

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 20 OCTOBER 2017 AT 10.00 AM**

**PRESENT:** Councillors Mrs Warwick (Chairman), Bloxham, Mrs Bradley, Christian, Earp, Glendinning, McDevitt, McDonald, Mrs Parsons, Shepherd and Tinnion (as substitute for Councillor Paton).

**OFFICERS:** Corporate Director of Economic Development  
Development Manager  
Legal Services Manager  
Principal Planning Officer  
Planning Officers x 3  
Assistant Planning Officer

### **DC.93/17 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Paton and T Sidgwick.

### **DC.94/17 DECLARATIONS OF INTEREST**

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

Councillor Tinnion declared an interest in respect of application – 17/0821 – 35 Green Croft, Brampton, CA8 1AX. The interest related to the applicant being known to him.

Councillor Mrs Parsons declared an interest in respect of application – 17/0473 – Land at Norfolk Street, Denton Holme, Carlisle, CA2 5GX. The interest related to objectors being known to her.

### **DC.95/17 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

### **DC.96/17 MINUTES OF PREVIOUS MEETING**

RESOLVED - That the minutes of the meetings held on 15 September be approved.

### **DC.97/17 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.98/17 CONTROL OF DEVELOPMENT AND ADVERTISING**

RESOLVED – (1) That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

(2) That the applications referred to under the Schedule of Applications under B be noted.

**1) Erection of 1no. Dwelling with Detached Garage, Land Adjacent Highfield, Capon Tree Road, Brampton, CA8 1QL (Application 17/0688).**

The Assistant Planning Officer submitted the report on the application and noted that the fourth line of paragraph 6.28, should read “the *foul water would be discharged into a treatment plant as opposed to a septic tank.*” Further to the production of the report, an additional comment from an objector had been received which had been reproduced on pages 1 and 2 of the Supplementary Schedule.

The Assistant Planning Officer informed Members that the application site was within a primary residential area and due to an extant planning permission for a detached dwelling on the site, the area was considered to be an infill site.

Slides were displayed on screen showing; site plan; elevation plans; proposed drainage arrangement plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Assistant Planning Officer considered that the application site was well related to the built form of Brampton which was identified in the Local Plan as a Key Service Centre. The scale and design of the dwelling and garage were also considered acceptable, with adequate separation distances being maintained between the proposed and existing dwellings.

Turning to the issue of foul drainage, the Assistant Planning Officer apologised for not including the Proposed Drainage Arrangements Plan within the report. The plan was displayed on screen and the Assistant Planning Officer illustrated how the proposal to discharge foul water would be achieved through the use of a treatment plant.

In addition to the foul water treatment plant and the proposed soakaways for the drainage of surface water, the Assistant Planning Officer advised that the application further proposed the installation of a channel drain, at the bottom of the driveway, to prevent water discharge onto the highway. The Drainage Strategy had been assessed by both the Council’s Building Control department and Cumbria County Council as the Lead Local Flood Authority, with neither consultee raising objections to the proposal.

Concerns had been raised by objectors that the existing septic tank at Highfield discharged into the application site and thereby on to the adjacent highway. The Assistant Planning Officer advised that the applicant had commissioned a plumbing firm to investigate the location of the outlet of the septic tank from Highfield, the findings indicated that the outlet pipe was located within the application site itself. The owner of Highfield had confirmed their agreement to close off the existing septic tank and install a new treatment plant within the boundary of their property.

The Assistant Planning Officer recommended, that were the Committee minded to approve the application, two further conditions be included in the consent:

- a) Prior to the commencement of development, details of the replacement means of foul drainage to serve Highfield be submitted to and approved in writing by the Local Planning Authority;
- b) A restriction that the dwelling shall not be occupied until the approved measures for the disposal of foul and surface water, specified within the drainage strategy, have been fully carried out and completed.

The Assistant Planning Officer considered that the inclusion of the additional conditions, along with the removal of the septic tank from Highfield would increase the capacity of the land at the application site to store water underground. On that basis, the Assistant Planning Officer recommended that application for approval subject to the conditions contained in the report and the two additional conditions outlined above.

