

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 7 JUNE 2013 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Bowditch (as substitute for Councillor Mrs Warwick), Mrs Bradley, Craig, Earp, Graham, Mrs Parsons, Mrs Prest and Whalen

OFFICERS: Director of Economic Development
Legal Services Manager
Principal Planning Officer
Planning Officers (AH, BP, RM, SD, SE, ST)

DC.43/13 CHAIRMAN'S ANNOUNCEMENT

The Chairman announced that it was with great sadness that Members had learned of the death of Professor Councillor Joseph Hendry. Councillor Hendry had always been readily approachable and was a man of impeccable standards and values, a man of integrity and would be missed by all whose lives he touched.

Members and Officers stood for 1 minute's silence as a mark of respect to the memory of Professor Councillor Hendry.

DC.44/13 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors McDevitt, Mrs Riddle and Mrs Warwick

DC.45/13 DECLARATIONS OF INTEREST

Councillor Mrs Bradley declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 13/0215 (Swifts Mews, Strand Road, Carlisle). The interest related to the fact that she was on the Board of Governors of Carlisle College.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0878 (land between Townhead Road and Station Road, Dalston). The interest related to the fact that some residents of the village had made comment on his integrity and that of the Parish and City Council which made it impossible for him to take part in the consideration of the application.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0065 (land to the rear of Lime House, Wetheral, Carlisle, Cumbria, CA4 8EH). The interest related to the fact that he knew residents who overlooked the proposed development

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0193 (8-9 The Square, Dalston, Carlisle, CA5 7PJ). The interest related to the fact that local residents had spoken to him about the application and he had chaired a meeting of the Parish Council when the application was discussed.

Councillor Earp declared an interest in accordance with the Council's Code of Conduct in respect of applications 13/0065 (land to the rear of Lime House, Wetheral, Carlisle,

Cumbria, CA4 8EH) and 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle). The interest related to the fact that he knew a number of the objectors.

Councillor Graham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0083 (land adjacent Fenton Farm, Fenton, How Mill, Brampton, CA8 9JZ). The interest related to the fact that he had known the applicant for a number of years.

Councillor Scarborough declared an interest in accordance with the Council's Code of Conduct in respect of applications 12/0878 (land between Townhead Road and Station Road, Dalston) and 13/0193 (8-9 The Square, Dalston, Carlisle, CA5 7PJ). The interest related to the fact that he lived on the edge of the village of Dalston.

Councillor Whalen declared a registrable interest in accordance with the Council's Code of Conduct in respect of any highways issues relating to any application. The interest related to the fact that he was a Member of Cumbria County Council.

DC.46/13 MINUTES OF PREVIOUS MEETINGS

The minutes of the site visits held on 5 June 2013 were noted.

DC.47/13 CHAIRMAN'S ANNOUNCEMENT

Further to his earlier announcement regarding the death of Professor Councillor Hendry, the Chairman moved that the meeting be adjourned to allow Members the opportunity to pay their respects at Councillor Hendry's funeral service.

It was agreed that the meeting be adjourned and would re-convene on Monday 10 June 2013 at 10:00am in the Council Chamber of the Civic Centre.

RESOLVED: That the meeting be adjourned and re-convened on Monday 10 June 2013 at 10:00am.

(The meeting closed at 10:15am)

DEVELOPMENT CONTROL COMMITTEE – RECONVENED MEETING

MONDAY 10 JUNE 2013 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Bowditch (as substitute for Councillor Mrs Warwick), Mrs Bradley, Craig, Earp, Ms Franklin (as substitute for Councillor Mrs Riddle), Graham, Mrs Parsons, Mrs Prest and Whalen

ALSO

PRESENT: Councillor Allison attended the meeting as Ward Councillor in respect of application 12/0878 (land between Townhead Road and Station Road, Dalston)

Councillor Collier attended the meeting as Ward Councillor in respect of applications 13/0047, 13/0048 and 13/0046 (Buckbottom Farm, Burgh by Sands)

Councillor Bainbridge attended the meeting as Ward Councillor in respect of application 13/0067 (land to the rear of Middlemarch House, Newtown, Irthington, Carlisle, CA6 4PF)

Mr Richard Hayward, Highway Officer, Cumbria County Council

OFFICERS: Director of Economic Development
Legal Services Manager
Planning Manager
Principal Planning Officer
Planning Officers (AH, BP, RM, SD, SE, ST)

DC.48/13 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors McDevitt, Mrs Riddle and Mrs Warwick.

DC.49/13 DECLARATIONS OF INTEREST

Councillor Bowditch declared an interest in accordance with the Council's Code of Conduct in respect of application 13/1040 (238 Kingstown Road, Carlisle, CA3 0DE). The interest related to the fact that may have known the father of the owner.

Councillor Bloxham declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle). The interest related to the fact that his wife was the vice chairman of a trust of which one of the speakers was the secretary.

Councillor Mrs Bradley declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 13/0215 (Swifts Mews, Strand Road, Carlisle). The interest related to the fact that she was on the Board of Governors of Carlisle College.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0878 (land between Townhead Road and Station Road, Dalston). The interest related to the fact that some residents of the village had made comment on his integrity and that of the Parish and City Council which made it impossible for him to take part in the consideration of the application.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0065 (land to the rear of Lime House, Wetheral, Carlisle, Cumbria, CA4 8EH). The interest related to the fact that he knew residents who overlooked the proposed development.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0193 (8-9 The Square, Dalston, Carlisle, CA5 7PJ). The interest related to the fact that local residents had spoken to him about the application and he had chaired a meeting of the Parish Council when the application was discussed.

Councillor Earp declared an interest in accordance with the Council's Code of Conduct in respect of applications 13/0065 (land to the rear of Lime House, Wetheral, Carlisle,

Cumbria, CA4 8EH) and 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle). The interest related to the fact that he knew a number of the objectors.

Councillor Graham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0083 (land adjacent Fenton Farm, Fenton, How Mill, Brampton, CA8 9JZ). The interest related to the fact that he had known the applicant for a number of years.

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0257 (land opposite Hallsteads, Castle Carrock, Cumbria, CA8 9NE). The interest related to the fact that she had given advice to the applicant's mother.

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle). The interest related to the fact that she was known to one of the speakers.

Councillor Scarborough declared an interest in accordance with the Council's Code of Conduct in respect of applications 12/0878 (land between Townhead Road and Station Road, Dalston) and 13/0193 (8-9 The Square, Dalston, Carlisle, CA5 7PJ). The interest related to the fact that he lived on the edge of the village of Dalston.

DC.50/13 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.51/13 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 125no dwellings, associated open space and infrastructure, land between Townhead Road and Station Road, Dalston (Application 12/0878)

Having declared an interest Councillor Craig left his seat but remained in the Chamber. He took no part in the discussion or decision on the application.

A Member advised that three of the Members of the Committee had been unable to attend the site visit on 5 June 2013 but had been to the site on 6 June 2013 with the Planning Officer.

The Member stated that he was concerned about the highway issues, and the proposed demolition of the barn and the wall. The Member moved that the application be deferred to enable an independent highway report on the highway issues, a report from the Heritage Officer to obtain their views on the proposal. That motion was seconded.

A Member who had also attended the site visit on 6 June 2013 advised that he was concerned about the level of traffic and agreed that it would be difficult for Members to make a decision without the relevant information.

The Member was concerned that there had been some intimidation of Members and advised that he had taken advice on the matter.

RESOLVED – That consideration of the application be deferred to enable a an independent highway report to be submitted as well as reports from the Heritage Officer to determine their views on the proposal and to await a further report on the application at a future meeting of the Committee.

The Chairman advised those who had registered a Right to Speak that they could speak at the present meeting or defer their right to speak until a future meeting when the application was considered. All agreed to defer their right to speak until the application was considered at a future meeting.

Councillor Craig returned to his seat on the Committee.

(2) Erection of a single terrace of 4no two storey holiday let units with associated access and parking, Garden Walk, Edmond Castle, Corby Hill, Carlisle, Cumbria, CA4 8QD (Application 11/1063)

The Planning Officer submitted the report on the application, consideration of which had been deferred at meeting in November 2012 to allow a site visit to be undertaken. The site visit had taken place on 5 June 2013. During the intervening period revised details had been submitted that proposed a revised location for the package treatment plant with the outfall of the plant entering a drainage field as opposed to the lake.

The Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by the direct notification of seven neighbouring properties. In response several letters/e-mails of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer presented slides of the site that illustrated the application site in relation to the residential properties of Garden Walk, and a plan of the application site and the proposed drainage field.

The Planning Officer advised that the proposed drainage arrangements had been considered by the City Council's Building Control Inspectors who had confirmed that the details were acceptable.

The Planning Officer advised that when considering the location of the proposal it was appreciated that Garden Walk was not within a Local Service Centre. Public transport was available but there was no doubt that holidaymakers would use their cars. However, the proposal was compliant with the objectives of the Development Plan and the National Planning Policy Framework, the main thrust of which was to support the sustainable growth and expansion of all types of business and enterprises in rural areas. Therefore Members would need to weigh up whether the benefits of the proposal, by diversifying the rural economy, outweighed the limited increase in the use of motor cars.

The scale of the holiday units would be well related to the existing properties in Garden Walk and provide adequate access and car parking provision. The design and proposed materials were also comparable to other buildings within the Edmond Castle Estate. Furthermore, the proposal would not have a detrimental impact on the living conditions of neighbouring properties through loss of privacy or overshadowing. In respect of intensification of use, the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection.

Any potential impact on the character of the area and biodiversity would be mitigated by the imposition of relevant conditions. Adequate provision for the disposal of foul and surface water had been provided. The proposal would not have a detrimental impact on highway safety.

The proposal had been assessed in accordance with the Development Plan with planning considerations taken into account. The Planning Officer therefore recommended that the application be approved subject to the imposition of relevant planning conditions.

Mrs Atkins (Objector) believed that Edmond Castle was a special site due to its woodland and tranquillity. Due to the quiet nature any noise would be more noticeable and people on holiday enjoy themselves with little regard for those around.

