

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 15 NOVEMBER 2013 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Mrs Bradley, Craig, Earp, Graham, Mrs Luckley, McDevitt, Nedved (as substitute for Councillor Bloxham), Mrs Parsons, Mrs Riddle, Mrs Warwick and Whalen

ALSO

PRESENT: Councillor Allison attended the meeting as Ward Councillor in respect of application 13/0651 (land between Woodcote and Badgers Barn, Durdar Road, Carlisle)

Councillor Betton attended the meeting as County Councillor for the Ward in respect of application 13/0655 (former dairy site, Holywell Crescent, Botcherby, Carlisle, CA1 2TD)

Councillor Collier attended part of the meeting as an observer

OFFICERS: Director of Economic Development
Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officers (X5)

DC.88/13 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Bloxham

DC.89/13 DECLARATIONS OF INTEREST

Councillor Mrs Bradley declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0740 (Currock Villa, 71 Currock Road, Carlisle, CA2 4BH). The interest related to the fact that she was formerly associated to the applicant as a management committee member and was a volunteer at the Young People's Club.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of applications 13/0548 (Beech House, Stockdalewath, Dalston, Carlisle, CA5 7DN) and 13/0659 (Ellerslea, Bridge End, Dalston, Carlisle, CA5 7QQ). The interest related to the fact that he had been present at Parish Council meetings when the applications had been discussed.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0559 (field to the east of The Strand, Aglionby, Carlisle, CA6 6NW). The interest related to the fact that he had undertaken planning related work for the applicant but had not been involved in the current application.

Councillor Earp declared an interest in accordance with the Council's Code of Conduct in respect of applications 13/0336 (Broomhills Farm, Orton Road, Carlisle, CA5 6JR), 13/0651 (land between Woodcote and Badgers Barn, Durdar Road, Carlisle, CA2 4TL), 13/0521 (Skelton House, Wetheral, CA4 8JG), 13/0654 (land between Scotby Road and The Old Tannery, Scotby, Carlisle), 13/0787 (land at Orchard Gardens, Houghton, Carlisle, CA3 0LH, 13/0559 (field to the east of The Strand, Aglionby, Carlisle, CA6 6NW)

and 13/0534 (land adjacent The Oaks, Plains Road, Wetheral) . The interest related to the fact that he knew some of the objectors either in his role as Ward Councillor or in his previous profession as a vet.

Councillor Mrs Luckley declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0724 (land adjacent to The Lodge, Bitts Park, Dacre Road, Carlisle, CA3 8UZ). The interest related to the fact that she had registered a right to speak as Ward Councillor in respect of the application.

Councillor McDevitt declared a pecuniary interest in accordance with the Council's Code of Conduct in respect of application 13/0735 (56 Colville Street, Carlisle, CA2 5HT). The interest related to the fact that he owned the property.

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct in respect of applications 13/0336 (Broomhills Farm, Orton Road, Carlisle, CA5 6JR) and 13/0519 (Monkhill Hall Farm, Monkhill, Burgh By Sands, Carlisle, CA5 6DD). The interest related to the fact that the applicants were related to her.

Councillor Mrs Parson declared in interest in accordance with the Council's Code of Conduct in respect of application 13/0447 (Spital Syke Farm, Broomhills, Orton Road, Carlisle, CA5 6JR). The interest related to the fact that Broomhills Farm, Orton Road, Carlisle, which was referred to in the application, was owned by a relative of hers.

Councillor Scarborough declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0659 (Ellerslea, Bridge End, Dalston, Carlisle, CA5 7QQ) The interest related to the fact that he lived at Hawksdale which was close to the application site.

Councillor Mrs Warwick declared a pecuniary interest in accordance with the Council's Code of Conduct in respect of application 13/0606 (Pirelli Tyres Limited, Dalston Road, Carlisle, CA2 6AR). The interest related to the facts that she lived in Cummersdale and her son worked for Pirelli.

DC.90/13 MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 28 August 2013 and 30 August 2013 were signed by the Chairman as a correct record of the meetings.

The minutes of the site visits held on 13 November 2013 were noted.

DC.91/13 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.92/13 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 a single wind turbine 79.6m to tip height, 55.6m to hub height together with 2no metering units and access track, Broomhills Farm, Orton Road, Carlisle, CA5 6JR (Application 13/0336)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 13 November 2013. The application had been advertised by the display of two site notices and by means notification letters sent to 64 properties. In response 44 representations had been received of which 20 were in favour, 22 were against and 2 made comment. The Planning Officer summarised the issues raised therein.

The Planning Officer presented maps that provided an update of turbines consented or proposed within the immediate vicinity. A number of photomontages were also presented that had been undertaken by the agent around the surrounding area.

In conclusion the Planning Officer advised that national planning policy promoted targets for renewable energy and looked to Local Authorities to support proposals for renewable energy developments which did not have unacceptable impacts. The benefits of the proposed development were that the turbine would produce energy from a renewable source which would help address the impacts of climate change. The landscape of the Carlisle District was not immune from the effects of climate change and the landscape, in the vicinity of the proposed turbine and elsewhere, would not survive in the future unless the serious effects of climate change were addressed. There would be no significant impact upon the landscape, air safety, ecology/conservation, horse riding/safety, highway/bridleway safety or on occupiers of non-associated neighbouring properties in terms of noise or shadow flicker.

The turbine would have a significant detrimental impact upon the living conditions of the occupiers and future occupiers of Spital Syke Farm house and the two dwellings at Hunters Croft through an oppressive and dominant visual impact. Insufficient information had also been submitted to determine the impact of the proposal on heritage assets.

The National Planning Policy Framework indicated that Local Planning Authorities should approve renewable energy applications (unless material considerations indicated otherwise) if its impacts were, or could be made acceptable. On balance the Planning Officer considered that the significant harm that the proposal would create to living conditions of the occupiers of Spital Syke Farm House and the two neighbouring dwellings at Hunters Croft in terms of a dominant and oppressive visual impact would outweigh any benefits the application would bring. Furthermore insufficient information had also been submitted to determine the impact of the proposal on heritage assets and it was not considered that that issue could be satisfactorily dealt with via a planning condition. In such circumstances the proposed development was recommended for refusal as it would be contrary to paragraphs 98 and section 12 of the National Planning Policy Framework together with the objectives of Policies LE8, CP5, CP6 and CP8 of the Carlisle District Local Plan 2001-2016.

Mr Moss (Objector) stated that it was unusual for there to be two applications for wind turbines in close proximity to each other, submitted by different applicants and being items 1 and 2 on the same agenda. The existence of both applications with the potential for each being the subject to an appeal and/or judicial review constituted a material consideration. The application was recommended for refusal in respect of the size and position of the proposed turbine and would have an impact on neighbouring properties the closest of which were 550m and 590m away. The independent report stated that there

would be a significant adverse impact on those properties and therefore recommended refusal.

The independent report on the proposed turbine considered as the following item on the agenda stated that the proposed turbine would have a significant adverse impact on Broombank House which was occupied by the applicants of the current application. Broombank House was 365m from the turbine and therefore closer than those properties referred to in the current application.

The Committee then gave consideration to the application.

The Officer's recommendation for refusal was moved and seconded.

A Member reminded Committee that in respect of potential scheduled monuments in the area the County Archaeologist had requested that an archaeological excavation be undertaken while English Heritage has stated that following the submission of further information there was no objection to the application. The Member queried how that affected the reason for refusal. The Development Manager advised that the County Archaeologist had stated that there were two sites, not directly in the field but their extent was unknown. The information had been put to the applicant who had decided against undertaking any investigation until the outcome of the application was confirmed. If the application was approved work would have to be undertaken prior to determining the siting of the turbine.

A Member stated that he was not against wind turbines in general but believed that the proposed turbine was too close to neighbouring properties and therefore supported the Officer's recommendation.

RESOLVED – That the application be refused for the reasons stated within the Schedule of Decisions attached to these minutes.

(2) Erection of 1no 500kW wind turbine 67m to tip height and 40m to hub height and associated infrastructure, Spital Syke Farm, Broomhills, Orton Road, Carlisle, CA5 6JR (Application 13/0447)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 13 November 2013. The Planning Officer outlined for Members 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 nineteen neighbouring properties which were located within a 600 metre radius of the turbine. In response to the consultation 187 letters had been received of which 74 raised objections with 119 expressions of support. One letter of comment had also been received. Several of the letters of both support and objection were 'standard' signed letters and two of the latest letters were from occupiers of the local area. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that the proposal involved the erection of a single turbine which would off-set the high electric costs of Spital Syke Farm, sustaining the farm's future growth and development. National planning policy promoted targets for renewable energy and looked to Local Authorities to support proposals for renewable energy developments which did not have unacceptable impacts.

The benefits of the proposed development were that the turbine would produce energy from a renewable source which would help address the impacts of climate change. The landscape of Carlisle District was not immune from the effects of climate change and the landscape in the vicinity of the proposed turbine and elsewhere would not survive in the future unless the serious effects of climate change were addressed. The proposal would not have a significant impact upon the landscape, air safety, ecology/conservation, horse riding/safety, highway/bridleway safety or on occupiers of non associated neighbouring properties in terms of noise or shadow flicker. The nearest non-associated property was Broombank House which was 465m from the site.

