

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 24 APRIL 2020 AT 10.00 AM

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

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 2

DC.023/20 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillors Patrick and Tarbitt.

DC.024/20 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

Item A.1(1) application 19/0748 – Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle had previously been considered by the Committee at its meeting of 14 February 2020. Councillors Alcroft, Brown and Meller indicated that they had not been present at that meeting, therefore they would not take part in the discussion nor determination of the application.

DC.025/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.026/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED 1) That it be noted that Council, at its meeting of 3 March 2020 had received and adopted the minutes of the Development Control Committee meetings held on 7 January (site visits) and 10 January 2020.

2) That the minutes of the meeting held on 14 February 2020 be approved.

DC.027/20 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

RESOLVED – That it be noted that no Rights to Speak had been registered for the meeting.

DC.028/20 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Erection of 45no. dwellings (Outline), Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle (Application 19/0748).

The Principal Planning Officer submitted the report on the application which had been considered and deferred by the Committee at its 14 February 2020 meeting.

Slides were displayed on screen showing: site location plan; aerial view; illustrative layout plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

Regarding the Committee's reasons for deferring the matter the Principal Planning Officer advised:

- The applicant had agreed to provide a pedestrian footpath from the site, past the adjacent electricity substation and on to Hurley Road, this was in addition to the footpath provision along the frontage of the site next to the highway;
- Land Registry records did not identify the owner of the land around the electricity substation. The area has been used by the public for a number of years and the applicant had proposed applying to the Highway Authority to designate the land formally as a public right of way. This is a lengthy process and it would not be appropriate to delay issuing permission until it is concluded. The applicant would also seek to contact the landowner to resolve the issue privately;
- The inclusion of the footpath as part of the scheme had been addressed by the addition of a pre-commencement condition in the permission. It required details of the footpath to be submitted and approved by the Local Planning Authority prior to its installation and prior to the commencement of development;
- Traffic Calming measures – The scheme proposed the extension of the 30mph speed limit on the highway adjacent to the site along with the addition of a gateway feature. The Highway Authority had stated further traffic calming measures were not necessary;
- Crossing points on the A69 – as four were already in existence, it was not felt that the scale of the development required any further be added;
- Validity of traffic survey – the Highway Authority had indicated that it did not consider there was a significant change in traffic volume since the original survey in 2013 and that the highway network had enough capacity to absorb the additional vehicle movements created by the proposed development.

In conclusion, the Principal Planning Officer recommended:

1) That the application be approved, subject to the completion of a Section 106 Legal Agreement to secure:

- a) the provision of 30% of the units as Affordable;
- b) a financial contribution of £171,878 to be paid to Cumbria County Council towards the provision of secondary places;
- c) a financial contribution of £38,000 to be paid to Cumbria County Council towards secondary school transport;
- d) financial contribution of £8,505 to upgrade existing off-site sports pitches;
- e) the maintenance of open space within the site by the developer;
- f) a financial contribution of £5,500 to enable the 30mph speed limit to be extended and village gateway signage and road marking to be introduced.

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

The Committee then gave consideration to the application.

With reference to the additional footpath the applicant had undertaken to provide, Members asked: would the footpath be made up to an adoptable standard and; who would be responsible for its maintenance.

The Principal Planning Officer advised that details in respect of that footpath were to be submitted to the Local Planning Authority for approval prior to its construction and would include matters such as construction, width and lighting. The Highway Authority would be responsible for

maintaining the footpath and that its construction, to an acceptable standard, was required prior to the construction of the development.

In relation to the footpath proposed for the frontage of the site, adjacent to the highway, a Member sought clarification on the width of the footpath.

The Principal Planning Officer advised that condition 17 of the permission required the details of the footpath to be agreed by the Local Planning Authority, prior to construction.

Referring to page 29 of the Main Schedule, a Member commented that the inclusion of a footpath adjacent to the highway would require the carriageway width to be reduced, she also noted that users of Lucy's allotments parked on the road, further reducing its width. The kissing gate from which the path would be accessed was directly opposite the parking for the allotments and a bend in the road, she expressed concerns for the safety of those using the path.

