

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 29 AUGUST 2014 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Mrs Bradley, Caig, Earp, Gee, McDevitt, Mrs Parsons, Ms Patrick, Mrs Prest, Mrs Warwick and Wilson

ALSO

PRESENT: Councillor Layden attended the meeting as Ward Councillor in respect of Application 14/0482 (land adjacent Woodvale, Tarn Road, Brampton)

Councillor J Mallinson attended the meeting as Ward Councillor in respect of Application 13/0866 (Beck Burn Peat Works, Springfield, Longtown)

OFFICERS: Director of Economic Development
Investment and Policy Manager
Legal Services Manager
Landscape Architect/Tree Officer
Planning Officers (x4)

DC.64/14 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted.

DC.65/14 DECLARATIONS OF INTEREST

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

Councillor Earp – Interest – Applications 14/0332 (land between Four Oaks and Fell View, Burnrigg, Warwick Bridge, Cumbria), 14/0360 (land adjacent Greenacre, Burnrigg, Warwick Bridge, Cumbria), 14/0414 (land part Field 6259, Scotby, Carlisle), 14/0396 (Red Beeches, 24 Scotby Village, Scotby, Carlisle, CA4 8BS) and 14/0529 (land at Longthwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN) – some of the supporters and objectors are known to him.

Councillor Mrs Parsons – Interest – Application 14/0332 (land between Four Oaks and Fell View, Burnrigg, Warwick Bridge, Cumbria) – the owner of Fell View is known to her.

Mrs Percival (Planning Officer) declared an interest in respect of Applications 14/0332 (land between Four Oaks and Fell View, Burnrigg, Warwick Bridge, Cumbria) and 14/0360 (land adjacent Greenacre, Burnrigg, Warwick Bridge, Cumbria) as the applicant is a relative of her husband. The Planning Officer advised that she had taken no part in the applications.

DC.66/14 MINUTES OF PREVIOUS MEETINGS

The Minutes of the site visits held on 27 August 2014 were noted.

DC.67/14 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.68/14 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised the Committee that Application 14/0396 (Red Beeches, 24 Scotby Village, Scotby, Carlisle, CA4 8BS) and Agenda Item A.3 (Pre-Consultation on Wind Turbines) had been withdrawn.

DC.69/14 CONTROL OF DEVELOPMENT AND ADVERTISING

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

- (1) Erection of 9no 126 metre high (to tip) wind turbine generators, transformer housings, control room, 80 metre high meteorological mast and formation of associated laydown area, crane pads and access tracks, associated change of use to mixed use comprising operational peat works and wind farm (Resubmission of Application 10/1102), Beck Burn Peat Works, Springfield, Longtown, Cumbria, CA6 5NH (Application 13/0866)**

The Director of Economic Development stated that Members had recently received an e-mail and letter which referred to the Community Benefit and reminded Members that that matter was not a planning issue and was therefore not pertinent to the application.

A Member believed that it was an abuse of the planning process for a developer to submit a letter acknowledging that the Community Benefit was not a material planning consideration then outlining what those benefits would be.

The Planning Officer submitted the report on the application and reminded Members that in May 2013 an appeal against the refusal of the 2010 application for the same turbines was dismissed by the Secretary of State on the basis that the current "budget" for the Eskdalemuir Array was fully allocated and an approval would therefore compromise its operation. The Secretary of State, having considered the factors in favour of the scheme, did not find that they outweighed the overriding need to protect the operation of the Array.

Since that time, the Ministry of Defence had confirmed that they had withdrawn their previous objection to the Beck Burn development due to the outcome of the significant scientific research which had been undertaken at the insistence of the Eskdalemuir Working Group, the endorsement by the Eskdalemuir Working Group of the Stage 1 Technical report and the publication by the Scottish Government of its interim guidance on Eskdalemuir dated 22 May 2014. The Ministry of Defence had therefore confirmed that Beck burn Turbines would not compromise the operation of the Array. As the Eskdalemuir issue was the only previous reason for refusal, it was considered that all other issues had been resolved, or could be covered by way of legal agreement. As such the application was recommended for approval subject to the completion of Legal Agreements relating to the goose protection areas, the peat restoration scheme and the community fund payment.

The Planning Officer advised that Section 6.60 of the submitted report would be amended to read:

“The noise limits are applicable to:
Nighttime 11 pm to 7 am
Daytime 7 am to 11 pm.”

There was also a sentence missing from the report in respect of the absolute nighttime noise limit, which should read:

“The absolute limit within ETSU-R-97 for the day time lies between levels of 35 to 40 dB LA90, 10min when the prevailing background noise level is below 30 dB LA90. The absolute limit within ETSU-R-97 for the night-time is 43 dB LA90, 10min when the prevailing background noise level is low.”

