

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 13 JULY 2012 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Cape, Craig, Earp, McDevitt, Mrs Parson, Mrs Prest, Mrs Riddle, Scarborough, Miss Sherriff (as substitute for Councillor Mrs Warwick) and Whalen

DC.59/12 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Mrs Warwick

DC.60/12 DECLARATIONS OF INTEREST

Councillor Craig declared a registrable interest in accordance with the Council's Code of Conduct in respect of Applications 12/0378, 12/0345 and 12/0089. The interest related to the fact that he was the Chairman of Dalston Parish Council and the applications covered adjoining parishes.

DC.61/12 MINUTES

The Minutes of the meetings of the Development Control Committee held on 18 April 2012 and 20 April 2012, and 6 June 2012 and 8 June 2012 were approved and signed as a true record of the meetings.

The Minutes of the site visit meeting held on 11 July 2012 were noted.

DC.62/12 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Director of Governance outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.63/12 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 a 50m high meteorological monitoring mast for a one year period, Low Glendinning Rigg, Penton, Carlisle, Cumbria, CA6 5QB (Application 12/0378)

It was moved and seconded that consideration of the application be deferred to enable a site visit to be undertaken.

The Chairman advised those members of the public who had registered a right to speak at the meeting that they could either speak at the meeting or defer their right to speak until the next meeting when the application would be considered. All deferred their right to speak until the future meeting.

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 a future meeting of the Committee

(2) Erection of a single wind turbine (500kW), 50m hub height, 74m to tip height and associated substation units, Land to rear of Midtown Farm, Great Orton, Carlisle, CA5 6NA (Application 12/0345)

The Planning Officer submitted the report on the application and outlined for Members the background to the proposal and site details, together with the main issues for consideration. The application had been advertised by means of site and press notices and direct notification to the occupiers of 40 neighbouring properties. In response 2 letters of objection had been received and the Planning Officer summarised the issues raised therein. Since publication of the report 2 further letters of objection had been received. One letter stated that whilst the correspondent had no objection to a small turbine he believed that the proposal was for a larger turbine and was therefore intended to make money rather than merely supply energy to the property. The second letter requested that Members take into consideration the distance between the proposed turbine and residential properties as was the case in Scotland.

The Planning Officer explained that the proposal involved the erection of a single turbine to serve the needs of the Midtown Farm, with the possibility of spare capacity feeding into the National Grid. National Planning Policy promoted targets for renewable energy and looked to Local Authorities to support proposals for renewable energy developments which did not have unacceptable impacts.

Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, along with the electricity pylons to the south of the site, the Planning Officer advised that it was considered that the turbine would not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

It was considered that the proposed development accorded with the provisions of the Carlisle District Local Plan 2001-2016, and as there were no material considerations that indicated that it should be determined to the contrary, it could be determined in

accordance with the Local Plan. As such the application was recommended for approval subject to the imposition of appropriate conditions.

The Committee then gave consideration to the application.

A Member requested clarification about the targets of the number of wind-farms in Cumbria. The Member asked whether the proposal would be part of that target. The Planning Officer explained that there was a distinction between smaller turbines at residential properties and taller turbines such as the one submitted for consideration. Because it would not be classed within the domestic scale it would be included in the target.

A Member was uncertain about what the targets related to – whether the targets included wind-farms or other forms of energy production. The Member stated that he did not believe that wind-farms were as effective as had been claimed.

A Member reminded the Committee that it was their duty to consider the application before them under English legislation and regulations that applied in Scotland could not be taken into consideration.

The Planning Manager explained that the targets referred to within the report related to wind turbines but added that there were separate targets for on and off-shore turbines. Other forms of renewable energy were referred to in the Regional Spatial Strategy. The proposed turbine would be counted in addition to those referred to within the report.

A Member believed that the height of the proposed turbine was excessive for a domestic turbine. Others of a similar height served two properties. The Member stated that a turbine of 75m would be a blot on the landscape.