The proposal was to fell 8 trees but in fact twenty four trees would be affected by the proposed development. If the application was approved five large mature trees outside numbers 1 and 2 Garden Walk would be felled and replaced by a terrace of houses. A sixth tree did not even belong to the applicant. Two further trees would be removed for the soakaway. The removal of the trees would dramatically affect the views from the gardens and as people walk along the drive. The trees support a rookery and provide a nesting habitat for other birds. Deer, bats and wild flowers would also be affected.

Policy CP3 stated that the Council would resist proposals that caused unacceptable tree loss and the residents believed the loss of the trees to be unacceptable. Section 6.3 of the British Standards made clear that issues regarding trees during construction in relation to light, clogging gutters, slippery paths and apprehension in windy conditions should be taken into account. The Landscape Architect/Tree Officer had advised that crown work would be needed to 16 trees to make them safer. Mrs Atkins believed that the work would be expensive and would need to be repeated as the trees grew and matured.

In her view, Mrs Atkins stated that the proposed holiday homes looked like town houses and she believed that money was being made from the loveliness of the site. Even if trees were removed the remaining trees would still create shade and clog gutters. There had been no need demonstrated to build in the location and the proposal conflicted with Policy DP1.

Mrs Smithson (on behalf of Mr Atkins - Objector) believed that the applicant only wished to use the site to guarantee income from the estate. There had been no business plan submitted and Policy EC16 stated that it was necessary to show that proposed tourism developments were viable. The applicant already had holiday let properties on the estate and was building further properties at Hayton Townhead. Cyclists using the Sustrans Route and walkers of the Hadrians Wall would only use the properties for single night stays and not self-catering accommodation. Contact with a lettings agent had indicated that short breaks in the Brampton area may generate some income but longer stays would be better in the Lake District. Mrs Smithson explained the occupancy levels of properties

in the area and advised that the average occupancy was 33%. The three properties at Edmond Castle had an average occupancy of 17% with 0% in September. She did not believe that would create enough demand to warrant the additional properties proposed in the application. A nearby inn, The Lane End, had been granted permission on two occasions in the last seven years for additional bedrooms but to date no such development had taken place indicating a lack of demand.

Mrs Smithson believed that such a proposal would damage the business of the Edmond Castle estate and would affect all residents and that Edmond Castle was not the right place to build the holiday homes.

Mr Smithson (Objector) reminded Members that the National Planning Policy Framework did not replace the Carlisle and District Local Plan but sought to complement it and meant that sustainable development was the key for all planning decisions unless any adverse impact outweighed the benefits. Residents had sought clarification on the National Planning Policy Framework from the Planning Minister via Mr Stewart MP the response to which had been forwarded to the Planning Department, together with residents' letters and the consultant's environmental report. As a result of the environmental report the applicant had amended the proposed sewage arrangements.

Mr Smithson reminded Members of the definition of sustainable development within the National Planning Policy Framework. He further reminded Members that no business case had been submitted to show any economic benefit from the application. He did not believe there would be any benefit to the community and the proposed development would damage the countryside. The applicant had not indicated any benefits that would result from the proposed development and Mr Smithson believed that as the occupancy levels were so poor the holiday lets could damage the applicant's business. The site was not appropriate as trees and habitat would be destroyed.

The National Planning Policy Framework stated that developments should ensure that "better lives for ourselves don't mean worse for future generations". Mr Smithson believed that if the application was approved it could set a precedent for future unsustainable development.

Mr Taylor (Objector) stated that the residents had voiced the concerns and objections. The loss of trees would in itself cause harm and the proposed dwellings would be dominant in views for people travelling eastwards from Edmond Castle due to the change in level of the existing vegetation. The site was located in an area of open countryside 1.25 miles from Hayton, the nearest Local Service Centre. Policy DP1 was clear about the benefits of focussing development upon Local Service Centres to sustain existing services and which could accommodate further development of appropriate scale thus enabling some journeys to be undertaken without the need for the use of a car. The preferred location for new development should be in Key Service Centres and Local Service Centres. Maximising the benefits from tourist development to businesses in Local Service Centres was an important consideration. The Good Practice Guide for Tourism also stated that the emphasis should be on the most sustainable locations. There was limited interaction between the site and businesses in Hayton. The Planning Officer's report stated that the development would complete the restoration of the Edmond Castle estate and would ensure the estate's long term future in conjunction with the estate's associated shooting pursuits of Hayton High Estate. However there was no indication as to how the development would relate to those issues.

Mr Taylor believed that further information on the proposal was required to enable a balanced judgement to be made.

The Committee then gave consideration to the application.

A Member stated that he could see no justification for the development in the proposed location. He believed it would be better to wait and see whether the project at Hayton Townhead proved to be viable.

A Member queried whether, as in the past, a time limit could be placed on the holiday lets. The Planning Officer advised that the condition in the past stated two periods of use per year. That had evolved to the present condition that limited the use to holiday accommodation.

A Member was concerned that the holiday lets could become permanent accommodation. The Member queried whether, if the holiday lets proved not to be commercially viable, the properties could be let on a permanent basis. The Member was also concerned that there was no business plan, and that if one had been submitted the site would have been a perfect site for holiday let properties.

The Planning Officer advised that the applicant was aiming for the 5 star market in the long term and that the proposal tied in with diversification of rural estates as set out in the National Planning Policy Framework.

It was moved and seconded that consideration of the application be deferred to allow the applicant to submit a business plan on the proposal.

RESOLVED – That consideration of the application be deferred to enable the applicant to submit a business plan and to await a further report on the application at a future meeting.

(3) Erection of 6no dwellings and associated parking, engineering works and landscaping, land to the rear of Lime House, Wetheral, Carlisle, Cumbria, CA4 8EH (Application 13/0065)

The Planning Officer confirmed that there was a typographical error within the report that referred to seven properties (6.20). The error had been corrected in the supplementary schedule.

The Planning Officer submitted the report on the application which had been deferred at the previous meeting to enable Officers to go back to the Developer for further discussion. The applicant had subsequently submitted amended plans based on what they considered had been raised by both Committee Members and members of the public. The Planning Officer advised that the number of dwellings had been reduced to six, consisting of two detached and two pairs of semi-detached units. Unit 1 had been repositioned so it was now situated 12m from the front elevation of the Coach House and all balconies had been removed from the proposal. Each property now had a garage and units 3 and 4 had been redesigned as detached units with off-set dual pitched roofs. The recycling bin provision had been changed so that only bins from the properties would be stored in front of Lime house on collection days; the flats would use Eurobins which would be collected by a private collector from the kerbside.

The Planning Officer added that some of the units were slightly larger and units 5 and 6 were positioned further back so unit 6 would be within 21m of 13 Jennet Croft. Unit 3 was closer to one of the trees but was still outwith the root protection zone.

The Planning Officer advised that the application had been advertised by means of site and press notices as well as the direct notification of the occupiers of neighbouring properties, and neighbours had been advised of subsequent amended plans by way of letter. In response to the consultation 49 representations had been received from individuals and also the "Save Wetheral Village" Group. Thirty nine letters of objection had been received as well as nine comments and one letter in favour of the application. The Planning Officer advised that often, neighbours had written more than once and so the overall number of objections stood at more than 39. Since the amended plans had been received 29 further letters of objection had been received from neighbouring properties. The Planning Officer summarised the issues raised therein, and advised that, since publication of the supplementary schedule, five additional letters had been received. Since the amended plans had been received, the Council's Heritage Officer and the Landscape and Tree Officer had submitted additional comments which raised concerns about the density of the development, its design and the impact upon trees. Those issues were considered within the report where it was concluded that in respect of those issues the proposal was a significant improvement to the application previously considered by Members and was therefore acceptable.

Ongoing discussions had taken place over the last week with the occupier of 13 Jennet Croft regarding the impact upon his property. As discussed within the report, the amended plans brought the development within 21m of his windows. However, due to the oblique angle it was not considered that it would have a detrimental impact upon his property. It had become apparent that the plan showing the position of 13 Jennet Croft was wrong. That error had since been corrected by the applicant after further measurements were taken on site and plan amended.

The Planning Officer advised that the Parish Council had also provided objections to the amended scheme, for the same reasons previously tabled. The Parish Council acknowledged that the developer had tried to address the residents' points but felt that there still remained the issues of design, traffic, affordable housing, road safety, foul water, loss of privacy and ecology impacts.

The Save Wetheral Village Group had written to the Chief Executive explaining that they had raised significant objections to the proposal. They stated that they had provided compelling written evidence to show that the proposals were not in accordance with the Local Plan policies and considered that both the current and previous officer's reports to be unsound and unsafe in their conclusions. They had also raised the objections to the amended scheme by the Council's Heritage Officer.

The Planning Department disagreed with the assertion that the reports were unsound and it was considered that the Heritage Officer's comments had been dealt with within the Officer's report.

The Save Wetheral Village Group also considered that Magnus Homes were given alternative pre-application advice by other parties. Further to investigation it was determined that was not the case.

The Save Wetheral Village Group had also raised concerns that the Planning Officer that dealt with the pre-application advice had since left the authority and now worked for the applicant's agent. However, whilst it was acknowledged that he dealt with the pre-application advice, he had since left the authority and there had no input into the application, which had been recommended by Officers and was to be determined by Members. Therefore that concern was not considered relevant.

The Planning Officer explained that in overall terms, the principle of the proposed development was acceptable. The proposed dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Wetheral Conservation Area and adjacent Listed Building. The Highway Authority had advised that the parking/access arrangements and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals were considered to be compliant with the objectives of the relevant Local Plan policies.

The principle of development on the site was accepted. However, the suitability of the scheme would come down to Members' interpretation of the details of the proposal when considered in conjunction with the comments that had been received from the relevant consultees and neighbours. If Members were minded to grant planning approval, the Planning Officer requested that authority to issue the approval was given subject to the completion of a S106 agreement to secure the provision of a contribution towards affordable housing as outlined within the report.

The Legal Services Manager requested that those who had registered a right to speak limit their submission to those points which arose from the changes to the application.

