

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 14 DECEMBER 2012 AT 10.00 AM**

**PRESENT:** Councillor Scarborough (Chairman), Councillors Betton (as substitute for Councillor Graham) (until 1:15), Bloxham, Cape, Craig, Earp, McDevitt, Mrs Parson, Mrs Prest, Mrs Riddle (until 1:15), Mrs Warwick and Whalen (until 1:15)

**ALSO**

**PRESENT:** Councillor Collier attended the meeting as Ward Councillor in respect of application 12/0638 (Land to the South East of Flatt Farm, Kirkbampton, CA5 6NG)

**OFFICERS:** Director of Governance  
Director of Economic Development  
Planning Manager  
Planning Officers (ST, SD, RJM, BP)

### **DC.91/12 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Graham

### **DC.92/12 DECLARATIONS OF INTEREST**

Councillor Betton declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 10/1129. The interest related to the fact that he was a member of Cumbria County Council

Councillor Cape declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 12/0820. The interest related to the fact that the agent was a member of Carlisle Squash Club

Councillor McDevitt declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 10/1129. The interest related to the fact that he was a member of Cumbria County Council

Councillor Scarborough declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 12/0833. The interest related to the fact that he lived in the property from 1979 to 1982

Councillor Whalen declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 10/1129. The interest related to the fact that he was a member of Cumbria County Council

### **DC.93/12 MINUTES**

The minutes of the site visit meeting held on 12 December 2012 were noted.

It was pointed out that Councillor Graham was showing as being in attendance at the meeting when in fact he had sent apologies. The minutes would be amended accordingly.

## **DC.94/12      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.95/12      CHAIRMAN'S ANNOUNCEMENT**

The Chairman advised that agenda items 10 and 11, applications 12/0835 and 12/0836 had been withdrawn.

## **DC.96/12      CONTROL OF DEVELOPMENT AND ADVERTISING**

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

### **(1)      Erection of a single wind turbine (500kW), 55.6m hub height, 79.6m to tip height and 2no metering units, land to the south east of Flatt Farm, Kirkbampton, CA5 6NG (Application 12/0638)**

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 12 December 2012, and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to the occupiers of 40 neighbouring properties. In response, 28 letters of objection and 1 letter of support had been received. The Planning Officer summarised the issues raised therein. Since preparation of the report a petition containing 68 signatories had been received that objected to the construction of any further wind turbines in Orton parish.

The Planning Officer informed Members that the proposal involved the erection of a single 500kW wind turbine to serve the needs of Flatt Farm, with spare capacity feeding into the National Grid. The turbine would have 3 blades, a hub height of 55.6m and a tip height of 79.6m. Access to the turbine would be via an existing access road, but a new section of access track across the field would be required. National planning policy promoted targets for renewable energy and looked to Local Authorities to support proposals for renewable energy developments which did not have unacceptable impacts.

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

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

Mr McTurk (Objector) stated that while he did not object to anyone building a small turbine to supply a farm, the application under consideration was backed by an investment company who were using individual landowners as a front in an attempt to gain permission for a number of wind turbines in the area. The electricity produced from the turbine would not feed the farm but would solely feed into the national grid for profit. Mr McTurk did not believe that the turbine would be carbon friendly but was to make money for investors by exploiting the Government's green tariff.

Mr McTurk added that the turbine was much greater than needed to produce 500kW and had been reduced in size to gain maximum return on investment. There would be an accumulative noise and visual impact to the surrounding area due to the addition of one application recently passed and one in appeal on the same farm by Allerdale Borough Council as well as the existing turbines on the airfield at Great Orton. The turbine would be taller than Dixon's chimney. Mr McTurk informed Members that it would be the residents who would suffer and he believed that planning rules should be changed to ensure that all people who would be affected by proposed turbines should be notified as well as those in neighbouring properties.

Mr Wills (Objector) explained that as well as being a resident of Great Orton he also served on Orton Parish Council and was representing their views as well as his own. Mr Wills lived in one of the closest properties to the proposed site. A meeting of the Parish Council had been held on 28 August and was well attended and debated, and indicated that the majority of residents were against the proposal.

Mr Wills believed that the location was too close to the village and the noise would be carried to the village by the prevailing wind. Residents already suffered from noise at night from the existing wind turbines and there was concern that it could lead to sleep and health problems. As the proposed turbine was on an elevated site and taller than Dixon's chimney Mr Wills believed it would dominate the landscape and would be in view of either front or back gardens of all properties in the village. There were spectacular sunsets in the summer and the turbine would be in front of those. Mr Wills explained that flicker would be a major problem and the cumulative effect of the existing turbines in addition to the new ones for which planning permission had been granted would have a detrimental impact on the village. Developers portrayed wind turbines as green energy but in Mr Wills' opinion they were visual pollution and therefore he asked Members to reject the application.