The report also did not mention the margin +5 dB above background noise when background noise increases, however, the noise limits were indicated in Tables 1 and 2.

In addition to the letters received during the consultation period, the Planning Officer advised that four additional letters had been handed to her on the morning of the meeting. It was considered that all issues raised had been covered within the report. However, one letter mentioned the Private Members' Bill which was not legislation, and another mentioned the Scottish legislation relating to distance from turbines, which again, could not be considered applicable in this location.

The Planning Officer presented a video showing views around and into the site from various locations. The Planning Officer further presented photographs and photo montages showing the proposed development from various locations showing existing and proposed views.

When the application was submitted previously the proposed “Star of Caledonia” was an ambition and was not considered to be an issue. Since that time planning permission had been granted although there were no timescales for construction. For information the Planning Officer presented photomontages of how the “Star of Caledonia” would look alongside the proposed wind turbine development.

Mr Wilson (Objector) addressed the Committee and stated that as the turbines would be less than 1.5 miles from the nearest residential property in Scotland, under Scottish legislation they would not be legal. The proposed turbines would be more than twice the height of the Civic Centre and Mr Wilson asked that if Members would not be happy living close to such a development they should refuse the application.

Mr Wilson believed that there would be health risks, which had been substantiated, to residents living nearby. He had done some research among residents who lived close to turbines who had advised that they could not sleep at night due to the noise from the turbines.

Mr Wilson also believed that tourism would be adversely affected and queried why the area was not protected in a manner similar to the Lake District.

The issue with regard to the tower foundations had not been fully addressed and Mr Wilson believed that the concrete would contaminate the moss. The developer had confirmed that all foundations would be removed at the end of the operational period but Mr Wilson believed it would be difficult to do and that there would be a cost attached. He queried who would be

responsible for the removal of the foundations if the land was referred back to the landowners or if the developers were no longer in operation. Mr Wilson further believed that stumps from the foundations would remain in the moss and would eventually rise to the surface and would affect food production.

Mr Wilson reminded Members that in 1771 the peat bog exploded and several farms were covered in peat. In heavy rainfall the peat bog would sink and any foundation stumps would be visible on the surface.

Councillor J Mallinson (Ward Councillor) addressed the Committee and reminded Members that the previous reasons for refusal had since been addressed but it would be an oversimplification to say that the application should be approved. The Ward Councillor believed that it would be pertinent to review the other issues that had been raised. There had been several applications for wind farms in the area some of which had been approved and some not as there was some dispute over the benefits and merits of wind farms.

Councillor Mallinson believed that the application was more delicate than others due to its location. The developers had stated that the site would be restored to its natural state after 25 years but natural peat bogs did not have concrete and steel buried in them. Councillor Mallinson stated that he would be more reassured if there had been an undertaking to remove the concrete on restoration of the site but that would not be easy.

The report stated that the landscape capacity for wind turbines was three to five turbines and exceptionally six to nine and therefore queried why the application was not for three to five turbines.

Councillor Mallinson reminded Members that there were not many people living in the area but that did not make the decision any less crucial and it was important to acknowledge individuals in remote farmhouses as well as people in small towns.

Councillor Mallinson queried the impact on wildlife in the area and although steps had been taken to mitigate that impact it would remain. The Councillor further queried the cumulative impact of wind turbines in the area.

In conclusion Councillor Mallinson reminded Members that there were a lot of issues to be considered one of which was the Community fund which, although not a planning matter, was a significant sum of money. The Councillor had spoken with the developers who had stated that they were committed to working with the community as much as they could.

Mr Scorer (Agent) responded to the issues raised and informed Members that he had worked on the project at Beck Burn since the site was identified. He understood why the application had previously been refused but the Ministry of Defence had since confirmed that the proposed development would not impact on Eskdalemuir or national security. There were no outstanding planning issues remaining in respect of the application.

With regard to birds Natural England and the RSPB had raised no objection and the goose refuge areas had been previously agreed and would be subject to a Legal Agreement.

With regard to restoration Mr Scorer advised that the Section 106 Agreement included a final restoration bond to ensure that, if the developer was not in operation at that time, restoration work would still be undertaken. EDF were committed to the removal of the concrete foundations and would ensure that the peat bogs would be fully restored.

The key issue in respect of the application was the visual impact and Mr Scorer reminded Members that the Public Enquiry had determined that could and would be acceptable. There were no outstanding issues in respect of transport, shadow flicker or tourism. The site was excellent for a wind farm which would support 10,000 homes.

The Committee then gave consideration to the application.

The Planning Officer, in response to a query from a Member advised that the fund set aside for restoration of the site would be part of a Section 106 Agreement.

