

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 17 AUGUST 2012 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Cape, Craig, Earp, Graham, McDevitt, Mrs Parson, Mrs Prest, Mrs Riddle, Mrs Warwick and Whalen

ALSO

PRESENT: Councillor Allison attended part of the meeting having registered a right to speak on applications 12/0406, 12/0406 and 12/0417 (Bridge End Service Station, Bridge End, Dalston)

Councillor Ellis attended the meeting having registered a right to speak on application 12/0438 (57 Kingstown Road, Carlisle, CA3 0AB)

Councillor J Mallinson attended part of the meeting as an observer

DC.70/12 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted.

DC.71/12 DECLARATIONS OF INTEREST

Councillor Earp declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0378. The interest related to the fact that one of the objectors was known to him

Councillor Earp declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0089. The interest related to the fact that the applicant was known to him

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of applications 12/0403, 12/0406 and 12/0417. The interest related to the fact that he was the Chairman of Dalston Parish Council but stated that he attended the meeting with no pre-determination on the applications

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0089 and 12/0511. The interest related to the fact that he was the Ward Councillor but stated that he attended the meeting with no pre-determination on the applications

Councillor Mrs Mallinson declared an interest in accordance with the Council's Code of Conduct in respect of Application 12/0025. The interest related to the fact that she was a member of St Augustine's Church and therefore did not exercise her right to speak at the meeting.

Councillor Scarborough declared an interest in accordance with the Council's Code of Conduct in respect of Applications 12/0403, 12/0406 and 12/0417. The interest related to the fact that he lived within 300 yards of Bridge End Service Station

Councillor Whalen declared an interest in accordance with the Council's Code of Conduct in respect of Application 12/0025. The interest related to the fact that he was a Member of the Church, although he had no direct connection with St Augustine's Church

Councillor Whalen declared a pecuniary interest in accordance with the Council's Code of conduct in respect of Application 12/0438. The interest related to the fact that the applicant was a friend.

DC.72/12 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Acting 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.73/12 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 184No. Dwellings (Including 42No. Affordable Dwellings) And Associated Infrastructure (Phase 1 Reserved Matters Application Pursuant To Outline Permission 09/0617), land at High Crindledyke Farm, Kingstown, Carlisle, Cumbria (Application 12/0365)

The Planning Manager submitted the report on the application, which had been the subject of a site visit on 15 August 2012, and outlined for Members the background to the application, 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 399 interested parties. In response 17 letters of objection had been received and the Planning Manager summarised the issues raised therein.

The Planning Manager reminded Members that the principle of the development had been established as acceptable through the approval of the Outline application. The application was for the first phase of development at Crindledyke where previously the Committee had granted consent for 850 houses. As part of the application the developer had sought to discharge many of the conditions on the outline application. However, during discussions on the details, dialogue continued on the access arrangements with the highway authority and as a consequence the access details relating to Crindledyke Lane and Parkhouse Road had been removed from the application.

Since preparing the report a revised layout plan had been received and that had removed the speed tables that were indicated within the schedule. The Planning Manager presented a slide showing the revised layout.

The Planning Manager advised that since preparation of the report Members had been written to by HOW Planning on behalf of Kingmoor Park who, whilst not objecting to housing which had been established through the outline application, were concerned about the interrelationship between the two developments. It had not been ignored that there was a large industrial area with outline permission adjacent to the site and both sites had made provision for landscaping on the developments. HOW Planning considered that the potential heights of proposed buildings had not been taken into account. The design and access statement for the buildings at Brunthill referred to heights of 6-10m and not the 23m referred to in the letter. Officers were unable to find a planning consent for a 23m high building on the boundary at the current stage and that application continued to be an outline application.

HOW Planning had also written to the case officer to reiterate their views about the proximity of the two developments. It was acknowledged that Kingmoor Park was a regionally significant site attracting development to the area and that the use would increase. However the landscaping would provide a buffer zone between the two sites. Landscaping and boundary details in respect of Kingmoor Park were still to be submitted.

In addition, the letter from HOW Planning also raised concerns that Kingmoor Park had not been approached by the Highway Authority. That related to the access arrangements to the Parkhouse Junction and as mentioned previously, as those discussions continued that had been removed from the application.

The Planning Manager reminded Members that on the site visit they observed the site's relationship to the existing Kingmoor Park and at the time of the outline application they were aware of the Brunthill site's development adjacent.

The current application was concerned with the layout and proposed housing details for the first phase of the development. The layout resembled a neighbourhood with a prime access route along the boulevard loop and a series of roads branching off into residential areas. The design of the road layout had used the manual for streets from the Department for Transport's design guidance and installed a number of measures to slow traffic down without the traditional heavily engineered solutions. Concerns had been raised about the area indicated on the plan in grey; the Planning Manager explained that the design had followed the Department for Transport's guidance and was a junction where no one direction had priority which as a result would calm traffic flow. In addition the materials would mark out the road area and the use of trees would discourage parking.

Along the boulevard loop were a number of trees which would also discourage parking. Those trees were indicated on the landscaping plan and reinforced the boulevard approach to the development. Several of the hedgerows would also be retained as well as grass verges and trees that would also discourage parking.

In conclusion the Planning Manager recommended that authority to issue approval of the application be granted. Since preparing the report Officers had sought legal advice that confirmed that, as the application was a reserved matters application and was linked to the original consent, no Deed of Variation to the S106 Agreement was required. It was, however, still recommended that authority to issue approval be granted subject to confirmation from statutory undertakers regarding which conditions on the original outline application could be discharged. Whilst the statutory undertakers were content with the proposed plans, the City Council would also require further confirmation to discharge conditions.