Mrs Mills (Objector) advised that she lived in Great Orton close to the borders of Allerdale and Carlisle City Councils. Since the start of the year residents felt as if they had been targeted by energy companies. The community had already contributed to renewable energy with the existing turbines at Watchtree Nature Reserve and other consents in the pipeline. The proposed turbine was closer to the village than the landowner's own residence and while she was not against wind turbines Mrs Mills believed that they should be in appropriate positions and appropriately sized to blend in with the surroundings. Mrs Mills asked Members to stop the accumulation of turbines in the area as the matter was getting out of hand.

Councillor Collier (Ward Councillor) advised that he was speaking on behalf of residents of Great Orton. Councillor Collier had attended the site visit and stated that the existing turbines were smaller than the proposed turbine in the application. If there were 10 turbines in an area an Environmental Impact Assessment would need to be carried out and for that reason 2 applications for wind turbines had been withdrawn.

Councillor Collier believed that residents would suffer if the application was approved. Two public meetings had been held and both were well attended. Votes were taken on the matter which indicated that residents had had enough. Councillor Collier added that, in his opinion, turbines were erected wherever there was a space and he asked that, on behalf of the people of Great Orton, that the application be refused.

Mr Harley (Agent) advised that the principle of the development had been based on the Council's policies and guidance plan as well as national and regional guidance. He urged Members not to rely on gut feelings when considering the application. The potential impact had been addressed within the report and supported by professionals within the Council and he had seen nothing that refuted the findings in respect of noise. Mr Harley confirmed that if there were any issues with noise should the application be approved, the turbine would be stopped and action taken.

With regard to the height of the proposed turbine, Mr Harley informed Members that the location was lower than Great Orton and the 3m difference in height between the proposed turbine and those at Great Orton, over a distance of 70m, would be negligible. Mr Harley believed that visual impact was subjective and that while he understood residents' concerns the applicant had been guided by the Cumbria Wind Energy Policy and the area had been identified as suitable. Of the 2 applications submitted to Allerdale Borough Council one had been withdrawn and one was under appeal.

Mr Harley explained that the proposed turbine was specifically for the farm and that it was an essential factor in the well-being of the farm. While he understood the concerns from neighbours, Mr Harley stated that the submission addressed all of the concerns and he therefore asked Members to support the application.

The Committee then gave consideration to the application.

A Member stated that his decision would be made on the evidence provided and not on gut instinct. The Member was concerned about the number of wind farms in the area.

A Member queried a comment made by the agent in respect of the height of the existing masts compared to the proposed mast. The Planning Officer advised that due to the differences in land levels there was a 3m to 5m difference in the perceived heights of the masts.

The Member further queried how a desk top habitat survey could give an accurate picture of the wildlife in an area. The Planning Officer advised that a desk top survey was what was required by validation guidelines. If required a full survey could be imposed as a condition to the application.

A Member noted that a number of consultation responses had not been received. The Member also noted that the report stated that the land on which the proposed turbine would be sited was flat with surrounding hedgerows. The Member queried how a hedgerow could screen a wind turbine.

A Member queried whether it would be possible to lower the height of the turbine as that would have less visual impact. The Planning Officer advised that Members were obliged to consider the application before them which was for a wind turbine of 79.6m. If Members wished consideration of the application could be deferred and the Planning Officer could discuss reducing the height of the turbine with the applicant.

The Member also queried whether there were limits to the number of wind turbines that led to the requirement of an Environmental Impact Assessment. The Planning Officer advised that the Director of Economic Development and the Planning Manager had in this instance set the limit at 10 wind turbines but the current application was for a single turbine.

The Member further queried who would be responsible for the decommissioning of the turbine as it was possible that the present owner may not own the land in the future. The Planning Officer explained that a condition had been imposed that the turbine would be de-commissioned after 25 years and all related above ground structures removed from the site and the site reinstated to its original condition. That responsibility would pass with the land therefore the landowner would be responsible in perpetuity. The Member questioned whether the condition could stipulate that the landowner would be responsible for the decommissioning. The Planning Manager advised that could be included in the condition and a reference made stating that responsibility for decommissioning stayed with the land.

A Member stated that the proposal was for a single turbine for the use of Flatt Farm and queried whether such a size was considered a domestic turbine. The Planning Officer advised that policies did not specify that a wind turbine had to be for domestic use.

The Member queried the comment made by the Ministry of Defence regarding the use of omnidirectional lights on the proposed turbine which she believed would cause further visual impact on the area. The Planning Officer advised that was a standard condition from the Ministry of Defence and applied to other wind turbines in the district. Members would also need to take that into consideration.

A Member was concerned about the cumulative effect of the turbines and the Lavender test stated that it was not in the public interest to create such living conditions where they did not exist before. The report also stated that no background noise assessment had been undertaken. The Planning Officer advised that a noise assessment of the wind turbine had been undertaken and that had included the existing 6 turbines.