Mr Clark (Objector) spoke against the application in the following terms: foul water from the Highfield side of Capon Tree Road was known to flow under the road causing a potential flood risk to five properties; percolation tests at the site had been conducted following a period of dry weather; the test carried out to identify the route of the existing drainage system were not sufficiently robust to provide meaningful data; the precise location of the outfall from the septic tank at Highfield was not known and the application should not be approved until those details had been confirmed. Mr Clark asked the Committee to reject the proposal on the grounds of foul water drainage and pollution.

The Assistant Planning Officer informed Member that a representation from the applicant had been received on 7 October which detailed a further survey, undertaken by a plumbing firm, of the foul water drainage system from the Highfield dwelling which had been conducted. The results of the survey had been considered by Building Control and the County Council with neither consultee raising objections.

The Committee then gave consideration to the application.

A Member expressed concerns in relation to the proposed foul water drainage system and sought clarification that the use of the existing septic tank at Highfield would be discontinued and that a treatment plant would be installed within the boundaries of Highfield.

The Assistant Planning Officer advised that he had received an email from the owner of Highfield confirming their agreement to discontinuation of the use of the septic tank currently processing foul water from their property. The Assistant Planning Officer explained that the proposed additional conditions served to enable the change to the existing drainage system at Highfield (proposed condition a), and to permit the implementation of a treatment plant to process foul water discharge from the property. He anticipated that, were the application and the proposed additional conditions to be approved, Highfield and the proposed dwelling would each be served by individual foul water treatment plants.

The Member responded that he was aware of concerns that the capacity of proposed drainage system was not sufficient to manage the volume of water produced by both the existing and proposed dwelling and that in the event that the proposed system was not able to manage the volume of water it would over-flow and potentially pose a flood risk to neighbouring properties. He was satisfied that the proposed conditions were sufficiently constructed to address this issue, but requested that they be amended to explicitly stipulate that the proposed and existing dwelling were required to operate their own foul water treatment plants.

The Development Manager explained that the condition relating to the replacement means of foul drainage serving Highfield had been incorporated to enable an assessment of the proposed scheme to be carried out by both the Council's Building Control Officers, and Cumbria County Council as Lead Local Flood Authority. The proposed scheme had yet to be submitted and until the specific details had been formally evaluated, it was not possible to confirm the specific details of the system. The Development Manager reassured Members, that final arrangement of the treatment plant required the approval of the both Building Control and the Lead Local Flood Authority prior to its implementation.

The Member responded that he remained concerned that, were planning permission to be granted, without a condition stipulating that the proposed dwelling and Highfield each be served by their own treatment plants within the boundary of the properties, neighbour disputes may arise when future occupiers assumed residence in the dwellings.

The Legal Services Manager acknowledged the Member's concerns; however, she considered the proposed conditions to be sufficiently robust to enable the implementation of appropriate foul drainage systems at both the applicant site and Highfield.

The Corporate Director of Economic Development agreed that the proposed condition, as worded, was sufficient to address the issue of a replacement foul water system for Highfield, given that the details of the replacement system had not been received or evaluated.

A Member moved that Authority to Issue be granted to the Corporate Director of Economic Development to issue approval of the proposal, subject to the resolution of the means of drainage for the replacement foul drainage system to serve Highfield. The proposal was seconded, and following voting it was:

RESOLVED: That Authority to issue be granted to the Corporate Director of Economic Development to issue approval of the proposal, subject to the resolution of the means of drainage for the replacement foul drainage system to serve Highfield.

**2) Variation of Condition 2 to allow for Non-Student, Related Temporary Lets outside the academic letting period of 42 weeks between July and September of Previously Approved Planning Permission 11/0863, Land at Norfolk Street, Denton Holme, Carlisle, Cumbria, CA2 5GX (Application 17/0473).**

The Development Manager submitted the report on the application and reminded Members that the originally permitted development of the site comprised student accommodation which was available for rental for 42 weeks of the year. He noted that to date, only Phase I of the development had been constructed. The current proposal sought permission for the occupation of the existing units through the summer holiday period to non-student groups, for example, doctors/nurses and those attending conferences and residential courses.

