

**COPELAND BOROUGH COUNCIL PLANNING PANEL MEETING
16 AUGUST 2022**

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PRESENT

Abbreviation:	Name:	Title:
<u>Councillors:</u>		
Chair	Joan Hully	Councillor, Chair
Cllr GC	Graham Calvin	Councillor
Cllr TH	Tom Higgins	Councillor
Cllr LJB	Linda Jones-Bulman	Councillor
Cllr CM	Charles Maudling	Councillor
Cllr MM	Michael McVeigh	Councillor
Cllr GM	Graham Minshaw	Councillor
Cllr DW	Doug Wilson	Councillor
<u>Officers:</u>		
NH	Nick Hayhurst	Head of Planning and Place
CH	Christopher Harrison	Principal Planning Officer
MP	Michaela Peet	Assistant Solicitor
CW	Clive Willoughby	Democratic Services Officer
LC	Leila Cox	Communications Officer

RECORDING 2:

Presentation by Case Officer and conclusion and recommendation for approval: 0 – 13:30

Chair: Councillors can you take your seats please.

Male: []

MP?: Say again.

Male: []

MP?: Oh yeah, absolutely.

Chair: Nick.

NH: Thank you Chair. So this is an outline application and therefore it seeks to establish the principle of development. Policy ST2 of the Local Plan designates Whitehaven as the principle settlement within the borough and the main focus for major development; and that includes estate scale development for housing. A large part of the site has been allocated in the Local Plan. For a large period of time it was in the 2001 Local Plan, and you've heard that in the Emerging Local Plan the whole site is allocated for development. And this has always been seen as a key site for the Council to deliver its housing targets. The site is within the settlement boundary where new development is supported, and on that basis, the principle of development is considered to be acceptable. We've heard about proximity to facilities; I showed you this map on the site visit just to identify the key facilities nearby. It's within walking distance to a number of facilities, therefore it is considered to be sustainable. The main issue, um, I'm not going to go through the whole report, I'm just going to focus on the key issues. But obviously the main issue raised by members when they last considered the application related to highway safety; the adequacy of the road network. The original application was accompanied by a full Transport Assessment, the scope of which was agreed with the highway authority, Cumbria County Council, and National England Highways. The Transport Assessment and supporting work provide a full review of the local highway network in relation to a potential development of 370 houses and that included detailed modelling exercises of all nearby junctions and roads likely to be affected. All but two junctions would continue to operate within the capacity post-development, even without any highway mitigation works, was the conclusion. And you've already heard that the two junctions that require updates are the Cleator Moor Hensingham Main Street mini-roundabout at the A595 Egremont Road roundabout. Erm... just to make it clear, the independent review that was undertaken was done by Arup. That was commissioned by the Council and it was completely independent. It was to give due regard to the concerns raised by members that a consultant was asked to undertake an independent review of the applicant's report. Erm, the draft findings were circulated to members and then we held the meeting where we discussed the highway implications; and a copy of that is attached to the report. I should stress, and members will recall, that scope of that agreement was agreed with members and any issues that were to be identified and addressed within the report. It was a report and an assessment for members it wasn't a report for the applicants or... or for the officers. The independent review found that the scope of the assessment was sufficiently detailed and consistent with best practice, and it also noted that Cumbria County Council and the, Highways England at the time had been involved in the scope of the report. The methodology and data used for assessing traffic and highway safety impacts was found to be appropriate. Two access points proposed to serve the site were confirmed to be appropriate for the scale of the development proposed and it shared the same conclusions that the development would not lead to unacceptable impacts. You've heard from the applicants today of the additional work that has been undertaken since the application was first considered. Um, the consideration of a bus service has been detailed by the applicants. A road safety audit and a road, um, safety audit response for the new junction on Harras Road has been prepared, and technical responses to Highways matters for all junction... for all... for... to highway matters that all junctions have the capacity to deal with the scale of development except the two roundabouts that we've identified previously. The proposed improvements to the roundabouts are now based on detailed survey work, which has been agreed by the County Council and National Highways, and I've just got two slides to show you the two, er, roundabout junctions, so Cleator Moor mini roundabout, Cliffe Way Road mini roundabout. This junction is currently over capacity at peak hours and the proposed works involve putting an extra lane onto the Cleator Moor Road, erm, which is to be achieved by realigning the footway and obviously using the hatched area.

