

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 5 JANUARY 2018 AT 10.00 AM

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

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

ALSO

PRESENT: Mr Allan (Cumbria County Council)
Mr Innes (Cumbria County Council)

DC.04/18 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Paton.

DC.05/18 DECLARATIONS OF INTEREST

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

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

- 17/0669 – Land to the South East of Durranhill Road, adjacent Barley Edge, Carlisle, CA1 2SZ. The interest related to objectors being known to him.
- 17/0896 – Land South of The A69, Scotby, Carlisle, CA4 8BJ. The interest related to objectors being known to him.
- 17/0907, 17/0905 and 17/0906 – Land west of Steele's Bank, Wetheral, Carlisle. The interest related to objectors being known to him.
- 17/0436 – Land adjacent How Croft, Cumwhinton, Carlisle, CA4 8DH. The interest related to objectors being known to him.

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

- 17/0907, 17/0905 and 17/0906 – Land west of Steele's Bank, Wetheral, Carlisle. The interest related to objectors being related to him.

Councillor Mrs Parsons declared an interest in respect of application – 17/0896 – Land South of The A69, Scotby, Carlisle, CA4 8BJ – The interest related to her being a former trustee of an organisation that formerly owned the land comprising the application site.

Councillor Tinnion declared an interest in respect of application – 17/0814 – Field No.7961, Land north of Town Foot Farm, Talkin, Brampton, CA8 1LE. The interest related to the applicant being known to him.

Councillor Mrs Warwick declared an interest in respect of application – 17/0896 – Land South of The A69, Scotby, Carlisle, CA4 8BJ. The interest related to objectors being known to her.

Councillor McDevitt declared an interest in respect of application – 17/0669 – Land to the South East of Durranhill Road, adjacent Barley Edge, Carlisle, CA1 2SZ. The interest related to his being a Member of Cumbria County Council.

DC.06/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.07/18 AGENDA

RESOLVED – That agenda items A.1(8) – application 17/0905 – Land west of Steele's Bank, Wetheral, Carlisle and A.1(9) – application 17/0906 – Land west of Steele's Bank, Wetheral, Carlisle be considered together.

DC.08/18 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 24 November 2017 and 3 January 2018 (site visits meeting) be approved.

DC.09/18 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.10/18 CONTROL OF DEVELOPMENT AND ADVERTISING

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

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

- 1) Erection of 198no. Dwellings with Associated Infrastructure and Landscaping, Land to the South East of Durranhill Road, adjacent Barley Edge, Carlisle, CA1 2SZ (Application 17/0669).**

The Planning Officer submitted the report on the application which sought Full Planning Permission for the erection of 198 dwellings with vehicular access achieved via a priority junction on Durranhill Road. The development proposed was a mix of bungalows and two storey detached, semi-detached and terraced houses, over a net area of development of 7.45 hectares, equating to a density of approximately 26.5 dwellings per hectare. The yield for the site indicated in the Carlisle and District Local Plan 2015-30 (Local Plan) provided a figure of 220 houses over the site area of 13.32 hectare equalling 16.52 per hectare. The proposed scheme was for 198 over 9.51 hectare which equated 20.82 per hectare.

Slides were displayed on screen showing; Local Plan site allocation and application map; schedule of accommodation; development plan; soft landscaping plans; engineering layout; existing tree layout plans; arboriculturalist's method statement; artist's impression of proposed streetscenes and photographs of the site, an explanation of which was provided for the benefit of Members.

On the matter of design the Planning Officer considered that the proposal reinforced existing connections; provided a mix of dwelling types and tenures suitable to local requirements; had sought to create a distinctive character with well-defined and legible streets/ spaces; had streets

designed to encourage low vehicle speeds; provided sufficient and well integrated resident and visitor parking; had clearly defined public and private spaces; there was adequate external storage space for bins and recycling as well as cycles; and adequate/effective open space.

The Planning Officer informed Members that Cumbria County Council had provided a further response to the application details and raised no objection subject to the imposition of highway and drainage conditions. In addition, the Highway Authority recommended that the Section 106 agreement be amended to include:

- £110,000 (i.e. 11% of the actual published cost of £1 million) for the improvements towards Warwick Road;
- £15,000 to improve the cycle infrastructure (this is £15000 of the total cost of £25000. The remainder will be funded by another developer);
- £6,600 for travel plan monitoring.

The Planning Officer advised that, in order to achieve the required access arrangements, it was necessary for 2 existing trees to be removed. The Council had received the report from the Arboricultural consultant who had been asked to assess trees in the area, some of which were on the application site, and to indicate whether any of the trees merited a Tree Preservation Order (TPO). The report concluded that:

“In respect of the Taylor Wimpey site, the layout of the development ensures the trees are retained in public open space and on roadside verges, rather than in small private gardens. During development of the site, retention and management of the trees could be secured by planning conditions. Post development it is expected that the trees will be managed by either the County Council or a management company in accordance with best practice.”

The Planning Officer acknowledged that, having considered the objections raised by residents together with the assessment in the Arboriculturalist's report, and the recommendation of the report, Members may still have concerns about the trees along the frontage of the site with Durranhill Road. He advised that, should Members deem that a TPO was warranted, they had the option of instructing Officers to impose an Order on the trees.

During the Committee's site visit in November 2017, Members had questioned whether it was possible for the pavement from Scotby Bridge to be connected to the application site. The Planning Officer advised that he had discussed the matter with the applicant, who had stated that the land was highway land and not within their control, therefore the proposal was not feasible. It was noted that an alternative route did exist on the opposite side of the road.

The submitted Ecological Impact Assessment had indicated the following impact on habitats: loss of approximately 10ha of improved grassland of low habitat value; loss of hedgerows and trees of local value. The Assessment concluded that no further work was necessary but outlined an Avoidance and Mitigation Strategy including; the retention of boundary trees and hedgerows wherever possible; provision between garden boundaries to allow hedgehogs to move around the site; timing of works; protection of retained trees and provision of a means of escape in excavations left open overnight. A series of additional biodiversity enhancements were also recommended.

The submitted Bat Survey identified there were no buildings on site and the majority of trees present were considered to be of negligible or low suitability to support roosting bats. The exception to this was the mature trees along the northern boundary which were to be retained in current plans. The main body of the site was considered to be of low value to bats given the dominance of grazed pasture, and similar or better quality habitats available in the surrounding area. The report stated that the direct development impacts would be:

- loss of approximately 9ha of low value bat foraging habitat;

- potential loss of boundary features providing foraging and commuting habitats of up to local value to bats;
- increased lighting post development, which had the potential to reduce bat use of retained boundary features on site and those adjacent to the peripheries.

The Planning Officer pointed out that a number of mitigation and compensation measures had been proposed by the survey which had formed the basis of conditions set out in the report. The Bat Survey concluded *“With the recommended mitigation and/or compensation ... proposals can proceed with no significant adverse effect on bats. [The] Proposals provide an opportunity for ecological benefit through the provision of roosting opportunities and improvement in foraging habitat and additional roosting opportunities, contributing to local and national conservation targets.”*

Natural England had not raised any objections to the application nor the accompanying Bat Survey, and on that basis the proposal was considered acceptable. However, the Planning Officer advised that concern had been raised by an adjacent Ward Councillor in respect of the validity of the Survey, who had requested that an independent Bat Survey be undertaken by the Council. In response, the ecologist responsible for preparing the report stated that the survey of the site had been carried out in line with current good practice guidelines produced by the Bat Conservation Trust.

The Planning Officer considered that the supporting documents accompanying the application adequately addressed those matters relating to contamination, trees and hedgerows, surface water and ecology, and that through the imposition of relevant conditions those matters were able to be managed effectively. It was his view that the proposal would neither be detrimental to the character of the area nor, the living conditions of neighbouring residents sufficient so as to merit the refusal of permission.

In conclusion the Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development to grant approval of the application, subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (16 social rented and 15 discounted sale), the management/maintenance of open space, including the provision of an acoustic fence; the payment of £68,403 towards off-site sport pitches; the payment of £15,000 to improve the cycle infrastructure and £110,000 to part fund the improvements to Warwick Road; and the payment of £6,600 for monitoring of the Travel Plan.

Mr Pratt (Objector) spoke against the application in the following terms: A TPO for trees at the south side of Durranhill Road had been requested by residents of Barley Edge in June 2017, but no decision as to whether the Order would be made had been received; the submitted Impact Statement did not make clear which trees and hedgerows were to be removed to enable the development; the trees at the site were possibly of high value habitat to bat and other wildlife populations in the area; the Council had been reluctant to address how the required visibility splays would be achieved without the removal of some trees; issue raised in relation to the Bat Survey had not been responded to by Officers; the size and scale of the development would have a negative impact on the surrounding area, and increase flood risk.

In response to Mr Pratt's concern's regarding the making of a TPO, the Development Manager advised Members that the Council had considered the matter but had determined an Order was not necessary, due to the siting of trees in public open space. Furthermore, protection of the trees was achievable through the imposition of relevant conditions into any planning consent issued for the site. He further noted that TPO's afforded an additional level of protection to trees beyond those provided for in the conditions of consent, which in accordance with planning policy, was the Council's preferred method for protecting trees. He confirmed that Members

were able to consider the issue of making a TPO, and if they determined it necessary instruct Officers to make a TPO.