The Member added that England was the only country in Europe that had not adopted a minimum distance from residential properties. As the Bill was currently being considered by Government the Member believed that no decision should be made until the Bill became law.

The Director of Economic Development explained that the Committee could not pre-empt what decision Government may make and that they were obliged to comply with Local Plan policies.

Following a vote it was:

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

(3) Erection of a single wind turbine 50m hub height, 78m to tip height and associated infrastructure and services including access track, external compact substation with underground cable and crane hardstanding, High Burnthwaite Farm, Durdar, Carlisle (Application 12/0089)

It was moved and seconded that consideration of the application be deferred to enable a site visit to be undertaken.

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 a future meeting of the Committee

(4) Erection of 1no barn and 4no loose box stables, Parkfield Stables, Newtown of Rockcliffe, Blackford, CA6 4ET (Application 12/0155)

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 11 July 2012, setting out the background to the application, together with a description of the site and proposal and outlined the main issues for consideration.

The application had been advertised by means of a site notice and notification letters sent to 18 neighbouring properties. No verbal or written representations had been made during the consultation period.

The Planning Officer advised that overall it was considered that the proposed buildings would not appear intrinsically out of place or scale in the surrounding landscape. The proposed buildings were sited adjacent to the existing stable block. In such circumstances, and in the context of the existing use of the site, the proposal would not exacerbate any harm to the living conditions of neighbouring residents. On that basis, the proposal was recommended for approval.

The Committee then gave consideration to the application.

A Member stated that he was concerned about the effect the proposed development would have on the environment due to the drainage on the site. It was noted on the site visit that where the shed was sited there was no drainage and there were pools of water. The recent abnormal weather demonstrated that notice should be taken of the potential of serious flooding and what could happen in the future. The Member moved that consideration of the application be deferred to allow the applicant to provide further drainage information. The Member added that he did not believe that the applicant would wish to cause issues with neighbouring residents with regard to flooding.

A Member seconded the recommendation for deferment as he believed it was important that Members had all information in order to consider the potential impact on the people they represented.

A Member asked for clarification on whether the water from the roofs of the sheds and stables would be harvested or flow into the soakaway. The Planning Officer advised that there was no soakaway indicated on the plans and that all water from the downpipes would be harvested. Drainage could be developed on the site that could then be considered by the Council's drainage engineer.

A Member stated that there was no information about a drainage scheme within the report from either the Planning Officer or the drainage engineer and for that reason the Member had moved that consideration of the application be deferred to allow further information to be provided.

RESOLVED – That consideration of the application be deferred to allow a detailed drainage scheme for the site to be submitted and to await a further report on the application at a future meeting of the Committee.

(5) Erection of detached garage/store in conjunction with animal foot trimming business; provision of 3 no parking spaces; installation of wash area and associated drainage together with landscaping scheme, Karibu, How Mill, Brampton, CA8 9LL (Application 12/0195)

The Principal Planning Officer submitted the report on the application, which had been the subject of a site visit on 11 July 2012, setting out the background to the application, together with a description of the site and proposed design and outlined the main issues for consideration.

The Principal Planning Officer advised that the application had been advertised by means of a site notice and direct notification to 6 of the neighbouring properties. In response 4 letters/e-mails of objection had been received and the Planning Officer outlined the issues raised therein.

The Principal Planning Officer advised that the principle of continued economic growth was supported by the Government's recently published National Planning Policy Framework and by Local Plan policies. The business was solely linked to agricultural and siting in the rural location was appropriate. The scale, siting and design of the development, including the proposed building would be appropriate.

Slides were presented that showed the equipment that was used to hold animals during treatment and the plan of the site. The Principal Planning Officer explained that there would be replacement landscaping with regard to re-siting of the hedge adjacent to the access.