Mr Askew (Objector – also speaking on behalf of Mr Johnston, Mr Goodman, Mrs Hill-Gorst and Mr Notman) stated that residents were disappointed that the proposals were essentially a rehash of the issues raised at the previous meeting. The increase in the volume of each house and the introduction of garages had effectively negated any gains which would have been obtained by the removal of one unit. Mr Askew believed that the changes still failed to comply with the same requirements of the Local Plan as before, were still detrimental to neighbouring properties, did not fit on the site and failed to preserve and enhance the character of the Wetheral Conservation Area and the adjacent Listed Building. The report referred to the Coach House as a “reasonably large house”; in fact it was a small house with four rooms whose only windows faced the development.

Unit 1 had been moved 1m further away. The Coach House would now face the 3-storey wall of Unit 2 just 18.5m away and the residents had been advised that that would cut out light from all of their windows for most of the daylight hours.

On 14 May 2013 the Save Wetheral Village Group provided planners with a twelve page document that gave details of all of the clauses of policies within the Local Plan which were breached by the proposals. Mr Askew believed that the proposals were unworkable and whilst residents would welcome the introduction of Eurobins, as that would reduce the number of wheeled bins and bags stored on the village green, the proposed Eurobins were for the use of the apartments in Lime House where the use of wheeled bins had already been approved. If Eurobins were to be adopted the applicant would need to submit a retrospective application for permission to alter the previously granted permission under application 12/0891. Until they do the plan to use Eurobins could not go ahead and therefore consideration of the present application should be deferred. The approved

application was for 9 wheeled bins and if the present application was approved there was nothing to stop all 15 households using the bin lay-by which was a situation rejected at the previous meeting.

The report stated that vehicles could use the informal one-way system and the Highway Authority required that all traffic used the southern access to enter the site and the northern access to leave it. The Highway Authority had advised that vehicles could not leave by the southern access as the required sight lines to the blind bend to the right were not met. Large vehicles entering the site would not be able to leave the site by the northern exit as the access was too narrow. Large vehicles would need to turn on the site and leave by the southern access against the flow of traffic which was not acceptable to the highway Authority. Mr Askew believed that there had been no consultation with the Highway Authority on the plans and the Highway Authority required a one –way traffic sign to be affixed at the rear of Lime House to indicate to traffic leaving the development that they must do so by the northern side of Lime House only. Mr Askew stated that the width of the road indicated in the minutes of the last meeting was less than the width of a lorry, excluding mirrors. The applicant's agent had advised that the Eurobin contractor had inspected the site and confirmed that the collection vehicle could access the site satisfactorily as they were already going into the site with large skip wagons. Mr Askew stated that the skip wagons were entering and leaving by the southern access.

Mr Askew believed that the previous report was unsound. A letter had been handed to the Director of Economic Development on 22 April 2013 but had not reached the Director. In the letter residents made clear that they expected the amended report to be more evidence based, carefully considered and factually correct; in Mr Askew's view it was not.

The report summary stated that units 5 and 6 were positioned further back and unit 6 was now within 21m of 13 Jennet Croft; that would fail to meet minimum guidelines. Mr Askew indicated that unit 6 was now in exactly the same position as unit 8 on the original plans which was removed as it had too little amenity space. The Council's Heritage Officer had also made additional comments about the density of the development and its design along with the impact upon trees. The only other mention of those issues were comments from the Landscape Architect/Tree Officer who concluded that the issues had been considered previously within the report. Mr Askew believed the other references must have been removed as there is no other discussion about those issues. The comments on massing were made by the Urban Design and Conservation Officer and not the Landscape Architect/Tree Officer and the report also did not state that the Urban Design and Conservation Officer was of the opinion that the revised proposals were not acceptable in their present form. Mr Askew quoted from a memo from the Urban Design and Conservation Officer which confirmed that opinion.

The Save Wetheral Village Group had seen the pre-application advice given to Magnus Homes which made no mention of the advice referred to by the Urban Design and Conservation Officer and the Group had written to the Chief Executive requesting that he investigate why that advice was given to other applicants but not given to Magnus Homes.

Mr Askew noted that a condition relating to provision for the parking and storage of vehicles and plant during the development of apartments was omitted from the application. There would not be space for such vehicles to park on the car park.

At the previous meeting Members spoke about the need for careful consideration of the site within the Conservation Area and requested that the applicant consult with the

community as required in the National Planning Policy Framework. The Save Wetheral Village Group approved of working together and had written to the Director of Economic Development and the developer expressing a willingness to do so. The developer had chosen not to respond.

Mr Askew stated that during the process villagers had been subjected to a number of anonymous telephone calls and a call to one elderly gentleman was reported to the police. Mr Askew also requested confirmation that at least one Member had reported an offer of an inducement to approve the application.

The Legal Services Manager advised that the Director of Governance had had a conversation with a Member about a telephone call but there was no evidence that the calls were from the developer; the calls could have been made by someone wishing to cause mischief. The matter had not been taken further and the Member's decision had not been influenced by the telephone call.

Mr Lowe (on behalf of the Applicant) was granted permission by the Chairman to respond to the allegations.

Mr Lowe advised that when Magnus Homes received information that malicious telephone calls were being made alleging they were from the developer, the police were informed and the Director of Governance advised. Since then the developer had been back to the police and asked them to look in more detail at the issue. However the police had advised that they could not identify the callers and therefore the matter would be left on file. Mr Lowe assured Members that in no way would Magnus Homes attempt to induce Members with payments as they believed they did not need to use such tactics as their application was sound and they had presented a good case to move forward.

Mr Taylor (Agent) explained that the report was full and comprehensive and clear in its conclusions. It was relevant to note that the National Planning Policy Framework sought to "boost significantly the supply of housing" and to use previously developed land such as the site currently under consideration. The site was within the village which was a Local Service Centre and in a sustainable location with easy access to public transport. Policy recognised that the facilities such settlements provided and the scope for further development. Mr Taylor outlined the criteria referred to in the policies and which the Planning Officer had advised were satisfied.

The scheme had been modified to deal with comments and concerns and the changes were identified in the report. It was considered that the revised scheme was a significant improvement. Various objections had been raised and Mr Taylor noted that:

- the proposal had been the subject of pre-application discussions including a presentation to the Parish Council, and was considered to be appropriate both when eight dwellings and when seven dwellings were proposed;
- the scheme had been further modified to further reduce the number of units to six and remove the balconies;
- the access car parking and increased garage provision were to the required design standards and there was no highway objection;
- appropriate separation distances had been maintained to protect privacy;
- where there was less than 21m between properties that was due to one of the dwellings being at an oblique angle
- the Supplementary Planning Document also provided flexibility and accepted that intervening garages could also provide privacy;

- design and character were a matter of judgement and the Planning Officer and Conservation Area Officer had judged that the scheme was satisfactory;
- the Heritage Officer's comments were at odds with his previous advice and appeared to refer to pre-application discussions with other parties and not the application;
- the density of the proposal was now well within conventional standards;
- the site was reasonably secluded and only glimpses of the development would be seen from The Green and within the Conservation Area;
- a commuted financial contribution towards affordable housing would be made;
- there were no adverse impacts in respect of ecological interests and ecological assessments had been undertaken;
- the approach to retaining trees and avoiding root protection was supported and where trees were to be removed replacements would provide mitigation; and
- each planning proposal had to be considered on its own individual merits.

Mr Taylor considered the benefits of the proposal were significant including the consistency with policy, the high eco standards that were proposed and the economic activity that the proposed development would bring with approximately twenty jobs for local people.

With regard to the provision of Eurobins that matter would be dealt with in the conditions imposed.

With regard to the access with report advised that the width of the access would be 2.4m but would in fact be 2.8m which was enough to accommodate a large vehicle. The Highway Authority were aware that large vehicles would need to access the site but considered there would be infrequent use of the turning circle and the access to the southern access but believed the proposal was acceptable.

Mr Taylor stated that he could not comment on pre-application advice but advised that his letter to the Conservation Area Officer was a comment regarding the two storey properties. He believed that the Committee had to consider the application on its merits, and a decision made on valid planning grounds and supported by substantial evidence.

The Committee then gave consideration to the application.

A Member queried, if large vehicles were required to use the southern access to leave the site, why a development was proposed on the site. The Member also queried whether it would be possible to move units 5 and 6 forward so there would be a higher situation between them and 13 Jennet Croft, or unit 4 moved backwards. Policy LE19 stated that a development "should enhance all features which contribute positively to the area's character or appearance...". A lot of people were not happy with the design and it was proposed to use cedar cladding which was not consistent with local materials.

The Planning Officer advised that large vehicles would not be able to use the one-way system and would utilise the turning head. The Highway Authority were satisfied that the use would be so infrequent that such use would be acceptable. That was also the reason why the bin storage had been moved to kerbside. The Planning Officer confirmed that the bins would be wheeled downhill and emptied at the roadside.

A Member stated that he was disappointed that the developer and residents of the village had not met to discuss the application. The development was important and the changes

had to be made but only if they were for better. With regard to access the Member was not satisfied with the suggested arrangements and was concerned that emergency vehicles may not be able to access the site. The Member was also concerned that the density of the site was too much. The Member advised that he had received a polite letter in respect of the application and had never received threats from any developer and was concerned that there were people who would wish to cause mischief.

A Member believed that the application had come a long way from the original but was disappointed that the developer and objectors had not been able to meet. With regard to the recycling bins the Council's regulations stated that the bins had to be presented kerbside before 7.00am on the day of collection. Members could not influence that matter but only how the bins would be stored.

The Member advised that he was not happy with the proposed design and had concerns about the rooflines. However, if Members refused the application without substantial planning reasons the Inspector could impose something that would not be acceptable. The Member asked the Director of Economic Development what density could be applied to the area.

The Director of Economic Development advised that density took into account different issues and it would be difficult to know what decision the Inspector would make. Density often depended upon the design of a development and the current application was a modern design.

The Member believed that the long sloping roofs were out of character with the area. However he could not find a planning reason to refuse the application.

A Member stated that the National Planning Policy Framework indicated that architectural styles should not be imposed on an area and that policy LE19 should preserve and enhance features which, in his view, the application did not achieve.

With regard to the Eurobins, the Member was concerned that they would be heavy when full yet would need to be pushed downhill for collection. He was also of the opinion that there was insufficient parking on the site and was not happy with the proposed one-way arrangement.