The um, the second junction; the A595 access, um, mini roundabout: the proposed works involve widening the carriageway on the west side of the southern arm to create

an extra lane onto the A595. It is also proposed to reinstate a pedestrian crossing. All of the works at both junction will be within the highway and the works will ease traffic flows and reduce delays at both junctions. Er, we've heard reference to drainage. The site lies within Flood Zone One, which is acceptable to accommodate residential development, a sustainable drainage scheme is proposed, and that approach is taken to discharge surface water into the watercourses because of the existing soil which is clay based and doesn't allow infiltration. On the site, atten... attenuation is proposed by a series of swales and ponds to slow discharge, and this will provide attenuation for a one in 100 year flood, plus 40% climate change allowance, and the existing watercourses we've heard are to be opened up and regraded as part of that. We have also, um, had reference to the two different catchment areas so there would be the west catchment area which would flow into Midgley Gill. Two, um, opportunities have been identified there to drain into Midgley Gill and the eastern catchment which would flow via a new culvert into the Bedlam Gill Beck. Um, that plan shows you the details of that and that was given to members at the site visit today, so we've seen that one. Also heard reference to the objections received from Sport England to the loss of the former sports pitch. The applicant in response to that objection has undertaken a Sports Mitigation Strategy which has been worked up and the conclusions and, um, proposals have been agreed with Sport England. So Sport England have agreed that a £100,000 contribution is sufficient to compensate for the loss of the existing sports pitch. This will be used to enhance sports provision off site, and is sufficient to allow the construction of a sports pitch of the same size that's being lost. Two schemes have been identified that, um, lie local to the site which the contribution could be used towards and you will have heard that the preference is for that to be used at the Whitehaven Academy, which has recently received planning permission to upgrade its sports facilities; particularly the provision of a pitch that allows for hockey.

The changes to the National Planning Policy Framework and also Natural England advice requires bio-diversity net gain to be given greater consideration in planning decisions. The applicants in response to this have reviewed and maximised what is achievable on the site. Um, they are also proposing a commuted sum for off-site habitat creation and enhancement. A Habitat Management Plan has been produced, and the applicants have taken positive steps to minimise the loss of valuable habitats on the site and increase opportunities for onsite habitat enhancement. Um, the application as amended accords with the National Planning Policy Framework requiring it to achieve net gain through both enhancement onsite and development contributions for offsite, and that contribution will be secured by a 106 Agreement. The proposal is also to create 7.1 hectares of publicly accessible open space within the development. Um, this will provide additional benefits to the community.

The other material considerations, um, within the report, um, I'm not going to go through those. The impact on the landscapes and the character are set out in a section in the report. The other material considerations related to ecology, ground conditions, archaeology, um, they can all be dealt with by conditions, and the proposed conditions are set out at the end of the report.

So, in conclusion, just to remind members that planning law states that applications for planning permission must be determined in accordance with the Development Plan, which is the Local Plan, unless material considerations indicate otherwise. Whitehaven is designated as the principle settlement where the majority of large scale development should be focussed. It's a sustainable location and accords with the presumption in favour of sustainable development outlined in the National Planning Policy Framework. A significant portion of the site has been allocated for a considerable length of time, and the site is now proposed for allocation in the Emerging Local Plan, and this carries significant weight in the planning balance.

Paragraph 11 of the National... National Planning Policy Framework is engaged as set out in the report, and implying, er, paragraph 11, the scheme will provide significant benefits. It would significantly boost housing supply and delivery to meet the identified need for housing within Whitehaven and the wider borough, and this is consistent with

the government objective of significantly boost... boosting the supply of housing. It would provide 15% of affordable housing as part of the development. The scale of development is appropriate to the character of Whitehaven. It also lies within close proximity to a range of facilities and services within walking distance, and there are sustainable transport options within walking distance of the site.

Members' main concern related to highway safety, and it's just worth highlighting that the National Planning Policy Framework makes it clear under paragraph 111 that development should only be refused on highway grounds if there would be unacceptable impacts on highway safety, or that residual, residual communitive impacts on the road network would be severe. Based upon the advice of relevant consultees, and the conclusion of the independent review, the proposed development will not result in unacceptable impacts on highway safety, nor will the effects on the road network be severe. The assessment undertaken was robust and there are no justifiable material considerations for members to refuse permission based on traffic and highway grounds.

The impacts identified in the report on landscapes and the character are considered to be mitigated by proposed landscaping and also the location in proximity to the other modern housing developments adjoining the site. So, in terms of the paragraph 11 of the National Planning Policy Framework, the tests we have to apply, in conclusion, the adverse impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the significant benefits of the development. Um, so the recommendation is that members agree to authorise delegated authority to myself to approve planning, outline planning permission subject to the applicant entering into a 106 Agreement to secure 15% affordable housing, the provision of 7.1 hectares of public open space, the ongoing maintenance and management of that open space, a commuted sum payment for offsite habitat creation or enhancement to achieve biodiversity net gain position, commuted sum payment in mitigation for the loss of the sports provision, and also a contribution for Travel Plan monitoring. The recommendation also seeks the conditions at the end of the report to be applied also I would like delegated authority to undertake any revisions deemed appropriate and necessary. So, I'm happy to answer any questions, but the recommendation is to approve.

Questions from Members: 13:31 – 19:15

Chair: Any questions Councillors? Councillor Higgin?

Cllr TH: [inaudible].

Chair: Can you use a microphone please.