The Planning Manager informed Members that Councillor Bainbridge, Ward Councillor, had raised concerns about the Affordable Housing on the development. Councillor Bainbridge had since had discussions with the developer and had determined that Kingmoor Parish would be eligible for the Affordable Housing on the site. The Planning Manager assured Members that that would happen.

The Committee then gave consideration to the application.

A Member stated that he was pleased that the issue regarding Affordable Housing had been clarified.

A Member added that there should be a condition to ensure that local people had access to the proposed Affordable Housing.

The Planning Manager acknowledged the concerns of the Members and advised that that element related to the original application and that it could not be amended. He reminded Members that the Committee had recently approved a Deed of Variation with regard to the code levels and advised that the issue could be dealt with as part of that variation.

A Member stated that several applications proposed grass verges and narrow roads and footpaths. The Member believed that they made it difficult for pedestrians to pass on the footpaths and possibly required them to step into the road. The Member disagreed that residents would be discouraged from parking on the grass verge and reminded Members that the County and City Councils were, on several sites, looking to remove grass verges. Therefore it did not make sense to submit an application with grass verges.

The Planning Manager advised that the grass verges along the boulevard loop were linked to the retained hedgerow and were intended to retain a semi-rural atmosphere. The enhanced landscape would also provide a wildlife corridor and improve the atmosphere for pedestrians. The Planning Manager indicated the position of the proposed planting by presentation of a slide.

The Member believed that most people would access the site by car and there would not be many pedestrians.

A Member had similar concerns and stated that the situation had to be treated sensitively. Whilst there may be difficulties in the future to remove grass verges if

necessary the Member was satisfied that the proposal was sensible and sensitive to the rural area.

A Member acknowledged the Planning Manager's comments about the section of the plan indicated by a grey square and the explanation given with regard to how traffic would slow down in that area. The Member advised that a similar scheme in Rockcliffe had seen cars parking around the area and added that neither the City Council nor the Highway Authority could do anything to alleviate the problem. The Member requested that if the application was approved Officers would have to ensure that conditions were not imposed that would prevent the Highway Authority being able to act to resolve the issues.

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.

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

The Planning Officer submitted the report on the application, consideration of which had been deferred at the last meeting of the Committee to enable a site visit to be undertaken on 15 August 2012, and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of site and notification letters sent to the occupiers of properties within a 1200 metre radius of the site (33 properties). At the time of preparing the report for the meeting on 13 July 2012, 20 letters/e-mails of objection and 2 letters/e-mails of comment had been received; the Planning Officer summarised the issues raised therein. Since preparation of the report additional objection letters had been received from an occupier of a property in Scotland (a representative of NOWT group) regarding the potential impact of the proposal on wildlife, particularly birds, and the need for additional surveys.

Rory Stewart MP had also sent an e-mail in support of the objectors confirming that the proposal would be enormously detrimental to the landscape of the Liddle Valley and that permission could create a precedent.

Two additional e-mails of objection had also been received on the morning of the meeting objecting to the proposal on the grounds of industrialisation of the countryside and the impact on the quality of life of those living close to the proposed sites.

Natural England's standing advice had been referred to and they had confirmed that, given the scale and nature of the application, protected species were unlikely to be significantly affected and surveys were not required. The RSPB had also confirmed no objections but had indicated that, if the proposal was approved, bird diverter discs should be placed on the guy wires.

The Committee report indicated that there were no public footpaths through, or in close proximity to, the site. However the track to the south of Rigg Wood did form part of a public footpath. Whilst that track was outside the application site the Council's Countryside Officer had raised no objections.

The Planning Officer advised Members that the purpose of the mast was to gather information to facilitate a renewable energy scheme. In that context, it was considered that the proposal fell within the remit of the Local Plan Policy CP8. The benefits of the proposed development were that the proposal would allow information to be gathered to assess the site's suitability for a renewable energy scheme. Given the mast's temporary nature and limited harm it was considered that the proposal complied with the relevant policies in terms of its landscape and visual impact. On balance it was considered that the benefits of the scheme outweighed any temporary, although limited, adverse impact upon the landscape/living conditions of the occupiers of neighbouring properties. Therefore the Planning Officer recommended approval of the application subject to additional conditions imposed within the Decision Notice regarding bird diverter discs and no obstruction to the public footpath during or after development.

Ms Gallagher (Objector) stated that the proposed mast was 410m from her house and 60m from her property. The mast would be visible from every window of the principle elevation of her home. Ms Gallagher questioned the position of the mast as it would be out of the prevailing wind and too close to Rigg Wood which would give an inaccurate reading. Ms Gallagher suggested that a better position would be South West of the wood. Within the Newlands farm appeal the inspector quoted PPS7 that dealt with the protection of the countryside. The countryside around the proposed site did not have power lines and even a long distance view would see the proposed mast towering above everything in the area. Ms Gallagher quoted from the Carlisle District Local Plan with regard to the Council's vision and the health of residents which she hoped included mental health. She reminded Members that one of the objectives of the Plan was also to protect the open countryside from development that did not need to be located there. In a recent ruling a High Court judge had stated that it was not correct to assert the national policy on renewable energy if it negated the local landscape policies or gave primacy over them.

Ms De Gruyther (Objector) stated that a 50m mast with a flashing infra red light and possibly high visibility bird deflectors would spoil and diminish the landscape and provide a precedent for future developments. Ms De Gruyther suggested that other methods for collecting data were available that would be less obtrusive and gave an example of one such mast. Ms De Gruyther queried whether alternative masts had been considered and the reason if no alternative masts had been considered. Ms De Gruyther believed that the proposed mast would have an impact upon local residents and their quality of life. The proposed structure would create a change to the landscape which could not be mitigated by that fact that it would be removed at some point in the future. Nearby trees would shed their leaves and make the mast more visible. Ms De Gruyther queried whether the scheme was necessary and whether a bigger scheme could be considered at some point in the future. She added that the scheme had no benefit to residents and was unacceptable as it impaired visibility.

