

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 11 OCTOBER 2013 AT 10.00 AM**

**PRESENT:** Councillor Scarborough (Chairman), Councillors Bloxham, S Bowman (as substitute for Councillor Mrs Prest), Mrs Bradley, Craig, Graham, Layden (as substitute for Councillor Earp), McDevitt, Mrs Parsons, Mrs Riddle, Mrs Warwick and Whalen

**ALSO**

**PRESENT:** Councillor Mrs Mallinson attended the meeting as Ward Councillor in respect of application 13/0474 (1, 1a and 1b Thornton Road, Carlisle, CA3 9HZ)

Councillor Nedved attended the meeting as Ward Councillor in respect of application 13/0474 (1, 1a and 1b Thornton Road, Carlisle, CA3 9HZ)

Councillor Allison attended part of the meeting as an observer

**OFFICERS:** Director of Governance  
Development Manager  
Principal Planning Officer  
Planning Officers (X5)

### **DC.76/13 APOLOGIES FOR ABSENCE**

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

### **DC.77/13 DECLARATIONS OF INTEREST**

Councillor Bowman declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0431 (Town Head Cottage and adjoining land, Townhead, Hayton, CA8 9JH). The interest related to the fact that the application had been discussed at meetings of the Parish Council at which he had been present.

Councillor Graham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0438 (Sechelt, Longburgh, Burgh By Sands, Carlisle, CA5 6BJ). The interest related to the fact that his brother was the applicant.

Councillor Graham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0431 (Town Head Cottage and adjoining land, Townhead, Hayton, CA8 9JH). The interest related to the fact that he was the Ward Councillor.

Councillor Graham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0599 (Co-operative Food Store, Warwick Bridge, Carlisle, CA4 8RL). The interest related to the fact that he was the County Councillor for the Ward.

Councillor Layden declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0612 (land adjacent Woodvale, Tarn Road, Brampton). The interest related to the fact that he would be speaking at the meeting as Ward Councillor in support of the application.

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0519 (Monkhill Farm, Monkhill, Burgh By Sands, Carlisle, CA5 6DD). The interest related to the fact that the applicant was a relative.

## **DC.78/13 MINUTES OF PREVIOUS MEETINGS**

The minutes of the meetings held on 5 June 2013, 7 June 2013, 17 July 2013 and 19 July 2013 were signed by the Chairman as a correct record of the meetings.

The minutes of the site visits held on 9 October 2013 were noted.

## **DC.79/13 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.80/13 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

### **(1) Erection of 3no detached dwellings and garages, land to west of Quarry House, Wetheral Pastures, Carlisle (Application 13/0450)**

The Planning Officer submitted the report on the application consideration of which had been deferred at the last meeting to allow a site visit to be undertaken. The site visit had been held on 9 October 2013. The Planning Officer 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 ten neighbouring properties and the posting of a site notice. In response eight letters/e-mails of objection had been received and four letters/e-mails of support. The Planning Officer summarised the issues raised therein.

The Planning Officer presented slides illustrating the relationship of the application site to Wetheral Pastures, the relationship of Unit 2 with 6 Wetheral Pastures and the block plan illustrating the distances between the proposed sites and the existing dwellings. Those distances were well in excess of the minimum 21 metres between primary windows as outlined in the Council's Supplementary Planning Document on Achieving Well Designed Housing.

On the site visit the Ward Councillor queried whether it would be possible to relocate the garage to serve Unit 3 in line with Units 1 and 2, together with the proposed landscaping scheme and, in particular, the species of planting. The Planning Officer advised that the issue regarding the garage had been previously explored and determined that if it was moved closer to Unit 3 it would be within the root protection area of a mature tree along the eastern boundary. The Planning Officer further advised that in its present position the garage would be 900mm lower than the existing ground level, thereby mitigating any potential visual impact.

With regard to the planting scheme, condition 4 had been amended to ensure that the species of any trees and shrubs were included within the landscaping scheme.

The Planning Officer advised that the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. The scale and design of

the dwelling were acceptable and would not have a significant detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. Adequate parking and access provision could be achieved whilst the method of disposal for foul and surface water was acceptable subject to the imposition of relevant conditions. The proposal would also retain existing hedgerows and would not have a detrimental impact on biodiversity.

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 towards offsite affordable housing provision.

Mr Nelson (Objector) was the resident at Rose Cottage situated at the west side of the field concerned. Although he was not against the development in principle, he was concerned about the size and positioning of the properties. The height of the proposed dwellings would have an adverse impact on the existing bungalows to the south of the site and to the general nature of Wetheral Pastures which was largely made up of single storey buildings.

The developer had indicated to one of Mr Nelson's neighbours that two of the dwellings would be of a similar design to one developed on Plains Road. That house was advertised for sale at £600,000 which suggested that the proposed dwellings would be slightly more substantial than those that currently surround the site. The siting of that house was acceptable. Mr Nelson suggested that the houses could be repositioned so they could have less impact and could possibly be complementary to the surroundings.

Mr Nelson advised that the Parish Council had raised no real objection to the application but had stated that they would prefer to see an absence of windows on the south side of the buildings to protect the privacy of the people living in the bungalows.

Mr Nelson believed that the developer, by positioning the dwellings as proposed, was creating his own premium view to the detriment of others. The developer had already cut down the hedge on the opposite side of the road, which he did not own, around the time of submission of the application.

Mr Nelson expressed his concerns about sewerage and surface drainage. It had been indicated for a number of years that the system could not take any more and he was surprised that United Utilities had raised no objection. That view was contradicted by two members of United Utilities staff working at the nearby pumping station who had stated to a neighbour that the system was at capacity. Mr Nelson requested that a comprehensive investigation be undertaken to reduce the risk of problems in the future.

With regard to surface water drainage there was already a problem with surface water running down Armathwaite Road onto the B6263 towards Wetheral. When combined with run off from fields belonging to Abbey Farm the road quickly blocked and flooded between Wetheral and Cumwhinton.

In a letter supporting the application Mr Claxton stated that the proposed dwellings were located at the top of a sloping site thus allowing surface water to run off towards the ditch at the north end of the site. To Mr Nelson's knowledge there was no ditch, and if there was water would drain from that ditch into the network or would overflow onto the road making the present situation worse.

Some of the authors of documents in support of the application did not live in Wetheral Pastures. Mr Nelson believed that the proposal would not contribute anything to the facilities in Wetheral Pastures and the requirement for five parking spaces per house suggested that the residents would not be using the bus and therefore making the service unviable.

