

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 17MARCH 2017 AT 10.00 AM**

**PRESENT:** Councillor Mrs Warwick (Chairman), Councillors Bloxham, C Bowman (as substitute for Councillor Shepherd) Mrs Bradley, Christian, Earp, Glendinning, Ms Patrick, Mrs Parsons, McDevitt, McDonald, and T Sidgwick.

**ALSO**

**PRESENT:** Councillor Bainbridge (Ward Member) attended the meeting in his capacity as Ward Member having registered a right to speak in respect of Application 16/0097 - Land adj Croft House, Brunstock, Carlisle, CA6 4QG.

Councillor Bell (Ward Member) attended the meeting in his capacity as Ward Member having registered a right to speak in respect of Application 16/0974 - Land to the rear of Ellesmere Way/Lyndhurst Gardens, Carlisle, CA2 6LZ.

Ms Renyard – Cumbria County Council

**OFFICERS:** Corporate Director of Economic Development  
Legal Services Manager  
Development Manager  
Principal Planning Officer  
Planning Officers x 3

### **DC.25 /17 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Shepherd.

### **DC.26/17 DECLARATIONS OF INTEREST**

A Member sought clarification on the requirements for declaring an interest when an objection to an application had been submitted by a serving Councillor.

The Legal Services Manager reminded Members that declaration of interest was a matter for Members to determine for themselves in accordance with the requirements of the Council's Code of Conduct. She advised that in respect of applications where a Ward Member made representations on behalf of residents a declaration of interest was not required. However, should any Member of the Committee consider a Ward Member's representation to be in a personal capacity, they should determine whether to declare an interest in relation to the item of business.

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

Councillor Earp declared an interest in respect of applications;

16/1089 – Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle. The interest related to an objector being known to him.

16/0628 – Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle. The interest related to an objector being known to him.

17/0048 – Land between 61 & 63 Scotby Road, Scotby, Carlisle, CA4 8BD. The interest related to an objector being known to him.

17/0058 – Land at Longthwaite Farm Court, Warwick Bridge, CA4 8RN. The interest related to an objector being known to him.

Councillors Mrs Warwick, Mrs Bradley, T Sidgwick, McDonald and Glendinning declared an interest in respect of application 16//1095 – Land between Seatoller Close, Highfield Avenue and Ashness Drive (Isobel's Green), Carlisle. The interest related to an objector being known to them as a serving Councillor.

Councillors Mrs Warwick, C Bowman, Mrs Bradley, Christian, Earp, Glendinning, Ms Patrick, McDonald, and T Sidgwick declared an interest in respect of application 16/0974. The interest related to an objector being known to them as a serving Councillor.

Councillors Mrs Bradley, Mrs Warwick, Glendinning and Bloxham declared an interest in respect of application 16/1068 – Sainsburys Supermarkets Ltd, Church Street, Carlisle, CA2 5TF. The interest related to an objector being known to them as a former Councillor.

#### **DC.27/17 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

#### **DC.28/17 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meetings held on 6 January 2017 (site visit meeting) and 8 January 2017 were approved and signed by the Chairman.

#### **DC.29/17 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.30/17 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) Installation of Sustainable Urban Drainage System (SUDS Pond), land between Seatoller Close, Highfield Avenue and Ashness Drive, (Isobel's Green), Carlisle (Application 16/1095).**

The Principal Planning Officer submitted the report on the application, and noted that the applicant had submitted additional information on the operation and function of the proposed SUDS pond, following Member's deferral of the application at the 10 February 2017 meeting of the Committee. The Principal Planning Officer outlined a summary of key points from the Memorandum Report which had been reproduced in full in the Main Schedule.

The Principal Planning Officer noted that a condition requiring the details of the fencing be submitted and agreed by the Local Planning Authority prior to the pond being brought into use had been proposed in the report. He further proposed an additional condition requiring details of landscaping to be submitted to and agreed by the Local Planning Authority.

Slides were displayed on screen showing location plan, block plan, and photographs of the site and SUDS ponds, an explanation of which was provided for Members.

The applicant had confirmed that the permanent body of water had been designed to hold the minimum recommended water depth whilst maintaining a suitable environment for biodiversity. SUDS pond design guidance required a depth of 1.2m to ensure an even temperature, the prevention of weed growth and the prevention of the pond drying up.

