

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 15 APRIL 2011 AT 10.00 AM

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

ALSO

PRESENT: Councillor Collier attended the meeting as Ward Councillor having registered a right to speak in respect of application 10/0736 (Langstile, Burgh-by-Sands, Carlisle, CA5 6BD) and application 10/1143 (Fauld Farm, Burgh-by-Sands, Carlisle, CA5 6AN)

Councillor Allison attended part of the meeting as an observer

Councillor Craig attended the meeting as an observer

DC.21/11 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors McDevitt and Mrs Rutherford

DC.22/11 DECLARATIONS OF INTEREST

- Councillor Layden declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0154 – land adjacent Etterby Road, Carlisle. The interest related to the fact that he was a City Council representative on the Riverside Board
- Councillor Morton declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0154 – land adjacent Etterby Road, Carlisle. The interest related to the fact that he had declared an interest on a previous occasion and that some of the objectors were known to him
- Councillor Morton declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0001 – land adjacent junction of Kingstown Road and Lowry Hill Road, Kingstown, Carlisle. The interest related to the fact that an objector was a personal friend

DC.23/11 MINUTES

The Minutes of the site visit meeting held on 13 April 2011 were noted.

DC.24/11 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.25/11 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 storey two bedroom dwelling (Outline) (Revised Application), Langstile, Burgh by Sands, Carlisle, CA5 6BD (Application 10/0736)

The Development Control Officer submitted the report on the application, which was the subject of a site visit on 13 April 2011, and advised Members that the application was brought before the Development Control Committee for determination as the Parish Council and the Solway Coast AONB had objected to the application.

The Development Control Officer reminded Members that consideration of the application was deferred at the last meeting of the Committee to enable a site visit to be undertaken.

The Development Control Officer explained that the application sought approval for the proposed access and the layout of the dwelling with other matters – appearance, landscaping and scale – being reserved for subsequent approval.

The Development Control Officer described the design and site of the proposed dwelling and advised that a driveway providing access to the garage ran along the southern edge of the site.

Two large detached dwellings were located east of the application site. They were set well back into their large plots and located at a higher level than the application site. A further large property was located to the north of the application site with a further residential property being located to the south.

The Development Control Officer advised that, in overall terms, the proposal was acceptable in principle. The siting of the dwelling would be acceptable and the scale and appearance would be determined at the reserved matters stage. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance and satisfactory living conditions could be provided for the occupiers of both the new and existing dwellings. In all aspects the proposal was considered to be compliant with the objectives of the adopted Local Plan policies. Therefore, the Development Control Officer recommended approval of the application be granted.

Mr Kirkbride (Objector) stated that he had submitted an objection in some depth and that his objections related to the Planning Policies. Mr Kirkbride stated that the initial application in October 2009 was withdrawn from consideration as there were 3 objections. The second application submitted in October 2010 had 14 letters of support only 2 of which lived within the area of the site with the others being far afield. The application had been amended along the western boundary and the size of the site reduced. However, he believed that the general footprint remained the same but with a higher ridge line. Mr Kirkbride advised that he disapproved of the application as he believed the proposed dwelling was being shoe-horned into the front garden of Langstile. He also stated that the proposed dwelling would be too close to the road and would have an adverse impact on neighbouring properties and the village.

Mr Kirkbride believed that the proposed development would have an adverse impact on the existing dwelling as by moving the boundary of one site to increase its size it would reduce the size of the other.

Mr Kirkbride explained that he was concerned about the plans that had been submitted as the main living area of Langstile was not indicated on the plans and therefore they did not give a true reflection of the proposed development.

Mr Henderson (Objector) stated that neighbouring houses were situated in large gardens that were a feature of the village and that the area was a transition into open countryside and then onto the coast. If the development went ahead a mature garden would be lost and he believed that the character of the village and the road would be lost. Mr Henderson stated that the proposed development was a new house with little amenity space and that it was not in keeping with the village. The layout plan had shown a small car on the site and Mr Henderson indicated that the distance from the entrance to Langstile was small and therefore it was likely that the resident would park on the road. Mr Henderson believed that if the application was approved a principle would be established and that could lead to extreme harm to the character of the village. Mr Henderson asked the Committee to look at policies CP3 and DP9 and listen to the objections from the Area of Outstanding Natural Beauty Committee and the Parish Council and refuse permission of the application.

Councillor Collier (Ward Councillor) stated that he was representing both the applicant and the objectors to the application. As Members had visited the site and seen or heard representation from both supporters and objectors he left the matter in the Committee's hands.

Ms Hardy (Agent) advised that the applicant had had positive discussions with the Highway Authority and Planning Officers. The proposal was for a single storey dwelling in a traditional style and the initial application had been amended and refined. Following the most recent consultation letter there had been 2 objections and 13 letters supporting approval of the application with the 14 conditions stated. Ms Hardy believed that within the Burgh-by-Sands boundary the site was sufficient to accommodate a satisfactory relationship with the neighbouring properties and was in keeping with the character of the village as there was a wide variation of properties in the village. Ms Hardy stated that the proposal provided satisfactory amenity and parking.

Ms Hardy advised that there was a shortfall in suitable accommodation in the village and that the proposed dwelling would be suitable as a starter home or for someone in their later years. She stated that she echoed the Officer's comments that the application was compliant with the Local Plan policies and asked that the application be approved.

The Committee then gave detailed consideration to the application.

A Member stated that as a result of the site visit he was not convinced that the proposal was appropriate to the surrounding area even allowing for the differences in heights. The Parish Council had stated that they believed the proposal was a tandem development in someone's front garden. The Member proposed refusal of the application under Policies H5, H5.4 and CP3 of the Carlisle District Local Plan.

