

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 21 APRIL 2017 AT 10.00 AM**

**PRESENT:** Councillor Mrs Warwick (Chairman), Councillors Bloxham, Bowditch (as substitute for Councillor Ms Patrick) Mrs Bradley, Christian, Earp, Glendinning, McDevitt, McDonald, Mrs Parsons Shepherd and T Sidgwick.

**ALSO**

**PRESENT:** Councillor S Sidgwick attended the meeting in his capacity as Ward Member having registered a right to speak in respect of Applications 17/0167 & 17/0186 – 14 Hartington Place, Carlisle, CA1 1HL.

**OFFICERS:** Development Manager  
Legal Services Manager  
Principal Planning Officer  
Planning Officers x 3

### **DC.35 /17 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Ms Patrick and the Corporate Director of Economic Development.

### **DC.36/17 DECLARATIONS OF INTEREST**

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

Councillor T Sidgwick declared a prejudicial interest in respect of applications 17/0167 & 17/0186 - 14 Hartington Place, Carlisle, CA1 1 HL. The interest related to one of the objectors being her husband and the likely perception of bias.

Councillor Mrs Bradley declared an interest in respect of application 17/0074 – The Croft, 143 Houghton Road, Houghton, Carlisle, CA3 0LD. The interest related to the applicant being known to her.

Councillor Bowditch declared an interest in respect of application 17/0074 – The Croft, 143 Houghton Road, Houghton, Carlisle, CA3 0LD. The interest related to architect firm who designed the building being known to him.

Councillor Mrs Warwick declared an interest in respect of application 16/1022 – Land to the rear of Irvings Place, Dalston Road, Cummersdale. The interest related to objectors being known to her.

Councillor Christian declared an interest in respect of application 17/0074 – The Croft, 143 Houghton Road, Houghton, Carlisle, CA3 0LD. The interest related to the occupier of “The Croft” being known to him.

Councillor Earp declared an interest in respect of the following applications:

- 17/0058 – Land at Longthwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN. The interest related to objectors being known to him.

- 16/0628 – Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle. The interest related to objectors being known to him.
- 17/0101 – Vienna Rose Stables, Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him.

#### **DC.37/17 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

#### **DC.38/17 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 19 April 2017 (site visit meeting) be noted.

#### **DC.39/17 AGENDA**

RESOLVED – That Agenda Items A.1, items 3 and 4 – 14 Hartington Place, Carlisle, CA11HL, be considered together as one item.

#### **DC.40/17 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.41/17 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 2No. Detached Dwellings, Land at Longthwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN (Application 17/0058)**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

Members' attention was drawn to pages 2 and 3 of the Supplementary Schedule which contained revised drawings for Plot 2 that superseded those reproduced on pages 27 and 29 of the Main Schedule.

The Planning Officer explained that the principle of development of the site for two detached dwellings had been established in 2014 when the Committee granted Outline Planning Permission. The application before Members sought Full Planning Permission for the erection of two detached dwellings.

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

In conclusion, the Planning Officer recommended the application for approval subject to the conditions contained in the report.

The Committee then gave consideration to the application.

A Member explained that she had requested that the site visit be undertaken as she had concerns regarding the proximity of the proposed oil tanks to the Cairn Beck, and she had wished the Committee to see the relationship between the two. The applicant's submission of revised plans which sited the oil tanks further from the Cairn Beck had allayed those concerns,

A Member asked what arrangements were in place to address an oil spill.

The Planning Officer explained that no details of any such arrangements had been submitted to the Local Planning Authority, however, the applicant had indicated their intention to use sealed units for the storage of the oil. The Planning Officer suggested that a condition be added to the permission requiring the use of sealed units. However, she noted that the applicant had indicated that due to the location of a gas main nearby, oil may not be used as a fuel at the proposed dwellings.

A Member sought confirmation that the proposed sewage treatment was not at risk from flooding.

The Planning Officer advised that in order to ensure the suitability of the proposed drainage methods condition 3 required the submission of further details prior to any commencement of development.

Drainage discharge to watercourses was regulated by the DEFRA General Binding Rules which set out the minimum standards or conditions for sewage treatment processes. Responsibility for the monitoring of the package treatment plants was prescribed Building Regulations, and undertaken by Building Control.

A Member expressed concern regarding the use of shared drives, which in his view, was an area of potential conflict between occupiers.

The Planning Officer acknowledged the Member's concern, she reminded, the Committee were required to determine the application as submitted.

A Member moved the Officer's recommendation, with the inclusion of a further condition requiring oil tanks used in the scheme to be sealed unit. The proposal was seconded and, following voting 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.

**(2) Erection of 1no. Detached Dwelling (Plot 4) (Reserved Matters application pursuant to Outline Approval 15/0943), Land between Wetheral Methodist Church and Redcroft. Wetheral, Carlisle (Application 16/0628).**

*Councillor Bowditch having not been present when the item was previously considered by the Committee, left his seat and took no part in the discussion or determination of the application*

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

The Planning Officer reminded Members that at its March 2017 meeting, the Committee had deferred the application in order for Members to consider the submitted background information in respect of foul and surface water drainage methods. The originally submitted drainage information from Lakeland Environmental Management had been reproduced on pages 47-50 in the Main Schedule. An addendum to the report by Lakeland Environmental Management had been reproduced on page 51 of the Main Schedule; with the Appendices referred to therein having been made available to Members on the Council's website.