The Principal Planning Officer advised that Policy CC4 (Flood Risk and Development) of the recently adopted Carlisle and District Local Plan 2015 -30 stated that the Council would encourage Sustainable Urban Drainage Systems (SUDS) as a means of reducing the overall flood risk, controlling pollution from urban run-off and, where possible, creating new wildlife habitats and amenity space.

In conclusion the Principal Planning Officer recommended the application for approval subject to the conditions contained in the report, and the imposition of an additional condition requiring the submission and approval of landscaping details.

The Committee then gave consideration to the application.

In response to a Member's request for clarification on the purpose of the bench contained within the proposed pond, the Principal Planning Officer explained that the bench was a flat area between the edge of the proposed pond and the body of permanent water designed to prevent a person falling into the water.

A Member expressed concerns in relation to comments received from Cumbria Constabulary regarding the application, she asked how the area would be policed to prevent anti-social behaviour.

The Principal Planning Officer responded that the application proposed the inclusion of additional footpaths in the area surrounding the site, it was anticipated that the paths would increase the number of persons walking in the area which would act as a deterrent to anti-social behaviour. Riverside Housing Association would be responsible for managing the area.

A Member noted that the application proposed that water would discharge from the pond via a pipe into the existing drainage system, he questioned whether the pond was necessary.

Ms Renyard explained that the open pond would collect and store water during periods of heavy rainfall which would allow the water to outflow into the existing drainage system at a steady rate preventing the drainage system from being overwhelmed and thereby causing nearby properties to be flooded.

A Member asked how the performance of the proposed SUDS would be monitored, and in the event of a failure would the system be removed?

The Principal Planning Officer advised that the Local Planning Authority was able to condition the future management of the SUDS pond.

The Member requested a condition be imposed requiring the applicant to submit details of maintenance and management plans in relation to the SUDS pond.

The Principal Planning Officer agreed to incorporate the condition into the permission, were the application approved.

Turning to the matter of the proposal to include a bridge over the SUDS pond, a number of Members expressed concern that the bridge would allow people access to the permanent body of water and was therefore unsafe. Clarification was sought on the proposed construction of the bridge and its purpose.

The Principal Planning Officer explained that the proposed bridge was a design feature which would be fitted with post and rail fencing along its edges to prevent persons falling from the structure.

In response to comments from a Member regarding the potential of the proposed SUDS to be used for fishing, the Corporate Director of Economic Development explained that the proposed SUDS design incorporated planting which was designed to restrict access to the pond, therefore activities such as fishing would not be possible.

A Member asked why the scheme had not proposed that the pond be entirely covered.

The Principal Planning Officer reminded Members that aspect of the proposal had been extensively discussed during the Committee's previous consideration of the application at its meeting of 10 February 2017 and outlined the issues identified therein.

A Member commented that the proposed scheme sought to address the problem of flooding of properties on Westrigg Road, she felt that the engineer's report contained on page 38 of the Main Schedule addressed a number of the concerns put forward by Members including the maintenance and management of the proposed pond, and she noted that the Officer had agreed to incorporate a condition in relation to these matters in the permission.

She reminded Members that during the Committee's previous consideration of the application a central concern had been the danger caused accessibility of the pond to members of the public. Following requests from the Committee the Principal Planning Officer had included a condition requiring the applicant to submit a boundary and landscaping scheme to the authority prior to the pond being brought into use.

Members' attention was drawn to pages 36 and 37 of the Main Schedule which contained information from the Health and Safety Executive that, in the context of children's play, identified the need for balance to be achieved between safety and the freedom to take risks.

In conclusion, the Member considered that the applicant had through the proposed safety measures, taken all necessary steps to mitigate risk at the proposed pond, and that the scheme provided a mechanism for addressing the flood risk issues in the vicinity of the site. The addendum report was comprehensive and drew on a number of sources,

including government advice to illustrate why the proposed scheme was the most suitable arrangement.

On that basis, she moved the Officer's recommendation, along with the imposition of conditions relating to the maintenance and management of the pond, and landscaping details.

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.

**(2) Erection of Dwellings (Outline Approval), Land adj Croft House, Brunstock, Carlisle, CA6 4QG (Application 16/0097).**

*Councillors Glendinning, C Bowman, Ms Patrick and S Sidgwick having not been present at the previous meeting of the Committee when the application was considered, remained in their seats but took no part in the discussion of or voting on the application.*

The Development Manager submitted the report on the application which sought Outline Permission with all matters reserved including access, layout, appearance, landscaping and scale.

