

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 27 JANUARY 2012 AT 10.00 AM**

**PRESENT:** Councillor Mrs Parsons (Chairman), Councillors Bloxham, Craig, Mrs Farmer, Layden (as substitute for Councillor M Clarke), McDevitt, Morton, Mrs Riddle, Mrs Rutherford, Scarborough, Mrs Warwick and Whalen (as substitute for Councillor Cape)

**ALSO**

**PRESENT:** Councillor Betton attended the meeting in his role as Ward Councillor having registered a right to speak in respect of application 11/1008 (garage to the rear of Geltsdale Avenue, Carlisle)

Councillor Hendry attended part of the meeting as an observer

### **DC.03/12      APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Cape and M Clarke

### **DC.04/12      DECLARATIONS OF INTEREST**

Councillor Bloxham declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0955. The interest related to the fact that the applicant was a member of his church

Councillor Craig declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0858. The interest related to the fact that he had been contacted by an adjoining resident asking for the application to be brought before the Development Control meeting.

Councillor Layden declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0955. The interest related to the fact that he was the Ward Member and would be speaking on behalf of the applicant.

Councillor Mrs Warwick declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/1101. The interest lay in the fact that she was a neighbour of the applicant.

Councillor McDevitt advised the Committee that he would not be participating in Application 11/0863 – proposed student accommodation comprising 492no bedrooms with social hub and associated parking, access and landscaping, land at Norfolk Street, Denton Holme, Carlisle – as he had been approached by the developer and discussed the application with him in his role as Ward Councillor. Having taken advice from the legal officers Councillor McDevitt stated that he would not be leaving the room but would not take part in the decision making process.

## **DC.05/12 PUBLIC AND PRESS**

A Member queried why Report ED.03/12 – Enforcement Action Update 1 – was to be considered in Part B. She reminded Members that the issues had been discussed and minuted in the public part of the previous meeting. The Legal Services Manager explained that the reason the report had been placed in Part B was due to the fact that it contained information which revealed that the authority proposed: a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment as defined in the paragraph number (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act. She added that it was a decision for Members to make. A Member seconded the proposal to move the report into Part A as he believed it was in the public interest. Other Members concurred with the proposal.

The Legal Services Manager recommended, and it was agreed, that Report ED.04/12 – Enforcement Action 3 – should be considered in Part B of the meeting as it contained exempt information that related to an individual.

## **DC.06/12 MINUTES**

The Minutes of the meetings of the Development Control Committee held on 9 and 11 November 2011 were approved and signed as a true record of the meetings.

The Minutes of the site visit meeting held on 25 January 2012 were noted.

## **DC.07/12 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.08/12 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) Proposed student accommodation comprising 492no bedrooms with social hub and associated parking, access and landscaping, land at Norfolk Street, Denton Holme, Carlisle, Cumbria (Application 11/0863)**

Councillor McDevitt had advised the Committee that he would not be participating in consideration of the application as he had been approached by the developer and discussed the application with him in his role as Ward Councillor. Having taken advice from the legal officers Councillor McDevitt stated that he would not be leaving the room but would not take part in the decision making process.

The Principal Planning Officer (Development Management) submitted the report on the application which had been deferred at the last meeting of the Committee to enable the applicant to consider amending the scheme to take account of the comments raised by the Committee, particularly in respect of the overall height of the buildings and the level of on-site car parking to be provided. He outlined the background to the proposal, design and site details, together with the main issue for consideration.

The Principal Planning Officer reminded Members that Councillor Atkinson (Ward Councillor) had spoken against the proposal at the December meeting and outlined Councillor Atkinson's objections. One letter of support had been received from the University of Cumbria which identified that a shortage of accommodation was becoming problematic of the University as it sought to increase its numbers.

The Principal Planning Officer advised that there were 2 main areas for consideration namely the design and highway issues. With regard to design the Principal Planning Officer explained that all of the units had been reduced to 3 storey apart from 2 which would remain at 4 storey. Two additional townhouses had been introduced that increased the width of some of the accommodation blocks. The Heritage Officer had confirmed that, in his view, the scale, design and layout were acceptable, an issue which had been a concern to Members.

With regard to highway issues the Principal Planning Officer advised that the level of on-site parking had been increased from 48 to 69 that would include 20 spaces for visitors, 4 spaces for staff and 45 spaces for students. In addition 38 spaces were proposed within the rear lanes of Westmorland Street, Norfolk Street and Richardson Street. The Highway Authority had confirmed that they would take ownership and adopt those spaces which would then form part of the residents' parking scheme. The exception to that related to the 9 spaces to the rear of 1-5 Richardson Street which the Highway Authority would not adopt as the spaces were at right angles to the lanes. The applicants had explained that they would retain ownership of those 9 spaces but would make them available to residents.