Slides were displayed on screen showing; site location plan; block plan – foul and surface water drainage; map of watercourses in the area of the application site; elevation plans; floor plans and photographs of the site, an explanation of which was provided for Members

In conclusion the Planning Officer recommended the application for approval subject to the conditions contained in the report.

The Committee then gave consideration to the application.

A Member questioned the accuracy of the map illustrating the watercourses, as it indicated the tributaries of Pow Maughan Beck were underground, which he considered to be incorrect. He further stated that he was unable to support the application due to a number of concerns in respect of the proposed drainage system.

The Planning Officer responded that the Cumbria County Council as Lead Local Flood Authority had supplied the watercourse map. She confirmed that the outfall from the foul drainage system would discharge into the Pow Maughan Beck. In addition, she advised Members that the surface water would be attenuated to a highway drain.

In response to a further question from the Member regarding the number of adjacent properties served by septic tanks, the Planning Officer responded that those dwellings were outside the application site and consequently she did not have details of their sewerage arrangements.

The proposed drainage system had been examined by an environmental consultant, a copy of the report being reproduced on page 47 of the Main Schedule. Furthermore, Discharge to watercourses was controlled by the DEFRA General Binding Rules which set out the minimum standards or conditions for sewage treatment processes. Control of the package treatment plants would also fall under Building Regulations.

In relation to the General Binding Rules a Member outlined the requirements for differing level of discharge, it was his view that the erection of additional dwellings at the site would require the use of a treatment plant to manage sewage and that the outfall from the system would need to be discharged into a watercourse that ordinarily flows. On that basis he requested that a condition be imposed requiring any future houses at the site be connected to a treatment plant.

The Planning Officer explained that a condition had been included in the permission requiring the applicant to submit details of the foul and surface water drainage systems. In

relation to the erection of further dwellings at the site, the proposed drainage systems would be considered on a case by case basis.

The Member sought clarification on the process for maintaining the drainage system.

The Planning Officer advised that applicant was required to submit a scheme of maintenance to the Council's Building Control services who were responsible for ensuring compliance with relevant Building Regulations. It was the owners' duty, when selling their property, to advise future owners of their responsibilities in relation to the drainage system.

A Member felt that as the application pertained to one plot on a development that would in the future yield further housing units, a drainage system for the entire development ought to have been put forward. In addition, he sought clarification as to where surface water run-off from the site would drain to and the position of the drainage ditch in relation to the application site.

The Planning Officer indicated the position of the ditch on the water course map, she advised that surface water would drain into this area. The Lead Local Flood Authority had confirmed the acceptability of the proposal.

In response to a question from a Member, regarding the inclusion of a condition to protect existing wildlife at the site, the Planning Officer explained that the Outline Permission had contained a condition which prevented working being undertaken during the bird nesting season, along with a condition requiring the hedging adjacent to the access route to be covered to prevent birds nesting. Those conditions would apply, in the event that the current application was approved.

A Member moved the Officer's recommendation 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.

Councillor Bowditch returned to his seat.

- (3) Proposed Change of Use from a Dwelling to Occupational Health Services, 14 Hartington Place, Carlisle, CA1 1HL (Application 17/0167). &**
- (4) Internal and External Alterations Associated with the Proposed Change of use from a Dwelling to Occupational Health Services, (LBC), 14 Hartington Place, Carlisle, CA1 1HL (Application 17/0186).**

*Councillor T Sidgwick having declared an interest in the item of business removed herself from her seat and took no part in the discussion or voting on the item*

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017. The application sought permission for Change of Use to No.14 Hartington Place a two storey Grade II Listed Property situated within a Primary Residential Area and within Chatsworth Square/Portland Square Conservation Area.

The Planning Officer outlined the proposed internal alterations to the building as follows: the erection of a stud wall to the rear ground floor of the property to create a new corridor and; the blocking up of an existing archway and the creation of a further opening in the

shower room. No physical changes were proposed to the first and second floors however, it was noted that the former bedrooms would be used as clinic rooms, therapist rooms or offices. In terms of external alterations, an access ramp was proposed to the front of the property.

Further to the production of the report an additional objection had been received from No.6 Hartington Place which questioned the design of the submitted access ramp shown on pages 73 and 75 of the Main Schedule. The objector had raised issues regarding the gradient of the ramp, the turning area and lack of handrails both sides stating that the design would not be compliant with Building Regulations. The objector was also of the opinion that the installation of handrails would have a significant visual impact upon the Listed Terrace.

The Planning Officer advised that the Council's Building Regulations services had confirmed that the access ramp as submitted would not comply with Building Regulations and the constraints on the building meant that it was not possible to follow the guidance in Approved Document M. Building Regulations had further suggested that a ramp with a gradient of 1 in 7 between two level landings would be more appropriate with handrails either side. The applicant had subsequently submitted an amended access ramp design which was considered in line with the advice from Building Regulations.

Slides were displayed on screen showing; site block plan; existing and proposed floor plans; existing and proposed front elevations, including revised ramp details; photographs of the site and other frontages in the Hartington Street area, an explanation of which was provided for Members.