The Development Manager reminded Members that the Committee had undertaken a site visit 6 July 2016, and that during consideration of the application at its meeting of 8 July 2016 Members had resolved to defer determination of the application in order to receive an independent assessment of the highway matters.

The independent review of the transport information had concluded that the proposal complied with current highway standards, the Development Manager therefore advised that there was no highway reason to refuse the application. The review acknowledged a number of local concerns and suggested that the applicant consider reducing the impact of this development.

One method identified for addressing the local concerns was the introduction of a speed table at the 90 degree bend on the southern corner of the site which would work to slow the speed of traffic. During re-consultation on the application some objectors living close to that part of the village expressed concerns regarding the noise traffic using the proposed tables would create. In addition, the Development Manager noted the proposed speed table was an urban traffic engineering solution and may not be appropriate in this location.

The Agent had considered an alternative option of reducing the number of proposed dwellings, and had accordingly submitted a revised indicative layout comprising 9 dwellings. Members were asked to note that this was only indicative and due to the Outline nature of the application, it was not guaranteed that this level of development would constitute the final position. The Development Manager proposed in that instance, were Members minded to approve the application, a condition be added to the decision restricting the number of dwellings to 9. The condition was reproduced in the report as Condition 27.

Slides were displayed on screen showing: location plan; indicative site plan; revised layout plan; photographs of the site and surrounding highway network, an explanation of which was provided for Members.

The Development Manager advised that further to the production of the report two additional letters of objection had been received from local residents relating to the impact on safety due to increased traffic numbers as well the application not meeting the needs of policies H01 and H02 of the Carlisle and District Local Plan 2015 – 30 (Local Plan) with no justification for building on the site.

The Parish Council had responded to the revised details of the independent highways review and revised indicative layout. The Development Manager detailed, for the benefit of Members, the specific areas of objection outlined by the Parish Council noting that the Parish Council strongly objected to the proposal and urged that permission be refused. Many of the points raised by the Parish Council had also been referenced by local residents and were contained within the updated sections of the report before members and had been considered in the original report presented to Committee on 8 July 2016.

On the basis of the additional technical review of highway matters and the imposition of an additional condition restricting the development to 9 dwellings, the Development Manager recommended that Authority to Issue the permission being delegated to the Corporate Director of Economic Development subject to a satisfactory Section 106 legal agreement for a commuted sum towards affordable housing.

Mr Odell (Objector) objected to the application on the following grounds: the independent review of highways recognised concerns expressed by residents in relation to the removal of trees and road width; the development would result in a cumulative impact that was severe, which was contrary to Section 4, Paragraph 32 of the National Planning Policy Framework; it was not clear from the indicative site plan whether the application proposed 9 or 11 buildings; the proposal was contrary to the Local Plan. Mr Odell urged the Committee to reject the application.

Mr Fox (Parish Council) objected to the application on the following grounds: the proposal did not comply with the five criterion of Local Plan Policy HO2; the development amounted to an 18% increase in the size of the hamlet, which was too large scale; the proposal would not enhance or improve the existing community; the application site was separated from the existing settlement by landscaping; the site did not have ready access to services, with none being provided in the existing settlement; road safety concerns had not been mitigated.

Councillor Bainbridge (Ward Member) addressed the Committee noting that the independent highways review had taken a significant length of time to complete and that the scheme continued to propose mixed use of a narrow road, which had been the main objection of residents. He disagreed with the independent highways review's contention that the exit point from the site onto the A689 had been accident free since 2013. The 18% increase in the size of the existing hamlet was too large, in his view and the scheme had not proposed to include any enhancements or sustainable features to the existing settlement.

Councillor Bainbridge questioned how the reduction in the proposed number of dwellings had meant that the scheme was no longer required to make a contribution towards education provision. He expressed concern that the provision of services and

infrastructure was not keeping pace with the level of permissions granted by the Committee.

Referring to the Committee's previous consideration of the application, Councillor Bainbridge contended that Members had been able to reject the application on the grounds that it did not comply with Local Plan policy HO2.

In conclusion, Councillor Bainbridge considered that the application before Members was essentially the same as that previously considered by the Committee, on that basis he requested that the proposal be rejected.