A Member seconded the proposal and asked for clarification that Policy DP9 that had been referred to was DP9 in the Carlisle District Local Plan that related to Areas of Outstanding Natural Beauty and not DP9 in the NW Regional Spatial Strategy. That was confirmed.

The Member stated that at the last meeting Members were shown a video of the site but he did not believe that the video gave a true impression of the site. He stated that when standing on the site the view down the road was to large gardens then onto open ground. He explained that Members of the Executive and Council had spent a lot of time agreeing the new Solway Area of Outstanding Natural Beauty Plan and that it should not be ignored. The Member believed that the proposal did not comply with Policy H9 that related to backland development and that recent training had advised on what grounds it would be acceptable. He did not believe the application met those criteria. The Member did not believe the development would be in keeping with the area.

A Member stated that he believed the proposal was a tandem development and that until the site visit he was not aware of the difference in heights involved. He stated that while he did not have a problem with those differences the plans did not show the development that sat behind the proposal and therefore he also agreed that the application should be refused.

RESOLVED – That approval of the application be refused.

(2) Internal alterations to Grade II Listed former farmhouse and barn including re-location of kitchen with bedroom above, access stair, infilling of non-original door openings and repair to barn clay walls (LBC), Fauld Farm, Burgh-By-Sands, Carlisle, CA5 6AN (Application 10/1143)

The Conservation Officer submitted the report on the application and advised Members that the application, which was the subject of a site visit on 13 April 2011, was brought before the Development Control Committee for determination as the Ward Councillor had exercised his right to speak in support of the application.

The Conservation Officer reminded Members that consideration of the application was deferred at the last meeting of the Committee to enable a site visit be undertaken.

The Conservation Officer described the existing building and advised that the application sought Listed Building Consent to form new internal openings in the clay walls between the existing dwelling and the adjoining barn at ground and first floor levels to allow for an improvement to the internal arrangement of the dwelling. The applicant also proposed to build up two existing openings in the clay wall within the existing dwelling and to repair clay walls to the former barn. The application also included re-siting the kitchen to the barn, providing a new staircase to access the floor over the barn and the conversion of the upper floor of the barn to a bedroom and en-suite.

The Conservation Officer believed that historic buildings were a finite resource and where significantly intact examples survived, their retention was of paramount importance. The property at Fauld Farm was one of a limited number of intact examples of that rare vernacular building tradition. The Conservation Officer considered that the proposed works would significantly alter the original layout and plan form, damage the internal character and appearance of the building and reduce the architectural and historical significance of the property.

The Conservation Officer explained the proposed works to the property and that, as the barn and the dwelling had always been accessed separately, the proposed work would further destroy the historic integrity of that part of the building.

The Conservation Area Advisory Committee had also expressed concern over the formation of a further breach in the clay wall following consideration of the application when both the applicant's agent and the City Council's Conservation Officer were absent.

The Conservation Officer explained that policy PPS5 suggested that the alteration of a Listed Building merely for convenience was not considered to be a valid argument for destroying historic fabric and plan form. Prior to the 2008 application, the Conservation Officers had suggested an alternative means of accessing the barn without the need to destroy the original clay building fabric. However, the applicant preferred a more straightforward approach which had remained the principle of applications to date. The Conservation Officer advised that there had never been an issue with the principle of re-using the barn for domestic purposes but that the concerns were in relation to the access to the barn. Since there had been no pre-application consultation there had been no opportunity to discuss or consider any alternative approach. In previous discussions the applicant had suggested forming a further new opening at first floor level between the existing master bedroom and the barn at first floor level. The Conservation Officer was concerned that approval of the application could lead to a future application to undertake such work with the loss of a further section of the original clay wall.

The Conservation Officer stated that he was satisfied that the proposal was not compliant with the objectives of current Government Planning Guidance or of the

relevant National and Development Plan policies in that the works would reduce the architectural and historical significance of the building and would, therefore have a detrimental impact on the Grade II Listed Building.

The Conservation Officer reiterated that the principal objection to the application was the proposed formation of new openings in the existing clay walls between the dwelling and the former barn that would result in the loss of original fabric and, as a consequence, the loss of a plan form that had existed for some 400 years. Those key elements were essentially similar to the proposals previously submitted in 2008 and 2009 and which were also subsequently refused by the Planning Inspectorate upon appeal.

The Conservation Officer respectfully asked Members to consider the building's previous planning history and to support the motion that it was more important to prevent the loss of historic building fabric and original plan form than to accept the convenient alteration of an important building.

Therefore the Conservation Officer recommended that approval of the application be refused.

Councillor Collier (Ward Councillor) addressed Members and stated that he was in support of the proposal and that he had been involved with the applicants for some time. He had believed for many years that unless such buildings were looked after they would deteriorate and in other places that had happened and the buildings had fallen down and been lost forever. In this case the applicant wished to make an opening in the wall to make it more convenient for his family to live in the property. He believed it could be achieved satisfactorily and that the future of the barn would be more secure.

Councillor Collier reminded Members that the property also had a Post Office on site and at present the applicant's wife had to walk around the outside of the building to access the Post Office. Councillor Collier believed it would be more convenient if she could access the Post Office from inside the house.

Councillor Collier advised that the kitchen, that had been part of the site visit, had at one time been a byre and therefore an opening must have been made at some point to gain access. Other openings in the property had been made in the 1950s. He believed that the considerate manner in which the development had been proposed would be positive for the building.

Mr Kelsall (Agent) advised that when the application had previously been considered in January 2009, the discussion at that time concerned the internal route from the kitchen to the dining room. That distance was 100 feet and involved 4 doors and 4 changes in level. Research had indicated that the house had developed since the original was erected in 1591 and that a number of openings had been made some as late as the 1960s.