The proposal would involve the construction of a concrete foundation on which to mount the turbine mast and the laying of an underground cable between the turbine and the adjacent power line to connect it to the National Grid. The turbine would be connected via a small sub-station at the base of the turbine.

The Planning Officer presented slides showing views of the site from various points.

Whilst it was accepted that the turbine would be visible from the surrounding area Members had to consider whether having sight of the turbine from a distance of 465m would cause an oppressive and dominant visual impact on any of the surrounding properties and distinguish whether the turbine was prominent or simply visible.

Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, the existing turbines, along with the electricity pylons to the south of the site, it was considered that the turbine would not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents, as discussed within the report.

Therefore it was considered that the proposed development accorded with the provisions of the Carlisle District Local Plan 2001-2016 and, as there were no material considerations which indicated that it should be determined to the contrary, it would be determined in accordance with the Local Plan and, as such, was recommended for approval subject to the imposition of appropriate conditions.

Mr Moss (on behalf of the Marrs family - Objector) stated that the details of the objections had been set out in his previous letters. Mr Moss outlined the main points raised therein.

The Council's independent report stated that the proposal would have a significant impact on Broombank House. As previously stated Broombank House was closer than either of the neighbouring properties referred to in the previous application. That application had been refused due to the size and position of the proposed turbine. Mr Moss believed that the current application should be refused for the same reasons.

An independent noise survey indicated that it had not been demonstrated that the proposed turbine would be acceptable in noise terms and therefore requested that the application be refused on that basis.

Mr Moss explained that one of the objector's children had specific health issues which had been drawn to the Council's attention but had not been addressed despite being a material consideration relevant to the determination of the application.

Broombank House was within ten rotor diameters of the proposed turbine and therefore within the zone of potential impact. It had not been proven that the turbine was acceptable in terms of shadow flicker and again Mr Moss requested that the application be refused.

Mr Norman (Applicant) advised that Spital Syke Farm was a large free-range poultry farm but there were also cattle and sheep. Mr Norman also ran a fencing business. The farm used a considerable amount of energy and the proposed turbine would enable them to reduce energy costs, generate income by feeding surplus electricity into the grid and reduce the carbon footprint to zero. The eggs produced were branded Happy Eggs and Spital Syke Farm was the only supplier in Cumbria. To reach the standards for Happy Eggs the owner was obliged to maintain standards at the highest level. Mr Norman stated that he was determined to protect and secure the farm's future. He employed a number of staff and made a significant contribution towards the local economy.

Mr Bailey (Agent) believed that the development accorded with both national and local planning policies and was supported by Officers. There were no objections from formal and statutory consultees, other than Orton Parish Council, and the application had received almost twice as many letters of support than objections. The Environmental Health Officer was satisfied that the proposed turbine complied with ETSU guidance and that noise would not be an issue. The turbine had been moved a further 100m from the nearest residential property and now exceeded those standards.

The visual and landscape impact had been scrutinised by Eden Environment who agreed that the visual impact was only moderate at near distance and that only one property, Broombank House, would be moderately adversely affected as the turbine would only be clearly seen from two of the upstairs windows. The landscape character was already weakened by electricity pylons.

Mr Bailey explained that the development would provide renewable energy and benefit a local business. The applicant's proposal to set up a community fund to support local projects was also disclosed within the application.

Mr Bailey reminded Members that Mr Norman had not objected to the application for a turbine on their farm. The issues around the visual impact were complex and applications had been approved by the Committee for three large turbines at Orton Grange Farm which were larger and closer to residential properties than at Spital Syke. The inspector had stated that the sensitivity of the application, and the impact on the character and landscape features had been addressed by the topography of the land and the orientation of the turbine. Broombank House was outside the zone for shadow flicker and therefore that was not an issue.

The Committee then gave consideration to the application.

A Member believed that the facts and figures given in the Planning Officer's submission and the slides did not correspond with information previously supplied. The report stated that people looking from upstairs windows would have a direct view of the turbine and that the turbine would not be visible from the ground floor. The independent advice was that there would be a significant adverse effect on the property at Broombank House.

The Member queried why the previous report had also referred to historic monuments in the area but the application for Spital Syke Farm did not.

For those reasons the Member believed that the conditions in the two applications were the same and therefore the application should be refused.

The Planning Officer explained that the applications differed in the landfall between the turbine and Broombank House as well as the distances between. With regard to the ancient monuments, the same consultees had been approached and English Heritage had advised that they had no concerns.

A Member believed that there was not a great deal of difference between the application and the previous application. The economics and difficulties faced by farmers was not a matter of consideration for the Committee. It was becoming more difficult to determine applications for wind turbines as the information was becoming more complicated. However, the Member moved the Officer's recommendation for approval.

A Member was concerned about the cumulative impact of the turbine with others in the area. He queried how the Committee could refuse one application then approve another similar application and therefore stated that he could not support the Officer's recommendation.

A Member stated that he supported the Officer's recommendation and believed that the turbine would be successful.

A Member agreed that it was a difficult area to make decisions but believed that there were differences between the two applications, in particular the topography of the area and the fact that the turbine was 10m shorter than that in the previous application. Therefore there would be less visual intrusion.

With regard to Eden Environments report, that related to the potential impact if both applications were approved. Members had to consider the application at Spital Syke Farm in isolation to the previous application and therefore the Member supported the Officer's recommendation.

A Member stated that it had been important on the site visit to see the differences in the height of the land and that the turbine would be in a dip. The Member stated that he supported the recommendation.

Following a vote it was:

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

(3) Erection of 1no dwelling, land between Woodcote and Badgers Barn, Durdar Road, Carlisle, CA2 4TL (Application 13/0651)

The Planning Officer submitted the report on the application consideration of which had been deferred at the previous meeting to enable a site visit to be undertaken. The site visit was held on 13 November 2013. The Planning Officer 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 direct notification to the occupiers of four of the neighbouring properties. During the consultation period no representations had been made.

The Planning Officer advised that the proposed site was isolated and not well related to any nearby dwellings. It was in a rural location and the erection of a dwelling on the site would therefore form a prominent intrusion into the open countryside contrary to both local and national planning policies.

The applicant had made reference to the relationship to future development. The plans showed sites which were put forward as part of the Strategic Housing Land Availability Assessment but none had been supported as preferred options in the draft Local Plan. Notwithstanding that fact, to rely on the fact that a site was well related to land that may or may not be developed was presumptuous.

The Planning Officer explained that the submitted drawings illustrated that the proposed dwelling would be large in footprint and have a frontage measuring in excess of 27 metres. The double projection to the frontage exacerbated the scale and massing of the building and the isolated position of the site in relation to the converted barns and the bungalow further to the west. Although adequate amenity space and off-street parking would be achieved the development would be disproportionate or obtrusive within the character or appearance of the area.

The Planning Officer reminded Members that material considerations could be taken into account and allow determination contrary to planning policies. However the report had clearly demonstrated that no exceptional needs or particular justification had been submitted to allow the Council to approve the application contrary to the presumption against development in the location. The scale and design of the property would be alien to the character and appearance of surrounding properties and the proposal was therefore contrary to planning policies and was recommended for refusal.

Councillor Allison (Ward Councillor) stated that he was surprised to see that the application had been recommended for refusal as there had been no objections registered. The Planning Officer had cited policies CP1, CP2 and H1 of the Local Plan as reasons for refusal yet in many circumstances those policies had been superseded by the National Planning Policy Framework. The National Planning Policy Framework encouraged rural development unless there were strong reasons for refusal. It had been suggested that it was an isolated site but the site was accessible to public transport and at the side of a public footpath.

With regard to Policy CP1 there was no conflict with five of the six criteria. The only conflict was in respect of the pattern and distribution of developments. Given that there were a number of other residential properties within a few hundred metres the property would not be isolated. There was no conflict with the local vernacular and nearby buildings were an assortment of traditional farmhouse, barn conversions, 1930s houses and modern bungalows. Carlisle Racecourse was also a dominant feature.

Policy CP2 stated that a proposal should take into account any important landscape character or topographical feature and respect local landscape character. The Ward Councillor believed the area to be largely featureless with a random distribution of dwellings in close proximity. The proposed dwelling would be 65m from the adjacent bungalow and 40m from the entrance to the farmhouse and barn conversions at the end of the lane. A brand new bungalow had been built exactly on the boundary sign for Durdar and planning permission had been granted recently for other development.

The Ward Councillor stated that Policy H1 concerned the location of new housing development and included both Blackwell and Durdar as settlements for small local

development as evidenced by local need. The application was for a small dwelling sandwiched between the two and with a demonstrable need. Therefore the application failed the justification for refusal.

The Ward Councillor did not believe that the property would be isolated and there seemed to be little regard for the needs of the elderly. There was a demonstrable need for the dwelling for an elderly person who had increasing difficulty in walking upstairs and where refusal would mean that the couple would be obliged to move from the village where they had lived for so many years.