Ms Lightfoot (Agent) responded that the independent review of transportation information had not identified any highways issues and that the conditions proposed by the Highway Authority were standard conditions. The Highway Authority had not objected to the proposal.

The proposed layout submitted as part of the application was compliant with the Council's Supplementary Planning Document, Ms Lightfoot reminded Members that the application was for Outline Permission and therefore sought only to secure the principle of development at the site. The submitted layout was indicative only and the level contribution required for affordable housing would be controlled via a Section 106 agreement, following the submission of any future Reserved Matters application.

No issues had been raised during the application consultation in relation to education contributions and the current proposal for nine dwellings was below the threshold at which such a contribution was required.

The site had been deemed appropriate for housing in the Strategic Housing Land Availability Assessment. Regarding density the approved standard was 30 dwellings per hectare, based on that yield the application site was able to deliver up to 18 dwellings, therefore the current proposal was compliant with national and local policies.

In conclusion Ms Lightfoot stated that the proposal fully accorded with national and local planning policies, as outlined in the Officer's report.

The Committee then gave consideration to the application.

In response to a Member's request for clarification on the option for raising the bend of the road to the south-east of the site, as proposed in paragraph 6.34b of the report, the Development Manager explained that the solution comprised the installation of a speed table. The surface of the road would be raised for the purpose of slowing traffic negotiating the 90 degree bend at the south-east corner of the site.

The Member requested that a condition be included in the permission stipulating that construction traffic access and exit the site via the A689.

The Development Manager agreed to the inclusion of the condition.

A Member sought clarification as to why Local Plan Policy HO2 was not deemed an appropriate reason to refuse the application, which if approved would equate to a near 20% increase in the existing settlement.

The Development Manager explained that Policy HO2 did not stipulate a maximum level of development in terms of scale as doing so would be overly prescriptive and would limit flexibility. The issue was a matter for Members to determine. Furthermore the criteria of scale needed to be considered within the context of the wider policy including a site's relation to an existing settlement, in the case of the application before Members, the Development Manager considered that the site did relate to the adjacent hamlet.

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

RESOLVED: That Authority to Issue the permission being delegated to the Corporate Director of Economic Development subject to a satisfactory Section 106 legal agreement for a commuted sum towards affordable housing.

**(3) Creation of 23No. Car Parking Spaces for residents (2No. for Disabled Persons) together with the construction of Access Road: Installation of Street Lighting; Footpaths and Retaining Wall, Land to the rear of Ellesmere Way/Lyndhurst Gardens, Carlisle, CA2 6LZ (Application 16/0974).**

The Planning Officer submitted the report on the application, which involved the development of an area of land to the rear of Ellesmere Way and Lyndhurst Gardens. It was proposed that the access leading from Ellesmere Way would be widened and 23 car parking spaces created. In addition, 3 pedestrian links would be formed leading from the car parking area which would be illuminated by a lighting column.

The scheme proposed to manage surface water through attenuation in a cellular soakaway tank. The applicant had submitted details relating to the tank, and accompanying calculations which the Council's Building Control Manager had reviewed and considered acceptable in principle.

The Highway Authority had requested the provision of visibility splays measuring 58.4 metres, however, splays of that distance were not physically achievable at the site. Therefore the Planning Officer considered the imposition of such a condition would be unreasonable. A Speed Survey in support of the application which the Highway Authority had verbally indicated was generally acceptable, a formal response was awaited.

Slides were displayed on screen showing: location plan; block plan; drainage and soakaway layout; visibility splays; proposed layout and photographs of the site, an explanation of which was provided for Members.

Members were asked to note that the proposal was subject to funding which was required to be accounted for during the current financial year, any deferment of the application would result in the loss of such funding.

In conclusion, the Planning Officer recommended the application for approval with Authority to Issue delegated to the Corporate Director of Economic Development subject to formal confirmation from the Highway Authority that the Speed Survey is acceptable.

Councillor Bell (Ward Member) addressed the Committee, and questioned the need for the additional parking provision, noting that Lyndhurst Gardens already offered car parking spaces and a bus-stop was also situated on that street. The site was situated in an enclosed area bounded by 44 residential properties which were primarily flats would be



adversely affected by the proposed lighting columns. In his view, the scheme would cause significant detriment to the properties adjacent to the proposed entrance due to the proximity of vehicles passing the properties when entering and exiting the site.