The Committee then gave detailed consideration to the application.

A Member thanked the applicant for allowing the Committee to view the property so they were able to gain a perspective on the proposal. He asked for clarification on new guidance relating to PPG15 referred to in the agent's submission. The Conservation Officer explained the changes in the guidance.

The Member acknowledged that the building was in good condition both inside and outside and that such properties should be preserved but not to the extent to creating a living monument. The Member also stated that the clay dabbin had been hidden behind a brick wall and that it would not have been visible if the wall had not been removed.

The Member proposed that the application be approved and that all suggested openings be agreed. The proposal was seconded.

In response to a query the Conservation Officer explained that the brick wall where it had been proposed to make an opening was a self supporting wall that had once been the gable end of the byre. The upper floor was supported on the brick wall. The Member stated that as the clay dabbin would therefore be covered by brickwork with a concrete lintel he agreed that the application should be approved.

Members agreed that as the wall would be retained the application should be approved and supported the applicants in the work they had done while they had lived in the property.

A Member asked whether it would be possible to place a glass panel in the wall to enable the clay dabbin to be seen. The Conservation Officer advised that a similar panel had been installed in buildings elsewhere in the country and he could see no reason why it could not be done at the property. The Member therefore proposed that that should be included in the conditions.

RESOLVED – That authority to issue approval of the application be granted to the Assistant Director (Economic Development).

(3) Erection of 49no dwellings with access from Durranhill Road, land adjacent Alexandra Drive, Durranhill Road, Carlisle (Application 10/0792)

The Principal Development Control Officer submitted the report on the application, which was the subject of a site visit on 13 April 2011, and advised Members that the application had been brought before the Development Control Committee for determination as more than three letters of objection had been received from separate households and one resident had requested a right to speak against the proposed development.

The Principal Development Control Officer described the application and the position of the proposed site. He explained that it was understood that the upper section of the site had in the past been occupied by buildings associated with a former convent. However those buildings had since been removed and the land currently had the appearance of an overgrown area of grassland.

The Principal Development Control Officer explained that on the opposite side of Durranhill Road was Chapel Brow, a Grade II Listed Building. A modern residential site lay to the south east. To the north east and south east of the site were fields with both those areas being allocated in the Carlisle District Local Plan for redevelopment. The area to the north east was allocated for the potential relocation of the auction mart from Rosehill and the area to the south west of the site formed the remainder of the residential allocation.

There were several trees on the site that had recently been protected by a Tree Preservation Order agreed by Members of the Development Control Committee at their meeting in December 2011.

The Principal Development Control Officer advised that in overall terms the principle of the development was acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space and incutillage parking provision would be available and the new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals were considered to be compliant with the objectives of the relevant Local Plan policies.

The Principal Development Control Officer recommended that if Members were minded to approve the application they should agree that authority to issue be granted subject to the completion of a section 106 agreement to secure the provision of 10 affordable units as outlined in the report and a financial contribution of £136,157.80 towards any provision and maintenance of public open space, including any variation to that figure if agreed by the Council's Neighbourhood and Green Spaces Manager.

The Principal Development Control Officer highlighted an error in the report and advised that not all properties would be two storey in height but that five three storey properties had been proposed.

The Principal Development Control Officer then presented slides that indicated the position of the three storey properties and the showed them within the context of the street scene.

The Committee then gave detailed consideration to the application.

A Member stated that he had concerns about water retention on the site and water run-off. As the ground sloped towards the railway line there had always been an issue with water retention. The report did not state that water harvesting would be included in the development and the Member requested that Officers bear it in mind when discussing the proposed development of the site.

The Member advised that he was also concerned, as were the Parish Council, that children who would be walking to school from the proposed new development, would initially have to walk in the opposite direction to the school to enable them to cross the road at the proposed traffic island as it was deemed too dangerous to place the island at the other side of the proposed access.

Notwithstanding that issue the Member moved the Officer's recommendation for authority to issue approval.

The Principal Development Control Officer explained that it was proposed to extend the footpath along the boundary to the site where the road was wider to accommodate the traffic island as there was insufficient width in the road further to the north. There was also an issue with land ownership.

The Member believed that the issue should still be investigated further as the grass verge at that side was quite wide and if it was not possible then evidence to that effect should be produced, and that the developer should fund any improvements.

A Member stated that although the proposed development was in the boundary of the Wetheral Ward it would affect residents of Botcherby Ward as many of them used Durrhill Road. He stated that the road was often used as a "rat run" to Sctoby Village and that there had recently been a number of accidents. He commented that Durrhill Road needed substantial upgrading. He was also concerned that to gain access two mature trees were to be removed and that other trees would suffer damage to their roots during the building works.

The Assistant Director (Economic Development) advised that the site was part of a larger development (as the surrounding land was allocated for residential development) and that it would therefore be unfair to insist that the developer should bear responsibility for all improvements to the road. Officers could, though, consult with developers with regard to a contribution towards the improvement based on the whole housing development.

A Member stated that he did not believe that Members had been given all relevant information on the proposal to enable them to make a decision. He stated that he had requested information on potential damage to tree roots and stress to the trees but that information had not been received. The Supplementary Planning Guidance advised that surveys were required and the Member did not believe that this had been done.

The Assistant Director (Economic Development) advised that the Tree Officer had been consulted on the application and that surveys had been carried out. These indicated that the development would have minimal impact on the trees.

The Tree Officer confirmed that guidance had been taken from the Supplementary Planning Guidance and the British Guidance and that the trees would be fenced off during development.