The applicant had requested that, as the cost of providing those resident bays would be £100,000, the proposed £116,000 contribution to cycleway provision be reduced by £100,000. The Principal Planning Officer believed that the benefit of the additional parking spaces was a material consideration that justified a reduction in the level of commuted payment. The Highway Authority had agreed that the amended scheme was acceptable to them subject to the imposition of a condition that required the parking bays in the rear lanes to be constructed to an acceptable standard.

Some Members had been sceptical about suggested measures to prevent students applying for residents' parking permits. The Principal Planning Officer advised that the Planning Inspectorate had produced a planning condition to deal with that situation.

The Principal Planning Officer further advised that the applicants had offered to increase the public open space contribution by £10,000.

In response to amended plans there had been a series of objections from local residents. The Principal Planning Officer outlined the issues raised most of which were a repetition of those contained within the report.

In conclusion the Principal Planning Officer advised that the revised scheme was acceptable and it was requested that Members grant authority to issue approval for the reasons stated in the report, subject to a £100,000 reduction in the cycleway contribution and a £10,000 increase to the public open space contribution, together with the 2 additional conditions that related to the construction of the parking bays in the rear lanes and the arrangements to prevent students from obtaining a residents' parking permit.

Mrs Crack (Objector) presented slides relating to the application and queried whether the 3 and 4 storey buildings were appropriate for the area. She believed that they did not constitute sensitive regeneration and would cause a loss of privacy. She believed that new development should be 2 storey in order to relate to the surrounding area. Mrs Crack added that the primary windows of the 3<sup>rd</sup> storey accommodation would have a line of sight along the full length of the surrounding back yards. Mrs Crack believed that, whilst Blocks L and B were close to the minimum allowed distances between primary facing windows, homes facing the 2 blocks would be most adversely affected and requested that, to protect the residents' quality of life, the development be restricted to 2 storey buildings around the edge of the site.

Mrs Guy (Objector) stated that the residents' concerns had not gone away or decreased since deferment of the application at the last meeting; in fact they had increased. The development still had 4 storey blocks on the site and the facilities in the social hub appeared inadequate for 492 students. She reminded Members that there were few facilities in Denton Holme. Mrs Guy explained residents were concerned about their privacy and security of the site which she believed could attract unwelcome visitors particularly when the site was less occupied such as during the student holidays. Mrs Guy also believed that the numbers of people going into and out of the site could put pressure on the pavements, roads and transport links. Mrs Guy indicated that the university had not requested accommodation for 492 students; that was a requirement of the developer. In conclusion Mrs Guy stated that residents acknowledged how important students were in Denton Holme but reminded Members that the residents were important too.

Mrs Guy spoke further on behalf of Mrs Kew (Objector) who had requested a right to speak but was unable to attend. Mrs Kew believed that the revised application would create a denser and more cramped site. She stated that residents had made it clear to planners and the developer that they were more than willing to help to produce a suitable application. At an open meeting, and following the deferment of the application at the last meeting, Mrs Kew had again stressed residents' willingness to discuss the application with the developer.

Mrs Kew had also spoken on the telephone with the Principal Planning Officer and suggested several options to the application which included moving some blocks, rotating some blocks and the painting white of one of the block walls to reflect light

into the residents' primary windows. In conclusion Mrs Kew requested that the development be scaled down.

Mr Dodd (Objector) stated that he believed that Denton Holme was a perfect location for student accommodation but added that he did not believe that the application was sensible. He believed that when the application was deferred at the last meeting the developer would remove the 4 storey blocks, improve the car parking proposals and address the issues raised. The revised application still had 4 storey blocks with additional townhouses and the number of students reduced by 3. Car parking, security issues, future management, treatment of disabled visitors, facilities for students and contamination issues had not been addressed. Mr Dodd repeated his concerns about how difficult it was to follow an application on the Council's website. Mr Dodd stated that the residents wanted to see the site developed for student accommodation, the university were desperate for more accommodation and the residents had offered to work with the developer and officers to produce a good development, but he believed that their efforts had been ignored and that the revised application was worse than that which had been deferred at the last meeting. Therefore Mr Dodd requested that the application be refused.

Mr Wishart (Agent) responded by advising Members that several of the blocks had been reduced in height and there had been an increased number of parking spaces included in the revised plan as well as the developer's intention use an additional piece of land for parking for residents and students. The developers were aware of the concerns regarding the potential number of students on the site and assured residents that there would be an effective management system put into place and that, in combination with on site management, supervision and the students' code of conduct, would minimise any potential problems. Mr Wishart confirmed that there would be regular forums with residents to discuss any additional issues should any arise.

