

MINUTES OF PREVIOUS MEETINGS

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 11 AUGUST 2017 AT 10.00 AM

PRESENT: Councillors Mrs Warwick (Chairman), Bloxham, Mrs Bradley, Christian, Earp, Glendinning, McDevitt, McDonald, Mrs Parsons, Shepherd, Sidgwick T and Tinnion (as substitute for Councillor Paton).

ALSO

PRESENT: Councillor S Sidgwick (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 16/1021 – Globe Lane & Grapes Lane, The Lanes Shopping Centres, Carlisle, CA3 8NX.

OFFICERS: Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officers x 2
Graduate Planning Officer

DC.76/17 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Paton, and the Corporate Director of Economic Development.

DC.77/17 DECLARATIONS OF INTEREST

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

Councillor T Sidgwick declared an interest in respect of applications:

- 17/0193 - Former Caldewgate School Site Kendal Street, Carlisle, CA2 5UF. The interest related to objectors being known to her.
- 16/1021 – Globe Lane & Grapes Lane, The Lanes Shopping Centre, Carlisle, CA3 8NX. The interest related to objectors being known to her.

Councillor Mrs Bradley declared an interest in respect of application - 17/0193 - Former Caldewgate School Site Kendal Street, Carlisle, CA2 5UF. The interest related to objectors being known to her.

Councillor Tinnion declared an interest in respect of application 17/0435 – Field No. 7961, Land north of Town Foot Farm. Talkin, Brampton, CA8 1LE. The interest related to the applicant being known to him.

DC.78/17 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

MINUTES OF PREVIOUS MEETINGS

DC.79/17 MINUTES OF PREVIOUS MEETING

The minutes of the meetings held on 31 May 2017 (site visit meeting), 2 June 2017, 5 July 2017 (site visit meeting) 7 July 2017 and 9 August 2017 were circulated to the Committee for approval.

With reference to minute DC.50/17 of 31 May 2017 Councillor T Sidgwick asked that the minutes be amended to reflect that she and Councillor S Sidgwick remained on the bus during the site visit undertaken at Former Caldewgate School, Kendal Street, Carlisle, CA2 5UF (Application 17/0193) not during the visit to Former KSS Factory Site, Constable Street, Carlisle (Application 17/0232).

RESOLVED - (1) That the minutes of the meetings on 17 March 2017, 19 April 2017 (site visit meeting) 21 April 2017 and 31 May 2017 be signed by the Chairman.

(2) That the minutes of meeting on 31 May 2017 (site visit meeting) be amended to reflect that Councillor T and Councillor S Sidgwick remained on the bus during the site visit undertaken at Former Caldewgate School, Kendal Street, Carlisle, CA2 5UF (Application 17/0193) not during the visit to Former KSS Factory Site, Constable Street, Carlisle (Application 17/0232).

(3) That the minutes of the meetings held on 31 May 2017 (subject to the above amendment), 2 June 2017, 5 July 2017 (site visit meeting) 7 July 2017 and 9 August 2017 be approved.

DC.80/17 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Legal Services Manager 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.81/17 CONTROL OF DEVELOPMENT AND ADVERTISING

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

(1) Proposed New Dwelling, Holly House, Gaitsgill, Dalston, Carlisle, CA5 7AH (Application 17/0307).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 9 August 2017. Further to the production of the report, an additional letter of objection had been received from the occupier of a neighbouring property who was unable to attend the Committee meeting due to a pre-existing commitment. The objector did not object to a single storey dwelling being erected, but felt that the current proposal amounted to overdevelopment of the site.

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

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

MINUTES OF PREVIOUS MEETINGS

The Committee then gave consideration to the application.

A Member sought clarification on the content of paragraph 6.34 of the report.

The Planning Officer explained that first sentence should read “The means of both foul and surface water drainage is acceptable albeit further information would be *required* that could be secured by means of conditions, he apologised for the omission. The Planning Officer confirmed that the principle of the drainage systems were acceptable and noted that condition 5 detailed the requirements for submission of information in relation to these.

A number of Members expressed concerns regarding the proximity of the proposed development to the adjacent working farm and the potential for future occupiers to be inconvenienced by noise resulting from agricultural works. It was noticed that Local Plan policy HO 2 Windfall Housing Development required development to be compatible with adjacent land uses.