The consultation on the application had highlighted that the integration of the student population into the local community had not always been smooth, however, residents had acknowledged latterly that matters had improved. The Development Manager emphasised that the proposed users of the site, over summer were less likely to present the same social issues experienced by residents as new students who can give rise to anti-social experiences when first away from home.

The applicant had submitted information relating to the management protocols at the accommodation which included a requirement on students to behave with neighbourliness, in the event that issues were encountered by the neighbours as a result of the students, the site management sought to directly address them. The management protocols already in place at the site were considered to be able to deal with any issues causing concern for neighbours.

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

In terms of parking, the Highway Authority had initially objected to the proposed use due to the potential impact of increased parking on the local network. The Development Manager noted that, when the initial development of the site was considered by the Committee parking had been a significant concern for Members, and resultantly, the area available for parking within the site was restricted, and restrictions were placed on the number of residents' permits issued to local streets.

Due to the on-going parking issues in the vicinity of the site, the Development Manager considered it essential that occupation of the units was restricted to provision of designated parking space provided within the site. He drew Members' attention to condition five which stipulated "*Outside of term-time the letting of the accommodation to car-borne visitors shall be restricted to those who can be accommodated with a dedicated parking space (up to 47 spaces) within the site. The manager shall keep a register to monitor the occupancy. Any such register shall be available for inspection by the Local Planning Authority at any time when so requested...*" The Highway Authority had indicated it was satisfied that the condition overcame their concerns.

In conclusion, the Development Manager recommended the application for approval subject to the imposition of the conditions detailed in the report.

Mrs Kew (Objector) on behalf of herself and Mrs Crack spoke against the proposal in the following terms: anti-social behaviour from the student occupiers, although reduced by the new management at the site, remained on-going; the original planning consent had not been complied with as some student groups such as nurses and doctors occupied the site through the summer months; would the security staff be used to manage the site if the scheme was granted; parking was already a significant problem in the area and the proposed scheme would only serve to exacerbate the issue.

Mr Thorp (Agent) responded in the following terms:

- the new owners of the site had implemented new management structures which sought to address the problem of anti-social behaviour;
- it was important that residents directed their complaints to the site management team in order that they may be properly addressed, rather than other bodies such as the Police, Vicar or Councillor. The new owners intended to circulate to residents contact information to be used in the event that issues needed to be reported;
- The proposed scheme was a small scale operation which sought to use the buildings during the summer months for groups of people that were not students, therefore it was unlikely that the same issues would arise;
- Occupation would be limited to the number of dedicated car parking spaces at the site.

The Committee then gave consideration to the application.

A Member expressed serious concerns regarding the application, it was his view that the proposed scheme would effectively extend the period over which residents of neighbouring properties would have to endure anti-social behaviour and parking difficulties in their locality. He further noted that parking difficulties were particularly acute at the beginning and end of academic terms.

The Member asked that the Committee refuse the application or, in the event Members were minded to approve the application that consideration be given to permitting the scheme for a temporary period of three years, to enable an assessment of the impact of the scheme on neighbouring residents.

The Corporate Director of Economic Development stated the anti-social behaviour was an extremely serious issue, she undertook to write to the owners of the building and the University of Cumbria to raise the issues outlined by the objectors and request that they take action to manage the behaviour of students more effectively.

Another Member expressed concerns regarding the impact of the proposed scheme on the residential amenity of neighbouring properties, and the capacity of the building owners to address the issue. He stated he was minded to refuse the application on the grounds that it was not compliant with Carlisle and District Local Plan (Local Plan) policies SP6 – Securing Good Design, SP9 – Healthy and Thriving Communities, HO9 – Large Houses in Multiple Occupation and the Subdivision of Dwellings, and CM5 – Environmental Amenity and Protection. He sought clarification that the aforementioned policies were sufficient grounds on which to base a refusal of permission.