A Member agreed that there had been no sound planning reason for refusal. With regard to the bins the Member queried how the storage and collection would be monitored and enforced. The Member was concerned that if the application was deferred again that decision could be challenged as non-determination and if referred to the Inspector could result in additional expense to the Council Tax payer.

The Planning Officer advised that a scheme in respect of bins could be imposed and the reference to Eurobins was for information. Planning permission had been given for the flats in Lime House to have nine individual bins and that would need to be changed by a separate planning application if Eurobins were the preferred option. That matter could be a condition in the application.

A Member stated that he was not happy with any possible traffic movements into and onto the site in a two-way manner.

It was moved and seconded that the application be refused as the application was contrary to policy LE19 sections 1, 4 and 6.

Following a vote it was:

RESOLVED – That permission be refused for the reasons indicated in the Schedule of Decisions attached to these Minutes.

There was a short adjournment of the meeting between 11:25 and 11:40.

It was agreed that the following three applications, 13/0046, 13/0047 and 13/0048, would be considered together as they related to the same development.

- (4) Erection of 3no dwellings, conversion of barn to 1no dwelling and demolition of outbuilding (Conservation Area Consent) (Revised Application), Buckbottom Farm, Burgh By Sands, CA5 6AN (Application 13/0046)**
- (5) Erection of 3no dwellings, conversion of barn to 1no dwelling and demolition of outbuilding (Revised Application), Buckbottom Farm, Burgh By Sands, CA5 6AN (Application 13/0047)**
- (6) Erection of 3no dwellings, conversion of barn to 1no dwelling and demolition of outbuilding (LBC) (Revised Application), Buckbottom Farm, Burgh By Sands, CA5 6AN (Application 13/0048)**

The Planning Officer submitted the report on the applications, consideration of which had been deferred at the previous meeting to allow a site visit to be undertaken. The site visit had taken place on 5 June 2013. Three Members of the Committee who had been unable to attend the site visit had visited the site on 6 June 2013.

The Planning Officer outlined for Members the background to the application, a summary of the applications, the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the applications had been advertised by means of site and press notices as well as notification letters sent to 15 neighbouring properties. In response, one letter of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer presented slides of the site and the buildings currently on the site. The Planning Officer explained that in overall terms, the demolition of the barns would be acceptable and their loss would not have an adverse impact on the Conservation Area. The proposals would not have an adverse impact on protected species. Conditions had been put in place that would protect the cruck barn during construction of the development.

The proposal would not have an adverse impact on the Burgh-by-Sands Conservation Area, the Solway Coast Area of Outstanding Natural Beauty, any Listed Buildings, archaeology or on protected species. The proposal 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 over-dominance. The proposed access and parking and proposed drainage were acceptable. The drainage had been raised as a concern by the Parish Council but United Utilities had confirmed that they had no concerns and a condition could be imposed to ensure that no development would commence until a full detailed scheme

for the provision of foul and surface water drainage works had been approved. With regard to visitor parking the Highways Authority were satisfied that there was sufficient space within the site for two visitor parking spaces.

The proposal to convert the listed two-storey barn to a dwelling and demolish the two attached brick barns would be acceptable. In all aspects, the proposals were considered to be compliant with the objectives of the relevant adopted Local Plan policies.

Councillor Collier (Ward Councillor) stated that whilst the Parish Council was broadly in favour of the proposal they did have some concerns. The main concern was regarding the drainage and the Councillor advised that the village had an old sewage infrastructure and when houses were added a few at a time eventually there would be problems with drainage. A similar issue had arisen at a nearby village and it took two years for the problem to be remedied. The Councillor queried who would be responsible for putting right any problems that may arise in the future.

The Planning Officer advised that the developer would be responsible for any problems on the site and United Utilities for any issues once the matter was part of the main sewage system.

Ms Lightfoot (Agent) explained that the applicant had previously been granted consent for the demolition of the barns but had not implemented the work due to the time taken regarding drainage issues. The proposed site would have underground tanks for foul water. The applicant had worked with Officers from Making Space to ensure the proposals were acceptable.

The Committee then gave consideration to the application.

A Member stated that he had visited the site on 6 June 2013 and was pleased to see the cruck barn and associated works. He stressed that development should be monitored to ensure the cruck barn was not damaged during construction. The Planning Officer had stated that the back wall of one of the buildings was to be retained but the Member did not believe that would be possible due to its present condition and requested that a condition be imposed to protect the wall.

The Planning Officer advised that the wall would be reduced in height but if it did collapse it would be rebuilt. The Council's Building Control would make builders aware of the conditions imposed.

It was moved and seconded that the application be approved.

A Member believed that it was important to retain a vital and historic building. The Member requested that any bricks be reused where possible.

A Member suggested that it may be advisable to have a small lay-by for visitors outside plot 4 as they would not be able to park on the main road. The Planning Officer advised that the Highway Authority had confirmed that there would be two parking spaces for visitors within the site. He confirmed that where possible the reuse of materials could be considered and included as a condition.

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) Erection of 1no dwelling, land to the rear of Middlemarch House, Newtown, Irthington, Carlisle, CA6 4PF (Application 13/0067)

The Planning Officer submitted the report on the application, consideration of which had been deferred at the previous meeting to allow a site visit to be undertaken. The site visit had taken place on 5 June 2013.

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of a site notice as well as notification letters sent to seven neighbouring properties. In response six representations had been received, of which five were against the proposal and one made comment. The Planning Officer advised that the main concerns from objectors related to highway safety and the access from Oak Drive. She reminded Members that potential occupiers of the property would be able to enter and leave Oak Drive in a forward motion. The Highways Authority had raised no objection to the proposal and the relevant conditions would be imposed within the Decision Notice that would ensure that access and parking areas were constructed before work commenced on site to enable construction traffic to park and turn clear of the highway, and to ensure that the dwelling was not occupied until the access and parking arrangements had been constructed in accordance with the approved plan and retained in perpetuity. The Planning Officer indicated that there was a typographical error in Condition 9 relating to construction times on a Saturday. The Condition should have stated "...before 7:30 hours or after 13:00 hours."

The Planning Officer informed Members that in overall terms, the principle of the development was acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings, the setting of Hadrian's Wall Heritage Site or the existing watercourse. The proposal would also not have an adverse impact upon biodiversity or highway safety. The application was recommended for approval with the amendments to the wording to Condition 9 as stated, as the proposal was considered to be compliant with the relevant Development Plan policies.

Councillor Bainbridge (Ward Councillor) explained that the application was not disputed by many of the responses received. However there were concerns from nearby residents over the access arrangements. The site currently had a turning circle that was accepted as being in excess of its capability under the Cumbria Design Guide. The addition of an extra property would add to that. The existing properties on Oak Drive reverse on and off the turning circle and there were no pavements.

The response of the Highways Authority had further raised those concerns. The reasoning behind the comments seemed to be that previously turning circles elsewhere had been added to whilst at capacity and that raised concerns over the risk of appeal. However each application had to be considered on its own merits. The advice had been given that if the access became an issue it would become a police matter but Councillor Bainbridge believed it was unfair for neighbours to inform on neighbours and that it would be better to

look at the matter at the design stage. The revision of the application had done much to improve what was originally proposed but that issue still remained. As it stood vehicles would travel from the property onto the turning circle at a point of poor visibility due to a wall on either side. The Councillor suggested speed control measures could be introduced.

The Committee then gave consideration to the application.

A Member stated that he had no objection to the proposal. It was a large site with the road leading up to it. The Member suggested that a condition could be imposed to prevent construction traffic from parking on Oak Drive and Newtown Road. The Member queried whether the turning circle could be widened or the wall lowered to provide better visibility.

It was moved and seconded that the application be approved.

A Member did not believe that there would be too many large wagons during construction as the proposed dwelling was not that large.

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

(8) Residential development of 8no dwellings compromising 2no re-configured approved dwellings and 6no new dwellings (Outline), land adjacent Fenton Farm, Fenton, How Mill, Brampton, CA8 9JZ (Application 13/0083)

The Planning Officer submitted the report on the application, consideration of which had been deferred at the previous meeting to allow a site visit to be undertaken. The site visit had taken place on 5 June 2013.

The Planning Officer outlined for Members the background to the application, the proposal and the site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of a site notice and direct notification to the occupiers of twenty of the neighbouring properties. In response, eight letters of objection and thirteen of support had been received and the Planning Officer summarised the main issues raised therein.

The Planning Officer presented slides of the site.

The Planning Officer advised that in overall terms the principle of residential development on the agricultural land was acceptable. The development would be well related to Hayton and Warwick Bridge both geographically and in terms of road network. Therefore, whilst Policy H1 did not support development, Fenton could be considered a sustainable location for development in terms of the policies of the National Planning Policy Framework.

The Planning Officer reminded Members that the application was for outline consent only with the layout forming part of the application. All other matters were reserved for subsequent approval. Although the site was large, the layout would not adversely affect the character or appearance of the area and the removal of the agricultural buildings would be beneficial to the area. The buildings would not result in any demonstrable harm to the living conditions of any neighbouring dwellings.

The letters of support made reference to the benefits that an affordable housing scheme would bring to the rural area. However, the application was not for an affordable housing scheme per se, rather it included two units that would be affordable as required by Local Plan policies.

One concern that the Parish Council had was regarding lighting and discussions could take place with the applicant regarding low level bollard lighting. A condition also ensured that a footway link would be provided before the first occupancy of any dwelling.

Therefore, the Planning Officer recommended that the application be approved with the imposition of the conditions indicated within the report.

The Committee then gave consideration to the application.

A Member stated that the only concern he had was with regard to street lighting on the site. He understood that existing residents did not want lighting on the site but he believed that as people moved into the properties it may be required for safety reasons. The Member queried whether the infrastructure for lighting in the future could be put in during development. The Planning Officer advised that he could advise the applicant of the issues and reminded Members that the application sought outline consent only.

A Member queried whether there could be a lay-by for visitor parking. The Planning Officer advised that the Highways Authority had confirmed that there would be sufficient space and that the matter could be discussed with the applicant.

A Member queried whether the Highway Authority would adopt the road if there was no lighting. The Planning Officer advised that lighting would be part of the adoption process.

It was moved and seconded that the application be approved.

RESOLVED – That approval of the application be granted subject to the conditions indicated in the Schedule of decisions attached to these Minutes.