The Council's Heritage Officer had been consulted on the updated details and confirmed that the works would not have an unacceptably detrimental impact on the Listed Building or the Conservation Area. The Heritage Officer further suggested the imposition of a condition requiring details of the hand rails to be submitted to the Local Planning Authority, which the Planning Officer proposed to include in the permission should approval be granted.

Overall, the Planning Officer considered that the proposal was compliant with the relevant planning policies and she recommended the application for approval, subject to the amendment of condition 2 to include the new ramp details, and the imposition of an additional condition requiring the submission of ramp details.

Ms Mercer (Objector) spoke against the application in the following terms: the applicant was a provider of services to large employers in Cumbria, consequently the proposal did not seek to provide healthcare to the local community; there were no other large businesses operating from within the Conservation Area, therefore the application contravened policy CM1 of the Carlisle and District Local Plan 2015 – 30 (Local Plan); the proposed access ramp would impact on the privacy and amenity of neighbouring properties; the proposal would increase footfall in a residential area; there was not sufficient parking to service the number of employees and clients; there had been a number of amendments/discrepancies with the application; the application was retrospective and, an objection showing a colour map of the number of properties on Hartington Place and surrounding areas who had objected to the proposal was not on the Council's website. Mrs Mercer visually showed the Committee the objection containing the coloured map of who had objected to the proposal.

Mr Peart (Objector) detailed what he considered to be errors contained within the reports. In relation to proposed condition 5 which sought to limit the proposed business to two clinics per day, Mr Peart sought clarification on a number of points, including what constituted a clinic and the number of clients anticipated to attend.

Mr Peart further spoke against the application in the following terms: the application site was not close to public transport links; the proposal was not supported by Local Plan policy HO12 as it would not directly benefit the local community; Hartington Place was a wholly residential area and the applicant did not go ahead with the site elsewhere in the city for financial reasons. Mr Peart also queried the relevant Highway Authority response.

Ms Brown (Objector) spoke against the application in the following terms: the application site was a Grade II Listed Building in a Conservation Area, and the terrace in which the property was situated was Listed as a result of its "group value"; the proposal was incongruent with current plans to revitalise the Portland and Chatsworth Square Conservation Areas; the proposed access ramp, hand rails and any associated signage would significantly damage the aesthetic of the Listed terrace; and was not compliant with Building Regulations.

Councillor S Sidgwick (Ward Member) addressed the Committee noting that he had undertaken discussion with both the applicant and objectors in relation to the proposal. He outlined the following areas of concern:

- The proposal did not provide sufficient parking to meet the needs of the business, and vehicle movements in the area would be significantly increased as a result of the business;
- The proposed access ramp and hand rails would significantly impact the visual setting of the Listed terrace.
- The proposal did not satisfy Local Plan Policy HO12 as it would not provide a beneficial service to the local community.

Councillor S Sidgwick urged the Committee to protect and safeguard the residential area of Hartington Place and refuse the application on the grounds that it did not comply with Policy HO12.

Ms Holliday (Applicant) responded to the objections identifying six businesses trading from premises on Hartington Place some of which operated during evening and weekends, whereas the proposed business was only intended to open between 8am and 6pm Monday – Friday.

The site had been chosen for its proximity to public transport networks and was closely located to bus services and the train station.

The proposed access ramp had been designed through consultation with the Council's Heritage Officer to ensure its impact on the building was neutral, its construction would use natural materials and the hand rails would be in-keeping with the date of the property.

Ms Holliday referred to the lack of objection from the Highway Authority and the Heritage Officer, she noted the Planning Officer's consideration that the application was compliant with the relevant development plan policies and her recommendation for approval.

The Planning Officer noted that Cumbria County Council as Highway Authority had confirmed that the proposal's impact on the highway was within normal tolerance levels,

and as the site was located near public transport links, she advised Members that parking matters were not sufficient ground for refusing permission.

The Committee then gave consideration to the application.

In response to a Member's request for clarification in respect of the gradient of the proposed access ramp, the Planning Officer advised that Building Regulations stipulated general standards with regard to ramp gradients used in commercial premises, however, variations were permitted in relation to Listed buildings. With regards to the application before Members, the Council's Building Control services had assessed, in detail, the revised plan for a ramp with a 1 in 7 gradient and had confirmed that the proposal was acceptable.

A Member noted that the Highway Authority had not objected to the proposal, however, she was concerned that the parking requirements of the proposed business had been underestimated. Where that to be the case, the proposal may adversely affect the residents within the parking zone.

A Member detailed a number of concerns regarding the application, in particular in relation to the proposed hand rails, he sought assurance that the design would be sympathetic to the Listed Building. He further requested the imposition of an additional condition limiting the use of signage to a small plaque.

Regarding policy HO12, a Member asked how the application was considered compliant.

The Development Manager responded that the central issue in considering the application's adherence to policy HO12 was the matter of what was termed "local benefits". The Policy did not stipulate a geographic limit on the term local, rather it required consideration be given to an area, which was not limited to a single street. In the context of the application site, the Development Manager noted that the wider area comprised mixed uses, which was very much the thrust of policy HO12. Therefore, it was the Development Manager's view that policy HO12 was not a justifiable means upon which to base refusal of the application.

The Chairman asked what parking provision was available to the rear of the property.

The Planning Officer replied that when undertaking the site visit, one vehicle had been parked to the rear of the property, and that it had appeared the space was able to accommodate at least an additional two vehicles.