Subject to the imposition of appropriate planning conditions, the living conditions of the occupiers of neighbouring properties would not be adversely affected by the development or the proposed use. No objection had been raised by the Highway Authority and in all aspects the proposal was considered to be compliant with the requirements of the relevant Local Plan policies. Therefore the Planning Officer recommended that the application be approved.

The Committee then gave consideration to the application.

A Member stated that the application should be deferred as, for consistency, the previous application had been deferred to allow a drainage scheme to be endorsed by Officers and the Council's drainage engineer. There had been no indication of how water would be prevented from entering the cess pit and where it would go. The Member also queried what would happen when the cess pit tank was full and how the applicant would know when the tank was full. The Member therefore moved that consideration of the application be deferred to allow the information on the drainage scheme to be obtained.

A Member requested clarification on the size of vehicles that would be washed on the site.

The Principal Planning Officer explained that the equipment that had been shown in the slides and cars would be washed on the site. He agreed that it was important that a drainage system was in place, and when the concrete was laid water would be directed away from the wash area and the road. The Principal Planning Officer reminded Members that it was not uncommon to deal with drainage issues by condition.

A Member was concerned that the size, materials and colour of the proposed shed would not be in keeping with the area and would be an agricultural building within a residential garden. The Member was also concerned about the size of the vehicles using the road to empty the tanks.

A Member also stated concerns about the size of the vehicles using the road. The Member also questioned whether the water from the roof would be stored.

A Member stated that as the Ward Councillor he had been present at the meeting when the Parish Council had considered the report, but had withdrawn from that part of the meeting. He stated that there were 12 houses in the area, 6 of which would be affected by the proposed development. The applicant had previously removed trees to provide access onto the property and had lain hardcore without seeking planning permission. The report made no mention of the size of the holding tank and as the applicant would be required to wash vehicles on his own land before travelling to other sites to prevent contamination there was the potential that the tank could overflow.

The Principal Planning Officer explained that the work that the applicant had carried out previously was on a domestic property and therefore did not require planning permission. He confirmed that rainwater harvesting would be used for the water from the roofs. With regard to the size of the shed the Principal Planning Officer explained that the height was necessary to enable maintenance to be carried out on the equipment.

With regard to vehicles required to empty the tank, the vehicles would be the same size as those required to empty septic tanks further down the lane which he believed was adequate. There was also a quarry at the end of the road and vehicles of a similar size travelled to the quarry. The vehicles were of a similar size to waste removal and other agricultural vehicles.

The Director of Economic Development reminded Members that if they could resolve an issue by imposing a condition then that was what they should do. With regard to the drainage issues it would be possible to apply the drainage details to a condition.

In response a Member stated that whilst he understood that issues should be resolved by the imposition of conditions, legal advice had also been that Members should not make a decision unless they were confident that they had all the information required to make that decision. Whilst the Member had no problem with the application it would have to be clear that the drainage would be sufficient to prevent contamination and that the water course would not be affected. The Member stated that he would be satisfied if the matter could be covered by the imposition of a condition but he was not comfortable making a decision without all relevant information. The Member requested clarification on when and how the tank would be emptied.

A Member agreed that a site drainage plan should be included in the report. He reminded Members that at present the ground was porous but once concrete was laid it would become impervious. The Member thought that such a change would have triggered a response from the Environment Agency. He therefore requested a full drainage plan that would indicate where the water would go and a response from the Environment Agency.

The Principal Planning Officer advised that he had spoken with the Officers from the Environment Agency who had confirmed that drainage was not an issue as the water would not flow into a main river. He confirmed that Officers could request that the applicant install a soakaway. The Principal Planning Officer stated that in his opinion, if Members were concerned about the drainage, the application could be approved and a revised application submitted in respect of the drainage issues.

A Member was concerned about the recycling of water from the roof and asked how any imposed conditions would be monitored and enforced. Therefore it was important that all the information was provided before Members made a well informed decision.