With regard to parking Mr Wishart advised that the developer had increased the number of available spaces both on site and on street to ensure the parking issues were not exacerbated. The management plan would cover the issuing of the parking spaces and Mr Wishart confirmed that parking issues would concur with those recommendations made by the Planning Inspectorate. Mr Wishart explained that other universities actively discouraged students from owning cars and provided no or limited parking.

With regard to water pressure and sewage capacity Mr Wishart explained that he had been advised that the development would be able to accommodate the necessary pressures and, if required, on site water pressure boosters could be installed. Mr Wishart also confirmed that there would be no impairment to the sewage system.

In conclusion Mr Wishart advised Members that the development would bring major inward capital of around £16million to the City and several jobs. It would ensure that a contaminated brownfield site would be brought back into use and that the large number of students would be using shops and facilities within Denton Holme. He believed that the development would meet the needs of the university and assist the

growth of the university. The development had been highly accredited and would bring positive publicity to the City.

The Committee then gave consideration to the application.

A Member requested clarification about a comment made by one of the objectors regarding some of the blocks being rotated. The Principal Planning Officer explained that it had been suggested that 2 of the blocks be rotated to reduce overlooking. The suggestions had been discussed with the applicant and while they had some merit the Principal Planning Officer reminded Members that they had to consider whether or not the scheme before them was acceptable. He confirmed that the Heritage Officer had stated that the scheme was bold and striking and an addition to the street scene and that it did not need to be reconfigured.

The Member queried what materials would be used in the parking areas. The Principal Planning Officer advised that the issue related to one area only and that would be a hard surface and that the condition had been worded to provide most flexibility.

The Member stated that she was surprised that the developers had reduced the density of the site and reduced the height of some buildings but had increased the number of buildings overall and retained 4 storey buildings on the street. The Principal Planning Officer explained that there had been an increase in the number of units but suggested that had the development been residential and included terraced properties and townhouses Members may not have objected so strongly. Objections to the density of the site were not sufficient to merit refusal of the application.

A Member stated that the 4 storey buildings were higher than the factory previously on the site and queried whether they could be moved to the centre of the site.

A Member suggested that a paved surface would be safer than a concrete surface. The Member confirmed that consideration had to be given to the present application and proposed that the application be approved subject to the conditions set out in the report.

A Member acknowledged the residents' concerns and stated that he was pleased that the application had been deferred to allow further consideration to be given to the concerns of both residents and Members. The Member seconded the proposal to approve the application subject to the conditions set out in the report.

A Member stated that she was not against a student development in Denton Holme as it would benefit businesses but that she was against the 4 storey blocks.

A Member agreed with the proposal to approve the application and stated that the development was large for the area and a concern for the residents. However he agreed that there was no substantial planning reason to refuse the application.

**RESOLVED** – That authority to issue approval be given to the Director of Economic Development subject to the completion of a Section 106 Agreement as indicated in the Schedule of Decisions attached to these Minutes.

Councillor McDevitt did not vote on the application.

There was a short adjournment of the meeting between 10:55 and 11:00.

**(2) Levelling of terraced garden, erection of retaining wall together with timber panelled fencing above and additional landscaping (Retrospective Application), The White House, Main Street, Brampton, Cumbria, CA8 1SB (Application 11/0955)**

Having declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0955 Councillor Bloxham remained in the room and took part in consideration of the application.

Having declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0955 Councillor Layden advised that he would remain in the room and speak as a Ward Councillor but would take no part in consideration of the application.

The Planning Officer submitted the report on the application which had been deferred at the last meeting of the Committee to enable a site visit to take place. The site visit took place on 25 January 2012. The Planning Officer outlined for Members the background to the proposal, design and site details, together with the main issues for consideration.

The application had been publicised by means of site notices, as well as notification letters sent to 16 neighbouring properties. In response 5 letters of objection and 8 letters of support had been received. The Planning Officer summarised the issues raised and support therein.

The Planning Officer explained that whilst the applicant had offered to landscape the site, Members would have to form a view as to whether that would adequately mitigate the visual impact of the structure on the character of the street scene and the Brampton Conservation Area. There was little in the way of available land in which to plant trees and given the lack of space between the fence and the front boundary adjacent to the pavement there were concerns as to the effectiveness of any planting. Given the extensive scale of the fence panels on top of the wall, the Planning Officer believed that the structure was visually intrusive and detracted significantly from the appearance of Main Street, a key route through Brampton and an important part of the Conservation Area.

The Planning Officer stated that in overall terms the development adversely affected the character of the Brampton Conservation Area due to its scale, design and dominance within the street scene. Furthermore the relationship with the neighbouring residential properties was unacceptable due to its visual dominance. Therefore the Planning Officer recommended that the application be refused.