(9) Erection of 1 no dwelling, land opposite Hallsteads, Castle Carrock, Cumbria, CA8 9NE (Application 13/0257)

The Planning Officer submitted the report on the application which had been the subject of a site visit undertaken on 5 June 2013.

The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of direct notification of two neighbouring properties and the posting of a site notice. At the time of preparing the report three letters/e-mails of objection, two of which were from the same household, and nineteen letters/e-mails of support had been received. The Planning Officer outlined the issues raised therein. The Ward Councillor had also received a letter of support. That letter had subsequently been circulated to Members of the Development Control Committee. The Planning Officer drew Members' attention to four further e-mails within the Supplementary Schedule that were in support of the application. There was also a letter from Brampton Medical practice that detailed the medical condition of the applicant's son. That additional correspondence brought the total number of representations in support of the proposal to 24 with three objections against.

The Planning Officer explained that the proximity to the centre of the village was not disputed but the application site was approximately 120m east of Waterworks Cottage which was the last residential property on the southern side of the road and separated from the site by a substantial belt of mature landscaping. The Planning Officer presented slides of the site.

During the course of the site visit Members had queried the exact route of the United Utilities high pressure trunk mains in respect of the site. United Utilities had subsequently provided a map, which the Planning Officer presented on screen that showed the mains in relation to the application site.

The Planning Officer advised that, as Members were aware, application for planning permission were determined in accordance with the Development Plan unless material considerations indicated otherwise. Whilst the personal circumstances of the applicant were acknowledged, the application was contrary to paragraph of the National Planning Policy Framework because it involved development in the open countryside outside the built form of Castle Carrock. Therefore the application was recommended for refusal.

Mrs Rhodes (Objector) stated that she had lived in Castle Carrock for six years and whilst she supported the Mason family remaining in the village she did not believe the required decision to be one of social housing but was a planning decision. The applicant had proposed the building of a four bedroom house on permanent pasture outside the village boundary and Mrs Rhodes was concerned that that could set a precedent that would enable any landowner to follow suit. The plan gave the appearance of the site being on the same level as Hallsteads. However it was a lot further down on a sloping marshy site. The proposed dwelling would attract roadside parking by visitors and delivery vehicles that would block Mrs Rhodes' view to the highway when leaving her property. The road was not always busy but visibility was poor especially when verges were overgrown. The proposal indicated parking for two cars on site and Mrs Rhodes did not believe that would be sufficient for a four bedroom property. Mrs Rhodes was concerned that vehicles would park on her access or on the verge opposite.

Mrs Rhodes explained that the trees in the woodland provided a screen for residents to block out the waterworks opposite. If they were damaged and needed to be felled that would open up the view of the waterworks.

Mrs Rhodes reminded Members that the site intruded into open countryside and was not related to the scale and character of the existing bungalows, affected amenity of the woodland and sheep field as well as people walking to and from the reservoir.

Mrs Rhodes was concerned about the visibility of pedestrians and vehicles exiting from the proposed access and drivers approaching from the east were often travelling too fast and she urged the Highway Authority to look again at the application. The Highways Authority had commented on the location of the access but had not taken into account delivery vehicles or visitors parking on the roadside.

The proposed development was adjacent to an area of woodland of flora and fauna and a domestic property with its associated noise would disturb wildlife in the area. Mrs Rhodes requested that the trees overhanging the site from the woodland be protected as advised by the Carlisle District Local Plan policy CP3. The land was 50m from the nearest floodplain and Mrs Rhodes was concerned about drainage in the area and hoped that

planning permission would not be granted until conditions stipulated by United Utilities were satisfied.

Miss Baker (Applicant's Partner) explained that the application was for a single dwelling on land belonging to the family. Miss Baker explained the family's current living conditions and stated that she understood that all applications had to be considered in the context of the Development Plan and other material conditions. Castle Carrock was a Rural Service Centre in a location where further development could be focused on and accommodated to support local services. Miss Baker believed that the National Planning Policy Framework should be responsive to local circumstances and because of family ownership of the site it was possible for the family to provide continued support to elderly relatives. If it was deemed necessary the applicant would be willing to discuss the possibility of a planning condition limiting the occupancy to a local resident. Miss Baker's two youngest children attended school in Castle Carrock therefore bringing social benefits to the village.

Miss Baker explained that the site was well related to the existing settlement and satisfied the policy requirement of being on the edge of the village. She believed that the proposed development was well contained in the wider landscape and not intruded into open countryside. The proposed dwelling was opposite Hallsteads which was the same distance from the village centre and there were other properties which were further away. The AONB had no objections and Natural England had stated that it would not harm protected species or their habitat. United Utilities had no objection to the location or planning on the site and the Highways Authority had raised no objections to the proposed access.

The proposed dwelling would use traditional materials and of a style suited to Castle Carrock. The family had received overwhelming support and the application would provide adequate housing for the family and a safe sleeping space for their eldest son.

The Committee then gave consideration to the application.

A Member stated that she had sympathy for the family but was aware of the Parish Council's concerns about the application. The Parish Council was in the process of developing a Rural Masterplan and the Member stated that she would prefer that the application was not determined until that Masterplan was completed.

A Member stated that she knew the area well and acknowledged that neither United Utilities nor the AONB had raised any objections to the proposal. The Member advised that the proposed site was $\frac{3}{4}$ mile up a hill inside a 30mph speed limit that usually indicated a village area. The applicant had confirmed that they would use stone to match properties in the village while other properties were of a more modern design. The woodland was part of the drive to the waterworks. There had been a lot of support for the application and the Member moved that the application be approved.

A Member was concerned that the high pressure water main ran across the entrance to the site. The Planning Officer advised that if the application was approved United Utilities recommended the imposition of a condition that would ascertain the exact route of the mains by the digging of trial holes.

The Member did not think it would be suitable to build on a bog and that water would drain into the beck. The trees formed a natural barrier from the village.

The Member moved that the application be deferred until United Utilities had determined the location of the high pressure main. The Planning Officer advised that, should the application be approved, then an approved contractor would dig the test hole for United Utilities and the Director of Economic Development stated that if the application was approved a condition could be imposed in respect of the test bore hole.

A Member suggested that if permission was granted a condition could be imposed to ensure it was for that one property and that the remainder of the land could not be used for more housing. He queried why the family did not use the land for agricultural use.

A Member agreed that the issues were deeper than just planning matters and that the family had a need for a house but believed the proposed site was not appropriate. He stated that if approval were granted it should be on condition that building be restricted to that one property. The Member seconded the motion to defer the application to allow further discussion with the applicant on the appropriateness of the site.

It was moved and seconded that the application be refused.

A Member did not believe it would be possible to restrict the site to one dwelling as the first principle was whether the site was suitable and it had been shown that the site was not suitable for development. Although she had sympathy for the family they could not be taken into consideration. Therefore she agreed with the Officer's recommendation and suggested that an alternative site be investigated.

Following a vote it was:

RESOLVED – That consideration of the application be refused due to the reasons indication within the Schedule of Decisions attached to these Minutes.

The meeting adjourned for lunch at 12:35 and re-convened at 1:15pm.

(10) Erection of Arts and Digital Media building, Swifts Mews, Strand Road, Carlisle (Application 13/0215)

Having declared an interest in the application Councillor Bradley left her seat and took no part in the consideration or decision of the application.

The Planning Officer submitted the report on the application which had been the subject of a site visit undertaken on 5 June 2013. Members who had not been able to attend the site visit on 5 June had visited the site on 6 June.

The Planning Officer outlined the background to the application, the proposal and site details together with the main issues for consideration. The application had been advertised by means of site and press notices as well as notification letters sent to 33 neighbouring properties. In response 1 letter of objection had been received and the Planning Officer outlined the issues raised therein.

The Planning Officer explained that the college currently leased space to deliver its Arts and Design courses from the University of Cumbria at its Brampton Road campus and that agreement ended in 2014. The college, therefore, needed to provide additional space in order to continue to deliver those courses. The disused Swifts Mews site was previously used as a sports hall by the college and had been identified as a suitable site for the

development of a new Arts and Digital Media building. The site was in a good location, adjacent to the college and the city centre as well as accessible to public transport and a number of car parks.

The new building would safeguard the existing further education provision for learners and provide up to twenty jobs. Without the new facilities that provision could be lost. The enhanced facilities and equipment would enable access to high level skills development particularly in relation to digital, design and media which was supported by the digital and creative industry. The development represented an inward investment of over £5million capital to the city and would improve what was currently a semi derelict site on the edge of the city centre. The grant funding available to the college was time limited and undue delays may put funding at risk. Furthermore the college would incur additional costs for any period of delay.

The Planning Officer presented a photomontage of the site and provided details of the proposed scheme. The main issue for concern was parking and a lot of parking in the area was not related to the college. The college had undertaken a survey that indicated that only 5% of those parking on the street worked at the college. Staff permits were available to enable staff to park at the college but students had to find their own parking. The proposal would lead to a loss of eighteen car parking spaces which were currently located adjacent to the western side of the building. Ten new spaces would be provided within the development resulting in an overall loss of eight parking spaces. The college had secured twenty spaces at Brunton Park which would cater for the twelve full time equivalent staff moving to the new building. A Travel Plan had been produced and a car share scheme developed. The Planning Officer gave details of the scheme. A cycle to work scheme had also been developed and there were five new cycle sheds within the site. The Planning Officer advised that the college presently supported 280 students per annum with public transport and there was a financial incentive for students to use public transport.

A letter had been received from the Principal of the college which the Planning Officer read to the Committee. The letter stated that the college had no requirement to provide these facilities but the college were anxious to alleviate parking problems in the area that were not caused by the college. The existing Travel Plan would be updated through a Section 106 agreement and would contain targets and a bond in favour of the County Council which would be reviewed annually. A condition would be imposed that would require the applicants to submit a construction management plan. .

The Planning Officer advised that the proposal would be acceptable in principle and the scale and design would be acceptable. The proposal 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 over-dominance and it would not have an adverse impact on ecology. The proposed parking and access would be acceptable. In all aspects, the proposals were considered to be compliant with the objectives of the relevant adopted Local Plan policies.

The Committee then gave consideration to the application.