The Committee then gave consideration to the application.

A Member believed that the proposed dwelling was in a settlement as defined by the Oxford English Dictionary and disagreed that the location was isolated. There had been many instances where farmers had moved away when they retired. The matter was covered by the National Planning Policy Framework which supported stronger vibrant communities. If the couple were able to stay in the village their family could help to look after them.

The Development Manager explained that the dictionary definition of a settlement did not necessarily apply to planning matters. The National Planning Policy Framework gave no clear definition of a settlement. He advised Members to consider the application in the context of sustainability.

A Member moved approval of the application.

A Member stated that she understood that such applications should only be granted under special circumstances. That did not apply to personal circumstances of a single individual or family and the application should be considered more objectively. The Member believed that the proposed bungalow was extensive and larger than would have been expected for a retired couple. The emphasis had been on need and while she agreed that there was a need for housing for the elderly there was also a need for sustainable family housing. Therefore the Member moved the Officer's recommendation for refusal.

A Member believed that there was a need for accommodation for the elderly in the area and therefore agreed that the application should be approved. The Member requested that any boundary fencing should be green and not galvanised steel.

A Member stated that there were houses all around the proposed site and compared to other applications for consideration the proposal was urban rather than rural. The Member had no concerns about the size or scale of the dwelling and agreed with approval of the application.

The Development Manager explained that the application had been recommended for refusal for two reasons – the location and the design. He advised that Members could refuse the application on only one of those reasons if they disagreed with it.

A Member stated that he did not believe the proposed dwelling to be isolated. The site was on a linear road with a break due to the race course and two car parks otherwise there would be houses all along the road. A number of small developments had been built over the years. The Member believed it was a good idea to have a mix of developments and agreed with approval of the application.

The Director of Economic Development advised that if Members were minded to approve the application in respect of the location they could refer the matter of design back to the applicant.

A Member stated that although the application was large the residents may need in-house care in future and therefore the design was acceptable.

A Member agreed that there was a mix of building styles in the area and that the location was not isolated.

Following a vote it was:

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

Councillor Mrs Bradley wished it minuted that she had voted against the proposal.

(4) Erection of 1no dwelling, Monkhill Hall Farm, Monkhill, Burgh By Sands, Carlisle, CA5 6DD (Application 13/0519)

Having declared an interest Councillor Mrs Parsons left the Chamber and took no part in the consideration or determination of the application.

The Planning Officer submitted the report on the application consideration of which had been deferred at the previous meeting to enable a site visit to be undertaken. The site visit was held on 13 November 2013. The Planning Officer 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 notification letters sent to four neighbouring properties. In response five letters of objection had been received from three separate dwellings, and one comment. The Planning Officer summarised the issues raised therein.

The Planning Officer presented photographs of the site taken from various points.

The Planning Officer explained that in overall terms the proposal was acceptable in principle. The scale and design of the dwelling would be addressed through a Reserved Matters application. The site lay adjacent to farm buildings that adjoined the village and the indicative layout plan illustrated that the dwelling could be located on the application site without having any adverse impact on the occupiers of any neighbouring properties. The existing access would be used and parking could be provided. The proposal would not have an adverse impact on the existing hedge or trees. In all aspects the proposal was considered to be compliant with the objectives of the relevant national and local planning policies. Therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

The Officer's recommendation was moved and seconded.

A Member suggested that any future buildings on the site should be either one or one and a half storey and queried whether that could be included as a condition. The Planning Officer confirmed that the matter could be dealt with at the Reserved Matters stage.

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

Councillor Mrs Parsons returned to the Chamber.

There was a short adjournment between 11:10 and 11:25 for the comfort of Members and Officers.

(5) Variation of Condition 2 (Approved Documents) of previously approved permission 10/1066, Skelton House, Wetheral, CA4 8JG (Application 13/0521)

The Planning Officer submitted the report on the application which had been the subject of a site visit undertaken on 13 November 2013. 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 a site notice, a press notice and direct notification to the occupiers of 59 of the neighbouring properties. In response, 99 letters of objection were received and the Planning Officer summarised the main issues raised therein. The Planning Officer advised that since publication of the report a further six letters of objection had been received which were included in the Supplementary Schedule and a further letter had been received since publication of that Schedule. The final letter had raised concerns about the size and nature of the development and that it would be overpowering in relation to its surroundings and inappropriate in a Conservation Area. A letter had also been received the day prior to the meeting which the Planning Officer summarised.

The Planning Officer reminded Members that they were being asked to consider alterations to the scheme approved in 2012 for fifteen flats. Since that scheme was approved the buildings on the site had been demolished and the site cleared. The Planning Officer presented slides showing the site and adjacent properties. The Planning Officer explained that objections had been raised in respect of the balconies and advised that the original scheme had no accommodation in the attic but the revised application indicated a flat was proposed. The Planning Officer presented slides that showed the original elevations against the proposed elevations.

The Highway Authority had provided a further report that indicated that there should be two spaces per unit ie 30 spaces and one visitor space. The Highway Authority had previously accepted 24 spaces and given the location considered that the standard had been applied.

As stated previously there were a significant number of objections to the proposal from residents and the Save Wetheral Village action group. Many of the issues related to the scale, design and visual impact on the character of the Wetheral Conservation Area. The Planning Officer drew Members' attention to the response from the Conservation Area Advisory Committee and the assessment in the report. On the basis of the approved scheme together with the amendments proposed, the proposal was acceptable and would not have a detrimental impact on the character of the Conservation Area.

The Planning Officer reminded Members that all other conditions of the approved scheme remained applicable. If Members were minded to grant consent, the S106 that secured the provision of three affordable units, a financial contribution of £3,500 to secure an

amendment to the Traffic Regulation Order to provide bus clearway markings, a financial contribution of £3,000 to be spent by the Parish Council towards the provision of play facilities for older children and/or the provision of allotments and the provision of a management company to oversee the maintenance of the building and the collection of refuse needs to be varied to take account of the revised consent. Therefore the Planning Officer recommended authority to issue approval be granted to the Director of Economic Development subject to the approval of the deed of variation.

The Committee then gave consideration to the application.

A Member stated that due to the alleged number of inaccuracies consideration of the application should be deferred until all questions raised had been answered and until it was clear exactly what the proposal entailed.

A Member seconded the proposal for deferment on the grounds that many Members had not received the latest information.

The Director of Economic Development advised that a letter had been e-mailed to her late the previous evening. She believed that the Officer's recommendation was the correct one but agreed that Members could defer the decision if they wished.

A Member stated that she had not seen the letter in question and by submitting it so late had caused concern to Members and Officers and the application would have to be deferred. That would impact on the Council's statistics on determining applications.

Following a vote it was:

RESOLVED – That consideration of the proposal be deferred in order to allow Officers the opportunity to explore additional issues raised by third parties and the Highway Authority and to await a further report on the application at a future meeting of the Committee.

(6) Extension to existing manufacturing facility, modification of service road, regarding/remodelling of areas of banking and landscaping, Pirelli Tyres Limited, Dalston Road, Carlisle, CA2 6AR (Application 13/0606)

Having declared a pecuniary interest Councillor Mrs Warwick left the chamber and took no part in the consideration or determination of the application.

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit on 13 November 2013, 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 in the form of press and site notices and the direct notification of the occupiers of 26 neighbouring properties. No formal or informal observations had been received at the time of preparation of the report.

Further to the report the Principal Planning Officer explained that the Parish Council had confirmed its support of the proposal and asked that they were involved in the proposed landscaping. The Environmental Agency had not raised any objections but recommended the imposition of three conditions.

The Principal Planning Officer presented slides of the site and advised that the applicant had indicated to undertake improvements to either the footway leading to Irving Place, or the footpath that ran along the boundary with the crematorium. Following the site visit,

Members needed to be aware that the Highways Engineer had raised concerns over improvements to the footway leading to Irving Place. There were technical concerns but also he had widened the remit by suggesting the incorporation of a lay-by. The Principal Planning Officer believed that it may be an option worth pursuing at a later date but in terms of the current application it was recommended that Members pursue the improvements to the footpath linking to the Caldew cycle path. The Principal Planning Officer recommended that a condition be imposed requiring those improvement works within twelve months of commencement of use of the development.

The Principal Planning Officer explained that the principle of additional development on the site was considered to be acceptable. The proposed extensions would be well related to the existing development and it was not considered that the living conditions of the occupiers of neighbouring properties would be sufficiently adversely affected to warrant refusal of the application. Furthermore any potential impacts on ecology, the character of the area and replacement of the cricket square could be avoided or mitigated by the imposition of relevant conditions. In overall terms it was considered that the planning balance weighed in favour of the proposal. The proposal was therefore recommended for approval subject to the awaited comments from interested parties.

The Committee then gave consideration to the application.

A Member stated that the site was within his Ward and he did not believe that the proposal would adversely affect nearby residents. The Member requested that any landscape projects could include trees from different continents.