The Member suggested that the application was not the same as that previously considered as there were new Members on the Committee who had not had privy to the previous application and may have different questions and concerns to those already addressed. Furthermore the proposed turbines were higher than those in the previous application and they would be dominant and out of place in the area.

With regard to the foundations the Member stated that it would take more energy to produce the concrete for the foundations than would be generated by the turbines and that acid from the concrete would leach into the moss.

The Member queried the meaning of micro siting and suggested that it was a way of having an application approved then being able to move the turbines by as much as 20 metres. The Member queried how the Committee could consider an application when they were unsure of the final location of the turbines. The Member believed that the City Council needed to include a policy statement in respect of distances from residential properties similar to that introduced in Allerdale.

The Member was pleased that the cable would be buried underground but was concerned that cable would be above ground at Westlinton where it joined the National Grid and queried whether residents of Westlinton were aware of that.

With regard to the removal of the turbines the Member was concerned that some concrete would remain in the ground as it would be difficult to remove all of it unless explosives were used.

The Member was also concerned about the impact on transport as most of the roads were narrow with high hedges. During construction the blades would be brought in on huge lorries which would find the roads difficult to negotiate. It had been stated that the transport of the blades would be done at night but that could caused disruption due to noise. The Member was surprised that the Highway Authority had no objections as he believed it may be necessary to widen roads and remove and replace hedgerows to bring in the blades.

It was proposed that a road would run through the peat moss to the turbines and meter station and the Member queried whether that too would be restored.

The Member reminded the Committee that in the eighteenth century the bog exploded and farms and a large proportion of Longtown were covered in peat and he was concerned that that could happen again due to the potential disturbance and flooding on the site. The Member was aware that licences had been granted for coal extraction on the site and there had also been talk about fracking on the site both of which would disturb the peat moss and the area.

The Member acknowledged that the landlord would be obliged to return the peat bog to its original state but believed that would be impossible as it had taken millions of years for the moss to reach its present state.

The Member was also concerned about geese in the area as thousands flocked to the area in winter. The member acknowledged the goose refuge area but was not sure how that would work.

The Member read a passage that had appeared recently in a newspaper that stated that windfarms were being shut down and some companies being paid not to produce electricity as the National Grid had stated that too much was being produced.

For those reasons the Member moved that the application be refused as it was not compliant with policies CP1, CP8, CP13 and LE3.

The Member stated that the peat moss absorbed high amounts of carbon dioxide and the proposed development would release carbon dioxide. The Member urged, if the application was approved, that the Council ensured that the Section 106 Agreement was much defined with regard to the restoration of the site.

A Member seconded the motion to refuse the application.

The Planning Officer reminded Members that during consideration of the application previously the only outstanding issue had been Eskdalemuir and that issue had been resolved.

The Director of Economic Development explained that the issue around distances would be considered through the Local Plan and in light of what had been said by the Planning Inspector with regard to Allerdale, but that policy did not apply at present.

With regard to the environmental issues associated with the restoration of the site the Director of Economic Development advised that the matter had been considered as part of the Public Inquiry and a Legal Agreement would be put in place to ensure the land was restored.

With regard to the number of proposed turbines on the site the Director of Economic Development explained that Members were obliged to consider the application before them.

The Director of Economic Development reminded Members that the application had been fully scrutinised by the Public Inquiry and the Secretary of State and all of the outstanding issues had been resolved.

A Member believed that it was important to have a restoration bond in place within guidance provided by Natural England and other environmental bodies. The issue was covered by a condition but there was a requirement for several issues to be covered by a Section 106 Agreement including traffic management, especially during the decommissioning stages, and environmental management.

The Member believed it would be difficult to justify refusal of the application as the site was established as a peat works and there was already traffic travelling to and from the site.

The Member acknowledged the potential problems with regard to the concrete foundations but as neither she nor any Members of the Committee were experts they were obliged to rely on opinions and expertise of those involved and in the partner bodies who dealt with environmental issues. English Heritage and other bodies had raised no objections provided conditions were put in place to protect the interests of the area.

The Member stated that as there had been a full investigation via a Public Inquiry, as well as consideration by the Planning Inspector and the Secretary of State, and that the only remaining issue had been resolved it would be difficult to refuse the application. The Member queried, if the application was refused and went to appeal, whether the Planning Inspector could impose conditions or whether those imposed by the Council were sufficient.

The Member moved approval of the application.

The Director of Economic Development explained that the Planning Inspector would probably say that the application had been adequately covered by the conditions but the Director was concerned about the proposed reasons for refusal.

With regard to pollution the Director of Economic Development suggested that Members may wish to consider extra conditions with regard to monitoring the site during operation of the wind farm.

The Director of Economic Development further explained that the Planning Inspector would ask the Council for their views with regard to the conditions suggested and take those into account. The Planning Inspector may then decide to use the Council's conditions or to impose others.