The Planning Officer noted that the matter had been raised by a number of objectors and that the issue had prompted the Parish Council’s request that the Committee undertake a site visit as part of its consideration of the application.

The farm was an existing feature of the settlement contained within the village envelope, the Planning Officer noted that a number of existing properties in the vicinity of the application site were located at similar distances as the proposed dwelling. The Planning Officer advised that determining whether the site was too close to the existing farm was a matter for Members to decide.

The Development Manager added that in order to condition measures to mitigate against noise disturbance, noise assessments would be required. As with other proposed schemes of a similar nature, this assessment had not been required as part of the application, without an evaluation of the level of noise, the Development Manager considered the imposition of conditions relating to this to be unreasonable and unenforceable. Were Members minded to impose conditions relating to noise assessments would need to be undertaken, which the Development Manager noted was not regular practice for this type of application.

Another Member considered that future purchasers of the proposed dwelling would be well aware of its proximity to a working farm and would therefore be acquiring the property with an expectation of experiencing a degree of noise. She therefore considered a noise assessment and the imposition of conditions to be unnecessary, furthermore, were future occupiers to experience noise at a level they considered to be problematic they were able to report this to the Council’s Environmental Health services.

The Legal Services Manager supported the Member’s consideration, and advised the Committee that it was not appropriate for planning to deploy enforcement measures when the statutory responsibility for such matters resided with other services.

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.

MINUTES OF PREVIOUS MEETINGS

(2) Conversion of existing building to form two dwellings, together with the erection of three dwellings within the grounds of the property (Outline), Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT (Application 17/0449).

The Development Manager submitted the report on the application which had been the subject of a site visit by the Committee on 9 August 2017.

The Development Manager outlined the planning history of the site and noted that extant permission was in place for the conversion of the existing building with additional new build resulting in the creation of 5 dwellings.

The current owner contended that the previously permitted scheme created a horseshoe shaped development which was not commercially viable and an alternative scheme was required to convert the existing building.

An Indicative Layout had been submitted with the application illustrating how the proposed 5 dwellings may appear on the site. The Development Manager cautioned Members that Indicative Layouts were subject to change and that any future Reserved Matters application may differ from the current proposal.

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

The Development Manager informed Members that further to the production of the report a letter in respect of the application had been submitted by Councillor Allison (Ward Member), he outlined the principal issues therein for the benefit of Members.

The National Planning Policy Framework (NPPF) and the Carlisle and District Local Plan 2105 – 30 (Local Plan) allowed for the conversion of the building which was consistent with previous decisions. Therefore, the Development Manager directed Members consideration towards the three new dwellings and their context in terms of policy. The previous scheme had allowed for the development of a garage block which would be replaced by one of the dwellings: a building in that location had therefore been accepted previously. The two remaining dwellings on the northern part of the car park required consideration as to whether the circumstances of the White Quey site allowed for an exception.

Objections had been received on the grounds that the proposal was at odds with Local Plan Policy SP 3 - Broad Location for Growth Carlisle South, the Development Manager advised that the application site was considered to be out with that area. Furthermore, given that the Carlisle South Masterplan was still under preparation it was not appropriate to use the Carlisle South policy as a basis for refusing permission in this instance.

Concerns had also been raised in relation to the potential for the scheme to set a precedent for developments in the local area. Members were reminded that each application was treated on its own merits and that the current proposal required the consideration of the conversion and associated development of a Non-Designated Heritage Asset. The Development Manager noted that there were few sites in the locality which presented the same circumstances of a brownfield site where the principal of conversion and number of dwellings for the site had already been established.

MINUTES OF PREVIOUS MEETINGS

Further concerns had been raised regarding the sustainability of the proposal given the site's location, the Development Manager reiterated that this aspect of developing the site had been established by the granting of previous permissions which had also included elements of new build.