The Development Manager confirmed the policies were appropriate grounds for refusing the application. He reminded Members that the application sought to provide accommodation to groups that were not students, and that their occupation of the building would take place outside of term time.

The Member moved that the application be refused on the grounds that it was not compliant with policies SP6, SP9 and CM5, which was seconded.

A Member noted that occupation of student accommodation by other groups outside of terms time was a common occurrence across the country, although she acknowledged that the application site was particularly close to an existing residential area. She felt that objectors wished the Committee to address issues of instances of anti-social behaviour which she considered was the responsibility of the site management, and not a function of the Committee.

The Member noted that tenancy agreements ordinarily set out conditions which both landlord and tenant were expected to adhere to, she asked how enforceable the requirements of a tenancy agreement were and what measures were in place to ensure compliance.

The Legal Services Manager responded that information regarding the tenancy arrangements of the students occupying the site had not been provided, however, she noted that the use of licences was a common method of managing tenancies in student accommodation rather than tenancy agreements. In terms of addressing anti-social behaviour issues it was often difficult for those managing sites to identify the individuals involved in the activity to take action against.

The Development Manager added that tenancy agreements were not managed through the planning process.

The Member responded that she considered the management of anti-social behaviour at the site to be a central aspect of the proper integration of the existing scheme within the surrounding residential area. The applicant's proposals to strengthen controls for addressing anti-social behaviour within the existing scheme may create an improvement in the existing situation, in order that those new measures may be evaluated. She proposed that the current scheme be given temporary permission for a period of three years in order to assess its impact, which was seconded.

The Chairman noted that a proposal to refuse permission had been moved and seconded, as had a proposal to grant temporary permission to the scheme. The proposal to refuse

permission on the ground that that application was not compliant with policies SP6, SP9, and CM5 was put to the vote, and it was:

RESOLVED: That the application be refused.

**3) Proposed Demolition of existing garage and erection of 1no. Dwelling (Revised Applications) Land to the rear of Stribers, 23 Newbiggin Road, Durdar, Carlisle, CA2 4UJ (Application 17/0711).**

The Planning Officer submitted the report on the application and outlined the Planning history of the site, noting that the applicant had submitted an Appeal with the Planning Inspectorate in relation to application 16/0384, which had been refused permission by the Committee at its meeting of 2 July 2017. The Appeal had been dismissed by the Planning Inspector.

The Planning Officer explained that in respect of Stribers the relocation of the proposed dwelling within the site would result in the rear windows of the extension being off-set from the gable of the existing dwelling. The submitted documents indicated that the existing bedroom window in the original northern gable elevation would be relocated to the western elevation. The Planning Officer recommended a condition be imposed requiring the window be blocked up, and the new opening formed prior to the construction of the first floor of the proposed dwelling or, the formation of the garage roof whichever was the sooner.

Slides were displayed on screen showing; location plan; existing and proposed block plans; existing and proposed floor plans, elevations and sections for the current proposal and application 16/0384, and photographs of the site, an explanation of which was provided for the benefit of Members.

In conclusion, the Planning Officer recommended that the application be approved subject to the conditions contained in the report.

Mr Doyle (Objector) spoke against the application in the following terms: he did not object to the principle of development at the site, but considered the proposed scheme to be unacceptable in terms of scale, design and footprint and therefore not compliant with Local Plan policies HO2 – Windfall Housing Development and HO3 – Housing in Residential Gardens; the scheme would create a significant loss of amenity, in terms of reduction in sunlight to his property which would have a detrimental impact on breeding programme for UK endangered butterfly species which he operated from his back garden on behalf of Natural England; the applicant's proposal to route his drainage system through the boundary of Mr Doyle's property was not acceptable.

The Committee then gave consideration to the application.

A Member asked whether the Planning Inspectorate, when determining the applicant's Appeal, had been aware that a butterfly breeding programme was being carried out at the adjacent property.