Councillor Bell (Ward Member) expressed further concern that the area would become a focal point for anti-social behaviour, as the site was not directly overlooked, with the properties surrounding the site having only rear windows facing the area. Councillor Bell asked the Committee to refuse permission in order to prevent future problems for the Police and residents.

The Planning Officer advised that the submitted plans indicated the use of 3 lighting columns, should Members consider that method was not appropriate to the site, alternative forms such as low level bollards may be considered.

The Committee then gave consideration to the application.

A Member commented that the issue of funding was a matter for the developer and was not a material planning consideration. He sought clarification that the proposed access was sufficiently wide enough for motor vehicles to negotiate.

In response the Planning Officer agreed that the funding issue alluded to did not constitute a material planning consideration. However, the applicant had asked that Members be made aware of their situation.

In terms of the width of the site entrance, the Planning Officer advised that the existing hedging adjacent to the flats would be removed creating an entrance way five metres in width which was sufficient to allow vehicular access.

Clarification was sought as to whether the residents had been consulted on the proposal.

The Planning Officer confirmed that the Council had adhered to its consultation procedures with the display of a site notice and direct notification to 53 neighbouring properties. Councillor Bell's reference to consultation not taking place, as detailed in the Summary of Consultation Responses within the report, was understood by the Planning Officer to refer to Riverside Housing Association not consulting with its tenants on the proposal.

A Member proposed that consideration of the application be deferred in order that the Committee may undertake a site visit. The proposal was seconded, and the Committee indicated its agreement with that course of action.

Another Member questioned the need for a site visit pointing to the fact that no representations had been received from local residents who would be most affected by the proposal. She sought confirmation regarding the Speed Survey and the Highway Authority's verbal response.

The Planning Officer confirmed that absence of a formal response had given rise to the recommendation of Authority to Issue approval subject to the receipt of a satisfactory highway consultation response.

The Member responded that formal approval of the proposal by the Highway Authority meant that Committee would have difficulty justifying refusal of permission on highways grounds.

A Member remained concerned that the proposed visibility splays were insufficient, and at the lack of a formal response from the Highway Authority. He sought clarification as to whether the Committee had formally agreed a site visit be undertaken.

The Legal Services Manager advised that the Member's reasons for proposing a site visit may not relate to highways matters. She reminded the Committee of the established principle, whereby following Members verbally indicating their ascent to a proposal it was accepted without recourse to voting.

The Corporate Director of Economic Development invited the Member who had proposed the site visit to outline her reasons for doing so.

The Member considered a site visit to be necessary in order for the Committee to gain an appreciation of the site's proximity to neighbouring residential properties as, in her view, the plans and photographs shown did not effectively illustrate that relationship. In addition she was concerned about the narrowness of the proposed access and visibility splays from the site.

The Planning Officer reminded Members that the Highway Authority had initially required visibility splays of 58m in both directions from the site entrance, but due to the position of the entrance such distances were not physically achievable. Nevertheless, the Highway Authority had verbally indicated that the proposal was acceptable.

The Chairman noted that a proposal to defer consideration of the application had been proposed and seconded. After some discussion and voting thereon the votes cast for and against the motion were equal. The Chairman used her casting vote against the motion which was not agreed.

A Member sought further clarification on the procedure governing voting.

The Legal Services Manager reiterated that the proposal had been formally moved and seconded after which the Committee appeared to have verbally indicated their assent, in line with established procedure. Subsequently, a number of Members had indicated that they did not accept the proposal, therefore the Chairman had put the matter to the vote. Members had voted in equal number both for and against the proposal and the Chairman had exercised her casting vote against. Accordingly the proposal to undertake the site visit was not agreed.

A Member then moved the Officer's recommendation, which was seconded. Following further voting thereon the votes cast for and against the motion were equal and the Chairman used her casting vote for the motion, and it was:

RESOLVED: That the Corporate Director of Economic Development be granted Authority to Issue Approval subject to the receipt of formal confirmation from the Highway Authority that the Speed Survey is acceptable, and the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

- (4) Removal of Condition 6 (Surface Water Drainage Standards) And Variation of Condition 10 (Visibility Splays) of Previously Approved Permission 15/0943, Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle (Application 16/1089).**

The Planning Officer submitted the report on the application and drew Member's attention to the following typographical errors within the report: the application number for Plot 4 was 16/0628 not 16/1089 as detailed in paragraphs 6.5 and 6.6 on pages 83 and 84 and the application reference number for the Outline Permission reference in paragraph 6.6 should read 15/0943.