The Development Manager referred Member to the proposed conditions detailed in the report and advised that:

- Condition 1 - the Council's standard condition allowed three years for the submission of Reserved Matters application, not the 1 year set out in the report. The Development Manager recommended that the condition be amended accordingly.
- Condition 18 - the Highway Authority standard condition required the first 5 metres of the access to be a bound surface not the whole of the access road. The Development Manager recommended that the condition be amended accordingly.
- Condition 20 - had been included at the request of the Local Lead Flood Authority and referred to another consenting process. It was noted that planning conditions were not permitted to duplicate other regimes, nevertheless the information was required by the Local Planning Authority, therefore, the Development Manager recommended that the condition be amended to require the details to be included as an informative statement on any permission.

Subject to the amendment of the conditions detailed above, the Development Manager recommended the application for approval.

Ms Robson (Objector) on behalf of Ms Bell McDonald, Mr Oldman, Mr Harman and Mr Wilkinson objected to the proposal on the following grounds:

- Approval of new housing footprints at the site was not in-keeping with relevant planning policy;
- The Council had resisted other developments in the locality on the grounds that, whilst conversion of existing buildings was acceptable, new building footprints were not permissible in an area which had not been designated for housing. A Planning Inspectorate Appeal Decision had supported this view in one recent Appeal;
- There was no identified need for housing in the area, and the applicant had submitted a letter from a local property agent testifying to this;
- The site had no access to services including public transport;
- The applicant sought Outline Permission, not with a view to developing the site, but to increasing the profit from the sale of the site;
- Using the current state of the site as a material condition upon which to make an exception to planning policy would encourage speculative purchasers to allow other properties in the district to deteriorate with a view to forcing the Council to approve applications to develop those sites.

Ms Robson requested that, were the Committee minded to approve the proposal, conditions be imposed to limit the total footprint of the buildings.

The Committee then gave consideration to the application.

Responding to a request for clarification regarding the recommended amendment to condition 20, the Development Manager explained that the current wording of the condition made reference to "consent" which implied that was an issue for the Local Planning Authority to approve. Whilst the authority required the details of the Land

MINUTES OF PREVIOUS MEETINGS

Drainage/Watercourse system, formal consent for those aspects of the development were the responsibility of the Lead Local Flood Authority and the Environment Agency, and for those reasons, the Development Manager had recommended that the condition be amended as previously outlined.

A Member commented that he understood the recommendation for approval was based upon the application be considered to be compliant with Local Plan Policy HO6 (Other Housing in Open Countryside) and that the proposed conditions attempted to control the number of buildings at the site through the imposition of conditions. He expressed concerns that a future Reserved Matters application may be submitted seeking permission for a larger number of dwellings at the site, and asked how robust condition 4 was as a mechanism for limiting the number of buildings at the site.

The Development Manager responded that in order for the conversion of the existing building was commercially viable, the additional new builds were required to make the development sustainable. Whilst a Reserved Matters application must be forthcoming to allow the development of the site, Condition 4 expressly stipulated the number of dwellings considered permissible at the site and thereby provided clear parameters for future development.

The Development Manager advised that Members were being asked to consider the principle of development at the site along with a limitation on the number of dwellings to be provided therein. He added that a number of recent approved Outline Permissions had also contained restrictions on the number of dwellings.

Another Member expressed concerns regarding the current state of the site which he considered to be dangerous, and the potential for a future Reserved Matters application may propose a higher number of buildings on the site. He felt that it was not the role of the Committee to enable sites to be viable for developers. The Member was further disappointed that the proposal made no provision for affordable housing. He moved that the application be refused permission on the grounds that it was not compliant with Local Plan policies HO2 and HO6. The proposal was seconded.

The Development Manager responded that the proposed number of dwellings was below the threshold whereby a contribution to or provision of affordable housing would be required. He further advised that policy SP 3 was not sufficiently sound planning reasons upon which to base refusal as the site was further outside the city than the proposed Carlisle South area.

A Member commented that any future Reserved Matters application would be determined in accordance with the relevant policies at the time of its submission. He moved the Officer's recommendation.

Another Member felt that the Committee needed to consider what would happen to the site if no action was taken. In her view the proposal was compliant with policy HO6, particularly paragraphs 5.55, 5.58, and 5.59. She was of the opinion that Members needed to accept that applications would be submitted which required additional development in the form on new builds on site to enable the conversion of existing buildings. She acknowledged that a future Reserved Matters application may differ from the proposal currently being considered, but noted that the Committee was only able to determine the application before them. She seconded the proposal to support the Officer's recommendation.