Mr McKeown (Applicant) reminded Members that the application sought planning permission for three family homes two of which would be used by his parents and himself and one would be for sale on the open market. There had been comments from neighbouring residents expressing concerns about the scale and appearance of the proposed dwellings and stating a preference for single storey dwellings. Mr McKeown pointed out that there was a range of bungalows as well as larger two and three storey dwellings in the area. The proposed dwellings would avoid an over-concentration of bungalows and add to the mixed community in the location. The sloping nature of the site and the large, well landscaped plots would ensure that none of the proposed dwellings would be over-bearing or intrusive. The use of traditional and modern materials would reflect the appearance of the surrounding houses and buildings in the local area.

Mr McKeown had addressed some of the issues by re-locating the proposed dwellings further down the sloping site which now allowed for a larger separation distance. There would also be new boundary treatments, landscaping and tree planting that would ensure privacy of nearby residents was maintained.

Both Wetheral and Cumwhinton were identified as Local Service Centres in local planning policy and guidance documents where new housing should be directed. The proposed family homes would support the local shops, services and facilities in those nearby villages. There was also evidence of a requirement for family sized homes in the rural east of Carlisle.

Mr McKeown confirmed that he would be willing to pay £18,000 towards the provision of affordable housing if planning permission was granted and there had been no objection from the statutory consultees. Mr McKeown believed that the properties created a well integrated and attractive development which responded well to the area in terms of design, layout and orientation and would provide a positive impact on the rural area. As well as providing a sum towards affordable housing Mr McKeown confirmed that he would be using local building merchants and contractors thereby helping the local economy.

The Committee then gave consideration to the application.

A Member was concerned about the absence of response from the drainage engineer. The Member was aware that the road flooded due to run off from soakaways. The Member stated that he would be happier with attenuation tanks on the site rather than soakaways.

The Planning Officer agreed that the lack of response was frustrating and advised that she had consulted the drainage engineer on 18 June 2013 but had received no response. She had spoken with the drainage engineer prior to the previous meeting who advised that there were no issues. Following the site visit the Planning Officer had again attempted to contact the drainage engineer but again had not received any response. A condition had been included to ensure that issues in respect of surface water had been addressed.

In response to a query from a Member the Planning Officer confirmed that the applicant would be happy to pay a commuted sum towards the provision of affordable housing.

The Member moved approval the Officer's recommendation subject to the provision of attenuation tanks or similar for run off to avoid flooding.

Members were concerned about the lack of response from the drainage engineer and requested that a letter be sent from the Committee to the County Council raising the Committee's concerns and requesting a prompt response. The Development Manager agreed to send the letter on behalf of the Committee.

A Member was concerned that United Utilities had raised no objection to the proposal particularly as one of the objectors had stated that United Utilities had advised a neighbour that the sewers were at capacity. The Development Manager advised that Officers had been in contact with United Utilities who were aware of the sewage issues in the area but had no concerns about small schemes such as the current application.

It was moved and seconded that the application be approved subject to conditions as stated.

RESOLVED – That authority to issue approval of the application be granted to the Director of Economic Development subject to the completion of the S106 agreement indicated in the Schedule of Decisions attached to these Minutes.

**(2) Demolition of 1, 1a and 1b Thornton Road and erection of 5no apartments and 5no townhouses with on site parking, 1, 1a and 1b Thornton Road, Carlisle, CA3 9HZ (Application 13/0474)**

The Planning Officer submitted the report on the application which had been the subject of a site visit on 9 October 2013. The Planning Officer 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 notification letters sent to eighteen neighbouring properties. In response to the consultation eighteen letters of objection had been received to the original plans and eighteen letters had been received to the amended plans. In total 23 different households had objected. A petition signed by 89 people objecting to the application had also been received. The Planning Officer summarised the issues raised therein a number of which were in relation to the design of the proposed buildings. However the Conservation Officer had not raised objection to the proposal and the Conservation Area Advisory Committee were in support of the proposal.

The Planning Officer presented photographs showing the site and surrounding area.

The Planning Officer acknowledged that there were concerns about parking on Thornton Road and advised that the dwellings would be attractive to young professionals or older people who would make use of the facilities nearby and would walk into the City Centre. The fourteen parking spaces provided would be sufficient for the expected low level car ownership.

Councillor Mrs Mallinson (Ward Councillor) had consulted residents on the introduction of a one-way system in Thornton Road and the Planning Officer advised that if the proposal had been better supported by residents the Highways Authority would have considered

such a system further. However the proposed scheme had been rejected by residents and was no longer being pursued.

A bat survey had been carried out and the results passed to Natural England; a response was awaited but a condition could be imposed if required.

The Planning Officer advised that the proposal would be acceptable in principle. The scale and design of the proposal would be acceptable and it would not have an adverse impact on the Stanwix Conservation Area, the adjacent listed buildings, or the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. The proposed access and parking would be acceptable. In all aspects the proposal was compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016. Therefore the Planning Officer recommended that authority to issues approval of the application be granted.

Councillor Mrs Mallinson (Ward Councillor) stated that whilst she had not objection to development on the site she did object to the height of the proposed buildings and the issues around parking. Residents on Thornton Road and Roseberry Road had mixed feelings about the proposal. Residents had requested that a petition be submitted to the Committee that related to a number of issues including parking. A letter had been sent to residents regarding a suggested one-way scheme in the area. Only 20 residents had responded to the letter and only four were in favour of such a scheme. The Member was disappointed with the response but added that residents were concerned about the parking issues in the area. Reference had been made to the houses opposite the site having back lanes and garages. The Member advised that only the first house had access to the back lane. Thornton Road was used by residents, people visiting the Spar shop, the nearby school and residents on Scotland Road. The Member was concerned that should there be an emergency, it would be difficult for emergency vehicles to access properties on Thornton Road due to the number of cars parked on the street.

The Member also had concerns about the privacy of residents opposite the site and believed that the proposed three storey building was not in keeping with the area. The bedroom of those properties opposite would be overlooked by those apartments. The Member stated that she would prefer a more sympathetic proposal with some provision for affordable housing.

Councillor Nedved (Ward Councillor) stated that he too was not against development on the site and he acknowledged the difficulties of balancing conservation and the development with the parking issues. The Member was concerned about the visual impact that the proposal would have in the area. He had discussed the possibility of retaining the town house but accepted that it would not be possible and that the Conservation Area Advisory Committee supported the proposal.