A Member queried the reasons for the exceptions to the number of wind turbines on the site. The Planning Officer advised that throughout the report she had demonstrated that there were no outstanding issues which would justify refusal of the application. The Director of Economic Development commented that the reasons Members were referring to would be covered by a Legal Agreement. Issues in respect of landscaping, health and ecology could also be similarly addressed.

A Member was concerned that there was no complete restoration scheme in place at present and that could lead to problems in future. The Member did not believe that concrete could be removed completely and that something should not be put in place that future generations would be required to deal with.

The Planning Officer advised that the restoration scheme was included in the existing conditions. Through the implementation of a Section 106 Agreement the peat moss would be in a better position than it was at present.

A Member was concerned that the condition in respect of the restoration stated that a scheme should be submitted no later than twelve months prior to the end of the permission. The Member believed the scheme should be submitted earlier than twelve months and requested that the condition be strengthened.

The Member further suggested that a further condition be imposed in respect of the monitoring of the water course and the water.

The Planning Officer advised that the restoration bond would be covered by a Section 106 Agreement with conditions which had been agreed by the Council's legal counsel and the developer's counsel at the Public Inquiry stage. If the development was updated the timescales could be amended if necessary.

The Director of Economic Development explained that it would not be possible to have a fully comprehensive restoration scheme at this stage as technologies changed and it would be difficult to make the condition too prescriptive.

A Member moved approval of the application with the additional condition with regard to the monitoring of the site. With regard to the restoration scheme the Member believed that a responsible developer would have steps in place in advance of the suggested year. The Member queried whether the Council could be kept informed of progress in that regard and be part of the monitoring process.

The Director of Economic Development explained that the condition stated that a restoration scheme should be submitted twelve months before the end of the permission and that the condition would go no further.

The Legal Services Manager advised that a legal process was in place with regard to remediation of the site and that the technical processes could change over the next 25 years. The restoration bond was included as part of the Section 106 Agreement and payment could be enforced through the courts if necessary and the bond was paid at the start.

A Member queried how the bond was assessed and whether it was index linked to take account of future uncertainties. The Legal Services Manager advised that it was a requirement that the bond was index linked. The Planning Officer explained that the bond had been agreed between the developer and the County Council.

A Member seconded the motion to approve the application.

Following a vote it was:

RESOLVED – That authority to issue approval is granted subject to the imposition of conditions as indicated within the Schedule of Decisions attached to these minutes and to the completion of Legal Agreements relating to the goose refuge area(s), the peat restoration and the payment of the proposed community fund.

The meeting adjourned at 11.22 and reconvened at 11.35.

(2) Erection of 1no affordable dwelling (Outline Application), land between Four Oaks and Fell View, Burnrigg, Warwick Bridge, Cumbria, (Application 14/0332)

The Planning Officer submitted the report on the application consideration of which had been deferred at the previous meeting to enable a site visit to be undertaken. The site visit was held on 27 August 2014. The application could be linked by a Legal Agreement to Application 14/0360 which would provide an affordable bungalow and an open market dwelling.

The application had been advertised by the display of a site notice as well as notification letters sent to fourteen properties. In response thirteen letters of support and one letter of comment had been received. The Planning Officer advised that a further letter had been

received that related to the application and Application 14/0360 (to be considered next on the agenda). The Planning Officer summarised the points raised there.

The Planning Officer presented slides showing the location plan. The Planning Officer did not believe the site was well related to the existing settlement and there was no footpath. The houses within Hurley Road, mentioned in the most recent letter, lay within the village and a footpath from there linked to the services in the village.

The Housing Officer considered that the sites were not ideally located for affordable housing in respect of proximity to public transport, services and amenities. The Planning Officer accepted that there was a need for more affordable housing but the site was not considered to be suitable. Special circumstances had been put forward by the applicant but they did not override the concerns.

For those reasons the Planning Officer recommended refusal of the application.

Mr Willison-Holt (Agent) addressed the Committee and advised that he was speaking in respect of Applications 14/0332 and 14/0360.

Mr Willison-Holt did not believe the development to be sporadic but that there was an orderly array of houses and the developments would be infill to consolidate that line.

Mr Willison-Holt referred to paragraph 55 of the National Planning Policy Framework which referred to the promotion of sustainable development in rural areas and housing which could be allowed in special circumstances. Policy H6 pre-dated the National Planning Policy Framework and the affordable housing supply should take the opportunities given by the National Planning Policy Framework. The National Planning Policy Framework further stated that the development should meet local circumstances and housing needs.

The report did not refer to settlements which would indicate the needs of the local community. There was a housing need throughout rural areas. On sites such as this housing authorities relied on subsidies but the rural housing supply depended upon sites like this. The two sites could be put together to pay for affordable housing as neither would work without the subsidy.

