

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 8 JUNE 2012 AT 10.00 AM**

**PRESENT:** Councillor Scarborough (Chairman), Councillors Cape, Craig, Earp, McDevitt, Nedved (as substitute for Councillor Bloxham), Mrs Parsons, Mrs Prest, Scarborough, Mrs Warwick and Whalen

**ALSO**

**PRESENT:** Councillor Ellis attended the meeting in his role as Ward Councillor having registered a right to speak in respect of Application 12/0232 (McDonald's Restaurant, Gearshill Road, Carlisle, CA3 0ET)

Councillor Mrs Mallinson attended the meeting in her role as Ward Councillor having registered a right to speak in respect of Applications 11/0799 and 11/0800 (land between 16a and 20 Eden Place, Carlisle, CA3 9JH)

Councillor Morton attended the meeting in his role as Ward Councillor having registered a right to speak in respect of Application 12/0232 (McDonald's Restaurant, Gearshill Road, Carlisle, CA3 0ET)

### **DC.44/12      APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bloxham and Mrs Riddle.

### **DC.45/12      DECLARATIONS OF INTEREST**

Councillor Earp declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Application 12/0062. The interest related to the fact that the applicants and objectors were known to him and both parties knew his views. The Director of Governance advised Councillor Earp that as his interest was personal and prejudicial he should leave the chamber after he had exercised his right to speak until Members had declared their decision on the application.

Councillor Mrs Mallinson declared a personal interest in accordance with the Council's Code of Conduct in respect of Applications 11/0799 and 11/0800. The interest related to the fact that her children went to school with those of the objector and they were residents of her ward.

The Principal Planning Officer (Mr Greig) declared a personal interest in respect of Application 12/0314. The interest lay in the fact that he was the applicant.

## **DC.46/12          MINUTES**

The Minutes of the meetings of the Development Control Committee held on 7 March 2012 and 9 March 2012 were approved and signed as a true record of the meetings.

The Minutes of the site visit meeting held on 6 June 2012 were noted.

## **DC.47/12          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.48/12          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 3no dwellings, land between 16a and 20 Eden Place, Carlisle, CA3 9JH (Application 11/0799)**

The meeting was adjourned from 10:05 until 10:25 to resolve a technical issue with the projector.

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 6 June 2012, and outlined the background to the application together with a description of the site, the proposed design and the main issues for consideration. The application had been advertised by means of a site notice, a press notice and notification letters sent to 10 neighbouring properties. In response 9 letters of objection had been received during the consultation period, together with a petition containing 28 signatures. The Planning Officer summarised the main issues. Since publication of the report a further letter of objection had been received from the headmaster of Austin Friars School which reiterated the concerns about the impact of the development on highway safety.

The Planning Officer presented slides of the plans of the site and reminded Members of the proposed layout and access. He explained that the design and fenestration was similar to that of neighbouring properties. With regard to the access arrangements the Planning Officer explained that there would be alterations to the curvature of the kerbstones and that the white lines on the highway would be moved to correspond to those alterations. That would allow improved visibility splays and had been proposed as a result of discussions with the Highways Authority who had since stated that they had no objections to the application.

The Planning Officer advised that in overall terms the principle of residential development on the site was acceptable. The dwellings would be set back from the

frontage of the site and the scale, design and massing took account of the character and appearance of the surrounding built environment and to the advice within current planning policies and Supplementary Planning Documents. The application also proposed an appropriate design and use of vernacular materials such that the development would not adversely affect the character or appearance of the Conservation Area.

Development of the site would ultimately change the appearance of the site. However, the impact on the living conditions of the occupiers of the neighbouring properties had been taken into account. In all aspects the proposal was compliant with the objectives of the relevant Local Plan policies.

Therefore the Planning Officer recommended that the application be approved.

The Director of Economic Development advised that the following application (11/0800) also related to the site but was a different issue and for that reason both were to be considered separately. However the people who had registered a right to speak would be doing so on both applications.