The Member explained that he was against the proposal due to the scale and density and in particular the three storey block at the end of the development which raised the sky line and would not be in keeping with other houses in the area. He did not believe that the height, archway and modern appearance would complement the area. The large windows would also be inappropriate.

With regard to parking Thornton Road was narrow with parking along both sides of the road. The County Council had recommended that 14 parking spaces should be provided but the Member believed there was still the potential that street parking would be affected. The Member was present at the site visit and he did not believe that the level of parking

was a true reflection of the situation. The Local Plan policy advised that there should be two parking spaces per dwelling and the proposal fell short in that respect and queried whether the issue could be addressed as part of a reconsideration of the development or a reduction in scale. He requested Officers to look again at the impact of the scale and visual impact particularly of the prominent corner building as it was out of keeping with the area and significantly raised the skyline. Therefore the Member requested that the application be reconfigured, deferred or refused.

Mr Winter (on behalf of the applicant) reminded Members that the site was on a derelict builder's yard in a residential area on a brownfield site. He believed that the application provided a balanced scheme that would enhance the Conservation Area. There would be no problems in respect of privacy due to the proposed separation distances and the proposed dwellings would not be over-bearing.

With regard to parking the properties would be available on both the rental and sale market and residents would use local shops and buses. It was anticipated that the majority of residents would be young professionals or elderly people. The Highways Authority were satisfied with the proposal and there was no evidence that parking on Thornton Road would be worsened as a result of the application. The site and location of the proposal was supported by the Conservation Area Advisory Committee and there would be no loss of amenity for residents.

The Committee then gave consideration to the application.

A Member advised that there were a number of similar developments in Denton Holme and he, as Ward Councillor, had received no complaints about parking. The Member moved approval of the application. The Member suggested the imposition of an on-street parking scheme and advised that the County Council were currently undertaking a review of on-street parking.

A Member was concerned about the collection of refuse and queried whether the proposed ten refuse bins would be emptied on site or whether it would be necessary to leave the bins on Thornton Road for collection. The Planning Officer advised that he had spoken with members of the refuse collection team who advised that the refuse lorry would be able to back into the site and collect the bins from the entrance to the site. He confirmed that the width of the access would be more than sufficient to allow access for a refuse vehicle to enter the site.

A Member believed that the parking issues would worsen as a result of the development and that parking issues in the City in general needed to be addressed. Whilst he was not opposed to the development of the site he did have concerns about the effect of the parking issues on existing residents.

A Member was concerned that the houses directly opposite the archway could be affected by headlights on vehicles leaving the site at night. The Planning Officer advised that access was similar to what was currently in place and whilst the site was not in use at present it could be at any time in the future. However he did not believe the impact would be significant. With regard to the parking issues the Highway Authority had acknowledged the problems but existing parking problems were not an issue for the developer to resolve.

A Member did not believe that the proposed development reflected the existing buildings. He acknowledged that the developer had tried to match the proposed development to the

existing properties but stated that he did not like the sloping roof and would have preferred if the developer could adjust that part of the design.

With regard to parking the Member reminded the Committee that the Highways Authority were satisfied with the proposed parking provision.

A Member had noticed the presence of asbestos whilst on the site visit and hoped that Officers from Environmental Health had been consulted on its removal.

Following a vote it was:

RESOLVED – That authority to issue approval be granted to the Director of Economic Development subject to receiving a response from Natural England in relation to the submitted bat survey.

**(3) Demolition of 1, 1a and 1b Thornton Road (Conservation Area Consent), 1, 1a and 1b Thornton Road, Carlisle, CA3 9HZ (Application 13/0481)**

The Planning Officer submitted the report on the application which had been the subject of a site visit held on 9 October 2013. The Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issue for consideration which was the potential impact on the Stanwix Conservation Area. The application had been advertised by means of site notice and press notices as well as the notification letters sent to eighteen neighbouring properties. In response four letters of objection had been received which raised a number of issues, the majority of which related to the redevelopment of the site. The Planning Officer summarised the issues raised therein.

The Planning Officer advised that the proposal would not have an adverse impact on the Stanwix Conservation Area. In all aspects the proposal was compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016. Therefore the Planning Officer recommended approval of the application.

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

**(4) Erection of 1 no dwelling (outline application), Sechelt, Longburgh, Burgh By Sands, Carlisle, CA5 6BJ (Application 13/0438)**

Having declared an interest Councillor Graham left the chamber and took no part in the discussion or determination of the application.

The Planning Officer submitted the report on the application consideration of which had been the subject of a site visit held on 9 October 2013. The Planning Officer 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 two neighbouring properties and the posting of a site notice. In response five letters/e-mails of objection had been received from two households in respect of the original and revised proposal. The Planning Officer summarised the issues raised therein.

The Planning Officer reminded Members that a letter from the agent had been included in the Supplementary Schedule together with a colour aerial photograph of the site. The



Planning Officer presented slides that illustrated the extent of the site. The Planning Officer reminded Members of the location of the proposed dwelling in relation to the site.

The originally submitted plans illustrated that the proposed boundary treatment along the north eastern side of the proposed plot was a 1.8 metre high wooden fence. Revised plans had been submitted illustrating a two metre high block and render wall with coping stones along the entire length of the north eastern boundary. A condition had been included within the decision notice ensuring the submission of details of the wall prior to commencement of the development. Conditions were also suggested ensuring that the proposed dwelling was one and a half storey high and that no windows above ground level were inserted on the north eastern gable elevation.

The Planning Officer advised that the principle of development on 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. 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. Therefore the Planning Officer recommended approval of the application.

Mr Nicholson (Objector) advised that he had lived in the property adjacent to the site for twelve years and chose the village because of the location, large gardens, peace and tranquillity.

Mr Nicholson reminded Members that the application was the second in approximately six months for a further family dwelling in the applicant's front garden. If approved there would be three family dwellings in the front garden and Mr Nicholson suggested that if all three applications had been submitted initially they may have been refused. Permission for a further family dwelling had been granted in September 2012. In that application it was claimed that there would be no additional traffic but the current application showed that was not the case. If granted there would be an increase in traffic and noise. Following approval of the first application Mr Nicholson stated that he had been advised by Planners that there would be no more development permitted on the site; that was not the case as evidenced by the current application.

If the application was granted it would result in three times the amount of traffic, noise, artificial light plus a cost to Mr Nicholson to provide mature trees and bushes to ensure privacy in his garden.