Cllr TH: Oh sorry. Does that point that you added on there for monitoring travel... the Travel Plans etc, does that mean that they will be looking at the adverse impacts on the traffic flow down Harras Road into town, because.... I'll give you an example, personally I live in Egremont, but I know Whitehaven, and I know, I know which way to go. I go to my daughter's at Red Lonning, and then, I don't go to Hensingham Square to go to town, I go down Harras Road; because I know, for me, at the time of day that I'm travelling down there, it's much easier access. I'm not on my own there. Lot of, thousands of people are aware of that route. Now, it is, at the best of times, an awkward way to go into Whitehaven, but it's better than doing two and a half miles, when I can do one and a quarter, or one and a half miles. Erm, and I'm just curious as to... nothing's changed really from the last time we refused, because those other options, they will improve the traffic flow in the areas that are designated. Erm, but it's not going to be the main flow of traffic at certain times of day. I don't see where there has been any, any change at all from the last refusal, because it was refused basically based on the Harras Road problems, and I personally can't see how anything is going to change there; it's going to make things worse. So, unless, can we not put a proviso in that it needs to be

monitored and development only proceeds at... you know, to say because... the software that come up with all this you know, has it got built in foresight?

Unknown: Can we use the table?

Cllr TH : Oh, sorry.

NH: So the answer to your first question about monitoring of the Travel Plan... so the mon... the Travel Plan effectively tries to encourage more sustainable methods of transport and the Travel Plan that's, er, put in place generally the County Council's Highway Authority would monitor the success of that and the initiatives that are put in place to try and encourage sustainable methods of transport; so that's what that means in the recommendation, that there is a fee to allow the County Council to monitor that, erm.... I mean, I take your point about the erm, traffic on Harras Road, but I think there's quite a lot of things that have changed since the last Planning Panel Meeting. Erm, firstly we've had the independent review. Erm, that gives us confidence to recommend the approval because it gives us a robust position, erm, the scope agreed with members. Members had the input and opportunity to specify certain things in that report. The scope was agreed with the members. The results of the report, draft report, were discussed with the members. Erm, that was the time where if members weren't happy with that report then they should have been making that comment. Erm, what, what that report does do is it effect gives us a position where it confirms that the assessment that the applicant's undertaken follow best practice, the correct methodology, and it agrees with the conclusions. So, if you think about it, this application has been considered by the Applicant's transport consultant, the Highway Authority, National Highways, and we've had an independent review done of all of that. And, and they've all come to the same conclusion, with the mitigation as proposed, then the scheme is acceptable on highway grounds. So, to come up with a refusal reason that sites highway grounds is going to be very difficult.

Unknown: Can I just add, none of them take the [inaudible].

Chair: No, sorry...

NH: Sorry, you're not allowed to speak....

Chair: Sorry, no.

NH: ... when you're in the audience.

Chair: Councillor Wilson.

Cllr DW: Thank you Chair. Yeah, Nick, urm... given, er, that there's likely to be a change in the administration over the next few months. Erm, to the, er, the 106 Agreements, they still hold weight do they as they pass over to the, er, the Cumberland Council, and anything agreed in that will, will carry forward?

NH: So the 106 Agreement is attached to the decision, erm, which, although this Council make it; that planning permission will be in existence for five years. And so yes, the 106 Agreement applies to the permission.

Chair: Counsellor Linda Jones-Bulman.

Cllr LJB: Thank you. It was just a question returning back to the 28% traffic that could possibly go down, erm, Harras Road. I know we've already talked about each development separately, but the development that's on the Casmere side of the road with access on there; has that been taken into consideration with the 28%?

NH: Yeah, the report is clear that it's taken what's called Permitted Development; so development with planning permissions. So yes it has. I mean the Casmere

development hasn't been implemented, because if you remember that, it required speed bumps to be put into Harras Road to slow traffic down. So.

Cllr LJB: Speed bumps on a hill?

NH: Yeah. It was to slow traffic.

Chair: Any further questions? No?

Vote to refuse: 19:15 – 19:54

Chair: The recommendation is for approval. All those in favour can they raise their hand clearly please. That's three. All those against. Oops. Five. Any abstentions? None. Thank you. You now need a...

NH: Chair?

Chair: Yep.

NH: Can I just ask Michaela to come in and just...

Chair: Yeah.

NH: ...specify the procedure...

Chair: Certainly, yeah.

NH: ...that we should do now.

MP: Thanks Nick. Given that it's a minded due... sorry, given that it's a minded due decision and that, um, the refusal is against officers' recommendation, each member of that panel that's voted to refuse now has to give a reason for that refusal. Erm, so that if there's any appeal to the Decision, the grounds for refusal can be the basis of the Council's rebuttal of that appeal.

Discussion on reasons for refusal: 20:30 – 50:00

Chair: Would you like me to start?

Unknown: Yeah do start, yeah.