Mr Dunn (Parish Councillor) stated that he was representing the Chairman of the Parish Council and advised that the Parish Council had conducted a postal survey to every household in the parish and the community gave the council the mandate to oppose such applications. The proposed site was located in the centre of a line drawn from the Solway Firth to Spadeadam. Mr Dunn advised that a similar application near to the site had been refused previously on two occasions. A similar application in another nearby location had also been withdrawn. Within the Cumbria Character Guidance booklet the locality was described as Type 6 intermediate farmland. The booklet also stated that development of energy infrastructure would lead to changes in the landscape over the next 10 to 20 years. The applicant had admitted that he would want more than one turbine. Another section of the booklet stated that the siting of large scale wind energy and other vertical structures should be avoided and ensure that additional features such as masts did not create a cluttered landscape. Mr Dunn believed that the proposed mast would do that and change the character of the landscape. Mr Dunn queried the location of the mast as it would be in the lea of the wood and would be better placed on the windward side of the wood but from there it would be visible from the applicant's property. The Parish Council had noted that there had been no objection from the RSPB and advised that the area was visited yearly by a large flock of geese. From the plan there would be 15 guy wires and even with discs Mr Dunn queried whether they would be visible at dusk or in the dark when the geese arrived and left. In conclusion Mr Dunn advised that the wood was on top of a small hill and that there was a Roman settlement nearby and queried whether an archaeological survey had been carried out.

Councillor Mrs Prest (Ward Councillor) believed that the proposed mast would be intrusive and have a negative impact on the landscape. She believed that the application would be a pre-cursor to a future application for a wind farm. Councillor Mrs Prest acknowledged that there was a need for sustainable energy but not in an unspoilt location where there were not even any pylons. The proposed mast would dwarf the nearby woodland. Councillor Mrs Prest reminded Members that the Cumbria Landscape guidance stated that developments that would be detrimental to the landscape should be avoided. The proposed mast would be on the top of a crest and the report stated that the mast would occupy the statutory safeguarding zone surrounding the Eskdalemuir Seismological monitoring station in which wind energy development was regulated subject to a noise vibration budget. Councillor Mrs Prest reminded Member that from 33 letters to residents there had been 20 letters of objection as well as objections from the Parish Council and if the application was approved would cause stress to those residents.

The Committee then gave consideration to the application.

A Member reminded the Committee that the National Planning Policy Framework recommended that an application should contribute to enhance the landscape and a 50m mast within 500m of an area of Special Scientific Interest would not help the landscape. The Member recommended that the application be refused by virtue of policies EM1(A) and EM17 of the Regional Spatial Strategy, R44 of the Joint Structure Plan and CP1, CP5 and CP8 (parts 1 and 3) of the Carlisle District Local Plan.

A Member seconded the proposal to refuse the application for the reasons indicated above. The Member reminded the Committee that the report stated that an application for a wind turbine on the site had been submitted. The Member queried why such an application would be submitted while information was still being gathered. On the site visit the Member noted that there were no pylons or man made structures in the area or wind turbines visible from Scotland. One of the economic benefits to Cumbria and Penton was tourism and the Member believed that the development could discourage people from visiting the area. The Member added that that beautiful part of the countryside would be spoilt by the mast height and the guide wires. The Member explained that whilst there was a policy for renewable energy in the country other methods of renewable energy were available such as hydro power which would be more appropriate to the area.

A Member stated that he agreed with the proposal to refuse the application and added that he would not be part of the potential vandalism of such a beautiful location.

A Member referred to the Lavender statement that stated that an application should be refused if it would have an unpleasant impact on residents' houses or gardens and Ms Gallagher (Objector) had stated just that. For that reason the Member agreed that the application should be refused.

A Member referred to the Government Bill currently being considered by Parliament that would restrict such structures being located in close proximity to residential properties. The Member queried whether it would be possible for the City Council to set their own minimum distances. The Planning Manager explained that Officers were currently reviewing the Local Plan and policies. The issue had been acknowledged and Officers were looking at the options. Lincolnshire County Council had set out standards but as they were not a planning authority Officers were waiting to see the reaction of their district councils.

RESOLVED – That the application be refused as the proposal was considered to be contrary to the objectives of Policy CP1, criterion 2 of Policy CP5 together with criteria 1 and 3 of Policy CP8 of the Carlisle District Local Plan 2001-2016.

(3) Erection Of Retirement Housing For The Elderly Comprising 42No. Apartments, Communal Facilities, Landscaping And Car Parking, Social Club and Field, St Augustine's Church, Waverley Gardens, Carlisle, CA3 4JU (Application 12/0025)

The Planning Manager submitted the report on the application, which had been the subject of a site visit on 15 August 2012, and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The Planning Manager explained that the development proposed 28 one bed units and 14 two bed units along with a guest suite. The mix of units and the number of guest suites was based on the company's model which contained single bed units and only 1 guest suite in many of their other schemes throughout the country.

The application had been advertised by means of site and press notices and direct notification to the occupiers of 43 interested parties. In response 6 letters of objection had been received and the Planning Manager summarised the issues raised therein. Since preparation of the report a further letter of objection had been received, the content of which had been covered in the report and Members had seen on the site visit how the development would relate to the levels of the surrounding existing development.

With regard to parking, the Planning Manager explained that the number of parking spaces reflected the parking levels on many of the applicant's schemes which were planned on accessible routes. It was proposed that 24 spaces would be provided and the developer considered that to be a sufficient level to cater for occupants and all visitors to the development. The Highway Authority had accepted the proposed parking and access arrangements which had been considered as part of the outline planning application.