The applicant's drawing included with the application showed the proposed three properties and the space between the dwellings and some fencing to give the impression that it would all fit neatly into the garden. However, Mr Nicholson believed that there would be a loss of privacy to both his front and back gardens. He believed the application to be garden grabbing. Longburgh was deemed a dispersed settlement where development proposals should be considered carefully.

The Shield Loning had a concrete surface and was approximately 8 feet wide. Whilst that was suitable for the current number of vehicles if the application was approved it would be increased three fold and the loning was not designed to take that volume of traffic. He believed it was an accident waiting to happen.

Mr Nicholson believed the second application in six months to be development by the back door and that there was no need for additional family dwellings in the area; there were already 49 family houses currently for sale in the village.

Mr Gray (Agent) stated that the Ward Councillor, Councillor Allison, had written to the Planning Officer to explain that the change to the footprint and the inclusion of a 2.2 metre high wall would shield the proposed dwelling from view and that there would be no windows on the side of the dwelling opposite the neighbouring property.

With regard to the loss of trees, Mr Gray explained that the hedge would be modified as part of the landscaping and would add biodiversity value to the site. Other trees that would be removed were deemed to be a potential danger. The remaining trees would not be affected by the development. When the height of the hedge was reduced that would allow more light into the neighbouring properties. Natural England had confirmed that there were no protected species on the site. Mr Gray did not believe the proposal was over-development of the site as the combined area of development would only constitute 15% of the site with 85% remaining as garden and drive. With regard to highways issues Mr Gray believed that the 3 metre laning could cope with the additional amount of traffic. The site of the proposed dwelling was not in the Conservation Area of the World Heritage Site buffer zone.

It was anticipated that a water tank would be installed and soakaways to remove surface water from the site. Construction would only take place on the site between 0730 and 1800 on weekdays, 0730 and 1300 on Saturdays and there would be no construction on Sundays. The Parish Council had made no comment on the proposal.

The Committee then gave consideration to the application.

A Member did not believe the site was the correct location for a block and render wall. He believed that the proposed dwelling would be too many dwellings on the site and moved that the application be refused. The development would have an adverse impact on neighbours and was not required as there were a number of houses for sale in the village. If the application was approved the Member requested that the height of the wall be increased to 3 metres and the proposed dwelling be relocated as far away from the wall as possible.

In response to a query from a Member the Development Manager advised that permitted development rights could not be removed from the three units mentioned within the report and that permitted development rights only applied to the current application.

In response to a further query from a Member the Planning Officer advised that a condition could be imposed to ensure the proposed wall would be painted an appropriate colour.

The Planning Officer advised that she had been in discussion with the agent in respect of the application and in order to try and overcome some of the objections had suggested a block and render wall along the entire length of the eastern boundary as opposed to a fence along just the application site's eastern boundary. With regard to the footprint, location, scale and massing of the proposed dwelling those issues would be the subject to a further planning application.

A Member moved approval of the application on condition that permitted development rights be removed from the application.

The Development Manager advised that at present the boundary wall remained at 2 metres in height and that the materials were to be specified. The wall would extend the length of the boundary. Siting of the proposed dwelling could be considered when the application was considered by Members at the Reserved Matters stage. The separation distances between the buildings could be an issue for future residents.

It was moved and seconded that the application be approved.

It was moved that the application be refused on the grounds of over-development of the site, that the application was garden grabbing, the potential effects on the amenity of neighbouring properties, the location and the footprint.

Following a vote it was:

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

Councillor McDevitt wished it recorded that he had voted against approval of the application.

Councillor Graham returned to his seat in the Chamber.

There was a short adjournment between 11.25 and 11.40.

**(5) Erection of 1no dwelling, land between Woodcote and Badgers Barn, Durdar Road, Carlisle, CA2 4TL (Application 13/0651)**

A Member requested 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.

Councillor Allison (Ward Councillor) agreed to defer his right to speak until the meeting following the site visit.

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

**(6) Erection of 1no dwelling, land adjacent Woodvale, Tarn Road, Brampton (Application 13/0612)**

Having declared an interest Councillor Layden left his seat on the Committee but remained in the Chamber as he would be exercising his right to speak as Ward Councillor during consideration of the item.

The Planning Officer submitted the report on the application which had been the subject of a site visit on 9 October 2013, and outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by the direct notification of one neighbouring property and the posting of a site notice. In response, one e-mail of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer advised that additional plans had been received from the agent which demonstrated how the proposed dwelling would sit within the site given the change in levels.

The Planning Officer explained that the proximity to Brampton was not disputed. However the character of that part of Tarn Road was very much open in character and the existing dwellings were isolated single storey or one and a half storey properties set within large plots surrounded by agricultural fields. Therefore by virtue of its location, scale and massing the proposed dwelling would have a significant adverse impact on the open and rural character of the area. That would be further emphasised by the topography of the site which sloped sharply up away from the county highway and would make any development on the agricultural field highly prominent.

For those reasons the Planning Officer recommended that the application be refused for the reasons outlined within the report.

Councillor Layden (Ward Councillor) stated that the proposed dwelling was not a new isolated home in the countryside and therefore was not contrary to Local Plan policies or the National Planning Policy Framework. He did not believe that one property would undermine the character of the area and that as it was in a large plot would retain the openness and movement of the area. There was a large development opposite the site and as the site was within the 30 mph designation it was classed as part of Brampton area and therefore not in open countryside. The site visit had enabled Members to see the relationship of the site to Brampton.

The site was well placed to enable people to walk into Brampton which would reduce car travel and encourage a healthy community. The Parish Council were in favour of the proposal in a sustainable area. There was no definable boundary and the building would be cut into the slope which would reduce the height impact of the proposed dwelling. The site was not good agricultural land and there was woodland behind the site. Although the Ward Councillor acknowledged that there may be concerns in respect of the height of the proposed dwelling he hoped that Members would approve the application or defer consideration to enable work to be undertaken with regard to making the design more acceptable.

The Committee then gave consideration to the application.

The Development Manager advised that it would be preferable not to defer the application again but urged Members to consider the comments made by the Ward Councillor and use them in their determination of the application.

A Member moved that the application be refused as he believed that the proposed dwelling did not relate to the vernacular scale of the area and would be a dominant feature. The Member stated that he was not against development on the site but believed that it should be in keeping with other buildings. The site was not agricultural land and there was the railway to one side of the site and a gap at the other; therefore development on the site was a natural progression. If a more acceptable design could be submitted the Member would be willing to consider a future application.