Chair: Yeah? Erm, it's a difficult one, it's a very emotive issue. Erm, my personal opinion and my belief that mitigation levels, such as the two roundabouts, that and the drainage, the mitigation is not enough. Trying to think of the right words. Erm. The benefits will not outweigh the harm done. It's the best I can put it. Thank you.

NH: Just, just, erm, a comment on that Chair. Obviously we've got the benefit within the consultation and the report, we've set out all the consultee responses, so we have to be mindful, we have to have material considerations, materially based planning refusal reasons. Erm, we have no evidence based on any of the assessments that have been proposed or any of the comments from the technical consultees regarding impacts on highways and drainage being unacceptable. So, that is difficult to substantiate and, er, I'm not sure what evidence, evidence you're basing it on, but I think it has to be very specific, er, to go against all the technical guidance that we've got, plus the statutory consultee responses. We need evidence to back up any substantiated claim that the mitigation level aren't acceptable.

Chair: I do know that there's always been issues on, with, about the drainage. But, the mitigation in that; surely that will only come after about how much problems there would be on Harras, or down Harras Road. That will only come after the place is built. It is as assumption, and no disrespect to anybody, just a personal belief, that the traffic going down that, the mitigation of the two roundabouts at Cleator Moor Road and the one at the bottom of the hospital hill, will not alleviate the 28% said, human nature, will not alleviate the amount of traffic going down Harras Road.

NH: So just for like, my own clarity and my own understanding there then; so effectively what you're saying is that you believe that the impact of the additional traffic that are going to go down Harras Road, Road, would be too substantial an impact and would fail the test in the NPPF in terms of impact on the highway network, and it would be more than severe?

Chair: Yeah.

NH: Yeah.

Chair: Thank you.

CH: Can I just kind of go back to the 28% issue? Because it has obviously been raised again here, and I'm going to refer you back to the independent review that was done by Arup, and I think it's just worth kind of pointing out this 28% issue and just providing a point of clarity on it really. So a number of you kind of mentioned that idea that, you know, it's done by, through modelling. And you didn't necessarily understand what was behind that modelling, and I think it's important to kind of make it clear what is behind that modelling.

So effectively the modelling is based on the 2011 Census information. What they've done effectively is calculate the number of vehicle movements that are likely to come out of that development, and what they've done is use the Census information in relation to workplaces to define where people will travel. So the idea behind the 28% is to look at the peak times or the peak travel hours. It's not to look at it over the course of an entire day and say well, actually over the course of an entire day 28% traffic will turn left. Er, it's a look, you know... there may be times of the day where 90% of the traffic will travel left because everyone is going to Whitehaven for their dinner, whatever it might be. But actually this is looking at the kind of peak hours and the peak impacts of this development. So it's looking at the use of that junction really at the morning and at the evening. So when are people going to be using that junction, where are they likely to be going? And that's where that 28% comes from. It looks to say well actually at that point, at that time of day, where will people be travelling; primarily to workplaces. And so they have looked at that Census data and said well actually, where are people in this particular part of Whitehaven, where do they work and where will they be travelling at that point in time? And that's where they've got the 28% from. They've said that people who are leaving to go to work at that point in time, 28% of traffic is likely to turn left down Harras Road, and they go off to you know, Workington, wherever it might be that they're working, and the other people will travel somewhere else because they either work in a different part of Whitehaven, they may work at Sellafield, it may be something different; but that's where that 28% comes from. It not saying that 28% of all traffic will turn that way, it may be different at different times of the day and night, but they are looking at those kind of peak times where those peak impacts will occur. So I don't know whether that kind of helps or hinders, erm, but it's there just to provide a point of clarity when you're kind of working out whether you think those impacts are okay or not. So it may be, you know, that that might change your mind. It might make you think well actually, we're only looking at that 28% in a very specific short period of time, and actually at different times of day there may be lesser volume of traffic using that road, so actually there may be additional traffic or 60%, 70% of people turning left; but in the context of there being lower traffic volumes on that road generally, that may be okay, it may not be okay, but it's for you to kind of consider that.

Chair: Councillor Linda Jones-Bulman.

