

## **SPECIAL DEVELOPMENT CONTROL COMMITTEE**

**MONDAY 18 AUGUST 2014 AT 10.00 AM**

**PRESENT:** Councillor Scarborough (Chairman), Councillors Bloxham, Mrs Bradley, Caig, Earp, Gee (until 10.02), McDevitt, Mrs Parsons, Ms Patrick, Mrs Prest, Mrs Warwick and Wilson

**ALSO**

**PRESENT:** Councillors Bainbridge, Burns, Cape, Collier, Mitchelson and Tickner attended all or part of the meeting as observers.

**OFFICERS:** Deputy Chief Executive  
Director of Economic Development  
Investment and Policy Manager  
Legal Services Manager

### **DC.57/14 APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted

### **DC.58/14 DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Bloxham – Registrable Interest – Application 10/1116 (Carlisle Lake District Airport, Carlisle, Cumbria, CA6 4NW) – he lives in Irthington

Councillor McDevitt – Registrable Interest – Application 10/1116 (Carlisle Lake District Airport, Carlisle, Cumbria, CA6 4NW) – he is a Member of Cumbria County Council. The Member confirmed that he had not taken part in any discussions relating to the airport and was advised that he would be free to take part in the discussion and determination of the application.

Councillor Gee – Disclosable Pecuniary Interest – Application 10/1116 (Carlisle Lake District Airport, Carlisle, Cumbria, CA6 4NW) – he owns an ISA which includes some Stobart shares. The Legal Services Manager advised that he should not take part in the discussion or determination of the application and that the Member should leave the meeting.

### **DC.59/14 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Legal Services Manager outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

### **DC.60/14 CONTROL OF DEVELOPMENT AND ADVERTISING**

**RESOLVED** – That the applications referred to in the Schedule of Applications under A, B, C and D be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

- (1) Erection of a distribution centre (inclusive of air freight and road haulage, and including integrated +3°C chiller chamber, +12°C chiller chamber, workshop and offices), (use Classes B1 and B8), gatehouse, canteen/welfare facilities, landscaping, new access, parking and other infrastructure works (such as auxiliary fire station, package sewage treatment works, fire sprinkler system and electrical substation) and raised and re-profiled runway 07/25, Carlisle Lake District Airport, Carlisle, Cumbria, CA6 4NW (Application 10/1116)**

A Member advised that a letter had been received at 09.20 that morning from the solicitors acting on behalf of one of the objectors. The Member queried what weight should be afforded to the letter given its late submission to the proceedings. The Legal Services Manager confirmed that she had read the letter which commented on the reasoning within the report and included an argument that the Cherkley case should not be taken into account when considering the application because the case had been appealed to the Supreme Court and was likely to be scheduled for hearing in October this year. The Legal Services Manager further advised that the case may well be subject to appeal but Members should base their decision on the law as it stands today.

A Member queried whether those Members who were new to the Committee had visited the site. The Chairman explained that the Principal Planning Officer had taken the new Members on an extensive site visit on 15 August 2014 and that they were fully briefed of the application.

The Director of Economic Development submitted the report on the application and presented slides showing the site of the proposed development. The Director reminded Members that the application was for a freight distribution centre and infrastructure works at Carlisle Lake District Airport. The application was considered by Committee in August 2010 when authority was given to issue approval subject to a number of conditions including a S106 agreement. The Committee considered a further report in January 2013 which dealt with the details set out in the S106 agreement and further information.

The application had been brought back to Committee for further consideration following the High Court Decision in February to quash the Planning decision the details of which were included in the report.

The proposed development comprised a freight distribution centre situated in the south-eastern section of the airport immediately to the north of the A689 and to the west of the road to Irthington. The Director explained the size and proposed finishing of the freight distribution centre. The eastern elevation which faced the runway would have ten loading bays, two level access doors and two technical services blocks. The northern and southern elevations would have ten level access doors each.

In addition to the freight distribution centre the application included works to the runway, taxiways and apron layout which was indicated as having eleven aircraft stands. A gatehouse, canteen and welfare building, fire station, parking for 333 cars, cycle stand and HGVs and trailer unit were also included.

With regard to drainage, the Director advised that a new treatment plant was originally proposed. However, following consultation with the Environment Agency and United Utilities the intention was now to connect to the recently upgraded sewage works at Irthington. Surface water would drain into two balancing lagoons located near to the A689.

A landscaping scheme had been submitted with the application and included woodland mix planting along the road to Laversdale, north east of the freight distribution centre and sections of the road frontage on to the A689. New hedging would replace any lost.

Access to the site would be via a new roundabout on the A689 and security fencing would be erected both on the perimeter and within the site to separate the airside and non-airside activities.