A Member welcomed the proposal and believed that it would be good for the City and for Pirelli Tyres. The Member moved the Officer's recommendation with the suggested conditions in respect of the Environment Agency and the improvements to the footpath.

A Member seconded the proposal for approval of the application.

RESOLVED – That the application be approved subject to the imposition of the above additional conditions and the conditions indicated within the Schedule of Decisions attached to these Minutes.

Councillor Mrs Warwick returned to the Chamber.

(7) Erection of 5no timber holiday lodges, Beech House, Stockdalewath, Dalston, Carlisle, CA5 7DN (Application 13/0548)

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 been held on 13 November 2013. 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 means of site and press notices as well as notification letters sent to two neighbouring properties. In response two letters of objection had been received and the Planning Officer outlined the issues raised therein.

The Planning Officer presented slides of the site. Concerns had been raised on the site visit that the site was not part of the village, but the Planning Officer explained that it was currently part of the owner's garden and was therefore part of the village.

The Planning Officer reminded Members that the principle of continued economic growth was supported by the National Planning Policy Framework and by Local Plan policies. It was not considered that the erection of the holiday lodges would detract from the landscape character of the surrounding area, nor would they adversely affect the amenity of those persons who would occupy the neighbouring residential properties. In all aspects the proposal was compliant with the requirements of the relevant Local Plan policies and those of the National Planning Policy Framework, and as such the application was recommended for approval subject to conditions.

Having been moved and seconded it was:

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

(8) Erection of a high ropes course with integrated climbing wall, including 2.4m high mesh fence to perimeter of site, land adjacent to The Lodge, Bitts Park, Dacre Road, Carlisle, CA3 8UZ (Application 13/0724)

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit on 13 November 2013. The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The Principal Planning Officer advised that the application had been advertised in the form of press and site notices and the direct notification of the occupiers of a single neighbouring property. In response, two letters of objection had been received and the Principal Planning Officer summarised the main issues raised therein.

The Principal Planning Officer presented slides showing the site and proposed development. He acknowledged that concerns had been raised by Members on the site visit and presented photographs to show what the proposed fencing would look like.

The Principal Planning Officer explained that the principle of such a development in the Park was considered to be acceptable and appropriate in terms of the use and scale. The acknowledged visual intrusion of the proposal is mitigated by the existing trees and form of the existing development in the Park. English Heritage had confirmed that, in their opinion, the proposal would neither cause significant harm to the setting of the Castle, nor have any significant impact upon the setting of the Hadrian's Wall World Heritage Site. A condition could be imposed requesting the prior approval of details showing the precise position of the landing associated with the zip wire. In relation to archaeology the County Archaeologist and English Heritage had not raised any objections although English Heritage had recommended the imposition of a condition requiring an archaeological watching brief during construction. Any change in permeability caused by the proposal would have an almost insignificant reduction in the overall capacity of Bitts Park as a flood storage basin. No objections had been made by Cumbria Constabulary. There were existing W.C. facilities within the Park and the area was also served by the Devonshire Walk car park. It was not considered that the proposal would exacerbate the living conditions of the occupiers of The Lodge such as to merit the refusal of permission. The proposal was therefore recommended for approval.

Councillor Luckley (Ward Councillor) stated that although she agreed with the need for challenging activities for families and residents she did not believe the development to be in the correct location which was so close to the Castle. The Castle was a national scheduled monument and had a long history. Many castles were in a state of disrepair but Carlisle Castle had been maintained and repaired over a period of its 1000 year existence.

The Ward Councillor agreed with comments made by the Conservation Area Advisory Committee which was made up of representatives from the Civic Trust, historians and a Member of the Council.

Over the year developments had been approved that adversely affected the visual landscape of the castle and the Ward Councillor believed the development would be another. The National Trust protected historic sites but also provided play areas situated away from the buildings. The Local Planning Authority should be aware of the effect on the landscape status of an area and its important features. The Committee should help to maintain the landscape of a most outstanding and beautiful building not just for today but for the future.

Councillor Mrs Luckley took a seat at the back of the Chamber and took no part in the consideration or determination of the application.

Dr Barnes (Objector) stated that she was a member of the Conservation Area Advisory Committee who considered the proposal to be intrusive as it would take up a great area with a fence all around. Parks were now often regarded as historic sites and should be cherished. All of the roads around the castle had been made by the poor in the past walking around the site and should be respected. The Lodge was also a Victorian building. The Castle had five buttresses and was of Tudor architecture. Dr Barnes believed that the proposal was too big, would be intrusive and would spoil an historic area.

Mr Woodall (Agent) explained that there was a demand to develop exciting play facilities and believed that the development was well placed and would have a synergy with Cumbria Tourism in Carlisle. The high ropes area would be DDA compliant and would provide a strong focus for children aged five and upwards with a smaller area for the under fives. Modern safety systems would be installed and the site could be used by schools, adults and teams. The proposed wood cladding had been designed for the location and the facility would be a removable structure with a life span of fifteen years.

The applicant's vision was to work with schools to develop essential skills, promote learning for life and support curriculum projects. The development would provide a unique attraction in the City that would draw in tourists from a wide area. The experience of other areas indicated that the development would complement existing facilities and encourage footfall into the park. The development had been supported by Senior Officers and the Council's Executive.

With regard to security the police were happy with the proposed 2.4m mesh fence and hedging. The Tree Officer's concerns had been addressed by locating the landing platform outside of the tree canopy area.

Mr Woodall expected the development to be popular and a positive contribution to the park setting.

Councillor Mrs Luckley left the Chamber.

The Committee then gave consideration to the application.

A Member stated that he was both City and County Councillor for the Ward as well as being the Children's Champion for the County Council. He reminded Members that Parks were places where the poor in the past took recreation and fresh air and that the Castle had been a place to play. He acknowledged the historic value of the Castle but believed

that historic buildings should be used and enjoyed. Therefore the Member moved approval of the application.

A Member agreed that the development would provide an improved play provision but believed it to be in the wrong location. The tennis dome was within the proximity of the Castle and was obtrusive. The Member stated that he was not against the proposal but queried whether the site was appropriate.

A Member reminded the Committee that English Heritage was responsible for the upkeep of the Castle and had raised no objections to the proposal. The Member believed that the Castle could hold its own against the light and airy construction proposed. The Castle would remain long after the development had gone and therefore approved the proposal.

A Member pointed out that there had been a conflict of views between the Conservation Area Advisory Committee and English Heritage; the Member accepted the view of English Heritage. People had said that nothing should interrupt the view of the Castle but it was not so long ago that there were houses along the lower slopes.

The Member was pleased that the course would be suitable for use by people with disabilities and it was also important and the very young and older residents could experience the type of adventure that the facility would provide. Neither the tennis dome nor the proposed structures were permanent and would not disturb the area. English Heritage had recommended a watching brief during construction and thus could step in if anything of interest was discovered.

A Member believed that the proposed development would not take away people's enjoyment of the Castle. However the Member was concerned about who would be responsible for the maintenance of the hedge against the fence. The Green Spaces team were currently responsible and that would continue but there could be conflict when the team tried to access a site leased to an external body to cut the hedge on the inside of the fence. The Member was also concerned about who would be responsible for keeping the area tidy. The Principal Planning Officer advised that the maintenance and management of the site was a separate issue but confirmed that he would pass on the concerns to the applicant.

A Member stated that she had no problem in principle but was concerned about what would remain after the structure was removed at the end of its life. The Principal Planning Officer advised that the structure would be poles driven into the ground and therefore restoration of the site would be relatively simple.

A Member stated that he was happy with the development and that it would contribute a lot to the City.

It was moved and seconded that the application be approved.

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

Councillor Nedved wished it minuted that he had abstained from voting on the application.

Councillor Mrs Luckley returned to her seat in the Chamber.

The meeting adjourned for lunch at 12:20 and re-convened at 1:15.

(9) Erection of 2no detached dwellings, land between Scotby Road and The Old Tannery, Scotby, Carlisle (Application 13/0654)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 13 November 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 the display of a site notice and by the direct notification of eleven neighbouring properties. In response six letters/e-mails of objection had been received. The Planning Officer summarised the issues raised therein. Consultation responses from United Utilities and the Parish Council had also been included in the Supplementary Schedule. A further letter had also been received from the occupier of 23 Scotby Road which raised a number of issues which were summarised by the Planning Officer.

The Planning Officer presented slides that illustrated the difference in levels across the site and the constraints within the site in terms of mains water and foul sewer pipes. The Planning Officer explained that a further slide showed the land drainage pipes within the site itself and the route of the larger 150mm perforated field drain. In respect of drainage a condition was proposed which would require the submission of further details to ensure that satisfactory methods for the disposal of both surface water and foul drainage could be achieved prior to commencement of development. Whilst it was evident that the application site was marshy with areas of standing water the site was outwith the Environment Agency's Flood Plain.