Councillor Betton (City Councillor in an adjoining Ward) spoke against the application in the following terms:

- Members did not have all the information necessary to determine the application;
- The Bat Survey submitted with the application had been undertaken on behalf of the applicant and therefore was not independent or valid. The Survey had been too narrow and had not encompassed the flying heights of all bat species;
- The Council should have commissioned an independent Bat Survey;
- It was an offence to tamper with bat habitat, and the trees on the site were used by bats;
- The Arboriculturalist's evaluation of the trees at the site had not followed the principles set out in the Hamilton Assessment;
- The correct procedure for assessing whether the trees at the site merited a TPO had not been followed, and he questioned the need to commission a consultant to undertake the work;
- No Environmental Impact Assessment had been carried out in the application process
- The Officer had incorrectly stated that Natural England supported the application, when it had simply not put forward an objection;
- It was not clear which trees would need to be removed for the development to take place, and Officers had not responded to his or residents correspondence on the matter;
- The proposed highway arrangements, which did not incorporate traffic calming measures or pedestrian crossings would increase the level of traffic travelling through Botcherby Ward which would be detrimental to the safety of residents;
- Responses from Officers in relation to his queries regarding how the proposed visibility splays were to be achieved had not been forthcoming.

In conclusion, Councillor Betton asked that the Committee defer determination of the application until such time as the points he had raised were addressed.

The Corporate Director of Economic Development assured Members that all concerns in relation to the trees on the site were taken into account in the Officer's assessment of the proposal. She informed the Committee that she had offered to meet with concerned residents to discuss the matter, but the offer had not been taken up.

A Member noted that the application site was in Wetheral Ward, not Botcherby Ward, for which Councillors Betton and Paton were Ward Members, he asked on what basis they had been permitted to address the Committee regarding the application, and how much time were they afforded to speak beyond that allocated to Ward Members.

The Development Manager responded that the Council's Right to Speak policy did not distinguish between Ward and non-Ward Members, and that in terms of time limitation for speeches, ten minutes was advised for Members, but that there was no formal limit. The duration of a speech was a matter for Chairman to determine.

Councillor Paton (City Councillor in an adjoining Ward) was strongly opposed to the proposed scheme for the following reasons: the area had a long history of flooding which the proposed scheme would exacerbate, and which had not been addressed; the increased traffic generated by the development would be detrimental to road safety in the area; there was not sufficient infrastructure in terms of schools and healthcare to service the development; the scale of the development was too large, with plot 35 backing on to an existing dwelling in Barley Edge.

Councillor Paton urged the Committee to consider imposing a TPO for the trees at the site to protect them, and further requested that Members consider the imposition of a 30mph speed limit between Durranhill Road and Scotby in lieu of the existing 40mph limit.

The Planning Officer reminded the Committee that the application site was an allocated site for residential development in the Carlisle and District Local Plan 2015-30 (Local Plan), and therefore the principle of developing the site had been established. The implications for traffic and ecology had been set out in the report for Members consideration, along with responses from statutory consultees, including the Highway Authority. Traffic calming measures were to be dealt with by condition, rather than as part of the Section 106 agreement, and had also been detailed in the report.

In respect of flood management systems, paragraph 6.74 of the report outlined the methods the developer proposed to use and those had been approved by the Lead Local Flood Authority. The Planning Officer further commented that the Council's commissioning of a consultant to evaluate the merit of the trees at the site in relation to a TPO demonstrated how seriously Officers had considered residents' concerns on the matter.

Mr Hutchinson (On behalf of the applicant) responded to the objectors in the following terms:

- The proposed scheme was, potentially, the developer's second investment in the city. The applicant had sought to engage the local community and interested parties in both pre-application and post application submission discussions, responding to points and concerns raised therein with considered amendments to the proposal. Furthermore the applicant was happy to meet its responsibilities by contributing to the local infrastructure through its adherence to the terms of the Section 106 agreement and the conditions detailed in the report.
- The application site was on land allocated for residential development in the Local Plan and was of a lower level of density than the existing adjacent development;
- Following a request from the Parish Council for a second access point on Durranhill Road, the applicant had revised the scheme to accommodate this, and the Highway Authority had not raised any objection to the revision;
- The applicant was agreeable to the imposition of a condition requiring the traffic calming and footpath works to be implemented by the occupation of the 50th dwelling;
- The revised scheme had demonstrated that the satisfactory surface water storage/attenuation was able to be provided. The Lead Local Flood Authority considered that adequate information had been submitted in relation to surface water drainage proposals showing that the required non-statutory standards were able to be met such that surface water from the site would receive sufficient treatment prior to its discharge into an existing watercourse;
- The scheme had been design to retain the mature trees at the site within the proposed open space area, making their management and maintenance subject of the Section 106 agreement. The applicant had no objection to the relevant trees being made the subject of a TPO;
- Following the Committee's previous consideration of the application, attempts had been made to contact Councillor Betton to understand his concerns and identify solutions, if any, were available, no response had been received from the Member;
- In terms of ecology, the proposed scheme had been designed in accordance with the Bat Survey and Arboriculturalist's report, thereby necessitating the removal of only 1 tree and a small section of hedgerow from the centre of the site;
- The proposed development was compliant with the Council's required separation distances;
- The scheme would provide a range of homes which would contribute to the Council's housing targets, and was consistent with the policies of the Local Plan and the National Planning Policy Framework.

The Committee then gave consideration to the application

A Member drew the Committee's attention the Lead Local Flood Authority comments which had been reproduced on page 38 of the Main Schedule, and with reference to the first paragraph therein noted that it had stated "*...in the southern most area of the site the applicant is not proposing to discharge the surface water through the attenuation with a direct discharge into the watercourse. This is not acceptable.*" He sought clarification as to the suitability of the proposed drainage scheme, and the method of surface water discharge from the site.

In response, the Development Manager referred Members to the following paragraph in the report which stated that the applicant had undertaken further discussions with the Lead Local Flood Authority on the matter. He further explained the process for approving drainage proposals, and noted that the Lead Local Flood Authority was satisfied with the proposal subject to the impositions of conditions which were detailed in the report.

Mr Allan (Cumbria County Council) added that the proposed scheme contained a hierarchy of mechanisms for the management of surface water from the site, at a level in-keeping with greenfield run-off rates so as not to increase the risk of flooding. As per the process for approving drainage schemes, the system had been deemed acceptable, in principle, by the Lead Local Flood Authority, and in line with the conditions in the report, the submission of further drawings was required to secure the exact details of the system.

The Member requested that details of the final, approved drainage scheme be circulated to the Committee. The Corporate Director of Economic Development undertook to provide the information.

The Committee then considered highways issues, with the following concerns and questions being raised:

- A Member expressed concern that the Highway Authority had not objected to the proposal, given the Durranhill Road was narrow and locally known as "the back Scotby Road";
- Another Member noted that the footpath within the site terminated at the north east end without connecting to Montgomery Way, he felt that in the interests of pedestrian safety the paths ought to link up. He further considered that HGVs should be restricted from using Durranhill Road, and that pedestrian islands should be provided.

The Planning Officer responded that as part of the process for the site being allocated in the Local Plan extensive consultation had taken place, including with the Highway Authority, had that authority responded with significant concerns, the site may not have received the allocation. Whilst appreciating the Member's concerns, he noted that the Highway Authority had responded to the consultation on the application with comments and suggested mitigation measures which were comprised in the conditions set out in the report. Therefore, the Planning Officer considered that the relevant highway matters had been effectively addressed.

Regarding the footpath linkages, the Planning Officer reiterated that the land between the footpath in the site and Montgomery Way was not in the ownership of the applicant, therefore, it was not possible for the developer to provide the desired link. A footway was available for pedestrian use on the other side of the highway, however he acknowledged that it had become overgrown with vegetation and soil, which restricted its usable space.

The Corporate Director of Economic Development undertook to raise the matter of the condition of the footway, on the Member's behalf with the County Council with a view to securing improvement works.

In relation to the Members' request for a pedestrian island to be included in the scheme, the Planning Officer explained that scheme would create a narrowing of the road and in conjunction with the two proposed traffic calming facilities would generate a betterment for pedestrians crossing the highway.

Regarding the request to restrict HGV use of Durranhill Road, the Planning Officer did not consider that the proposed scheme would cause an increase in such vehicles using the road, beyond the necessary construction traffic to service the development. He undertook to discuss the matter with the applicant and Highway Authority.

A Member observed that the scheme did not provide sustainable vehicle technology, for example, electric car charging points.

The Corporate Director of Economic Development commented that the Member had raised an interesting issue, she noted that Officers were aware of developing technologies, however, they could not require developers to make such provision.

A Member asked whether the Council consulted the Cumbria Biodiversity Data Centre in its consultations on planning applications.

The Development Manager advised that whilst the Centre was not a formal consultee, the Council did use publicly available data from that organisation as background information with a view to identifying potential issues in relation to individual schemes.

Another Member commented that, in her view, the Officers and applicant had done their best to address the concerns raised throughout the application process, and the documents submitted along with the application were comprehensive. She was supportive of making the trees on the site subject to a TPO, and sought clarification as to whether conditions imposed on the consent or a TPO could be enacted most quickly.

The Legal Services Manager advised that the Section 106 agreement would comprise a number of obligations and therefore would take time to complete, whereas a TPO was immediately applicable, even during the consultation phase of the Order.

A number of Members expressed support for the making of a TPO to protect the Trees at the site.

A Member moved the Officer's recommendation and that a Tree Preservation Order be made in relation to the trees at the site, which was seconded and it was:

RESOLVED: (1) That Authority to Issue be given to the Corporate Director of Economic Development to grant approval of the application, subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (16 social rented and 15 discounted sale), the management/maintenance of open space, including the provision of an acoustic fence; the payment of £68,403 towards off-site sport pitches; the payment of £15,000 to improve the cycle infrastructure and £110,000 to part fund the improvements to Warwick Road; and the payment of £6,600 for monitoring of the Travel Plan.

(2) That a Tree Preservation Order be made in respect of the trees on the south eastern side of Durranhill Road.

(3) That the Corporate Director of Economic Development provide Members with details of the final, approved drainage scheme.

The Committee adjourned at 11:30am and reconvened at 11:40am

2) Erection of Dwellings (Outline), Land adjacent to Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR (Application 17/0969).

The Development Manager informed the Committee that the application had been withdrawn from discussion by the applicant

RESOLVED: That the application be withdrawn from discussion.