In view of the time lapse, key reports had been updated in order to provide Members with the most up to date information, in particular the Environmental Statements and the Viability Reports, both of which were included in the report.

The Council had received 62 formal objections and 67 letters/e-mails of support and 7 individuals commented on the proposals. The Council had also received a petition signed by eleven people regarding Solway Aviation Museum whose main issue was to protect the Museum from any subsequent development of the airport. That issue could not be dealt with as part of the application; however Officers had brought the matter to the attention of Stobarts.

The letters and e-mails of support focussed on the economic benefits, jobs and the contribution to the wider economy, particularly improved transport links in terms of the airport, environmental issues and the existing use of the site.

The main objections raised were concerns about the freight distribution centre, the principle of development, that the link with the airport was tenuous, that the development would lead to increased traffic both during the construction phase and the freight traffic afterwards.

Further objections related to the Environmental Impact, including visual, odour and noise which would have a detrimental effect on the surrounding area and that the development would not deliver the economic benefits envisaged in terms of jobs and questioned whether the airport would be viable. The application had been subject to a number of statutory and formal consultations. Irthington Parish Council supported the development of the airport but was concerned about the traffic impacts. Stanwix parish Council objected on the grounds that the increased traffic, both in terms of HGVs and air traffic, would have a detrimental effect on the environment and questioned the viability issue.

The Director of Economic Development advised Members that there were a number of issues that they needed to consider. With regard to highway network and safety, the Highway Authority and the Highway Agency had not raised any objections on highway grounds, and while climate change was a relevant consideration the emissions were not considered significant in both a national and local context to justify refusal of the application.

With regard to the increase in traffic during construction, conditions had been proposed which would mitigate the impact.

With regard to the freight distribution centre, the Director of Economic Development explained that the building would have an impact on the surrounding area, but it was not considered sufficient on its own to justify refusal of the application.

English Heritage had raised no objections subject to conditions relating to an archaeological watching brief.

With regards to ecology and biodiversity the Director of Economic Development advised that it was considered that the proposed development was unlikely to significantly impact on populations of protected species and other wildlife to on the wider conservation areas. In addition it was considered that there was no sound basis in terms of bird strike risk or other hazard to resist the current proposal.

The Council's aviation consultant, in view of their likely estimate of passengers considered that there was a realistic prospect of developing a public transport/commercial route, with particular regard to Dublin in the short to medium term.

The Director of Economic Development advised Members that the main issue for consideration was whether the proposed development was contrary to policy. When the application was last considered the proposal was considered contrary to Policy EC22 as it did not comply with the additional requirements set out in paragraph 4.88 of the Local Plan and therefore the decision rested on whether the freight distribution centre constituted enabling development and that it supported the viability of the airport. However, since the matter was considered, the Court of Appeal recently ruled that the requirements of a Local Plan policy could not be added to by the wording of its supporting text, if the policy was clear.

Policy EC22 allocated the site as a strategic employment site to provide for employment development including B1, B2 and B8 industrial uses. Class B8 included uses for storage and distribution and therefore it was clear that the proposed use was acceptable in policy terms. As a consequence the viability issue was no longer relevant, and the application was therefore acceptable in policy terms and was recommended for approval.

Mr Elliott (Objector) addressed the Committee and stated that one of the Members had been involved in legal issues with Mr Tinkler in 2009 and should therefore leave the meeting. The Legal Services Manager cautioned Mr Elliott with regard to his comments and advised that the Member concerned had sat on the Committee for a number of years and it was his decision whether or not he should take part in the discussions and determination of the application.

The Member explained that he had sought advice from the Legal department and as there had been no comment from Stobarts and all accusations had been negated legally it was correct that he should remain within the meeting.

Mr Elliott presented photographs showing the damage following a helicopter crash and advised that a plane of the size proposed at Carlisle would cause greater damage. He stated that it was a statistical certainty that there would be a crash at Carlisle and that it would probably be either on take-off or landing. Mr Elliott suggested that if the runway was re-orientated planes would take-off and land over fields north of Irthington. He believed that the Council could not approve an application that was likely to endanger life.

Mr Elliott presented further photographs of a light aircraft flying over Irthington alongside a montage of a larger craft. He did not believe the airport had the required PCN and therefore Stobarts could use the airport for planes of any size. Mr Elliott queried how it was morally acceptable to build an airport so close to schools and homes. Mr Elliott further believed that the conditions within the report allowed Stobarts to close the airport.

Mr Elliott referred to a number of letters that had been received since 2010 and had been disregarded by Committee.

Mr Ransley (Objector) addressed the Committee and asked whether the Legal Services Manager had taken advice on the letter from Bond Dickinson. The Legal Services Manager explained that she was the Council's solicitor and qualified to give legal advice to the Committee.