A Member was not keen that the application be deferred and reminded Members that the application was in respect of the principle of development on the site. Members noted on the site visit that there was a housing development opposite the site and sporadic housing on the same side of the road but no true development.

The Member was concerned that if development was approved along that side of the road it could change the character of the landscape in that area. If the application was refused the applicant could appeal against the decision and submit a revised application in the meantime. The Member therefore moved refusal of the application.

The Director of Governance advised that if the application was deferred at the request of Members and was re-submitted with amendments it could be reasonably inferred by the applicant that the application would then be approved. The Members had clear advice upon which to take an informed decision regarding the suitability of the site for development. If they felt that they felt the site was inappropriate for development then, in fairness to the applicant, they should make their decision. If the application was refused, the applicant could appeal against the decision and seek permission in that way.

A Member seconded refusal of the application due to the siting, scale and design of the proposal as it was alien to the character and appearance of the locality.

A Member reminded the Committee that a development in Brampton had been approved at a previous meeting and the Member believed that could set a precedent. He did not believe that the proposed development was too bad and that there had to be variations in properties as times were changing.

The Director of Governance reminded Members that approval of an application did not set precedent and that all applications were determined on their own merit.

A Member agreed with the Ward Councillor in support of the application. As part of the site visit Members had seen the height of the hedge which would make the development less noticeable and the site was sheltered from behind by the trees. Therefore the Member moved approval of the application.

A Member did not believe that the proposed development was in open countryside as there was a housing development opposite and properties on either side. However the Member did agree that the proposed dwelling would be overpowering and a design that was more in keeping with the area would be more acceptable. The Member queried whether, if the application was refused, an appeal on the decision could be stopped. The Development Manager advised that an appeal could not be stopped but Officers had listened to Members' comments and would take those comments on board. If the application was refused the applicant could appeal against that decision which would allow time to submit an alternative application before the appeal was heard.

Following a vote it was:

**RESOLVED** – That the application be refused for the reasons indicated within the Schedule of Decisions attached to these Minutes.

Councillor Layden returned to his seat on the Committee.

**(7) Revisions to original planning approvals 11/0433 and 11/0690 involving amended Estate House and erection of 1no eight bed holiday unit in lieu of 8no holiday lets, Town Head Cottage and adjoining land, Townhead, Hayton, CA8 9JH (Application 13/0431)**

The Principal Planning Officer submitted the report on the application, consideration of which had been deferred at the previous meeting to allow the submission of further information regarding the impact of the proposal on the ecology of the area. A "Review of Ecological Issues", prepared by Middlemarch Environmental Ltd had subsequently been submitted on behalf of the applicant. The Review concluded that if the measures were undertaken there would be no detrimental impact upon the existing bat population. In addition, the proposed habitat works could enhance biodiversity value of the site compared to its interest before the development was started. No evidence had been submitted, nor readily apparent reason established, to question or contradict the conclusions of the aforementioned review. In the intervening period there had not been a fundamental change in circumstances that altered the previous recommendation.

The Principal Planning Officer outlined for Members the proposal and site details together with the main issues for consideration. The application had originally been advertised by means of a site notice and the direct notification of the occupiers of 27 neighbouring dwellings. In response a total of sixteen formal objections and one informal objection from interested parties had been received. The Principal Planning Officer summarised the issues raised therein. He advised that a letter from Mr Winter of PFK had been received on 8 October 2013 on behalf of the residents of Townhead. The letter explained that the original planning permissions were justified on the basis of the need for an estate worker's house and because the letting of units would provide ancillary accommodation to the main sporting enterprise of the Hayton High Estate. Mr Winter contended that the amendments proposed would have a substantial additional adverse impact on the amenities currently enjoyed by the adjoining residents and outlined six reasons.

In response to that letter the agent had explained that:

- the objections were not specifically related to the reasons for deferment and as such must be set aside,
- the concerns raised were aspects which had all been considered in earlier approved permissions, as part of the report and during the previous Committee meeting. They were not considered to be sustainable grounds of objection,
- the agent was concerned that the letter had been submitted so close to the date of the Committee meeting,
- the alleged comparison to the hotel/leisure spa use was a fallacy,
- any potentially noisy activities were sited in the basement beneath concrete floors and walls,
- the approval granted for the holiday lets did not prescribe the type of holidays or holidaymakers,
- the approved replacement dwelling could already be let under the current Use Class Order,
- the kitchen was not commercial but served the proposed residential holiday unit. There was no difference in dealing with the cooking extraction from eight units compared to the proposed holiday let,
- the presence of cars on the site and on the roads was unavoidable and the proposal may in fact lead to less vehicle movements compared to the previous scheme,

- the conditions were already addressed in the Committee report.

With regard to the disabled parking space the agent confirmed that the parking space nearest to the access path, and a 1200mm boundary surrounding the space, as well as the access path itself, would be made up in a bound surface, such that disabled persons driving the visiting car can access and egress the site safely.

The agent had explained that he and the Estate manager were having a positive effect with regards to previous issues and establishing clear, professional and a respectful relationship with the local Planning Authority. The agent had provided some photographs to illustrate the points and update Members on the conditions of the site. The Principal Planning Officer presented slides of the site.

The Principal Planning Officer explained that, in relation to the application, there were two distinct but related elements, namely the replacement Estate House and the eight bed holiday let.

When assessing the replacement dwelling, the principle of the proposal was acceptable. However, the scale of the proposed replacement dwelling was contrary to criterion 2 of Policy H10 of the Local Plan 2001-2016. Conversely there were other material considerations that mitigated/weighed in favour of the proposal, namely that the current proposal represented a marginal increase in footprint compared to the previously approved scheme, the recognition that the perceived need to improve and modernise the living conditions associated with the previous, relatively modest, house would remain, and the proposal was situated within a relatively large plot. Its impact on the character of the area and visual amenity was considered to be acceptable. It would not lead to material problems in terms of losses in privacy, noise/disturbance and overshadowing, and not harm protected species.

With regard to the holiday unit, it was appreciated that Townhead was not within the settlement boundary of the Local Service Centre at Hayton, and that the scheme would largely be dependent upon the use of private vehicles. However, the site was on the edge of Townhead which was relatively accessible to Hayton. On that basis it was considered that the proposal satisfactorily demonstrated compliance with paragraphs 14 and 28 of the National Planning Policy Framework. There was no evidence that existing facilities would cause, or make worse, any social discord. The proposed unit was shown to be positioned such that it would be set back from the road within an excavated area and therefore largely screened by the existing trees of Whinhill Wood and slope of the land. As such, and on the basis of the proposed design and scale of the holiday unit, and the associated landscaping, it was considered that the impact, when completed, on the character of the area and visual amenity was consistent with the relevant policies. The proposed holiday let should not lead to problems associated with losses in privacy and overshadowing. It was considered that the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection.

