

# Minutes of Previous Meetings

## DEVELOPMENT CONTROL COMMITTEE

FRIDAY 22 NOVEMBER 2019 AT 10.00 AM

**PRESENT:** Councillor Tinnion (Chairman), Councillors, Birks, Mrs Bradley (as substitute for Councillor Brown), Christian, Collier, Glendinning, Morton, Nedved, Patrick, Rodgeron, Shepherd and Tarbitt.

**OFFICERS:** Corporate Director of Governance and Regulatory Services  
Corporate Director of Economic Development  
Development Manager  
Mr Allan – Flood Development Management Officer, Cumbria County Council  
Principal Planning Officer  
Planning Officer x 3  
Planning/Landscapes Compliance and Enforcement Officer

### **DC.101/19 APOLOGIES FOR ABSENCE**

An apology for absence were submitted on behalf of Councillor Brown.

### **DC.102/19 DECLARATIONS OF INTEREST**

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

Councillor Mrs Bradley declared an interest in respect of application 19/0630 – 53/53a Scotland Road, Carlisle, CA3 9HT. The interest related to the applicant being known to her.

Cllr Shepherd declared an interest in respect of application 19/0234 – Civic Centre, Carlisle, CA3 8QG. The interest related to pre-determination of the application.

Items A.1(2) and A.1(3) had been deferred at previous meetings of the Committee following discussions.

Application 19/0302 – Land to the South East of Smiddy Cottage, Great Orton, Carlisle, CA5 6LZ had been considered at the meeting on 30 August 2019, Councillor Tarbitt had not been present at that meeting, she indicated that she would not take part in the discussion or determination of the application.

Application 19/0234 – Civic Centre, Carlisle, CA3 8QG had been considered at the meeting on 7 June 2019 Councillors Mrs Bradley, Christian, Morton, Patrick, Rodgeron and Tinnion had not been present at that meeting, they indicated that they would not take part in the discussion or determination of the application. Councillor Tinnion (Chairman) further indicated that he would facilitate the meeting by chairing that item of business.

### **DC.103/19 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

### **DC.104/19 MINUTES OF PREVIOUS MEETINGS**

RESOLVED 1) The Chairman signed the minutes of the meetings held on 28 August (site visits) and 30 August 2019.

2) The minutes of the meetings held on 11 October and 20 November (site visits) 2019 were approved.

## **DC.105/19 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Corporate Director of Governance and Regulatory Service 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.106/19 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

### **1. Erection of 10n. Dwellings, Land adjacent to Croft House, Brunstock, Carlisle, CA6 4QG (Application 19/0452).**

The Development Manager submitted the report on the application which had been subject of a site visit by the Committee on 20 November 2019.

The principle of development of the site was approved with the granting of consent to application 16/0097 in August 2017. The Development Manager noted that the previous application had been for Outline Permission, he set out the differences between it and the current application and summarised a number of features of the application including layout, style and boundary treatment.

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

The Development Manager advised that the Highway Authority had previously examined the visibility splays and considered that no adjustments were needed to the junction with the A689 to accommodate the development and there had been no request by the highway authority to revise the current speed limits in this location.

The Development Manager recommended:

- a) That Authority to Issue Approval be granted to the Corporate Director of Economic Development, subject to the completion of a satisfactory legal agreement relating to the provision of affordable housing;
- b) That should the Legal Agreement be not completed within a reasonable time, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

A Member asked how the strong tree boundary would be maintained.

The Development Manager responded that the trees referred to in paragraph 6.11 were outside the site boundary and thus out with the application site. The Construction Management Plan stipulated “stand-off distances” as a means of protecting the trees in the works phase of the development. Regarding the longer term protection of the trees, Officers may carry out a Tree

Evaluation Method for Preservation Order assessment to identify if any merited a Tree Protection Order.

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

RESOLVED: 1) That Authority to Issue Approval be granted to the Corporate Director of Economic Development, subject to the completion of a satisfactory legal agreement relating to the provision of affordable housing;

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

**2. Erection of 7no. detached dwellings, Land to the East of Smiddy Cottage, Great Orton, Carlisle, CA5 6LZ (Application 19/0302).**

The Planning Officer submitted the report on the application and reminded Members that the Committee had deferred the application at its 30 August 2019 meeting in order to allow an investigation to be carried out into the cause(s) of the then recent flooding of a neighbouring property. Following the Committee's deferral, the applicant had provided a new landscaping plan and detailed surface water drainage scheme, comprising a drainage layout plan, micro drainage details and details of the proposed attenuation options for each plot.