MINUTES OF PREVIOUS MEETINGS

The Chairman noted that a proposal to refuse permission had been proposed and seconded. After voting thereon the votes cast for and against the motion were equal. The Chairman used her casting vote against the motion and it was defeated.

A proposal that the application be approved subject to the amendment of conditions as detailed above was formally moved and seconded. The Chairman used her casting vote for the motion, and it was:

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

(3) Installation of Security Shutters to enclose both ends of Globe Lane & Grapes Lane (Retrospective), Globe Lane and Grapes Lane, The Lanes Shopping Centre, Carlisle, CA3 8NX (Application 16/1021).

Councillor T Sidgwick having declared an interest in the item of business removed herself from her chair and took no part in the discussion nor determination of the application.

Councillors Mrs Bradley and Tinnion having not attended the previous meeting of the Committee where the application had been considered took no part in the discussion or determination of the application.

The Planning Officer submitted the report on the application and advised that further to production of the report an additional four representations had been received which had been reproduced on pages 1 to 6 of the Supplementary Schedule.

Following the Committee's decision to defer the application at its June 2017 meeting, the applicant had explored alternative proposals which were detailed on pages 87- 89 of the Main Schedule.

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

The Planning Officer advised that were Members minded to approve the application, consideration was required as to whether it was appropriate to impose condition restricting the hours when the shutters are closed. The applicant had requested that all shutters be closed between 7pm and 7am, with the exception of shutter 3a which it proposed was closed after KFC ceased trading at 9pm.

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

Mr Vose (Objector) objected to the proposal in the following terms: the scheme required the closure of established Public Rights of Way (PRoW) which had remained in continuous, unhindered use; due process had not been followed by Cumbria County Council, which was the recording authority, in relation to the closing of PRoWs; there were contradictions in the applicant's written submissions.

Councillor S Sidgwick (Ward Member) addressed the Committee and opposed the application in the following terms: the proposal was not compliant with Local Plan policies, SP 4 – Carlisle City Centre and Caldew Riverside; SP 9 – Health and Thriving

MINUTES OF PREVIOUS MEETINGS

Communities; EC 3 – Primary Shopping Areas and Frontages, EC 7 – Shop Fronts; the shutters reduced pedestrian activity and connectivity within the city during the evening which was detrimental to both residents and businesses, as well as tourists;

Councillor Sidgwick noted that the applicant had justified the requiring for the shutters on the grounds they prevented anti-social behaviour, having recently attended meetings with Officers from Cumbria Constabulary, he understood that the reported number of incidences of anti-social behaviour in The Lanes for the period December 2015 – November 2016 was 52. Given that the figure included incidences of anti-social behaviour which had occurred during the day, Councillor S Sidgwick questioned whether the level of incidence necessitated the loss of access and connectivity in the city.

In conclusion, Councillor S Sidgwick requested that the Committee refused permission or in the event that Members were minded to approve the application, consideration be given to the hours during which the shutters can be operated.

Mr Jackson (Applicant) responded that Anti-Social Behaviour continued to be a problem with 60 incidences being recorded by The Lanes management in the year thus far. He acknowledged that not all incidents had been reported to the police, however, procedures had been implemented to ensure that all criminal activity and anti-social behaviour was reported.

The Lanes shopping centre was private property and access through the facility was available when the facility was open for trading, the company had a duty to protect the asset for the city as well as protecting the staff that worked there.

Mr Jackson noted that only ten letters of objection had been received to the proposal, whereas seventeen residents of Hodgsons Court had signed a letter in support of the application.

The Committee then gave consideration to the application.

A Member commented that she did not consider The Lanes management had worked diligently to achieve a compromise with regard to the proposed shutters and their hours of operation. She felt that there were other ways in which the centre could be protected from anti-social behaviour which did not have such a negative impact on the connectivity of the city, she was further concerned about the closure of Public Rights of Way within the city.

The Member proposed that the application be refused on the grounds that it was not compliant with Local Plan policies SP 4 & SP 9.

Another Member expressed concern that the Committee had been presented with two different sets of figures regarding the level of anti-social behaviour taking place in the centre, he asked whether it was feasible that determination of the application be deferred until clarification on the matter had been received.