The Planning Manager advised that the proposed development would be acceptable in principle. The scale and design of the building would be acceptable and it 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. The proposed access, parking arrangements and drainage were acceptable. The applicant had agreed to make planning contributions of £235,000 which would be used towards the provision of affordable housing and the maintenance of amenity space in the locality. In all aspects the proposals were considered to be compliant with the objectives of the adopted Local Plan.

Therefore, the Planning Manager recommended that authority to issue approval be granted to the Director of Economic Development subject to the completion of a satisfactory Agreement under Section 106 of the Town and Country Planning Act 1990 to cover affordable housing contribution and a contribution towards open space.

The Committee then gave consideration to the application.

Members were concerned about the number of 1 bedroom apartments and those who had experience of retirement housing provision advised that older people preferred 2 bedroom apartments. A Member requested that the application be deferred to enable discussion with the applicant with regard to the matter. That proposal was seconded.

A Member advised that a number of housing authorities were moving away from single bedroom apartments as they were not required by residents. The Member was also concerned that there was only 1 guest suite on the site and that, as the community were being urged to look after family members whilst remaining in their own homes, provision should be made for families and carers. With regard to the contribution towards green spaces the Member requested that some of that funding be used to purchase health equipment suitable for elderly people to be housed at Belah Community Centre.

A Member confirmed that he would wish consideration of the application to be deferred to enable the parking issues to be investigated further. Whilst the Member acknowledged the amount of land available and the effect on the landscape, he reiterated that carers would be visiting the site regularly as well as families. The Member also suggested that discussion could be held with the Church representatives to determine whether their car park could be used as an overflow car park if required.

A Member requested that, if consideration of the application was deferred, parking on the corner of Waverley Gardens be looked at and double yellow lines painted on the road outside Belah Cottages and the adjacent 2 premises. The member stated that vehicles parked in that area and could prevent emergency service vehicles from gaining access to the development.

A Member stated that he had looked at the application as if one of his family members were living in such a development. Older people suffered illness in later life and visiting families required appropriate facilities to tend to their needs. The Member advised that he would not be able to support the application in its present format.

The Planning Manager explained that the application consisted of a mix of units and that the model worked elsewhere. If consideration of the application was deferred that would send a clear message to the applicant of the concerns of Members. The Planning Manager reminded Members that the Highway Authority had made no objection or proposed a traffic regulation order in respect of double yellow lines in the area.

A Member advised that the PCT Closer to Home scheme advocated older people living out their life in their own homes and that would not be possible in 1 bedroom apartments which reinforced the argument for 2 bedroom apartments.

RESOLVED – That consideration of the application be deferred to enable the applicant to consider the proposed proportional split between 1 bedroom and 2 bedroom units and the number of parking spaces and to await a further report on the application at a future meeting of the Committee.

(4) Erection Of Replacement Dwelling, Bridge End Service Station, Bridge End, Dalston, Carlisle, CA5 7BH (Application 12/0403)

The Planning Officer submitted the report on the application, and outlined for Members 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 3 neighbouring properties. In response 3 letters of objection had been received and the Planning Officer summarised the issues raised therein.

In overall terms, the principle of the proposed development was acceptable. The proposed dwelling could be accommodated on the site without detriment to the living

conditions of the neighbouring properties or the character/setting of the Dalston Conservation Area. In all aspects the proposal was compliant with the objectives of the Carlisle District Local Plan 2001-2016. The Planning Officer advised that whilst the application was directly followed by another application for the same site it was important to note that the application was entitled to do so and each application should be judged on its own merits.

Therefore the Planning Officer recommended that the application be approved subject to the condition as indicated within the report.

Councillor Allison (Ward Councillor) stated that as the application and the following two were connected he would speak on the three applications concerning the garage at Bridge End with one presentation. Originally the site, and the site in Dalston village, were filling stations and repairs serving the local community and were part of the community. The filling aspect had long gone and the main business was now car sales and body repairs. That had grown significantly over the years and provided employment that would not otherwise be there. However the downside was that the business had outgrown the site and resulted in cars parking along the frontage of the site and on the site of the pub opposite both of which were at the bottom of a hill on a bend. Councillor Allison advised that he had taken photographs following complaints by residents and the matter had been raised many times by the Parish Council who also objected to the application.

The application sought to address those issues by the provision of an area within the site to accommodate 36 cars. There was some concern that that could be part of a larger strategy to develop the area but the application had to be considered on its merits and Councillor Allison understood that there was no prospect of further development on the field behind the garage which had been included in the Dalston Conservation area.

If the application was approved Councillor Allison suggested that conditions be imposed that would define the boundary and restore the wall that was removed which allowed open access onto the highway. Given the history and the success of the business the application should have included details of how the boundary would be established including the screening from Smithy Cottage. In some cases limits were set as a planning condition on the numbers of vehicles that could be accommodated within the footprint of the site. However, if the business continued to grow there would be nothing to prevent cars being parked on the highway again.

With regard to the wall the Planning Officer presented a slide showing the site and advised that that would be dealt with by a separate enforcement. The report dealt with the boundary treatment along the side of the bungalow and once the bungalow was demolished how the boundary would be defined.

The Chairman asked if Members would wish to undertake a site visit; Members advised that they did not require a site visit.

A Member stated that he was aware of the problems. His view was that there would not be a replacement building and that would allow more room for cars for which he had no objection. However the Member was concerned that the site was in a

Conservation Area and that the Council would not be able to enforce a condition that the roof of the replacement dwelling be constructed from slate. The Member stated that the authority should be able to enforce anything to bring the replacement building up to the standard in the Conservation Area.