The Member stated that the WYG survey indicated that the road was 5.5m wide. He advised that he had measured the road and it was between 4.7m and 4.9m and the footpaths were narrow. He was also concerned that the report stated that the road was lightly trafficked whereas in fact the road carried HGV traffic as well as school and work traffic. The Member believed that the survey had not taken into account traffic in the morning and early evening.

The survey also stated that with regard to visibility the road was classified as poor and advised that the oak tree should be removed to improve visibility and there had also been several accidents along that stretch of road. The Member was also concerned that the report from the developers pointed out that they had no concerns about the highway issues. If this were the case, there would be no need to remove the oak tree.

A Member was concerned that if the Committee had not had all the relevant information he did not feel in a position to make a decision. The Legal Services Manager advised that the concerns raised by the previous Member had been addressed by Officers and that all relevant information had been provided.

The Principal Development Control Officer advised that with regard to the highway issues the developers had taken into account the layout and access onto Durranhill Road and that the removal of the oak tree was necessary to improve visibility along that stretch of road and that they had tried to find the safest access point possible. It was proposed that a condition relating to the island and footpath could be imposed that would require both to be provided before any of the developments were occupied.

A Member was concerned that the development would lead to more people driving through Botcherby, a residential area with a school, as they travelled into the City Centre. He advised that although there was a 20 mph limit through Botcherby there had been a serious accident very recently.

A Member asked whether a speed reduction and traffic calming measures could be put in place on Durranhill Road. With regard to tree damage the Member asked for, and received, clarification that if any trees were damaged they would be replaced.

The Assistant Director (Economic Development) reminded Members that the development was part of a larger one and that the issue was not part of the current development but the imposition of a Section 106 agreement would address the issues.

A Member stated that the area had been designated for residential development and had been advertised as such in the District Plan and any concerns should have been raised at that point. He did however feel that Officers should remind the County Council that there were future developments coming forward on this site, which should be borne in mind when they were compiling their response. He also stated that a committed sum should be required as part of a Section 106 Agreement.

The Planning Manager stated that all the issues had been raised and consulted on during the local plan process and responses had been taken into account and that it had taken 5 years to develop the plans.

RESOLVED – That Members gave authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a s106 agreement to secure the provision of ten affordable units and a financial contribution of £136,157.80 towards the provision and maintenance of public open space, including any variation to that figure if agreed by the Council's Neighbourhoods and

Green Spaces Manager.

(4) Erection of signage for forthcoming development approved under planning reference 10/0508, land adjacent Etterby Road, Carlisle (Application 11/0154)

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as six letters of objection had been received.

The Development Control Officer explained that the application sought approval for the erection of 1 non-illuminated free standing pole mounted sign on land adjacent to Etterby Road, Carlisle. The application site fell within part of the designated Urban Fringe Landscape and the Buffer Zone of Hadrian's Wall World Heritage Site under the Proposals Map of the Carlisle District Local Plan.

The Development Control Officer explained the location of the site and the location of residential dwellings to the north and east of the site. To the north of the site was an open field and on the opposite side of Etterby Road was uncultivated land leading to the River Eden, and Etterby House.

In overall terms the scale and design of the sign was appropriate to the location and it did not compromise the visual amenity of the area nor would it detract from the living conditions of any neighbouring properties. Given the temporary nature of the signage and that the application site was located on a public frontage it was considered that the proposed advertisement would not cause a sufficient demonstrable harm to the visual environment to warrant refusal of the application on that basis. In all aspects the application was considered to be compliant with the objectives of the relevant Local Plan policies. Therefore the Development Control Officer recommended that approval of the application be granted.

A Member asked for clarification about the size of the sign and was advised by the Principal Development Control Officer that, if Members were minded to refuse the application due to the impact, there may be scope to reassess.

Mr Brazendale (Objector) stated that the sign was to be erected in old Etterby and that another application submitted related to a builder's yard being constructed on Stainton Road. He believed that information had been withheld and that residents had been misled about the application. Mr Brazendale advised that there was a lot of history attached to old Etterby and the Lower Eden Site of Scientific Interest. The area was a regular route for walkers and cyclists as well as HGVs and was a link to the Cumbria Coastal Path and part of the Lands End to John O'Groats cycle route.

Mr Brazendale also believed that the sign was too large and that the 5 year timescale was too long. He stated that the sign would be placed directly opposite one house and almost in the garden of another and that it would be a distraction to traffic approaching a sharp blind bend. Mr Brazendale further stated that there had been discussion last year with the Councillors and Riverside regarding affordable housing and been advised that there was an unprecedented demand for such housing. Therefore he did not believe there was a need for the sign as houses would sell very

quickly. Mr Brazendale suggested that there should be a proper enquiry and that residents should be advised on the future of the site.

Mrs Renshaw (Objector) stated that the sign would be at the back of her house and she would be made to look at it every day. She also stated that the sign would be placed on the footpath area. Mrs Renshaw queried why the site was now being indicated as two green field sites when, in the original scheme, it was one field.

The Planning Manager advised that the land was part of the Local Development Framework process and that there would be consultation with regard to future options. Officers had consulted with developers and landowners for an indication of future options for the site and as no decision had been made on future options there would be further consultation and a separate report. The Planning Manager agreed to write to Mrs Renshaw to clarify the situation further.

Ms Lightfoot (Agent) advised that the details for the sign were included within the original application but that it required a different consent to the development. Ms Lightfoot explained that the builder's yard was a construction compound and confirmed that it would be removed when the development was complete.