The Legal Services Manager acknowledged the Member's concern, however, she pointed out that Members had received an explanation as to the discrepancy and cautioned Members against deferral of the application on that basis.

A Member asked why both shutter 3 and 3A were required.

MINUTES OF PREVIOUS MEETINGS

The Planning Officer explained that having shutter 3 and shutter 3A were required to enable a two-stage closure of the centre, thereby facilitating the continued trading of KFC beyond 7pm whilst closing of the rest of the centre.

The Member responded that he held The Lanes in high esteem, whilst he appreciated that anti-social behaviour was a problem for the centre, he did not consider that the closure of the centre was the most effective solution as it was detrimental to the wider city. Furthermore, he was not satisfied that all options to address the anti-social behaviour conducted in the centre had been explored.

Another Member reiterated concerns about the impact of the scheme on the connectivity of the city and its detrimental impact on both businesses, residents and tourists, he seconded the proposal to refuse permission on the grounds that the application was not compliant with Local Plan policies SP 4 and SP 9.

The Chairman noted that a proposal to refuse the application on the grounds that it was not compliant with Local Plan policies SP4 – Carlisle City Centre and Caldew Riverside and SP 9 – Healthy and Thriving Communities had been moved and seconded. She put the proposal to the vote and it was:

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

The meeting adjourned at 12:15pm and reconvened at 12:28pm

(4) Demolition of existing School Buildings and Erection of 15no. Terraced houses and 20no. Flats with associated external works, Former Caldewgate School Site, Kendal Street, Carlisle, CA2 5UF, (Application 17/0193).

Councillor T Sidgwick having declared an interest in the item of business removed herself from her chair and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application and reminded Members that the application had been deferred at June 2017 meeting of the committee in order to allow the Council to complete an Independent Viability Assessment of the proposed scheme. The Planning Officer advised that the assessment had concluded that the site was not viable for conversion, however, 4 affordable units were to be provided within the scheme.

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

In conclusion, the Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the imposition of planning conditions and the completion of a legal agreement for the provision of affordable housing.

The Committee then gave consideration to the application.

A Member commented that she understood the need for the site to be developed, given the site's location in a residential area, she felt it was important that the proposed

MINUTES OF PREVIOUS MEETINGS

construction management conditions were effectively enforced to ensure that disruption to residents was kept to a minimum.

Another Member noted that both the Council's Heritage Officer and the Committee had previously requested that photographic records of the school building be taken prior to its demolition, she asked whether that work had been undertaken.

The Planning Officer advised that proposed condition 6 required a Level 2 Archaeological Survey be undertaken which would include the photographing of the building.

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

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the imposition of planning conditions and the completion of a legal agreement for the provision of affordable housing.

Councillor T Sidgwick returned to her seat.

(5) Erection of 1no. Dwelling together with associated parking, Wakefield Lodge, 181 Kingstown Road, Carlisle, CA3 0BA (Application 17/0342).

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

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

In response to a Member questioning whether the site was of a sufficient size to accommodate a dwelling, the Planning Officer drew Members' attention to the Block Plan which illustrated that the site was able to yield a garden area and two parking spaces in addition to the footprint of the dwelling.

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.

(6) The erection of Five Dwellings and Associated Works including the erection of a dry stone boundary wall and construction of a pavement, Field No 7961, Land North of Town Foot Farm, Talkin, Brampton, CA8 1LE (Application 17/0435).

Councillor Tinnion having declared an interest in the item of business removed himself from his chair and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application and advised that proposed condition 13 of the report required amendment to remove the double negative wording contained therein.

MINUTES OF PREVIOUS MEETINGS

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

The Planning Officer advised that the scheme had been amended to comply with the Health and Safety Executive (HSE) that building work not be carried out within a 15 metre distance either side of the high pressure gas pipeline which crossed the site. A discrepancy existed on the plotting of the development using the HSE's software and consequently the organisation had advised against the grant of planning permission. However, the Planning Officer informed the Committee that written confirmation had been received that the minimum distance was 15 metres and that this distance had been demonstrated as being achieved on the applicant's submitted drawings.

Given the above, the Planning Officer recommended Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to further consultation with the Health and Safety Executive.