A Member appreciated the arguments put forward by both the objectors and the applicant. The Committee's attention was drawn to paragraph 6.24 on page 61 of the Main Schedule which outlined current guidance from Historic England. The Member noted that the Listed status applied to the terrace as a whole, however, the site visit had revealed a variety of boundary treatment on the street with the inclusion of differing walls and railings. The lack of objection to the application from statutory consultees made it difficult for the Committee to reject the proposal on the basis of highway matters or the concerns expressed in relation to the proposed access ramp and hand rails.

Whereupon the Member moved the Officer's recommendation which was seconded and following voting it was:



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

Councillor T Sidgwick returned to her seat.

*The Committee adjourned at 11:30am and reconvened at 11:43am*

**(5) Erection of 9no. Dwellings (Reserved Matters), Holly House Nurseries, Durdar Road, Carlisle, CA2 4TR (Application 16/0831)**

The Development Manager submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017. The application sought Reserved Matters approval following on from Outline application approval 15/1159 and included matters of appearance, landscaping, scale and layout. As Outline approval had been granted the principle of residential development of the site was established.

The Development Manager explained that the proposed scheme raised a number of issues of principle. The Outline application had indicated two dwellings on the 0.5 hectare site, which was a low level of density for the area. The Decision Notice issued following the approval of Outline Permission had not included a condition restricting the numbers of dwellings, and therefore allowed the developer a degree of flexibility in the number of dwellings submitted in a Reserved Matters application. However, the Decision Notice had included a condition stipulating the need for an affordable housing contribution in the event that a subsequent Reserved Matters application sought provision of more than five dwellings at the site.

The issue of the increased density of the Reserved Matters application, had been the subject of debate with the applicant prior to the application being presented to Committee. The Development Manager advised that as a matter of the principle of development a refusal based on the increase from 2 to 9 dwellings would not be substantiated. Members were required to give consideration to the matters of layout, scale and appearance

A second matter in relation to principle was the potential to develop additional housing in the area covered by Policy SP3 Broad Location for Growth: Carlisle South. The exact area of coverage and the manner in which this area was to be developed would be brought forward through Masterplanning Work from which Planning Policy documents would be generated to guide and co-ordinate the overall development.

The Development Manager acknowledged that whilst the Masterplanning work had commenced, it was at a very early stage in the process. In order not to prejudice the delivery of comprehensive development at Carlisle South, including the provision of necessary infrastructure, proposal for piecemeal development would be resisted. In relation to the application before Members, it was noted that due to the existence of the Outline Approval, the scheme was considered to be an exception to Policy SP3 Broad Location for Growth Carlisle South as the principle of residential development of the site had been established. The existence of the previous permission was a material consideration in relation to the implementation of Policy SP3 of the Local Plan.

The Development Manager noted that concerns had been raised in relation to the scale and design, in particular form of proposed dwellings. The layout proposed two types of dwelling: the Sutton, a 6 bedroomed detached house and; the Lachlan a 5 bedroomed house with integral garage. The scheme proposed to provide 4 Sutton and 5 Lachlan

properties sited at either side of an access road on the northern side of the access to the Leslies Nurseries site linking to the Durdar Road.

Slides were displayed on screen showing; site block plan; site layout plan; elevation plans; floor plans; artists' impressions of the two types of dwellings, and photographs of the site, an explanation of which was provided for Members.

Objectors and a local councillor had raised concerns about the roof heights of the proposed dwellings, stating that the closest two-storey dwelling on the main road was only 6.3 metres, with the bungalows at 4.4metres. Thus the housing proposed in the scheme was of a significantly larger scale than existing dwellings in the vicinity. The application site was set back from the highway and from the adjacent two-storey dwelling on Durdar Road, therefore the Development Manager considered that although the proposed housing would be higher their appearance would not be dominant.

Recent developments in the Durdar Road area had comprised a mix of bungalows or dormer bungalows, whilst the scheme before Members proposed only detached houses, the Development Manager judged that a mix of dwellings was being provided in the local area.

In conclusion, the Development Manager recommended that Authority to Issue Approval be given to the Corporate Director of Economic Development subject to the completion of a satisfactory legal agreement for a commuted sum contribution towards affordable housing.

The Committee then gave consideration to the application.

A Member questioned why the proposed "Sutton" houses were not provided with a garage.

The Development Manager responded that the decision not to incorporate a garage into the houses' design was a commercial decision, which he understood had been made by the developer in an attempt to maximise internal space within the properties. He added that were a future occupier to require a garage, an application for the relevant permissions would be required.

A Member asked if granting permission for the proposed 2½ storey properties would set a precedent in respect of the forthcoming St. Cuthbert's Garden Village.

The Development Manager explained that work in relation to development density and dwelling height in respect of Carlisle South had not commenced, he advised Members that the proposed buildings' scale need to be considered in the context of their relationship to existing buildings.

In response to the Member further raising the matter of drainage issues contained in Councillor Allison's submission to the consultation, the Development Manager advised that the application before the Committee did not include drainage. A condition had been included in the Outline Permission requiring the applicant to submit details of drainage proposal to the Local Planning Authority, however, the information was yet to be received, and subject to a further application.

A Member expressed reservations in relation to the design of the proposed dwellings, which in her view did not respond to the local context in terms of density, scale, massing

and the established street pattern. It was her view that the Committee should have limited the number of dwellings that would be allowed at the site when it granted Outline Permission.