And other matters were not considered to be of such weight as to determine the imposition of any decision. Therefore the Principal Planning Officer recommended approval of the application subject to the imposition of an additional condition regarding the provision of a disabled parking space.

The Committee then gave consideration to the application.

A Member stated that under Policy EC11 he did not believe the proposal to be acceptable and if the current proposal had been brought before Committee in the first instance it would not have been accepted. He believed that retrospective applications were never refused and any development taken down. There was a garage and a public house at Hayton as well as a school that was oversubscribed, a church and a graveyard. Due to the potential disturbance and inconvenience to residents the Member stated that he was opposed to the application.

The Director of Governance reminded Members that approval had previously been granted for eight one bedroom units and that Members had to judge whether the difference between what was already approved and what was now proposed was acceptable.

A Member believed that the application was seeking permission by planning creep. He believed that if the application had been submitted initially on the present scale it would not have been granted.

The Member queried whether the comments from the Access Officer had been adopted. The Principal Planning Officer confirmed that the application would comply with Building Regulations and the disabled parking space would be located nearest to the access path.

The Member stated that the information from PFK had been helpful and whilst he had no issue with the six suggested conditions, he hoped that the second condition to remove the permitted development rights to the adjoining field would be imposed.

The Member was concerned that the Ecological Report had not been seen. The report referred to bats but the Member pointed out that there were more than bats in the area. Red squirrels had been moved out of the area because of sand extraction lower down Gelt wood. There would also be an effect on vegetation. Without sight of the Conservation Report the Member felt it was difficult to make an informed decision.

With regard to disabled access a Member requested clarification on whether the recommendations made by the Access Officer would definitely be included or would a condition be required to ensure they would be included. The Principal Planning Officer confirmed that the provision of the disabled parking space could be the subject of a planning condition and the remaining issues would be subject to Building Regulations and the Disability Discrimination Act.

The Member requested clarification on whether the pools and facilities would be open only to bona fide guests. If that was not the case the Member requested that a condition be imposed that would limit the use of the facilities to people staying overnight. The Principal Planning Officer explained that there could be problems with such a condition, for example, if a family were occupying the holiday unit the suggested condition would not prevent other members of that family or friends from visiting the unit but it would prevent them from using the leisure facilities. In effect, such a condition was not considered to be practical or reasonable based on the likely number of such occurrences and the likely limited consequences if it was to take place. Conversely, the condition as recommended in the report still ensured that the holiday let remained as a single unit. .

The Member further requested the withdrawal of permitted development rights on the units. The Principal Planning Officer advised that condition 10 stated that "no extensions shall be carried out to the holiday unit hereby permitted without the permission of the local planning authority."



In response to a query regarding the adjacent field the Principal Planning Officer advised that the use of the field was restricted under condition 5. Reference had been made to the possible use of the field for a temporary period such as a marquee for 28 days per calendar year. The imposition of a condition to restrict such use was for the determination by Members.

A Member was concerned about the potential for future planning creep and queried whether condition 5 could be strengthened or replaced. The Principal Planning Officer advised that Members could not seek to determine a future application at this stage.

The Principal Planning Officer stated that a distinction had to be drawn between permitted development rights under Part 4 (temporary buildings and uses) and agricultural permitted development rights in relation to the paddock/field.

Whilst he acknowledged the Principal Planning Officer's comments in respect of permitted development rights regarding the paddock, a Member requested that condition 10 should be amended to remove permitted development rights for the replacement dwelling as well as the holiday units. The Principal Planning Officer confirmed that condition 10 could be amended to include the replacement dwelling if Members so desired and that would be made clear in the decision.

In response to a query from a Member the Principal Planning Officer confirmed that the Access Officer was reassured by the agent's comments although she was unaware of the recent e-mail regarding the proposed treatment of the disabled parking space.

In summary, the Director of Governance advised that two additional conditions could be imposed regarding the disabled parking space and the withdrawal of Part 4 permitted development rights concerning the field, and condition 10 could be amended to include the replacement dwelling.

Following a vote it was:

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

The meeting was adjourned at 12.40 for lunch and re-convened at 13.30.

**(8) Erection of dwellings (outline), land adjacent Fallowfield, Plains Road, Wetheral, Carlisle, CA4 8LE (Application 13/0546)**

The Planning Officer submitted the report on the application consideration of which had been deferred at the previous meeting to allow a site visit to be undertaken. The site visit was held on 9 October 2013. The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of site and press notices and the direct notification of eight neighbouring properties. In response, one letter of objection had been received and the Planning Officer summarised the main issues raised therein.

The Planning Officer explained that the application sought Outline Planning permission for residential development within the grounds of Fallowfield. All matters were reserved for future approval except for the access arrangements. A plan included in the Supplementary Schedule illustrated revised access arrangements which had been marked out on the site visit. The drawing illustrated that the existing access would be closed off

and that land within the ownership of the applicant would be used to widen Plains Road in front of the application site and a footpath would be included. The Highways Authority had raised no objections to the access arrangements subject to the imposition of the condition.

During the site visit several Members had commented on the mature trees within the site and how the access and proposed dwellings would impact on them. In respect of the revised access drawings, the letter accompanying the drawings acknowledged that the formation of the access would require the removal of some of the conifer trees along Plains Road. The letter highlighted that the Tree Survey, submitted as part of the application, identified that the conifer trees to be removed were non-native species which were overshadowed, had poor structure, were self-thinning and in poor health. The Council's Tree Officer had visited the site and had raised no objections to the proposal subject to the imposition of conditions which would ensure the protection of the retained trees during any construction works and landscaping.

The Planning Officer advised that the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. 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 in respect of affordable housing.

The Committee then gave consideration to the application.

In response to a query the Planning Officer advised that any further development within the site would be subject to a further application. She assured Members that no more than three dwellings would be allowed on the site.

The Planning Officer agreed that Condition 17 would be amended to read "The proposed dwellings shall not be occupied....."

A Member was concerned that there had been no response from the drainage engineer. The Planning Officer advised that it would have been preferable to have had some comments on the application.