3) Erection of 40no. Dwellings and Associated Infrastructure, Land adjacent, Beverley Rise, Carlisle (Application 17/0662).

The Principal Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 3 January 2018.

Slides were displayed on screen showing; proposed block plan; proposed site plan; proposed site access plan; proposed road and sewer layout and; photographs of the site, an explanation of which was provided for the benefit of Members.

A further letter of objection had been received which the Principal Planning Officer summarised for the benefit of Members, and he further outlined the points of objection raised by the Ward Members during the processing of the application.

The Principal Planning Officer noted that United Utilities had responded to the proposal without objection, advising that the drainage system connected to the scheme would not be connected to the manhole which overflowed nearby.

Access arrangements had been agreed with Highway Authority comprising a 4.9m wide road with the provision of 2.4m wide parking bays on both sides, and a 1.2m wide footpath on western side of road, and confirmation from the Authority had been received that the proposal provided appropriate detail and widths in line with its Design Guide.

Following discussions between the applicant and the Lead Local Flood Authority the drainage system had been redesigned and deemed acceptable, therefore, the Principal Planning Officer advised, Cumbria County Council had no objections to the proposal in relation to highways or drainage.

In relation to bats a Preliminary Ecological Report had been submitted with the application which found that all tree and scrub within the site and along the boundaries were assessed as having negligible or zero bat roost potential. Consequently, the Principal Planning Officer determined that no further survey work was necessary, he added that a condition requiring wildlife enhancement measures be incorporated into the scheme had been included within the conditions detailed in the report.

The Principal Planning Officer acknowledged that there would be some disruption to residents of properties adjacent to the site during construction works, in order to provide a level of mitigation, conditions had been included in the permission requiring the submission of a Construction Method Statement and the limiting of hours in which construction works were permitted.

A Ward Member had suggested that to reduce disruption to nearby residents, construction traffic should be made to access/egress the site through Keenan Park. The Planning Officer

considered that the proposal was not acceptable as the access on to Pennine Way which passed between the two dwellings was too narrow, and that construction vehicles would present a danger to park users. He further noted that the proposal was not supported by the Green Spaces Manager.

The Principal Planning Officer stated that condition 19 required updating to contain details of a newly submitted plan which would form part of the Approved Drawings in the consent. In conclusion he recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Mrs Murphy (Objector) spoke against the application in the following terms: it would cause unacceptable intrusion in the form of general disturbance, particularly related to increased traffic and public access to the site via Beverley Rise; the sloping nature of the site may cause vehicular traffic to travel at higher than normal speeds in approaching a sharp bend at the site's access point which would be detrimental to road safety; the scale of the scheme would have an oppressive impact on the surrounding area and houses; the sewage pumping station should be sited further away from 37 Beverley Rise to reduce the impact of maintenance works; drainage plans indicated that surface water from the site would drain into the sewer in the front garden of 37 Beverley Rise which was prone to overflowing during periods of heavy rainfall; little confidence in United Utilities view that the foul drainage manhole in Keenan Park would not overflow in periods of heavy rain thus polluting the surrounding area.

Councillor Betton (Ward Member) addressed the Committee raising concerns in relation to the following matters: whether the required visibility splay at the access point could be achieved; the width of the entrance; the loss of a footpath; difficulties in managing the surface water discharge from the site; his request for a second opinion on the Bat Survey had not been agreed to.

In response, the Principal Planning Officer advised that the road within the site would restrict vehicles to 20mph, and that the sharp bend at the bottom of the site would act as another mechanism to reduce vehicle speed. The foul drainage system would not be linked into the drain in Keenan Park, therefore the scheme would exacerbate the existing problem related to the manhole.

The Ecological Survey had been carried out, and its finding submitted, given that the application site was essentially a ploughed field, the Principal Planning Officer, had not considered it reasonable to request that a second survey be undertaken.

Councillor Paton (Ward Member) expressed serious concerns regarding HGV's accessing and exiting the site during the construction phase, in his view, consideration needed to be given to the use of a circular system for such vehicles whereby entrance to the site would be gained from Beverley Rise and a rolling road used in the site before exiting via Keenan Park. He suggested that a banksman would be required to manage the vehicles on the site, and that without such system it was possible construction vehicles may cause damage to property or vehicles.

The Principal Planning Officer responded that he had discussed the suggested rolling road with the Highway Authority and the Green Spaces Manager, neither of which had considered the proposal to be viable. Condition 15 required the submission of a Construction Method Statement for approval by the Local Planning Authority, which would set out the types of vehicles using the site and their times of arrival and departure.

The Corporate Director of Economic Development added that if Officers considered that a banksman was required to manage vehicles movements at the site, it would be incorporated into condition 13.

Mr Dawson (Agent) responded in the following terms:

- He outlined the site's context in terms of its receiving its allocation for residential development in the Local Plan and the appointment of Riverside Housing Association as the Council's preferred partner for developing the site. An aspect of that arrangement was a commitment by the developer to provide apprentice training places for students at Carlisle College;
- The scheme's foul drainage system would connect into the mains sewer at the top of Beverley Rise, therefore it would not add to the discharge into the drain in Keenan Park;
- Neither the Lead Local Flood Authority, nor United Utilities had objected to the drainage proposals;
- The approach road from the site to Beverley Rise had been designed in conjunction with and approved by the Highway Authority;
- The findings of the submitted Bat Survey indicated no habitat for the animals at the site, therefore a second survey was unnecessary.

Mr Dawson added that the scheme was dependant on a funding grant from the Homes and Communities Agency, and deferral of the application may jeopardise that funding, thereby halting the construction of affordable homes.

The Committee then gave consideration to the application.

A Member noted that the issue of grant funding was a matter for the applicant and would therefore not impact on the Committee's decision making process.

A number of Members expressed their support for the scheme commending its provision of affordable homes and training for apprentices.

A Member noted that the adjacent roads were narrow, he asked if the schedule of works for the site was able to be programmed so that the planned highway works to Beverley Rise be carried out prior to the development of the site.

The Principal Planning Officer agreed the proposal and undertook to include an appropriate condition in the consent.

Another Member asked whether residents of adjacent properties were able to be provided with a contact telephone number that they may refer to in the event of a problem.

The Principal Planning Officer stated that he understood that it was standard practice for Site Managers to provide their contact details to residents of neighbouring properties.

A Member moved the Officer's recommendation, along with an amendment to Condition 19 to contain reference to the new plan, and that the agreed works to Beverley Rise, be carried out prior to the commencement of construction works. The proposal was seconded, and it was:

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

- 4) New Hardstanding to provide On-Site car parking and coach park facilities for use by the school Newman Catholic Scholl Temporary Site, Pennine Way, Carlisle, CA1 3RQ (Application 16/1000).**

The Development Manager submitted the report on the application which sought to address the issues raised by parking generated by the school's use during its temporary relocation at the former Pennine Way school site following the floods from Storm Desmond. The car park would be accessed from Edgehill Road using a one-way entry and exit, new gates were also to be provided to improve security at the site's access/exit. Drainage would be filtered through a drains to a soakaway to control water flow from the new surface.

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

Local Councillors had raised a number of concerns which were outlined in the report. The Development Manager advised that further to the publication of the report additional correspondence had been received from the Ward Councillors particularly in relation to the costs of this temporary scheme and the materials to be used.

Early in the application the process one of the Ward Councillors had raised concerns about having a Tarmac car park and questioned whether a cell based surface should be used. As the application was for a temporary facility, the Development Manager indicated that there could be scope to reuse the materials afterwards. In seeking to keep costs low the applicant had revised the proposal down in scale removing the coach parking and employing a cell based construction system.

The Development Manager advised that whilst it would not be appropriate to impose a condition requiring the reuse of the materials, as to do so would be unreasonable, especially as local Members were seeking to use them in the local area to address damage caused elsewhere. However, he noted that when the site was vacated it was allocated for redevelopment for housing, therefore, Cumbria County Council as landowner had been made aware of the Councillors' request and may be able to assist at that time. Whereas the costs of schemes were not generally taken into account in planning, the temporary nature of the scheme and the unusual nature of the circumstances relating to the site's use had resulted in a proposed scheme which was considered acceptable during the school's occupation of the site.

The Ward Councillors had also raised concerns about the condition of the site boundaries where vegetation had been left to overgrow, the matter had been brought to the attention of the agent and landowner and was being addressed separately to this application.

A Ward Member in an adjacent ward had raised a further local concern that due to weekend activities taking place at the Harraby Campus, parking concerns would remain, he had asked whether access may also be allowed to the proposed car park at such times. The Development Manager stated that the proposed scheme aimed to address parking concerns generated by the school and it would be unreasonable to expect a temporary relocation to address other concerns in the area. However, the Development Manager had spoken to the agent on the matter and had been advised that, the school was community minded and had a similar system in place to allow controlled access to parking at their central site, therefore, the proposal was able to be explored, subject to the site remaining secure.

The Development Manager informed Members that one local resident had contacted him following the publication of the report welcoming the proposed improvements and expressing hopes that the school would police the use of the proposed facility, as the residents had tolerated inconsiderate parking and attitude of some visitors to the school. The resident hoped that the provision of a specific car parking facility for the school would prevent any future conflicts.

In conclusion the Development Manager recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Councillor Betton (Ward Member) addressed the Committee commenting that the on the whole he supported the application. He sought assurance with respect to two concerns; that the contractors would address the outside appearance of the site and; that the hardcore underneath the car park surface would not increase the likelihood of flash flooding in the area.

In response the Development Manager repeated that he had raised the matter of tidying up the site with the County Council, as landowner, and he understood that Officers had been instructed to arrange for the necessary works to take place.

Regarding the drainage issue, the Development Manager drew Members' attention to the drawing reproduced on page 244 of the Main Schedule which illustrated the drains to be installed under the car park surface. Additionally, he noted that condition 6 required the development to prevent surface water run-off on to the highway.