Ms Lightfoot stated that the sign met standard requirements but that she was willing to discuss the proposed size with the developers. Ms Lightfoot was aware of the road safety issues and that removal of part of the hedgerow would be surveyed as part of the planning application. She advised that construction would soon be started and that it was expected to take approximately 2 years to complete and the sign would then be removed.

The Committee then gave detailed consideration to the application.

A Member asked for confirmation that the sign would be within the site and that a condition could be imposed that would limit the time the sign could be displayed to two years. The Development Control Officer advised that the site of the sign had been established when the last application was approved. She confirmed that the estimated building time was two years but that the original application was for five years. However, the Development Control Officer confirmed that a condition for two years could be imposed.

A vote was taken and the result was:

Those in favour of the application:	5
Abstained:	6

RESOLVED – That approval of the application be granted with a condition that the sign be removed after two years.

(5) Erection of replacement boundary, 2 Hillcrest Avenue, Carlisle, CA1 2QJ (Application 11/0215)

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee as the applicant was an employee of Carlisle City Council.

The Development Control Officer described the property and the location and advised that the dwelling was surrounded by residential properties to the east, south and west.

In overall terms it was considered that the proposal would not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposal was considered acceptable. No objections had been received and therefore the Development Control Officer recommended that the application be approved.

RESOLVED – That approval of the application be granted.

(6) Erection of 12.5m high telecommunications tower incorporating 6no 3G antennas, 1no equipment cabinet and 1no electrical meter cabinet, land adjacent junction of Kingstown Road and Lowry Hill Road, Kingstown, Carlisle (Application 11/0001 TEL)

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as four letters of objection had been received.

The Development Control Officer explained that the application sought prior approval of the authority for the erection of a 12.5 metre high telecommunications mast, incorporating 6 3G antennas and an equipment cabinet and an electrical meter cabinet on land adjacent to the junction of Kingstown Road and Lowry Hill Road. The site had been identified on the Proposals Map that accompanied the Carlisle District Local Plan 2001-2016 as being within a Primary Residential Area.

The Development Control Officer advised that it was considered that the mast in the proposed location was necessary for coverage in the area and the applicants had provided satisfactory evidence that demonstrated that there was not a more suitable alternative available. In accordance with PPG8 it would be unreasonable to refuse the application on the basis of the perceived health risks. The siting of the mast was deemed to be acceptable in terms of its position and the proposed design. It was not considered that the mast would have a significant adverse impact upon the living conditions of local residents or the appearance of the street scene. As such, the application was recommended for approval.

RESOLVED – That approval of the application be granted.

(7) Erection of 1no dwelling; formation of vehicular access (Revised Application), site between 1 Eden Mount and 4 St Georges Crescent, Stanwix, Carlisle (Application 10/0857)

The Chairman advised Members that the application would be considered with the following item on the agenda (Application 10/0930) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as amended plans had been submitted since the scheme was previously considered by Members.

The Principal Development Control Officer reminded Members that the revised application sought full planning permission for the erection of a detached dwelling on land to the rear of 1 Eden Mount, Stanwix. At the December meeting of the Development Control Committee Members granted authority to issue approval to the Assistant Director (Economic Development) subject to the issues regarding information in relation to suitable roosting for bats raised in Natural England's consultation response being addressed. Following submission of a bat survey that identified that the site did not offer any suitable roosting sites for bats Natural England had confirmed that it had no objections to the permission being issued subject to the contractors being made aware that should any evidence of bats be identified no further work should be undertaken in that area and that the bat consultant should be notified. That requirement could be addressed through the imposition of an appropriately worded planning condition.

The Principal Development Control Officer further reminded Members that prior to the application being considered at the December meeting an objector provided information to demonstrate that the applicant was not in fact the legitimate owner of the site and the objector questioned whether, in light of that information, the Council could lawfully issue a planning consent, irrespective of whether the Committee considered the scheme acceptable. Further information had been sought from the applicant regarding the matter and it transpired that the registered owners were the applicant's parents, who have since written to the Council to confirm that their son whilst not an owner in title, co-owned the site with them. The applicant's parents also stated that their son was acting on their behalf. Notwithstanding that fact the ownership certificates that were submitted with the application were technically incorrect. The applicant had since remedied the situation by the completion of the correct ownership certificate and the Council had informed the residents of the updated information.

The Principal Development Control Officer advised Members that while the above issues were being resolved the applicant had reviewed the concerns expressed by local residents in respect of the location of the access and had submitted revised plans that proposed the provision of a vehicular access point directly from St George's Crescent as opposed to the lane to the rear of Eden Mount. That modification now proposed to extend the ground floor of the proposed dwelling into the area that previously would have serviced as the parking area.

The Principal Development Control Officer described the site and advised that whilst formerly associated with Eden Mount the site's principal frontage abutted St George's Crescent, a privately owned road to the south of the site. The site's north, east and west boundaries were defined by high brick walls with the southern boundary defined by a low stone wall with wooden fencing above.

The Principal Development Control Officer described the properties to the east and west of the site and explained that to the north of the site lay the detached garden of No 2 Eden Mount and to the south of the site, on the opposite side of St George's Crescent, was a modern detached bungalow although it was predominantly screened from view by its high boundary fence.

The site was identified on the Inset Map that accompanied the Carlisle District Local Plan as being within a Primary Residential Area, and lay within both the Stanwix Conservation Area and the buffer zone of Hadrian's Wall World Heritage Site.

The Principal Development Control Officer stated that in overall terms the principle of the proposed development remained acceptable. The scale, siting and design of the proposed dwelling were considered to be acceptable in relation to the site and the surrounding properties. It was also considered that there would be no adverse impact upon the setting of the Listed Building or the character of the Conservation Area. The living conditions on neighbouring properties would not be adversely affected and adequate car parking/amenity space would be provided to serve the dwelling.