A Member stated that the Committee did not make decisions based on gut feelings. The Member was concerned about the number of wind turbine clusters and the fact that the proposed turbine was higher than those existing ones. The number of wind turbines would also have an impact on the tourism in the area. The Member was also concerned that the noise assessment and the habitat survey had been carried out by the applicant and therefore was not independent. The Member stated that there were a number of ways to produce energy and not all were wind related. He was concerned that the cumulative effect would be great and that the number of turbines in the area would be overpowering. For those reasons the Member moved that the application be refused. A Member seconded that motion.

The report stated that the application was for a single wind turbine and 2 metering units. A Member queried what those units were. The Member stated that he was not against wind turbines but believed that the proposed wind turbine was not in an appropriate location and would be one too many.

A Member stated that the Committee were responsible for the future for residents and the area itself and if the application was approved it would not be leaving a good prospect for future generations and that other sources of renewable energy were available.

A Member stated that the National Planning Policy Framework, while allowing for the erection of wind turbines, also referred to the prevention of the destruction of the landscape. The Member believed that local people should have a say in shaping their surroundings and the proposed turbine would not achieve that. Therefore the Member moved that the application be refused by virtue of policies CP1 and CP5.

A Member queried whether they would be able to see the petition that had been handed in to the Council. The Planning Manager confirmed that the petition had been scanned and recorded and clarified that the petition related to wind turbines in general within the Parish.

It was moved and seconded that the application be refused by virtue of policies CP1 and CP5.

Following a vote it was unanimously

RESOLVED – That permission be refused by virtue of the reasons stated in the Schedule of Decisions attached to these Minutes.

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

The Planning Officer submitted the report on the application, which had been deferred at the previous meeting to enable a site visit to be undertaken. The site visit had taken place on 12 December 2012. The Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. She reminded Members that permission was granted in 2011 for the erection of a 20kW wind turbine with a hub height of 20m, 27.1m to tip and associated site works (11/0190).

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

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

Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, along with the electricity pylons to the south of the site, it was considered that the turbine would not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents. It was considered that the proposed development accorded with the provisions of the Carlisle District Local Plan 2001-2016 and, as there were no material considerations which indicated that it should be determined to the contrary, it would be determined in accordance with the Local Plan and, as such, was recommended for approval subject to the imposition of appropriate conditions.

The Committee then gave consideration to the application.

A Member stated that he was not against wind turbines provided they were in the correct location and of an appropriate size. Permission had been granted for a 20m high wind turbine producing 20kW of power. The current application was for a 30m turbine producing 225kW. The Member had carried out some research and discovered it was possible to reduce the height of the turbine and retain the power output. The Planning Officer explained that generally the higher the turbine the higher the power output but reminded Members that they were obliged to consider the application before them which was for a wind turbine of 30m. The Planning Manager advised that research had shown that the level of power produced rose exponentially in relation to the height of the turbine.

A Member stated that he was against wind turbines and he was concerned that Dalston could eventually have as many turbines as Allerdale. However he acknowledged that the Committee had to consider the application before them.

A Member stated that following the site visit he could not understand why the applicant had submitted an application for a taller wind turbine than the previously permitted application and he was not convinced that there was a case for a higher turbine. The Member queried whether, if the application was approved, the previously permitted application would still apply or would that application be replaced by the current one. The Planning Officer explained that the 30m turbine was in a slightly different location and in theory the application would replace the previously approved proposal but a condition could be included that would permit only one wind turbine on the site.

A Member was concerned that applications would be submitted for larger and larger wind turbines and that there should be a policy in relation to height limits. The Member queried whether a condition relating to the de-commissioning of the turbine could be imposed to ensure that the landowner at the time of de-commissioning was responsible. The Planning Manager explained that with regard to the height of wind turbines each would be considered on its own merits. The Director of Economic Development confirmed that permission would ensure that responsibility for de-commissioning would go to the landowner. The Member noted that the application had been submitted on behalf of a company named TGC and he was concerned that in the future that company may not be operating. The Director of Economic Development advised that from a planning perspective a condition could only be imposed on the land. The Director of Governance explained that the planning permission would run with the land.

It was moved and seconded that the application be refused.

A Member was concerned that there had been no objections to the proposal and no-one had registered a right to speak at the meeting. It was believed that the racecourse had concerns but they had not been consulted. The Member moved that the application be approved on condition that the application replaced the previously approved application.

A Member moved that the application be refused by virtue of policies CP1 and CP8 as it was too close to residential properties. The Director of Governance advised that if the application was refused there had to be sufficient evidence for the reasons for refusal and the decision had to be reasonable. Members had to make their decision on proper planning merits so as to safeguard against any possible claim for costs against the Council.

Following a vote it was

RESOLVED – That Members were minded to refuse the application and as such resolved to defer consideration of the proposal in order for the officer to prepare draft reasons for refusal as part of a further report on the application at a future meeting of the Committee.

**(3) Erection of 1no dwelling, Townfoot Farm, Talkin, Brampton, CA8 1LE (Application 12/0820)**

Having declared a registrable interest Councillor Cape remained in the Chamber and took part in the consideration of the application.