Paragraph 3 of Local Plan Policy SP 3 stated that *“The development of this area will be in accordance with a masterplan which will be approved as a Development Plan Document. The study area for the masterplan will include the whole of the undeveloped extent beyond the city’s existing southern edge and any existing allocations”*. Given the statutory procedures that were intrinsic to the Masterplanning the process would require a significant period of time to complete. She was further concerned that approving the application would have a detrimental and constraining impact on future Garden Village development, and that a precedent for piecemeal development in the area would be set.

The Development Manager shared the Member’s concerns in relation to the potential impact approving the application may have in respect of the Garden Village development. He stated that the recommendation to approve the application was based on the entirely on exceptional circumstances of the application site and in particular the previously approved Outline Permission.

The Council’s Planning Officers were providing consistent advice regarding the development of Carlisle South going forward, were the development of this exceptional site to be referenced as a basis for approving other applications, such action would be resisted.

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

RESOLVED: That Authority to Issue Approval be given to the Corporate Director of Economic Development subject to the completion of a satisfactory legal agreement for a commuted sum contribution towards affordable housing.

**(6) Proposed Improvements to the existing vehicular access, Holly House Nurseries, Durdar Road, Carlisle, CA2 4TR, (Application 16/0989).**

The Development Manager submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017. Whilst the application site was the same as for the previous application, the Development Manager emphasised that it was a stand-alone application.

Slides were displayed on screen showing site location plan, proposed access arrangements and photographs of the site, an explanation of which was provided for Members.

In conclusion the Development Manager recommended the application for approval subject to the conditions contained in the report.

A Member moved the Officer’s recommendation 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.

**(7) Erection of 17 No. Dwellings and Associated Infrastructure, Land to the Rear of Irvings Place, Dalston Road, Cummersdale (Application 16/1022).**

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

Members' were asked to note pages 4 - 9 of the Supplementary Schedule which contained a further three objections, including one from Cummersdale Parish Council. The objections related to density, inadequate parking and the loss of the grass verge to the front of the site.

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

The Principal Planning Officer advised that the density of the scheme was higher than that of recently approved housing schemes in the area at 41 dwellings per hectare, however, the density of dwellings in the proposed scheme was considered acceptable.

The proposal included the provision of a grass verge at the front of site adjacent to Dalston Road half of which was in the ownership of the applicant, although the entire area was highway verge. Condition 22 required the highway boundary, as demarcated by existing fence line be marked along Dalston Road and Cummersdale Road with a pin kerb to prevent encroachment into the highway verge and to maintain visibility at the adjacent road.

In response to the application, Councillor Allison had submitted Land Registry Plans, which he felt indicated discrepancies between the applicant's land ownership and the site plan. The Principal Planning Officer advised that it was not clear whether any inconsistency existed and, in the event of such a discrepancy, it was considered to be minimal and not likely to affect the application. The applicant had been made aware of the issue.

Councillor Allison had also raised concerns in relation to the potential loss of the grass verge along Dalston Road, the Principal Planning Officer stated that a condition was contained within the report to address this matter.

The applicant had confirmed that he intended for the roads within the site to be adopted, the Council's Waste Services had confirmed that bin lorries would access the site even if the roads remained private.

The Principal Planning Officer noted that the Pirelli warehouse adjacent to the site was used to store tyres, discussions had been held with the Council's Building Control services and confirmation had been received that the Pirelli building had 60 minutes fire protection, they had further confirmed there were no objections regarding the proposed dwellings on the site.

The Principal Planning Officer suggested the addition of two further conditions covering the future maintenance of the open space on the site, and the standard condition on contamination. Given the above, the Principal Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development to Issue Approval subject to the completion of a satisfactory legal agreement relating to the provision of a £20,000 contribution towards a cycleway from Dalston Road between Pirelli and the crematorium to the Cummersdale cycleway and the provision of 3 affordable dwellings for rent.

Mrs Nicholson (Objector) spoke against the application in the following terms: there were discrepancies between the area of the grass verge shown on original site plan drawing and all other drawings submitted as part of the application, as the grass verge was shown to be outwith the site boundary; the proposal would reduce visibility at the junction and would potentially cause obstructions; the density of the development was excessive, and not in-keeping with other housing provision in the area; the proposal was contrary to Local Plan policy SP6 and may set a precedent for future developments.

Ms Diamond (Agent) responded noting that the proposed development was well related and physically connected to the existing built form of the Carlisle Urban Area. The site was sustainably located and the proposal would create significant improvement to the character and appearance of the site. In relation to the concerns expressed regarding density Ms Diamond noted that the site was physically attached to the Carlisle City Urban Area and resultantly was able to realise a greater density of dwellings than in rural areas.

The proposal afforded many benefits including, the provision of homes in a sustainable location, three of which would be made available for affordable rent, along with the re-use and regeneration of a gateway site to the city.

The Committee then gave consideration to the application.

Responding to a question from a Member as to whether the proposal conflicted with the Morton Masterplan, the Development Manager noted that the application site was not within the Morton Masterplan Area. He detailed the process for the agreement of density of development in the Morton Masterplan area, which had for a period of time been defined at 30 dwellings per hectare.

A Member asked if the developer was able to plant trees within the proposed verge.