Details of the new drainage scheme were outlined by the Planning Officer who noted that the proposals had been approved by the Lead Local Flood Authority.

Slides were displayed on screen showing: location plan; site plan; landscaping plan; drainage plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved, subject to the conditions detailed in the report, along with an additional condition requiring the submission of details of the foul water drainage system to be submitted to the Local Planning Authority for approval, prior to commencement of the development.

Mr Allan set out the findings of the investigation into the flooding of an adjacent property. Displaying a slide on screen showing: a schematic of the drainage infrastructure in the vicinity of the site; a graph showing rainfall levels at the two recent flood events, and photographs of the flooding, an explanation of which was provided for the benefit of Members. He explained that part of the drainage infrastructure was privately owned and part mains sewer. The privately owned sewer had not sustained any damage but did not have sufficient capacity to cope with the rainfall experienced during the flood events. It was intended that the mains sewer would be surveyed in the coming months, but it was not anticipated that any damages or blockages would be found. The levels of the flooded property were higher than that of the application site, and given the applicant's drainage proposals, he considered that the scheme would not exacerbate flooding in the area.

The Committee then gave consideration to the application.

In response to questions from Members Mr Allan confirmed;

- That the surface water drainage arrangements for the scheme had been approved, full details of which were on the Council's website;
- Approval of the foul water drainage system was a pre-commencement

A Member remained concerned about the proposed surface water drainage arrangements.

Mr Allan stated that tests had been carried out at the site which indicated that infiltration into the soil was not possible. Therefore, the applicant would provide an attenuation tank with capacity to hold a volume of water equal to that of a 1 in 100 year flood event, plus an additional 30% to allow for climate change: a level of provision which exceeded that required by national guidance. Accordingly, the applicant had provided sufficient storage for surface water at the site.

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

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

### **3. Demolition of Rotunda and extension to existing car park, Civic Centre, Carlisle, CA3 8QG (Application 19/0234).**

The Principal Planning Officer submitted the report on the application. Members had deferred the application from the June 2019 meeting of the Committee with a request that the car park design be improved, the Principal Planning Officer outlined the amendments to the scheme which included: additional planting and, provision of a civic square.

Slides were displayed on screen showing: location plan; elevation plans; car park arrangement plan; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer considered the amended plans acceptable. Accordingly, he recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A number of Members welcomed the revised scheme in particular the provision of the plinth and additional planting at the site.

In response to questions from Members the Principal Planning Officer confirmed:

- The scheme would create 20 additional public car parking spaces over the existing arrangement;
- Electric vehicle charging points were to be provided;
- Artefacts from the existing Council Chamber would be retained for future use.

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

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

### **4. Erection of 27no. dwellings without compliance with conditions 2, 3, 4, 16, 23, 24 and 26 (Works to be done in 2 phases) including removal of condition 20 (Level 3 Code for Sustainable Homes) of previously approved application 12/0880, Land adj. Hallmoor Court, Wetheral, Carlisle, Cumbria, CA4 8JS (Application 19/0596).**

The Development Manager submitted the report on the application which had been the subject of a site visit by the Committee on 20 November 2019.

Slides were displayed on screen showing: site location plan; phasing site plan; block plan; site layout plan; construction phase plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Committee's attention was drawn to the summary of representations where a number of objectors had questioned: the principle of development on the site, including the impact on the occupiers of neighbouring properties; highway and parking issues; and the pressures that would result on local infrastructure, particularly in light of the development that had taken place since planning consent had been granted.

The Development Manager stated that the principle of development on the land remained extant and was not able to be rescinded even in the event of the current application being refused. It was imperative that the issues and details, subject of a separate application for their discharge, were separated from the current application to vary the wording of some planning conditions from the original permission to allow greater flexibility in the development of the site.

In response to the issues raised during the site visit, the Development Manager advised:

- The agent had been contacted with a view to consideration of the incorporation of facilities to charge electric vehicles for each of the properties;
- Drainage arrangements - These were being considered as part of the separate application to discharge conditions. Members were provided with an overview of the proposed system.