Mr Willison-Holt acknowledged that it could be argued that Policy H6 and paragraph 55 of the National Planning Policy Framework were out of date but he believed that the two sites met with the criteria of exception sites. The supply of affordable housing was becoming more deficient and this was a way out.

The Committee then gave consideration to the application.

A Member reminded the Committee that the two applications had previously been withdrawn as the Highway Authority had raised objections in respect of the visibility splays. The Member queried whether that issue had been resolved. The Planning Officer advised that issue only related to Application 14/0360 and that the Highway Authority had no such concerns in respect of this application. With regard to sporadic development the Planning Officer indicated on the location plan that there were dwellings with gaps between and was therefore sporadic. The development was not infill.

The Investment and Policy Manager advised that where policies pre-date the National Planning Policy Framework they took precedent. Policy H6 was compliant with the National Planning Policy Framework and was therefore relevant. Paragraph 55 of the National

Planning Policy Framework stated that development should enhance or maintain the vitality of rural communities. The strategy in Carlisle was concerned with existing villages and need not override the policies.

The Council was currently in a transitional phase and were developing a new Local Plan which was a way to enable more development in rural areas which would lead to more affordable housing.

A Member moved refusal of the application in line with the Planning Officer's recommendation.

The Member stated that the application was looking to establish the principle of development on the site which would include one affordable dwelling. The indicative drawing showed a large footprint that could be considered larger than a normal affordable dwelling.

Paragraph 5 of the report indicated a requirement for affordable housing but this location was unlikely to support a dwelling for a Housing Authority to be interested. Affordable housing was no more than 80% market rent and a 30% discount if sold. In this location there was no indication of what that price would be and even with the discount the Member queried whether it would be affordable. There was no indication of size of the proposed dwelling and research indicated that the main demand was for two-three bedroom properties. The indicative plan looked larger than that and if the dwelling was intended to be affordable it would have been appropriate to show the footprint of the property.

The motion to refuse the application was seconded.

RESOLVED – That the application is refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

(3) Erection of 2no dwellings (including 1no affordable housing) (Outline Application), land adjacent Greenacre, Burnrigg, Warwick Bridge, Cumbria (Application 14/0360)

The Planning Officer submitted the report on the application consideration of which had been deferred at the previous meeting to enable a site visit to be undertaken. The site visit was held on 27 August 2014. The application had been advertised by means of a site notice as well as notification letters sent to nineteen properties. In response nine letters of support and one letter of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer explained that the application was for the erection of two dwellings including one affordable bungalow. The application could be linked to the previous application (14/0332) by Legal Agreement. The Planning Officer had summarised a recently received letter that related to the application as part of the previous application.

The Planning Officer presented slides showing the location plan.

The Planning Officer advised that the Parish Council had objected to the application on highways grounds. However, County Highways had raised no objections subject to the imposition of relevant conditions including sections of the hedge being set back or reduced in height to achieve visibility splays, access widened adjacent to the highway to make it prominent and bollards with reflectors being installed in the verge next to the access.

Whilst the site was closer to Warwick Bridge than the previous site it was still not considered to be well related to an existing settlement and not a suitable site for new housing. Special circumstances that had been put forward by the applicant did not override the concerns raised.

For those reasons the Planning Officer recommended refusal of the application.

The Committee then gave consideration to the application.

It was moved and seconded that the application be refused in line with the Planning Officer's recommendation.

RESOLVED – That the application is refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

(4) Erection of 1no dwelling (Revised Application), land part Field 6259, Scotby, Carlisle (Application 14/0414)

The Planning Officer submitted the report on the application consideration of which had been deferred at the last meeting to enable a site visit to be undertaken. The site visit was held on 27 August 2014. The application had been advertised by means of site and press notices as well as notification letters sent to five neighbouring properties. In response three letters of support (including two from the same household) and one letter of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer presented slides that showed the location plan. The Planning Officer stated that the site was not well related to the existing settlement pattern and would be an intrusion into the field.

The Planning Officer reminded Members that an application for a dwelling on the site was refused in May 2013; that decision was upheld on appeal. The Planning Inspector considered that a dwelling on the site would effectively extend the built-up area into the countryside, spreading an urban type of development beyond the intersection of Ghyll Road with the two bridleways, which was a natural boundary to the village. Furthermore it would be incongruous in an essentially agricultural setting. The Planning Inspector concluded that the proposed house would represent an intrusion of urban form into the open countryside and would not relate well to the character and appearance of the landscape of the area.

The Planning Inspector had also raised concerns that the proposed dwelling would not relate well in scale to the bungalows that lay adjacent to the site at the end of Ghyll Road. Whilst the size of the dwelling had been reduced it was still not well related to the existing bungalows.