A Member stated that the area was busy with a lot of the problems on Strand Road being caused by traffic in relation to Trinity School rather than the college. The Member was not against the application but was worried about the consequences around parking which would not improve unless a car park was opened. He believed that local residents and the

education authority should work together to resolve the issues. The Director of Economic Development confirmed that she would be happy to facilitate such a meeting.

A Member believed there would also be a problem with traffic travelling along the back lane between Strand Road and Compton Street and that there should be a condition imposed that the lane would operate a one-way system. It was apparent on the site visit that at one time there were double yellow lines in the area and the Member believed that they should be reinstated and enforced. The Planning Officer advised that those roads were not part of the application and that the reinstatement of yellow lines would be an issue for the County Council to consider.

A Member acknowledged that there was a problem with parking but added that he was in favour of the proposal as it would ensure the future of the college and the city. However, he believed that the City and County Councils needed to work together to resolve the parking issues. He believed that if the college opened their car park it would be used by people not associated with the college or school but others with business elsewhere in the City. The Member suggested that the solution may be to get an independent report on the matter but added that it would be useful for the Highway Authority to meet with relevant people to hear what the problems were. The Director of Economic Development stated that she would be happy to facilitate such a meeting and that Members of the Committee who were also County Councillors would be very useful.

A Member had sympathy for those residents whose properties backed onto the site as the access was along the narrow lane. The Member queried whether there would be double yellow lines and asked who would monitor the car sharing scheme.

In response to a query the Planning Officer confirmed that there was no Preservation Order on the building.

A Member advised that, as a County Councillor he would ask for an independent investigation into the problems in the area as he was concerned that the Highways Authority had raised no concerns.

A Member moved approval of the application and recommended that the Director of Economic Development contacted all interested parties to investigate what could be done with regard to the parking problems. The Member did not believe that a Travel Plan or a car sharing scheme would work.

It was moved and seconded that the application be approved with the condition that the Director of Economic Development contacts all parties in an attempt to resolve the parking issues.

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

Councillor Bradley returned to her seat on the Committee.

(11) Erection of 1no dormer bungalow, land adjacent to 97 Durdar Road, Carlisle, CA2 4SU (Application 13/0147)

The Planning Officer submitted the report on the application and outlined the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and direct notification to the occupiers of three of the neighbouring properties. In response two letters of objection had been received and the Planning Officer summarised the issues raised therein. The Planning Officer advised that the main objections to the application were in respect of highway safety. Whilst the site was located on the bend in the road the Highway Authority had raised no objection. Although it was cited in the objections that the provision of a roundabout for the larger housing development in the vicinity was a locally desirable requirement, it did not form part of the planning application. The proposal before Members had to be considered on its merits and should it transpire in the future that a roundabout was required the fact that the site had planning permission may increase the value of the land but would not prejudice the provision.

The Planning Officer advised that in overall terms the principle of residential development on the site was acceptable. The development would be well related to the boundaries of the site and would be appropriate to the character and appearance of the area and would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. Subject to the imposition of a condition the development did not raise any highway issues and in all other aspects the proposal was compliant with the objectives of the relevant Local Plan policies.

Councillor Allison (Ward Councillor) explained that the dwellings at 95 and 97 Durdar Road would be demolished if a roundabout was created in the location. The traffic issues would be the same as those raised earlier and the Ward Councillor requested that the application be deferred to allow a site visit to be undertaken. The Ward Councillor also believed that consideration of a further larger development in the area was imminent.

Mr Rowley (Agent) believed that the application should be approved as there were no overriding planning issues and all policies noted in the report had been adhered to. The report referred to the boundary hedge and separation issues; Mr Rowley advised that it was proposed to include additional planting to match the existing species within the hedge and that would increase the density and consequently the level of privacy.

With regard to the highway matters a newly revised vehicular access had been submitted following an objection by a local farmer. Highway safety and visibility that had been raised by a number of objectors had also been addressed.

Mr Rowley advised that the applicant was eager for approval as he had a local builder ready to carry out the construction work and any further delays, including a site visit as proposed by the Ward Councillor, would be unjust. He believed that the application should be considered on its own merits and not linked to any other applications. The issue of a roundabout was speculation on the part of residents and the Highways Authority had not requested or suggested a roundabout at the location and the possible demolition of 2 properties and the prevention of the building of another would be contrary to Government's policy of providing more housing.

The Committee then gave consideration to the application.

A Member reminded Members that the report indicated that the application had been refused in 1980 and that nothing had been submitted since. Under normal circumstances if a site visit was requested both the Ward Councillor and the Agent would be precluded from speaking at a future meeting.

It was moved and seconded that the application be approved.

RESOLVED – That the application be approved subject to the conditions as indicated in the Schedule of Decisions attached to these Minutes.

(12) Erection of dwelling (outline), Longthwaite Farm Court, Warwick Bridge (Application 13/0182)

The Planning Officer submitted the report on the application, and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by the direct notification to seven neighbouring properties and the posting of a site notice. In response two e-mails of objection had been received. The Planning Officer advised that the Parish Council had raised objections in respect of the additional impact of the proposal on highway safety along the access lane to the site in light of recent development at the former George public house. However, the Highways Authority had confirmed that they had no objection to the proposal.

The Planning Officer presented slides of the site.

In overall terms, the application site, for one dwelling, formed a natural stop to the existing courtyard development at Longthwaite Farm Court and was in close proximity to local services and facilities. The proposal was considered to be compliant under the provisions of the National Planning Policy Framework and the objectives of the relevant Local Plan policies. Accordingly, the application was recommended for approval.

The Committee then gave consideration to the application.

A Member queried when the access splay onto the A69 at the former George public house was to be widened. The Director of Economic Development advised that she did not have that information but would e-mail it to Members following the meeting.

It was moved and seconded that the application be approved.

RESOLVED – That the application be approved subject to the conditions as indicated within the Schedule of Decisions attached to these Minutes.

(13) Erection of 45no dwellings, associated open space and infrastructure, land to the rear of Scotby Green Steading, Scotby, Carlisle (Application 12/0710)

The Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of site and press notices as well as notification letters sent to the occupiers of 58 neighbouring properties. In response the occupiers of thirteen properties had raised objections and three had made comments. The Planning Officer summarised the issues raised therein.

The Planning Officer reminded Members that the application was deferred at the last meeting of the Committee as Members asked for Independent Highway advice. Members had five areas of concern which were:

- 1) the proposed footway,
- 2) vehicles reversing onto the Scotby to Wetheral Road,
- 3) parking on the Scotby-Wetheral Road,
- 4) the gradient of the driveways, and
- 5) the access junction.

The Council has approached White Young Green to look at the specific issues raised by Members and a summary of White Young Green's findings are contained within the report. The Members went through each area of concern in turn with slides to provide further clarity where necessary.

1) The proposed footway

The Highways Authority had requested that the developer provide a footway along the northern side of the Scotby-Wetheral Road which linked the application site to the T-junction on Broomfallen Road. The reason for that request was that the footway on the southern side of the road was substandard and the Highways Authority had been petitioned in the past by residents of Pow Maughan Court about the inadequacy of the road network. Members expressed concern at the last meeting about the narrowing of the carriageway to provide the new footpath. White Young Green noted that the footway would reduce the width of the carriageway and would result in large vehicles mounting the kerb to pass each other. To overcome that concern White Young Green had suggested that the existing footway on the southern side of the road be widened but that would require traffic calming measures to reduce the traffic speeds past the site. However, the Highway Authority did not agree to that potential solution because it would mean that future users of the development would have to cross the road twice. White Young Green noted that Manual for Streets indicated that a 4.8 metre wide carriageway could accommodate a car and bus passing each other and a 5.5 metre carriageway, where the road was straight could accommodate large vehicles passing each other. The applicant's agent had since produced plans showing that the carriageway outside plots 1 to 8 was more than 5.5 metres wide and only a small section of road between the application site and the T-junction would be less than 5.5 metres wide. The applicant's agent had also produced evidence to show the frequency of buses. On that basis White Young Green had confirmed that, due to the low volume of traffic movements, the risk of over-running was also low so the residual impact was not severe.

The applicant had also produced a modified version of the proposed northern footway which had resulted in a pinch point where the proposed footpath would be 1.2 metres in width. Whilst the Highways Authority had raised no objections to that, White Young Green had indicated that the 1.2 metre wide footway, and parts that were less than 1.4 metres, coupled with the narrowing of the carriageway, was a concern. To clarify for Members how much the carriageway would be narrowed a plan had been included in the supplementary schedule page 42.

White Young Green had stated that there were a number of solutions to overcome the concern of the width of the footway at that point, for example, building out the footway at the pinch point which would give priority to on coming traffic (similar to that at Houghton) or widening the footway at the pinch point and carriageway opposite. The applicant had agreed to implement the widening of the footway with priority feature. However the

Highways Authority had opposed that and had indicated that, if a chicane feature was created, it should be larger with a 1.8 metre footway. White Young Green however had verbally indicated that a larger chicane feature could potentially affect visibility.

The Planning Officer advised that Members were faced with making a decision based on conflicting advice. At Officer Level the most appropriate option was widening the footway only where it pinch pointed to 1.2 metres with a priority system in place which White Young Green had confirmed could be done under a section 278 notice. White Young Green had also confirmed that the signs giving priority would not require a Traffic Regulation Order. If a footway was provided in that manner and secured under a Grampian condition White Young Green had confirmed that a refusal of the application would not be justified on that point.

2) Vehicles reversing onto the Scotby/Wetheral Road

White Young Green noted that visibility was limited by the landscaping proposed to the front of plots 1-7 and as such appropriate visibility had to be provided as well as traffic calming measures to reduce vehicle speeds. Those measures would have a knock on consequence of reducing the visibility requirement. White Young Green had indicated that that could be achieved with a retaining wall along the frontage no higher than 600mm. The applicants had amended the plans to show a 900mm wall but had agreed to a further reduction to 600mm which could be dealt with via condition. White Young Green had therefore confirmed that adequate visibility for vehicles reversing was provided and had suggested amended wording regarding visibility conditions. They had therefore confirmed that a refusal on that point would not be justified. The Highways Authority had also raised no objection.