Mr Hepburn (Objector) stated that he had been a resident in the area for 60 years and was a former highway engineer for both the City and County Council. He was also a former teacher and lecturer and a fellow of the Geographical Society. He requested that Members gave consideration to any further parking issues should there be further development of the dwelling. With regard to highways issues Mr Hepburn drew Members' attention to the plan within the report and reminded Members that the development would effectively create a crossroads that would be a problem for people accessing and leaving the site. Access into the property had always been a hazard and he did not believe the report had addressed the problem in any significant way and that there was inadequate provision for the increase in traffic flow. There could be an issue if one vehicle was leaving the site and another was waiting to access the site which was on the lowest and narrowest section of the highway. Mr Hepburn also believed that the proposals would be hazardous to pedestrians on either side of the road as many families used the footpaths on their way to school. Mr Hepburn explained that if the footpath was reduced on the south side of the road the edge of the highway would be the edge of White House and not the edge of the footpath.

Mr Hepburn queried why a former resident had been refused permission to remove a tree from the site but the application indicated that a number of trees would be removed.

As the development was in a flood zone Mr Hepburn was also concerned that if the site was covered there would be an increase into the amount of run off into the system in severe storms that would exacerbate the situation.

Councillor Mrs Mallinson (Ward Councillor) stated that she was against the application for a number of reasons. She requested clarification on "garden grabbing" and Government Policy on the issue. With regard to parking Councillor Mrs Mallinson believed that if the derelict cottage in the grounds of the application was made into a dwelling in the future more parking spaces would be required.

As residents were concerned about highway safety the Neighbourhood Forum had provided a speed monitor that indicated to vehicles when they were exceeding the 30mph speed limit. If the road was narrowed Councillor Mrs Mallinson believed that it would not be possible to maintain the visibility splay of 2.4 metres. There had also been an objection from the local school and Councillor Mrs Mallinson reminded Members that there were 3 schools in the area and that, as the site visit took place during the half term break, there was not the volume of traffic that would normally be seen on the road. Residents also used the road taking children to other secondary schools in the area as well as Stanwix School.

Councillor Mrs Mallinson queried whether residents of Etterby Lea Road had been notified of the proposed development as they could be involved in any future development and could raise further issues regarding parking.

With regard to flooding if there was a building on the site flood water would not be able to run off.

Councillor Mrs Mallinson reiterated the concerns about the removal of the trees when a previous occupier had been refused permission to remove a single tree.

Councillor Mrs Mallinson referred to the Bat, Barn Owl and Breeding Bird Survey that had concluded that there were no sign of bats, barn owls or birds roosting or nesting in the building. She believed that there was a large selection of bats and song birds in the area.

In conclusion Councillor Mrs Mallinson was surprised that the report stated that there would be no detrimental impact on neighbouring properties and added that there would be an impact to properties on either side of the proposed development in respect of the narrow entrances. With regard to the highway issues Councillor Mrs Mallinson stated that the previous Highway Officer had concerns but that she had not had the opportunity to discuss the issues with the new Highways Officer.

In response, Mr Taylor (Agent) stated that the report was full and comprehensive and was clear in its conclusions. Mr Hepburn's and Councillor Mrs Mallinson's concerns about highway safety were initially shared by Officers of the Highways Authority and following detailed discussions and investigations a solution had been suggested that involved building out the footpath on the northern side of Eden Place in order to achieve visibility splays that accorded with Government requirements. Subsequently the Highways Authority had confirmed that those amendments provided an acceptable solution. Mr Taylor confirmed that, whilst it had been suggested that the site was at the narrowest point in the road the current road width was 6.8-7.5m wide and the proposed width would be 7.2m to the east of the proposed junction and 6.3m to the west. As that would be only for a short length it would have no effect on the capacity of the road's role as a Local Distributor and was expected to produce a minimal degree of traffic calming.

With regard to the potential conflict between vehicles accessing and leaving the site referred to by Mr Hepburn, Mr Taylor advised that there was clear inter-visibility between the junction point and the parking area with a roadway of about 20m-21m that would act as a refuge in those limited instances.

Mr Taylor acknowledged the concerns raised about “garden grabbing” and advised that the Local Plan protected important Amenity Open Spaces under Policy LC3. The former market garden was not protected under the terms of that policy. The National Planning Policy Framework gave no specific guidance but noted that protecting garden areas could be included in future Local Plans and suggested that little weight should be given to that point.