A Member asked where coaches servicing the school would park.

The Development Manager advised that coaches would continue to park on Edgehill Road.

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

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

5) Erection of Dwellings (Outline), Land at New House Farm, Newby West, Carlisle, CA2 6QZ (Application 17/0883).

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018.

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

Members' attention was drawn to the pages 1 and 2 of the Supplementary Schedule where a response from the Council's Environmental Health Services had been reproduced which stated that consideration needed to be given to methods of reducing noise vibration, and dust from the site during the construction phase of the development. A condition had been included which required the submission of a Construction Management Plan which would address those issues. The Principal Planning Officer advised that the requested condition relating to contamination of the site had been included in the proposed permission.

United Utilities had submitted a late response to the application consultation which had requested additional conditions in respect of foul and surface drainage, with a view to ensuring that arrangements were in accordance with the site wide drainage strategy. Given the strategic nature of the development, United Utilities had indicated that it intended to recommend a significant strengthening of the drainage conditions, and that it would provide the requisite detail to Officers during the course of the following week. Members were assured that those conditions would be incorporated prior to the issuing of any consent.

A number of objectors had raised concerns about the impact of traffic from the proposal. The Principal Planning Officer noted that the applicant had commissioned a transport assessment which had comprised a full review of the local highway network, included modelling exercises of nearby roads and junctions and it was recognised that the development would have an impact

on the Wigton Road / Orton Road junction, and therefore improvements would be required as part of the development.

Whilst undertaking a site visit, Members had raised concerns in relation to drainage, particularly, regarding the size of the site attenuation ponds and the impact of surface water drainage discharging into Dow Beck. The Principal Planning Officer advised that the provision of an appropriate Sustainable Urban Drainage System (SUDS) and restrictions on the level of surface water run-off rates would prevent downstream areas from flooding. He noted that further calculations were required to be submitted for approval detailing the size of the SUDS ponds.

In addition, the Principal Planning Officer indicated that the culverted section of Dow Beck would be opened up to reduce the risk of flooding, and Dow Beck was to be adjoined by open space to ensure that it was able to be maintained with a management company being responsible for future maintenance.

In relation to education provision, the Principal Planning Officer informed Members that there was capacity within existing primary schools to accommodate children from the development. However, Cumbria County Council as Local Education Authority had stated that there was no capacity for secondary school pupils at Caldew School which was the catchment school, and on that basis, the authority had requested a £1.25M contribution for those places and a secondary school transport contribution of £247,000

The Principal Planning Officer noted that conditions 28 and 29 which related to the provision of an access and drainage to the 2 existing dwellings within the site required amendment to include reference to Strawberry Cottage which was the name of one of the dwellings.

In conclusion the Principal Planning Officer recommended that the application be approved and Authority to Issue approval be given to the Corporate Director of Economic Development subject to a legal agreement to secure:

- a) the provision of 30% of the units as affordable;
 - b) a financial contribution of £141,520 (£90,720 for provision and £50,800 for ten years maintenance) to support the off-site improvement of existing sports pitches;
 - c) the maintenance of informal open space within the site by the developer;
 - d) a financial contribution of £1,254,972 to be paid to Cumbria County Council towards the provision of secondary school places;
 - e) a financial contribution of £247,000 to be paid to Cumbria County Council towards the provision of secondary school transport;
 - f) a financial contribution of £281,000 to be paid to Cumbria County Council for improvements to the Wigton Road / Orton Road junction;
 - g) a financial contribution to improve bus service provision direct to the site;
 - h) a financial contribution of £6,600 to monitor the Travel Plan;
- and the amendment of conditions 28 and 29 to include reference to Strawberry Cottage.

The Committee then gave consideration to the application.

A number of Members expressed concerns with regards to the phasing of the development and sought clarification on the following matters:

- How would infrastructure such as drainage systems and roads be integrated through the different phases of development;
- How would affordable housing / education contributions be calculated for each phase of the development?

The Principal Planning Officer noted that condition 4 of the proposed permission required the submission of a phasing plan / programme for the overall scheme setting out how development

was to proceed in relation to a number of matters including; the provision of pedestrian, cyclist and vehicular connectivity; the construction to base course standard of the roads and footways including those up to the common boundary with adjoining land; the provision of foul and surface water drainage infrastructure. He further advised that the Council's Housing Officer would be consulted on all future Reserved Matters applications with respect to affordable housing provision.

In relation to education contribution Mr Innes, (Cumbria County Council) informed Members that a formula was used to indicate the number of children a development would yield, that figure would be used in the Section 106 agreement process and split equally between each phase of development and used as the basis for negotiating the level of contribution required therein.

The Development Manager added that Members were being asked to consider an application for Outline Permission without details pertaining to highways and drainage etc, however, an indicative layout had been submitted. The phasing plan would assist in the masterplanning of the whole development by setting out the method of delivery of the overall scheme, which could be worked up by a "master" developer. The master developer could also undertake the construction of the major infrastructure relating to road and drainage networks for the entire site, with each subsequent phase of the scheme connecting into that infrastructure as it was developed.

A Member asked whether it was possible to limit the number of dwellings provided at the site to 480.

The Corporate Director of Economic Development responded that the Committee had imposed such restrictions on developments in the past, therefore, were Members minded to do so, Officers would include that limitation. She added that, as a result of its scale, the development would take a long time to realise in its entirety. The Committee indicated that it wished for the development to be limited to 480 dwellings

Another Member noted that each phase of the scheme may be delivered by a different developer, he asked in the event of a problem with the drainage system in a latter phase of the development, where would responsibility for its rectification lie.

Mr Allan (Cumbria County Council) advised that during the development of the site, responsibility for such matters would reside with the developer, and upon completion of the development would transfer to a management company. In response to a further question from a Member Mr Allan advised that, should the management company cease to operate, responsibility would fall to the future residents of the dwellings.

A Member expressed concern that points (c) and (g) of the Officer's recommendation were loosely worded.

The Principal Planning Officer advised that with regards to point (c) it was not possible to include a figure as actual costs were not known, but that the developer would be responsible for maintaining any open space that was provided within the site. In relation to point (g), the Principal Planning Officer understood that the County Council was undertaking discussions with bus service providers, he reassured Members that the Section 106 Agreement would be furnished with the appropriate details prior to its completion.

A Member requested that the Section 106 agreement seek, so far as was possible, to require that affordable housing units be evenly distributed across the phases.

In response to a question from a Member, the Corporate Director of Economic Development confirmed that the roads constructed within the scheme would be adopted.

A Member moved the Officer's recommendation, along with: an additional condition to limit the number of dwellings at the site to 480; the updating of conditions 28 and 29 to include reference to "Strawberry Cottage" and; the inclusion of additional conditions in respect of drainage following receipt of further detail from United Utilities. The proposal was seconded, and it was:

RESOLVED: That the application be approved, and Authority to Issue approval be given to the Corporate Director of Economic Development subject to a legal agreement to secure:

- a) the provision of 30% of the units as affordable;
 - b) a financial contribution of £141,520 (£90,720 for provision and £50,800 for ten years maintenance) to support the off-site improvement of existing sports pitches;
 - c) the maintenance of informal open space within the site by the developer;
 - d) a financial contribution of £1,254,972 to be paid to Cumbria County Council towards the provision of secondary school places;
 - e) a financial contribution of £247,000 to be paid to Cumbria County Council towards the provision of secondary school transport;
 - f) a financial contribution of £281,000 to be paid to Cumbria County Council for improvements to the Wigton Road / Orton Road junction;
 - g) a financial contribution to improve bus service provision direct to the site;
 - h) a financial contribution of £6,600 to monitor the Travel Plan and;
- an additional condition to limit the number of dwellings at the site to 480; the updating of conditions 28 and 29 to include reference to "Strawberry Cottage" and; the inclusion of additional conditions in respect of drainage following receipt of further detail from United Utilities.

DC.011/18 STANDING ORDERS

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

The Committee adjourned at 1:10pm and reconvened at 1:45pm

DC.12/18 CONTROL OF DEVELOPMENT AND ADVERTISING

6) Erection of 81no. Dwellings with Associated Open Space, Infrastructure, Landscaping and Ancillary Works including temporary construction access off Scotby Road, Land South of the A69, Scotby, Carlisle, CA4 8BJ (Application 17/0896)

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018. He noted that the net area for development was 4.84 hectares at a density of approximately 16.7 dwellings per hectare comprising 18 two bedroom houses, 14 three bedroom houses, 42 four bedroom houses and 7 five bedroom houses.

Slides were displayed on screen showing; location plan; site layout plan; drainage layout plans; boundary treatment plan; traffic management plan; proposed TRO relocation plan and, photographs of the site, an explanation of which was provided for the benefit of Members.

A number of the representations received during the application process had queried why the negative response by the Highway Authority to the originally proposed allocation in the Local Plan had been reversed and the application drew no objection. The Planning Officer explained that, as part of the Local Plan examination process a Statement of Common Ground for the site had been produced in order to clarify the positions of the all the involved parties, including the Highways Authority. The Scot 1 allocation site had been earmarked for the development of 44 houses in the Preferred Options Stage 2 of the Local Plan adoption process. As part of that consultation undertaken in spring 2014, Cumbria County Council was consulted in its capacity as Highways Authority, and raised significant concerns about the spacing between the proposed site access and the junction with the A69.

The Planning Officer informed Members that in responding to these concerns, the Council took the decision to remove the proposed allocation of this site, and the adjacent site, R15, which was within the same ownership, was substituted. In October 2014 an Access Assessment prepared by iTransport LLP on behalf of Story Homes concluded that satisfactory access (for up to 90 units) was achievable to both sites from both Hill Head and Scotby Road. Cumbria County Council reviewed the assessment and subsequently confirmed that the proposed Scotby Road access was acceptable in terms of junction spacing.