The Director of Governance reminded Members that it was their responsibility to make an informed decision. The Principal Planning Officer stated that the response from the Environment Agency had been via the telephone. The Director of Governance requested that a more formal response be obtained to enable the Officer to include a condition in relation to the drainage in a report to be submitted to a future meeting of the Committee.

A Member was concerned about the gates to the site as the report had stated that they swung into the middle of the road. The Member requested that a condition be imposed to ensure that the gates would be fixed to avoid them swinging out into the highway.

The Member advised that the application could be refused under Policy EC11 as she did not believe that the proposed buildings would fit in with the existing buildings in the area and the site would not be sufficiently landscaped to fit into the area.

The Principal Planning Officer advised that the buildings would not be uncommon in the rural landscape and there was a building with stables opposite the site therefore it would not be possible to refuse the application on the basis of Policy EC11.

RESOLVED – That consideration of the application be deferred to provide further information regarding the proposed means of surface water drainage and to await a further report on the application at a future meeting of the Committee.

(6) Erection of front porch (Part Retrospective), 6 Fieldside, Burnrigg, Heads Nook, Brampton, CA8 9BP (Application 12/0266)

The Planning Officer submitted the report on the application, setting out the background to the application, together with a description of the site and proposed design and outlined the main issues for consideration.

The application had been advertised by means of notification letters sent to 8 neighbouring properties. In response one letter of objection had been received along with a petition containing 6 signatures. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that the scale and design of the proposed porch was acceptable and would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects the proposal was compliant with the relevant policies contained within the adopted Local Plan.

The Committee then gave consideration to the application.

RESOLVED – That permission be granted subject to the conditions indicated in the schedule of decisions attached to these minutes.

(7) Erection of bungalow, land to the rear of 82 Castlerigg Drive, Carlisle, CA2 6PF (Application 12/0306)

The Planning Officer submitted the report on the application setting out the background to the application, together with a description of the site and proposal and outlined the main issues for consideration.

The application had been advertised by means of the direct notification of 13 neighbouring properties and the posting of a site notice. In response 4 e-mails of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that the application was within the urban area of Carlisle and as such the principle of development was acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space

provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings. In all other aspects the proposal was compliant with the objectives of the relevant Local Plan policies and therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

RESOLVED – That permission be granted subject to the conditions indicated in the schedule of decisions attached to these minutes.

(8) Erection of 1no dwelling (Reserved Matters Application Pursuant to Outline Application Approval 12/0079), 2 Parkhead Road, Brampton, CA8 1DE (Application 12/0399)

The Planning Officer submitted the report on the application setting out the background to the application, together with a description of the site and proposal and outlined the main issues for consideration.

The application had been advertised by means of the direct notification of 12 neighbouring properties. In response 1 letter of objection had been received which stated that the proposal would be over-development of the land.

The Planning Officer explained that in overall terms the proposal was acceptable in principle. The scale and design of the proposal would be acceptable and it would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring properties. In all aspects the proposal was considered to be compliant with the objectives of the relevant adopted Local Plan policies.

The Committee then gave consideration to the application.

RESOLVED – That permission be granted subject to the conditions indicated in the schedule of decisions attached to these minutes.

(9) Variation of Condition 38 of previously approved Permission 09/0617 to change condition from Code 4 for sustainable homes to Code 3 for Phase 1 of the development (184no dwellings), land at High Crindledyke Farm, Kingstown, Carlisle, Cumbria (Application 12/0495)

The Principal Planning Officer submitted the report on the application setting out the application details including a description of the site and proposal and outlined the main issue for consideration which was whether the variation of Condition 38 was acceptable.

The application had been advertised by means of site and press notices as well as notification letters sent to 398 neighbouring properties. No written or verbal consultation had been received. Since completion of the supplementary schedule 2

objections had been received from local residents. The objections raised concerns over the destruction of the green field site and how, in the residents' view, the developer should not be allowed to cut corners through a variation to the code level.