With regard to the concerns about the future of the rear of the site, Mr Taylor advised that the cottage was not derelict and reminded Members that they should deal with applications on their merits and that issue was, in his opinion, irrelevant. Mr Taylor further reminded Members that a condition had been suggested that would require the submission of a sustainable drainage scheme.

In response, the Planning Officer explained that the Council’s Tree Officer had been consulted on the application and had raised no objection to the loss of the trees on the site.

The Committee then gave consideration to the application.

A Member queried whether the lamp-post would be re-located as well as the telegraph pole if the footpath was widened. The Planning Officer advised that those issues were separate from the planning process but there was a requirement to retain both.

A Member moved that the application be refused on the grounds of the highway issues and that the proposal was over-development of the site. The motion was seconded.

A Member stated that the points raised by the objector and the Ward Councillor were evidenced on the site visit. Members had to stand on the opposite side of the road to the site due to the narrow footpath. There was also a lot of traffic although it was considered to be a quiet day. Reference had been made to the problems of leaving the site and access was needed to the junction at the opposite side of the road. There were also visibility issues for vehicles leaving the site. There was considerable footfall on the footpaths by residents taking children to the 3 schools in the area. The impact of the development and the potential development of the cottage would require more than the 6 parking spaces suggested in the application. The Member noted that the original application was for 4 properties on the site but he believed that the revised application would still require the frontages to be out of step with the adjacent Listed Buildings, and he did not believe that the proposed materials would fit in with those buildings. He had noted the concerns of the Stanwix Conservation Group who had raised a number of issues and therefore moved that the application be refused.

The Chairman reminded Members that there had been no objection from the Highways Authority. However the Member stated that the Highways Authority had raised objections initially.

A Member believed that the visibility splay required would be impossible and that it was impractical to move the carriageway on a busy road to enable the width of the footpath to be increased. The Member also believed that the proposal was over-development of the site and that there were concerns about access onto a busy road, on a corner on a dangerous point on the road. The Member added that the building line should be moved back to be in line with 16a Eden Place and that the applicant could consider whether 2 dwellings on the site would allow a decent visibility splay and footpath.

The Planning Officer explained that the comments from the Highways Authority had been presented in the report in chronological order and therefore the early comments related to the originally submitted drawings. Following discussions and amendments to the plan the comments dated 1 March 2012 had considered those amendments and confirmed that the Highways Authority had no objections to the proposal.

At the request of the Chairman a Member confirmed that the motion to refuse the application would include objections made by other Members.

A Member stated that although he had concerns he moved approval of the application. He had sympathy with the Ward Councillor but stated that although the building line was in line on one side of the site it was behind buildings at the other side. With regard to the removal of surface water, the Member stated that there were methods available to resolve that issue. The motion to approve the application was seconded.

A Member stated that with regard to the discussion on over-development he believed that if the proposal was for 2 properties there would be no need to realign the highway. The Member also requested that a condition be imposed that would require all construction traffic to be parked within the curtilage of the site due to the narrow road. The Planning Officer advised that such a condition could be included.

Following a vote it was:

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

**(2) Demolition of gates and stoops (Conservation Area Consent), land between 16a and 20 Eden Place, Carlisle, CA3 9JH (Application 11/0080)**

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 6 June 2012, and outlined for Members the background to the proposal and site details, together with the main issue for consideration which was whether the removal of the gate and gate stoops was acceptable. The application had been advertised by means of site and press notices and direct

notification to the occupiers of 10 of the neighbouring properties. In response 9 letters of objection had been received together with a petition containing 28 signatures. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that in overall terms the gate stoops were not of architectural merit and their contribution to the character and appearance of the Conservation Area was limited. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan Policies. Therefore the Planning Officer recommended that the application be approved.

The Committee then gave consideration to the application.

A Member stated that as the previous application had been refused permission the application for the demolition of the gate and stoops should also be refused. That motion was seconded.

The Director of Governance sought clarification for the reason for refusal. The Planning Officer advised that as the application was different to the previous application the two could have been dealt with separately as they were not linked. However as the Conservation Advisory Committee had recommended refusal of the application Members were satisfied that there was sufficient reason for refusal of the application.