It was moved and seconded that consideration of the application be deferred to enable a site visit to be undertaken due to the size of the development and the highway issues.

The Chairman advised the member of the public who had registered a right to speak at the meeting that he could either speak at the meeting or defer his right to speak until the next meeting when the application would be considered. He deferred his right to speak until the future meeting.

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

**(4) Erection of mobile lodge to provide 1no agricultural workers dwelling, land adjacent Priest Hill, Beaumont, Carlisle, CA5 6EG (Application 12/0773)**

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and 1 letter of support had been received from a neighbouring property.

The Planning Officer advised that following the receipt of amended plans that showed the revised siting of the building, comments had been received from the Parish Council and the occupier of the neighbouring property neither of whom raised any objection. The Solway Coast Area of Outstanding Natural Beauty (AONB) had raised concerns about the visual impact of the development as originally submitted. The issues raised were valid to the application and as a result had triggered the report and the requirement for Members of the Committee to consider their response.

The application had been amended which showed the building better related to the existing agricultural buildings. In addition, the gable rather than the length of the building would be visible from the Solway Firth, thereby minimising the visual impact and landscaping was also proposed around the site.

The Planning Officer presented slides that showed that the foul drainage would connect to the existing septic tank and condition 5 was no longer required. However, the Planning Officer explained that an advisory note should be imposed advising the applicant that the existing septic tank should be sufficient to accommodate both properties. Condition 7 which related to landscaping was no longer applicable and should be removed as the drawing showed the provision of the beech hedge.



Although a response to the revised plans was awaited from the Solway Coast AONB it was considered that the revisions were an improvement to the scheme and authority to issue approval was sought subject to the completion of the consultation period and no additional issues being raised from the Solway Coast AONB.

The Committee then gave consideration to the application.

A Member stated that as it was the Solway Coast AONB that had raised concerns he moved that consideration of the application be deferred until a response had been received.

A Member noted that the Planning Officer had stated that the application was for a 3 year temporary consent but that was not specified in the conditions. The Planning Officer explained that he had clarified with the applicant that a permanent condition was sought and there was no objection to that in principle.

In response to a query from a Member the Planning Officer advised that no response had been received from the Hadrians Wall Heritage Limited.

A Member noted that the application was for an agricultural worker's dwelling and queried whether it was necessary for the occupant to be actively working. The Director of Governance advised that based on a precedent condition the dwelling would cater for if a worker who had lived his whole life there and died to allow his widow to live on in the property.

It was moved and seconded that consideration of the application be deferred until the next meeting to allow responses from the Solway Coast AONB to be received.

RESOLVED – That permission be deferred in order to receive a further consultation response from the Solway Coast Area of Outstanding Natural Beauty and to await a further report on the application at a future meeting of the Committee.

**(5) Erection of 53no dwellings (17no to be made affordable by way of social rent and 36no for sale on the open market), land at Burnrigg Road, Morton, Carlisle (Application 10/1129)**

Having declared a registrable interest in the application Councillors Betton, McDevitt and Whalen remained in the Chamber and took part in consideration of the application.

The Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The Planning Officer reminded Members that the Committee, on 10 June 2011, resolved to give authority to the Director of Economic Development to issue approval for the proposal subject to the completion of a Section 106 Agreement to ensure the provision of an affordable housing scheme, to explore the possibility of a contribution towards off-road cycleways and to secure a commuted payment for maintenance of off-site play and open space facilities. In pursuit of the Section 106 the Director of Economic Development had been unable to reach a satisfactory conclusion and as such there was no provision for affordable housing on the site and the application was therefore contrary to Policy H5 of the Carlisle District Local Plan 2001-2016.

The Council's Green Spaces Department requested a financial contribution of £45,309.13 towards the maintenance of amenity space and children's play space in the locality. The provision of that money was also to be secured through the completion of a Section 106 Agreement. The applicants had not progressed a Legal Agreement to secure that contribution. As such it was considered that the absence of a contribution towards the maintenance of amenity space and a play space would place undue burden on the facilities in the locality and the application was contrary to Policy LC4 of the Carlisle District Local Plan. For those reasons the application was recommended for refusal.

The Committee then gave consideration to the application.

In response to a query from a Member, the Planning Manager explained that since authority to approval was granted negotiations had taken place but there were issues between Riverside and the landowner regarding ownership of the land. Those discussions had led to an impasse over the agreement of the value of the land and no agreement had been reached. Therefore whilst the issues were outside planning remit the matter did affect the agreement. The Director of Economic Development informed Members that she was due to meet with the County Council's Director of property the following week to discuss the matter further.

A Member moved approval of the Officer's recommendation.

A Member believed that while the City needed affordable housing the Committee had to consider carefully the issues raised. With regard to mineral rights the Member was aware that discussions could take some time but that there was a date by which the land had to be registered. The Director of Governance confirmed that to be 13 October 2013.

The Member seconded the motion to refuse permission.

