P01

Longitudinal Elevations – Drawing No. WCHPH2-GDA-V99-ZZ-DR-A-99006 Rev. P01

Photovoltaic Layout Level 05 Volume 7 Roof – Drawing No. WCHPH2-DSSR-V7-05-DR-E-62103 Rev. P1

SAP Ecology and Environmental Ltd – Letter Ref. CCL102 – BQ&H  
Transport Assessment Ref: 073096 Revision: V03

Preliminary Ecological Appraisal for BREEAM – Project Number: 60589170  
Phase 1 Preliminary Risk Assessment Ref. 073096-CUR-00-XX-RP-GE-001  
Rev. P02

Ground Investigation Report Ref. 073983-CUR-00-XX-RP-GE-002 Rev. V01

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre-Commencement

### **Highways**

3. Notwithstanding the submitted detail, no development shall commence until a detailed specification of the carriageway, footways, footpaths, cycle ways has been submitted to and approved in writing by the local planning authority. The submitted specifications shall include longitudinal/cross sections.

The development shall be completed in accordance with the approved details.

Reason:

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

4. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
  - Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;

- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing to and from site along local highway network
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- *Details of any proposed temporary access points (vehicular / pedestrian);*
- Surface water management details during the construction phase; and,
- Details of proposed delivery times that will not impact on local highway network at peak times.

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

### **Drainage**

5. *No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.*

*The drainage scheme must include:*

*(i) An investigation of the hierarchy of drainage options in the National Planning Practice*

*Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;*

*(ii) A restricted rate of discharge of surface water agreed with the local planning authority*

*(if it is agreed that infiltration is discounted by the investigations); and*

*(iii) A timetable for its implementation.*

*The scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.*

The development shall be completed in accordance with the approved details.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

6. No development shall commence until a survey of the piped drainage systems to be retained on site and connecting to the public sewer and a scheme of mitigation measures where it is deemed the improvements are required to bring existing pipe work up to current design standards has been submitted to and approved in writing by the local planning authority.

The development shall be completed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

#### **Landscaping and Parking Layout**

7. No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-
  - proposed finished levels or contours;
  - means of enclosure;
  - car parking layouts;
  - other vehicle and pedestrian access and circulation areas;
  - hard surfacing materials;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
  - communications cables, pipelines etc. indicating lines, manholes, supports); and
  - retained landscape features such as trees together with details of how they will be protected during construction – an Arboricultural Method Statement.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and

grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason:

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policy DM10 and Policy DM26 of the Copeland Local Plan 2013 - 2028.

### **Construction Management**

8. No development shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:-
- i. The parking of vehicles of site operatives and visitors;
  - ii. Loading and unloading of plant and materials;
  - iii. Storage of plant and materials used in constructing the development;
  - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. Measures to control the emission of dust and dirt during construction;
  - vi. A scheme for recycling / disposing of waste resulting from demolition and construction works;
  - vii. Measures to control noise and vibration; and,
  - viii. Measures or diversions to permit access during the construction.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason

These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers, prevent highway impacts and ecological impacts in accordance with the provisions of Policy ST1, ENV3 and T1 of the Copeland Local Plan 2013-2028.



### **Ground Conditions**

9. No development shall commence until a scheme that includes the following components to deal with the geotechnical and contaminative risks detailed in the Preliminary Environmental Risk Assessment shall each be submitted to and approved, in writing, by the local planning authority:
  - i. Site investigation scheme, based on the Phase 1 Preliminary Risk Assessment – Report Ref. 073096-CUR-00-XX-RP-GE-001 Revision: P02 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - ii. The results of the site investigation and detailed risk assessment referred to in 1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation or mitigation measures required and how they are to be undertaken.
  - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

The scheme shall be implemented as approved.