The Principal Development Control Officer advised that since the schedules had been produced a further letter was received from a resident stating that they had no objections to the proposal. Therefore the Principal Development Control Officer recommended that Members approve the revised scheme.

RESOLVED – That approval of the application be granted.

(8) Demolition of garden wall and erection of replacement, together with the removal of a section of wall to St Georges Crescent to form a vehicular access (LBC), site between 1 Eden Mount and 4 St Georges Crescent, Stanwix, Carlisle (Application 10/0930)

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 10/0857) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as amended plans had been submitted since the scheme was previously considered by Members. .

The Principal Development Control Officer explained that the revised application sought Listed Building Consent for works to boundary walls on land to the rear of No

1 Eden Mount, Stanwix. The land was situated within the Stanwix Conservation Area and a row of Grade II Listed terraced properties known as Eden Mount, located immediately to the east of the site. The site previously formed the kitchen garden of No 1 Eden Mount but had since been separated in ownership.

The Principal Development Control Officer recommended that Members approve the application, but only if permission had been granted for the redevelopment of the site in accordance with application 10/0857. If that application was refused the application should also be refused on the grounds of prematurity and the potential adverse impact on the character and appearance of the Stanwix Conservation Area and the setting of Eden Mount, a terrace of Grade II Listed Buildings.

RESOLVED – That approval of the application be granted.

(9) Resiting and redesign of previously approved ancillary staff accommodation building associated with secure residential mental health centre approved under reference 07/0091 to incorporate staff training facilities; redesign of main building to incorporate cafeteria for visitors and staff in lieu of plant room, Milton Hall, Milton, Brampton, Carlisle, Cumbria, CA8 1JA (Application 10/1059)

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as an objection had been received from the Environment Agency.

The Development Control Officer explained that the application sought planning consent to redevelop the site of the former Milton Hall Nursing Home at Milton, Brampton. The majority of the buildings that had previously occupied the site had been demolished with only one building remaining centrally within the site. Mature trees fringed much of the site to the south and west with open countryside to the north and east although several residential properties fronted the access road to the east. The site was within a County Landscape.

The Development Control Officer described the proposal and materials for the proposed development, that would consist of the construction of two buildings to be utilised as a secure mental health facility with a two storey detached building to accommodate staff sited closer to the access road to the east. The Development Control Officer described the building and the materials used for construction.

Surrounding the site, it was proposed to erect a secure mesh steel fence to a height of up to 5.3 metres in parts. It was also proposed to subdivide the site through the construction of 1.8 metre high timber boarded fencing.

The Development Control Officer stated that in overall terms the principle of the redevelopment of the site had been established through the previous use of the site and the extant planning consent. The main building was largely unchanged but the staff accommodation building would be altered dramatically. Although the footprint would be larger, it would remain subservient to the main building. Furthermore, the

proposal would not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the building was acceptable in relation to the context of the site and in all aspects the proposals were considered to be compliant with the objectives of the relevant Local Plan policies.

The Development Control Officer stated that the relevant conditions were discharged in 2010 and the applicant had started on the development by laying part of the foundations.

The Development Control Officer presented slides of the site and the buildings showing the fenestration of the staff accommodation.

The Development Control Officer advised that the comments had been received from the Environment Agency with regard to foul drainage. The applicant proposed to install a treatment plant as a means of dealing with the foul drainage. When planning consent was granted in 2007 the means of foul drainage was the subject of a planning condition requiring the submission and approval of the foul drainage details. In 2009, an application was submitted to discharge that condition, along with several others, and the proposal involved the installation of a treatment plant. The application to discharge the conditions was subsequently approved following consultation with the relevant consultees. In respect of the revised application, the applicant proposed to install a treatment plant in accordance with the approved conditions. The Environment Agency had insisted that the treatment plant was not acceptable and that use of the pumping station to convey foul sewage to the mains infrastructure should be explored. The applicant stated that the drain crossed land that was controlled by three separate owners thus making legal consent for the drain difficult. The difference of opinion had created a stalemate situation but it was the Officer's view that the matter could be resolved through the imposition of a condition requiring the submission of foul drainage details. However, the Environment Agency were reluctant to accept that course of action.

Therefore the Development Control Officer recommended that approval of the application be granted.

The Committee then gave detailed consideration to the application.

A Member stated that there was a pond on the site that had been created as a result of the drainage difficulties in the past. The Officer's recommendation was moved and seconded.

A Member stated that he would like to see better use of rainwater harvesting. He also asked whether the sloped roof could be a "green" roof so it would be less obvious to the surroundings.

The Principal Development Control Officer explained that the applicant had not proposed a "green" roof. With regard to water retention systems the Principal Development Control Officer advised that the materials to be used were consistent with the application applied for in 2007. The Member requested that the matter could be referred back to the developer.

RESOLVED – That approval of the application be granted.

(10) Variation of condition 6 of previously approved application 08/1089 to enable the erection of acoustic fence in lieu of earth bund/fencing along incomplete section of southern boundary, Caxton Road, Newtown Industrial Estate, Carlisle, CA2 7HS (Application 11/0042)

The Principal Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as the Council had served a “Breach of Condition Notice”, under Section 187A of the Town and Country Planning Act, against non-compliance with the condition that the applicant now wished to vary.

The Principal Development Control Officer explained that the application related to Egertons Recovery Ltd, a vehicle recovery depot located within Caxton Road Industrial Estate. The Industrial Estate was situated off Newtown Road, one of the main thoroughfares into the city from the west. The company operated 24 hours per day, 7 days per week. The premises were situated at the south eastern extent of the Industrial Estate in close proximity to residential properties and the site was identified on the Urban Area Inset Map that accompanied the Carlisle District Local Plan as lying within a Primary Employment Area.