Land was allocated in the area in response to land availability and recognition that Scotby had a good level of services and facilities and was close to Carlisle, and with regard to the Rural Masterplanning exercise for Scotby which indicated that a small area could be infilled in the north east, exercising care to minimise impact onto the A69 and encroachment into the shallow valley.

The Planning Officer reminded the Committee that Planning Inspectorate statements were material planning considerations and noted that in paragraph 97 of the Report on the Examination into Carlisle District Local Plan, the Planning Inspector commented that:

“Additional land is proposed to be incorporated within allocation R15 (Land north of Hill Head, Scotby) to provide an alternative access. The additional land has been included at previous stages of the plan preparation and consultation. However, due to highway concerns about safe access onto Scotby Road, the site area was reduced in the submitted plan with access to be provided off Hill Head only. A highways assessment has since been carried out which demonstrates that the additional traffic can be safely accommodated on Scotby Road. Its exclusion from the plan on highways grounds is therefore no longer justified. Notwithstanding objections from local residents, there are no overriding amenity issues that would indicate that a satisfactory relationship could not be achieved between the existing and proposed housing. A requirement to secure appropriate distances between existing and proposed dwellings is justified to ensure no adverse effect on residential amenity. A modification is necessary to Policy HO 1 to reflect the suitability of the additional area of land to be brought forward as part of allocation R15 following the presentation of new highway evidence (MM39).”

In its response to the consultation on the application before Members, Highway Authority had recommend that the current 30mph signs be moved closer to the A69, as well as moving the current on road signs/village gateway and that the applicant should enter into a suitable legal agreement to secure those elements. Slides of the proposed relocation were shown on screen for the benefit of Members.

The Highway Authority had further indicated its preference for a vehicular connection between plot 65 and 66 for the avoidance of unnecessary manoeuvres in the turning head by refuse vehicles. In response to these comments, the layout had been amended such that the scheme now provided a bin collection point in the open space opposite plot 70, which would serve plots

66 -70. In addition, a bin collection point opposite plot 33 to serve plots 34-37 was to be provided.

Objections from residents had challenged the proximity of the development to neighbouring properties citing them as being only 10 metres from the boundary. The Planning Officer explained that the Council's Supplementary Planning Document (SPD) did not contain reference to boundary distances but, moreover, exclusively referred to distances between buildings, and in that respect, the development was considered compliant.

Given the orientation of the application site with adjacent properties, the Planning Officer judged that the living conditions of the occupiers would not suffer from loss of privacy or unacceptable levels of noise or disturbance. Likewise, the development was not expected to result in an overall loss of daylight or sunlight to the existing dwellings due to the distances involved between the application site and the existing residential properties.

Another matter raised by objectors had been the desirability of providing bungalows on the site, however, the Planning Officer stated that there was no policy support for such provision. The Council's Affordable Specialist Housing Supplementary Planning Documents had not been adopted and therefore had limited weight in the assessment of the application.

The Planning Officer advised that the Open Spaces Manager remained of the opinion that the site was poor in public open space provision and felt that there was inadequate surveillance of the area. The Planning Officer indicated that a reasonable area would be provided within the site with an area further to the north-east which would have a good level of surveillance for the central area with more limited opportunities over the remaining area, he further noted that the degree of acceptability of the proposal remained an issue for Members to consider.

In conclusion the Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (12 affordable rent and 12 low cost home ownership); the payment of £228,962 and £236,444 towards primary and secondary education respectively; £25,430 to improve the cycle infrastructure; the payment of £6,600 for monitoring of the Travel Plan; and the details of the formation of a Management Company for the maintenance of the public open space.

Mr Burns (Objector) addressed the Committee stating that, in his view, a number of key questions relating to the application remained unanswered which he outlined:

- How had the Highway Authority, which had objected to initial plans to site 48 dwellings on the site not submitted objections to an application which proposed double the amount of dwellings?;
- How was the current drainage infrastructure deemed adequate to cope with the additional discharge from the proposed scheme, when, 5 years previously United Utilities had acknowledged a capacity issue within the system which meant that it struggled to process the discharge from the existing dwellings?;
- Why had the initially proposed buffer zone between the development and adjacent existing properties been reduced by the developer?;
- Why had the request of the Council's Housing Development Officer for the provision of more single storey dwellings been ignored by the applicant?

Mr Burns was further concerned that the Officer when assessing the application had not taken into account the cumulative impact of the proposed scheme in conjunction with a number of other developments within the area which had latterly been granted planning permission. In conclusion, Mr Burns requested that the Committee defer its determination of the application until such time as the legitimate concerns raised by objectors had been addressed.

Mrs Burns (Objector) spoke against the application in the following terms:

- The lack of provision of a buffer zone between the proposed development and the adjacent existing properties would hamper owner efforts to maintain their boundaries. She suggested that consideration be given to creating a 10m wide buffer zone with soft planting of trees and shrubs to create sufficient space between the two developments;
- In conjunction with other recently issued Planning Consents for the area, approving the application would cause a significant and potentially dangerous increase in traffic in the village and the junction with the A69;
- The gardens of the properties adjacent to the development site were prone to flooding, the development of the site would increase the likelihood of such events in the future though the replacement of a greenfield with tarmac and paving. She questioned how the current drainage infrastructure deemed adequate to cope with the additional discharge from the proposed scheme, when, 5 years previously United Utilities had acknowledged a capacity issue within the system which meant that it struggled to process the discharge from the existing dwellings.

Mrs Burns acknowledged that residents did not have a right to open views, wildlife and a quiet environment, but such elements had been key to a number of residents buying their properties and the removal of them, through permitting the development would have a detrimental impact on individuals and the wider communities. In conclusion she requested that if the Committee were not minded to refuse the application that Members give serious consideration to the points raised by objectors.

Mr Ingham (Objector) spoke against the application in the following term: the application and Officer report were of poor quality; the proposal was not compliant with the Local Plan Inspector's recommendations for minimisation of impact on existing occupiers through ensuring that appropriate distance between the two developments was retained; the layout was not in-keeping with that of the existing settlement and therefore the application did not comply with criteria 1, 2 and 3 of the Local Plan policy SP 6 (Securing Good Design); concerns had been raised by Council's Urban Design Officer in relation to the standard design and layout of the scheme; the proposal did not provide bungalows which had been identified as a priority in the Council's Strategic Housing Market Assessment.

Mr Ingham reiterated previous concerns, outlined above, regarding the lack of objection to the scheme from the highway authority and the capacity of the existing drainage network to cope with the additional discharge. He urged the Committee to reject the application to allow for a reworking of the layout and design.

Councillor Higgs read out a statement on behalf of Mr McNeil, (Objector), which raised the following points: the scheme only provided one access point which was situated on a hazardous part of the highway; the Highway Authority had not objected to the proposal when it had done so in relation to the site's proposed allocation in the Local Plan; were all the applications on the Committee's agenda, in the Wetheral Parish to be approved, 310 homes would be provided in the area without sufficient school places; the proposal did not provide adequate boundaries between the development and existing properties; approving the scheme would lead to a loss of green-belt land and contribute to flooding problems in the district.

Mrs Ingham (Objector) spoke against the proposal in the following terms; the proposed layout was not compatible with existing settlement; the density of the dwellings was too great; no provision had been made for affordable or housing for the elderly; 700 new homes in the district had already been approved by the Committee in its meeting.

Councillor Higgs (Ward Member) addressed the Committee, stating that in his view, the development lacked imagination and failed to provide a distinctive townscape specific to the area. The proposed layout was not satisfactory as it squashed all the dwellings on the western side of the site to enable the location of an attenuation pond at north-eastern side of the site. The proposed house types and styles were of non-descript, standard design and did not include bungalow style accommodation which was much needed, nor was it appropriate to expect future occupiers to have to present their bin at a road end for collection. He asked Members to reflect on the comments made by the Parish Council and the Council's Open Spaces Manager. Councillor Higgs hoped the Committee would take the opportunity of making a clear statement to developers about the standards required for development in villages in the District.

Mr Hayward (Applicant) responded to the issues raised in the following terms:

- The proposal would provide 11 different house types at the site;
- There was no Local Plan or Supplementary Planning Document policy requirement to provide a buffer zone between proposed and existing developments;
- The separation distances required by the Supplementary Planning Document were met across the site;
- A 1.8metre fence was to be erected between the scheme and the existing properties, with the exception of the eastern boundary where existing hedgerow would be maintained to protect wildlife;
- The Highway Authority were satisfied with the proposal and considered that it would generate a minimal impact on the local highway network;
- An exercise had been undertaken to assess the ability of refuse wagons to manoeuvre in the development, and where vehicle turning was not achievable, bin storage areas had been provided;
- No objections had been received from the Lead Local Flood Authority, United Utilities and Environment Agency as statutory consultees;
- There was no policy requirement to provide bungalows, and, Mr Hayward noted that they were not the only house type available for the elderly, Story Homes constructed dwellings that were able to incorporate adaptations such as stair lifts;
- The open space area had been sited in the proposed location to allow for the retention of a number of mature trees at the site.

In conclusion, Mr Hayward stated that the proposed scheme would help the Council to meet its housing targets through the provision of a variety of accommodation styles and costs on a sustainable, well connected site. Approving the application would increase the Council's revenues by delivering a New Homes Bonus payment and a wider Council Tax base.

With regards to access and Highway Authority comments on the allocation site and proposed scheme, the Planning Officer reiterated the Planning Inspectorate's comments with regard to the allocation of the site.

The Committee then gave in-depth and detailed consideration to the application.

In relation to education provision, a Member expressed strong concerns that there was not sufficient space in nearby schools and that the capacity of the overall network had been reduced as a result of a number of schools being closed down. He had been surprised by the comments in paragraph 6.58 of the report, which stated that it was possible for children to walk from Scotby to attend the Richard Rose Central Academy, in his view the distance was too great and presented a safety issue. He asked when the Committee was to be advised that a new school facility was to be built in the District as, in his view, it was not feasible to continue to permit new development without adequate school provision. Against this background the

Member moved that the application be refused permission on the grounds that it was not compliant with Local Plan policy CM2.