Councillor Layden (Ward Councillor) advised that he was in support of the application and disagreed with the Officer's recommendation. He assured Members that the present visual impact was much improved from what was in place

previously. The applicant had made efforts to improve the property and garden and Councillor Layden explained that behind the structure was a well constructed and balanced layout built to a high standard. Councillor Layden believed that Members, having viewed the structure on the site visit, could see that it was in keeping with the area. The applicant had confirmed that he would plant fruit trees and shrubs and one person who had objected to the application had now written in support. Councillor Layden believed that the foliage from the trees and bushes would enhance the area throughout the seasons.

With regard to security, Councillor Layden advised that the applicant had built the structure as the applicant had been concerned about the security of his children playing in the front garden. Councillor Layden stated that it was unfortunate but in this day and age things happened. He added that there was no garden at the back of the property and that children had a right to have somewhere to play.

Councillor Layden stated that on the site visit, there were 2 members of the Parish Council who were in support of the application and suggested that that was a good indicator of the views of the residents. He informed Members that the applicant had apologised that he had not submitted the application earlier as he believed the structure to be acceptable.

The Committee then gave consideration to the application.

A Member stated that, at present, the fence was bright and new and queried whether the applicant could paint it green. However she had been advised that the wood would weather over time and any landscaping would mitigate the appearance.

A Member stated that, whilst he had not attended the site visit, he had visited the site on several occasions and he disagreed with the recommendation to refuse the application and moved that the application be approved.

A Member stated that he agreed with the Ward Councillor and that the structure improved the area and therefore seconded the proposal that the application be approved.

Some Members stated that they agreed with the structure being in place for security reasons but queried whether the latticed top of the structure could be removed. A Member was also concerned that if trees were planted they may cause damage to the wall at the side of the road. The Member requested that a condition be imposed that the fence would be covered with a clear preservative to allow the wood to colour naturally.

The Chairman reminded Members that the application had to be determined as it was and that the recommendation was against approval. The Director of Economic Development advised that if Members were minded to approve the application conditions could be imposed and asked for guidance from Members under which conditions they would consider it appropriate to overturn the Officer's recommendation. The Planning Officer stated that any condition would have to be reasonable and that the condition could include the latticed top of the fence.



A Member stated that whilst she understood the applicant's concerns about security for his children usual guidance was that children should be clearly overlooked to ensure their safety. She believed that people talking to children enhanced the community.

A Member reaffirmed his view that the lattice work should be removed, that the wood should be allowed to weather naturally and that the site should be landscaped.

The Director of Economic Development suggested that as the fence was "off the peg" the lattice work would probably be difficult to remove and therefore such a condition would be difficult to enforce.

A Member suggested that if Members were minded to approve the application the reason for approval could be policy L19 that related to Conservation Areas.

A Member stated that she passed the site regularly and had taken notice of the fence for some time. She confirmed that the wood was starting to weather but added that if the shaped top was removed the fencing would not be so obvious.

The Planning Officer explained that if Members were minded to approve the application the landscaping would mitigate the impact of the fence including the lattice work.

The Legal Services Manager reminded Members that conditions had to be, amongst other things, reasonable and advised that it would not be reasonable to impose a condition to remove the lattice work as it was an integral part of the fence.

A Member queried whether, if the application was approved, action could be taken later to remove the latticed top.

A Member believed that it would be unreasonable to impose a condition to remove the top of the fence. Therefore he suggested that the application be approved with a condition that the fence be allowed to weather naturally and a landscaping scheme be produced.

A Member suggested that the Officer should work with the applicant to ensure a suitable landscaping scheme be agreed.

Following a vote it was:

**RESOLVED** – That authority to issue approval of the application be given to the Director of Economic Development subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

Councillors Bloxham and Rutherford abstained from voting on the application.

**(3) Change of use of garage and adjacent land to storage for roofing materials (Retrospective Application), garage to rear of Geltsdale Avenue, Carlisle, CA1 2RL (Application 11/1008)**

The Planning Officer submitted the report setting out the background to the application, together with a description of the proposal, design and site details, together with the main issues for consideration.

The application had been publicised by means of site notices, as well as notification letters sent to 10 neighbouring properties. In response 2 letters of objection and a petition signed by 18 local residents had been received. There had also been 1 letter of support and 1 comment received. Councillor Betton (Ward Councillor) had also objected to the proposal and had registered a right to speak at the meeting. The Planning Officer summarised the issues raised and support therein.

The Planning Officer presented slides that showed the site. He explained that it was intended that the side of the garage would be used for storage but no storage would take place to the front of the garage. The applicant owned the land to the front of the garage and nobody had a right of way over that land. The applicant had carried out a lot of work at the site in order to prepare it for business use. He anticipated that in future he would only use the garage 2 to 3 times per week which he accessed in a transit type van.