The Planning Manager advised that the first two of the three applications in respect of Bridge End garage should be taken individually while the implications of the third would be discussed at a later point in the meeting.

The Member stated that the first application suggested that the replacement building was acceptable to the Council's Heritage Officer in all aspects.

A Member agreed that any replacement building should be up to an acceptable standard of the Conservation Area and if the Heritage Officer believed that the building should have a slate roof then that should be carried out.

A Member, who was the Chairman of the Parish Council, stated that he had kept an open mind throughout all the discussions on the applications and advised that he did not like the design of the bungalow and that it would not enhance the area. If a replacement building was agreed it should match and complement the area.

The Planning Officer advised that whilst the Council may be able to enforce the building to the highest possible standard there could be a condition imposed that would require submission of the materials before the design was signed off by the Heritage Officer.

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

(5) Demolition Of Existing Dwelling To Provide Additional Vehicle Display Area, Bridge End Service Station, Bridge End, Dalston, Carlisle, CA5 7BH (Application 12/0406)

The Planning Officer submitted the report on the application, and outlined for Members 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 notification letters sent to the occupiers of 7 neighbouring properties. In response 4 letters of objection had been received and the Planning Officer summarised the issues raised therein.

In overall terms, the principle of the proposed development was acceptable. It was considered that the proposed expansion to the car sales area could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Dalston Conservation Area. In all aspects the proposal was compliant with the objectives of the National Planning Policy Framework and the Carlisle District Local Plan 2001-2016. Whilst it was acknowledged that there were existing problems on the site regarding parking, which the application would go some way to addressing, it was noted that enforcing against cars parked within the verge did not fall within the remit of the planning process.

Therefore the Planning Officer recommended that the application be approved subject to the conditions indicated within the report.

The Committee then gave consideration to the application.

A Member asked whether the Council could state the number of vehicles that would be allowed to park on the site as had been the case on Brampton Road as part of an application in that area. The Planning Officer advised that 36 spaces could be stated within a condition but the garage was outside the boundary on the complete site. In that instance cars could be parked outside the site and the proper channels for enforcement would be the police and the Highway Authority.

A Member stated that while it would be possible to limit the number of cars parked on the site that would not prevent people visiting the site to purchase a vehicle parking on the road. Officers would be required to work with the Highway Authority to limit the number of cars on the site; however there should be provision on site for customers to park.

A Member advised that he had spoken with the police regarding vehicles parking on the highway and had been advised that there were no traffic regulations between the garage and the town centre and therefore anyone could park on the highway in that area and no-one could stop them.

The Chairman invited Mr Hayward from the Highway Authority for his views.

Mr Hayward believed that the problem had been exaggerated. People who were walking in the area also parked in that area as well as visitors to the town. There were no traffic regulations in that area until the town square. The issues had been discussed with the police and the Parish Council. The police did not believe those cars caused an obstruction or impeded pedestrians but the Parish Council held the opposing view. Mr Hayward had spoken to the applicant who had advised that the current application was the pre-cursor to the other applications. The dwelling would be the final part of the arrangement and would provide additional parking. A recovery truck was often parked on the bend of the road and if the applicant could provide operational spaces that would go a long way to resolving the problems on the highway.

A Member asked whether a condition could be imposed to provide addition spaces on the forecourt for customers.

The Planning Manager advised that such a condition could be imposed but it would have to be specific and the level discussed with the applicant. The Planning Manager believed that it would be difficult to condition.

A Member moved that consideration of the application be deferred to allow further discussion between Officers, the applicant and the County Council in respect of parking for customer being made available on the site.

RESOLVED – That consideration of the application be deferred to discuss with the applicant the possibility of allocating a number of the parking spaces towards

customer parking rather than sales and to await a further report on the application at a future meeting of the Committee.

(6) Demolition Of Existing Dwelling (Conservation Area Consent), Bridge End Service Station, Bridge End, Dalston, Carlisle, CAS5 7BH (Application 12/0417)

The Planning Officer submitted the report on the application, and outlined for Members the proposal and site details, together with the main issue for consideration which was whether the demolition of the dwelling was acceptable. The application had been advertised by means of site and press notices and notification letters sent to the occupiers of 5 neighbouring properties. In response 4 letters of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer recommended that the application be approved but only if permission had been granted for the redevelopment of the site (application 12/0403 and 12/04506). If neither of those applications had been approved then the application should be refused on the grounds of prematurity and the potential adverse impact on the setting and appearance of the Dalston Conservation Area. The Planning Officer explained that a condition had been included stating that demolition could not commence until a contract for the redevelopment of the site had been made, and planning permission had been granted.

As the first application had been granted the Planning Officer recommended that the application be approved. If the applicant intended to demolish the existing dwelling and replace with car parking he would not be able to do so until that application had been approved.

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

(7) Change Of Use From A1 (Shop) To A5 (Hot Food Takeaway) And Single Storey Rear Extension To Provide Preparation Room, Store And W.C., And Erection Of Flue Pipe To Rear Elevation (Revised Application), 57 Kingstown Road, Carlisle, Cumbria, CA3 0AB (Application 12/0483)

Having declared a pecuniary interest in the application Councillor Whalen left the Chamber and took no part in the consideration or determination of the application.

The Planning Officer submitted the report on the application, and outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of site notice and notification letters sent to the occupiers of 27 neighbouring properties. In response 9 letters of objection and a petition with 34 signatures had been received; the Planning Officer summarised the issues raised therein.

The Planning Officer reminded Members that applications for change of use to hot food takeaways on the site had been refused in the past. However it was considered

that a combination of things, including the opening of the bypass and a change in Local Plan, had been sufficient to alleviate the problems which led to the previous reasons for refusal and therefore the change in recommendation for the application.