The Development Manager responded that Cumbria County Council as Local Education Authority was the body responsible for managing education provision in the city, and it sought contributions from developers based on its judgement of need. It was not unusual for the Local Education Authority to accept contributions from developers to rectify positions or provide for extensions to existing schools, which was in accordance with policy. Therefore, the Development Manager advised that policy CM2 was not reasonable grounds on which to base refusal of the application. He further advised that no application had been received by the Council for the construction of a new school in the District.

Mr Innes (Cumbria County Council) added that there were a number of education issues in the District and that the Local Education Authority was seeking a suitable site for a school in the north of the city. Cumbria County Council considered applications on a case by case basis, and in relation to school provision in the rural areas was looking to identify solutions which would be incorporated into a strategic programme.

With regard to the reference in the Officer's report that Richard Rose Central Academy was walking distance away from Scotby, Mr Innes explained that 3 miles was a national standard distance for walking to school which the authority had to abide to.

In light of objectors' concerns regarding United Utilities comments on the capacity of the current drainage network, a Member asked how the consultee had not submitted an objection to the proposal.

The Planning Officer responded that the application proposed the attenuation of surface water at the site which would discharge into an existing watercourse, with foul drainage connecting to the mains sewer network. In responding to the consultation on the application, United Utilities had requested the imposition of a number of conditions in any consent issued, which the Officer had been guided by and had incorporated in the conditions in the proposed permission.

A Member was concerned that the Highway Authority had not made any recommendation or proposed any condition requiring improvements to be made the junction between Scotby Village and the A69. He noted that page 298 of the Main Schedule made reference to an operational assessment having been carried out by the Highway Authority on that junction, and sought further detail from the Officer on how it had been conducted.

The Planning Officer explained that the additional information had been submitted as part of the Local Plan Examination, therefore he did not have the details of the assessment. However, the Highway Authority was the Statutory Consultee for such matters and it had considered the current application in accordance with its policies determining that the proposals were acceptable.

Another Member reminded the Committee that, as the Local Planning Authority, it was required to adhere to the National Planning Policy Framework, where in Paragraph 14 referred to the golden thread of sustainable development, which placed a duty on authorities to approve applications that were compliant with its Local Plan. On the basis that no Statutory Consultee had put forward any objection to the proposal, she found it difficult to identify justifiable reasons upon which to base refusal of the proposal before the Committee. She outlined the procedure of adoption for the Local Plan, emphasising that a number of consultation activities had been carried out as a part of the process, and following a Public Examination and assessment by the Planning Inspectorate, had been approved.

The Member further noted that during the Committee's site visit she had observed that the properties surrounding the proposed scheme comprised a mixture of styles without an overarching theme. In relation to the provision of affordable housing in the form of bungalows, there was no requirement in Council policy that they should be delivered, as affordable homes were constructed in a variety of styles.

Concerns were raised by a number of Members regarding the design of the proposal, particularly in relation to: the inclusion of bin storage areas, rather than the provision of turning heads allowing Council vehicles the required turning manoeuvre to be able to access all properties within the development; the layout and appearance of the scheme was akin to an urban housing estate and not in-keeping with the village setting of the site; and the lack of buffer zone between the scheme and the adjacent properties.

The Corporate Director of Economic Development advised that it was unlikely that a buffer zone would be provided as part of the scheme and there was no policy requirement to request such a facility.

A Member moved that consideration of the proposal be deferred in order to allow negotiations with the applicant to explore revisions to the scheme to address issues regarding the layout and appearance of the development together with provision for refuse collection and to await a further report on the application at a future meeting of the Committee. The proposal was seconded, and it was:

RESOLVED: That the application in order to allow negotiations with the applicant to explore revisions to the scheme to address issues regarding the layout and appearance of the development together with provision for refuse collection and to await a further report on the application at a future meeting of the Committee.

7) Variation of Condition 22 (Visibility Splay Requirements) of Outline Planning Permission 15/0886 To Permit the Visibility splays to be amended from 2.4metres by 60 metres to 2.4 metres by 45 metres, Land west, Steele's Bank, Wetheral, Carlisle (Application 17/0907).

Councillor Christian having declared an interest in the item of business, removed himself from his chair and took no part in the discussion or determination of the application.

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018. It was noted that the proposal was the first of three consecutive applications within the Schedule in relation to the same site.

The Planning Officer stated that it was appropriate that Members consider the application first, given that it sought to vary condition 22 attached to Outline Planning Permission 15/0886 to permit the visibility splays serving the proposed development be amended from 2.4 metres by 60 metres to 2.4 metres by 45 metres.

The application to vary the visibility splay of condition 22 was submitted following data resulting from a speed survey which has been undertaken by the Applicant. Cumbria County Council, as Highway Authority, had been consulted on the application and had raised no objections to the proposal.

Slides were displayed on screen showing; aerial photograph of the site; proposed site access design with speed restriction scheme plan; highway plans, and photographs of the site, an explanation of which was provided for the benefit of Members

The Planning Officer informed Members that as the Outline Planning Permission continued to exist conditions, with the exception of condition 22 were extant, and for the benefit of Members had been reproduced on page 379 of the Main Schedule. Were the Committee minded to approve the application, the Deed of Variation would contain reference to application 17/0907.

In conclusion the Planning Officer recommended that the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement. The Planning Officer further recommended that, should the Deed of Variation not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

A Member sought clarification on the term “reasonable time” stated in the Officer’s recommendation.

The Legal Services Manager responded that on occasion in negotiation with developers, responses were not forthcoming for extended time periods; the recommendation was worded so as to give Officers authority to refuse permission were the agreement not to proceed.

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

RESOLVED: (1) That the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement.

(2) That, should the Deed of Variation not be completed within a reasonable time, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

- 8) **Erection of 41no. Dwellings, including Open Space, Landscaping, Drainage and Road Infrastructure (Reserved Matters Application, Pursuant to Outline Approval 15/0886), Land west, Steele’s Bank, Wetheral, Carlisle (Application 17/0905)**
- &
- 9) **Change in Use of Agricultural Land to Public Open Space, Formation of SUDS Pond and Installation of Pumping Station (In Association with Story Homes Proposed Development for 41no. Dwellings), Land west of Steele’s Bank, Wetheral, Carlisle (Application 17/0906).**

Councillor Christian having declared an interest in the items of business, remained out his chair and took no part in the discussion or determination of the applications.

The Planning Officer submitted the report on the applications which had been the subject of a site visit by the Committee on 3 January 2018.

The applications sought permission for the residential development of the same site as the previous item of business, together with its associated drainage infrastructure on adjoining land, therefore, the Planning Officer considered it appropriate that Members determine the applications simultaneously.

Slides were displayed on screen showing; site layout plan; landscape plan; street scenes plan; section through infiltration basin, and photographs of the site, an explanation of which was provided for the benefit of Members.

The site had been identified under Policy HO1 of the Local Plan as an allocated housing site R20. In November 2015, the Committee had granted Outline Planning Permission for 50 dwellings with associated amenity space, subject to the completion of a Section 106

Agreement. The Planning Officer informed Members that the agreement was secured and the Decision Notice issued on the 1st September 2016.

The applications sought Reserved Matters approval for the erection of 41 dwellings, including open space, landscaping, drainage and road infrastructure and full planning permission for the change of use of agricultural land to public open space, formation of Suds pond and installation of a pumping station. The Planning Officer advised that a maintenance company would be appointed for the maintenance of the infiltration pond and drainage infrastructure.

In conclusion the Planning Officer recommended that the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement containing: reference to the applications 17/0905 & 17/0906 and; the inclusion of additional land, subject of this application, within the red line drawing of the Section 106 agreement. The Planning Officer further recommended that, should the Deed of Variation not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the applications.

A Member noted that part of the site backed on to the cemetery at Scotby which contained a number of mature trees along its adjoining boundary with the site, he was concerned that future occupiers may remove any branches overhanging their gardens, and that it doing so may cause the death of tree(s). He requested that a Tree Preservation Order be imposed on those trees.

The Corporate Director of Economic Development undertook to make the trees at Wetheral cemetery the subject of a Tree Preservation Order.

The Member was further concerned that SUDS pond would overflow on to the highway and thereby adding to an existing standing water problem in the area of the Methodist Church.

The Planning Officer replied that ground investigations had taken place and that the proposed drainage system had been designed to accommodate a 1 in 100 year flood event, plus 40% additional capacity to allow for climate change. Therefore standing water would only be present in the detention basin in the event of extreme weather conditions.

Another Member noted that adjacent to the SUDS pond, a hammerhead turning point was indicated, but a bin store was not provided.

The Planning Officer responded that the Council's Waste Services had been consulted on the application, but had not objected to the proposal.

The Corporate Director of Economic Development added that as a result of not having submitted an objection, the Council's Waste Services must have considered the necessary access to the proposed dwellings achievable.

A Member moved the Officer's recommendations, along with the making of a Tree Preservation Order in respect of the trees along the boundary of Wetheral cemetery, which was seconded, and it was:

RESOLVED: (1) That the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement containing: reference to the application and; the inclusion of additional land, subject of this application, within the red line drawing of the Section 106 agreement.

(2) That should the Deed of Variation not be completed within a reasonable time, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

(3) That a Tree Preservation Order be made in respect of trees along the boundary with Wetheral cemetery.

Councillor Christian resumed his seat.