The removal of the condition requiring the dwellings to be built in accordance with the Code for Sustainable Homes was acceptable, as those requirements were now addressed via Building Control compliance.

The Development Manager recommended that the application be approved subject to the completion a Deed of Variation to the Section 106 Agreement secure affordable housing and contributions towards public open space and education as detailed in paragraph 6.45 of the report.

Mr Lomax (Objector on behalf of himself, Mrs Gregan and the Hallmoor Management Company) objected to the proposal in the following terms: Phase 1 of the development would require a foul waste tank and associated services to be situated within 10 metres of the railway cutting; a landslip onto the railway had recently occurred in the vicinity of the application site and Network Rail had indicated that there was an increased likelihood of further occurring in the area; United Utilities considered condition 16 should remain, and had raised concerns regarding the imposition of conditions in relation to application 19/0595 and 19/0596; the proposal was not compliant with Paragraphs 118 and 163 of the National Planning Policy Framework; was the proposed surface water drainage sufficient to prevent flooding; poor access arrangements; the boggy nature of the site; the impact of the development on the village of Wetheral.

Ms Lancaster (Agent) responded in the following terms: the principle of development of the site remained extant and outwith the current application along with associated matters relating to scale, layout, design, impact on landscape/living conditions, drainage, infrastructure and contributions towards affordable housing and education. Ms Lancaster set out the variations subject of the application noting that they merely sought to change the deadlines for the submission of information. There had been a significant shift in national planning guidance since the original granting of permission which meant that pre-commencement conditions were no longer favourable unless there was a clear justification. The Council was agreeable to the amended approach and none of the Statutory Consultees who had been invited to comment on the application had raised any objections.

The Committee then gave consideration to the application.

A Member sought clarification of the suitability of the location of the foul water waste tank provided in Phase 1 of the development.

The Development Manager advised that the matter was subject of a separate application where Network Rail were being consulted.

In respect of the phased delivery of the development, a Member expressed concern that the provision of affordable housing stipulated under permission 12/0880 would not be realised should Phase 2 of the scheme not be developed.

The Development Manager responded that were Phase 2 of the scheme not progressed the requirement for affordable housing was be proportionally lower. He undertook to review the Section 106 Legal Agreement to ensure that the provision of affordable homes was proportionate to each phase of the development.

In response to a request that the working hours of the construction phase be amended, the Development Manager stated that was not possible as that matter had been covered as part of the original consent.

A Member moved the Officer's recommendation which was seconded at it was

RESOLVED: That the application be approved, subject to a Deed of Variation to the Section 106 Agreement to secure the provision of seven affordable units on site; a financial contribution towards provision and maintenance of public open space within Wetheral village; the maintenance of the informal open space within the site by the developer; a financial contribution towards education.

*The Committee adjourned at 11:25am and reconvened at 11:40am.*

**5. Erection of 1no. dwelling, L/A rear of Walton Parish Church, Walton, Brampton CA8 2DH (Application 19/0535).**

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 20 November 2019.

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

Page 1 of the Supplementary Schedule detailed correspondence from the adjacent church setting out concerns in relation to the integrity of the wall, the Principal Planning Officer advised that the applicant proposed the construction of a reinforced retaining wall. Moreover, the applicant had indicated that in the event of any damage to the church, appropriate reparations or rebuilding would be undertaken. The matter would need to be agreed between the applicant and the church.

The Council's Building Control Service had indicated that the retaining walls would need to be designed by an engineer, and the Principal Planning Officer recommended the imposition of a further condition requiring the submission of details of the retaining walls to the Local Planning Authority for approval.

In response to issue raised by Members at the site visit, the Principal Planning Officer advised:

- The application site had never been part of the church, therefore the land had not been consecrated;
- Condition 11 required an archaeological watching brief being undertaken by a qualified archaeologist during the ground works;
- Access to the site was to be over a track which was designated as a Village Green and was owned by the Parish Council. Access was a civil matter, and the Principal Planning Officer noted that the track provided access to a number of existing dwellings adjacent to the village green and was used for parking;
- Drainage – both foul and surface water drainage would discharge to the main public sewer. United Utilities would have to agree a discharge rate with the applicant and the Council's Building Control Services had confirmed that was acceptable.

The Principal Planning Officer recommended that the application be approved, subject to the conditions set out in the report, and the imposition of an additional condition requiring the submission of details of the proposed retaining walls to the Local Planning Authority for approval.