The Planning Officer responded that the matter of the butterfly breeding programme had not been raised through the processing of application 16/0384.

The Member replied, that in his view, had the Planning Inspectorate been made aware of the rare butterfly breeding programme it would have added weight to their Appeal dismissal. He asked the Officer whether the current application had been considered in the context of Local Plan policy SP6 – Securing Good Design.

The Planning Officer confirmed that the application had been evaluated in the context of policy SP6 as part of her evaluation of the application. She noted that proposed open boundary treatment was in-keeping with the wider housing estate and that the bulk of the finish of the proposed dwelling was also in-keeping with the vernacular.

In terms of overlooking and overshadowing of the adjacent property, the Planning Officer noted that the loss of day light affected only a portion southern aspect of the garden and was equivalent to the layout at 14 Newbiggin Road. On that basis, the Planning Officer did not consider overlooking or overshadowing to be of a scale significant enough to warrant refusal of the proposal.

The Development Manager added that the location of the proposed building within the site was more in-line with the existing buildings than had been the case with application 16/0384, consequently only a small portion of adjacent property's garden was affected. In terms of the butterfly breeding programme, he stated that the species being bred was not known and therefore it was not possible to advise the Committee on the specific rights given to those species. He noted that the adjacent property was a breeding site for the butterflies and not a habitat, therefore the rights protecting the species may differ.

The Corporate Director of Economic Development stated that she understood the breeding of butterflies took place in light boxes and therefore did not require natural light. She advised Members that the principle consideration in determining the issue of overlooking and overshadow was the siting of the proposed building 1.8metres behind 14 Newbiggin Road, she instructed the Committee to give consideration to the matter.

A Member questioned why the issue of the butterfly breeding programme was deemed important in the determination of the current application when it had not been identified as such in the consideration of application 16/0384.

The Planning Officer responded that the objector had not raised the issue whilst application 16/0384 was being determined.

A Member asked whether it was permissible, in Planning terms, for applicants to propose the routing of a drainage system across the boundary of another property.

The Legal Services Manager noted that the scheme stipulated that proposed system would discharge into an existing sewerage pipeline, hence it was likely that easements already existed, she further advised that boundary matters were addressed through the civil courts and were not a planning matter.

Referring to condition 6, the Member considered the wording implied that the existing and proposed dwelling remained in the same ownership, she asked whether the condition remained enforceable in the event that the dwellings were in different ownerships.

The Development Manager explained that the condition had been written based on the current ownership of the existing dwelling and application site, and as such was feasible to impose. The stipulation of the re-siting of the window, as detailed in condition 6, would be drawn to the attention of future owners of Striders as part of any future land purchase information.



The Chairman noted that the Officer's recommendation was to approve the application, subject to the imposition of the conditions detailed in the report, the proposal was moved and seconded. Following voting, the proposal was not carried.

A Member moved the Officer's recommendation, which was seconded. The proposal was put to the vote, but was not carried.

The Legal Services Manager cautioned the Committee that a proposal to refuse the application, supported by appropriate planning reasons needed to be put forward otherwise the application would become non-determined.

The Corporate Director of Economic Development stated that were Members concerned about the impact of the proposed scheme on the rare butterfly breeding programme taking place at the property adjacent to the application site, they may wish to defer determination of the application in order to receive further information on the matter.

A Member moved that determination of the application be deferred in order to investigate the potential impact of the proposed development on the adjacent endangered butterfly breeding programme and that a further report on the application be presented to a future meeting of the Committee. The proposal was seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order to investigate the potential impact of the proposed development on the adjacent endangered butterfly breeding programme and that a further report on the application be presented to a future meeting of the Committee.