The Member stated that she believed three dwellings on the site to be overdevelopment and advised that other houses with similar gardens had only one dwelling.

A Member moved approval of the application as it was for outline permission only and he could see no planning reason to refuse.

A Member reminded the Committee that United Utilities had stated that surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. The Member was concerned that the Local Authority made it difficult to progress applications as they did not respond to consultation. The Member was also concerned about the comments as a previous development nearby had required special arrangements to deal with surface water.

Whilst the Member understood why the applicants had submitted the application he believed that three dwellings on the site were too many and it was unfortunate that a number of large trees would be removed.

The Planning Officer advised that currently surface water ran off into the main sewer. However, if the application was approved an interceptor for foul sewage would be installed. That would process any outflow then it would be released at quieter times. That proposal had been accepted by United Utilities. The Planning Officer reminded Members that the application was indicative only.

The Member explained that he would prefer the installation of an attenuation tank to deal with soakaway. If that issue was dealt with sooner it would prevent problems from arising at a later date.

RESOLVED – That authority to issue approval of the application be granted to the Director of Economic Development subject to the completion of a Section 106 Agreement in respect of a commuted sum towards affordable housing provision.

**(9) Erection of 1no dwelling, land adjacent Alpine Cottage, Raughton Head, Carlisle, CA5 7DD (Application 13/0423)**

The Planning Officer submitted the report on the application consideration of which had been deferred at the previous meeting to enable a site visit to be undertaken. The site visit was held on 9 October 2013. The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by the display of a site notice and by means of notification letters sent to nine neighbouring properties. At the time of preparing the report four letters/e-mails of objection and one e-mail making comment had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that the principle of development on the site was acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings or the existing watercourse. The proposal would also not have an adverse impact upon biodiversity or highway safety. The application was recommended for approval as the proposal was considered to be compliant with the relevant Development Plan policies.

The Committee then gave consideration to the application.

A Member was concerned that the drainage engineer had not objected to the consultation having looked at their flooded properties list and flood map for surface water.

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

**(10) Erection of 5no timber holiday lodges, Beech House, Stockdalewath, Dalston, Carlisle, CA5 7DN (Application 13/0548)**

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

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

**(11) Erection of 1no dwelling (outline application), Monkhill Farm, Monkhill, Burgh By Sands, Carlisle, CA5 6DD (Application 13/0519)**

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

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

**(12) Erection of 3no detached dwellings and 1no bungalow (outline application), land to the rear of Park House, Parkett Hill, Scotby, Carlisle, CA4 8BZ (Application 13/0532)**

The Planning Officer submitted the report on the application and outlined 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 brought before Committee as the Parish Council had raised objections to the scheme and due to Members having determined an earlier scheme. The application had been advertised by means of a site notice and a notification letter sent to six neighbouring properties. In response one letter of objection had been received since the report was prepared. The Planning Officer outlined the issues raised therein. However the Planning Officer reminded Members that all of the issues raised could be resolved at the Reserved Matters stage and the principle of residential on the site was considered to be acceptable.

The Planning Officer explained that the application was for outline permission for four dwellings. An earlier application for five dwellings was refused earlier this year as the Committee considered it to be overdevelopment of the site.

The Planning Officer advised that the access had been revised so it measured 4 metres at the narrowest point and had an area indicated for bin collection which addressed previous concerns.

The Planning Officer advised that in overall terms the principle of the proposed development was acceptable. The scale, siting and massing of the proposed dwellings was acceptable in relation to the site and the surrounding properties. With minimal alterations to the layout, the living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance. Adequate car parking, access and amenity space would be able to be provided to serve the dwellings. In all aspects the proposal was compliant with the objectives of the Local Plan policies and the proposal was recommended for approval subject to the completion of a Section 106 Agreement.

The Committee then gave consideration to the application.

A Member continued to be concerned about the narrow road and still considered the proposal to be overdevelopment of the site.

A Member believed that two dwellings on the site would be acceptable but three would be overdevelopment. The road was narrow and not adopted and the Highways Authority had stated that they no objections subject to the imposition of conditions. The Member queried whether it would be possible to remove the permitted development rights as the application was for outline permission. The Planning Officer advised that the application was for outline permission for four dwellings. The Planning Officer presented a photograph of the rear of the site which would be widened to 4 metres at the narrowest point. Any changes could be requested at Reserved Matters stage. She confirmed that condition 14 ensured that any further application on the site would be determined by the Committee and not by delegated powers.

In response to a query by a Member the Planning Officer advised that the whole of Parkett Hill was not adopted therefore it would not be possible to include the site for adoption by the Highways Authority. The Highways Authority had raised objections to the previous application but due to the alterations to the access they had no further objections. Two conditions had been included that would deal with highways issues.

A Member was concerned about the distances between the fence to the gables of Park House and Beckfoot. The Planning Officer advised that Park House currently belonged to the applicant. Any future owners would consider the fence when purchasing the property.

A Member stated that he was involved in the determination of the first planning application when there was a lot of discussion regarding access. Since that time the applicant had purchased the site and submitted the current application.

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

**(13) Erection of field shelter for equestrian use and hay storage, Mossfoot, Roweltown, Carlisle, CA6 6JX (Application 13/0674)**

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice; no representations had been received.

The Planning Officer advised that the application was before Members as the applicant was related to an employee of the Council but in overall terms the proposed building was of a scale and design that was appropriate to the application site. The building had been sited in such a manner as to minimise the impact on the character and appearance of the area and the building did not appear too obtrusive. The additional equestrian development would not adversely impact on the rural setting or on the occupiers of the neighbouring properties and in all aspects the proposal would be compliant with the objectives of the relevant Local Plan policies. Therefore the Planning Officer recommended approval of the application.

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

**(14) Display of LED internally illuminated and non-illuminated signs, Co-operative Food Store, Warwick Bridge, Carlisle, CA4 8RL (Application 13/0599)**

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration which were whether the siting

and design of the signage was appropriate to the area and the impact on highway safety. The application had been brought before Committee as the Parish Council had objected to the size of the proposed illuminated signs of the original scheme. However, following revisions the Parish Council raised no objection. The application had been advertised by means of a site notice and direct notification to the occupiers of ten of the neighbouring properties. In response no representations had been received.