The Planning Officer clarified a number of issues which had been raised during the site visit. The surface water from the roofs would be collected into an attenuation tank and used for flushing toilets and provide water for washing machines. The Agent had confirmed that the proposed tank could be enlarged which would reduce any additional surface water entering the land drainage system. The suitability of the pond/marshy land to accommodate the surface water drainage from the site could be covered by a condition.

Members of the Parish Council had also highlighted that there had been instances of rats within the immediate vicinity. The City Council's Pest Control Section had confirmed that visits had been undertaken and action taken. However they did not consider that there was a pest problem other than that normally associated within the rural area.

The proposed presence of a highway drain which had its outlet into the field to the rear of 23 Scotby Road had been investigated by the City Engineering Section in consultation with Cumbria County Council. The outcome of those investigations revealed that the water within the ditch may be a combination of highway waters and the surface water of any adjoining properties. The Planning Officer understood that if that was the case the responsibility of the Highway Authority ceased where the highway met the curtilage of any residential properties. The burden of maintenance thereafter lay with the land owner and those who had riparian rights. In that instance the burden of maintenance would either lie with the land owner and/or the occupiers of adjacent properties. Accordingly that would be covered under separate legislation and could not be considered as a material planning consideration in respect of the application.

With regard to the issues raised by the occupier of 23 Scotby Road, the majority of the issues had been addressed within the report. However in respect of the maintenance of the ditch, as that lay outwith the application site it could not be considered as part of the

application and would be subject to other legislation. The presence of Himalayan balm was a matter for the Environment Agency under their own legislation.

The Planning Officer explained that the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. The scale and design of the dwellings were acceptable and would not have a significant detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. Adequate parking and access provision could be achieved whilst the method of disposal for foul and surface drainage were acceptable subject to satisfying the suggested conditions.

In overall terms 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 stated that he had concerns about the drainage on the site. One of the pipes that were installed during construction of the bypass ended in boggy land. The Member further stated that he would have preferred to have had a Drainage Officer's report prior to consideration of the application. The Member was concerned that water would be directed into a stagnant pond which would smell in hot weather and would be messy. The Planning Officer advised that a condition could be imposed that would require any information from the applicant to be checked by a suitably qualified Drainage Engineer.

It was moved and seconded that the application be approved.

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

(10) Residential development (Outline Application), Former Dairy Site, Holywell Crescent, Botcherby, Carlisle, CA1 2TD (Application 13/0655)

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit on 13 November 2013. The Principal Planning Officer outlined the proposal and site details together with the main issues for consideration. The Principal Planning Officer advised that the application had been advertised by means of press and site notices and the direct notification of the occupiers of twenty neighbouring properties. The publicity making reference to the application represented a departure from the Local Plan. In response no formal comments had been received. However a local Councillor had raised comments which were summarised by the Principal Planning Officer.

The Principal Planning Officer advised that he had received a telephone call the day prior to the meeting which stated that Victoria Road was being used as a rat run from Warwick Road onto Eastern Way. The caller suggested that traffic lights could be installed on Victoria Road to discourage that happening further. The Principal Planning Officer had passed the comments onto the Highway Authority.

The current application site was designated a Primary Employment Area and the latest figures indicated that there was a six year supply of deliverable sites. Conversely, the proposed development of the site was compatible with the existing residential development at Holywell Crescent; it involved the re-development of brownfield land and was in a sustainable location. Under the Strategic Housing Land Availability Assessment,

whilst not allocating land, the site was considered to be developable. Considering the existing size and role of Carlisle, the scale of development proposed was not considered untoward.

The Principal Planning Officer advised that Riverside had been in dialogue with the applicant in respect of affordable units. They believed it was an excellent opportunity to regenerate the brownfield land and ensure the long term sustainable future of the area.

The site had been unsuccessfully marketed. There were existing alternatives within the vicinity in the form of Rosehill and Durrhill Industrial Estates and there were other proposals for employment development relating to the City, for example the current application regarding Brunthill, Kingmoor Park. On that basis it was considered that the retention of the site for employment purposes would be at odds with paragraph 22 of the National Planning Policy Framework. The relationship of any residential units on the application site to the Crown Bevan factory would be consistent with regard to the existing circumstances experienced by the occupiers of the dwellings on Holywell Crescent.

In the case of education, the County Council had confirmed that there were currently projected to be sufficient primary and secondary school places available in the area to accommodate the expected level of demand from the development. The provision and maintenance of a sports pitch, play area, and refuse bins could be secured through the completion of a Section 106 Agreement. There was no evidence that facilities would be overwhelmed and no reason to believe that residents would cause, or make worse, any social discord.

The provision of affordable/social housing, the ecological mitigation/recommendations, noise insulation, construction operations, highway works, landscaping, contamination, surface water and foul drainage could be the subject of relevant conditions.

On balance, having weighed up the arguments for and against the proposal, the Principal Planning Officer concluded that any harm was outweighed by the benefits and the proposal was recommended for approval subject to the imposition of relevant conditions, and the satisfactory completion of a Section 106 Agreement as set out in the report.

Councillor Betton (Ward Councillor) queried whether it was appropriate for Councillor Scarborough to chair the item as he was also Ward Councillor. The Legal Services Manager advised that being Ward Councillor did not preclude him from being a member of the Committee.

Councillor Betton stated that the people of Botcherby did not want the development. He believed a dangerous rat run would be created. He had contacted the police who had advised that there had been several incidents of speeding and a number of fatalities in the area. Therefore he believed that the Council would be failing in its duties to promote social housing if the application was approved.

The Councillor believed that the proposal should be for one and two bedroom properties and a mix of development for business. There was a link to the rail network to Manchester, London and Newcastle and small to medium businesses should be encouraged to move to the area and bring work into the area. He added that in his opinion the proposal was to increase the value of the land and not enough was being done for the deprived community. There was a further parcel of land available between Metal Box and the proposed site which would be blocked in. The land was also contaminated.

The Councillor advised that he had tried to open a housing revenue account to encourage social housing as there was a lack of one and two bedroom properties in the area. The Councillor stated that Members met an hour before the Committee meeting and that the decision on the application had been taken. He believed that Members were afraid of the applicants submitting an appeal to the Planning Inspector if the application was refused. He did not believe that the application addressed the social and housing needs of the residents of Botcherby.

A Member stated that he had been a member of the Committee for eight years and there had always been a pre-meeting to enable Members to receive the most up to date information and that no specific applications were discussed.

Mr Taylor (Agent) advised Members of his background and explained that he had assisted the applicant in making the current outline application. He had prepared the Planning Statement, the Affordable Housing Statement and the Design and Access Statement and instructed the specialist consultancies that had provided related site studies and assessments.

Mr Taylor stated that the report was full and thorough and identified the salient planning issues and discussed those matters to assist Members in their deliberations. The report advised of the responses received to the consultation and explained relevant policy considerations against which the application should be assessed. The report concluded that the application should be approved subject to a S106 Agreement being secured. The applicants had worked with the Council's Legal Services and a draft of that agreement had been prepared and awaited signature subject to the approval of the application.

The applicants had for some time been negotiating the sale of the site and had an agreed valuation to dispose of it to an adjacent land owner. However, the landowner had withdrawn from that sale. The report indicated that the site had been listed on the Council's Register of Vacant properties for almost five years. It had previously been marketed by another agency for some time prior to a second formal marketing exercise being undertaken from the beginning of March this year. It was still listed as an available site with that Agent. The failure to find an alternative employment use for the site and the prospects of continued disuse, decay and dereliction had prompted the application.

Prior to submission a range of highly specialist studies and assessments were undertaken including a noise report in respect of noise from the nearby rail and road and from a nearby production plant, a Phase 1 contaminated land study which included acceptance of a need for potential remediation associated with an alleged fuel spillage on the site, plus three highly specialist ecological studies relating to the possible presence of bats and a tree and hedgerow survey. All of the reports were available for examination by anyone having an interest in the proposals.

The indicative scheme also benefitted from the helpful input of the Council's Urban Designer, the Open Spaces Manager, the Tree Office, Housing Strategy Officers and Local Plans Officers. The Police Service's specialist had provided input in relation to Secure by Design objectives as had the Highway Authority's engineer. The applicant had worked with the Planning Officers and administrators to ensure the application was fit for purpose.

Mr Taylor reminded Members that none of the external or internal consultees opposed the application. The application was in outline form and there were no fixed numbers of

dwelling nor was the size, type or mix settled. Those issues would be dealt with when detailed proposals were put forward at a future date subject to the current application being approved. Any speculation on whether the dwellings would be private or public sector led, or the size or type of dwelling would be misplaced.

When the application was assembled it was expected that it would be brought before committee. However the applicants were surprised and disappointed that one of the Ward Councillors was not supportive and intended to speak against the proposal. There had been no objections from either businesses or residents of the Ward including from the seventeen homes adjacent to the site.

Mr Taylor believed the situation to be rare and he could not recall a comparable instance where a local community had been widely consulted upon a development of such potential scale of new housing and had voiced no concerns or objections yet its local representative was opposed. It was more surprising when the site in question was a derelict brownfield site where regeneration would normally be welcomed. The proposal was to provide housing at a time when it was in short supply and a significant number would be affordable to help meet the needs of those in greatest need.