In overall terms, the principle of a hot food takeaway in the location was acceptable. It was important to bear in mind the question as to what degree of harm would occur to the living conditions of the occupiers of the neighbouring properties. The premises were located adjacent to a main thoroughfare and adjacent to existing commercial uses where there were businesses that opened into the evening. Subject to the imposition of a condition restricting the opening hours, it was the Officer's opinion that the use would not adversely affect the living conditions of the occupiers of the neighbouring properties to such a degree as to be contrary to current planning policies. Therefore the Planning Officer recommended that the application be approved subject to the conditions indicated within the report.

Mr Jardine (Objector) stated that the premises had been the subject of previous applications; the first had been refused and that decision upheld by the Planning Inspector. Another application had also been refused. Mr Jardine asked what had changed to recommend that the application should be approved. Cars parked on, and adjacent to, the highway and footpath and would interfere with traffic and road users. The site had not changed and as stated within the report and the site was within a primary residential area. The proposed use of the site including pedestrians congregating in the area would be detrimental to the residential area. The report also stated that the shop front did not appear obtrusive or dominant within the street scene. The original application stated that the proposed opening hours would be from 11:00am until 11:00pm 7 days per week. However the report advised that the proposed opening hours would be from 4:30pm to 11:00pm 7 days per week. A petition had been submitted with regard to public amenity and road safety. Those people who had submitted objections to the application lived in the vicinity while those letters in support did not live nearby and would not be affected by the proposal.

Ms Hardy (on behalf of Mr Slater - Objector) reminded Members that similar applications had been considered by the Committee on two previous occasions. The first application resulted in an appeal to the Planning Inspectorate when the Committee refused the application. The Inspectorate upheld the decision of the Committee. A further application was also refused. The relevant policies for refusal were still in place. Ms Hardy advised that there would be a significant number of customers which would affect the character of the surrounding area as most would access the premises by car. There was little provision for parking and that would lead to people double parking in the lane and obstructing the access for residents. Many cars would park on the footpath which was narrow and would create additional noise from cars stopping and starting, doors opening and closing and people moving about. There would be a lot of activity in front of people's properties and at a time of day when they would be expecting a quieter time. The proposed opening hours also included Bank Holidays. For the above reasons Ms Hardy requested that the application be refused.

Councillor Ellis (Ward Councillor) advised that there were two issues to be considered. The Highway Authority had responded that they did not consider that they could sustain a reason for refusal. Another consultee was of a similar opinion.

With regard to the availability of parking Councillor Ellis reminded Members that the report referred to parking being available at nearby businesses. Councillor Ellis queried whether communication with those businesses had taken place as he had contacted them and they had advised that they would not allow people accessing the premises to park on their land. If Members were minded to approve the application Councillor Ellis requested that a condition be imposed that would identify parking before work on the development took place.

The Committee then gave consideration to the application.

A Member stated that the previous applications had been refused as they were contrary to policy H2. The member queried what had changed since that time. Whilst the Member acknowledged that the CNDR had reduced the amount of traffic the road was still a busy road and the use of the site as a hot food takeaway would result in an increase in traffic and pedestrians which would be detrimental to the character of the area. Therefore the Member moved that the application be refused.

A Member was concerned that on previous occasions the applications had been refused and the current application had been submitted as the Highway Authority were not able to sustain a reason for refusal. The Member stated that although the volume of traffic had reduced there the junction continued to be a problem as people accessed Ballantynes, Aldi and the car wash. There was not much parking available in the area and that would be a problem. The Member asked for clarification from the Highway Authority about why their opinion on road safety in the area had changed.

Mr Hayward (Highway Authority) explained that the issues were complex and he had spent a lot of time going through the paperwork. The previous applications were not for fish and chip establishments for which the dwell time was shorter than other establishments such as a Chinese takeaway where people waited longer for their food. The constabulary had also objected to the previous applications but had not raised objections to the current application. Mr Hayward confirmed that the CNDR had opened in two phases and by May there had been a significant reduction in traffic. The figures were obtained from the signal detection system on Kingstown Road rather than those near the Morrisons supermarket. However much of the traffic passing through that system turned off the highway at Gosling Drive and Moorclose Way. Mr Hayward reminded Members that there was a fish and chip establishment on Stanwix Bank and others on London Road and Wigton Road. Mr Hayward advised that the main problems occurred around 4:30 but that there were no problems later at night. Mr Hayward would prefer not to have a fish and chip establishment on a main road but traffic levels had dropped so there would not be so great a problem. However if traffic figures rose again in the future any issues would be considered at that time on their own merits.

The Member was grateful for the clarification but was uncertain why the traffic signals were used to gain information rather than those near the Morrisons supermarket.

A Member acknowledged the comments that had been made and although there had been a reduction in traffic since the opening of the CNDR, the Member reminded the Committee that they had previously in the meeting approved an application at Crindledyke which could provide vast numbers of vehicles on the road in the near future. The Member seconded the motion to refuse the application.

A Member was concerned that people would park on the proposed turning circle and that would cause an obstruction. That could lead to people parking on the highway to access the shop. The Member advised that she agreed with the motion to refuse the application.

Following a vote it was:

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

Councillor Whalen returned to the meeting.

(8) 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 Hard Standing , High Burnthwaite Farm, Durdar, Carlisle (Application 12/0089)

The Planning Officer submitted the report on the application, consideration of which had been deferred to enable a site visit to be undertaken on 15 August 2012, and outlined for Members 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 notification letters sent to the occupiers of 31 residential properties. The Planning Officer reminded Members that at the time of preparing the report for the Committee meeting on 13 July 2012 7 letters/e-mails of objection had been received and 3 letters/e-mails of comment. The Planning Officer summarised the issues raised therein.