The Principal Planning Officer responded that the planting of trees was not permitted within the Highway verge.

A Member commented that the density of dwellings seemed reasonable, and she was pleased that the scheme proposed two and three bedroom dwellings as such a provision assisted the city in meeting its housing needs. She supported the inclusion of affordable rental properties within the scheme, as she felt such provision was important to the sustainability of the rural area.

A Member moved the Officer's recommendation with the inclusion of the additional conditions detailed above, which was seconded and following voting it was:

RESOLVED: That that Authority to Issue be granted to the Corporate Director of Economic Development to approve the application subject to the completion of a satisfactory legal agreement to cover the provision of affordable housing on the site.

**(8) Proposed detached dwelling, Land opposite Garth End, Hayton, Carlisle (Application 16/1047).**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

The Planning Officer advised that further to the report, the Highway Authority had confirmed that there was no objection to the proposal subject to the imposition of conditions including the provision of:

- visibility splays;
- construction of access and turning provision in accordance with the approved plans;
- minimum gradient for the access drive;
- provision of parking area for construction vehicles;
- surface water drainage; and
- the agreement of a construction surface water management plan.

Paragraph 3.5 made reference to the development being set within the site by approximately 1.8 metres, the Planning Officer advised that due to the sloping nature of the site, the figure maybe up to 2.4 metres.

Slides were displayed on screen showing; location plan; site plan; floor plans and sections; elevation plans and photographs of the site, an explanation of which was provided for Members.

In conclusion the Planning Officer recommended the application be refused for the reasons detailed in the report.

Mr Willison-Holt disagreed with the reasons for refusing permission detailed in the Planning Officer's report. In respect of reason 1, Mr Willison-Holt stated that there was a distinction in planning policy terms between what was termed "within" and "edge of" when determining the relation of a site to an existing settlement, he contended that the application site was not isolated from Hayton village.

Regarding the Planning Officer's second reason for refusal, Mr Willison-Holt disagreed that the proposed dwelling was a two-storey dwelling, and asserted that its design meant that it would be viewed as a dormer bungalow when viewed from the adjacent road. Turning to the issue of the topography of the site, Mr Willison-Holt considered the site to be a margin site, therefore the relevance of the topography was reduced.

In conclusion Mr Willison-Holt considered that the principle of development of the site was acceptable. He explained that the applicant was a local farmer who was amenable to the scheme being amended to satisfy Local Planning Authority requirements.

A Member noted that paragraph 3 of Local Plan policy HO2 required developments to be "... well contained in existing landscape features". He considered that as the application proposed the removal of a significant volume of earth to allow the dwelling to sit within the landscape amounted to a change to the existing landscape features.

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

RESOLVED: That the application be refused.

- (9) Proposed Vehicle Entrance, 1 Ash Tree Square, Burgh by Sands, Carlisle, CA5 6AY (Application 17/0111).**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

The Planning Officer explained that the proposal was a householder application for a new vehicle entrance and off-street parking provision for two vehicles within the curtilage of 1 Ash Tree Square, Burgh by Sands. The application was presented to the Committee for determination as the Parish Council had objected to the breaking up of the cobbled wall which it considered to be detrimental to the feature of the Burgh by Sands Conservation Area.

The proposed scheme required a three metre length of the existing cobbled wall be removed in order to create the access. The Planning Officer detailed the proposed finishes to the wall and driveway. The applicant intended to retain the current height of 0.8 metres along the length of the wall in order to achieve a visibility splay of 33 metres. *Members were asked to note there were number accesses to properties had already been created through the cobbled wall to provide footways and driveways serving the existing dwellings.*

Slides were displayed on screen showing; location plan; block plan; section plan; elevation plans and photographs of the site and wider street scene within the Conservation Area, an explanation of which was provided for Members.

In terms of impact on the Conservation Area, the Council's Conservation Officer had been consulted on the application and had confirmed that the proposal was acceptable, subject to the imposition of a condition to secure a sample of the material to be used in the reconstruction of the wall, to be agreed by the Local Planning Authority prior to the commencement of the rebuilding of the wall. The Conservation Officer further considered that the proposed repair and re-pointing of the wall would preserve and enhance the wall for the longer term. The Solway Coast Area of Outstanding Natural Beauty Unit was also consulted on the application and had confirmed there was no objection to the proposal.

The Highway Authority had responded to the consultation confirming the proposal was acceptable, subject to the imposition of conditions relating to vehicular crossings over the footway, including the lowering of dropped kerbs, and the associated surfacing of the driveway in bituminous or cement bound materials.

The Planning Officer advised that the application site contained a tree which was subject to a Tree Preservation Order (Ref. TPO240) on the western boundary of the site. Members were asked to note that no works would be undertaken within the TPO Root Protection Area, therefore the proposal was not considered detrimental to the existing TPO or biodiversity.

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

Regarding the removal of the 3 metre section of wall to create the access, a Member requested that the removed stone be used to re-point and restore the remaining section of the wall some of which had been lost and replaced with red brick.

The Planning Officer undertook to strengthen condition 3 to accommodate the Member's request.

Another Member questioned whether it had been necessary for the Committee to undertake a visit to the site.