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

**(3) Temporary variation of Condition 4 of previously approved Planning Application 97/0203 to allow trading from 5am until 1am for a 12 month period, McDonald's Restaurant, Gearshill Road, Carlisle, CA3 0ET (Application 12/0232)**

The Planning Officer submitted the report on the application setting out the background to the application together with a description of the site and the proposal and outlined the main issues for consideration.

The Planning Officer advised that the application had been advertised by the display of a site notice and by notification letters to 43 of the neighbouring properties. In response, 2 letters of objection and 2 letters of comment had been received. The Planning Officer summarised the issues raised therein. The Planning Officer further advised that since publication of the report a letter of objection had been received from the Ward Councillor for Stanwix Rural (Councillor Bainbridge). The letter considered that many of the connecting roads around the site ran through the Stanwix Rural ward and the variations of conditions would potentially affect residents of that ward by increased noise and litter from vehicles parking in neighbouring lay-bys.

In conclusion the Planning Officer stated that the merits of the application were finely balanced. On the one hand planning policies sought to encourage economic expansion and provision of shops and facilities to meet with the increasingly varied

demand as society's needs changed. The opposing view was the potential impact that the increased trading hours could have on the living conditions of the occupiers of the nearby residential properties as a result of unacceptable levels of noise and disturbance. The comments from Environmental Protection Services showed that no complaints had been received in respect of noise nuisance and that it was not anticipated that noise complaints would be generated as a result of the proposed increase in trading hours. Cumbria Constabulary had also received no complaints regarding persistent gathering or motor vehicle nuisance.

As the application sought a temporary consent for a 12 month period which allowed monitoring to take place and given the marginal increase in trading hours together with the presence of Kingstown Road that bisected the application site from the neighbouring residential properties, on balance the proposal would not conflict with current Local Plan policies and was considered to be acceptable. Therefore the Planning Officer recommended that the application be approved.

Councillor Ellis (Ward Councillor) stated that he objected to the application. He was concerned about the incremental nature of the manner in which McDonald's had, over the years, extended their opening hours and he was concerned that approval of the application could lead to requests for further extensions. He reminded Members that when the original application was approved the hours were specified.

The Councillor further reminded Members that since the original approval there had been a series of applications to vary the time conditions and that in 2008 an application had been refused as it was contrary to a number of policies within the Carlisle District Local Plan. The Councillor believed that those reasons were relevant to the current application and therefore the application should be refused.

Councillor Morton (Ward Councillor) reiterated the fact that since the original application there had been a number of applications to vary and extend the opening hours. Whilst he had no issue with a business trying to make money he believed that should not be at any cost. Councillor Morton also believed that the reasons given for refusal of a similar application in 2008 remained valid but reminded Members that a variation was approved in 2011. He stated that he was opposed to that application and remained so. Whilst there were not many houses in the vicinity of the premises Councillor Morton stated that those residents that did live in the vicinity were entitled to a decent quality of life.

With regard to litter Councillor Morton believed that it was unfair to blame McDonald's for all litter as there were other premises that also contributed to the amount of litter in the area. He acknowledged that McDonald's employed someone to clear the litter and they did a good job.

Councillor Morton confirmed that HGVs were not permitted to park overnight in the area but acknowledged that some did. He believed that if the opening hours were extended by a further hour and it was proved that there was a demand for the extended hours there could be subsequent applications and that could lead to 24 hour opening. Councillor Morton stated that although there had not been many complaints to the police and Council departments some of the complaints may not have been responded to.



The Committee then gave consideration to the application.

A Member reminded the Committee that the premises were on an industrial estate and that was not a sanctuary of peace and quiet but dealt with 24 hour activity. He acknowledged the efforts made to keep the area free of litter but reiterated previous comments that not all the litter issues could be blamed on McDonald's. The Member could see no reason on planning grounds to refuse approval of the application and while there were concerns that there may be further applications the matter could be monitored to determine whether the extension of the opening hours had been successful. Therefore the Member moved that the application be approved. That motion was seconded.