*The meeting adjourned at 11:40am and reconvened at 11:55am*

- 4) Enclosure of Existing Flat Roof Patio to provide extension to existing restaurant and seating area together with covering of ground floor patio area adjacent to the swimming pool; Increasing of car parking spaces from 21 to 42 spaces including 2no Disabled, 2no. Staff, 4no Bicycle & 3no Motorcycle Spaces, Rickerby Retreat, Rickerby Cottage, Carlisle, CA3 9AA (Application 17/0777).**

The Principal Planning Officer submitted the report on the application and drew Members' attention to the pages 3 and 4 of the Supplementary Schedule which contained a further letter of objection from the Longlands Road Residents' Association and a response from the Agent.

The Parish Council had raised concerns in relation to the potential negative impact of noise from the proposed increased intensity of use. The Principal Planning Officer explained that there were controls in place, in the form of conditions imposed on the original permission regarding the number of covers and opening hours, no noise issues had been reported when the premises had traded prior to the December 2015 floods. In addition the Principal Planning Officer noted that the applicants lived in the property adjoining the scheme and were therefore on site to manage any noise issues.

The Parish Council had further raised concerns in relation to light pollution and, had requested that all commercial activities, including events be contained within the building. The Principal Planning Officer advised that Condition 11 required the submission of details of external lighting for approval to the Local Planning Authority. The original application had indicated a retractable roof on the café, which had been withdrawn from the proposal following concerns regarding noise being raised.

Slides were displayed on screen showing; plan illustrating the red-line boundary of the site, proposed ground floor plan; proposed site plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

In addition to the conditions contained in the report, the Principal Planning Officer recommended a further two conditions be included in the planning consent, were the Committee minded to approve the application, as follows: a condition stipulating that no works to trees and shrubs take place during the nesting/ bird breeding season and, a condition requiring the submission of details of the proposed parking areas to the Local Planning Authority for approval.

In conclusion, the Principal Planning Officer recommended that the application be approved subject to the conditions contained in the report.

The Committee then gave consideration to the application.

A Member sought clarification as to whether the Committee's determination of application currently before the Committee fettered its ability to determine the next item of business (Application 17/0776) as the two applications were for the same site.

The Principal Planning Officer confirmed that the applications were related to each other, however, it was his view that the Committee was able to determine each application separately.

The Development Manager agreed, adding that whilst the two applications were implicitly connected, the Committee was able to determine the two applications separately.

Responding to a Member's request for details of the flood resilience measures incorporated into the proposed scheme, the Principal Planning Officer advised that the proposed scheme was to develop the first floor of the building and therefore did not require the inclusion of flood resilience measures. He referred Members to paragraphs 6.25 and 6.26 of the report which detailed flood risk issues and the measures in place at the site to address these.

In relation to parking, Members questioned whether two disabled places were sufficient provision, and whether the parking bays provided would be of a size in-keeping with County Council's revised specification for car parking bays.

The Principal Planning Officer responded that the County Council, as Highway Authority, was satisfied with the proposed number of spaces for parking for disabled people, and that the dimensions of the individual car parking spaces would be as per the approved site plan.

The Principal Planning Officer further noted that the Environment Agency, whilst not objecting to the proposal had requested that the applicant submit details of the proposed parking areas to the Local Planning Authority for approval to ensure that ground levels were not changed. The Principal Planning Officer recommended that a further condition be added to the permission to address the matter.

A Member requested that a further condition be added to the permission restricting the hours during which construction works were able to take place to minimise disturbance to nearby residential properties. The Principal Planning Officer agreed to the inclusion of the condition.

The Chairman noted that the Officer's recommendation was to approve the application subject to the conditions detailed in the report and the imposition of additional conditions covering: a restriction on works to trees being carried out in the bird breeding season; the submission of full details of the car park be submitted to the Local Planning Authority for approval and, a restriction on the hours during which construction works were permitted. A Member formally moved the proposal, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

**5) Variation of Condition 9 (Restaurant Covers) & 10 (Spa/Swimming Pool Users) of Previously Approved Application 12/0835 to increase the coves in the restaurant from 48 to 96 & The number of people permitted to use the Spa/Swimming Pool from 12 to 24, Rickerby Retreat, Rickerby Cottage, Carlisle, CA3 9AA (Application 17/0776).**

The Principal Planning Officer submitted the report on the application and informed Members that the Parish Council had raised concerns regarding the increased volume of traffic through Rickerby Park and had requested that a condition be imposed requiring a proportionate contribution from the applicant in the event that a proven need for safety enhancements arose within 12 months of the business opening. The Principal Planning Officer advised that in order to secure enhancements to the road through the park, a Section 106 agreement would be required with the applicant at this stage of the development process. The Highway Authority, as Statutory Consultee, had not stipulated enhancement works were required, therefore it was not reasonable to impose such a condition, furthermore, the impact on the Park and neighbours was considered to be acceptable.