For those reasons the application was recommended for refusal.

Ms Lightfoot (Agent) addressed the Committee and advised that the dwelling would be a home for a local family. She acknowledged that the development was adjacent to Scotby and was locally supported. The dwelling had been redesigned to take into account previous concerns.

Reference had been made to the dwelling being an isolated new home in the countryside but it was immediately adjacent to Ghyll Road with built development to two boundaries and the village centre within walking distance. In providing a plot for a self build dwelling the land was owned by the applicant and would provide a house for his daughter who was currently living in rented accommodation in Great Corby due to an inability to buy an appropriate house in Scotby. The development would enable the applicant to be supported by his daughter in his home and continue to play an active role in community life.

To relate the property better to the existing adjacent cul-de-sac the dwelling position had been moved to enable the dwelling to form a termination point to the cul-de-sac.

The dwelling had been reduced in scale and proposals for strong hedgerow boundaries had been incorporated in order to assimilate the plot into the village.

Ms Lightfoot advised that the application was supported by the Parish Council who recognised the family links and the home to be provided for a local person with long standing links to the village.

Views into the site from public areas other than Ghyll Road were limited with glimpses available from the Wetheral-Scotby Road. The success of self build plots was in the ability of being able to get the land for building. In this instance the land was available within the family, the house was not speculative but for a local person and impacts on the countryside were visually limited. The house was not isolated being immediately adjacent to Scotby.

The Committee then gave consideration to the application.

A Member did not believe that the site was isolated and although he agreed with the reasons for refusal of the previous application the applicant had amended the application to enable the property to blend in better with the bungalows on either side.

The Member believed there was the possibility, if the application was refused, that the applicant could sell the land to a developer who would develop the site with 30-40 houses. Approval of this application would prevent that from happening. Therefore the Member moved approval of the application.

A Member reminded the Committee that they were to consider the principle of development on the site and that there was a considerable range of land that could be developed if that principle was established. The location plan clearly showed that the site was outside the existing group of dwellings.

The Planning Officer stated that the bridleway and track separated the edge of the village from the site and the Planning Inspector had determined that the site was not well related to existing development. If a dwelling was erected it would extend beyond the bridleway and could lead to further development.

It was moved and seconded that the application be refused in line with the Officer's recommendation.

A Member believed that the site was a clear extension of development and that someone could build next to the dwelling in future.

For clarity the Planning Officer indicated where the dwelling was sited in the previous application and the current position of the proposed dwelling.

A Member seconded the motion to approve the application.

Following a vote it was:

RESOLVED – That the application is refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

(5) Erection of 1no dwelling with detached garage, Orchard Farm, Moorhouse, Carlisle, CA5 6EY (Application 14/0594)

A Member moved deferral of consideration of the application to allow a site visit to be undertaken. That motion was seconded.

RESOLVED – That consideration of the application is deferred to allow a site visit to be undertaken and to await a further report on the application at a future meeting of the Committee.

(6) Erection of 1no dwelling (Revised Application), land adjacent Woodvale, Tarn Road, Brampton (Application 14/0582)

The Planning Officer submitted the report on the application which had been advertised by the direct notification of thirty neighbouring properties and the posting of a site notice. In response thirty one representations of support had been received and one representation of comment. The Planning Officer summarised the points raised therein.

The Planning Officer explained that the application was a further revised proposal for the erection of a dwelling on the site. As detailed within the report development of the site was subject to an appeal to the Planning Inspector. Although they had previously visited the site the Planning Officer presented slides to assist Members. The slides showed the surrounding area from within the site.

The site was the subject of an application for the erection of a dwelling in 2013 which Members of the Committee refused on the basis of the inappropriateness of the principle of development, the adverse impact on the character of the area, and dominance and scale of the building. A subsequent appeal to the Planning Inspector was dismissed and the Inspector vindicated the three reasons for the Committee's decision. A further application was submitted earlier this year which saw the scheme amended by the reduction in massing of the proposed dwelling. That was also refused by Members of the Committee and again for the same three reasons.

No exceptional need or particular justification had been submitted to allow the Committee to approve the application contrary to the presumption against development in the location. Furthermore the dismissal of the appeal vindicated the Committee's decision to refuse the previous applications for development of the site as the principle of development was contrary to policies contained within the Local Plan and the National Planning Policy Framework.

The Planning Officer reminded Members that planning appeal decisions were material planning considerations in the determination of planning applications. The proposal remained consistent with the previous two applications which were refused, one of which was upheld at

appeal, and was contrary to planning policies. For those reasons the Planning Officer recommended refusal of the application.