Slides were displayed on screen showing location plan, foul/surface water drainage plan and photographs of the site, an explanation of which was provided for Members.

The Planning Officer advised that discussions had been undertaken between the Agent and Cumbria County Council, as Highway and Lead Local Flood Authority. Cumbria County Council had reconsidered the original conditions imposed on the Outline Approval and had determined them as onerous. Accordingly, the County Council advocated the imposition of a revised condition for surface water drainage (condition 6) and visibility splays (condition 10), details of which were contained on pages 87 and 88 respectively of the Main Schedule.

In conclusion the Planning Officer recommended the application for approval subject to the condition contained in the report.

The Committee then gave consideration to the application.

A Member sought clarification as to why the conditions had been imposed on the permission if they were onerous.

The Planning Officer responded that the Condition 6 was applicable to developments of ten or more dwellings. In respect of Condition 10 the Highway Authority had advised that a 70metre visibility splay to the east of the access point was required, which was achievable, however, no speed survey had been undertaken.

Another Member expressed strong concerns regarding the proposed drainage arrangements, in particular the discharge of surface water into an open ditch which he considered may increase the risk of flooding at the adjacent Methodist Church in periods of heavy rain. He sought clarification on the independent assessment of the proposed Sewage Treatment and Disposal System.

The Planning Officer explained that the independent assessment related to the next item of business as it specifically related to Plot 4. The independent assessment had been submitted to Cumbria County Council as the Lead Local Flood Authority (LLFA) who had subsequently confirmed that the proposed drainage system was acceptable, thereby enabling condition 6 to be removed. The Parish Council had been invited to comment on the proposal, however, none had been returned to the Local Planning Authority.

The Member proposed that the application be deferred until such time as the details on the routing of the drainage system had been confirmed, which was seconded.

Another Member sought clarification on the extent of verge area which the Highway Authority was responsible for.

The Legal Services Manager advised that as the ditch was situated in agricultural land it was presumed that the Highway Authority had responsibility for the verge up to the ditch, but that the hedge was not within their area of responsibility.

The Member further sought confirmation that the Highway Authority had been consulted on the proposal for surface water from the site to be discharged into the ditch channel.

The Planning Officer confirmed that the County Council had been consulted on the proposal in terms of both its Highway Authority and LLFA functions and that the drainage scheme as proposed was acceptable. She added that the surface water from the site would be stored in attenuation tanks prior to its discharge into the highway ditch which would then discharge into Pow Maughan Beck.

Responding to a further question from the Member regarding responsibility for the drainage pipes contained in the ditch, the Planning Officer advised that was a matter for the homeowners. She added that any failing of the system would be addressed through the Council's Environmental Health Services.

The Chairman noted that a proposal to defer consideration of the application 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 which was not agreed.

A proposal that the application for condition 6 be refused permission on the grounds that it was not compliant with Local Plan Policy CC5 was formally moved and seconded, as was the Officer's recommendation. 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.

**(5) Erection of 1no. Detached Dwelling (Plot 4) (Reserved Matters Application Pursuant to Outline Approval 15/0943) Land between Wetheral Methodist Church and Redcroft, Wetheral, Carlisle (Application 16/0628).**

The Planning Officer submitted the report on the application and reminded Members that the consideration of the proposal had been deferred from the Committee's January 2017 meeting in order that Members could consider the previous application at the same time as the proposal now before them.

Following preparation of the report, the Parish Council had provided a further letter of objection which raised concerns in respect of the effluent from the proposed package treatment plant and its potential impact on adjacent allotments and Pow Maughan Beck.

The Planning Officer advised that package treatment plants for the disposal of foul waters were acceptable and were supported by the Council's Building Control Section.

Slides were displayed on screen showing: elevations; block plan; visibility splays; drainage plan; floor plan and photographs of the site, an explanation of which was provided for Members.

The Planning Officer recommended the application for approval subject to the condition contained in the report.

The Committee then gave consideration to the application.