The Principal Planning Officer stated that the extension of the 30mph speed limit area past the site and the inclusion of the gateway feature would serve to slow traffic down.

A number of Members indicated that they remained concerned about the pedestrian linkages from the proposed development and did not consider that the extension of the 30mph speed limit restriction area, nor the traffic calming measures were sufficient to make for safe pedestrian access and egress from the site. On those grounds they indicated that they did not feel able to approve the application.

The Corporate Director appreciated Members' concerns, however, she felt the work undertaken by the Principal Planning Officer and the applicant to secure an additional footpath from the site, following the Committee's previous deferral of the application had addressed those matters. The application was for Outline Permission, therefore a Reserved Matters application would be submitted to the Committee in future. Given that the Highway Authority had not objected to the proposal, refusing the application on such matters would be difficult to justify in the event of an appeal.

The Development Manager stated that the Council had worked with the Highway Authority for a long time on the application site, from its being allocated for housing development in the Carlisle District Local Plan 2015 – 30 to the current application. He was confident that traffic issues at the site were able to be sufficiently mitigated to make the development acceptable.

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

Clarification was sought by a Member on open space provision at the development, specifically whether there was scope for a play area within the site.

The Principal Planning Officer responded that the layout plan submitted with the current application did not define an open space area. However, that plan was indicative and given the provision of an additional footpath would need to be amended. The applicant had confirmed their willingness to provide such an area on site, but in the event of that not being realisable would make a contribution towards provision at Downagate Community Centre.

Turning to the issue of flooding, it was noted that an event had occurred whereby the highway adjacent to the site had been flooded to a depth of 0.5-0.6m. The Warwick Bridge area was known to experience flooding issues, a Member asked what could be done to minimise flood risk relating to the proposed scheme.

The Principal Planning Officer understood that the flood event alluded to had occurred in during the severe Storm Desmond flood in 2015. Currently the site was a field, the proposed development would necessitate the installation of drainage systems at the site which would lead to a betterment of the current situation by reducing the level of surface water run-off on to the highway.

The Chairman noted that the Officer's recommendation had been moved and seconded.

The Legal Services Manager confirmed that the Officer's recommendation had been properly moved and seconded. However, it was evident from the discussion that a majority of Members were not minded to approve the application, but that no counter proposal had been formally moved.

A Member moved that determination of the application be deferred in order to allow further consideration to be given to the proposed footpath/ pedestrian linkages to the site and potential flooding from the site. The proposal was seconded.

The Member who had moved the Officer's recommendation indicated that they rescinded that proposal.

The Chairman put the proposal to defer the application to the vote and it was:

RESOLVED: That determination of the application be deferred in order to allow further consideration to be given to the proposed footpath/ pedestrian linkages to the site and potential flooding from the site, and to await a further report on the application at a future meeting of the Committee.

2. Variation of Condition 1 (Approved Documents) of previously approved application 19/0863 (Demolition of Caravan Shop, Change of Use of Land as extension to caravan site for the siting of 7No. 'Log Cabin' style static caravans for holiday use) to relocate and change the design of unit 1 (Retrospective), Orton Grange Park, Grange Park Road, Orton Grange (Application 19/0909).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; Approved Site Plan for application 09/0302; Approved Plans and Elevations for application 09/0302; site plan; proposed floor and elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning history of the site was summarised by the Planning Officer covering the 2009 Planning Consent; Discharge of Conditions application 2010, and the 2015 Variation of Condition application. The current application sought permission to vary Condition 1 be re-siting the proposed dwelling 5.2m closer to the site entrance, the proposed dwelling was of the same scale and footprint as that previously permitted, but was of a different design and boundary treatment.

Unit 1 had been constructed, therefore the applicant was retrospective. The boundary fence between the application site and the adjacent property was 0.2m higher than the original permission and prevented overlooking by either property. The Planning Officer noted that the fence was visible from Hillcroft, she advised Members when considering the matter that it was important to differentiate between what was visible and what was prominent and oppressive.