Slides were displayed on screen showing; plan illustrating the red-line boundary of the site, proposed ground floor plan; proposed site plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

In conclusion, the Principal Planning Officer recommended that the application be approved subject to the conditions contained in the report.

The Committee then gave consideration to the application.

A Member asked if the proposed increased number of covers had been limited as result of the size building or to comply with Fire Regulations.

The Principal Planning Officer responded that additional 48 covers had been requested by the applicant, he understood that the figure had been arrived at following an assessment of the available space. He added that an application for 160 covers at the site had been reduced in scale in 2012 due to its potentially detrimental impact on the amenity of residential properties within the vicinity of the application site.

Another Member expressed reservations that the increased number of restaurant covers would enable the business to cater for significantly larger events such as wedding receptions which would have a greater impact on the amenity of the neighbours than the activities currently provided for at the site. She asked whether it was possible to impose a condition to restrict the types of events that were able to be held at the site.

The Legal Services Manager advised that the planning regime should not duplicate the activity of other regulatory services such as Licensing and Environmental Health. Whilst it was not appropriate to assume that the applicant intended to provide wedding receptions and other large events, were such activities to be undertaken the Council's Licensing and Environmental Health departments were the appropriate bodies to address any issues which may arise.

The Principal Planning Officer added that the proposed consent contained conditions restricting the hours of use and the number of people able to attend events held at the site.

A Member moved the Officer's recommendation which seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

**6) Change of Use from A1 (Shop) to A5 (Hot Food Takeaway); Installation of Replacement Shop Front; Installation of Wall Mounted extractor and flue to rear elevation, 23-23A Newtown Road, Carlisle, CA2 7HZ (Application 17/0733).**

The Planning Officer submitted the report on the application and noted that representations had been made by 5 neighbouring residents raising concerns regarding potential odour, noise issues, lack of parking and potential problems with litter and vermin.

The Council's Environmental Health department had been consulted on the proposal and had confirmed there was no issue in principle with the proposed scheme, provided an appropriate ventilation system was employed. The Planning Officer understood that the operator proposed to use a top of the range fryer and ventilation system, Members attention was drawn to the proposed conditions contained in the report which required the submission of full details of the proposed ventilation system and maintenance scheme, and a Waste Management Plan be submitted to, and agreed by the Local Planning Authority prior to the proposed scheme becoming operational.

In relation to noise, the applicant proposed to provide attenuation on the Party Walls to ensure neighbouring residents were not adversely affected from any plant and equipment. The Planning Officer proposed that a condition be included in the consent requiring detail of noise mitigation measures to be submitted to and agreed by the Local Planning Authority prior to the use becoming operational.

With respect to parking, the Planning Officer noted that there was no formal designated parking as part of the proposed scheme. However, public on street parking was available on Newtown Road which was available for use. In addition, as the property was previously used as a butchers shop, the Highway Authority had confirmed the proposal would not materially impact existing highway conditions.

Slides were displayed on screen showing; plan illustrating the red-line boundary of the site; existing floor plan; proposed layout plan; existing and proposed elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

In conclusion, the Planning Officer recommended that the application be approved subject to the conditions contained in the report.

The Committee then gave consideration to the application.

A Member sought assurance that the proposed extractor fan would not create a noise problem for adjacent residents.