Mr Taylor was disappointed that the Councillor had not read or understood the supporting statements and studies provided with the application. The Councillor had not contacted the applicants or their representatives to clarify any issues.

The applicants believed that the site's development for housing was entirely appropriate and that it would be a major asset to the Ward and to the City. Therefore Mr Taylor requested approval of the application.

The Committee then gave consideration to the application.

A Member moved the Officer's recommendation for approval.

The Member stated that he had listened to the Ward Councillor but only he had raised objections to the application. As the application was outline the details would be considered as part of a future application and therefore the Councillor could not know whether houses would be squashed into the site. The Member reiterated that no decisions were made in respect of applications prior to the meeting and was concerned that Members' credibility had been brought into question.

A Member advised that he lived within reasonable proximity to the site and it was derelict and an eyesore. The site was wide open for development and was needed in Botcherby. If businesses were required space was available on Durranshill and Rosehill industrial estates. The Member did have some concerns about highway issues but the Council should not refuse it.

A Member reminded the Committee that the application was in respect of the principle of development on the site. He requested that when the next stage application was brought to Committee any fences referred to should be painted green. The Member also requested that solar panels be included in the specifications.

The Member requested that the Chairman report Councillor Betton to the Standards Committee as the Committee was a semi judicial body and the allegations could have serious consequences. The comments had brought the whole Council into disrepute.

The Chairman explained that a briefing meeting was held prior to the meeting but no discussion on applications was held and the Independent Councillor was invited to, and did, attend those meetings. That meeting was to obtain additional information ahead of the meeting.

Councillor Betton stated that he had not made any accusation and he apologised if Members had taken his comments in that way.

A Member felt personally insulted by the comments made and there were a number of inaccuracies in what the Ward Councillor had said.

The Member stated that in a number of reports the phrase “within a reasonable time” was used and queried what constituted a reasonable time. The Legal Services Manager advised that the inclusion of that phrase was new to Committee but, as it was dependent upon a number of factors, it was not possible to give a specific time.

It was moved and seconded that the application be approved.

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

(11) Erection of agricultural shed, Ellerslea, Bridge End, Dalston, Carlisle, CA5 7QQ (Application 13/0659)

The Planning Officer submitted the application and outlined the background to the application, the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by the display of a site notice, press notice and by means of notification letters sent to eight neighbouring properties. During the consultation period objections had been raised from, and on behalf of, two separate neighbouring properties. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that the application was a revised application for a shed at Ellerslea, Dalston. The differences were outlined within the report. The Planning Officer indicated a typographical error in the report which stated that the previously approved shed and the shed under the current application were 400 square metres. That figure should have read 200 square metres.

The application was part retrospective and to assist Members the Planning Officer presented photographs of the site from a number of points. Photographs were also presented from the neighbouring property which the Planning Officer described. One of the photographs indicated tracks in the mud. Since writing the report the Council had received allegations from an objector regarding the state of the field and the amount of vehicular usage within the field. It was alleged that frequent movements across the field had taken place up to 20 times per day. The Council had sought further clarification from the agent who had alleged that cattle walking along to the watering hole at the side of the bridge had made the field muddy and that was particularly bad due to the recent weather. The agent had also confirmed that a tree was recently felled in the field at the request of a neighbour and a quad bike had been taking the firewood from the field to the back of Ellerslea. The objector disagreed with that statement.

As stated within the report there was no restriction on where or how often an agricultural vehicle could drive in a field. If vehicle movement was causing a disturbance that was a matter for Environmental Health or the Police.

Since writing the report Councillor Allison had submitted a representation which was included within the Supplementary Schedule. A further letter had also been received on the day of the meeting from Councillor Allison who had requested additional landscaping between the two properties to overcome issues between the two parties involved.

In conclusion the proposal was of a scale and design which was suitable in relation to the surrounding landscape. The proposal used sympathetic materials which would not have an adverse impact upon the character of Dalston Conservation Area. Given the positioning of the shed from residential properties it was not considered that the proposal would be overbearing or create an adverse impact upon existing living conditions. Overall, it was held that the proposal did not conflict with current policies of the Development Plan and therefore was considered acceptable.

Mr Barden (Objector) advised that he was speaking on behalf of Mr Smith who lived in a neighbouring property, 6 The Forge, which was closest to the building. Mr Barden was disappointed that the application had been recommended for approval as it was a different application to that originally approved. When the shed was erected it was not in the correct place or of the correct dimensions. There had been considerable activity to and from the access and no permission had been granted for that. Mr Barden requested that Members impose a condition to restrict the use of the access to vehicles as stated in the submitted plans, and pedestrians. Vehicular activity was taking place and causing disturbance through noise and pollution and making the field muddy.

No mention had been made of trees to screen the shed and it was in a more prominent position than should have been. As the access from the applicant's house was via the bridge it caused disturbance to Mr Smith. Mr Barden requested a condition in respect of planting that would improve the amenity and assimilate the building more into the landscape. The building was currently overbearing and over-dominant and would not have been approved under the previous application.

Mr Allen (Applicant) advised that the barn was the same as was originally applied for but as the land fell away from the site it looked higher than it was and was 75m from the nearest house. The building could be seen by 48 houses in the area but no objections had been raised.

The access to the shed was from the back of Ellerslea and a quad bike was used to access the agricultural field which was also used to house cattle. The cattle turned the field muddy in wet conditions. Mr Allen reiterated that the shed was the same as that which was approved and all conditions had been applied. In fact the shed was now 7m further away from the footpath and screened by the trees.

The Committee then gave consideration to the application.

A Member stated that he had no objection but queried whether a condition could be imposed to restrict the field to agricultural use only.

A Member stated that he had no objections and there were already a lot of trees in the vicinity. With the planting of additional trees that would alleviate concerns about the impact on the neighbouring property.

A Member queried whether it would be appropriate to condition a landscaping scheme. The Planning Officer advised that one of the photographs presented was from a primary window of the neighbouring property. There was already substantial landscaping and the building could only be seen from the garden.

It was moved and seconded that the application be approved.

The Planning Officer advised that the description of the building was for an agricultural barn but that could be specified as a condition.

The Legal Services Manager advised that conditions had to be necessary and suggested that Members voted on whether or not to include a condition regarding a landscaping scheme. No Members agreed.

It was moved and seconded that the application be approved.

RESOLVED – That the application be approved subject to the conditions indicated within the Schedule of Decisions attached to these Minutes and an additional condition ensuring that the shed is used for agricultural purposes only.

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.

(12) Erection of 6no detached dwellings, Monkhill Farm, Monkhill, Burgh by Sands, Carlisle, CA5 6DB (Application 13/0483)

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 Planning Officer advised that the application had been advertised by means of a site notice and direct notification to the occupiers of seven of the neighbouring properties. In response seven letters of objection had been received and the Planning Officer outlined the issues raised therein.

The Planning Officer presented slides that outlined the plans of the application. Pre-application discussions were held between the applicant and English Heritage following which the applicant commissioned an archaeological evaluation of the site which showed that the surviving remains of the Vallum were located further north than had been expected. The in-principle acceptance of development was accepted by English Heritage. Discussions had been continuing through the life of the application between the applicant and English Heritage who had advised the applicant that a comprehensive restriction did need to be registered as a covenant if the development in the proposed form was to be accepted. That covenant had to ensure that householders fully understood that the site must remain grass and also referenced the presence of the scheduled ancient monument, and that potentially, criminal sanctions could apply if the covenant was transgressed.

The applicant was proposing a package treatment plant and soakaways. Although comments had been received from the County Council regarding drainage, the suggested

conditions required a further submission of drainage which should address any potential concern regarding the potential run-off elsewhere.

Whilst the majority of materials proposed for the properties were acceptable, it was considered on a site opposite a Grade II Listed Building and close to the Vallum, that the use of concrete roof tiles could be substituted for a more appropriate material. A condition was recommended requiring the submission and agreement of samples.

The Planning Officer advised that in overall terms the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. The proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal was considered acceptable and would be well related to the existing built form of the village. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies.

If Members were minded to grant planning approval it was requested that “authority to issue” the approval was given subject to the completion of a S106 Agreement to secure a financial contribution towards the provision of affordable housing.

The Committee then gave consideration to the application.

A Member reminded the Committee that there had recently been a number of applications for six houses and that was not helping the Council achieve its Affordable Housing targets. The Affordable Housing element of 10% should be retained and used in that part of the Ward.

The Development Manager explained that when such an application was submitted in a rural area a percentage of the element was set aside for Affordable Housing. That amount was pooled and used by the Parish in the first instance. By pooling those funds the Council had a number of options for Affordable Housing to ensure local residents received as much of the funding as possible. The Development Manager confirmed that Officers would do their best to ensure the funding stayed in the area and was used by the Parish.

A Member was satisfied that English Heritage were taking historic sites seriously and was impressed with the concerns of Officers.

In response to a query from a Member the Planning Officer advised that the application proposed integrated garages and two car parking spaces per unit.