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

**(4) Erection of a single wind turbine (275kW), 55m hub height, 71m to tip height and 32m rotor diameter and associated infrastructure, Wheelbarrow Hall Farm, Aglionby, Carlisle, CA4 8AD (Application 12/0062)**

Having declared a personal and prejudicial interest in the application Councillor Earp left his place in the Chamber and sat at the rear of the room until his opportunity to speak. After he had exercised his right to speak Councillor Earp left the Chamber and took no further part in consideration of the application.

The Planning Officer submitted the report on the application setting out the background to the application, together with a description of the site and proposal and outlined the main issues for consideration.

The application had been advertised by means of a site notice, press notice and notification letters sent to all residential properties within a 600 metre radius of the application site (66 properties). In response 112 letters or e-mails had been received of which 43 were in support of the application, 3 made comments and 66 raised objections. A petition containing 79 signatures had also been received as well as an objection letter from the Ward Councillor. The Planning Officer summarised the issues raised therein. The Planning Officer further advised that since publication of the report an additional letter of objection had been received that indicated that there would be a massive visual impact from the turbine and questioned the need for a 275kW turbine on a farm.

The Planning Officer presented slides showing the location of the turbine and the photomontages submitted with the application.

The Planning Officer confirmed that when determining the application it was important to do a balancing exercise. The Planning Officer advised that the benefits of the scheme were that the proposal would create 275kW of energy from a renewable source which would not have a significant impact upon the landscape, the setting of Hadrian's Wall Heritage Site or Grade II Listed Buildings, air safety,

ecology, highway safety or on occupiers of neighbouring properties in terms of noise/flicker effect.

With regard to visual impact upon the occupiers of neighbouring properties the Planning Officer confirmed that it was important to apply the “Lavender Test”. It was noted that outlook from a private property was a private interest rather than a public interest. However, in 3 previous appeal decisions in North Tawton (Denbrook), Enifer Downs and Shooters Bottom, Inspector Lavender indicated that where turbines were present in such number, size and proximity that they represented an unpleasantly overwhelming and unavoidable presence in a main view from a house or garden, there was every likelihood that the property concerned would come to be widely regarded as an unattractive and unsatisfactory place to live. It was therefore not in the public interest to create such living conditions where they did not exist before.

Having applied the “Lavender Test” it was noted that the proposal would cause a significant adverse effect on the residential amenity of the occupiers of Hedley Cross, the flats at Wheelbarrow Court and those on the northern end of Holme Fauld in terms of a dominant and visual impact. All of those properties would have primary windows which would directly face the proposed development with little intervening screening. The Planning Officer then presented slides showing the positioning of the aforementioned properties in relation to the proposed turbine.

The Planning Officer considered that the harm that the proposal would cause to the living conditions of the properties at Hedley Cross, Wheelbarrow Court, in particular numbers 1, 2, 3, 4, 7 and 8, and those on the northern end of Holme Fauld, in particular numbers 24, 24A and 26, would outweigh any benefits the proposal would bring and the application was therefore recommended for refusal. The Planning Officer indicated that if Members were minded to refuse the application, it was recommended that the wording of the refusal included the names of the properties directly affected and a statement that the harm outweighed the benefits.

Mr Thompson (Objector) stated that although there had been several montages presented none of them were from the village of Scotby. Mr Thompson did not believe that the turbine would be solely for farm use as it was higher than Nelson’s Column and Dixon’s chimney and although it would be masked from the West by the landscape and pylons there was nothing to disguise the impact from other directions.

Mr Thompson stated that he had read the assessment and believed that the consultant’s words were camouflage and that the turbine would be visible from the village. The report also referred to comments from people who were not directly affected by the proposed turbine and did not have to live with the consequences. Mr Thompson stated that the vast majority of people in Scotby objected to the proposal.

Mrs Thompson (Objector) stated that the report criticised the petition that had been presented as people who were signing it were not aware of the issues and stated that little weight should be given to the petition. Mrs Thompson added that many people had objections to the application and for different reasons. Mrs Thompson did not believe the Officer was in a position to say that people did not understand the petition and stated that the petition must have carried weight as consideration of the

application had been postponed. Mrs Thompson stated that 5 out of 6 residents were not in favour of the application and she suggested that their opinions should not be ignored.