The Committee then gave consideration to the application.

A Member expressed concern about the management of drainage from such a small site, he questioned how it would be achieved and whether United Utilities had consented to discharge into the mains sewer system. In the event of the drainage not being effective it would cause surface water from the site to run-off on to the Village Green.

Mr Allan (Cumbria County Council) acknowledged that the site was small, however, he felt that the design of the site allowed for an attenuation tank for the storage of surface water to be installed under the proposed drive. Furthermore, a condition was able to be added requiring the details of the surface water drainage system be submitted to the Local Planning Authority for approval.

The Development Manager noted that it was not clear whether United Utilities had accepted the proposal to attenuate surface water at the site prior to it being discharged into the main sewer.

The Principal Planning Officer advised that the matter would be dealt with under Building Control standards compliance, he had not been party to any discussion on the matter between the applicant and United Utilities. He suggested that should Members require it, a condition was able to be added to the consent regarding surface water drainage.

The Member responded that he did not feel that the Committee had sufficient information to be satisfied that drainage at the site was able to be effectively managed. On that basis he moved that determination of the application be deferred in order for details of the surface water and foul drainage systems to be submitted. The proposal was seconded.

Turning to the issue of access, a Member was concerned that it required the crossing of an area designated as a Village Green which he believed was not permissible. Furthermore, he understood that the Parish Council who owned the Green did not support the use.

The Corporate Director of Governance and Regulatory Services advised that a right to drive over the Green may be secured with the landowner's agreement or via a Rights of Prescription. He reminded the Committee that it's role in determining the application was to consider the proposed land use, access to the site was a civil matter out with the Planning process.

The Chairman noted that a proposal to defer determination of the application in order for details of the surface water and foul drainage system to be submitted had been proposed and seconded. The matter was put to the vote and it was:

RESOLVED: That determination of the application be deferred in order for details of the surface water and foul drainage system to be submitted and a further report be submitted to a future meeting of the Committee.

**6. Change of Use from A1 (Retail) to A5 (Hot Food Takeaway); Installation of new shopfront and insertion of side window, 53/53a Scotland Road, Carlisle, CA3 9HT (Application 19/0630).**

The Planning Officer submitted the report on the application. He noted that the application site was not a Listed Building, but that it was situated in a Conservation Area.

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

The Planning Officer stated that the assessment of the application had finely balanced a number of material considerations. Given concerns relating to impact on highway safety of the proposed scheme, he recommended that the application be refused for the reasons set out in paragraph 8.1 of the report.

The Committee then gave consideration to the application.

A Member moved the Officer's recommendation and the proposal was seconded.

Another Member appreciated the Officer's concerns, however, he did not support the recommendation. He considered that the site was located in a parade of shops and were it not to be approved the building may fall into disrepair.

In respect of concerns about the impact on highway safety, the Member noted that the level of traffic on Scotland Road had significantly lowered in recent years with the opening of the Carlisle Northern Development Road. Furthermore, the applicant operated another takeaway premise on Newtown Road, Carlisle, where, in his view, the highway was equally as busy as that adjacent to the application site.

The Member further noted that the proposed takeaway would not operate for the same number of hours as the previous business at the site had, which would lessen parking at the site. He proposed that the application be approved.

A Member commented that determination of the application was finely balanced. He felt it was important to support the development in the city by bringing properties back into use, accordingly he seconded the proposal to approve the application.

In response to comments from Members about the unsuitability of the proposed signage, the Corporate Director of Economic Development noted that those details were subject of a separate application but undertook to take the comments on board.

A Member asked whether other A1 (Retail) uses would at the site would have required permission whether or not the operating hours changes



The Planning Officer confirmed that in such circumstance would not have required Planning Permission.

The Chairman noted that proposals to refuse and to approve the application had both been moved and seconded.

The Corporate Director of Economic Development noted that as the Officer had recommended that the application be refused no conditions for a consent had been drafted. In the event of the Committee approving the application, she undertook to incorporate reasonable and appropriate conditions into the consent.

The Chairman put the two proposals to the vote, and it was:

RESOLVED 1) That the Corporate Director of Economic Development incorporate reasonable and appropriate conditions into the consent.