The Planning Officer advised that, if Members were minded to approve the application, a number of conditions could be imposed covering the use of the garage, hours of access, prevention of storage at the front of the garage and the fence to be painted green.

The Planning Officer advised that in overall terms the proposal would be acceptable in principle. It would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring properties. In all aspects the proposal was considered to be compliant with the objectives of the relevant adopted Local Plan policies. Therefore the Planning Officer recommended that the application be approved.

Mrs Thomas (Objector) stated that the garage was in a primary residential area and policy H2 stated that the proposed development should be approved only if it complemented or enhanced adjacent residential areas and its amenity and that satisfactory access and appropriate parking arrangements could be achieved. Mrs Thomas did not believe that the proposed development fulfilled those criteria. Officers from the Green Spaces team had stated that the area was a small conservation area. The applicant had removed bushes from the side of the garage and residents did not believe the applicant had acted responsibly. Residents had objected to a skip being placed at the front of the garage and enforcement officers had asked that it be removed. The skip remained until it was full when it was removed. The applicant stored scaffolding poles and large bags of sand on the site. Mrs Thomas believed that a change of business use would reduce the amount of parking in the area. There was also no evidence that the applicant owned the land in front of the garage.

Councillor Betton (Ward Councillor) (Objector) stated that he was in favour of businesses in the right place but that it was ignorant to ignore policies and procedures. The application was retrospective and the solicitor's comments with regard to the applicant owning the land were wrong. Councillor Betton had visited the site and had attempted to access the garage but found it impossible as his van caught on the fencing. The Officers had not contacted the owners of the garages and it was not possible for the garage doors to open fully. Councillor Betton was concerned that the Party Wall Act had not been taken into account in respect of the application.

Councillor Betton was also concerned about the grassed areas being churned up by the vehicles accessing the site. He advised that residents had fought and paid a large amount of money to secure the road surfaces. Imposing restrictions would not be the solution as they could be broken. Scaffolding poles and sand bags were heavy and vehicles could churn up the verges. Hardcore was not the solution as the small stones could be used as missiles and encourage anti social behaviour.

Councillor Betton stated that he was not against businesses in the area but it was a quiet area and he was concerned that, should the application be approved, it may set a precedent.

Miss Phillipson (on behalf of the applicant) advised that the garage would be used solely for storage and that the applicant would access the site in his transit van 2 to 3 times per week. It had been essential for skips to be positioned on the site while the applicant was clearing the rubbish from the side of the garage and also carrying out work on 1A Geltsdale Avenue. She believed that all the work that was carried out had given the wrong impression. She confirmed that there had been some damage to the road surface at the back of the garage but the applicant had repaired the surface with hardcore. With regard to the fence the applicant had erected the fence to prevent youths from congregating and discourage fly tipping. That had been very successful. Miss Phillipson stated that the applicant acknowledged that people did not like change but stressed that there would be no skips or HGVs on the site. She explained that the sand bags on the site were too heavy to move at present but as the sand was used they would be removed. With regard to the skip that had been on the site Miss Phillipson explained that it had been removed as soon as was possible. The applicant had not been aware that planning permission was required for storage in the garage and that was the reason the application had been submitted retrospectively.

The Committee then gave consideration to the application.

A Member stated that he believed that it would be useful to undertake a site visit as he was confused about the application and was not familiar with the area. The proposal for a site visit was seconded.

The Planning Officer advised that the first paragraph of Policy H2 referred to by the objector did not apply as they related to new residential developments.

RESOLVED – That consideration of the application be deferred to allow a site visit to be undertaken and a further report be submitted at a future meeting of the Committee.

**(4) Conversion of single storey flat roof dwelling to two storey pitched roof dwelling (revised/part retrospective application to include fascia boarding and alterations to fenestration details and amendments to roof design on south elevation), Lane End Cottage, Wreay, Carlisle, CA4 0RL (Application 11/0858)**

Having declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0858 Councillor Craig remained in the room and took part in consideration of the application.

The Planning Officer submitted the report on the application setting out the background to the application, together with a description of the site and proposed design and outlined the main issues of the application. She explained that the site was granted planning permission in 2004 and again in 2011 to erect a pitched roof over an existing flat roof dwelling. The application sought part retrospective amendments to the 2011 scheme which was in the process of being implemented. The proposed amendments were set out in the report. The Planning Officer presented a video of the site to illustrate the works undertaken so far and the positioning of the objector's property.

The Planning Officer advised that 1 letter of support had been received as well as several letters of objection from residents of a neighbouring property and 1 e-mail of objection. The Planning Officer summarised the issues raised and the support therein.