A Member agreed with the decision to refuse the application but was concerned that it could take 18 months before a decision on land ownership could be reached.

The Director of Economic Development advised that procedures were being put in place with regard to Section 106 Agreements that could prevent similar issues arising in the future.

It was moved and seconded that the application be refused.

RESOLVED – That permission be refused for the reasons stated in the Schedule of Decisions attached to these Minutes.

**(6) Demolition of existing garage, erection of swimming pool with changing rooms and pump room for commercial use, erection of replacement domestic garage, Carrock View, 8 Sandy Lane, Broadwath, Heads Nook, Brampton, CA8 9BQ (Application 12/0805)**

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and direct notification to the occupiers of 2 of the neighbouring properties. In response 9 letters of objection and 10 letters of support had been received and the Planning Officer summarised the main issues raised therein.

The Planning Officer informed Members that the proposal had been amended since the initial submission and advised that the building was:

- no longer contemporary in appearance and was more reflective of the existing property,
- set back from the frontage and better related in footprint to the existing building,
- retained sufficient off-site parking provision, and
- additional landscaping was proposed close to the front boundary.

The Planning Manager advised that if members were minded to approve the application Officers would ensure that the correct landscaping plan was included. The application was recommended for approval.

It was moved and seconded that the application be approved.

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

**(7) Permanent siting of mobile home, Land at The Barn, Park Barns, Irthington, Carlisle, CA6 4NQ (Application 12/0824)**

The Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and notification letters sent to 7 neighbouring properties. In response 3 letters of objection, one of which had been signed by 5 local residents from 3 different households, and 6 letters of support had been received.

The Planning Officer reminded Members that the application was for the permanent siting of a mobile home. The applicant owned 9 hectares of woodland, has shooting rights over 84 hectares, has with riparian ownership of 2 miles of the north bank of the River Gelt. The original temporary siting of the caravan on the site had been approved by the Committee over 3 years ago. The Planning Officer explained that the applicant was seeking to establish a coppicing business, was planning to introduce fly fishing, was planning to expand the shooting syndicate and establish a pheasant rearing business and that he had an existing joinery business. The Planning Officer presented slides of the site showing the existing caravan and the surrounding area. At the time of the original application the County Land Agent had stated that it was not necessary for the applicant to remain on site at all times. That decision was overturned by the Committee as they believed that it was necessary to safeguard the joinery business and enable new businesses to be developed and therefore approval was granted. That temporary permission had now expired and the applicant had now submitted an application for the permanent siting of a mobile home on the site. The timber lodge would be set back 20m into the site. The County Land Agent had been consulted on the current application and had again concluded that there was no essential need for a worker to be resident at the site on a permanent basis but added that a mobile home would be desirable rather than essential. As an essential need had not been demonstrated the Officer recommended that the application be refused.

Councillor Layden (Ward Councillor) stated that he was speaking on behalf of the applicant. The conditions that led to the decision that was made in March 2009 for the temporary siting of a caravan were still valid under the National Planning Policy Framework. The main core of the applicant's business was bespoke joinery, for which he

employed one other person, and was looking to employ another. The applicant was looking to expand his forestry business and establish fishing rights and he was hoping to rear pheasants for shoots. In such difficult economic times, approval of the application would give him security and enable him to build up a rural industry. While his business was surviving and developing the applicant could only continue if he was able to live on the site as the cost of finding local accommodation was prohibitive. Of the 4 tests set by the Land Agent 3 had been met and only the functional need to be on site had not been met.

Councillor Layden believed that the siting of the mobile home would not have a detrimental effect on the area and if the application was refused the timber logging would continue, the workshop would remain as would the caravan but the applicant would not. The Councillor concluded by stating that the Forestry Commission also supported the applicant's work.

The Committee then gave consideration to the application.

A Member stated that having read the report and listened to the Ward Councillor he believed that the Committee should help small businesses to survive and therefore moved that the application be approved.

A Member believed that the applicant needed to replace where he was currently living and therefore he seconded the motion to approve the application.

A Member queried whether the caravan would be removed if the application was approved and whether the applicant would be made homeless if the application was refused. The Planning Officer explained that the applicant was currently living in the caravan and if the application was refused that would make him homeless. If the application was approved a condition could be imposed to ensure removal of the caravan. The Planning Officer advised that Members would also need to consider whether a further temporary permission would be appropriate if the application was approved.

A Member stated that the Council should do all it could to encourage small businesses to develop and added that he would prefer to give another temporary permission while the business developed.

The Director of Governance advised that Members needed to consider the application before them which was for the permanent siting of a mobile home. Members could request that consideration of the application be deferred to allow discussion with the applicant with regard to a temporary permission.

A Member stated that he was in favour of rural workshops and he did not believe that the proposed mobile home would have an adverse impact on the area. However, the Member was concerned that while it would be easy to remove a caravan, if a temporary permission was approved, it would not be as easy to remove a mobile home.