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

**7. Non Material amendment of previously approved permission 17/0603 to amend road serving plots 49 – 52 to a shared driveway; removing turning head and end of road, Land at Dalston Avenue, Raffles, Carlisle, CA2 7EX (Application 19/0787).**

The Principal Planning Officer submitted the report on the application. The proposal sought to amend access to the scheme consented under planning approval 17/0603, as a small parcel of land needed to implement the original permission was not within the applicant's ownership.

The application proposed the removal of the previously agreed footpath and the installation of a shared surface in its stead: the road served only four dwellings, therefore the proposal was acceptable to the Highway Authority.

Slides were displayed on screen showing: site layout plan; plan showing land in private ownership, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved.

The Committee then gave consideration to the application.

A Member sought clarification as to whether the proposed shared surface would be adopted by the Highway Authority as per the rest of the road in the overall development or whether it would have a different status.

Mr Allan stated that the Highway Authority did not adopt shared surfaces. He noted that the road within the overall development was required by condition to be made up to adoptable standard, and only the area of the current application would be formed of non-adoptable shared surface.

Members discussed how the shared surface would be maintained by future occupiers through a management company.

The Corporate Director of Governance and Regulatory Services noted that future owners of plots 49 – 52 would be advised of their responsibilities in relation to the shared surface through house

purchasing process, and that the use of management companies in respect of shared surfaces was an accepted practice.

The Development Manager advised that it was not current practice for the Highway Authority to adopt shared surfaces, however, were the surface to be made up to adoptable standard, it increased the likelihood of its being adopted in the future

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

RESOLVED: That the application be approved.

*The Committee adjourned at 12:50pm and reconvened at 1:30pm*

**8. Erection of Stables, associated hardstanding and relocated access, L/A part field No 1823, Newtown, Blackford, Carlisle, Cumbria (Application 19/0222).**

*Councillor Collier was absent from his seat.*

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: block plan; location plan; elevation plan; floor plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

*Councillor Collier assumed his seat.*

The Committee then gave consideration to the application.

A Member expressed concern that the application amounted to creeping urbanisation in a rural area, he requested that a further condition be imposed preventing caravans being installed at the site.

The Planning Officer responded that condition 3 of the proposed consent prohibited any commercial use of the stable/land. The Planning Officer also confirmed that the stables had no Permitted Development Rights, therefore any future siting of a caravan therein would require further Planning Permission.

In response to concerns from Members that the proposed scheme could become a commercial venture, the Planning Officer reiterated that condition 3 restricted the site to private use.

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

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

**9. Siting of hand car wash and valet facility including canopy and portable office store building (Revised Application), Houghton Hall Garden Centre, Houghton, Carlisle, CA6 4JB (Application 19/0503).**

The Principal Planning Officer submitted the report on the application, slides were displayed on screen showing: site location plan, proposed site plan, and photographs of the site an explanation of which was provided for the benefit of Members.

Members were provided with an overview of how the proposed scheme would operate including surface water drainage management. The proposed scheme did not require an Environment Agency permit to operate. In order to ensure the proper maintenance and operation of the equipment used in the proposed scheme, the Principal Planning Officer recommended the imposition of an additional condition requiring the applicant, within three months of the commencement of the scheme, to submit details of a management and maintenance plan to the Local Planning Authority for approval.

The Principal Planning Officer recommended that the application be approved subject to the conditions detailed in the report, along with an additional condition requiring the submission of a management and maintenance plan within three months of the operation commencing.

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

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

**10. Construction on new vehicular access onto A7 between The Hill and Elm House, The Hill, Blackford, Carlisle, CA6 4DZ (Application 19/0398).**

The Development Manager submitted the report on the application and slides were displayed on screen showing: site location plan; illustration of the proposed bell mouth and construction details; the existing field access, and photographs of the site, an explanation of which was provided for the benefit of Members.

Submitted objections had been conveyed to Cumbria County Council in its role as Highway Authority who had confirmed (following a Road Safety Audit) that it had no objection to the proposal, subject to the imposition of several conditions. Those conditions required: the closure of existing accesses serving The Hill and Elm Bank; and that use of the proposed access not commence until the visibility splays and radius kerbs had been provided.

The Development Manager advised that, in light of the views of the Highway Authority, it would be difficult to substantiate a refusal of the application on highway safety grounds. Accordingly, he recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A number of Members expressed concerns about the average traffic speed on the A7 in the area of the proposed scheme. A motion was proposed that the application be deferred in order that consideration be given to the imposition of a speed restriction in that area. The motion was not seconded.