Mrs Fisher (Objector) suggested that the turbine could be located north of the farm buildings as the surface there would need little reinforcement. She stated that when the wind was strong the turbine would be shut down and it would not operate in calm weather. Mrs Fisher also suggested that a water turbine could be installed in the area on the River Eden. That could operate all day, be eligible for a Government grant and would be more suitable.

Mrs Fisher reminded Members that a Bill was currently going through Parliament that related to the distance between proposed turbines and residential properties and suggested that any decision on the application should be deferred until the outcome of that Bill was known. Mrs Fisher stated that she had not mentioned the impact the proposed turbine would have on herself and her husband, and on the value of their property which was approximately 650m from the front of their house and would be visible at all times.

Mr Joscelyn (Parish Councillor) stated that everything that had been included in the report provided justification for refusal of the application. The report stated that the proposed turbine was in a rural area and adjacent to a residential location. Mr Joscelyn believed that the applicants would receive a large fee for electricity that would be fed into the National Grid and although it would be a single blade structure it would be higher than Nelson's Column and the nearest pylon. The minimum height that aircraft flew in the area was 200ft and the proposed turbine was on the direct route to Spadeadam and higher than that minimum flight level. It had been suggested that a light could be placed on top of the turbine but Mr Joscelyn queried whether that would be sufficient. Mr Joscelyn urged Members to refuse the application.

Mr B Thompson (Objector) believed that it was clear that the proposed turbine was not for farm use as it would be 3 times larger and 5 times the capacity of those solely for farm use. He stated that in his opinion the turbine would be used to produce saleable electricity. Mr Thompson explained that the report used standardised measures to assess the impact of noise and flicker effect on healthy adults, but as recent press coverage showed residents with various medical conditions were more affected by noise, movement and glare. The impact assessment had also not taken into account the impact on the nearby care home and nursery which were 300m from the site. Mr Thompson believed that a 20-25m turbine would be acceptable for farm use in the location but the proposed turbine would not. He also believed that the application would fail the "Lavender test" due to its proximity to a large number of Scotby homes and therefore he supported the recommendation to refuse the application.

Councillor Earp (Ward Councillor) stated that the Officer had covered all the necessary issues within the report and therefore all comments had been made.

Councillor Earp left the Chamber.

In response, Mr Fell (Applicant) stated that the turbine that was the subject of an application at Cumwhinton was 40m higher than the proposed turbine at Wheelbarrow Hall Farm. The farm was connected to the national grid supply but often suffered from power cuts and Mr Fell had been advised that to feed a transformer and switching station a mid range-turbine would be required.

Mr Fell challenged the report and stated that the site sloped down to the north which would reduce the height visibility and make it appear the same height as the pylons. Objectors had been misinformed about the site as the project was not backed by an energy company but was to be funded by the family who were looking at a 10 year payback that would secure farming for the future. With regard to Hedley Cross, Mr Fell added that there were 2 stable buildings in direct line of the proposed turbine as well as the recently approved extension to Stone Eden Nursery. There were 4 properties on the site of Wheelbarrow Court and 3 properties at Hedley Cross with hedges and trees between so any impact would be from upstairs only. The proposed turbine would be 500m from those properties and across fields and the dual carriageway. Mr Fell believed that such a development would have the benefit of a low carbon footprint and would support the rural ideal providing farming and employment for the future. He added that there had been no objections from residents of the nursing home and he did not believe that people were opposed to the development. He reminded Members that there had been initial objections to the M6 motorway being built and that not all progress was bad. In conclusion Mr Fell stated that while renewable energy would not solve all of the problems it would help.

The Planning Officer advised that with regard to the height of the proposed turbine and the proximity to residential properties some, of those had primary windows (including first floor primary windows) with little intervening screening and therefore there would be an adverse impact from the development. She also confirmed that the site was fairly flat and therefore the turbine would be visible from the properties.

The Committee then gave consideration to the application.

A Member moved that the application be refused based on the evidence within the report. He believed that a dangerous precedent could be set if the application was approved.

A Member supported the recommendation for refusal. He stated that while there had been some criticism of the Officer and the report, he believed that the role of Officers was to present the facts in an unbiased manner.