The Principal Development Control Officer advised that the site layout in the report was not the most up to date and presented a slide showing the most recent version. He explained that the variation was to remove the bund with the acoustic fence and to extend the acoustic fence along the length of the incomplete section therefore forming a continuation of the existing acoustic fence.

The Principal Development Control Officer stated that, for the reasons identified in the report, it was the Officer’s view that the proposed variation to condition 6 was acceptable. In all aspects the proposal was compliant with the relevant policies contained in the Local Plan, but should only be approved subject to the imposition of those conditions identified.

Therefore the Principal Development Control Officer recommended that approval of the application be granted.

The Committee then gave detailed consideration to the application.

A Member was concerned that the issues had continued for some time and queried whether the suggestions in the report regarding surface water drainage would be sufficient to prevent flooding in residents’ gardens. The Member also requested confirmation of the date when the work was to be completed.

The Principal Development Control Officer confirmed that the suggested works would be sufficient to prevent flooding and confirmed that the work would have to be completed by 15 June 2011. The Officer explained that the surface water would run into the foul sewer and possibly into the river. Officers were awaiting clarification on

where the foul sewer terminated as it would not be a suitable course of action if the water ran into the river. The public sewer was in the boundary of the site and the Officer was again awaiting clarification from United Utilities with regard to the connection of that sewer.

The Principal Development Control Officer advised that the application could be dealt with under delegated powers and that would speed up the process.

A Member asked for a fuller explanation regarding the loss of the bund. The Principal Development Control Officer explained that originally the planted bund and acoustic fence was to screen the storage area of the yard but not the visitor car parking area. If the bund had been built it would have been possible to walk through the gate along the back of the bund and onto the acoustic fence therefore it was more preferential to remove the bund.

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

RESOLVED – That approval of the application be granted.

(11) Conversion of redundant offices to 1no dwelling and new detached garage, The Offices, Talkin, Brampton, Cumbria (Application 11/0091)

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination due to the conversion of the building to a dwelling for sale on the open market being contrary to the Local Plan policy.

The Development Control Officer explained that the application sought full planning permission for the conversion of the former offices that were associated with the vacant research laboratory, Talkin, Brampton. The Development Control Officer described the site and location and advised that it was within a Landscape of County Importance.

The Development Control Officer advised that the site was bounded to the south and south-west by residential properties, to the south-east was the former research laboratories, and to the north, east and west was open countryside. There were retaining walls to the east of the building as the building was set into the landscape that then fell away westwards resulting in a small portion of the building that was two storey in height.

The Development Control Officer described the proposed dwelling and explained that to facilitate the conversion, the scheme would largely utilise openings within the building and while some additional window openings would be formed some existing openings would be reconfigured. An open side porch would be created on the north elevation and, also on the north elevation, two existing windows would be removed and replaced with a full height glazed opening.

The existing timber and upvc windows would be replaced with double glazed timber units and timber doors would be installed throughout. The concrete window cills

would be replaced with sandstone and window openings, where appropriate would incorporate sandstone mullions.

The Development Control Officer described the detached double garage that it was proposed would be constructed adjacent to the north east boundary.

The Development Control Officer explained that the site was currently serviced by two accesses. The first access that lead adjacent to Townfoot Farm Cottage would be closed and the second access that lead along the eastern boundary would be used. Vehicles would travel along the boundary of the site and be able to access the proposed garage to the rear of the plot.

The Development Control Officer stated that in overall terms the principle of the development was acceptable. The site had been marketed for commercial purposes with no success. The sale of the dwelling was outwith the parameters of the policy guidance; however, there were material considerations that warranted approval of the application. The scale of the building and the plot within which it sat was large and would be outwith the realms of what could be reasonably described as affordable. The refurbishment and use of local, natural materials together with the high quality design of the fenestration would be an improvement to the existing building within the context of the village.

The Development Control Officer advised that 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 and in all other aspects the proposal was compliant with the objectives of the relevant Local Plan policies. Therefore the Development Control Officer recommended that approval of the application be granted.

RESOLVED – That approval of the application be granted.

(12) Erection of one pair of semi-detached houses and one detached house in the grounds of Garth House; part demolition and extension to Garth House to create two dwellings from one; demolition of outbuildings, Garth House, St Ninian's Road, Upperby, Carlisle (Application 11/0143)

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as three third party objections had been received.

The Development Control Officer described Garth House and its associated outbuildings and explained the location. She explained that the site was bounded to the north, south and west by two storey residential properties. Immediately to the east of the entrance to the site was another two storey dwelling with an electricity substation, a detached bungalow and the gardens of a first floor flat beyond.

The Development Control Officer explained that the application site was within the urban area of Carlisle 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 dwellings could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings.

The Development Control Officer advised that at the time of preparing the report it was expected that an additional letter of objection would be received taking the total number of objections to 4. However, revised drawings had subsequently been received and neighbours re-consulted and no further letter had been received.

The Development Control Officer presented slides that showed the site, the outbuildings that were to be demolished, surrounding properties and the substation. A further slide showed the indicative block plan with the parking and amenity spaces and how the dwellings would sit within the plot. A selection of pictures showed various views of the site and the surroundings.

As the proposal was compliant with the objectives of the adopted Local Plan policies the Development Control Officer recommended that the application be approved

The Development Control Officer confirmed that the distance between the nearest properties would be 21m.

RESOLVED – That approval of the application be granted.