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

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

**11. Display of 2no. non-illuminated post mounted signage panels and 2no. flag posts (Retrospective), Land Adjacent to King Edward Fauld, Burgh by Sands, Carlisle, CA5 6AR (Application 19/0692).**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: proposed site plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

Burgh by Sands Parish Council had objected to the installation of flags and signs, considering the signs only to be sufficient. The Principal Planning Officer considered it standard practice for developers to promote sites using signage and flags, therefore he did not consider the application unreasonable. Moreover, the permission applied for was temporary in nature and would be removed in five years or within 21 days of the sale of the last property, whichever was the sooner.

The Principal Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

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

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

#### **DC.107/19    STANDING ORDERS**

During consideration of the above item, it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

#### **DC.108/19    SCHEDULE B**

RESOLVED: That the items in Schedule B be noted.

#### **DC.109/19    TPO 305 WOOD COTTAGE/MAYA HOUSE, ST LAWRENCE LANE, BURGH BY SANDS.**

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.37/19 which considered the making of Tree Preservation Order 305 – Wood Cottage/Maya House, St Lawrence Lane Burgh by Sands.

The process for the making of the Order was summarised for Members. One objection had been received from Maya Cottage who had requested the felling, on the grounds that the tree was interfering with drains of their property and was causing concern that it should fall in high winds. No evidence was provided to support these reasons, and the Planning/Landscape Compliance and Enforcement Officer noted that the submitted Arboricultural report stated that the tree was in a sound, healthy condition. Any limiting of light onto the patio area of Maya House, was able to be addressed through careful management of the tree.

The Planning/Landscapes Compliance and Enforcement Officer recommended that Tree Preservation Order 305 – Wood Cottage/Maya House, St Lawrence Lane, Burgh by Sands, be confirmed with modification to the original Order to list the specimen of the tree as an Alder.

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

RESOLVED – That Tree Preservation Order 305 – Wood Cottage/Maya House, St Lawrence Lane, Burgh by Sands, be confirmed with modification to the original Order to list the specimen of the tree as an Alder.

## **DC.110/19 REVIEW OF TREE PRESERVATION ORDERS 148 & 247 AND THE MAKING OF TREE PRESERVATION ORDERS 307 & 308, GARLANDS, CARLISLE**

The Planning/Landscape Compliance and Enforcement Officer submitted report ED.38/19 which detailed the results of a review of Tree Preservation Orders 148 & 247 and considered the making of Tree Preservation Orders 307 & 308, Garlands, Carlisle.

Tree Preservation Order 148 – Land at Garlands Hospital, Carlisle, and Tree Preservation Order 247 – Land at Garlands Hospital No.2, Carlisle were confirmed in 1999 and 2009 respectively. Numerous applications for works had been submitted and consequently it had been necessary to review the Orders to identify: the remaining trees; which trees remained worthy of protection and, whether any further tree merited the protection of an Order. Professional arboriculturalists were commissioned to carry out the review, and their assessment and findings had been reproduced in the report.

Based on the findings of the arboriculturalist's report, Tree Preservation Orders 307 – Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle and 308 – Land at Garlands Estate Carlisle had been made.

The Planning/Landscapes Compliance and Enforcement Officer recommended:

- a) That Tree Preservation Orders 148 – Land at Garlands Hospital, Carlisle, and 247 – Land at Garlands Hospital No.2 be revoked.
- b) That Tree Preservation Order 307 - Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle be confirmed without modification.
- c) That Tree Preservation Order 308 - Land at Garlands Estate, Carlisle be confirmed with the following modifications:
  - That trees T131, T132, T138, T142, T144, T146, T147, T171, T179, T180, T191 and T192 be removed from the Order

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

**RESOLVED - 1) That Tree Preservation Orders 148 – Land at Garlands Hospital, Carlisle, and 247 – Land at Garlands Hospital No.2 be revoked.**

**2) That Tree Preservation Order 307 - Land at Carleton Clinic, to the west of Cumwhinton Drive, Carlisle be confirmed without modification.**

- c) That Tree Preservation Order 308 - Land at Garlands Estate, Carlisle be confirmed with the following modifications:
  - That trees T131, T132, T138, T142, T144, T146, T147, T171, T179, T180, T191 and T192 be removed from the Order

[The meeting closed at 2:09pm]