A Member reminded the Committee that the issue of the height of proposed turbines being higher than Nelson's Columns or Dixon's Chimney had been heard before. However, neither of those structures had blades that spun around, which would be more noticeable than a static structure. The Member also stated that 275kW would be required to run a farm. The guidance in Scotland was that there should be a minimum of 1.5km between a turbine and residential properties and the Member believed that a similar attitude should be adopted by Members. The Member was concerned about the proximity to residential properties and the nursing home in particular and therefore supported the Officer's recommendation for refusal.

A Member advised that the slides had indicated that there would be a detrimental visual impact and that had to be taken into account. Therefore he moved the Officer's recommendation for refusal. The Member also stated that the Officer's report had been concise and the Officer had done an excellent job.

A Member who also supported the recommendation for refusal of the application was concerned about the impact the proposed turbine would have on the children at the nursery due to the flicker effect.

RESOLVED – That permission be refused for reasons stated in the report and the additional reasons outlined by the Officer in the meeting.

Councillor Earp returned to the meeting.

**(5) Erection of 1no replacement dwelling with integral garages and associated landscaping (Revised Application), land adjacent West Brighten Flatt, Scaleby, Carlisle, CA6 4LA (Application 12/0038)**

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 6 June 2012, setting out the background to the application, together with a description of the site and proposed design and outlined the main issues for consideration.

The application had been advertised by means of a site notice and a notification letter sent to 10 neighbouring properties. In response 3 letters of support had been received. Since the publication of the Supplementary Schedule a letter from the agent had been received that pointed out that Cumbria and Brampton in particular contained a number of significant works by 3 of the leading Arts and Crafts architects. Such architecture sought individual design and had become lauded for its harmonious relationship with the landscape and represented an appropriate architectural approach for one-off individual prestigious properties in the countryside.

A letter had also been received from Councillor Bainbridge who stated that the area currently had no universal unique design theme and that the dwelling would blend into the surroundings over time.

An additional plan had been submitted, and included in the Supplementary Schedule, that gave information relating to the hard and soft landscaping details, boundary treatment and drainage details. Material samples had also been submitted. The conditions had been amended to reflect that information.

In conclusion the Planning Officer advised that the proposal was considered to be of sufficient architectural merit to allow it to be approved as an exception to Policy H10 and to comply with the guidance in the National Planning Policy Framework. The proposal would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. Therefore the Planning Officer recommended that the application be approved.

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

**(6) Proposed single storey shower room extension for a disabled person (Revised Application), Station Cottage, St Lawrence Lane, Burgh-By-Sands, CA5 6BS (Application 12/0135)**

The Planning Officer submitted the report on the application, setting out the background to the application, together with a description of the site and proposed design and outlined the main issues for consideration.

The application had been advertised by means of site and press notices. In response one letter of objection had been received from a neighbouring landowner. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that in overall terms the proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the proposal was acceptable in relation to the dwelling. In all aspects the proposals were compliant with the objectives of the relevant Local Plan policies. Therefore the Planning Officer recommended that the application be approved.

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

**(7) Variation of Conditions 7 (means of access), 8 (access closures) and 17 (hardstanding and means of enclosure) of previously approved application Ref: 03/0288, land adjacent Fenton Farm, Fenton, Brampton, CA8 9JZ (Application 12/0150)**

The Planning Officer submitted the report on the application setting out the background to the application, together with a description of the site and proposal and outlined the main issues for consideration.

The application had been advertised by means of a site notice as well as notification letters sent to 20 neighbouring properties. In response 5 letters of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that in overall terms the amendments to conditions 7, 8 and 17 raised no issues in terms of highway safety. Given the current economic climate it was more financially viable to develop/clear the site on a phased basis. It was not considered that phased occupation/demolition would have a sufficient adverse impact upon the surrounding area, or the living conditions on existing/future occupiers of residential properties to warrant refusal of the application on that basis.