(13) Removal of the effects of conditions 2, 3, 4, 5 and 6 attached to the granting of full planning permission under application 06/0693 (conversion to 8no holiday units) to enable unrestricted residential occupation, Tarn End House Hotel, Talkin, CA8 1LS (Application 11/0112)

The Principal Development Control Officer submitted the report on the application and reminded Members that during the meeting on 20 August 2011 Members resolved to defer consideration of the proposal in order to await further information on marketing, viability and monitor progress following the applicant's receipt of a letter of interest from a Mr T Mills.

The Principal Development Control Officer explained that in the intervening period the applicant had advised Mr Mills that the property was no longer for sale. In addition the Council had also received correspondence from several parties, the details of which had enabled the report to Committee to be updated.

The Principal Development Control Officer advised that any assessment of the application revolved around an initial consideration of whether the marketing exercise undertaken on behalf of the applicant was satisfactory and then seek to address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweigh the disadvantages and the policy benefits of retaining the premises in economic/tourism use.

The Principal Development Control Officer explained that when assessing the marketing undertaken by Hyde Harrington, GVA considered it to be robust and

appropriate for a property of that type. However, in GVA's opinion it would be reasonable to conclude that the property was overpriced at the time of marketing.

GVA concluded that the scheme approved under the application 06/0693 was currently not financially viable and in order for the proposal to become viable it was anticipated that the market would need to improve to around 2006/07 levels which was anticipated would take three to five years. GVA were also of the view that given the location of the site and the lack of any passing trade or major tourist attractions, a hotel in that location would not attract the occupancy rates that would be required to make the scheme viable and that an open residential permission was unlikely to be deliverable in the current market as the profit margin was minimal.

The Principal Development Control Officer advised that the applicant had confirmed a willingness to take on a residential scheme, had no need for third party funding and explained that he was a local well established niche developer with a track record of delivering residential developments. That was in the context of no evidence having been submitted that conclusively demonstrated the current proposal not to be viable and the applicant submitted a spread sheet identifying over 40 sales enquiries from prospective purchasers.

The provision of a commuted sum less than the full quota with regard to affordable housing was a recognised drawback to the scheme, although a Section 106 Agreement could be worded to require the applicant or any future developer to provide a commuted sum on a sliding scale if and when house prices recovered so that profits increased.

The Principal Development Control Officer stated that achieving a viable development for the local landmark in a prominent and attractive location, together with a small but contributory increase in the District's housing supply were benefits that weighed in favour of the proposal.

In overall terms, it was considered that the disadvantages would be compensated for by the benefits brought forward by the scheme, and therefore the Principal Development Control Officer recommended that authority to issue approval be granted following the satisfactory completion of a Section 106 Agreement concerning the payment of a commuted sum towards affordable housing. The agreement included the requirement that the applicant or any future developer provided a commuted sum on a sliding scale if and when house prices recovered so that profits increased but starting from the base sum of £31,000.

The Committee then gave detailed consideration to the application.

A Member stated that he was disappointed that, while there had been a number of letters of objection, no-one had exercised a right to speak at the meeting. While the Member was not necessarily concerned that the application was for a residential development he was concerned about the message being sent out about the way the planning process could be perceived to be manipulated by purchasers of properties.

The Member believed that the marketing exercise had not been as robust as it could have been and proposed deferral of the application to allow another, more robust,

marketing exercise to be undertaken. He believed that the exercise should be done by a specialist marketing agency that specialised in hotels and given more national coverage. The Member would also wish to see a guide price for the property.

The Member stated that the detailed objections from the Parish Council had not been included in full in the report and that their views should be afforded more concern.

The Member was also concerned about the right of way along the side of the Tarn and requested confirmation that the right of way would be protected and that it was correctly documented.

The Principal Development Control Officer explained that the Council's consultants had stated that the marketing exercise and publication of the property were appropriate and had also said that with regard to the asking price holiday lets would not be a viable proposition. The Principal Development Control Officer stated that the current application removed holiday lets from the application and that there had been no further development.

A Member stated that there had been a great deal of public unease about the property and that the property should form part of the public amenity of the Tarn and therefore possibilities should be explored to develop a facility that the public could use. He believed that a more robust marketing exercise should be undertaken and urged the Committee to defer consideration of the application.

A Member stated that the property was currently an eyesore in an area of outstanding beauty and asked whether the Council had any powers to enforce the owner to prevent the property deteriorating further. The Assistant Director (Economic Development) advised that the Council did not have such powers at this stage. The Legal Services Manager advised that the property was known to the Council's Building Control Officers and that they were monitoring the condition of the building, that it was on an "At Risk" register and they would act if the condition of the building became dangerous.

The Legal Services Manager confirmed that the boundary proceeded as far as the water line and that the path remained a right of way. Should the path become obstructed separate powers could be utilised to resolve the matter.

Members agreed that a limit of 4 months should be imposed with regard to the marketing exercise.

RESOLVED – That consideration of the application be deferred to enable a more robust marketing exercise to be undertaken for a further 4 months, and to await a further report on the application at a future meeting of the Committee.

The Planning Manager gave a verbal update and advised that the building was currently empty with planning permission approved for conversion to apartments and town houses. Since the property had been marketed there had been several changes of ownership and the Conservation Officer had had discussion with the current owners who had indicated an interest in the building and that they would continue to put together a scheme to do the required works and remove the scaffolding. The Council had undertaken some survey work and had made alternative arrangements. A report would be presented to the Committee at the meeting in June.

In response to a query regarding the scaffolding the Planning Manager advised that the owners were aware of the dangers and had employed consultants to ensure the safety of the scaffolding.

RESOLVED: That an update report be submitted for the meeting of the Committee scheduled for 10 June 2001.

[The meeting ended at 12.35pm]