The Planning Officer presented photomontages that indicated views of the proposed turbine from various points around the site. The Council had sought independent advice on landscape and visual impacts of the proposed development. The visual impact assessment was taken for properties within a 2.4km radius and dwellings were categorised depending upon their impacts. The Planning Officer displayed a map with those properties indicated. She advised that only one property, that of the applicant, was indicated as having a large adverse impact. However that was discounted as it was the applicant's own dwelling. Other properties were indicated as having a moderate impact ie the turbine would be visible from some primary windows or gardens of those properties. Outlook from a property was a private interest rather than a public interest and what had to be considered was whether the turbine created a dominant or overwhelming presence in a main view from a house

or a garden. It was noted that those properties indicated as having a moderate impact, with the exception of High Burnthwaite Farm Cottages, were located 800m or more from the proposed turbine. Given those separation distances it was not considered that the turbine would create a dominant or overwhelming impact on the occupiers of those properties to warrant refusal of the application.

With regard to the impact on Burnthwaite Cottages it was noted that those properties were located approximately 510m from the turbine but already faced a cluster of trees and High Burnthwaite Farm. Whilst the turbine would not be visible from those properties the turbine would not appear to be as dominant as the intervening trees. In those particular circumstances the impact of the proposal on those properties was not considered to be sufficient to warrant refusal of the application on the grounds of over-dominance.

The Planning Officer advised that the benefits of the proposed development were that the turbine would produce energy from a renewable source that would not have a significant impact upon air safety, listed buildings, ecology/conservation, highway safety or on occupiers of neighbouring properties in terms of noise. Furthermore impacts of flicker effect could be dealt with via a suitably worded condition. The turbine would be prominent locally within the landscape and would be visible from primary windows and gardens of residential dwellings within the vicinity. However, the proposal would not have a significant impact on the landscape type as a whole or a dominant effect on the living conditions of residential properties due to separation distances or the positioning of existing features within the landscape. On balance it was considered that the benefits of the proposed development would outweigh its limited adverse impact upon the landscape or the living conditions of the occupiers of neighbouring properties. Accordingly the application was considered to be compliant with the criteria of the relevant planning policies and was therefore recommended for approval subject to the imposition of relevant conditions as indicated within the report.

The Committee then gave consideration to the application.

A Member stated that his views were the same as the earlier application for the wind monitoring mast except the proposed turbine was higher and would not enhance the landscape as suggested in the National Planning Policy Framework. The proposed turbine would be 2½ times higher than the pylons in the area and the Member did not believe that the photomontages showed the scale accurately. There were 2 residential properties within 210m and 230m of the proposed turbine and the proposal would cause significant harm to those residents. According to the Lavender test the proposed turbine would also have a detrimental impact on the landscape. For those reasons the Member moved that the application be refused as the application was not compliant with policies EM1(A), EM17, R44, CP1, CP5 (part 2) and CP8 (parts 1 and 3). Whilst it was not a material planning consideration the Member believed that the Private Members Bill in respect of distance from residential properties currently being considered by parliament should also be taken into account.

A Member seconded the proposal to refuse the application and queried whether at some point there would be a turbine in every field in the area. The Member identified

several areas in Cumbria where there were wind farms and stated that the county needed to be protected and not allow landowners from rushing in to install wind farms to reduce power costs or provide income.

A Member confirmed her agreement with previous statements and believed that single turbines placed around the area was not acceptable. The proposed turbine was 230ft high and out of proportion with the surrounding area and amounted to vandalism of the countryside.

A Member advised that he could see no reason for such a large structure for farm use but believed that there would be some subsidy to the landowner. The Member noted that the landowner was using photovoltaic cells on some of the farm buildings for which he gave credit. The Member also noted that there were two other wind apparatus in the area but they were small and insignificant and, the Member assumed, provided a reasonable amount of power.

A Member stated that the pylons were clearly visible on the site visit and that he had no objection to the application. The Member reminded the Committee that there was a target of 247Mw to be reached in Cumbria and the proposed turbine would go some way to achieving that target. Therefore the Member moved that the application be approved. The motion to approve the application was seconded.

A Member reminded the Committee that the target was for renewable energy and that other forms of renewable energy could be considered that would not be so intrusive.

Following a vote it was:

RESOLVED – That the application be refused as it was not compliant with Policies EM1(A), EM17, R44, CP1, CP5 (part 2) and CP8 (parts 1 and 3).

(9) Variation To The Wording Of Conditions 4 (Level 3 Survey); 7 (Widening Of Durdar Road); 8 (Access And Parking/Turning Requirements) And 9 (Construction Of Estate Road) Of Previously Approved Planning Permission 09/0216 To Alter The Timescales Within Which The Respective Works Have To Be Undertaken, Former stables , horsebox and lorry park, Land adjacent Blackwell House, Durdar Road, Carlisle, CA2 4TS (Application 12/0511)

The Planning Manager submitted the report on the application, and outlined for Members the background to the application and the proposal, together with the main issues for consideration which were whether the variation of conditions 4, 7 8 and 9 were acceptable. The application had been advertised by means of site and press notices and notification letters sent to the occupiers of 48 neighbouring properties. In response 5 letters of objection had been received. The Planning Manager summarised the issues raised therein.

The Planning Manager reminded Members that they had seen, on the site visit, that to date no development had started on the site. The developer had submitted the

application in order to vary conditions relating to archaeological recording and highway conditions which required full access to be provided prior to development commencing. Plots 1 and 2 of the development were at the northern end of the site and the developer sought to provide a temporary access to those two dwellings and amend the condition relating to the archaeological recording as those buildings affected by that part of the development were not affected by the development of plots 1 and 2.