The Planning Officer drew Members' attention to the fact that construction of the 4 previously approved dwellings at the site were at a standstill due to the current economic climate, and the restrictive nature of the existing conditions requiring all

hardstandings to be demolished and all dwellings and their associated accesses to be constructed before any dwellings were occupied. The revised wording to those conditions would enable the developer to construct the approved dwellings and allow occupation on a phased basis that would allow sufficient funds to be released to complete the development.

The proposal was in accordance with the relevant planning policies and the Planning Officer recommended that the application be approved.

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

**(8) Erection of 1no barn and 4no loose box stables, Parkfield Stables, Newtown of Rockcliffe, Blackford, CA6 4ET (Application 12/0155)**

A Member moved that a site visit be undertaken at the request of the Ward Councillor as the Parish Council had raised a number of concerns and a site visit would assist the newer members to the Committee to make a decision.

The motion for a site visit was seconded.

RESOLVED – That consideration of the application be deferred to enable a site visit to be undertaken and a further report be presented to a future meeting of the Committee

**(9) Erection of detached garage/store in conjunction with animal foot trimming business; provision of 3no parking spaces; installation of wash area and associated drainage together with landscaping scheme, Karibu, How Mill, Brampton, CA8 9LL (Application 12/0195)**

A Member moved that a site visit be undertaken due to the number of concerns that had been raised.

The motion for a site visit was seconded.

RESOLVED – That consideration of the application be deferred to enable a site visit to be undertaken and a further report be presented to a future meeting of the Committee

**(10) Erection of detached garage, Greengate, The Orchard, Crosby on Eden, Carlisle, Cumbria, CA6 4QN (Application 12/0238)**

The Planning Officer submitted the report on the application setting out the background to the application, together with a description of the site and proposed design and outlined the main issues for consideration.

The application had been advertised by means of notification letters to 3 neighbouring properties. In response 1 e-mail of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer presented slides that showed the area of land concerned and the vehicles that parked on that land, the entrances to the 2 properties concerned and the screened wall and gates and the relevant buildings.

The Planning Officer advised that in overall terms the scale, siting and massing of the proposed garage was acceptable and would not have a significant adverse impact on the living conditions of neighbouring properties through unreasonable loss of light or overdominance. The proposal would not impact on highway safety, biodiversity or the floodplain, nor would it have a detrimental impact on the buffer zone on the World Heritage Site. In all aspects the proposal was compliant with the objectives of the Local Plan policies. Therefore the Planning Officer recommended that the application be approved.

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

**(11) Raising of roof to provide first floor accommodation comprising 1no ensuite bedroom, 2no bedrooms and bathroom, together with reconfiguration of ground floor accommodation, Sunnyside, Moorhouse Road, Moorhouse, Carlisle, Cumbria, CA5 6EJ (Application 12/0314)**

The Planning Officer submitted the report on the application setting out the background to the application, together with a description of the site and proposal and outlined the main issues for consideration. The Planning Officer explained that the application had been brought before the Committee as the applicants were City Council employees.

The application had been advertised by means of a site notice and a notification letter to 1 neighbouring property. No verbal or written representations had been made during the consultation period.

The Planning Officer advised that in overall terms the scale and design of the proposal would be acceptable and it 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. In all aspects, the proposal was compliant with the relevant policies contained within the adopted Local Plan. Therefore the Planning Officer recommended that the application be approved.

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



## **DC.49/12     QUARTERLY REPORT ON PLANNING ENFORCEMENT**

The Planning Manager submitted Report ED.23/12 updating Members on the scope of activities undertaken by the Planning Enforcement Officers.

He explained that, as at 23 May 2012, 75 enforcement cases had been recorded and outlined the nature of those cases. He added that 197 cases had been resolved, while 53 cases from 2011, 11 cases from 2010 and 1 from 2009 were still active.

The Planning Manager updated Members on cases where Enforcement Notices or Section 215 Notices had been issued.

With regard to Egerton's Recovery the Planning Manager advised that enforcement proceedings had been instigated as the planning conditions had not been complied with.

There were a number of training events scheduled for the future. They included the Cumbria Planning Enforcement Group on 25 May 2012 and the annual Trevor Roberts Associates Enforcement Forum scheduled for 25 October 2012.

RESOLVED: That Report ED.23/12 be accepted and noted.

(The meeting ended at 12:00)