Mr Ransley advised that he was speaking on behalf of, and read out a statement from, Ms McCutcheon who did not believe that the airport had the catchment area of Southend airport and that £120 million would not be spent on it. Ms McCutcheon queried why there should be any flights at night and stated that issues such as types of freight plane had been left out of the report. A further issue omitted from the report was that the proposed subsidy was at odds with the statement made by Stobarts barrister in court that although subsidies would be required Stobarts would not be providing them. Ms McCutcheon believed that it made sense therefore to close the airside as soon as possible and there was nothing in the report that could stop that from happening.

Ms McCutcheon stated that Stobarts no longer owned a trucking business but were minority shareholders in ESL that was owned by a company based in the Isle of Man. No indication had been given about who would use the warehouse as a tenant was still to be found. The additional cost of diverting transport six miles off the motorway would need to be taken into consideration when deciding whether to use Kingmoor or locate to the airport.

The freight distribution centre was an unacceptably large warehouse in a rural location and the report stated that the development did not have to be related to the airport but rather provide employment. The only reference to the airport in policies DP3 or EC22 was now deemed irrelevant. There was no indication given as to the numbers of people that a new tenant would employ; they could simply move their own staff to the site.

Ms McCutcheon believed that the development would be better sited at Kingmoor as it was out of keeping with the surrounding area. If it was to be built at the airport Ms McCutcheon suggested that it should be at the other side of the airport. Ms McCutcheon requested a number of assurances if the application was approved including a restriction on HGVs through Irthlington, changes to the highway layout, no night flights of freight planes, an assessment of the use of freight planes and that air quality is monitored.

In response the Director of Economic Development advised that Policy EC22 should not be considered on its own but considered alongside all relevant policies.

Mr Fox (Objector) addressed the Committee and presented photographs to support his submission. Mr Fox stated that Policy EC22 made no reference to the airport; however Policy DP3 stated that the airport was a strategic employment site that had been allocated in Proposal EC22. For that reason the decision made in respect of Cherkley was irrelevant. No indication was given about how much land had been allocated and there had been no public consultation on the use of the airport site and the Council had no plan for the airport. Stobart Group had put together the proposals which had deficiencies.

Policy DP3 stated that proposals for development at the airport would be supported where they were related to airport activities and in scale with the existing infrastructure and minimised any impact on the surrounding environment. The freight distribution centre would not be in scale and was not related to airport activities. The report stated that the freight distribution centre was disaggregated from the airport related components. Therefore the application should be viewed as a departure and not compliant with policies.

Mr Fox did not believe that the freight distribution centre would not provide additional employment. When the proposition to purchase the airport was put to shareholders it was made clear that that new freight distribution centre would reduce the number of jobs through the efficiencies of the new shed.

Mr Fox then presented seven questions to which the Director of Economic Development and Legal Services Manager responded.

Q.1 The airport had been determined to be a strategic employment site which was referred to in the supporting text within the report.

Q.2 The airport was listed in the Council's list of assets but there was no current intention to dispose of the site.

Q.3 No land within the application site had been sold within the last three years although some nearby land had been disposed of by way of lease.

Q.4 If the applicant wished to close the airport consent would be required from the Council as the landlord.

Q.5 Under current policies there does not have to be a linkage between the freight distribution centre and the runway works.

Q.6 The applicant could decide to build the freight distribution centre before the runway works commenced but closure of the airport would be subject to the provisions of the lease. On the basis that the airport was currently operating at a loss, the applicant could apply for closure now, but had not done so and rental income from the freight distribution centre would be taken into account when assessing viability.

Mr Fox then addressed the Committee as a representative of the Parish Council, and advised that the objections were in respect of highway and aviation issues, the conditions and the size of the freight distribution centre.

The Parish Council were concerned about the potential increase in traffic along the A689, accident concerns at junctions along the A689 and the proposed increase in speed limits for HGVs. No account had been taken of the potential impact of the proposed roundabout which could lead to an increase of clumping and convoy creation. All of the concerns could be eliminated if the freight distribution centre was located at Kingstown, where planning permission had been granted.

With regard to aviation the Parish Council challenged the suggested comparative travel times to London by train and plane. There were also concerns about the type of plane that was proposed which did not have a good record in wind. No provision was made for security fencing around the airport which the Parish Council understood to be a requirement.

The conditions proposed in the report needed to be combined closely to aviation purposes and sustaining the airport. There were also concerns about CO<sub>2</sub> emissions on the A689.

Mr Fox presented photographs with the proposed development superimposed to indicate the size of the proposed development in relation to the City Centre.

Mr R Butcher (Agent) responded to the objections raised and advised that the agents were pleased with the positive recommendation of the Officers. The proposal was compliant with Policies EC22 and DP3 and the National Planning Policy Framework and should therefore be approved without delay. The Officers had found that no significant impact would result upon the built and natural environment.