Following a vote it was:

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

**(8) Erection of first floor extension to provide 3no bedrooms together with single storey front extension to provide kitchen, new entrance and internal rearrangement, Rosegarth, Brier Lonning, Hayton, Carlisle, CA8 9HL (Application 12/0833)**

Having declared a registrable interest Councillor Scarborough remained in the Chamber and took part in the consideration of the application.

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of the direct notification of the occupiers of 6 neighbouring properties. In response 2 letters of objection had been received and the Planning Officer summarised the issues raised therein. Since publication of the report an additional response had been received from a neighbouring property that considered the minor changes to the application did not make any fundamental difference to their original objections which they upheld.

The Planning Officer advised that in overall terms the principle of the development was acceptable. The scale, siting and massing of the proposed extensions were considered to be acceptable in relation to the existing property, its setting and the street scene. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance. In all aspects the proposal was compliant with the objectives of the Local Plan policies. Therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

A Member moved approval of the application.

A Member asked for clarification that some neighbouring properties had a condition that stated that they could only be single storey dwellings and if that was the case would they be allowed to extend in the future. The Planning Officer advised that one of the neighbouring properties was single storey and she had not had the opportunity to speak with the neighbour. However, the Planning Officer reminded Members that advice would be given in the future if applications were received and would be considered on their own merits.

A Member stated that the original application was for a dwelling in the grounds of the property and queried whether that application was being pursued. The Planning Officer advised that the initial application would not now be pursued.

It was moved and seconded that the application be approved.

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

**(9) Residential development (Outline Application), land adjacent rear of 1 & 2 Whitehouse, Walton, Brampton, CA8 2DJ (Application 12/0847)**

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by the direct notification of the occupiers of 9 neighbouring properties

and the posting of a site notice. In response 4 letters/e-mails of objection had been received.

The Planning Officer presented slides of the site that indicated access onto the site and the boundaries around the site showing hedgerows and neighbouring properties.

The Planning Officer advised that the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. Cumbria County Council, as Highways Authority, did not object subject to the imposition of appropriate conditions to the formation of the proposed access to serve the site. Other matters in respect of appearance, landscaping, layout and scale would be subject to consideration upon receipt of a further application. In overall terms, the proposal was considered to be compliant under the provisions of the National Planning Policy Framework and the objectives of the relevant Local Plan policies. Accordingly, the application was recommended for approval subject to the completion of a Section 106 Agreement.

The Committee then gave consideration to the application.

A Member stated that any monies obtained for affordable housing should be used for Affordable Housing and not green spaces. The Planning Officer advised that the Section 106 Agreements would ensure that the monies would be used for Affordable Housing.

A Member was concerned that the 3 proposed buildings were close together and that when the application came back that would need to be carefully considered.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted subject to the completion of a Section 106 Agreement towards a commuted sum for off-site affordable housing.

- (10) Change of use of part of a residential property including part demolition and rebuilding, upgrade of the existing swimming pool complex to form a spa facility, licensed cafe and restaurant, along with associated parking and amenity space, Rickerby Cottage, Rickerby Park, Carlisle, CA3 9AA (Application 12/0835)**

The report was withdrawn from discussion at the meeting to allow consideration of a revised access.

- (11) Demolition of redundant store and first floor building (Conservation Area Consent), Rickerby Cottage, Rickerby Park, Carlisle, CA3 9AA (Application 12/0836)**

The report was withdrawn from discussion at the meeting to allow consideration of a revised access.

- (12) Erection of feed bin for cattle housing building (Revised/Retropective Application), Keysmount Farm, Blackford, Carlisle, Cumbria, CA6 4ER (Application 12/0920)**

The Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues

for consideration. The application had been advertised means of a site notice. Since publication of the report objections had been received from the Highways Authority and the Parish Council on the grounds that the structure had been built within the highway verge. It was proposed to impose a condition which required the applicant to apply for a Stopping Up Order under Section 116 of the Highway Act which was reproduced as Condition 2.

The Planning Officer presented slides of the site and advised that only one silo was proposed.

Therefore the Planning Officer recommended that the application be approved subject to the conditions stated.

The Committee then gave consideration to the application.

A Member reminded the Committee that a site visit had been undertaken 3 years ago and at one time gates had been installed to allow cattle to cross but that had impeded the highway. Now the Highway Authority and Parish Council were concerned about the building being on the highway verge. The Member asked for clarification on what was meant by a Stepping Up Order. He suggested that the application should be refused and Officers should ensure that the County Council enforce a Stopping Up Notice,

The Director of Economic Development advised that the application should be considered on its merits. It would not be possible to refuse the application on highways grounds as the Highway Authority had not objected to the application on those grounds.

The Director of Governance explained that there were different methods available to stop up and divert a highway; however, due to the circumstances of the development having already taken place, an order from a magistrate would be required. The Planning Officer advised that a Stopping Up Order would refer only to the section of land on which the silo was placed and although the slides showed other materials on the site that was not part of the application site area. The Stopping Up Order would take a piece of land out of highway use.