Cllr LJB: Erm, thank you, thank you. So the 28% plus is already added to... I'm from Arlington and I'm on that road daily. So you know, I apologise, yeah, erm... so yeah, my [inaudible] yep, the part says that the development will not lead to unacceptable impacts. Erm, two access points deemed adequate for the size of the development, erm, I believe will lead, erm to unacceptable impacts on others. When you're going down the Harras Road bridge, yes you've got the other developments so you can have such slow traffic, its going passed St James's School which is a nightmare and its dangerous now, the calming traffic measures are there are parked cars literally trying to give way to each other. If you want to go, erm, turn right onto Lady Pitt to go to Sunnyhill Road it's incredibly dangerous trying to get on the to A595 as we know, erm. The roundabout issues are needed now, not with a further 370 houses. If you do get the mining development you going to get more traffic going that way down to erm, what do you call it, Woodhouse or whatever and on Egremont Road. Erm, yes you say that it's not traffic issues, erm... do do do... I just what to know when does practical common sense and personal experience ever come into existence in planning to be blunt. Erm, people are living in these areas, it's not, you know, facts and figures on papers. Erm, the impact as well on schools. Erm, I believe that the school up there doesn't have a sixth form. It wasn't built with a sixth form, so people have to go to Lillyhall. It's inadequate education facilities. Overflow that can St James's, and erm, the other one down there, the smaller school... can they take the number of erm newcomers of 370 plus children? We're having trouble now with issues that erm, people who want to be at Egremont Academy, yep... people can't get in the... living in the catchment area into the schools that they want for their children. So I've got quite a few excuses and I know none of them will be acceptable, but, yeah, I've made my mind up, sorry.

NH: Chair, can I just come in on that? I mean education hasn't been raised as an issue at all in this debate or by the objectors that have been here today, The County Council have confirmed that there is capacity within the schools and the two main secondary schools for Whitehaven are within walking distance of the site. So I don't think we can substantiate any refusal reason based on lack of education provision, we just don't have the evidence. The evidence is with the County Council; they're the education authority, they've raised no objections, so I think we would be in... on very dangerous ground if we are using that as a refusal reason because we can't substantiate that at all.

Chair: Thank you. Furthermore then. So there's no bus route in this development, so people... young... well, we all used to walk to school, kids don't walk to school any longer, parents drop them off or grandparents drop them off, so its the added traffic which is going back to what you say, there's no concerns over traffic, so you are putting actually more cars on the road at these school points. With the Whitehaven School, they try to alleviate the problem of the parking and everything, we've seen the slides of the buses, erm, congested in traffic up on the golf course. They've rectified that by moving from the 20 mile an hour zone, erm, over onto the other side of the road. When you're driving from Moresby from the fire station going to the roundabout, you can get cleaned up from parents frustrated, pulling out, putting their own lives at risk because the traffic on that top road is horrendous.

NH: Chair, I mean that's linked education as well. If you are to locate a new housing development, this is the nearest site we can locate it to the two secondary schools in Whitehaven and the nearer to the school you get the less likely you are to create traffic to the school because you would walk to it. So, this is the, this is absolutely the nearest site we've got to the main two secondary schools in Whitehaven so I think we're on very dangerous ground if we substantiate that into a refusal reason.

Chair: Councillor Corbin.

Cllr GC: Mine's very easy, erm, like I said last time, I'm really in principle in favour of this development, I wish it could go ahead. I said last time, one thing would do me, a no left

turn sign at Harras Moor junction to direct traffic onto the roundabout would make everything plausible. Erm, on the grounds of safety, we saw the slide of the young woman juggling with the pram, this morning when we going round visiting there was a lady in a red car approached the bridge, it was a juggling courtesy act who went to the bridge who didn't. 28% is the minimal I think will go round there, its 28% more too many. I'd like to be reducing the traffic down there by 28%. A turn left sign... a no left turn sign at the end of the estate diverting the traffic, alteration on the roundabout, you'll probably get away with it, but if you leave it up to personal choice like Councillor Higgin said, people are going to take the shortest route to Lightwater. They take the shortest route and that's my grounds for objecting. My only grounds. They've put a lot of good work in with this site, I like a lot of the things they're doing, and I'd like to see it go ahead, but I really have safety concerns about the left turn, and I think it's going to increase, they say the figures are worked out on work performance. As we know down at BNFL at the moment they're moving more and more people, erm, down into the new buildings. They're already applied to take Jackson's side over to put more buildings up to house people. Erm, not applied, but already inquiring so more and more people have got to go up from Sellafield into town, so more and more people have got to go onto that estate that's going to go directly into town. This is my perception for the future and they're just my grounds. Purely, simply safety. Thank you.

NH: So Councillor, can I just clarify? So, there's two things there. I think you're saying it's the volume of traffic going down Harras Road....

Cllr GC: Yeah [inaudible] problem with that.

NH: ...and you think... you think it's been underestimated?

Cllr GC: It's underestimated, yeah, I think it's [inaudible].

NH: And then, I think what you're saying is that the actual carriageway, because of the pinch point...

Cllr GC: Yes.

NH: The capacity of that carriage way doesn't have... it doesn't have the capacity to...