A Member was concerned that the independent assessment of the proposed Sewage Treatment and Disposal System had not been included in the Main Schedule, resultantly, he felt that the Committee had not had access to all the information necessary to properly determine the application. On that basis he proposed that determination of the application be deferred in order to allow further consideration of the proposed foul and surface water drainage methods. The proposal was seconded and following voting it was unanimously:

RESOLVED: That determination of the application be deferred in order to allow further consideration to the proposed foul and surface water drainage methods as detailed in the application and to await a further report on the application at a future meeting of the Committee.

**(6) Erection of 9No. Dwellings (Reserved Matters), Holly House Nurseries, Durdar Road, Carlisle, CA2 4TR (Application 16/0831).**

A Member moved that consideration of the application be deferred in order for the Committee to undertake a site visit, which was seconded and it was:

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

**(7) Proposed Improvements to the existing vehicular access, Holly House Nurseries, Durdar Road, Carlisle, CA2 4TR, (Application 16/0989).**

A Member moved that consideration of the application be deferred in order for the Committee to undertake a site visit, which was seconded and it was:

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

**(8) Proposed New Entrance and Improvements to the Existing Vehicular Access to enable the retention of No.61 and the omission of the internal road narrowing, land between 61 & 63, Scotby Road, Scotby, Carlisle, CA4 8BD (Application 17/0048).**

The Principal Planning Officer submitted the report on the application, and advised that the applicant had acquired 59 Scotby Road and part of the garden of 63 Scotby Road thereby allowing the previously approved access road to be widened from 3.2m to 4.8m. He further advised that the first 15m of the access road would be 5.5m wide allowing two large vehicles to pass each other.

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

Under permission 16/0159 61 Scotby Road was to be demolished, the property was a semi-detached dwelling that mirrored 59 Scotby Road. Its demolition would have resulted in 59 Scotby Road being retained with a hip to one side and a gable to the other. Therefore, the proposal to retain the pair of semi-detached properties was considered a significant improvement which would have a positive impact on the street scene.

Overall, the Principal Planning Officer felt that the proposal would be an improvement on the previously approved scheme due to the widening of the road with the retention of 61 Scotby Road. On that basis he recommended the application for approval subject to the conditions contained in the report.

The Committee then gave consideration to the application.

A Member expressed concern regarding the increase in the number of dwellings proposed at the Reserved Matters application compared to the Outline Permission. Whilst he appreciated that the application before the Committee provided for a wider access road to the site, he was concerned that the wider distance would not be sufficient to accommodate modern vehicles. The Member was further concerned regarding the location of a tree which he considered was within the visibility splay of the site entrance.

The Principal Planning Officer advised that the tree was not located within the visibility splay of the site entrance. In his view the application before Members, for the reasons outlined provided for an improved scheme than those granted under previous permissions.

The Member was frustrated by what he considered the piecemeal development of the site, he asked why the garage at no.63 Scotby Road had not been included in the application.

The Principal Planning Officer advised that the garage of no.63 was not part of the application before Members, but was the subject of a separate application which was yet to be determined.

The Legal Services Manager reminded the Member that he was to consider the application on the site presented for determination, as indicated by the red line boundary.

The Principal Planning Officer noted that the developer had submitted a further application to the Local Planning Authority which encompassed the wider site, which would be presented to a future meeting of the Committee.

Referring to paragraph 5 of the report, a Member noted that the Highway Authority required information relating to visibility splays at the parking area and the junction with Scotby Road be provided prior to the granting of permission, he sought assurance that a condition had been imposed to address this issue.

The Principal Planning Officer confirmed that this information had been provided and that condition 3 addressed that matter.

A Member asked if in their response to the consultation on the application, the Highway Authority had taken into account the further developments at the site.

The Principal Planning Officer responded that the Highway Authority had taken into account the previously approved eight dwellings at the site in their response to the application before Members. He reiterated that the developer had submitted a further

application encompassing the wider site, which would be presented to a future meeting of the Committee

The Chairman moved the Officer's recommendation, which was seconded and it was unanimously:

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 2No. Detached Dwellings, Land at Longthwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN (Application 17/0058).**

A Member moved that consideration of the application be deferred in order for the Committee to undertake a site visit, which was seconded and it was:

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

**(10) Proposed Installation of an External Flood Defence System Incorporating Stone, Glass and Cladding Barriers, Sainsburys Supermarkets Ltd, Church, Carlisle, CA2 5TF**

The Development Manager submitted the report on the application, which sought permission for flood defence measures to protect the existing Sainsburys store through the three types of cladding to a height of 1.35metres to prevent water ingress into the supermarket building.