3) Parking on the Scotby to Wetheral Road

The Highway Authority had indicated that the direct accesses of the C1038 were so close together that there would be a continuous drop kerb, thus on the assumption both "in curtilage" parking spaces were occupied, visiting vehicles would be able to partially park off the main carriageway. Given the level of internal parking being provided, it was anticipated that there would be only an occasions visiting vehicle that would need to park off the main carriageway.

White Young Green had stated that parking on the footway could obstruct visibility for pedestrians emerging onto the road and obstruct pedestrians using the footway. White Young Green had suggested potential solutions to those concerns by placing bollards between the driveways or a lay-by adjacent to plot 18. The applicant had indicated that a lay-by adjacent to plot 18 would result in significant engineering works due to the steepness of the bank at that location. It was also noted that the use of bollards in front of the site would not be aesthetically pleasing in that setting.

In overall terms, it was recognised that the occasional car parked on the Scotby/Wetheral Road would restrict visibility for drivers emerging onto the road but that would also reduce traffic speeds. On balance it was White Young Green's view that the cumulative residual impact would not be severe and so a refusal on that point would not be justified.

4. Driveway Gradients

On the matter of driveway gradients, the Highways Authority had confirmed that the gradient of the driveways would have to comply with DDA design requirements and those issues could be covered by the imposition of relevant conditions.

White Young Green had indicated that steep driveways required drivers to exercise greater control and, bearing in mind the traffic speeds observed on the Wetheral/Scotby road, the matter was a potential concern. The applicant had subsequently amended the driveway gradients from 9.9% to 7.1% and agreed to amend the height of the southern boundary wall as discussed. The Applicant had also produced a plan to show what the development would look like from the Scotby-Wetheral Road.

White Young Green had indicated that those aspects could be controlled by condition and a refusal on that point would not be justified.

5. Access Junction

White Young Green had explained that visibility from the access junction should be in accordance with the guidelines contained in "Manual for Streets". White Young Green was suitably content that the matter could now be satisfactorily addressed by the imposition of a condition, and a refusal on that point would not be justified.

To summarise the general concerns regarding the increase in traffic on the Scotby/Wetheral Road and impacts on highway visibility (because of an existing bend in the road) were not considered sufficient to merit the refusal of permission. With regard to the specific details White Young Green had confirmed that the concerns in relation to accesses directly from the Scotby-Wetheral Road, parking on Scotby-Wetheral Road and gradients of the access drives were not sufficient to warrant refusal of the application. There was a difference of opinion between White Young Green and the Highways Authority with regard to the width of the Wetheral/Scotby road and the proposed footway at the pinch point. That difference of opinion was in the context that the Highways Authority did not raise any objections to the scheme as originally submitted. At Officer level it was considered that the most appropriate solution was the widening of the footway which would mean that oncoming vehicles would need to give way to each other. That option could be pursued by the imposition of a Grampian type condition.

Members should note that there had been a number of letters received from third parties in relation to the amended plans received from the agent in respect of White Young Green's original comments. A summary of the responses were contained within the report.

Members were also reminded of the comments made from those who requested the right to speak at the committee in March when the application was last presented. To remind Members those people raised objections on how the application was assessed with regard to housing supply in respect of the National Planning Policy Framework, the Interim Housing Statement and Policy H1, the need for additional housing, development being outside of the village boundary, highway safety, location of nearest recycling facilities, Scotby school being at capacity, the sewage system being overloaded and scale of development.

All of the issues raised by the previous rights to speak were addressed in the report. Members should however note that with regard to assessing housing developments

paragraph 14 of the National Planning Policy Framework stated that at the heart of the National Planning Policy Framework was a presumption in favour of sustainable development which should be seen as a golden thread through plan-making and decision-taking. For decision-taking that meant that where the development plan was absent or silent or relevant policies were out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the framework taken as a whole, or, specific policies in the framework indicate development, should be restricted.

The application site was located within a sustainable location. It was not considered that the perceived disadvantages highlighted by third parties in the consultation period would outweigh the benefits of development in a sustainable location in accordance with paragraph 14 of the National Planning Policy Framework.

The Planning Officer concluded by advising that authority to issue approval was recommended subject to the amended conditions and the satisfactory completion of S106 covering the requirements outlined in paragraph 6.82 of the committee report, which was considered to be in compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Mr Morris (Objector) reminded Members that White Young Green had stated that a carriageway should not be less than 5.5m wide when the road was straight and wider where there were bends. The relevant section of the road in question had a bend and the narrowest point of the road was at that bend. White Young Green had indicated that after the works there would be 2 areas where the carriageway would be less than 5.5m. They also noted that the proposed footpath of 1.2m coupled with the carriageway reduction was unsatisfactory and in their opinion would lead to vehicles mounting the footway.

Mr Morris advised that several types of larger vehicles travelled along the road and the proposed solutions would not work and the suggestion of a chicane or single track would be inappropriate. The option of vehicles giving way to one another was not feasible either.

With regard to visibility, although the height of the walls had been reduced, Mr Morris indicated that there could be no control over the growth of trees and shrubs planted behind the walls.

With regard to policies, Mr Morris outlined the reasons why he believed that the application was contrary to policy H1. He also believed that the application was contrary to policy DP1 as there was no evidence of need and Mr Morris explained the number of houses currently for sale in the area and permissions that had already been granted. Mr Morris acknowledged that the National Planning Policy Framework had to be adhered to but believed that it should be alongside established policies. Mr Morris did not believe that anything had changed since the previous meeting and therefore the application should be refused.

Mr Thompson (Objector) believed that the application would create an urban character unlike anywhere else in Scotby. At the previous meeting Members were concerned that the character of Scotby should be retained. The need for additional housing had been satisfied and applications already granted would increase housing by 10%. Councillors had visited the site and had raised concerns about the proposed 7 unites whose driveways backed directly onto the road, which White Young Green had stated would be unsafe and had suggested traffic calming measures.

Mr Thompson also believed that there were too many units on the proposed development and that the application failed as it was contrary to 5 criteria of policy H1.

Ms Lightfoot (Agent) explained that the applicants had revised the application in respect of the introduction of lower walls and wider visibility splay and White Young Green had confirmed that there was no reason to refuse the application on those grounds. The application would provide 45 homes in a village with a number of facilities and an acceptable level of affordable housing had been proposed. The 7 units that had caused concern were examples of good urban design practice and therefore Ms Lightfoot endorsed the recommendation for approval of the application.

The Committee then gave consideration to the application.

The Planning Officer clarified that the reference in the report to “the proposed hedgerows outside plots 1-7 had now been removed” should have read that they had been removed on the plans and would be replaced by a wall.

A Member believed that vehicles passing close to the footpath as indicated in White Young Green’s report would be a danger to people on the footpath and stated that the footpath should be widened to 1.4m. The Member was also concerned about cars reversing onto the road which had a 50mph speed limit. The Member suggested that the speed limit should be reduced to 30 mph.

At the request of a Member the Planning Officer clarified the meaning of a Grampian condition.

The Member had concerns about cars reversing onto the highway but was pleased that the hedge would be replaced by a low wall along that stretch of the development. However, he was concerned that there could be no control over the height of trees and shrubs planted by residents.

The Member knew of no valid planning reason to refuse the application and if the application was approved hoped that the recommendations suggested by White Young Green would be implemented.

The Director of Economic Development advised that the report addressed the issues around reversing and therefore the application could not be refused on that basis.

In response to a query the Planning Officer advised that with regard to the width of the footpath, the Highways Authority had advised that a 1.2m footpath would be wide enough for a motorised scooter and a pushchair to pass.

A Member also believed that it would not be safe to have vehicles reversing onto the highway. Whilst the Member had sympathy with the current residents of Scotby Members hands were tied with regard to reasons to refuse the application.

A Member believed that the difficulties had been caused by the National Planning Policy Framework which presumed in favour of sustainable development and the proposal met the relevant criteria. The development would introduce new families and businesses into the area and children would wish to attend local schools. At present 65% of children from the village had to attend schools outside the area. However, once young families were

established in the village that would not be the case. The Member believed that the Committee had done all that it could to address the concerns that had been raised.

A Member reiterated his earlier concerns but stated that if the application was refused and was subsequently taken to appeal the result could be something worse than the proposal. Therefore the Member moved the Officer's recommendation for approval. That motion was seconded.

Following a vote it was:

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.

SUSPENSION OF STANDING ORDERS

During consideration of the above Item of Business, 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.

(14) Change of use of part ground floor from Use Class A1 (Retail) to Use Class A5 (Hot Food Takeaway), 8-9 The Square, Dalston, Carlisle, CA5 7PJ (Application 13/0193)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and a press notice as well as direct notification to twelve of the neighbouring properties. In response eight letters of objection had been received. The Planning Officer advised that since publication of the report a further letter of objection had been received which reiterated concerns already submitted.

In response to the drainage issues, the Planning Officer advised that he had liaised with the Building Control Surveyors who had confirmed that the issue would be assessed under the Building Regulations and would require the provision of a grease trap. Whether there was an easement in place was a matter for the applicant and the neighbour to resolve outwith the planning process. The Planning Officer stated that he believed that the suggested opening times were too restrictive.

A neighbour had queried whether a condition could be imposed regarding delivery times. The Planning Officer advised that, if Members considered it necessary, deliveries could be restricted to take place between 8am and 8pm.

The Planning Officer explained that in overall terms the principle of a hot food takeaway in the location was acceptable. There was adequate car parking facilities in the vicinity of the site and the proposal would reuse an important and prominent building in the Dalston Conservation Area with minimal external alteration. The premises were located adjacent to a main thoroughfare and adjacent to existing commercial uses where there were businesses that opened into the evening.

Subject to the imposition of a condition restricting the opening hours and means of mechanical ventilation, it was the Planning Officer's opinion that the use would not

adversely affect the living conditions of the occupiers of the neighbouring properties to such a degree as to be contrary to current planning policies. For those reasons the Planning Officer recommended that the application be approved.

The Committee then gave consideration to the application.

A Member stated that the proposed opening hours would have an adverse impact on the health and welfare of schoolchildren who would purchase unhealthy food. The Member advised that there were presently six food outlets within close proximity. The NHS were concerned about childhood obesity and the Member suggested that the opening hours could be restricted to outside school hours.