Cllr GC: It doesn't have the capacity and it doesn't have Nick... just say something will do beside the Moor for it's an example, a lot... another two or three thousand workers down into town, and maybe more. Then we're going to get the increased capacity down there with the pinch point that we've already got, but two pinch points. So the first pinch point is a bridge, there is no feasible way to ever, er, mitigate that so we can make an alteration to the road, and we go further onto the other pinch point down near Whetherspoons. There is another pinch point that we can't mitigate and do anything with. Now in the Arup statement it said we could always turn right up... I can never remember the name... that little terrace; which is totally unfeasible and that at the best it's a juggling act to get one car up, and meet somebody coming the other way and it's who goes back. So, yep... I keep... a no turn left sign at the end to stop people coming out that estate, but, that wouldn't apply to people at Harras Moor that live there. Just people coming out that estate, no left turn, so they can only turn right, you're directing them to the roundabout; that would be some sort of acceptable situation compromise in my opinion. But, it would have been an even better one, I know we're not here to discuss that, not to have the access come out on there and have it come out through its intended [inaudible], but that's a different issue. Thank you.

Unknown: Nick... Nick. Yeah [inaudible]. Haha.

NH: It's at your discretion whether you want me to...

Unknown: Yeah please.

Unknown: If he speaks, we speak.

NH: It's at the Chairman's discretion.

Chair: Er. Excuse me sir, I am the Chair.

Unknown: That's fine. [inaudible].

Chair: [inaudible] gentleman.

Unknown: Sorry if this is unorthodox. I can appreciate the concerns by members on this point, so I think probably just a concession from us on this. Erm, I... the suggestion of an only right turn... er, no left turn onto Harras Road is something that we would be willing to take on. Erm, alternatively, er, I might just suggest that the, er... one of the conditions already proposed on the scheme is for a phasing plan. Now, erm, the way we're looking at delivering the site is in two phases. If the first phase to come forward were just to be served by the Caldbeck Road, erm, portion of the scheme and not, er, obviously connected through onto Harras Road, erm, initially we could propose that through that phasing plan so there would be no impact at all on Harras Road until the second phase came forwards, by which time we'd have more up to date transport assessments, the erm, the travel plan monitoring for example will be well in place by then and, erm, the further off site highway upgrades would have started to have been implemented by that point as well, so things might be a little bit more clear. Erm, thank you.

Chair: Counsellor Higgin.

Cllr TH: I would just like to er, voice exactly the same opinion as Graham. That is my reason; safety. Er, that road is not suitable and we came down there this morning as we all know in our heart of hearts that road is not suitable for purpose at the mo... as it stands. Thank you.

Unknown: Excuse me.

NH: *(Whisper)* We're not having general debate again, [inaudible]...

Chair: I'm sorry.

Unknown: What?

NH: *(Whisper)* ...in the decision.

Unknown: It's a good point that the Committee...

Michaela: *(Whisper)* The decision has been made.

Unknown: ...will appreciate hearing mind. Good point, just [inaudible] to say about no left turn.

NH: *(Whisper)* Chair, the decision has been made.

Unknown: and what you can do, and I think he's just said...

Chair: The deci.... I'm sorry sir, but the decision's ma...has been made.

Unknown: Yeah I understand, er, what's the [inaudible]

Unknown: To make a point, this thing that he has put forward there is, again, is rubbish because all that will happen is they'll go out of the Red Lonning and turn left and still go down Harras Road hill.

Unknown: [inaudible]

Unknown: But it's still so much better than going right

NH: (*Whisper*) [inaudible].

Unknown: [inaudible] right, so...

Chair: Right. Sorry. Councillor Wilson, did you want to say something?

Cllr DW: No.

Chair: Councillor Midshaw?

Cllr GM: I'll give my reasons, erm, for voting against. Erm, this was refused nearly three years ago and the application has come back with no improvement. I find that disrespectful to this panel that we have refused. Nobody does that lightly and yet we've just had it served up again in exactly the same form, in practice. Erm, it's a case of the Emperor's new clothes. We appear to have to eventually clap and say how wonderful they are, but this is still a dog's dinner and I don't think it's an appropriate response to have to give material evidence and reasons. We gave the reasons last time. As nothing has changed, the reasons are the same. Harras Moor isn't suitable and all the locals know that. As their elected representatives we know that. And that's why I voted against it.

NH: Councillor Midshaw, can I just seek clarity on the point you make about Harras Moor being unsuitable? Are you saying that it's not suitable for residential development? Are you saying it's not suitable in terms of capacity or Harras Road? Just so that we're clear on that point.

Cllr GM: Yeah, it's, it's, traffic capacity and safeness of the road in its current condition, erm, even without putting another several hundred people a day on it. It's not the development itself, it's simply the er, the road.

Unknown: Excuse me Chair, can I make a comment to Mr Willoughby? Can we have it in writing that if we can't speak [inaudible] why should we [inaudible]?

Chair: Sorry sir. Right, does any other Councillor need to speak? Want to speak? Has everyone given their reasons Nick?

NH: They have chair. I think, erm, we need to vote on the four reasons that have been put forward. Chris has just typed up what has been said in some reasons, so, erm, I think it's appropriate for members to vote on those four reasons now.

Unknown: The majority [inaudible].

CH: I'll just summarise those four reasons...

MP: Yeah, yeah.

