

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 9 NOVEMBER 2012 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Betton (as substitute for Councillor Graham), Bloxham, Bowman (as substitute for Councillor Mrs Prest), Cape, Craig, Earp, McDevitt, Mrs Parson, Mrs Riddle, Mrs Warwick and Whalen

DC.83/12 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Graham and Mrs Prest

DC.84/12 DECLARATIONS OF INTEREST

Councillor Cape declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 12/0223. The interest related to the fact that he was a member of the same sporting club as one of the agents.

Councillor Craig declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 11/1603. The interest related to the fact that his daughter had provided a report on sewage discharge to a resident.

DC.85/12 MINUTES

The Minutes of the meetings of the Development Control Committee held on 15 August 2012, 17 August 2012, 26 September 2012 and 28 September 2012 were signed by the Chairman as a correct record of the meetings.

DC.86/12 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Director of Governance 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.87/12 CONTROL OF DEVELOPMENT AND ADVERTISING

RESOLVED – That the applications referred to in the Schedule of Applications under A, B, C and D be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

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

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

Following a vote it was agreed that a site visit would be undertaken.

The Chairman advised those members of the public who had registered a right to speak at the meeting that they could either speak at the meeting or defer their right to speak until the next meeting when the application would be considered. All deferred their right to speak until the future meeting.

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

(2) Erection of 1no dwelling, land to the rear of 52 Blencarn Park, Rockcliffe, Carlisle, CA6 4AH (Application 12/0223)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of a site notice and notification letters sent to the occupiers of 16 neighbouring properties. At the time of preparing the report for the meeting 8 written representations had been received, of which 6 raised objections and 2 made comment. One anonymous verbal objection had also been received. The Planning Officer summarised the issues raised therein.

The Planning Officer informed Members that the application site was within the settlement boundary of Rockcliffe, and as such the principle of development was acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring dwellings, the floodplain or the existing watercourse.

The Planning Officer explained that the property to the north of Eden House was formally called Marjon but was now called Bewick House.

The Parish Council had emailed the previous day confirming that, as they have been given assurances from the Planning Department that the proposed building was in keeping and acceptable to that department and that there were no problems with drainage, they had no objections to the planning application's approval.

The Planning Officer presented a series of photographs of views from the site and towards the site.

As there had been some concerns raised during the consultation period in relation to drainage the Planning Officer explained the existing and proposed situation. There was an existing watercourse to the north of the site that was culverted in the 1970s by Border Rural District Council. That culvert extended approximately half way into the site. The applicant had culverted the remainder of the watercourse within his land in 2009 without obtaining the necessary consents. It was evident that there were drainage issues further downstream in Rockcliffe. The City Council's Drainage Engineer had confirmed that the flooding downstream appeared to be caused by the build-up of surface water from the field behind unable to enter the culverted watercourse which was constructed in the 1970s. It appeared that surface water gathered at the end of the field next to Marsh House due to the topography of the land. It is at that point that the water cannot enter the culvert. That was an existing problem separate to the consideration of the application. The Council's

Drainage Engineer had however notified the County Council regarding the illegal culverting as they were responsible for consenting works on ordinary watercourses.

As stated in the report, the Planning Officer advised that Members were required to consider whether the proposed dwelling would have an adverse impact upon existing watercourses/flooding. It was proposed that the foul drainage from the dwelling would connect into the existing foul drainage system. Surface water from the dwelling and associated hard standings which would be constructed from permeable materials would connect into the existing surface water system which was indicated on the block plan. The application included no alterations to the existing watercourse within the confines of the application site.

Extensive consultation had been undertaken with the Council's Drainage Engineer and United Utilities since the application was submitted in March 2012. Both of those consultees raised no objections to the drainage scheme proposed. The Environment Agency had also raised no objections. Accordingly the application was recommended for approval.

The Committee then gave consideration to the application.

A Member stated that whilst he had no issues with the development of the property he was anxious that it should be noted that an illegal culvert had been installed and although the matter had been brought to the attention of the County Council nothing had been done to resolve the matter. The Member was aware that a resident who lived at the bottom of the area was required to lift the drainage cover on his property to prevent excess water from flooding his property. The Member queried whether it would be possible to impose a Grampian condition that would prevent work on the development until a satisfactory report had been received from the County Council.