The Highways Authority had suggested restricted opening times which the Member believed would make the proposed business economically unviable. The Member also had concerns about litter and smells from the extractor which was positioned against a neighbouring property.

It was moved and seconded that the application be approved subject to relevant conditions.

A Member reminded Members that the County relied on tourism and Dalston was an attractive village and that its economy needed to be looked after. He believed that the proposal would also provide employment in Dalston.

A Member stated that he was a resident of Dalston and the present building was an eyesore but the proposed business was the wrong type for the area. The village was well served with hot food establishments and the proposed business would create a lot of litter.

A Member stated that the building was previously a Co-op store which would have seen vehicles parking at all times of the day therefore it would not be appropriate to refuse the application on parking issues. The Member believed that it would not be reasonable to restrict opening hours to non-school times and with regard to noise, as there was a public house in the area they would be open later than 10pm and would probably generate more noise.

A Member who had raised concerns about litter reminded Members that the site would have tables and chairs for people to eat at as well as a takeaway service. The Planning Officer advised that the introduction of litter monitoring, similar to that at MacDonalds at Kingstown, could be addressed through discussions with the applicant. There were several litter bins around the village including one outside of the building.

It was moved and seconded that the application be approved subject to the conditions as indicated within the report.

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

(15) Change of use from dwelling to hairdressers (Ground Floor) and offices/common room (First Floor) and associated external alterations, 238 Kingstown Road, Carlisle, Cumbria, CA3 0DE (Application 13/0104)

The Principal Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice as well as direct notification to the occupiers of three neighbouring properties. In response a petition had been received signed by seventeen signatures objecting to the proposal. The authority had also received two formal objections and an informal objection. The Principal Planning Officer summarised the main issues raised therein.

The Principal Planning Officer reminded Members that the RSS and Supplementary Planning policies had been revoked and the Principal Planning Officer presented slides of the site taken on 21 March 2013 and 11 April 2013.

An objector had also submitted two photographs showing a car parked on the site outside of the parking area. However, the applicant did not know who owned the vehicle or why it would park in such a position when spaces were apparently available.

The Principal Planning Officer advised that it was evident that the proposal would lead to the provision of two jobs, was in a sustainable location, and provided a use for a currently vacant building. That was in the context that the property was located adjacent to a junction with a heavily trafficked main road, had a limited curtilage with no private space, and the existing off-street parking provision serving the property was awkward. Conversely, California Road continued to be the subject of on-going problems associated with congestion that interfered with the free flow of traffic. However, it was not readily apparent that the problems experienced with congestion and parking at California Road could be directly attributed to the Dreamsdays Spa. It was also the case that the ability to utilise the existing spare capacity in off-street parking provision would lead to compliance with the relevant parking guidelines.

With regard to the living conditions of the neighbouring residents, it was considered that the proposal should not further exacerbate harm to the living conditions sufficient to merit the refusal of permission. The Principal Planning Officer also stated that the proposal would utilise what was currently an empty building.

In view of the above, the Principal Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

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.

(16) Erection of 1no dwelling together with formation of new access to 5 Skitby Road, 5 Skitby Road, Smithfield, Kirklington, Carlisle, Cumbria, CA6 6AY (Application 13/0146)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and by the direct notification of four neighbouring properties. In response one e-mail in support of the application had been received. A neighbouring resident had raised queries with regard to the party wall. However, no formal representations from third parties had been received. The Planning Officer indicated that there was a typographical error in Condition 8 relating to construction times on a Saturday. The Condition should have stated "...before 07:30 hours or after 13:00 hours."

The Planning Officer presented slides of the site showing the existing access and neighbouring property and the variety of house types within the vicinity.

The Planning Officer advised that the principle of development was acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings or the existing watercourse. The proposal would also not have an adverse impact upon biodiversity. The application was recommended for approval with the amendment to Condition 8 as stated, as the proposal was considered to be compliant with the relevant Development Plan policies.

The Committee then gave consideration to the application.

In response to a query from a Member the Planning Officer advised that the application had been brought before Committee as the Parish Council had objected to the application. The Planning Officer also confirmed that the proposed property would be of the same height as the adjacent buildings.

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

(17) Variation of Condition 1 of previously approved permission 09/1079 to allow the wind monitoring mast to remain on site until 31st March 2014, Hallburn Farm, Hallburn, Longtown, Carlisle, CA6 5TW (Application 13/0159)

The Principal Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice as well as the direct notification of the occupiers of seven neighbouring properties. No verbal or written representations had been made during the consultation period.

The Principal Planning Officer reminded Members that a recent application for a windfarm on the site had been dismissed due to issues around Eskdalemuir. That application was subsequently taken to appeal and was approved by the Planning Inspector. However, the Secretary of State then passed the proposal to the Ministry of Defence for further work.

That decision had implications for the Carlisle area in the short term while that work was being undertaken. However each application had to be considered on its own merits.

The Principal Planning Officer advised that in overall terms it was considered that the circumstances had not fundamentally altered. Therefore the Principal Planning Officer recommended that the variation to the condition be approved subject to the conditions indicated within the report.

A Member did not understand how an application could be approved by the Planning Inspector then passed for further investigation by the Secretary of State. The Member stated that the mast had been in place since December 2009 and was concerned that further applications for extension to the condition could be submitted in the future. The Member moved that the application should be refused until the results of the Ministry of Defence's investigations were known.

A Member seconded the motion for refusal.

The Principal Planning Officer advised that a relevant parallel was the two Newlands Inquiries where, although the turbines were turned down, the monitoring mast was approved. The Director of Economic Development reminded Members that the application was for a monitoring mast and not what could happen in the future.

A Member moved approval of the Officer's recommendation which was for approval of the application.

The Principal Planning Officer advised that the Secretary of State had made a statement regarding new guidance in relation to windfarms. That coincided with the Energy Act and encouraged authorities to seek alternative forms of energy.

A Member seconded approval of the Officer's recommendation as the monitoring mast was already in place and was not a massive impact on the area.

Following a vote it was:

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

DC.52/13 ERECTION OF PROPOSED POULTRY BREEDING UNIT AT LAND BETWEEN THE A6071 AND U1084 SMITHFIELD

The Planning Enforcement Officer presented Report ED.12/13 that referred to the breach of a Planning Condition relating to the development of a poultry breeding unit on land near to the village of Smithfield. .

The Planning Enforcement Officer reminded Members that a planning application to submit a poultry breeding unit on land near to the village of Smithfield by Hunley Bank Ltd. The application had been advertised in the normal manner by way of a site notice and neighbour notification to nearby residents. A number of objections expressed concerns that the poultry unit could cause problems with noise, smell and vermin. Concerns were also raised about the proposed use of the U1084 and the suitability of the A6071/U1084 junction.

Other neighbouring residents had written in support of the application.

The application was considered by Members at the meeting of the Development Control Committee on 28 September 2013 and approved the application subject to a number of conditions including Condition 9 that stated:

“Construction activities shall not commence until the access (including the upgrading of signage on the A6071 and improvements to the U1084) and internal hardstandings have been constructed in accordance with the approved plan. All such provision shall be retained, capable of use when the development is completed and shall not be removed or altered thereafter, without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8 and Structure Plan Policy T32.”

The applicant had met with the Highway Authority on 3 October 2012 and plans were submitted to the highway Authority on 10 October 2012. However, due to a lack of response three months had been lost and the completion date on May 2013 had to be adjusted to September 2013. That delay had resulted in a significant financial loss of 4 months' turnover. Cumbria County Council were working closely with Connect Roads regarding the advance signage on the A6071 in order to speed up the process. However, due to the timescale that had already elapsed the applicant had taken an economic decision to commence works on the poultry unit without firstly discharging the aforementioned condition. The commencement of work had lead to complaints from neighbouring residents who alleged that the applicant had deliberately flouted the Planning Conditions imposed in September by Members.

The drawings designed by Cumbria County Council have now been approved by Connect Roads and it was hoped that the Section 278 agreement could be signed during week commencing 27 May 2013. The County Council had accepted seven days' notice for the road closure (U1084), DSD Construction had been engaged to carry out the works at short notice and subject to suitable weather, the actual works were relatively minor and should only take two days to complete.

It was clear that the applicant had breached Condition 9 of the planning permission by commencing work on the building before discharging the condition. The main structure was almost complete and the highway works had not yet commenced. In breaching the planning condition the applicant had placed himself at risk of enforcement action.

It was also evident that Cumbria County Council and the applicant had taken all reasonable steps to push this matter forward but the lengthy delays by Connect Roads to approve the signage had forced the applicant to commence works earlier than anticipated and thereby breaking the condition.

The Planning Enforcement Officer outlined the options available to Members and recommended to accept that the lengthy delays had been caused by Connect Roads and the applicant had taken all measures to progress the highway works which were now imminent and therefore it was not expedient to take any action.

A Member stated that the site was in her Ward and while conditions were imposed nothing had been done in regard to the issue. She had been advised three weeks before that the

work was imminent and since the application was approved nine months before the matter was unacceptable. The road and grass were being churned up by heavy vehicles accessing the site and the Member believed that the applicant was flouting the rules of the Committee.

It was moved and seconded that option B be enforced which would place a temporary stop notice until the road improvements had been carried out.

Although the situation was not the fault of the City Council but of the County Council and Connect Roads the City Council had imposed the relevant condition.

A Member believed that the applicant had tried to comply with the conditions. He had been in contact with the Highways Authority on 3 October and submitted plans on 10 October. However the plans were not returned until 24 May. The applicant had a firm ready to carry out the work but there had been a lot of delay which had not been the applicant's fault.

A Member agreed with the previous comments and therefore moved that option C be taken ie take no action.

A Member stated that he did not disagree with the previous comments but reminded Members that the condition stated that the work had to be completed before the work on the site could commence. The fault was not of the City Council and the permission had been given in good faith. The site was on a narrow on a bend and thousands of hens would be delivered by large transporters.

A Member stated that the work on the site had started a long time before and was almost completed.

A Member did not believe that a stop notice would make any difference and that the work would stop soon anyway.

Following a vote it was:

RESOLVED: That a temporary stop notice be served until the road improvements were carried out.

(The meeting ended at 3:15pm)