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

Further to the production of the report the Agent had undertaken additional discussions with the Environment Agency. The Development Manager advised that the Agency had not objected to the application, therefore a refusal on flood grounds would be difficult to substantiate. However, the Agency wished to ensure that the correct information as to the impact that the defences been submitted. The agent's hydrologists had predicted that within the flood cell, were the same level of flooding to occur again with the proposed defences in place, the flood level across the area of the flood cell would increase by 14mm. Whilst the Environment Agency did not consider such an increase would generate a significant impact, it was not known how the increase would manifest itself within the flood cell and beyond.

The Environment Agency whilst acknowledging the information submitted questioned the methodology used by the hydrologists to ensure that the levels were correct. It was critically important that the information provided was correct as the Agency used the data as part of their flood modelling and in the formation of the necessary plans to prevent further flood occurrences.

In addition concerns had been expressed by a number of residents living within the flood cell about the cumulative impact individual commercial buildings incorporating their own flood defence measures on the level of potential future floods

On the basis that discussions between the Agent and the Environment Agency were ongoing, the Development Manager recommended that Authority to Issue Approval be given to the Corporate Director of Economic Development on the proviso of a satisfactory response from the Environment Agency.

The Committee then gave consideration to the application.

A Member questioned what impact the proposed scheme would have on the effectiveness of existing flood defence provision.

The Development Manager acknowledged the serious nature of the matter and noted that assessing the impact of proposed flood defence schemes were ongoing area of aspect of the Environment Agency's work. He noted that whilst the Agent's Hydrologist had indicated that the proposed scheme would increase the level of any future flooding of the area by 14mm, it was not known how the increase would manifest itself across the area, hence the Environment Agency's request for additional information.

A Member asked how residents in the flood cell area would be made aware of the scheme and its effects on the Environment Agency's flood models were the application to be approved.

The Development Manager explained that the application details were specific to the site, however, in terms of floodmodelling, the Environment Agency's would analyse data from the entirety of the flood cell area. He anticipated that further reports on flood risk management would be considered through the democratic process in the future.

The Corporate Director of Economic Development added that the Environment Agency in conjunction with Cumbria County Council had completed the statutory Section 19 reports into the December 2015 floods and that they were being considered by the Strategic Flood Board. Member of the public would be afforded an opportunity to comment on the reports.

In response to a number of Members remaining concerned that residents who may be affected by the proposal be made aware of it, the Corporate Director of Economic Development undertook to write to all residents who may be affected by the proposal explaining the decision taken. The Committee agreed this course of action.

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

RESOLVED: (1) That Authority to Issue Approval be given to the Corporate Director of Economic Development on the proviso of a satisfactory response from the Environment Agency.

(2) That the Corporate Director of Economic Development write to all residents who may be affected by the proposal explaining the decision taken.

**(11) Erection of Single Story Rear and Side Extension to provide kitchen and store, 27 Naworth Drive, Carlisle, CA3 0DD (Application 17/0086).**

The Planning Officer submitted the report on the application which was presented to the Committee as the applicant was an employee of the Council. She confirmed that the



applicant had taken no part in the determination of the application beyond his role as the applicant.

The Planning Officer recommended the application for approval subject to the condition contained in the report.

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

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

## **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.31/17      PROPOSED CHANGES TO THE NATIONAL AND LOCAL LISTS THAT IDENTIFY THE INFORMATION REQUIRED TO ACCOMPANY PLANNING APPLICATIONS.**

The Planning Officer submitted report ED.05/17 Proposed Changes to the National and Local Lists that identify the information required to accompany planning applications. She confirmed that, following the deferral of the report from the 10 February 2017 meeting, the appendices to the report had been updated.

The Planning Officer advised that the changes proposed to the Validation Checklists would simplify the planning process for applicants by giving greater clarity on the information required to be submitted with planning applications. It was anticipated that the changes would speed up planning process.

The Planning Officer recommended that the amended National and Local Lists for Planning Applications be recommended for the Executive for approval.

A Member commended the Officer for clarity and ease of use of the document.

Another Member requested that an index be included into the document. The Planning Officer undertook to incorporate an index into the document.

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

RESOLVED – That the amended National and Local Lists for Planning Applications be recommended to the Executive for approval.

[The meeting closed at 13:14]