Councillor Layden (Ward Councillor) addressed the Committee and advised that he was speaking on behalf of the applicant. The Ward Councillor stated that there were eight main issues mentioned within the report all of which had been resolved apart from the principle of development on the site. Previous consideration of the application had determined that the proposal was not an isolated home in the countryside as it was within the 30mph speed limit of Brampton, was within walking distance of Brampton, and there were numerous homes within a half mile radius with a development opposite.

Councillor Layden recalled that at a previous meeting Members were not against development on the site but were concerned about the scale of the proposed development. The plans had been considerably amended and now indicated a dormer bungalow. The Ward Councillor did not believe approval of the application would set a precedent for further development as it was a case to be viewed on individual merits and was supported by local people. The property would assist the applicant to look after an elderly relative who lived within walking distance.

The Committee then gave consideration to the application.

A Member stated that the application was more acceptable and had supported the previous application. He believed that the proposed development would enhance the area.

A Member expressed sympathy for the applicant but could not see how the Committee could go against the views of the Planning Inspector.

A Member stated that the proposed development occupied a large footprint and would be prominent on the site. She believed that the development should be seen as isolated.

The Member moved refusal of the application in line with the Planning Officer's recommendation. That motion was seconded.

RESOLVED – That the application is refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

(7) Demolition of stone outbuilding (LBC), Stone Barn to the north of the Manor House, Kirkandrews on Eden, Carlisle, CA5 6DJ (Application 13/0246)

A Member moved deferral of consideration of the application to allow a site visit to be undertaken. That motion was seconded.

RESOLVED – That consideration of the application is deferred to allow a site visit to be undertaken and to await a further report on the application at a future meeting of the Committee.

(8) Erection of 4no dwellings (Outline Application), land to the north of 10 Lonning foot, Rockcliffe, Carlisle (Application 14/0584)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 27 August 2014. The application had been advertised by the direct notification of seven neighbouring properties and the posting of a site notice. In response three

representations had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer reminded Members that the application sought Outline Planning Permission with all matters reserved except for scale. The Planning Officer presented slides to assist Members in their consideration of the application.

The Planning Officer drew Members' attention to the Ordnance Survey extract which illustrated the location of the watercourse, Rockcliffe Beck, and the proposed surface water drain which, should Members approve the application, would be connected to the Beck subject to Environment Agency approval.

With regard to surface water drainage, the Clerk to the Parish Council had verbally confirmed that their concerns centred on the impact of the development on Rockcliffe Beck and not Blencarn Beck as stated in the consultation response.

The Planning Officer recommended approval of the application subject to the completion of a Section 106 Agreement in respect of the provision of a commuted sum towards off-site affordable housing provision.

The Committee then gave consideration to the application.

A Member advised that both Rockcliffe Beck and Blencarn Beck flowed into the shore which was tidal and could lead to flooding in the area. Members noted on the site visit that the site was raised up and therefore there would be run-off from the site. The Member hoped that a condition would be imposed to ensure surfaces were permeable as there were no drains in the road.

The Member also noted that the site plan indicated that footpaths would be created. The Member requested confirmation that there would be dropped kerbs to allow visitors to pull off the road which was narrow at that point.

The Member reminded the Committee that there had been a number of applications which sought to continue the edge of the village. With regard to the current application the proposed dwellings were in line with the houses opposite.

The Planning Officer advised that the application was an Outline Application and that the layout of the highway would be considered at a later meeting. A condition had been imposed that would require an indication of floor levels. The Planning Officer acknowledged the concerns with regard to drainage on the site and advised that those issues would be dealt with as part of the Reserved Matters application. The Planning Officer confirmed that, if the application was approved, the provision of a dropped kerb could be included within any subsequent application.

A Member noted on the site visit that it was unlikely that the site could accommodate any more than four dwellings including parking for residents. Parking provision for visitors would be limited due to the width of the highway which was narrow at that point.

The Planning Officer reminded Members that the application was for four dwellings and that the layout for future parking provision would be the subject of a future application.

A Member moved approval of the application.

RESOLVED – That the application is approved subject to the imposition of relevant conditions as indicated within the Schedule of Decisions attached to these minutes and to the completion of a Legal Agreement in respect of a commuted sum towards off-site affordable housing provision.

(9) Retention of timber sliding sash windows to rear elevation with double glazing units (LBC), Red Beeches, 24 Scotby Village, Scotby, Carlisle, CA4 8BS (Application 14/0396)

The Chairman advised that the application had been withdrawn.

(10) Erection of 2no dwellings (Outline), land at Longthwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN (Application 14/0529)

The Planning Officer submitted the report on the application which had been advertised by the direct notification of seven neighbouring properties and the posting of a site notice. In response three representations of objection had been received.

The Planning Officer reminded Members that the application sought Outline Planning Permission with all matters reserved for the erection of two dwellings. The Planning Officer presented photographs of the site from various viewpoints.