CH: ...and then you can determine between yourselves whether you're supportive of all four of those reasons, it may be that collectively you're only supportive of two of those reasons and as a collective you just want to vote to refuse it on two grounds. So the four reasons are: the initial one is a highway safety, particularly in relation to Harras Road, er and particularly, erm, the Sunnyhill junctions and Wellington Road, er, in terms of their, the kind of capacity of those roads to accommodate traffic safely and in terms of their kind of their operational capacity. Erm, in addition, you've put specifically additional traffic generation resulting in severe impact on the operation of the general highway network, again, particularly Harras Road and Wellington. Er, you've put impact upon schools, er particularly there being inadequate education facilities to serve the development, erm, and again you've stated without any kind of significant

explanation though, insufficient information has effectively been provided to demonstrate the development will not increase flood risk and can be drained adequately.

Cllr GC: Firstly though, I am just rejecting it and I will stick to what I said that the, er, safety implications of adding more traffic to a road now, coming from Harras Moor to the pinch point as we saw this morning when we even done it, we saw the slides that... women being advised to jostle off public footpaths onto a road making that busier is absolute lunacy. We've got pinch points where no mitigation can ever take place without a tremendous amount of cost, going through that bridge if we do have to do it, 28% is going the other way and we found out we need mitigation and we need roundabouts altered going that way. There is nothing they can ever do. You're committing yourself to doing something that can't be altered, can't be made better. So to me, that's the main reason. It's coming out in the wrong, it's coming out in the wrong place and the use of the wrong road down there, er, will increase traffic defiantly.

NH: Const... highway safety based on the constrained nature of the highway which is incapable of improvement or mitigation.

Cllr GW: Yeah.

CH: Yep.

MP: Just to clarify [inaudible].

Cllr LJB: Yeah. Chris, about the education, it was the access... the main highlight for me was the access to St James's school cannot be from that development on foot. So a mother cant, or a grandparent cannot walk their children to those schools.

Cllr ?: Well they can, but not safely.

Cllr LJB: They can't, well they can't because...

Cllr ?: Not safely.

Cllr LJB: ...(sigh) It's a bloody hill isn't it, let's face it and a pram doesn't go up a hill heavens above. Put park.... yeah... so parking outside the school, its chaos now. Yeah, because St James's school, it's got the chevrons, but that school can't do any more health and safety for car vehicles, let alone with the 370 housing development going to add to that area. Thank you.

NH: So, just, just so that I'm clear on that, so you're not saying that there is inadequate education facilities to serve the development, what you're saying effectively is that you think that the highway er network can't accommodate the additional vehicle movements at school times to particular schools?

Cllr LJB: Yes. But Nick, you pointed out that there was no information about the effect on the NHS dentists or anything like that which we've got abundant round here. Erm, so yeah, so leave the education out because yeah, I won't be able to prove that if I have to go to court. But erm, yeah, the access for parking, erm, as we know it's already horrendous on that road right down to the Wellington Junction. Thank you.

NH: So, are you in agreement then that that could effectively fall within that additional traffic generation and severe impact on the operation of the highway network, and that could effectively form part of that reason?

Cllr LJB: Yes. Yeah.

Chair: Councillor Midshaw.

Cllr GM: Just a quick query to the two officers. Erm, why are we asked to vote separately on issues for refusal. We don't vote for separate issues when we accept.

NH: *(Whisper)* The constitution.

CH: When you accept you have a recommendation and you have the defined conditions and you have the right to effectively ask to remove or add conditions as well effectively. I think what we're looking for here is your collective agreement on what the reasons for refusal should be. So it's a case of there may be individual Councillors in the room that have a particular issue with drainage, but actually as a collective, you may only actually have issues with the highways, and so we're seeking your collective view on what the reasons for refusal should be. That's all that we're seeking really.

NH: We've got to be very specific....

Cllr GM: Yeah.

Chair: Councillor Macveer.

NH: ...the wording and the reasoning so that's why we're asking the questions we are.

Cllr GC : I understand that now. [inaudible].

Cllr GM: Yeah. I feel as if we're all going back to 2019. Er, we requested an independent or someone against officers' recommendation and we requested further information at a large expense of a number of thousands of pounds. Arup came on board at our request and gave their assessment on highways and everything else. Er, they see no reason why this shouldn't be supported. We asked for that professionalism, we've had it. I thank the officers for every page of this, I really do. Site visit; absolutely invaluable, and we did see especially the top of Harras where there was a lot of concern previously, how that was, er, put into safety measures. We, er, did demand, and we got. But it appears now that the appeal, er, process will give a decision and so be it. But I fully support the officers in every aspect of this application, and that's taking on board everything that the objectors have articulated, but we've asked for an assessment, it cost us a lot of money, and we're ignoring it.

CH: Chair, we're...

Chair: Cllr Wilson.