The Principal Planning Officer advised that the Ward Councillor had also commented that by allowing a variation to the code level for the construction of the dwellings, it may encourage the applicant to take a similar approach on subsequent phases, which would be a regressive step in terms of raising the quality of the area's housing. The Principal Planning Officer explained that for the reasons highlighted in the report the proposed variation to Condition 38 was acceptable and was compliant with the National Planning Policy Framework and the relevant Development Plan policies. The Principal Planning Officer advised that if Members accepted the recommendation and were minded to grant planning approval, it was requested that "authority to issue" the approval was given to the Director of Economic Development subject to no new issues being raised following the expiry of the consultation period, and the completion of a deed of variation to link the current application to the original Section 106 agreement.

The Committee then gave consideration to the application.

Members were disappointed that the applicant had submitted an application to amend the condition from Code 4 to Code 3.

A Member stated that Code 4 was taken into account when they considered the application and requested that a further condition be imposed to ensure that future phases of the scheme remained at Code 4.

A Member was surprised that when energy costs were rising the applicant was looking to reduce the efficiency of the homes. She believed that the energy efficiency could be a unique selling point for the developer. She stated her disappointment and added that she would not be happy to approve the application.

A Member was concerned that the first phase of development was for 184 houses which was below the level of 200 dwellings to be occupied before a school was built on the site. The Member was concerned that if the developer did not build 200 homes there would be no school on the site as agreed.

The Principal Planning Officer advised that it was the developer's decision whether to build the school or to provide the County Council with funds to build. He stated that if the developer did not build the required 200 homes the County Council could still build the school and claim the money back from the developer. However the issue for consideration was the requested variation to the condition to reduce the code level from 4 to 3. He reminded Members that the developer had stated that only phase 1 would be reduced to Code 3 and the remainder of the development would be Code 4. The Principal Planning Officer advised that Code 3 was still a higher standard than normal and that the dwellings would be of a higher quality.

A Member stated that the Committee had granted planning permission at Code 4 and that he was not convinced that there was sufficient reason not to approve the application.

Whilst the Director of Governance understood Members' concerns, he advised that the planning system allowed for variations of conditions and that Members needed to determine the application based on the information provided by Officers. If Members believed that Code 3 would be acceptable then they should approve the application.

The Principal Planning Officer advised that if the application was refused and was taken to appeal the basis of the appeal would be whether Code 3 was acceptable and as it was a higher level than standard the decision to refuse the application would not be successful.

The Director of Economic Development explained that the developer had requested the reduction in the code due to the current economic climate and that although in the past the proposal was viable Officers had scrutinised the viability of the proposal.

A Member thanked the Director of Governance and the Officer for their advice. However, he reminded Members that the Committee had not requested Code 4 but that the developer had submitted the original application with the proposed dwellings constructed to Code 4 standard. He accepted that Housing Associations were obliged to build to Code 3 but others did not and therefore Code 3 would be an improvement over other developments. He was disappointed that the developer was requesting a variation to the condition and was not concerned that the remainder of the development may not be completed at Code 4. The Member questioned what had changed from the original application that would warrant the variation.

The Principal Planning Officer advised that under the National Planning Policy Framework the issue of viability required that Members had to make the concession as requested.

The Planning Manager explained that when the original scheme was submitted the developer had looked at the options to raise the standard of development and Code 4 was submitted as a benchmark. The original proposal was to provide a school on occupation of 200 houses. The viability of the scheme had changed and that proposal would no longer be viable. Therefore the developer had looked at the details of the proposal and had decided that building the dwellings to Code 3 would be a better proposal and still above building standards.

A Member requested clarification on the difference between Code 3 and Code 4.

The Principal Planning Officer explained that there were 9 categories that resulted in an overall score. Building a house to level 4 would increase the cost of the property by £8,000 which could cause a problem to some people wishing to purchase a property.