The Committee then gave consideration to the application.

A Member commented that the site was not suitable for housing and noted that no need for such provision had been identified, she additionally expressed concerns regarding the proposed access arrangements and asked whether the traffic survey undertaken had been carried out in situ or had been a desktop exercise. She further asked whether the existing foul drainage system had been tested to ensure that it was able to accommodate the discharge from the proposed system.

The Member proposed that the application be refused on the grounds that it was not compliant with Local Plan policies HO 2 – Windfall Housing Development and HO 6 – Other Housing in Open Countryside, which was seconded.

In response the Planning Officer advised that the speed survey had been undertaken by the applicant who had submitted the findings to the Highway Authority which was the body responsible for validating the information.

In terms of the proposed foul water drainage system, the Planning Officer noted that this information was detailed in the report, he provided a summary for Members advising that the application proposed that foul water would discharge into the mains sewer as was ordinary practice. Whilst no evaluation of the existing infrastructure had been undertaken, the Planning Officer advised that no objection had been received on the basis of a lack of capacity within the existing infrastructure network.

A Member commented that he had seconded the proposal to refuse permission on the basis it was not compliant with Local Plan policies HO2 and HO 6, additionally he expressed concerns regarding the Officer's recommendation which appeared contradictory to the advice of the HSE. He questioned why the Officer believed that the HSE would reconsider its response to the application, on the basis of Authority to Issue being granted.

Another Member expressed strong concerns in respect of the proximity of the proposed dwellings to the high pressure gas pipeline and noted that paragraph 8.315 of Local Plan policy CM 5 – Environmental and Amenity Protection required the authority to take into account the HSE responses to application. She further considered that the plans indicated

MINUTES OF PREVIOUS MEETINGS

the relocation of the access point towards Talkin Village which meant that construction vehicles would enter and exit the site closer to the proposed pipeline.

In terms of the principle of development of the site, the Member considered that the proposal was not compliant with Local Plan policy: SP 2 – Strategic Growth and Distribution, as a justified local need for the dwellings had not been identified. The Member recognised that the current proposal sought Outline Permission however she felt that by not making provision for affordable housing which was much needed in the rural area, and the application was not compliant with Local Plan policy HO 2.

The Planning Officer responded that the recommendation of Authority to Issue did not seek to undermine the HSE's requirements, he explained that due to differences between the software used by the HSE to map the pipeline through the site and that used by the applicant to produce the plans submitted with the application. The HSE had not felt able to confirm that the proposed dwellings were out with the required separation distance. Were the Committee to approve the application, the Council had 21 days to advise the HSE of their intention to permit development at the site, the HSE was then afforded the opportunity to respond.

In response to a further question from a Member regarding the provision of an area within the site for refuse and recycling receptacles to be collected, the Planning Officer advised that Waste Services were aware of the matter, however, as the application sought Outline Permission the layout of the scheme was potentially subject to change.

Another Member commented that, in his view, the site was well connected to the existing settlement and that the proposed buildings would blend in with the existing properties. He felt it was important that houses for larger families were built and made available within the district. He moved the Officer's recommendation.

Another Member indicated that he was minded to support the proposal as he considered the scale and design of the proposed development to be in-keeping with the existing settlement, and that the site was well contained within the landscape. He asked whether, in order to increase the connectivity of the development to the existing settlement, the developer intended to provide a footpath linking the dwellings to Talkin village.

The Planning Officer responded that, given the narrow nature of the passage of highway between the site and existing settlement, it was unclear how feasible it was to provide a complete connective link.

Regarding materials used to finish the proposed dwellings, the Member noted that stone was the primary finish material in the existing settlement, he asked if it was possible to condition use of a similar stone in the scheme.

The Planning Officer reminded Members that the current application sought Outline Permission, therefore a Reserved Matters application was anticipated in the future which would determine such issues. He undertook to pass on the Committee's comments on the matter to the developer.

The Chairman noted that a proposal to refuse the application on the grounds that it was not compliant with Local Plan Policies HO 2 – Windfall Housing Development and HO 6 – Other Housing in Open Countryside had been moved and seconded. The Chairman put the proposal to the vote and it was:

MINUTES OF PREVIOUS MEETINGS

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

Councillor Tinnion returned to his seat.