The Planning Officer recommended approval of the application subject to the completion of a Section 106 Agreement in respect of the provision of a commuted sum towards off-site affordable housing provision.

The Committee then gave consideration to the application.

A Member queried whether the proposed commuted sum could go towards green spaces rather than affordable housing in another area as there were a lot of children who would benefit.

The Director of Economic Development explained that affordable housing took priority but Officers could consider using the monies from the Section 106 Agreement to go to green spaces for the provision of extra facilities if the Committee so wished.

A Member stated that it was intended that the commuted sum should go to affordable housing off-site but green spaces provision was needed on site for a play area.

The Member requested an update on how sums from Section 106 Agreements were used and how successful the resulting schemes had been.

The Director of Economic Development confirmed that an update would be provided at the next meeting of the Committee.

With regard to the request for the sum to be used for green spaces the Director of Economic Development confirmed that Officers would discuss the matter with the applicant.

Members supported the request in respect of the commuted sum.

A Member requested clarity with regard to replacement of damaged equipment if a play area was provided.

The Legal Services Manager advised that the Section 106 Agreement would require the installation and maintenance of any play equipment.

The Director of Economic Development confirmed that Officers would notify Members of the outcome of discussion in respect of the commuted sum.

A Member queried why paragraph 55 of the National Planning Policy Framework was relevant to the application but not to Application 14/0414.

The Investment and Policy Manager explained that there were two key tests to determine whether a site was isolated and the reasons why the two applications differed.

It was moved and seconded that the application is approved.

RESOLVED: That the application is approved subject to the imposition of relevant conditions as indicated within the Schedule of Decisions attached to these minutes and to the completion of a Legal Agreement in respect of a commuted sum towards either off-site green spaces provision for improvement play facilities within the area or alternatively off-site affordable housing provision.

DC.70/14 REVOCATION OF TREE PRESERVATION ORDERS 33, 86, 90 AND 97

The Landscape Architect/Tree Officer presented Report ED.31/14 that proposed the revocation of Tree Preservation Orders 33 (Hallbankgate), 86 (Lyndhurst, Westlinton), 90 (Low Crosby) and 97 (The Green, Dalston) as part of the ongoing Tree Preservation Order review.

The Landscape Architect/Tree Officer outlined the reasons for the variation or revocation of Tree Preservation Orders in particular in respect of Tree Preservation Orders 33, 86, 90 and 97.

The Landscape Architect/Tree Officer explained that Tree Preservation Order 33 (Hallbankgate) was made in 1979 in response to the possible development of the area. However no development had taken place and it was unlikely that proposals to develop the site would be considered appropriate. Only one application to prune the trees had been made since 1979. When making a Tree Preservation Order consideration of the threat to the trees was an important factor and it was considered that the trees covered by Tree Preservation Order 33 were not considered to be at risk of inappropriate management. The site was agricultural and trees were therefore protected by the Forestry Act.

Tree Preservation Order 86 (Lyndhurst) was made to protect trees during development at Westlinton. The Order protected two trees one of which had since died and the other tree was screened by new dwellings and as a result had very limited public visibility.

Tree Preservation Order 90 (Low Crosby) protected two trees neither of which now remained. One tree was removed with consent and it is not known what happened to the other tree.

Tree Preservation Order 97 (The Green, Dalston) protected a beech tree. The tree was also protected by its location within the Dalston Conservation Area and therefore the regulatory

system relating to trees was duplicated and represented an unnecessary level of bureaucracy and management.

For the reasons stated above the Landscape Architect/Tree Officer recommended revocation of Tree Preservation Orders 33, 86, 90 and 97.

For those reasons the Landscape Architect/Tree Officer recommended that Tree Preservation Orders 33 (Hallbankgate), 86 (Lyndhurst, Westlinton), 90 (Low Crosby) and 97 (The Green, Dalston) be revoked.

The Committee then gave consideration to the report.

A Member queried how Tree Preservation Orders were monitored. The Landscape Architect/Tree Officer advised that the revocation of Tree Preservation Orders 33, 86, 90 and 97 were part of the monitoring process. The Council did not have the resources for the Landscape Architect/Tree Officer to continually monitor the Tree Preservation Orders but the Landscape Architect/Tree Officer explained that members of the public were good at making enquiries with regard to the protection of trees.

It was moved and seconded that the Tree Preservation Orders 33, 86, 90 and 97 be revoked.

RESOLVED: That Tree Preservation Orders 33 (Hallbankgate), 86 (Lyndhurst, Westlinton), 90 (Low Crosby) and 97 (The Green, Dalston) be revoked.

DC.71/14 PRE-CONSULTATION ON WIND TURBINES

The Director of Economic Development explained that the application had been withdrawn to allow more time for Officers to consider the matter.

(The meeting ended at 12.50pm)