The Highway Authority was satisfied with the proposed arrangements and the proposed conditions tied the application to the original permission and the remaining conditions. The Parish Council had raised a number of concerns, in particular regarding access. The developer considered that they had existing access rights to the development. However, that was a separate matter outwith the planning application.

During the site visit Members had sought clarification about services. The Planning Manager advised that they currently remained as with the original consent and, in particular, foul sewage was to be connected to the main sewer and condition 10 of the original application made provision for a surface water management plan and that condition still had to be discharged.

The Planning Manager advised that the application was a variation of condition to the original consent and the two were linked. Therefore there was no need for a Deed of Variation and on that basis the Planning Manager recommended that the application be approved subject to the conditions proposed within the report.

Approval of the application was moved and seconded.

In response to a query from a Member the Planning Manager confirmed that once work had started on plots 1 and 2 it would be deemed that work on the development as a whole would have commenced. However the access would initially be for the proposed dwellings on plots 1 and 2.

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

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

The Planning Officer submitted the report on the application, and advised that the application was originally submitted on the basis that consent was sought for a domestic building. However, following discussion with the applicant it transpired that the building would be used for commercial purposes hence the submission of the amended application. The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer reminded Members that the application had originally been deferred to enable a site visit to be undertaken. However, the previous meeting of the Committee the

application was again deferred to enable the applicant to provide additional information regarding the proposed means of surface water disposal and to enable the Environment Agency to comment formally on the application.

The Planning Officer advised that the Environment Agency had been consulted and had advised that any wash waters from the “wash down area” would need to be contained and, in the absence of a mains sewer network or on-site waste water treatment facilities, that must be in a sealed tank. The contained waste water must then be taken to a permitted treatment facility for treatment/disposal. The waste water would be contained in the tank indicated on the drawing that the Planning Officer presented as a slide.

Conditions were proposed that required the submission of details in relation to the size of the tank together with a Surface Water Management Plan to ensure that the water was adequately collected and disposed of.

The application had been advertised by means of a site notice and notification letters sent to the occupiers of 6 of the neighbouring properties; in response 2 letters of objection had been received. Following the receipt of amended application details which stated the proposal was for commercial purposes, 4 letters of objections and a comment had been received. The Planning Officer summarised the issues raised therein.

The 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 its siting in the rural location was appropriate. The scale, siting and design of the development, including the proposed building, would be appropriate.

Since circulation of the Supplementary Schedule, the Council’s Drainage Engineer had also responded and advised that she had advised that soakaways were an appropriate method of surface water disposal, subject to appropriate Building Regulation approval. The advice of the Building Control Officers would be sought in relation to the details required by the relevant conditions. In addition, the Council’s Building Control Manager had confirmed that consent would be required under the building regulations for the development. Given the submission of the revised details and the suggested conditions, the Planning Officer recommended that the application was approved.

The Committee then gave consideration to the application.

A Member queried who would police the emptying of the chamber and what action would be taken if a breach occurred. The Planning Officer advised that there was a condition imposed that would require a Surface Water Management Plan to oversee the management and emptying of the tank and the applicant would be required to provide that information. If the condition was breached enforcement action could be taken.

The Member stated that he wanted residents to be sure of the management plan. The Member moved that the application be approved. The motion for approval was seconded.

A Member was concerned about the potential effects on the environment and stated that some of the work had already been carried out and the habitat of some species destroyed. Therefore the Member queried why an environmental survey was to be undertaken. The Member was also concerned about the amount of water entering the water table. The Member stated that the applicant had been washing machines on hard core. Therefore the Member moved that the application be refused. That motion was seconded.

The Planning Officer advised that the part of the site that was cleared did not require permission and that negated a need for a survey. The wash area would be a concrete area and the Planning Officer confirmed that there would be no leaching into the water table but that the water would be directed into gulleys and then into soakaways.

Following a vote it was:

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

The meeting was adjourned between 12:27 and 12:40.

(11) Change Of Use And Extension Of Former Poultry Shed To Form Bunk House And Cafe, Barn at Kingbank, Walton, Brampton, CA8 2DH (Application 12/0516)

The Planning Officer submitted the report on the application, and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and direct notification to the occupiers of 5 of the neighbouring properties. In response 4 letters of objection had been received and the Planning Officer summarised the issues raised therein.

In overall terms the principle of the conversion and extension of the existing building for holiday accommodation was consistent with national and local planning policies and was acceptable. The proposal would not result in an adverse impact on the character or appearance of the area or affect the living conditions of the occupiers of the neighbouring properties. In all aspects the proposals were compliant with the objectives of the relevant Local Plan policies. Therefore the Planning Officer recommended that the application be approved subject to the conditions indicated within the report.

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

(12) Erection Of Detached Bungalow And Detached Garage (Revised Application) Land adjacent Orchard Gardens, Houghton, Carlisle, CA3 0LH (Application 12/0557)

The Planning Officer submitted the report on the application, and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and direct notification to the occupiers of 12 of the neighbouring properties. In response 2 letters of objection from the same household had been received and the Planning Officer summarised the issues raised therein.

In overall terms, the principle of development had previously been established on the site. The proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal was considered acceptable and would be well related to the existing built form of the village. In addition, the Highway Authority had raised no objection to the proposal. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies. Therefore the Planning Officer recommended that the application be approved subject to the conditions indicated with the report.

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

DC.74/12 CHAIRMAN'S ANNOUNCEMENT

The Chairman informed Members that the Planning Summer School would take place in Liverpool between 14-17 September 2012 and requested nominations for attendance. It was:

RESOLVED: That Councillors Mrs Prest and Whalen would attend the Planning Summer School in Liverpool between 14-17 September 2012.

(The meeting ended at 12:42)