The meeting adjourned at 13:12 and reconvened at 13:40

DC.82/17 STANDING ORDERS

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.83/17 CONTROL OF DEVELOPMENT AND ADVERTISING

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

(7) Erection of 2no. Holiday Units together with single storey store and Associated Landscaping (Revised Application). Land adjacent to Boustead Hill, Boustead Hill, Burgh by Sands, Carlisle, CA5 6AA (Application 17/0370).

The Principal Planning Officer submitted the report on the application and noted that a previous application to develop the site (Application 16/0049) which the Committee had refused permission at the Committee's August 2016 meeting had been allowed on appeal by the Planning Inspectorate. The current proposal reduced the scale of the 2 holiday units which had been allowed on appeal, and the Principal Planning Officer further noted that the present proposal sought to use different materials which were more in-keeping with the vernacular of the existing settlement.

Slides were displayed on screen showing; location plan; site plan; block plan; elevations of the appeal approved and current schemes, and photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

With reference to paragraph 6.2 of the report a Member questioned how the Parish Council had been informed of the updated versions of the Carlisle and District Local Plans.

The Principal Planning Officer responded that the Parish Council would have been a consultee on the Local Plan when at the time it produced its Parish Design Statement, and would have been further consulted as part of the adoption process of subsequent Local Plans. Whilst references contained within the Parish Design Statement to specific policies within the Local Plan 2015 – 30 were out of date, the design principles set out in the Statement remained relevant.

MINUTES OF PREVIOUS MEETINGS

The Development Manager added that the Design Statement had been adopted as a Supplementary Planning Document, however there was a mechanism by which the Statement was able to be updated and he undertook to liaise with the Investment and Policy Manager on the matter.

A Member sought clarification as to whether, in the event that permission was granted for the current application, the applicant was able to choose whether to implement the application which was won appeal with Planning Inspectorate or, the current application.

The Principal Planning Officer confirmed this to be the case. Responding to a further question from a Member regarding the potential removal of ash trees at the site being permitted under the previous application, the Principal Planning Officer advised that under both the current and the previous application the ash trees were retained as part of the landscaping scheme.

In response, the Member requested that the Principal Planning Officer indicate to the applicant the Committee's preference for the current scheme of development to be implemented at the site.

Considering the Planning Inspectorate Appeal Decision, a Member expressed disappointment that the materials proposed for use in the previous application were permitted. The Committee had considered the proposed materials not to be in-keeping with vernacular of existing buildings and this had been an important factor in the Committee's decision to refuse permission.

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

RESOLVED: (1) That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

(2) That the Development Manager liaise with the Investment and Policy Manager regarding the Burgh-by-Sands Parish Design Statement.

(8) Change of Use from A1 (Shops) to A5 (Hot Food Takeaway), 7 The Crescent, Carlisle, CA1 1QW (Application 17/0552).

The Principal Planning Officer submitted the report on the application and noted that the main issues requiring consideration were: the principle of the proposed change of use, and impact on living conditions of neighbouring occupiers.

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

The Principal Planning Officer noted that there were a number of existing uses on The Crescent including restaurants, bars, offices, shops and takeaway premises. Therefore, the proposal was not considered to create an adverse impact on adjacent occupiers. On that basis, the Principal Planning Officer recommended that the application be approved subject to the conditions contained in the report.

MINUTES OF PREVIOUS MEETINGS

The Committee then gave consideration to the application.

A Member noted the consultation response from Local Environment – Environmental Protection which had been reproduced in section 5 of the report, he asked who was responsible for addressing the concerns detailed therein.

The Principal Planning Officer advised that proposed conditions 3, 4, 5, and 6 had been developed in conjunction with the Council's Environmental Protection Services who would be responsible for monitoring the discharge of those aspects of the development.

In response to concerns expressed by a number of Members regarding the proposed opening hours, the Principal Planning Officer informed Members that other establishments on The Crescent operated during the same hours, therefore, it was not considered that the proposed change of use would adversely impact the amenity of residential properties in the area.

A Member expressed concern regarding the Highway Authority's lack of objection to the proposal, she considered that cars regularly parked on the roadside at The Crescent and as a result hindered the safe alighting of passengers from buses which stopped in the area.