In overall terms the scale and design of the proposed amendments to the application were acceptable. The proposal would not have such an adverse impact on the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight to warrant refusal of the application. The proposal would also not have a detrimental impact on a Public Right of Way or biodiversity. In all aspects the proposal was considered to be compliant with the objectives of the relevant adopted Development Plan policies and therefore the Planning Officer recommended that the application be approved.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted, subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(5) Erection of extended sales floor area and store, 115 London Road, Carlisle, Cumbria, CA1 2LS (Application 11/0976)**

The Planning Assistant submitted the report on the application, and outlined the background to the application and described the design and site of the proposal.

The Planning Assistant explained the main issues for consideration. She indicated 2 typographical errors within the report. Paragraph 6.20 should state “The scale and height of the proposal are acceptable in relation to the existing property and there will be no detriment to the biodiversity of the area. The proposed extension will not exacerbate the existing highway conditions sufficient to warrant the refusal of this application.”

The application had been advertised by means of notification letters sent to 4 neighbouring properties. In response no written or verbal representations had been received.

The Planning Assistant advised that in overall terms the proposals did not adversely affect the residential amenity of the area or the living conditions of residents of neighbouring properties on the basis of poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and height of the proposal were acceptable in relation to the existing property and there would be no detriment to the biodiversity of the area. The proposed extension would not exacerbate the existing highway conditions sufficient to warrant the refusal of the application. In all aspects the proposal was compliant with the objectives of the relevant adopted Local Plan policies. Therefore the Planning Assistant recommended that the application be approved.

It was agreed that the application be approved.

RESOLVED – That permission be granted, subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(6) Demolition of Dabbing Cottage and erection of 1no replacement dwelling (Revised Application), Dabbing Cottage, Cargo, Carlisle, CA6 4AW (Application 11/1039)**

The Chairman advised Members that the application would be considered with the following item on the agenda (Application 11/1040) as the two applications were linked.

The Planning Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal. The Planning Officer explained the main issues for consideration which were whether the principle of the development was acceptable, the impact of the proposal on the adjacent Grade II Listed Building and the impact of the proposal on the living conditions of neighbouring residents. She reminded Members that the site had been the subject of a number of applications for Full Planning and Listed Building Consent since 2009. The Planning Officer summarised the previous applications and advised that while the Planning Inspectorate had dismissed 2 appeals in 2011 it found the principle of a new dwelling on the site acceptable but the design inappropriate. In light of the appeal decisions the main purpose of the current applications was to assess whether the revised design would have a detrimental impact on the Listed Building or its setting. The Planning Officer presented a video of the site and its immediate surroundings.

The Planning Officer advised that the application had been advertised by means of site and press notices and notification letters sent to the occupiers of 5 neighbouring properties. In response 1 letter of comment had been received that identified that the dwelling should be in keeping with the adjoining properties and the property should be used as a holiday let as Dabbing Cottage was previously.

The Planning Officer advised that in overall terms the principle of the development was acceptable. The scale, siting and massing of the proposed dwelling was acceptable in relation to the adjacent Listed Building, its setting and the street scene. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance. Adequate car parking, access and amenity space would be provided to serve the dwelling and in all aspects the proposal was compliant with the objectives of the Local Plan policies. Therefore the Planning Officer recommended the application for approval with conditions as set out in the report.

A Member stated that it was unfortunate that Dabbing Cottage had been allowed to deteriorate to its present state and hoped that if further applications were submitted on similar dwellings they would enable the dwelling to be restored.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted, subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(7) Demolition of Dabbing Cottage and erection of 1no replacement dwelling (Revised Application) (LBC), Dabbing Cottage, Cargo, Carlisle, CA6 4AW (Application 11/1040)**

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 11/1039) as the two applications were linked.

The Planning Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal. The Planning Officer explained the main issue for consideration which was the impact of the proposal on the adjacent Grade II Listed Building.

The application had been advertised by means of site and press notices and notification letters sent to the occupiers of 5 neighbouring properties. In response 1 letter of comment had been received that identified that the dwelling should be in keeping with the adjoining properties and the property should be used as a holiday let as Dabbing Cottage was previously.

The Planning Officer advised that in overall terms the scale, siting and massing of the proposed dwelling was acceptable in relation to the adjacent Listed Building, and in all aspects the proposal was compliant with the objectives of the Local Plan

policies. Therefore the Planning Officer recommended the application for approval with conditions as set out in the report.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted, subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(8) Demolition of existing conservatory and erection of a single storey extension to provide porch, garden room, extended lounge, kitchen/dining room and utility together with extension to existing garage, Dundonald, Low Row, Brampton, CA8 2LN (Application 11/1098)**

The Planning Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal. The Planning Officer explained the main issues for consideration.

The application had been advertised by means of direct notification letters sent to the occupiers of 7 neighbouring properties. At the time of writing the report no written or verbal representations had been received.