The Planning Officer advised that the application site did not interfere with the culvert. The City Council's Drainage Engineer had carried out work and confirmed that the culvert had the capacity to take the additional foul drainage from the proposed development. The Drainage Engineer confirmed that the historic problem was field drainage downstream not being able to enter the culvert, which the Planning Officer stated was a separate issue and would still remain irrespective of the current application being granted. The Planning Officer therefore confirmed that it would be unreasonable to impose a Grampian condition.

The Director of Governance explained that there were a number of tests that needed to be carried out to establish whether such a condition was appropriate. The City Council's Drainage Engineer had not been able to establish that a condition such as that which had been suggested would be necessary. Such a condition would not be related to the proposed development and also be unlikely to be reasonable; therefore it would not be lawfully possible to impose such a condition.

A Member believed that when culverts were constructed care should be taken to ensure problems did not arise in the future. The Member proposed that the application be approved on condition that a letter was sent to the County Council expressing the Development Control Committee's concerns.

The Director of Economic Development advised that the County Council were aware of the situation and were working with Officers to resolve the matter. However, she agreed to write to the County Council expressing the Committee's concerns.

It was moved and seconded that the application be approved.

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

(3) Conversion of barn and former cottage to 2no detached dwellings (to be provided in conjunction with the implemented permission for the relocation of the existing farmhouse approved under application 08/0960), High Cleugh Head, Hallbankgate, Brampton, CA8 1LY (Application 12/0575)

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

The Principal Planning Officer explained that in 2008 planning permission was granted to redevelop the site. Earlier this year the owner of the site commenced work on the replacement dwelling and therefore the permission had been implemented. Following the introduction of the National Planning Policy Framework which changed the previous policy stance on the conversion of rural buildings to dwellings, the scheme had been reappraised by the applicant; hence the submission of the amended proposal.

The Principal Planning Officer advised that the principle of the proposed development was acceptable. The physical alterations involved in the conversion of the buildings complemented the character of the barns and adequate parking/amenity space would be provided. The proposal could be accommodated without detriment to the living conditions of existing and prospective neighbouring residents, and there would be no adverse impact upon the setting of the North Pennines AONB. In all aspects the proposal was compliant with the objectives of the National Planning Policy Framework and the relevant planning policies contained within the Carlisle District Local Plan. Therefore the Principal Planning Officer recommended that the application be approved.

It was moved and seconded that the application be approved.

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

(4) Installation of 1no 225kW wind turbine with a hub height of 30.5m (height to tip 45m), access and associated works, land north of Peastree Farm, Durdar, Carlisle, CA2 4TS (Application 12/0622)

The Planning Officer submitted the report on the application and outlined for Members the background to the application and the proposal and site details, together with the main issues for consideration. The Planning Officer reminded Members that in 2011 permission was granted for the erection of a 20kW wind turbine with a hub height of 20m, 27.1m to tip and associated site works (application 11/0190). The nearest non-associated neighbour was situated 550m to the south west of the site with other properties located 580m to the north east and between 650m and 800m along the Durdar Road.

The application had been advertised by means of site and press notices as well as direct notification to 50 neighbouring properties. In response 3 letters of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer advised that the proposal involved the erection of a single turbine to serve the needs of the Peastree Farm, with the possibility of spare capacity feeding into the National Grid. National planning policy promoted targets for renewable energy and looked to Local Authorities to support proposals for renewable energy developments which did not have unacceptable impacts.

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

It was considered that the proposed development accorded with the provisions of the Carlisle District Local Plan 2001-2016 and, as there were no material considerations that indicated that it should be determined to the contrary, the application would be determined in accordance with the Local Plan.

The Planning Officer presented a series of photographs that indicated views into and from the proposed site. A series of photomontages was also presented that indicated the potential view of the turbine from various locations around the site.

It was considered that due to the scale of the turbine, in comparison to the distance from the surrounding properties, along with the rolling landscape and vegetation screening, and the electricity pylons which were prevalent in the landscape, that the proposal would not be detrimental to the character of the landscape, or cause unacceptable harm to the living conditions of neighbouring residents. As such the application was recommended for approval subject to the imposition of appropriate conditions.