The Development Manager explained that whilst an application of this nature would, ordinarily be determined by Officers using Delegated Powers, in this instance, the Parish Council had objected to the proposal on the grounds that it would be detrimental to the Burgh by Sands Conservation Area and did not accord with the Burgh by Sands Parish Design Statement Supplementary Planning Document. The Council's Conservation Officer and the Conservation Area Advisory Committee had not objected to the proposal, therefore, the Development Manager judged that it was important for Members to be fully cognisant of the full street scene to assist their determination of the application and that need had necessitated a site visit being undertaken.

Another Member noted that the Committee had previously decided that video presentations would be provided to Members to allow them to view application sites without needing to undertake a visit, as the duration of the site visit meetings had been considered overly long.

The Development Manager assured Members that where practical video presentations would be provided to the Committee, however, the undertaking of site visits was an important tool in the assisting Members to appreciate application sites and the potential impact of proposed schemes.

A Member moved the Officer's recommendation along with the re-wording of condition 3 as detailed above. The proposal was seconded following voting 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.

## **STANDING ORDERS**

It was noted that the meeting had been in progress for 3 hours and it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

- (10) Conversion, Alteration and Extensions to Former Hotel to provide 12no. Residential Units; Incorporating Landscaping and Parking (Revised Application), Former Tarn End House Hotel, Talkin, Carlisle, CA8 1LS (Application 17/0119).**

The Development Manager submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

The proposal sought to convert the former hotel building into twelve residential units around a small courtyard providing one car parking space per unit, additional parking spaces for occupiers and visitors would be created on the opposite side of the road. The former hotel lawns were to be modified to form a communal formal garden area. The footpath to the north-west part of the site would not be affected by the proposed development and there remained a path through the site as part of the Tarn circular route. A proposed landscaping plan had been submitted, however, further details were required regarding planting and consequently was the subject of an additional condition.



Slides were displayed on screen showing; site location plan; site layout and block plan; elevation plans; floor plans; landscape masterplan and photographs of the site, an explanation of which was provided for Members.

Members were reminded that at its meeting of 18 March 2016, the Committee had received a report on the conversion of the former hotel which had included a far greater proportion of new build on the original footprint along with the addition of two larger wings to increase the unit yield. That application was refused as the Committee considered it did not respect the integrity of a building recognised as a non-designated heritage asset. The applicant had appealed the Committee's decision, however, the Planning Inspector dismissed the appeal, acknowledging that whilst the scheme had some merit, it had not given sufficient respect to the historic integrity of the existing building. The Planning Inspector judged that the harm of the scheme outweighed the benefit that conversion and re-use of the building would bring.

The Development Manager considered that the proposal currently before Members provided greater respect for the historic integrity of the building and that the benefits and reduced the scale of the new build provided for a more acceptable scheme in proportion to the historic development of the site.

In terms of visual impact on the view of the building from the Tarn there were three additions of note: small glazed extensions on the two sides providing additional accommodation and a glazed link. The use of glazing was considered to contrast the new from the old without imposing clashing styles and was an acknowledged technique for blending new additions on historic buildings. On the west elevation the new addition comprised catslide roofs on either side of a central stone and glass section.

Further to the production of the report the Highway Authority had responded to the consultation on the application and raised no objection. However, the Authority had requested a number of additional conditions be added to any approval relating to:

- The specification of footways, footpaths, and cycleway;
- Visibility splays;
- Carriageway improvements;
- Prevention of surface water discharging onto the highway;
- Construction of access and parking requirements;
- Access and parking/turning substantially met for construction traffic to park and turn clear of the highway.

The Lead Local Flood Authority had also responded to the consultation raising no objection but required the imposition of an additional condition relating to the provision of a surface water drainage scheme.

The Development Manager informed Members that the County Council's Historic Environment Officer had requested the imposition of a condition requiring a Level 2 Survey of the building be undertaken. This condition had been omitted from the report but would be included in the permission in the event that the application was agreed.

Whilst undertaking the site visit on 19 April 2017, Members had expressed a desire to impose additional condition regarding the removal of Permitted Development Rights. The Development Manager judged that, given the historic nature and setting of the building,

restricting future occupiers' ability to erect any structures within the garden area of the former hotel, or to erect any additional boundary treatments or extensions, was appropriate. He therefore agreed to the inclusion of the condition.

Members' attention was drawn to paragraph 6.52 of the report which referred to a number of anomalies in the submitted drawings. The anomalies related to a number of units in relation to matters of window detailing and openings which did not match on the elevations and floor plans. Clarification had been requested from the Agent but has not been forthcoming in time for meeting of the Committee. The Development Manager advised that Condition 2 required "strict accordance with the submitted plans" therefore, he consider it essential that clarification on the matter was provided prior to the issuing of any permission.

In conclusion, the Development Manager recommended that Authority to Issue approval be given to the Corporate Director of Economic Development subject to the satisfactory receipt of clarification for the elevations and floor plans. This will also be subject to the conditions contained in the report and the additional conditions as outlined relating to highway authority proposed conditions, local lead flood authority proposed conditions, historic environment officer's condition, and the removal of permitted development rights.

The Committee then gave consideration to the application.

A Member asked whether the proposal included the removal of a tree that was protected by a Tree Protection Order (TPO).

The Development Manager explained that the issuing of Planning Permission would override the TPO. It was noted that the applicant had submitted a landscaping scheme as part of the application.