With regard to the traffic issues, that was identified as being one of the issues to be re-examined to ensure that redetermination of the application would be based on accurate information. Discussions had been held with the Highway Authority who had established specific datasets that needed to be updated. The Highway Authority was satisfied with the revised information.

Some objectors had stated that the proposal was a huge storage shed in the countryside but that was not the case. The integration of road and airfreight capabilities had always been a key feature of the development and airside access between the freight distribution centre and the aircraft aprons would enable airfreight operations to run seamlessly beside road haulage operations. That could open the door to potential further investment in the airport.

Mr Butcher stated that Stobart wanted the airport to succeed as they believed it would make a significant contribution to the sustainable growth of Carlisle and Cumbrian economies.

Mr Butcher presented a film on Stobart's proposals for the airport.

The Director of Economic Development reminded Members that consideration of whether the development was enabling development was no longer relevant and should be put out of Members' minds.

Mr Carr advised that Aer Arran had now been renamed Stobart Air and provided a number of routes all of which were viable. Interim growth figures had shown an increase in business growth of 24%. One of the routes would feed into transatlantic flights via Dublin. Flights from Southend were not to the normal European destinations.

It was expected that there would be 60,000 passengers passing through Carlisle and flights to London would be competitive with half of the passengers travelling on business. Flights would also bring people into the area and the USA via Dublin.

The proposed airline would be a 48 seater plane which Mr Carr believed would be commercially viable and would suit the types of routes proposed.

The meeting adjourned at 11.05 and reconvened at 11.25.

The Legal Services Manager clarified that, during the break, she had been asked to confirm whether or not the airport site was within the Council's asset disposal programme. The Legal Services Manager had spoken to the Property Service Manager who had advised that it was within the programme but that there were no current plans to dispose of the site.

The Committee then gave consideration to the application.

A Member was concerned about the potential flooding risk from surface water run-off in the area. The member suggested that Cumbria County Council should be informed that there was already a problem with flooding from the airport area.

With regard to highway concerns the Member advised that Policy CP6 referred to those issues which he suggested should be referred to the Highway Authority.

The Member advised that he and the Leader of the Council had received e-mails from the Solway Aviation Museum with regard to security which, because they did not have security at present, prevented them from receiving funding for developing the museum.

The Member was concerned about the effect that the proposed development would have on the highway and stated that there was already a problem. When the CNDR opened traffic is encouraged to use the A689 to the west of the County and he did not believe that situation would improve if the development was approved. The Member believed that the Highway Authority should take notice of the concerns and move to rectify them. The Member suggested the creation of a central reservation for vehicles turning right off the A689 at junctions along the A689. Recently traffic had been diverted through Irthington due to an accident on the A689 and it was very difficult for large wagons to negotiate the narrow roads. If the accident had happened during school term time it would have been impossible for wagons to get through due to traffic on the road. The Member requested that a condition be imposed that would prevent construction traffic passing through Irthington.

The Director of Economic Development advised that Condition 18 dealt with drainage issues and confirmed that she would liaise with the County Council on the matter.

With regard to the Solway Aviation Museum the Director of Economic Development advised that the matter raised by the Museum covering the lease could not be considered as part of the application. However, representatives from Stobarts would be happy to open discussions with the Museum.

Conditions were also imposed that would regulate construction traffic and the Director of Economic Development confirmed that Officers would speak with the Highway Authority and the developer if permission was granted.

The Chairman invited Mr N Butcher from Cumbria County Council, the Highway Authority, to respond to some of the highway issues that had been raised.

Mr Butcher advised that the Highway Authority would take note of the comments made and there would be further details in the Section 278 especially with regard to the design of access points. Mr Butcher confirmed that the Highway Authority had made recommendations in respect of signing at junctions, sustainable transport factors including cycling and a travel plan. That would be the ongoing responsibility of the developers to provide and would remain in place for five years from the implementation of the development.

Mr Butcher confirmed that the Highway Authority would make further comment when the Section 278 was available.

Mr Butcher agreed that information on further traffic counts would be made available to the Committee.

A Member stated that contrary to figures indicated within the report traffic flow had increased along the A689.



Mr Butcher explained that the figures were from 2009 and were a forecast before the opening of the CNDR. When the CNDR was opened another traffic count was taken which may account for the suggestion that traffic numbers had decreased along the A689.

Approval of the application in line with the Officer's recommendation was approved and seconded.

A Member was happy to support the application and believed the economic development of Carlisle needed to be considered as well as other matters, and that the development would be important for Cumbria as well as Carlisle. New information would be available in the Business Case and the environmental statement.

RESOLVED – That the application is approved subject to the completion of legal agreements and the conditions as indicated within the Schedule of Decisions attached to these minutes.

(The meeting ended at 11.45 am