The Planning Officer advised that conditions 3, 4, and 5, as detailed in the report, sought to address the issue. Each of the conditions required the applicant to submit details to the Local Planning Authority for approval, the Planning Officer informed Members that the information provided by the applicant would be assessed by the Council's Environmental Health department prior to any approval of the proposed measures being issued.

A Member commented that he felt the wording of condition 6 was vague, and, in his view the Committee required further details of the Waste Management Plan in order to effectively determine the application.

The Planning Officer responded that as with conditions 3, 4 and 5 the applicant was required to applicant to submit details to the Local Planning Authority for approval, and that the information would be assessed by the Council's Environmental Health department prior to any approval of the proposed plan being issued.

The Member remained concerned that were food wrappings to be dropped on to the street in the early hours of the morning it would encourage vermin into the area.

The Development Manager considered that due to the take-away nature of the proposed business, it was unlikely that food wrappings would form litter in the area as most users of the business would take the food away either on foot or by vehicle. Consequently, litter in the area was unlikely to become a problem, in addition he noted that there were a number of existing bins on streets in the vicinity of the application site. Furthermore, the Development Manager did not consider the imposition of the condition relating to the matter to be reasonable or enforceable. He undertook to liaise with the Council's Waste Services department regarding the capacity of the bins in the vicinity of the application to ensure that the receptacles were emptied on a sufficiently regular basis.

A Member moved the Officer's recommendation which seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

**7)           Erection of Two Storey side extension to provide garage, WC and snug on the ground floor with en-suite bedroom above, together with single storey front and rear extension to provide sunroom and new porch, 35 Green Croft, Brampton, CA8 1AX**

The Planning Officer submitted the report on the application and informed Members that, further to the production of the report, the Parish Council and Northern Gas Networks had responded to the application consultation with no objection to the proposal

Slides were displayed on screen showing; a plan illustrating the red-line boundary of the site; site block plan; site location plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

In conclusion, the Planning Officer recommended that Authority to issue approval be granted to the Corporate Director of Economic Development, subject to the imposition of relevant

conditions and the expiry of the consultation period (27 October 2017) with no adverse comments raised.

A Member moved the Officer's recommendation which seconded, and it was:

RESOLVED: That Authority to issue approval be granted to the Corporate Director of Economic Development, subject to the imposition of relevant conditions and the expiry of the consultation period (27 October 2017) with no adverse comments raised.

#### **DC.99/17      QUARTERLY REPORT ON PLANNING ENFORCEMENT**

The Development Manager submitted the Quarterly Report on Planning Enforcement (ED.37/17) and advised Members that the Council had received notification of an Appeal being lodged with the Planning Inspectorate regarding the Committee's refusal of app 16/1021. Information regarding the timescale of the Appeal had not been received, the Development Manager undertook to update the Committee on the progress of the application in due course.

Responding to a question from a Member as to whether the shutters continued to be operated, the Development Manager advised that he understood that the shutters were still being deployed on a nightly basis, albeit for less hours than had been requested in application 16/1021.

A Member commented that whilst the Quarterly Report on Planning Enforcement was a full report, it had not identified any conclusions with respect to the enforcement action being taken by the Council. He requested that future reports detailed actions the Council was able to take in relation to enforcement for the Committee to consider and approve. He expressed disappointment that the report only sought to provide the Committee with an update.

The Legal Services Manager agreed to further detail on prospective courses of action the Council was able to take being included in the next Quarterly report on Planning Enforcement. Due to the inclusion of legally privileged information, the report would be required to be by the Committee in private.

Another Member expressed concern regarding the long duration of a number of Enforcement cases detailed in the report, he sought assurance that sufficient enforcement activity was being undertaken.

The Development Manager drew Member's attention to page 135 of the report which illustrated that, year to date, in 2017 more than 200 enforcement cases had been resolved, which indicated that the Council was very proactive in its approach to enforcement.

A Member moved that the Quarterly Report on Planning Enforcement be noted, which was seconded, and it was:

RESOLVED: That the Quarterly report on Planning Enforcement (ED.37/17) be noted.

[The meeting closed at 13:12]