The Planning Officer's view was that the fence, as constructed, was only marginally higher than that which already had permission and therefore was not oppressive. She further noted that,

over time the fence would weather and its visual impact would reduce. As the fence was located at the northern aspect overlooking Hillcroft it would not lead to a loss of light in that property.

In conclusion, the Planning Officer recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A number of Members commented that they considered the fence between the application site and the adjacent Hillcroft dwelling was not satisfactory in terms of its visual appearance. It was recognised that the increased height was 0.2m and were the current application to be refused the applicant was able to construct the fence in accordance with the previous permission.

In response to a request from Members that the applicant be requested to provide some screening of the fence for the residents of Hillcroft, the Planning Officer undertook to raise the matter informally.

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

- That developers had 3 years from receiving Planning Permission to implement a development. Once works had commenced there was no time limit for completing a development;
- The Surface Water Drainage Scheme as approved would be implemented as the current application sought only to vary Condition 1;
- The Council's planning policies relating to minimum separation distances between windows, related only to primary windows and/or gable ends. There was no set distance for the separation of secondary windows;
- The design of Plot 1 was different to those indicated in the plans for the original 2009 permission, but it was in fact more in keeping with the existing dwellings at the site.

With reference to Carlisle District Local Plan (Local Plan) Policy CM 5 – Environmental and Amenity Protection, a Member asked whether the written representations received which had raised concerns in relation to electricity supply, water supply, sewage concerns, indicated that the proposed scheme was not compliant with the policy.

The Planning Officer responded that a number of issues detailed in the representations were civil matters and were not able to be addressed through the Planning System.

The retrospective nature of the application was a significant concern for a majority of the Committee.

The Legal Services Manager reminded Members that retrospective applications may be required for a variety of reasons and that such applications were permitted under planning legislation. Furthermore, the retrospective submission of an application was not a justifiable ground for refusing permission, Members must determine the application based on the merits of the proposal.

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

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

3. Erection of 1no. dwelling, Cumrenton Farm, Irthington, Carlisle (Application 20/0002).

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

The Planning Officer advised Members that the key consideration in determining the application was the acceptability of the proposed development, noting that the Parish Council had raised the matter in their objection to the scheme.

Proposals for development in rural location such as the application site were ordinarily considered unacceptable unless judged to meet specific criteria set out in Paragraph 79 of the National Planning Policy Framework (NPPF). In the case of the application before Members, the Planning Officer explained that permission had previously been granted at the site for the conversion of a barn to a dwelling: the current proposal was in lieu of that development.

Condition 5 required the demolition of the existing barn, thereby preventing its development in the future. Therefore, approval of the application would not increase the number of dwellings at the site. Moreover, it was the Planning Officer's view that the proposed scheme was acceptable in terms of scale and design and would afford a betterment of the site which was in proximity to Hadrian's Wall. On that basis, he recommended the application for approval, subject to the imposition of conditions set out in the report.

The Committee then gave consideration to the application.

A Member commented that, in her view, the conversion of the existing barn at the site was not feasible due to its open nature and noted that the Committee had lately refused an application for a similar development in another rural area in the district.

The Planning Officer advised that in its approving the application to demolish and convert the existing barn at the site, the Council had accepted that the conversion was achievable, he reminded the Committee that the current application was in lieu of that development. The application at a different site alluded to by the Member had been determined in relation to its particular circumstances.

Another Member sought clarification of the Council's fallback position, he noted that the dwelling proposed in the current application differed from the existing barn at the site in terms of footprint, he asked how different it was permissible for the existing and proposed structures to be.

The Planning Officer responded that the proposed scheme provided for a cohesive form of development with new access, and landscaping at the site. In terms of the fallback position, there were no requirements in terms of scale, footprint or siting of the newly proposed dwelling to conform with those aspects of the previously approved development.

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

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

DC.029/20 SCHEDULE B

The Development Manager submitted the report which detailed other planning decisions taken within the district.

RESOLVED – That the report be noted.

DC.030/20 CHAIRMAN'S COMMENTS

The Chairman thanked the Members and Officers for their preparation for and participation in Carlisle City Council's first online meeting.

[The meeting closed at 11:47pm]