A Member was concerned that the access to the site was on the brow of a hill with poor visibility and although the site was within a 30mph zone people did not stick to the speed limit. The Planning Officer agreed that speeding was a problem and the applicant had revised the scheme in accordance with advice from the Highway Authority. The access had been moved further to the east and widened and the hedge set back to achieve the County Council’s standards on visibility.

A Member was concerned about the site entrance when approaching from Carlisle. There was always water sitting at the edge of the road and cars moved into the middle of the road to avoid it. That part of the road was slippery, narrow and on the brow of the hill and a police speed trap van was often seen there.

A Member again queried what was considered to be a “reasonable time” when applied to a condition imposed on an application. The Legal Services Manager reiterated that the timescale was dependent upon individual applications. The Director of Economic Development assured Members that reminder letters were sent to developers advising that progress was required.

It was moved and seconded that the application be approved.

RESOLVED – That authority to issue approval of the application be granted to the Director of Economic Development subject to the completion of a Section 106 Agreement in respect of a contribution to affordable housing provision.

(13) Residential development of approximately 6no bungalows (Outline), Land at Orchard Gardens, Houghton, Carlisle, CA3 0LH (Application 13/0787)

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been advertised by the direct notification of thirteen neighbouring properties and the posting of a site notice. In response, twelve letters/e-mails of objection and one e-mail of support had been received.

The Planning Officer presented slides showing the plan of the site and photographs taken from several points around the site.

The principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. The scale and design of the dwelling were acceptable and with minimal alterations to the layout would not have a significant detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. Adequate parking and access provision could be achieved whilst the method of disposal for foul and surface water was acceptable subject to the imposition of relevant conditions. The proposal would also retain existing hedgerows and would not have a detrimental impact on biodiversity.

In overall terms 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 subject to the completion of a Section 106 Agreement in respect of a contribution to affordable housing provision.

Mr Nicholson (Parish Council) reminded Members that in 2006 outline approval was refused and a subsequent appeal dismissed. At that time the Parish Council had raised concerns about land and surface water drainage and that the proposal would overstretch the existing drainage and foul sewer infrastructure. The Parish Council at that time were also concerned about increases in traffic, including construction traffic and the narrow and twisting approach to the site. Since that application the site had remained the same as had the infrastructure.

Paragraph 55 of the National Planning Policy Framework stated that housing should be located where it would enhance or maintain the vitality of rural communities. The proposal, if permitted, would have the opposite effect. The Officer’s report also stated that the development should enhance the distinctive character of townscape and landscape. The proposal would not enhance the character of the area but would have a significant

adverse effect upon the living conditions of occupiers of adjacent residential properties due to reduced water pressure and poor surface water drainage.

The County Council had been consulted in respect of water drainage and although raised no objection to the principle of development submitted as its response an unidentified committee report extract that indicated a lack of knowledge as to where surface water drained and similar ignorance of the course of the observed overland flow. The report extract also stated that flooding issues at The Green were an inconvenience and stated that the Parish Council were dealing with the issue. In reality, the Parish Council was unable to resolve the issue despite exploring several options. There were also serious drainage issues in Houghton which the proposal would exacerbate. Therefore Mr Nicholson believed the proposal to be unsustainable and unsuitable and requested that Members refuse the application.

The Committee then gave consideration to the application.

It was moved and seconded that the application be approved.

RESOLVED – That authority to issue approval of the application be granted to the Director of Economic Development subject to the satisfactory completion of a legal agreement in respect of a contribution to affordable housing provision. If the Section 106 agreement was not completed within a reasonable time, Authority to Issue was requested to the Director of Economic Development to refuse the application.

(14) Erection of dwellings (Outline), Field to the east of The Strand, Aglionby, Carlisle, CA6 6NX (Application 13/0559)

It was moved and seconded that consideration of the application be deferred in order to allow a site visit to be undertaken.

RESOLVED – That consideration of the proposal be deferred in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

There was a short adjournment between 2:28 and 2:38 for the comfort of Members and Officers.

(15) Erection of 1no single storey dwelling, Overdale, Walton, Brampton, CA8 2DH (Application 13/0566)

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and notification letters sent to the occupiers of ten neighbouring properties. In response no representations had been received. The Parish Council had objected to the application on the grounds of highway safety concerns from the proposed access and that the application was contrary to the National Planning Policy Framework and recently published Local Plan regarding the resistance of inappropriate development in residential gardens.

The Planning Officer presented photographs showing the site and its surroundings from a number of points.

In conclusion, 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 or highway safety. The application was recommended for approval as the proposal was considered to be compliant with the relevant Development Plan Policies.

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

(16) Change of use of vacant property into residential children's home for up to five young people aged between 11-18 with one staff bedroom, Currock Villa, 71 Currock Road, Carlisle, CA2 4BH (Application 13/0740)

Having declared an interest Councillor Mrs Bradley left her seat but remained in the Chamber. The Councillor took no part in the consideration or determination of the application.

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been advertised by means of the direct notification of six neighbouring properties and the posting of a site notice. In response five letters/e-mails of objection, two of which were from the same household, and one e-mail of support had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer advised that the proposal sought permission for the use of the premises as a residential children's home within a Primary Residential Area. Therefore the use was compatible under the provisions of the Local Plan. The proposal would not have a detrimental impact on the character of the area or on the living conditions of the occupiers of neighbouring properties. Adequate parking provision could also be achieved. The Planning Officer presented a slide that showed the four off-street parking spaces which were to be provided to serve the premises access to which was gained by land off Alton Street. To ensure that the parking provision was retained and available for use a condition was proposed. In overall terms the proposal was considered to be compliant under the provisions of the relevant Local Plan policies. Accordingly the application was recommended for approval.

The Committee then gave consideration to the application.

A Member believed that the proposal would be advantageous to the area as there had been concerns about criminal damage in the area. That would be less likely if the premises were a home rather than a youth centre. The Member moved approval of the application which was duly seconded.

A Member also believed that the proposal would be a great asset to the city as people generally wanted people who needed them to be close by.

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

Councillor Mrs Bradley returned to her seat on the Committee.

(17) Erection of 3no detached dwellings, land adjacent The Oaks, Plains Road, Wetheral (Application 13/0534)

The Planning Officer submitted the report on the application and outlined 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 five of the neighbouring properties. In response five letters of objection and one letter of support had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer presented slides that showed the plans of the site.

The Highway Authority had raised no objection subject to conditions and requested visibility splays of 200 metres by 2.4 metres. The applicant had submitted traffic speed surveys and additional highway evidence to demonstrate that a lesser splay was appropriate. A formal response was awaited from the Highway Authority. The public footpath that adjoined the site would be unaffected by the proposal.

The Health and Safety Executive had raised concerns about the development. However Northern Gas Networks who owned the high pressure gas pipeline had advised that, due to the thickness of the pipeline and the proximity of the dwellings, they had no objection. The Planning Officer advised that should Members be minded to approve the application the Health and Safety Executive should be notified of the Council's intention and allowed 21 days to provide any further comment.

The Planning Officer advised that in overall terms the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. The proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal was considered acceptable and would be well related to the existing built form of the village. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies. Therefore the Planning Officer recommended authority to issue approval subject to confirmation from the Highway Authority regarding the revised visibility splays, notification to the Health and Safety Executive that the Council was minded to approve the application and confirmation from the Health and Safety Executive that there was no objection in relation to the pipeline issues and completion of a S106 agreement to ensure the provision of an affordable housing contribution.

The Committee then gave consideration to the application.

A Member moved approval of the Officer's recommendation and requested that the 30mph limit be moved to further out of the village or that the property stopped at the end of the 30mph zone. The Planning Officer advised that that could be dealt with through discussion with the applicant.

Approval of the Officer's recommendation was seconded.

RESOLVED – That authority to the Director of Economic Development to issue approval for the proposal subject to the conditions indicated within the Schedule of Decisions attached to these Minutes.

**(18) Erection of agricultural store, Glenwood, Banks, Brampton, CA8 2JH
(Application 13/0682)**

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 site and press notices as well as notification letters sent to one neighbouring property. In response eight letters of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer explained that the plan within the report had been revised and the building had been moved further to the east and back into the field away from the footpath. The Planning Officer referred Members to the Supplementary Schedule and the responses from the County Council and English Heritage neither of whom had raised objections to the application.

The Planning Officer presented photographs of the site.

The Planning Officer advised that objectors had raised concerns that the building could be used by the applicant in relation to his haulage business. The Planning Officer believed that it would be difficult to access the building with trucks since it had been moved further into the field. A condition could be imposed to ensure that the building was used for agricultural purposes.

The Planning Officer advised that in overall terms the proposal would be acceptable in principle. The scale and design of the building would be acceptable and it would not have an adverse impact on the Hadrian's Wall World Heritage Site, on existing archaeology or on the existing public footpath that ran through the site. In all aspects the proposal was compliant with the objectives of the relevant national and local planning policies and therefore the Planning Officer recommended approval of the application.