The Principal Planning Officer advised that was a matter for Cumbria Constabulary to enforce.

The Legal Services Manager added that whilst Cumbria Constabulary was able to take enforcement action in respect of parking obstructions, Cumbria County Council was responsible for delivering On-Street Parking Enforcement in the city.

With reference to the Consultation Response from Cumbria Constabulary – North Area Community Safety Unit, another Member asked whether the applicant had progressed the organisation's offer to discuss crime prevention measures.

The Principal Planning Officer understood that the discussions would take place following the determination of the application.

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.

- (9) Erection of 4no. Dwellings (Reserved Matters, Pursuant to Outline Application 14/0584), Land to the north of 10 Lonning Foot, Rockcliffe, Carlisle (Application 17/0443).**

The Chairman advised that the application had been withdrawn from discussion

RESOLVED – That the application be withdrawn from discussion.

- (10) Erection of 2No. Flats (Revised Application), Land adjacent to 4 Grasmere Street, Carlisle, CA2 4AR (Application 17/0505).**

MINUTES OF PREVIOUS MEETINGS

The Principal Planning Officer submitted the report on the application and noted that a previous application for 2 flats on this site was refused by the Committee at its meeting in June 2016 on the grounds that the 2-storey section to the rear would have been 3.2m from the kitchen window on 4 Grasmere Street. In the proposal before Members, the proposed section to the rear had been reduced to a single-storey and was therefore considered acceptable.

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

The Principal Planning Officer advised that, in relation to condition 4, the applicant had, following the production of the report submitted details of the proposed boundary wall/gate. Therefore, he recommended that condition 4 be amended to ensure that the application was undertaken in accordance with the submitted details.

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

A Member commented that he considered the current scheme to be a great improvement on the one previously submitted, whereupon he moved the Officer's recommendation. The proposal 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.

- (11) First Floor extension above existing bedroom, utility room and WC, to provide a bedroom, utility room and WC, The White House, Orton Rigg, Great Orton, Carlisle, CA5 6LL (Application 17/0515).**

The Planning Officer submitted the report on the application and recommended that the proposal be approved.

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

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

- (12) Erection of 1No. Dwelling (Revised Application) Land east of Village Green, Brunstock, Carlisle, CA6 4QG (Application 17/0544).**

The Planning Officer submitted the report on the application and informed Members that further to the production of the report Councillor Bainbridge had requested Members be advised that over the recent storms of the 22 and 23 July 2017 several properties within Brunstock were nearly flooded.

Councillor Bainbridge acknowledged the inclusion of a pre-commencement condition in respect of surface water drainage, however, he questioned whether the application was able to be fully considered without this information.

The Planning Officer explained that she had brought these concerns to the attention of the Agent. In response the Agent wished to assure Members that there was no intention for surface water from this plot to make its way to the pond or surrounding field, nor was it

MINUTES OF PREVIOUS MEETINGS

intended that the proposal would affect surface water drainage of the existing dwellings. The surface water would be attenuated at less than green-field run-off rate and in accordance with details submitted to the Local Planning Authority and Lead Local Flood Authority.

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

The Planning Officer noted that paragraph 3.2 of the report highlighted that the application site had previously been the subject of two applications for the erection of dormer bungalow, both of which had been refused. In overall terms, the proposed dwelling would have a smaller footprint than the dormer bungalow previously refused. On that basis, the Planning Officer recommended that the application be approved subject to the conditions contained in the report.

The Committee then gave consideration to the application.

In relation to paragraph 3.2 and the Parish Council comments reproduced in paragraph 5 of the report, a Member sought clarification on how the application before Members differed to those previously refused.

The Planning Officer explained that the previous applications to develop the site had comprised of a substantial dormer bungalow with significant areas of hardstanding being provided at the site. Those applications had been refused on the grounds that the scale of the dormer bungalow had been too large. The application before Members was much reduced in scale with the design of the lodge type dwelling, as detailed in the report conclusion was considered appropriate. The Planning Officer further noted that two conditions had been proposed: removing Permitted Development Rights, and prohibiting the erection of outbuildings within the site.

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

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

[The meeting closed at 14:19]