The Member responded that views from the glazed link appeared to be blocked by existing trees.

The Development Manager confirmed that the glazed link would be erected in an area of the site with existing trees, however, there was no planning policy requirement for glazed sections of buildings to overlook a view.

Another Member asked whether the applicant intended to utilise the stone from the sections of the building that were to be demolished to re-build the wall at the proposed car park area. He further asked whether the Development Manager was satisfied that condition 2 was sufficiently worded so as to ensure no future changes to the proposal would be submitted.

The Development Manager stated that he was not aware what volume of stone was required for creation of the car park wall, he undertook to include a condition requiring that stone taken from the demolished existing buildings be used in the construction of the car park area wall.

Regarding condition 2, it was noted that it had been worded to require "strict accordance", thereby making the requirement of the condition clear to the developer. In terms of future applications, the condition did not prevent the developer from submitting further applications in the future.

The Member also asked if a condition had been included to ensure that only the single existing access point from the site to Talkin Tarn was used in the scheme.

The Development Manager advised that the developer had not submitted an access proposal that incorporated a route other than the existing one from the site to Talkin Tarn, he reminded Members that their role was to determine the application as had been presented. He added that a post and rail “estate fence” with a height of 1.4 metres would be erected between the site and the former hotel’s allocated jetty at the Tarn.

A Member expressed her support for the inclusion of additional condition as outlined above. She asked whether the developer had submitted a construction plan as part of the application. She was concerned that the highway adjacent to the site was widely used and felt that it should not be obstructed by construction traffic.

The Development Manager responded that the Highway Authority had addressed the matter in its response to the consultation, he undertook to provide additional text to the relevant condition to satisfy the point.

The Member further noted that the developer had not submitted a Viability Assessment with the application, however, she was satisfied that the proposal would bring back into use a heritage asset for residential purposes. It had been some years since a structural survey had been undertaken on the existing buildings, and she was concerned that further deterioration had taken place during that time. She wished to ensure that no unnecessary loss of existing fabric occurred at the building.

The Development Manager stated that this was a matter of monitoring the site as work progressed, the isolated location of the site made monitoring a challenging activity, however, he reassured Members that Officers would carry out regular checks of the site.

A number of Members commented that the developer had allowed the former hotel building to deteriorate to its current condition, they congratulated the Development Manager on identifying the need for the additional conditions as detailed above, and securing a final scheme for the site.

A Member moved the Officer’s recommendation 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.

- (11) Existing Temporary Classroom and Office Building to become Permanent with Installation of Kitchen Area, Together with Cladding Treatments to Existing Elevations and Roof, Including Upgrade of Thermal Performance, The Croft 143 Houghton Road, Houghton, Carlisle CA3 0LD (Application 17/0074).**

*Councillor Bowditch having declared an interest in the item removed left his seat and took no part in the discussion or determination of the application.*

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

The Principal Planning Officer explained that the application was presented to Committee as one of the directors of Susan's Farm who were the applicants was a Councillor.

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

A Temporary Permission for the building, which was used as an education centre, had been granted in 2009, the application before Members sought the retention of the facility on a permanent basis.

The Principal Planning Officer recommended the application for approval subject to the conditions contained in the report.

A Member moved the Officer's recommendation 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.

Councillor Bowditch returned to his seat.

**(12) Erection of an Agricultural Building, Vienna Rose Stables, Broomfallen Road, Scotby, Carlisle, CA4 8DE (Application 17/0101).**

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 19 April 2017.

The Planning Officer explained that the land under the ownership of the applicant was divided between land forming part of his accommodation to the front, following the grant of permission by the Planning Inspectorate, and the agricultural land to the rear. The proposed building was well related to existing structures, appropriately sited within the topography of the land and adjacent to an existing tree line.

Slides were displayed on screen showing; site location plan; overhead site plan; internal layout plan; roof plan; elevation plans and photographs of the site, an explanation of which was provided for Members.

The Planning Officer recommended the application for approval subject to the imposition of conditions contained in the report which included restricting the use of the building for agricultural purposes only.

The Committee then gave consideration to the application.

A Member asked how the condition restricting the use of the building to agricultural purposes only would be monitored, and in the event of an infringement, what action would the Council take to ensure compliance.

The Planning Officer advised that the need to undertake enforcement action would be taken in accordance with the policy.

Another Member expressed concern that a number of details on the application form had been filled in erroneously.

The Planning Officer advised that as a result of the submission of a series of scale drawings, Members could have confidence what the Committee was being asked to approve. In terms of the concerns raised in respect of the application form, the Planning Officer did not consider they warranted grounds on which to base refusal.

A Member moved the Officer's recommendation 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.

#### **DC.42/17 PUBLIC AND PRESS**

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 3 of Part 1 of Schedule 12A of the 1972 Local Government Act.

#### **DC.43/17 CENTURION INN, WALTON– ENFORCEMENT UPDATE**

The Development Manager submitted report ED.16/17 Centurion Inn, Walton – Enforcement Update. The report detailed the Planning and Enforcement history of the site and the Council's current position and the potential for the Council to take future action.

Members undertook a lengthy and detailed discussion regarding the planning and enforcement history of the site and gave consideration to options for taking the matter forward.

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

RESOLVED – (1) That the current position be noted.

(2) That future action through the Courts be approved.

[The meeting closed at 13:56]