The Director of Economic Development advised that it was within the powers of the County Council to deal with the matter as landowner.

A Member suggested that the application be deferred and referred back to the County Council. The Director of Economic Development advised that discussions had taken place with the County Council in an attempt to resolve the issue but nothing had been resolved.

In response to a query from a Member the Director of Economic Development advised that the County Council's Development Control Committee had no authority over that type of planning.

A Member stated that whilst he had sympathy for the farmer there was still a problem. The County Council and the police would do nothing to resolve the matter and the City Council were unable to do anything that would resolve the matter. The Parish Council felt the matter had gone on for too long and the Member believed that someone needed to make a decision and moved that the application be refused. The motion for refusal was seconded.

The Director of Economic Development advised that conditions would be included that would compel the County Council to deal with the matter.

The Director of Governance advised that Members had to make a decision based on the recommendation of the Officer and that the Stopping Up Order was a separate issue. If the application was approved one of the conditions would be that the applicant would need to apply for a Section 116 Order to stop up the highway verge. If the applicant did not obtain a Section 116 Order the County Council could take enforcement action against the applicant.

A Member moved that the application be refused by virtue of policy LE25 of the District Local Plan as it would be detrimental to the environment and amenity.

Following a vote it was unanimously:

RESOLVED – That permission be refused for the reasons stated in the Schedule of Decisions attached to these Minutes.

There was a short adjournment between 12.25pm and 12.35pm.

**(13) Erection of single storey side and rear extension to provide extended kitchen, dining/living room, shower room and games room, 47 Longdyke Drive, Carlisle, CA1 3HT (Application 12/0938)**

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by the direct notification of the occupiers of 4 neighbouring properties and no verbal or written representations had been made during the consultation period.

The Planning Officer advised that in overall terms the principle of the development was acceptable. The scale of the proposed extension was outwith the parameters of the policy guidance. However there were material considerations that warranted approval of the application. The design and use of materials were acceptable in relation to the dwelling and would not form a discordant feature within the street scene. In all aspects the proposal was compliant with the objectives of the relevant Development Plan policies and therefore the Planning Officer recommended that the application be approved.

Approval of the application was moved and seconded.

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

**(14) Conversion to provide 9no apartments together with alterations and additions to building; partial demolition of lean-to store together with parking and access improvements, Lime House, Wetheral, Carlisle, CA4 8EH (Application 10/1129)**

The Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of site and press notices as well as the direct notification of the occupiers of neighbouring properties and the posting of a site notice. In response, 3 letters of objection and a petition with 27 signatures had been received. The Planning Officer summarised the issues raised therein. Since publication of the report one further response had been received from the immediate



neighbours of Lime House. However that confirmed no objections to the proposal but did raise concerns about possible future applications, which could not be taken into account when determining the application before them.

An amended plan showing the location of hedging addressed neighbours' concerns.

The Planning Officer advised that in overall terms the principle of the proposed development was acceptable. The proposal could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Wetheral Conservation Area and adjacent Listed Building. The Highway Authority had advised that the parking/access arrangements 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. Therefore the Planning Officer recommended approval of the application.

Approval of the application was moved and seconded.

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

## **DC.96/12      DCLG CONSULTATIONS NOVEMBER 2012**

The Planning Manager submitted Report ED.38/12 that set out recent technical consultations from the Department of Communities and Local Government (DCLG) and the issues arising as they impact on Carlisle.

The Planning Manager advised that the DCLG had recently issued a number of short consultations relating to technical aspects of planning rather than the Government's planning policies. Those consultations proposed changes which impacted directly on the need for a planning application or the processes involved in consideration of an application or planning appeal. Each of those consultations was limited to a 6 week period. The Planning Manager outlined the 5 consultations and the closing dates for the consultation. The main proposals for change were:

- extending permitted development rights for homeowners and businesses
- technical review of planning appeal procedures
- planning performance and the planning guarantee
- nationally significant infrastructure planning: expanding and improving the "one stop shop" approach for consents, and
- nationally significant infrastructure planning: extending the regime to business and commercial projects.

The Planning Manager advised that the consultation deadline in respect of planning appeal procedures had expired on 13 December 2012.

### **Extending permitted development rights for homeowners and businesses**

#### **2.1      Increased limits for homeowner rear extensions and conservatories**

The Director of Economic Development explained that the intention was to give work to local builders but it was believed that if a person wished to build an

extension to a property they would do so whether planning permission was needed or not.

RESPONSE: - The City of Carlisle currently has 4000 permissions granted for new housing that have, to date, not been acted upon.

## 2.2 Making it easier to carry out garage conversions

The guidance stated that conditions should not be imposed unless where parking problems would result. The Planning Manager advised that that could lead to more garage conversions. Garage conversions would not, however, be permitted to create an independent living unit.

A Member stated that research had indicated that 85% of garages were not used to park vehicles and while it would cause parking problems if too many were converted the majority of people did not keep their car in the garage.