#### **Reason**

To prevent harm to human health and the environment in accordance in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### **Noise**

10. No development shall commencement until details of any external plant to be installed and an assessment of the noise impact of the proposed development on existing residential dwellings has been submitted to and approved in writing by the local planning authority. The assessment shall address the potential for noise to occur which may impact upon the amenity of the occupier(s) of the dwellings and shall identify fully all measures which are required to control the impact of that noise. All approved control measures shall be implemented prior to first occupation of the building and shall be retained as such thereafter. A verification report shall be submitted to and approved in writing by the local planning authority confirming that all measures in the approved assessment have been implemented in full prior to first occupation of the building.

Reason

To protect the amenity of adjacent residential properties in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Pre-occupancy or Other Stage Conditions

**Highways**

11. Notwithstanding the submitted details, ramps shall be provided on each side of every junction to enable wheelchairs, pushchair's etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason:

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

12. Notwithstanding the submitted details, footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian routes within and to and from the site shall be provided that is convenient to use.

Reason:

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

13. Within 6 months of the development hereby approved being brought into use, a Full Travel Plan shall be submitted to and approved by the local planning authority. The Travel Plan shall include a completed travel survey, SMART objectives and an undertaking to provide annual reports reviewing the effectiveness of the Travel Plan including necessary amendments or measures for the at least 5 years from the travel plans approval.

Reason:

To aid in the delivery of sustainable transport objectives in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

### **Drainage**

14. The development hereby approved shall not be brought into operational use until a management and maintenance plan for the surface water drainage scheme for the lifetime of the development has been submitted to and approved in writing by the local planning authority.

As a minimum the plan shall include arrangements for inspection and ongoing maintenance of all elements of the surface water drainage scheme to secure its effective operation for the lifetime of the development.

The development shall maintained and managed in accordance with the approved management and maintenance plan for the lifetime of the development.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

### **Materials**

15. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved details.

Reason:

To ensure the development is of a high quality design in accordance with Policy DM10 of the Copeland Local Plan 2013 - 2028.

### **Ground Conditions**

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

### **Ecology**

17. The development here by approved shall not proceed except in accordance with the recommendations described in the SAP Ecology and Environmental Ltd – Letter Ref. CCL102 – BQ&H and Preliminary Ecological Appraisal for BREEAM – Project Number: 60589170.

Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

### **External Lighting**

18. No development shall commence until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site.

The approved lighting scheme shall be implemented in full prior to first occupation of the development hereby approved.

Reason

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and to minimise light pollution in accordance with the provisions of Policy T1 of the Copeland Local plan 2013-2028.

### **Working Hours**

19. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours: 08.00 - 18.00 Monday to Friday; and 08.00 - 13.00 on Saturdays;

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local plan 2013-2028.

**PP 21/54      Application 4/21/2390/0F1 - Unit 16 Leconfield Industrial Estate, Cleator Moor**

The application for the erection of a temporary modular building to the rear of the unit and erection of 7ft fence was presented by the Planning Officer.

Following questions from Members, a vote was then taken.

The result of the vote was 10 For, 0 Against and 0 Abstentions.

**RESOLVED** – that the application be Approved.

**PP 21/55      Application 4/21/2421/0F1 - Land to the rear of 31 South Row, Whitehaven**

The application for the erection of a garage on existing site (retrospective) was presented by the Planning Officer.

Following questions from Members, a vote was then taken.

The result of the vote was 10 For, 0 Against and 0 Abstentions.

**RESOLVED** – that the application be Approved.

**PP 21/56**      **Schedule of Delegated Decisions**

The Panel was notified of a number of delegated decisions made during the period 20 September 2021 to 18 October 2021.

**RESOLVED** – that the Schedule of Delegated Decisions from 20 September 2021 to 18 October 2021 be noted.

**PP 21/57**      **Development Management Performance Monitoring**

Members received the Development Management Performance figures for the second quarter of 2021/22 (1st July 2021 – 30th September 2021) against the National Performance Indicators.

**RESOLVED** – that the Development Management Performance Monitoring report be noted and the Planning team be thanked for their continued hard work.

**PP 21/58**      **Date and Time of Next Meeting:**

The next meeting of the Planning Panel will be held on Wednesday 24 November 2021 at 2:00pm in The Copeland Centre, Catherine Street, Whitehaven.

**The Meeting closed at 3.45 pm**

Chair