The Planning Officer explained that whilst an employee of the City Council, the applicant had not been involved in the determination of the application outside of her role as applicant.

The Planning Officer advised that in overall terms it was considered that the proposal would not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposal was considered acceptable. Subject to the receipt of no observations from the consultation process, which would expire on 3 February 2012, the Planning Officer recommended that authority to issue approval be given as it was considered that the proposal was compliant with the objectives of the relevant Local Plan policies.

It was agreed that the application be approved.

RESOLVED – That authority to issue approval of the application be given to the Director of Economic Development subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(9) Extension to existing building to house electrical switchgear, Pirelli Tyres Limited, Dalston Road, Carlisle, CA2 6AR (Application 11/1101)**

Having declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/1101 Councillor Mrs Warwick remained in the room and took part in consideration of the application.

The Principal Planning Officer (Development Management) submitted the report providing background information, together with details of the design and application

site. He outlined for Members the main issues for consideration in determining the matter.

The application had been advertised by means of a site notice the period for which would expire on 3 February 2012. At the time of preparing the report no formal or informal observations had been received. He advised that the Parish Council had raised no objection to the application.

The Principal Planning Officer presented a slide of the site that illustrated the extension in the context of the site.

The Principal Planning Officer advised that the principle of additional development on the site was considered to be acceptable. The proposed extension would be well related to the existing development and it would not result in any harm to the character of the area. It was not considered that the living conditions of the occupiers of neighbouring properties would be adversely affected sufficiently to warrant refusal of the application. Therefore the Principal Planning Officer recommended the application for approval with authority to issue sought subject to no objections being received prior to the expiration of the publicity period.

RESOLVED – That authority to issue approval be granted to the Director of Economic Development, subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(10) Erection of first floor side extension to provide en-suite bedroom together with internal alterations, 158 Greenacres, Wetheral, Carlisle, CA4 8LU (Application 11/1105)**

The Planning Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal. The Planning Officer explained the main issues for consideration.

The application had been advertised by means of site and press notices as well as direct notification letters sent to the occupiers of 6 neighbouring properties. No written or verbal representations had been made during the consultation period.

The Planning Officer explained that the application had been brought before the Committee as the applicant was an employee of the City Council.

The Planning Officer advised that in overall terms the scale and design of the proposal was acceptable and it would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or overdominance. Therefore the Planning Officer recommended that the application is approved.

It was agreed that the application be approved.

RESOLVED – That permission be granted, subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.



## **DC.09/12      REVOCATION OF TREE PRESERVATION ORDER 12 – PAVING BROW, BRAMPTON**

The Landscape Architect/Tree Officer submitted report ED.02/12 that considered the revocation of Tree Preservation Order 12 as part of the ongoing Tree Preservation Order review.

The Landscape Architect/Tree Officer advised that Government guidance stated that local planning authorities were advised to keep their Tree Preservation Order records under review and to ensure their Tree Preservation Orders were brought up to date by the use of their powers to vary or revoke the Orders. The Landscape Architect/Tree Officer gave examples of the reasons to vary or revoke Tree Preservation Orders.

A file audit revealed that the Local Authority had no evidence that Tree Preservation Order 12 had been confirmed. Also, geographical changes had occurred with the building of properties along Paving Brow, and the creation of the Brampton Conservation Area. A site visit had been carried out to determine which trees, if any, remained and if they merited protection. Due to the historic nature of the Order, which was made in 1958, and development along Paving Brow, it was not possible to determine if any of the trees that it was intended to protect remained. A number of significant trees within the location covered by the Order were identified. Those trees were all located within the Brampton Conservation Area and as such enjoyed similar protection to that enjoyed by trees subject to a Tree Preservation Order.

Therefore it was recommended that Tree Preservation Order 12 – Paving Brow, Brampton – be revoked.

There was discussion around the protection afforded by the Conservation Area compared to a Tree Preservation Order. The Director of Economic Development agreed to look into whether a Tree Preservation Order was necessary.

It was therefore:

**RESOLVED:** That Tree Preservation Order 12 be revoked.

## **DC.10/12      QUARTERLY REPORT ON PLANNING ENFORCEMENT**

The Planning Enforcement Officer submitted Report ED.05/12 that presented Members with an update on the scope of activities undertaken by the Planning Enforcement Officers.

He explained that 250 enforcement cases had been recorded during 2011 and outlined the nature of those cases. He added that 167 had been resolved and 20 cases from 2010 were still active. A further 2 cases from 2009 were still active and the Planning Enforcement Officer outlined the current status of those cases. He

advised that in one case enforcement action had been taken as the owner had not complied with the enforcement notice. In the second case the property had since been sold and the Heritage Officer was working with the new owners; therefore it was not expedient to undertake enforcement action at the present time.