The Planning Officer advised that in overall terms the amended signage scheme would be of a scale and design that would be appropriate to the building and the visual character of the area would not be adversely affected. In all aspects the proposals would be compliant with the objectives of the relevant Local Plan policies. Therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

Members had observed a sign that had already been erected on the Citadel Homes building and were concerned that permission had not been sought. The Planning Officer advised that the signs had been erected recently and that if permission was required he would speak with the owner to ensure an application was submitted.

The Development Manager advised that he would be meeting with the owner the following week and would make Members' feelings known.

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

## **SUSPENSION OF STANDING ORDERS**

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 limit of 3 hours.

## **DC.81/13 MEMBERS' TRIBUTE**

During consideration of the above Councillor Whalen expressed his sympathy for the wife and son of Mr John Hamer, a former Planning Officer who had sadly died as a result of an accident while on holiday. Councillor Whalen stated that Mr Hamer had been an excellent officer of the Council and was respected by the many people who had attended his funeral. Councillor Whalen requested that a letter of condolence be sent to Mr Hamer's family.

Councillor Mrs Bradley added that she had many good memories of Mr Hamer who always provided well balanced and professional advice whilst maintaining his dry sense of humour.

The Development Manager agreed that he would send a letter of condolence to Mr Hamer's family on behalf of the Chairman and the Committee.

## **DC.82/13      CONFIRMATION OF TREE PRESERVATION ORDER 267**

The Development Manager advised that submission of Report ED.31/13 – Confirmation of Tree Preservation Order 267 – had been deferred to allow further consideration of the issues.

RESOLVED: That Report ED.31/13 be deferred to enable further consideration of the issues.

## **DC.83/13      APPLICATION UNDER SECTION 106A IF THE 1990 TOWN AND COUNTRY PLANNING ACT – DISCHARGE OF A PLANNING OBLIGATION**

The Development Manager presented report ED.30/13 that set out consideration of an application to remove the S106 obligation for a property to remain as an affordable housing unit in perpetuity.

The Development Manager explained the reasons for the implementation of a Section 106 Agreement in respect of affordable housing. He advised that the applicant had requested the discharge of the Section 106 Planning Obligation relating to affordable housing in perpetuity as it applied to 55 Helvellyn Rise, Carlisle. The property was on the Beeches estate and was one of thirteen properties to which the S106 applied although it was the only one requesting removal of the legal agreement. The Development Manager outlined a number of reasons provided by the applicant regarding why the property should no longer be considered as an affordable house.

Whilst the provision of affordable housing was frequently dealt with by Members of the Development Control Committee the application was the first to discharge that obligation on a property in Carlisle. Affordable housing was delivered as a result of housing needs surveys to establish the level of need which cannot be met by the open market. In the case of the object of the report, the S106 obligation restricted the price of the property to below 20% below open market value in perpetuity. The Council's Housing Officers had responded to the application. Whilst they appreciated some of the difficulties that had arisen with the property, from an affordable housing point of view, they would resist the request to discharge the planning obligation.

From a planning perspective it was important to consider whether the reasons for introducing the S106 in the first instance were still relevant and therefore served a useful purpose. The Development Manager explained the reasons that the S106 obligation was imposed at the time the original application was considered. Since that time the 2011 Housing Needs and Demand Study had confirmed that there was still a great requirement for affordable housing and that larger housing sites would play a vital role in the delivery of the Carlisle Local Plan.

In the context of the development in question, the second phase of the larger Morton Development was still under construction and was providing much needed affordable housing as part of the overall development. It was therefore apparent that the need for affordable housing which required the S106 agreement in the first instance was still as relevant today as when it was first placed on the development.

The Development Manager explained that Housing officers of the City Council had been consulted on the proposal and had made a number of observations on the application in light of overall affordable housing provision which were set out within the report.

In conclusion the Development Manager advised that following consideration of the original intention of the Section 106 agreement and the current housing needs, the existing S106 still had a useful planning purpose. Given the nature of the S106 obligation there was no realistic way that it could be modified to achieve the same aim and therefore the Development Manager recommended that the application to discharge the S106 should be refused and the S106 obligation remain in place.

RESOLVED: That the application to discharge the S106 be refused and the S106 remain in place.

#### **DC.84/13     DCLG CONSULTATION – GREATER FLEXIBILITIES FOR CHANGE OF USE**

The Development Manager presented Report ED.28/13 that summarised the Government's consultation on a number of changes to the current planning system regarding permitted development rights. The report set out the proposed responses to the questions raised in the consultation.

The Development Manager explained that the coalition Government considered that planning was at the forefront of delays to economic investment and had embarked on a series of measures to reduce the legislative burden created by the existing planning system. The consultation on greater flexibilities for change of use was the latest consultation in a series of changes to existing planning legislation.

The Development Manager reminded Members of the two Planning Orders which were significant deregulatory tools. They allowed change of use between land uses that had similar impacts without the need to apply for planning permission. Whilst it was clear that the dynamics of the market would influence what were likely to be the use of a property and site it was important to ensure that the planning system could respond effectively. The Government wanted decisions to be taken at the right level and considered that that could be allowing an owner to decide on the most appropriate future use of a commercial property where the current use was no longer economically viable. The Government considered it important to focus on bringing empty and redundant buildings back into use and support brownfield regeneration. Increasing the resident population around and near town centres would support the existing shops by increasing footfall. The Development Manager outlined the five areas of action proposed by the Government.

The changes proposed in the consultation document, which was due to end on 15 October 2013, was intended to make better use of existing buildings, support the rural communities and high streets, provide new housing and contribute to the provision of child care for working families. The consultation asked questions in relation to:

- creating new homes from old shops
- the place of banks on our High Street
- re-use of redundant agricultural buildings for a dwelling house
- supporting working families to find childcare
- provision for children in rural areas, and
- benefits and impacts of the proposals.



The Development Manager stated the questions and subsequent responses in relation to each of the above areas of consultation.

The Development Manager explained that the proposed changes would have a number of implications within Carlisle District. Whilst it was recognised that there was an intention to speed up the process of change of use, the consequences of allowing the changes could make the situation worse. Whilst some retail areas may be contracting by allowing permitted development changes would not necessarily target those units on the fringes where change of use may be acceptable and have less impact. Other changes of use in the rural area may have significant impact by increasing the amount of sporadic development throughout the countryside away from other service provision and conflicting with the principle of sustainable development. As a consequence of those overall concerns the responses indicated in the report should be sent to Communities and Local Government as a response to the consultation.

**RESOLVED:** That the proposed responses as set out within the report be sent to the Communities and Local Government as the Council's local planning authority response.

(The meeting ended at 2.10pm)