10) Erection of 91no. Dwellings and Associated Infrastructure, Land at Carlisle Road, Brampton (Application 17/0896).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018. The application site formed part of the housing allocation R1 known as Land south of Carlisle Road, Brampton. The wider allocated site was anticipated to deliver 250 units within the first 5 years of the Local Plan i.e. by 2020. The allocation required land to be set aside for the provision of a medical centre to accommodate the relocation of the Brampton Medical Practice and the applicant stated that it was the intention that the required land would be set aside in the future second phase.

A Grade II Listed Building in the form of Green Lane House that was located approximately 60 metres to the south-east and St. Martin's Church which was Grade I listed and approximately 325 metres to the north-east of the application site. The Planning Officer explained that the application site was not within a designated Conservation Area but, at its closest point was circa 90 metres south-west west of the Brampton Conservation Area.

Slides were displayed on screen showing; site location plan; site plan; boundary treatment plan; parking plan; proposed management plan; proposed sections; drainage strategy plans; proposed site access and pedestrian facilities plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application sought permission for 2 storey buildings and following guidance in the Local Plan, the character and appearance did not mimic the style of the existing properties in the locality. The Planning Officer judged that the proposal would maximise the use of the site and would constitute a dense form of development; however, the character and nature of the building in the vicinity of the site was that of densely constructed modern housing.

Furthermore, the proposal was able to achieve adequate amenity space and off-street parking. The character and appearance of the development would not be obtrusive within the street scene, accordingly, the Planning Officer deemed there was no conflict with planning policies. The Planning Officer advised that the impact on heritage assets was a material consideration in the determination of the application, therefore he directed Members to consider the weight to be afforded to the potential impact on the Listed Buildings and the Conservation Area. He referred Members to the Council's Urban Design/Conservation Officer comments that *"... given its location, just outside of the western edge of Brampton Conservation Area, development of the site has the potential to affect the setting of this asset, and other designated and undesignated assets within it, including designed and incidental views to the Grade I Church of St Martin."*

The Planning Officer judged that, given the distance, the topography of the land, together with the intervening buildings between the site and the Conservation Area, the compensation of those factors meant that the proposal would not affect the character or appearance of the Conservation Area. Therefore, there was no conflict with planning policy and thus a Heritage Statement was not considered necessary in this instance.

The Highway Authority had initially identified that a pedestrian link to Elmfield was able to be improved to serve the function of accessibility, and a revised drawing had subsequently been received from the applicant which showed the required detail of the additional pedestrian link through the cut to Elmfield together with 2 dropped kerb pedestrian crossings to link from the southern to northern side of Carlisle Road east of the proposed access, and to link from the western to eastern side of Elmfield. The Highway Authority had deemed the provision acceptable, subject to the imposition of condition 21, as detailed in the report.

Cumbria County Council as the Highway Authority had raised no objection to the application, subject to the imposition of conditions together with the completion of a legal agreement to secure financial contributions to highway and transport improvements.

During the site visit, Members had raised the following issues; whether an additional entrance could be formed onto Elmfield to provide an emergency entrance/ egress and; concerns about the relationship with the properties on Carlisle Road to the proposed dwellings. The Planning Officer had followed those matters up and reported the following:

- The applicant was satisfied that the proposed entrance was sufficient and there was no requirement for an additional access at present.
- The distance between Plot 2 in the north-east corner and the property opposite 2 Townfoot Orchard was 57 metres and therefore in excess of the minimum separation distances.

The Planning Officer had held discussion with the Open Spaces Manager who confirmed that in instances where on-site provision of public open space was sufficient to meet the stipulations of the Local Plan, there would be no requirement for off-site contributions.

The Open Spaces Manager remained of the opinion the site was poor in public open space provision and that during the first phase, the applicant should be pressed for better on-site provision. The Planning Officer noted that a reasonable area existed to the south-west of the site and the proposals relating to Phase 1 of the development of the overall site and it is considered that a larger integrated area could be provided adjacent to the western boundary that would serve both the occupiers of Phase 1 and Phase 2.

On the basis that Members were satisfied with the position regarding the public open space, the Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (13 affordable rent and 14 low cost home ownership), the management/maintenance of open space; the payment of £272,820 towards education; and the payment of £6,600 for monitoring of the Travel Plan.

The Committee then gave consideration to the application.

A Member expressed concerns with regard to the layout of the scheme with regards to:

- The provision of bin storage areas rather than sufficient space for the effective manoeuvring of refuse collection vehicles;
- The different level of the site in relation to adjacent properties would impact on the level of light they received;
- Why had no playing field been provided at the site?

The Planning Officer responded that the site's physical characteristics were unique, he referred Members to condition 4 of the proposed consent which required the applicant to submit information relating to finished ground floor levels for approval by the Local Planning Authority.

As part of that approval process the Planning Officer undertook to raise the Member's concerns with the applicant, he cautioned Members that ground works had the potential to be costly and the Council had to be reasonable in what requirements it placed on developers.

In relation to the open space provision at the site, the Planning Officer reminded Members that the scheme before them was the initial phase of a more widespread development of the site, and that open space provision may be provided in a later stage of the development.

With reference to the proposed highway arrangements, a Member stated that the Elmfield Road was very busy and that the lack of provision of an island meant that children and elderly people would have difficulty in crossing the road safely, he asked whether a traffic island may be included in proposed scheme.

The Planning Officer informed Members that the suggested road layout had been put forward by the Highway Authority which had recognised that the road did not have a controlled crossing point, however, as that section of the highway had a 30mph speed restriction and good visibility, a traffic island had not been considered necessary.

A Member asked whether it was known if discussion had been held between the developer and Parish Council regarding the retention of the drying green adjacent to the site.

The Planning Officer advised that the matter was able to be addressed through the Section 106 agreement process, he stressed that it was necessary to be mindful of the proximity of the drying green to other existing dwellings which may have concerns in relation to noise and disturbance.

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

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval, subject to the completion of an appropriate Section 106 affordable housing (13 affordable rent and 14 low cost homeownership), the management/maintenance of open space; the payment of £272,820 towards education; the payment of £192,132 towards off-site sports pitches and equipped play area and; the payment of £6,600 for the monitoring of the Travel Plan.

11) Installation of Electricity Generation Equipment and underground connections to substation, Land adjacent Brampton Fell Farm, Brampton, CA8 1HN (Application 17/0745).

The Planning Officer submitted the report on the application which sought to provide a short term operating reserve plant (known as a STOR) site at land adjacent to Brampton Fell Farm, approximately 1.1km south of Brampton along the road leading from Tarn Road to the junction south of Milton. The proposed STOR was to be diesel powered and would produce electricity for export into the National Grid during periods of high demand.

The proposed plant would consist of 4no.acoustic boxes, transformers, substation and a concrete bund, and be surrounded by a 5.6 metre high, landscaped, earth bund with additional tree planting to the north and west of the bund. Due to the varying topography of the application site, the Planning Officer noted that only 2 – 2.5 metres of the flues would be visible from outside the site.

Slides were displayed on screen showing; application site map; existing site plan; landscape and materials plan; sections plan; aerial view and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer advised Members that the application further proposed the widening of the access road to the site and the re-surfacing of the road.

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

The Committee then gave consideration to the application.

A Member noted that the report referred to the “low carbon economy”, he understood that such electricity generation sites were only considered as such if they operated with advanced bio-diesel, he sought confirmation that the proposed scheme intended to use such fuel.

The Planning Officer responded that the site was not a low carbon site but energy from low carbon schemes such as wind power could not be stored, therefore, proposals such as STOR sites contributed to achieving the government objective of moving to a low carbon economy as they contributed towards the security of electricity supply to the National Grid in times of high demand.

The Development Manager added that there had been a number of issues relating to the security of electricity supply in Cumbria, he reiterated that the electricity produced at the site would be stored for use in periods of high demand.

The Member further noted that the government was carrying out consultations with regard to the emissions produced by the types of machine proposed by the application. He observed that the report detailed a number of differing heights for the proposed flue, he sought clarification that the height of the flue would be sufficient to allow for the diffusion of emissions, in line with those indicated in the consultants’ dispersion model.

The Planning Officer advised that as part of the consultation on the application, the Council’s Environmental Health Services had requested that the height of the flue be raised, the applicant had made the necessary amendments and a new dispersal model had been submitted, which the revised flue was expected to achieve.

Another Member asked sought clarification on the extent of the works to be carried out on the access track to the site.

The Planning Officer drew Members’ attention to condition 9 in the report which detailed the re-surfacing works that would be required, should planning permission be granted.

Regarding the storage of diesel on site, a Member noted that the tank had a capacity of 20,000 litres, he asked whether a condition was to be imposed requiring the tank to be bunded to reduce the likelihood of land contamination in the event of a leak?

The Planning Officer advised that such a condition had not been included.

The Corporate Director of Economic Development suggested that, were Members minded to approve the application, she would liaise with the Council’s Environmental Health Services on the matter, and, if necessary, impose an appropriate condition. On that basis, she recommended that Authority to Issue approval be given to her to issue approval of the application, subject to discussions with the Council’s Environmental Health services regarding the provision of bunding at the diesel store at the site.

The Member moved that Authority to Issue be given to the Corporate Director of Economic Development to issue approval, subject to discussions with the Council’s Environmental Health

services regarding the provision of bunding at the diesel store at the site. The proposal was seconded, and it was:

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval, subject to discussions with the Council's Environmental Health services regarding the provision of bunding at the diesel store at the site.

12) Relocation of Foul Drainage Septic Tank with new Packaged Treatment Plant/Soakaway System, Highfield, Capon Tree Road, Brampton, CA8 1QL (Application 17/0919).

The Assistant Planning Officer submitted the report on the application and reminded the Committee that at its October 2017 meeting, Members had resolved to issue an approval for the erection of a detached dwelling and a detached garage, subject to the installation of a replacement means of foul drainage (application 17/0688) to serve Highfield.

The application before Members, therefore sought planning permission to replace the existing septic tank with a new packaged treatment plant, and was presented to the Committee for consideration to provide Members with an overview of the situation prior to the determination of both applications.