NH: I think we need to debate the reasons for refusal. I think we are straying into general debate again, so I think we need to be very, very specific. Erm, what are the reasons for refusal, what... how precise can we be, so that we can form some reasons in the right words for you to reflect your views. So I think we need to concentrate on that.

Cllr LJB: I appreciate that. Thank you.

Chair: Councillor Wilson.

Cllr DW: Yeah, I take on board what Nick's saying and I just wanted to clarify that the only reason that I have voted to support this application is because of the Arup report. Previously I wouldn't have supported it. We went and made a decision as a collective to engage with Arup and ask them to produce a report. We either take note of that, or because it didn't give us the answer we wanted, we reject it, and I don't feel, er, comfortable doing that because they're experts, I'm not. I have to consider all the facts. I've considered them, and I've made my decision based on that.

Chair: Thank you. I think the collective is that it is on highway grounds.

CH: Can I just seek a point of clarity then. So, erm, Councillor Hully, you referenced insignificant information in relation to floor risk and drainage and that it hadn't been demonstrated that it wouldn't increase flood risk. Is that the reason for refusal you wish to pursue, or?

Chair: I think within the report, I think that young gentleman said they were going to do Covid cameras and things like that. I think...ah, well I think...

CH: [inaudible] you did [inaudible] sufficient information.

Chair: Sufficient information then. I think its [inaudible] grounds.
Councillor Calvin.

Cllr GC: I believe all the other issues could be sorted out.

Cllr LJB: Yeah.

Cllr GC: Er, drainage, all that, and that would come into force if we came back here and, like the gentleman said, nothing will go into a culvert that isn't being repaired. I think all that would be done, my only and real concern is this Harras Moor junction and the reasons, I have given, I've given them fairly clearly, erm, I think on the 28% I understand now a bit more now how it works, and what the 28% is of. That could change, that could alter, and my worry is, even now as it is we have seen the recommendation for women with prams to go onto the road to come back on. The road is that narrow in that part, you can't really widen the footpaths. We've got other situations with the pinch points that take a lot of expense if we ever have to have to alter those. Those are my points. They are purely on the road and the junction at the moment.

NH: Can we then seek, erm. So if I just outline what I deem to be the reasons as we...

Cllr GC: Yes, yes.

NH: ...kind of glean from you collectively now, and then we'll leave it for Joan to seek a vote from yourselves as to whether you're collectively in agreement with those.

So effectively, as I understand it, you're objecting to the development on grounds of highway safety in terms of, specifically, the junction... the Harras Road junction, er... the Solway View from Wellington Junction...

Cllr Calvin: Yeah.

NH: ...and the Sunny Hill junction particularly. Er, and then in addition to that you're saying that the additional traffic generated by the development will result in a severe impact on the operation of the wider highway network, with particular regard to Harras Road, and again Wellington Road.

Cllr GC: Yeah, and this is allow... er, the 28% of best proved practices is incorrect and we say the 40% traffic going down there, the bridge itself and that pinch point doesn't allow for much mitigation to do anything about it.

CH: Sorry, so you'd like us to introduce that those impacts can't be mitigated?

Cllr GC: Yeah.

CH: Yeah.

NH: I think that's because of the constrained nature of the highway at that point is what you're saying.

Multiple Cllrs: Yeah.

CH: So, over to you Joan to see...

Vote on reasons for refusal: 50:00 – 51:46

Chair: Yeah, I think it's with a heavy heart, it's not easy to go against an officer or advice. I know they put a lot of hard work in.

Cllr GM: [inaudible].

Chair: So... and they're very professional, but I'm sorry I can't change my mind with health and safety... with what I've already said, so, with that in mind. Can I ask you, those in favour of the...

Cllr GC: Who's [inaudible] is what here, do you know what I mean, just to break up [inaudible]...

Chair: Yeah, just the objectors.

Cllr GC: Just the objectors, right yeah.

CH: Is it that everybody can vote?

Chair: No, everybody can vote if they want.

MP: For or against?

Chair: Yeah.

CH: So what you're voting for here is to refuse the application on the two grounds that we've outlined. So that's the impact on highway safety with particular regard to the Harras Moor junction, the Solway View junction, the Wellington junction and Sunny Hill, and the additional traffic generation, er, from the development will result in severe impact on the operation of the highway network, with particular regard to Harras Road junction, Harrington Ro... er, er, Wellington Road, and that the additional impact cannot be mitigated due to the constrained nature of the highway network in those areas.

Cllr GC?: Yes. Yes. I'll go with that.

Chair: All those in favour. One, two, three... five. All those against.

Cllr GM: Cast mine [inaudible].

Chair: No, this is for... this part

Cllr GM: Are you voting to accept the officers' recommendation [inaudible].

Chair: Right, well that's for. Two?

Cllr ?: I'm abstaining.

Chair: Right, two for and one abstention. Thank you. Would the members of the public like to leave? No? We'll have a couple of minutes.

CH: [inaudible].

MP: Yeah.