The Planning Enforcement Officer updated Members on cases where Enforcement Notices or Section 215 Notices had been issued.

A number of training events had been held in 2011. They included the Annual Enforcement Forum on 20 October 2011, the annual NAPE Conference on 10 November 2011, and the meeting of the Cumbria Planning Enforcement Group on 18 November 2011. The next meeting of the Cumbria Planning Enforcement Group was scheduled to be held on 25 May 2012 at the Civic Centre in Carlisle.

RESOLVED: That Report ED.05/12 be accepted with thanks and the contents noted.

## **DC.11/12          ENFORCEMENT UPDATE 1**

The Principal Planning Officer (Development Management) submitted Report ED.03/12. He reminded Members of the planning history and updated on the current situation. An application had been submitted on 13 January 2012 to vary the requirements of a condition imposed on a previously approved application. The Principal Planning Officer explained that until that application was determined it would not be expedient of the Council to progress enforcement action against the applicant's non-compliance of that condition. Therefore it was recommended that no enforcement action be progressed until the current application was determined.

A Member stated that the Committee should look at the timeline of the applications related to the site and advised that the site had first been brought to her attention in 2008. There had been a number of applications submitted retrospectively and an application was withdrawn at the last meeting of the Committee since when another application had been submitted. The Member stated that the company was a national company who were aware of the planning regulations and therefore action should be taken against them.

The Director of Economic Development stated that whilst it was frustrating dealing with such issues Members had to consider the applications before them. The Director confirmed that she would keep Members informed and take enforcement action when necessary.

A Member urged Officers to progress the current application as quickly as possible and not tolerate delaying tactics from the applicant.

A Member queried whether the new application would address the existing issues. The Principal Planning Officer explained that the new application related to the storage yard. The company had not complied with the approved scheme as the yard was lower than the adopted sewer. The new application indicated that water would be stored and pumped up into the sewer. He believed that to be an acceptable solution.

A Member stated that the Committee had no option other than to wait until the current application had been considered and echoed the previous Member's concerns that the application be progressed as quickly as possible. The Principal Planning Officer advised that the company had been informed that if they did not comply with the conditions then the Council would reassess whether it was appropriate for Egerton's to continue operating from the site.

A Member requested clarification on time limits for the new application. The Principal Planning Officer advised that the application approved in July 2010 gave the company 2 months in which to carry out the necessary conditions. If Members were minded not to approve the new application then notice could be served on the company. He believed that the company had had ample time to address the issues and that it was necessary that the matter was resolved.

**RESOLVED:** That no enforcement action be progressed until the current application was determined.

#### **DC.12/12      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 items of business as the report contained (1) information relating to an individual, (3) information relating to the financial or business affairs of any particular person (including the authority holding that information) and (6) information which reveals that the authority proposes: a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment as defined in the paragraph number (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

#### **DC.13/12      ENFORCEMENT UPDATE 3**

(Public and Press excluded by virtue of Paragraph 1)

The Planning Enforcement Officer submitted Report ED.04/12 that related to the siting of a residential caravan. The Officer explained the planning history of the site and the representations that had been received.

The Planning Enforcement Officer outlined the current position and explained that the siting of the caravan was contrary to policies within the Carlisle District Local Plan 2001-2016. He suggested that whilst enforcement should be considered Members should also take into account the personal circumstances of the occupier. Therefore the Planning Enforcement Officer recommended that enforcement action be taken but with a compliance period to afford the opportunity for the occupier to find alternative accommodation within the locality. Since the report was produced further clarification had been received regarding the owner's medical history. The Planning Enforcement Officer outlined the work carried out by the owner and members of his family.

RESOLVED: That enforcement action be taken with a compliance period of 9 months to afford the opportunity for the occupier to find alternative accommodation within the locality.

**DC.14/12**

**ENFORCEMENT UPDATE 2**

(Public and Press excluded by virtue of Paragraphs 3 and 6)

The Principal Planning Officer submitted Report ED.06/12 that advised Members that an important local facility had been closed and a small business enterprise created at the premises. The report outlined the history of the premises and outlined the current position. The Principal Planning Officer stated that accommodation at the facility had been let as a self-contained residential unit to an employee of the new business. Neither use had the benefit of planning permission. In an attempt to remedy the situation every opportunity had been given to the owners to apply for planning permission without prejudice to the outcome. Whilst the circumstances of the owners had been taken into account the absence of consent needed to be resolved and therefore the Principal Planning Officer recommended that enforcement action should continue with the aim of remedying current breaches as necessary and as appropriate.

RESOLVED: That enforcement action continue with the aim of remedying current breaches as necessary and as appropriate.

[The meeting ended at 12:20pm]