## 2.3 Increased limits for extensions to shops and financial/professional services establishments, with development to the boundary of the premises

## 2.4 Increased limits for extensions to offices

## 2.5 Increased limits for new industrial buildings

The Planning Manager explained that the above items would be dealt with together as they related to businesses wishing to build larger extensions. While the City Council supported businesses within the City Centre there could be issues with regard to parking. The new guidance had stated that no extension under permitted development rights would be allowed up to the boundary of a residential property.

Members queried how properties could be accessed if extensions were permitted up to the boundary.

The Planning Manager confirmed that under permitted development rights a 2m gap between properties was deemed sufficient. Under the revised guidance permission would be required if an extension was within that limit.

## 2.6 A time limit on the changes

The main issue was that the change would be for a period of 3 years then would revert back to a requirement for planning applications to be submitted.

Members believed that problems could arise between neighbours if one was allowed to build an extension under permitted development rights then a few months later another had to obtain planning permission.

## 2.7 Protected areas

RESPONSE: - The City Council support the proposal that the changes did not apply to Sites of Special Scientific Interest (SSSI)

## 2.8 Delivery of superfast broadband

It was proposed to remove the prior notification process for apparatus such as cabinets and poles in protected areas for a period of 5 years. The Planning Manager advised that in the past year 50 cabinets had been applied for and none had been to Committee as they were all sited sensibly.

The Planning Manager confirmed that if the proposal was for such apparatus to be sited close to a Grade 2 Listed Building planning permission would be required. The Planning Manager further advised that poles over 15m would also require planning permission.

### Planning performance and the planning guarantee

- 2.10 Assessing performance
- 2.11 Speed of decisions
- 2.12 The role of planning performance agreements
- 2.13 Quality of decisions
- 2.14 Having the right information
- 2.15 Setting the bar
- 2.16 Making a designation
- 2.17 Effects of designation
- 2.18 The planning guarantee

The Planning Manager explained that the intention of the above recommendations was to speed up the Council's part of the process and a number of measures had been introduced. There would be a limit of 26 weeks for completion of applications but the focus would be on applications for major developments. The monitoring would be over a 2 year period and if more than 30% of major development exceeded 13 weeks averaged over the 2 year period authority for determination would pass to the Planning Inspector and the Council would no longer have the determining authority. Some functions, such as site notices and neighbour notifications, would remain with the Council and pre-application advice would be available from both parties. However an applicant could opt out of the decision being made by the Local Authority. The Planning Manager explained that over the past 2 years there had been 60 major applications of which 50% exceeded the 13 week limit.

The Director of Economic Development believed it was important that applications were dealt with efficiently and speedily as it was important to customers and to that end Officers could twin-track Section 106 Agreements to enable them to be drafted prior to the meeting of the Committee in an effort to speed up the process. The Director was currently putting processes in place and she appreciated the help of Members and suggested that Members would need to think carefully before making a decision to defer an application.

A Member believed that there could be difficulties in the future if there was continued cuts in budget and staffing levels.

A Member believed that it was not negative to speed up the applications process and requested that when applications came in an end date was indicated to assist Members.

In response to a query from a Member the Director of Economic Development confirmed that members of the Planning Inspectorate were appointed by the DCLG and included

those who had previously worked in Local Government for a long period and had knowledge of planning, surveying and/or highway issues. When an appeal was submitted an inspector would be appointed who had knowledge of that particular field.

Members believed that it may be necessary in the future to increase the number of meetings of the Committee to prevent delays in consideration of applications.

The Director advised that part of the response could deal with enforcement issues and a desire for the Local Authority to have more powers.

The Planning Manager advised that as well as a speed indicator there was also an indicator in respect of the quality of application decisions. If a wrong decision was made and an appeal submitted there could be cost implications for the Council.

Members were unhappy that the Council would be judged on how many decisions had gone to appeal.

## **2.22 Nationally significant infrastructure planning: extending the regime to business and commercial projects**

The Planning Manager explained that applications for commercial buildings over a certain size would be determined by the National Infrastructure Body, part of the Planning Inspectorate. The City Council would be consulted for their views but the decision would be made by the National Infrastructure Body. The Planning Manager advised that issues could arise if an application was received in respect of buildings at Kingmoor Park. He further advised that the guidance did not relate to retail developments or applications where retail was the major part of the development.

A Member was annoyed that the DCLG was taking authority from Local Authorities. National bodies would not be aware of the local area and local issues and problems. The Director of Economic Development added that Ward Councillors were best placed to know problems in their Wards.

**RESOLVED:** That Report ED.38/12 be noted and the responses to the consultations and concerns raised by Members be forwarded to the department of Communities and Local Government.

## **DC.97/12       SUSPENSION OF COUNCIL PROCEDURE RULE**

During consideration of the above Item of Business, it was noted that the meeting had been in progress for 3 hours and it was moved, seconded and **RESOLVED** that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limits of 3 hours.

(The meeting ended at 1:20pm)