A Member believed that the Committee should accept the application on the grounds that Code 3 was acceptable. If they did not there was the risk that the school may not be built until 300 houses were occupied. The Member questioned whether anyone would be able to see a difference between a property built to Code 3 standard and a property built to Code 4.

The Principal Planning Officer explained that the difference was in the construction of the property and would not be visibly noticeable.

A Member believed that the application was approved with the properties built to Code 4 and therefore the current application should be refused as properties built to Code 4 would be more energy efficient. He added that people would be happy to invest in a property that would save them money in the longer term.

A Member was concerned that in future developers could propose an application of a higher standard then bring an application to vary the condition to a lower standard at a future date.

A Member stated that the Council's Housing Needs and Demand study and Future Housing Supply had determined that the site was not a deliverable site and was not included in the figures for that study. The Director of Economic Development advised that the response to the matter was a technical one and would be better circulated to all Members of the Committee outwith the meeting.

Following a vote it was:

RESOLVED – That authority to issue approval be granted to the Director of Economic Development subject to the conditions indicated in the schedule of decisions attached to these minutes.

(10) Change of use from retail (Use Class A1) to café (Use Class A3) together with erection of retractable awning, 2 Green Market, Carlisle, CA3 8JE (Application 12/0422)

It was agreed that the application would be considered in conjunction with the following application 12/0432 as they related to the same development.

The Planning Officer submitted the report on the application setting out the application details including a description of the site and proposed design and outlined the main issues for consideration.

The Planning Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to 3 neighbouring properties. In response 1 letter of objection had been received. The Planning Officer summarised the issues raised therein.

The property was in a recently vacated clothing store and there was another vacant unit 2 doors away. The Planning Officer advised that he had spoken with the letting agent of that property and there had been little interest in the property.

The Planning Officer believed that the application would be a good use of the building, would be run by the owners of the adjacent sandwich shop, was a good location for a café as it could have seating to the front and it would bring the building back into use and improve the appearance.

The Planning Officer advised that in overall terms the proposed use of the building would be acceptable. The proposal would not have an adverse impact on the Listed Building or the City Centre Conservation Area.

The Committee then gave consideration to the application.

The Ward Councillor stated that whilst he did not wish to see empty shops in the City Centre Members had to be cautious that the fabric of the building was not affected and that appropriate materials were used.

A Member believed that as the area ran into the historic area of the city it was important that the ancient and historic importance should be preserved. He stated that it was preferable to have something in the premises than have another unit boarded up.

A Member stated that while she was happy with the application she did not believe that the proposed name of the cafe was appropriate to the area.

The Planning Officer advised that whilst Officers could dictate the materials and font for the signage they could not dictate the name. However, the Planning Officer agreed that he would speak with the applicant and pass on Members' views.

A Member was concerned about the retractable awning and hoped that it would be sympathetic to the area. The Planning Officer advised that he had requested details of the awning under the Listed Building application (12/0432).

RESOLVED – That permission be granted subject to the conditions indicated in the schedule of decisions attached to these minutes.

(11) Change of use from retail (Use Class A1) to café (Use Class A3) together with erection of retractable awning and internal alterations (LBC), 2 Green Market, Carlisle, CA3 8JE (Application 12/0432)

It was agreed that the application would be considered in conjunction with the previous application 12/0422 as they related to the same development.

The Planning Officer submitted the report on the application setting out the application details that included a description of the site and proposal and outlined the main issue for consideration which was the impact of the proposal on the Listed Building.

The application had been advertised by means of site and press notices as well as notification letters to 3 neighbouring properties. In response 1 letter of objection had been received to the planning application but the issues raised did not relate to the Listed Building Application.

The Planning Officer advised that in overall terms the proposal would not have an adverse impact on the Listed Building and recommended that the application be approved.

The Committee then gave consideration to the application.

RESOLVED – That permission be granted subject to the conditions indicated in the schedule of decisions attached to these minutes.

(The meeting ended at 11:26am)