The proposed treatment plant would be located behind the boundary hedge behind plot 1 with the outflow discharging to land by soakaway, which was located 5m behind the hedge adjacent to plot 2.

Slides were displayed on screen showing; location plan, proposed packaged treatment plan, and a photograph of the site, an explanation of which was provided for the benefit of Members.

Both the Council's Building Control Services and the Highway Authority had been consulted on the proposal, with neither party raising any objections. On that basis, the Assistant Planning Officer recommended the application for approval, subject to the conditions detailed in the report.

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

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

13) Residential Development (Outline Application), Land adjacent How Croft, Cumwhinton, Carlisle, CA4 8DH (Application 17/0436).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018.

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

The Planning Officer informed Members that, as part of the application, a Bat Survey had been submitted which had indicated that the eastern and southern boundaries of the site afforded high quality bat commuting and foraging habitat. Consequently, a wildlife buffer zone had been recommended by the consultant, and that recommendation had formed the basis of condition 15.

The application site was had been allocated for housing the Local Plan (Housing Site R9), and Members were reminded that the proposal sought Outline Planning Permission, with all matters reserved, excepting access. Cumbria County Council, as Highway Authority had been consulted in the application and had raised no objections to the proposal, subject to the imposition of conditions 4 – 7. The Planning Officer explained that the required works to the highway involving traffic calming at the entrance to the village would also be subject to a Section 278 Agreement under the Highways Act 1980.

In conclusion the Planning Officer recommended that the application be approved subject to a legal agreement consisting of the following obligations: a) 30% on-site affordable housing contribution provided as 50% social/affordable rent (usually through a Housing Association) and a 50% immediate low cost home ownership (usually a 30% discount through the Council's low Cost Home Ownership Scheme) and b) a financial contribution of £13,393 for the maintenance of existing open space/play space within Cumwhinton. The Planning Officer further recommended that should the legal agreement not be completed within a reasonable time that Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

A Member sought clarification on the scheme's proposed methods for surface water drainage.

The Planning Officer responded that drainage matters had not been included in the current proposal. However, she understood that preliminary tests at the site had indicated that only a low level of ground infiltration was achievable, therefore, the applicant was considering methods to drain the water to the north of the site using a number of sustainable solutions. Details of the drainage scheme would be required to be submitted as part of a future Reserved Matters application, in the event that the current scheme was approved.

With reference to paragraph 6.34 of the report, a Member noted that the inclusion of references to affordable bungalows in the Draft Heads of Terms for a Section 106 agreement, she asked how likely it was that such a provision would be realised in a future Reserved Matters application.

The Legal Services Manager responded that were Members to make it clear that they required such a provision, it would be included in the Heads of Terms. In the event that the Heads of Terms was not agreed with the developer, the scheme would be brought back before the Committee. Members indicated their preference for the provision of bungalows at the site

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

RESOLVED: (1) That the application be approved subject to a legal agreement consisting of the following obligations: a) 30% on-site affordable housing contribution provided as 50% social/affordable rent (usually through a Housing Association) and a 50% immediate low cost home ownership (usually a 30% discount through the Council's low Cost Home Ownership Scheme) and b) a financial contribution of £13,393 for the maintenance of existing open space/play space within Cumwhinton.

(2) That should the legal agreement not be completed within a reasonable time, delegated authority be granted to the Corporate Director of Economic Development to refuse the application.

Councillor Tinnion left the meeting 4:05pm.

14) The Erection of 5No. Dwellings with Associated Works Including the Erection of a drystone boundary wall and construction of a pavement (Revised application), Field No. 7961, Land north of Town Foot farm, Talkin, Brampton, CA8 1LE (Application 17/0814).

The Planning Officer submitted the report on the application and reminded Members that an application for residential development at the site had been refused by the Committee at its August 2017 meeting, the reasons for that refusal were outlined on page 622 of the Main Schedule.

The current proposal comprised a reconfigured stone wall along the western boundary of the site, thereby allowing a new vehicular access point, visibility splays, and a new pedestrian footpath link along the front of the site. An access road would be formed within the site comprising of a farmhouse with 3 further dwellings sited in a courtyard arrangement, and a detached barn adjacent to the southern boundary.

The layout had been revised such that the courtyard would be set further within the site with the bank barn brought to the southern boundary. Additionally, the garage serving this property would form part of the boundary along the frontage of the site.

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

The Planning Officer informed Members that the applicant had also submitted an additional drawing illustrating the site in context with the building currently under development on the opposite side of the road. The additional submissions from the applicant in the form of the revised layout and the cross-section, demonstrated an improved physical relationship with the built form of the existing village, sufficient to overcome the previous reason for refusal. On that basis, the Planning Officer considered the proposal acceptable, therefore, he recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Mr Kitchen (Objector) addressed the Committee stating that, generally, he supported the proposal which he considered an attractive scheme which would increase the long term viability of the village. He noted that recently another development had been undertaken in the village from which problems had arisen related to the management of construction traffic at that site. Mr Kitchen requested that, should the Committee approve the application, consideration be given to the imposition of a strong condition restricting construction vehicles to off-road parking at the site.

Mr Hutchinson (Agent) addressed the Committee, noting that of the 41 sites allocated in the District for housing development in the Local Plan, only 5 were had an indicative yield of 15 dwellings or less and; that the combined indicative yield of those 5 sites was 59 units in the period up to 2030. He asserted that the predominance of large sites within the Local Plan disadvantaged smaller house builders, and that recognition of the situation was particularly important in the context of the Garden Village allocation.

As a consequence of the site allocations, smaller builders had to consider development on unallocated sites, generally on the edge of settlements. Mr Hutchinson considered that given the build rate of larger developer was 30 units per year, per site, the Council was dependent on smaller builders developing windfall sites in meeting its housing delivery targets.

Mr Hutchinson stated that the Cumbria Strategic Economic Plan 2104 – 2024 had identified, as a weakness in the economy, a housing mix that was unable to retain and attract staff, expertise

and investment; he contended that the proposed scheme sought to directly address this housing need.

With reference to the site, Mr Hutchinson considered that it was well contained as a result of being bounded by existing development, sewage works and existing planting. In addition, the design of the scheme had sought to provide a connection to the existing settlement, without affecting the visual amenity of existing dwellings therein.

Regarding Mr Kitchen's address to the Committee, Mr Hutchinson referred Members to condition 14 which stipulated a requirement for a plan "...*reserving adequate land for the parking of construction vehicles associated with the development...*" the details of which were to be submitted to the Local Planning Authority, prior to development taking place. Furthermore, condition 15 required the submission of a detailed Construction Environment Management Plan, comprising a Code of Practice indicating "(a) *the proposed hours of operation of construction activities including the arrangements for the delivery of construction vehicles...*"

In conclusion, Mr Hutchinson stated that the scheme afforded the provision of high quality homes in a well contained site, with a view to improving the existing ecology. In his view, the proposal represented sustainable development consistent with Council policy, and which fulfilled the economic, social and environmental roles as identified in the National Planning Policy Framework.

The Corporate Director of Economic Development responded that the Council was well aware of the need for and contribution made by smaller house builders, she noted that it was becoming increasingly difficult to identify smaller site for allocation for housing development. She further noted that in addition to seeking further smaller allocation site, the Council was making efforts to look for sites that may be allocated for self-builds.

The Committee then gave consideration to the application.

A Member commented that she was aware of the needs of house builders, both small and large in the District, and she was confident that the Council would look to incorporate small house builders in its development of St. Cuthbert's Garden Village. She further noted that in being granted Planning Permission, it was incumbent upon all developers to abide by the conditions of the consent and deliver a development that was in accordance with the permission given.

The Member noted that a Higher Level Stewardship Scheme operated on the land on the opposing side of the highway to the application site, given that the scheme was European Union funded, she asked how long it was expected that scheme would continue for.

The Corporate Director of Economic Development replied that the government had stated it would honour the funding of such schemes for 5 years, following the departure of the United Kingdom from the European Union.

A Member moved the Officer's recommendation, which was seconded.

Another Member considered that the revised scheme, as with the initial application was outwith the existing settlement, he asked what changes had occurred in the scheme following the Committee's refusal of the previous application to develop the site?

The Planning Officer responded that the revisions to the application had been detailed in the report, the issue of whether the proposed scheme was to be considered as part of the existing settlement was a matter for Members to determine.

The Development Manager added that, further to revisions detailed in the Planning Officer's report, he considered that the site's relationship to the existing settlement had changed as a result of other development having occurred in the village. When viewed in conjunction with the amended design and layout of the current proposal, the context of the scheme differed from the previous application, resultantly, he considered that the revised application had sought to address the issue of relation to the existing settlement.

A Member commented that she was concerned about the increased amount of traffic the proposed development would generate, its proximity to a gas pipeline, and the scheme's intrusion into open countryside when there were other plots in the village that were able to be developed. It was her view that the concerns set out by the Committee in its refusal of the previous had not been addressed in the revised application.

The Chairman commented that she considered the revised proposals to be an improvement on the previous application, noting that the changed access point was sited in a better position, and overall, the scheme was more connected to the village.

Another Member stated that he was minded to approve the application, subject to the concerns regarding construction traffic being addressed, and that the finishing materials, including those used on the stone wall were the same as the existing settlement.

A Member proposed that the application be refused on the grounds that it was not connected to the existing village and therefore was not compliant with: Paragraph 55 of the National Planning Policy Framework, criterion 3 Local Plan policy HO2 (Windfall Housing Development), and policy HO6 (Other Housing in the Open Countryside). The proposal was seconded.

The Chairman noted that Officer's recommendation for approval had been moved and seconded, and that a proposal to refuse the application had also been moved and seconded. The proposal to refuse the application was put to the vote, but was not carried. Whereupon the Officer's recommendation was put to the vote, and it was:

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

[The meeting closed at 4:35pm]