It was moved and seconded that the application be approved.

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

(19) Removal of Condition 12 of previously approved permission 02/0342 to allow units 2 and 3 to be used as permanent residential accommodation, Units 2 (Roman Retreat) and 3 (Former Kingwater Equestrian Centre, Walton, Brampton, CA8 2JW (Application 13/0683)

The Development Manager advised that since publication of the Supplementary Schedule further information had been submitted that may require additional enforcement notices to be served. Therefore the Development Manager recommended that the application be deferred to allow consideration of the additional information.

RESOLVED – That consideration of the application be deferred in order to allow further investigation of the ownership of the application site and await an additional Report at a future meeting of the Committee.

(20) Erection of a pair of semi-detached houses, land to rear of 11 and 12 Amblesfield, Burgh by Sands, Carlisle (Application 13/0690)

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 by the direct notification of eighteen neighbouring properties. In response two letters and one e-mail of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer presented photographs of the site and advised that the site had been cleared to allow archaeological investigations to be undertaken which was the subject of a condition of the outline approval.

The Planning Officer advised that in overall terms 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 proposed dwellings. The proposal would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. 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.

It was moved and seconded that the application be approved.

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

(21) Erection of first floor extension above existing garage to provide bedroom and balcony to rear (Revised/Part Retrospective Application), 58 Longlands Road, Carlisle, CA3 9AE (Application 13/0690)

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 direct notification to the occupiers of four of the neighbouring properties. In response one letter of objection had been received and the Planning Officer summarised the issues raised therein. Following the further consultation with interested parties of the applicant's supporting information one letter of objection had been received and the Planning Officer the issues raised therein.

The Planning Officer advised that the application had been brought before Committee as the applicants were former employees of the Council. The application was a revision to the approved scheme and for the most part the alterations were listed in the report. The main issue was the balcony to the rear of the property.

The Planning Officer presented slides that showed the plans and compared the original plans to the revised plans. The proposal showed a rectangular balcony which had been partially constructed and projected beyond the rear elevation of the building. The issue raised was the impact on the amenity of the occupier of the neighbouring property. In that regard the applicant proposed a 1.8 metre high screen and the Planning Officer showed photographs of how that would appear.

The screen would ensure that the main seating area of the neighbouring property which comprised a patio to the rear would be obscured from view. Whilst there would be views of some of the remaining garden Members would have to consider whether the alterations to the scheme were significant and would be detrimental to the occupier of the

neighbouring property to such a degree over and above the approved scheme to warrant refusal of the application.

The Planning Officer advised that in overall terms the principle of development was acceptable. The scale and design of the alterations were acceptable and the development would not adversely affect the character or appearance of the area. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring property through loss of light or result in unreasonable overlooking. In all aspects, the proposal was compliant with the relevant policies contained within the adopted Local Plan and the application was recommended for approval subject to the imposition of a condition requiring the installation and retention of the screen.

The Committee then gave consideration to the application.

It was moved and seconded that the application be approved in accordance with the Officer's recommendation.

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

(22) Erection of 1no detached dwelling, land adjacent Lime Tree House, Irthington, Carlisle, CA6 4NN (Application 13/0752)

A Member advised that the Ward Councillor had requested that a site visit be undertaken as the Parish Council and the Ward Councillor were not happy with comments from the Highway Authority.

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

It was agreed that the following two applications would be considered together as they related to the same property.

(23) Display of 1no internally illuminated fascia sign and 1no externally illuminated projecting sign, Skipton Building Society, 27-31 Bank Street, Carlisle, CA3 8HJ (Application 13/0622)

(24) Display of 1no internally illuminated fascia sign and 1no externally illuminated projecting sign (LBC), Skipton Building Society, 27-31 Bank Street, Carlisle, CA3 8HJ (Application 13/0621)

The Planning Officer submitted the reports on the applications and outlined the proposal and site details, together with the main issues for consideration which were the principle of development, the impact on the character and appearance of the City Centre Conservation Area and the impact on the character of the Listed Building. The applications had been advertised by means of a site notice, a press notice and direct notification letters sent to the occupiers of seven of the neighbouring properties. In response no representations had been received. The Planning Officer advised that the Conservation Area Advisory Committee had commented that it was considered that the asymmetrical proposal signage was retrograde, suggested that the overall font sizes were reduced and that the scheme should not be approved in its present form.

The Planning Officer advised that in overall terms the scale and design of the signage would be appropriate to the building and the visual character of the area would not be adversely affected. Although the signage would be different to the existing, it was part of a national corporate branding programme and in any event, the scheme would not adversely affect the character or appearance of the City Centre Conservation Area. In all aspects the proposals would be compliant with the objectives of the relevant Local Plan policies.

The Committee gave then consideration to the applications.

A Member believed that the proposal would be an improvement on what was currently in place. The business was in the City Centre and had to compete with other businesses. He believed that it had not been necessary to bring the application to Committee and moved approval of the Officer's recommendation.

It was moved and seconded that the application be approved.

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

(25) Erection of conservatory to rear elevation, 56 Colville Street, Carlisle, CA2 5HT (Application 13/0735)

Having declared an interest Councillor McDevitt left the chamber and took no part in the consideration or determination of the application.

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been brought before Committee as the applicant was a Member of the City Council and a Member of the Development Control Committee. The Planning Officer indicated that although the applicant was a serving Councillor he had not been involved in the determination of the application outside of his role as applicant.

The application had been advertised by means of the direct notification of the occupiers of seven neighbouring properties. No written or verbal representations had been made during the consultation period.

The Planning Officer advised that in overall terms the proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed conservatory was acceptable in relation to the dwelling and it would not have a detrimental impact on biodiversity or the floodplain. In all aspects the proposal was compliant with the objectives of the relevant adopted Local Plan policies. Accordingly the application was recommended for approval.

The Committee then gave consideration to the application.

It was moved and seconded that the application be approved.

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

DC.93/13 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Development Manager submitted Report ED.37/13 updating Members on the scope of activities undertaken by the Planning Enforcement Officers.

He explained that, as at 4 November 2013, 167 enforcement cases had been recorded during 2013. The report outlined the nature of those cases and indicated that to date 110 cases had been resolved, while 13 cases from 2012, 2 cases from 2011 and 1 case from 2010 were still outstanding.

The report updated Members on cases where Enforcement Notices or Section 215 Notices had been issued. The Development Manager explained that the occupiers of land to the rear of Ladysteps, Scotby had lodged an appeal against the proposed enforcement action and a response was awaited from the Planning Inspector.

The next Cumbria Planning Enforcement Group was scheduled to be held on 6 December 2013 at the Civic Centre in Carlisle.

RESOLVED: That Report ED.37/13 be accepted and noted.

DC.94/13 ERECTION OF NEW DWELLING ON LAND ADJACENT TO RAYGARTH, GREAT CORBY

The Development Manager presented report ED.38/13 that presented the background to the erection of a new dwelling at Great Corby which had resulted in a complaint alleging that the dwelling had not been built in accordance with approved plans.

The report explained that a planning application had been granted on 10 July 2012 to erect one detached dwelling on land adjacent to Raygarth, Great Corby. A revised application was approved on 14 May 2013. Permission had been granted for a four bed detached dwelling on land between Raygarth and number 7 and 8 Cottage Homes. The approved layout plan showed the distance between the new dwelling and 8 Cottage Homes to be approximately 1.75m. It was proposed that a 2m high boundary fence was erected between the properties at a distance of 0.95m from the new dwelling and 0.8m from 8 Cottage Homes. The owner of 8 Cottage Homes had measured the distance from between the wall of the new dwelling and his own property to be 1.658m. Therefore the new dwelling had been built approximately 92mm closer to his property and therefore not constructed exactly in accordance with the approved drawings.

The owner of 8 Cottage Homes believed that the Council should take enforcement action to ensure that the dwelling was built in the correct position. He had raised a number of concerns about the design of the building in the Conservation Area, the ground level and the finished floor level with regards to the fence and the proximity of the permitted dwelling. Concerns had also been stated that he had not been contacted regarding the Party Wall Act; he had however been advised that was a civil matter.

The Council's standard consultation procedure was carried out on both applications. The owners of 7 and 8 Cottage Homes raised objections to the application submitted in 2012 and only one objection, from the owners of 7 Cottage Homes was received in respect of the application submitted in 2013. The report outlined the objections raised by the occupiers of 8 Cottage Homes.

There were no grounds to refuse the application submitted in 2013 and it was subsequently granted permission.

Whilst it is acknowledged that the distance between the proposed dwelling and existing dwelling was approximately 92mm closer than shown on the approved plan it was not reasonable to ask the developer to dismantle the new dwelling and reposition it in the correct position. That course of action would not materially alter the outlook for the occupants of 8 Cottage Homes as they would still be faced with a gable wall and a 2m high fence in between. Therefore it was not considered expedient to pursue enforcement action and the Development Manager recommended that no further action be taken.

RESOLVED: That Report ED.38/13 be noted and that no further action be taken.

(The meeting ended at 3:05pm)