A Member, having recently undertaken a training session on landscape and visual impact, moved that consideration of the application be deferred to enable a site visit to be undertaken. He believed that a site visit would allow Members the opportunity to see the potential impact on the landscape. That motion was seconded.

It was agreed that consideration of the application be deferred in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

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

(5) Demolition of existing bungalow and erection of replacement dwelling together with new vehicular access, Brookside, Tarn Road, Brampton, CA8 1QY (Application 12/0724)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by the direct notification of the occupiers of 2 neighbouring properties

and the posting of a site notice. No verbal or written representations had been made during the consultation period.

The Planning Officer advised that in overall terms the principle of the development was acceptable. The scale of the replacement dwelling was outwith the parameters of the policy guidance. However, there were material considerations that warranted approval of the application. The design and use of materials in the building would be an improvement upon the existing dwelling and be commensurate with the site's size and features. An extended dwelling that would be permissible without the need for planning permission could occupy a similar footprint of building to that being proposed and would arguably have a less satisfactory visual impact on the character of the area due to the lack of cohesion. The combination of those elements resulted in a dwelling that would enhance its appearance within the landscape, increase the thermal efficiency of the property and promote a more sustainable building.

The proposed dwelling would not be an "exceptional dwelling" but would be of sufficient merit and acceptable in terms of its appearance. The building would not result in any demonstrable harm to the landscape character of the wider area or the living conditions of any neighbouring residential dwellings. In all other aspects the proposal was compliant with the objectives of the relevant Local Plan policies and those of the National Planning Policy Framework. Therefore the Planning Officer recommended that the application be approved.

Approval of the application was moved and seconded.

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

DC.88/12 CONFIRMATION OF TREE PRESERVATION ORDER 260

The Landscape Architect/Tree Officer submitted Report ED.32/12 that considered the confirmation of Tree Preservation Order 260, Westwood, Station Road, Brampton and the objections to the making of the Tree Preservation Order.

The Landscape Architect/Tree Officer explained that Westwood was within the Brampton Conservation Area and therefore anyone proposing to cut down or carry out work to a tree in a Conservation Area was required to give the Local Planning Authority six weeks prior notice. That notice would allow the Local Planning Authority an opportunity to consider whether a Tree Preservation Order should be made in respect of the trees.

On 3 April 2012 the Officer visited Westwood, accompanied by the owner, to discuss works to the trees. At that meeting two trees at the entrance to Westwood were identified as immediately dangerous due to extensive decay and had since been removed. Works to other trees were discussed and the process of notifying the Local Planning Authority explained.

On 14 June 2012 a notification of intention to carry out works to nine trees, along with supporting information, was received by the Local Planning Authority. The Landscape Architect/Tree Officer outlined the three options available to the Authority at that time.

On 8 August 2012 the Officer visited Westwood to assess the proposed works and to determine if a Tree Preservation Order was appropriate. The trees that were the subject

of the notification, along with the trees at the front of the property, were assessed using the Tree Evaluation Method for Preservation Orders. All of the trees were assessed at that time to ensure that there would be one consistent method of determining work to the trees on the property, and to avoid the potential for having to make multiple Tree Preservation Orders in respect of one property.

Of the nine trees that were subject to the notification seven had scores that indicated that they were worthy of protection by means of a Tree Preservation Order. Eight other trees at the front of the property had scores that indicated that they too were worthy of protection.

On 9 August 2012 Carlisle City Council made Tree Preservation Order 260 and the Order was served on the owners of the property, those persons interested in the land affected by the Order and on the person who served the notice of intention.

On 4 September 2012 Carlisle City Council received a letter of objection from the owners of Westwood to the making of the Tree Preservation Order in respect of seven trees. The Landscape Architect/Tree Officer summarised the issues raised therein. Officers replied to the letter of objection on 11 September 2012. The Landscape Architect/Tree Officer summarised the response to the objections.

Having considered the objections and Officers' observations the Landscape Architect/Tree Officer advised Members of the options available to them which were to confirm the Tree Preservation Order, decline to confirm the Order or to confirm the Order with modifications.

It was moved and seconded that Tree Preservation Order 260 be confirmed.

RESOLVED: That Tree Preservation Order 260, Westwood, Station Road, Brampton be confirmed.

(The meeting ended at 10:40 am)