



Development Control Committee

Date: Friday, 24 March 2023

Time: 10:00

Venue: Cathedral Room

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Lucy Patrick, Councillor Raymond Tinnion
Councillor Trevor Allison (for Councillor Jeffrey Bomford)

Officers: Corporate Director of Economic Development
Head of Development Management
Head of Legal and Democratic Services
Planning Officers (x3)
Ms Ghorst, Cumbria County Council

DC.021/23 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Jeffrey Bomford and Councillor Christopher Southward.

DC.022/23 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

DC.023/23 PUBLIC AND PRESS

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

DC.024/23 MINUTES OF PREVIOUS MEETING

RESOLVED - 1) That the Chair sign the minutes of the meetings held on 22 February (site visits) and 24 February 2023.

2) That the minutes of the meetings held on 22 March 2023 (site visits) be approved.

DC.025/23 CONTROL OF DEVELOPMENT AND ADVERTISING

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions set out in the Schedule of Decisions attached to these minutes.

DC.026/23 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Head of Legal and Democratic Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

1. Application 22/0840 Car Park, Eastern side of Lowther Street, Lowther Street, Carlisle, CA3 8DP

Proposal: Erection of multifunctional food and drink, leisure entertainment venue and associated ancillary uses.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 March 2023. Members had also undertaken a visit to The Stack, Seaburn in December 2022 which afforded an opportunity to view and experience a similar venue to the one proposed in Carlisle.

Members' attention was drawn to paragraph 6.50 of the report. The final sentence should read "in overall terms, the proposal would not result in issues sufficient to warrant a refusal of the application on the basis of crime prevention, safety and the fear of crime and anti-social behaviour".

The same paragraph also referred to an outstanding issue raised by the Crime Prevention Officer in respect of prospective patrons under the age of 18. The agent had subsequently advised that the applicant operated a 'vulnerable people and children' policy in its other venues and would also implement this policy in Carlisle should the application be successful. This policy ensured that: children under the age of 18 would only access the premises with a responsible adult over the 25; children would only be permitted access the venue up to 8pm and must leave by 9pm; and it advised that children must be accompanied by an adult when moving around the venue. The Crime Prevention Officer had been advised of this policy and has noted its contents and forwarded the details onto the Neighbourhood Police Team.

Slides were displayed on screen showing: location plan, proposed ground floor, North, South, East and West Elevation, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the imposition of conditions detailed in the report.

Ms Murphy (Objector) spoke against the application in the following terms: the application site was within a Conservation Area with nearby existing residential properties making the proposal inappropriate; the night club was licenced until 2am which meant bin emptying including glass which was very noisy and likely to impact on existing residents; a noise test had been conducted but it was not a full capacity test as it had not measured glass noise nor people leaving the venue; the 2am licence meant that the noise of people leaving the premises would likely continue to 3am; the proposed cladding was not likely to provide sufficient noise mitigation and the tented area was to remain open creating noise disturbance for existing residents; the properties within the Conservation Area were single glazed; the submitted access proposals would require delivery vehicles to mount kerbs to enter the site potentially causing damage to vehicles/properties; access to the site would require lorries to navigate a tight bend in an area where 1,500 students and pedestrians passed each day which was inherently unsafe; access via Lowther Street would be preferable.

Mr Greig (Agent) responded in the following terms: the Council's Conservation Officer's response to the application was set out in paragraph 6.37 of the report and stated that the scheme would preserve and enhance the character of the Conservation Area; Environmental Health had initially identified concerns in relation to the proposal following which the applicant altered the design of the scheme to incorporate a series of measures to ensure noise did not disrupt either the adjacent hostel or residents in Chapel Street; the noise mitigation measures were considered satisfactory; in the event of noise disturbance both Environmental Health and Licensing had regulatory powers to address any matters arising; the concerns set out had to be weighted against the positive benefits of the scheme which included multi-million pound investment which complied with the Council's regeneration objectives, the creation of jobs and rejuvenation of Lowther Street through the creation of a destination venue and the enhancement of the character and appearance of the Conservation Area.

The Chair invited the Planning Officer to respond to the points made in the representations to the Committee.

The Planning Officer advised that there were several conditions which would alleviate the impact of the proposal on the residents of Chapel Street. The Highway Authority and Crime Prevention had considered the application and had not objected to the proposal.

Members then gave consideration to the application.

In response to Member's questions Officers confirmed:

- a Swept Path Analysis had been undertaken which had concluded the access/egress proposals as acceptable, the parking team had also considered the application with conditions applied to prevent deliveries clashing with parking times;
- condition 7 could be amended to address concerns in relation to delivery times and the emptying of glass bins by including those matters in the Management Plan;
- the properties on Chapel Street were Grade II Listed Buildings, as such double glazing was not suitable, however, secondary glazing may be fitted as noise mitigation measure. For the applicant to be able to provide secondary glazing an appropriate legal agreement would need to be in place and the relevant property owners would need to consent to such a measure.

A number of Members noted that the application posed a challenge in terms of balancing the potential economic benefits of the scheme versus the impact on existing residents.

A Member who had participated in the Committee visit to the applicant's operation at Seaburn felt that whilst the scheme was suitable in its location of a seaside setting, the proximity of the application site to existing residential property and the potential impact on the quality of life of residents made the current application unsuitable. On that basis she moved that the application be refused, the proposal was seconded.

Another Member moved the Officer's recommendation.

Given the concerns identified in relation to noise and traffic implications arising from the development, a Member moved that determination of the application be deferred in order to allow those matters to be more fully investigated. The proposal was seconded.

The Chair noted that three proposals had been made two of which were seconded:

deferral for further investigation of noise and traffic matters, and approval of the application. The matter was put to the vote, and it was:

RESOLVED - That determination of the application be deferred in order to investigate further noise and traffic implications which may arise from the development.

2. Application 22/0034 TPO Plots 6 and 8 Land at Lansdowne Close, Carlisle, CA3 9HN

Proposal: Pollard 1no. Ash Tree to 5m, Crown Raising by 10% Canopy Volume to 1no Oak and 1 no. Ash Tree.

The Head of Development Management submitted the report on the application which had been subject to a site visit by the Committee on 18 January 2023. Following the publication of the report to the 20 January 2023 meeting of the Committee revisions to the proposal were made by the applicant, the report was withdrawn from the meeting whereon no discussion took place; further consultation was conducted on the revised application. The Head of Development Management summarised the changes made in the revised application and the responses received thereon. To assess the amended proposal the Council had appointed an independent arborist. The arborist had advised that whilst tree T6 had veteran status and contributed to wildlife and amenity value in the area, it should be reduced in scale to prevent the weight of its canopy causing further damage.

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

The Head of Development Management recommend that:

1) The crown raising and removal of deadwood (T7 and T8 Group G1 B (Oak) and C (Ash)) be approved.

2) The pollarding of Ash Tree to 10 metres (T6 Group G1 - A) be approved.

Mr Robinson (Objector) spoke against the proposal in the following terms: the consultation on the application had not been sufficiently advertised to local residents as set out in government guidance, as a result of which democratic rights were infringed; the applicant had submitted a statement in 2021 which stated the development would not impact the existing trees and hedges within the site, despite this heavy materials had been stored within the trees root protection areas; an initial proposal to fell tree T6 had been proposed by agent who had carried out an earlier survey without determining the tree needed to be felled; the Officer's proposal to reduce the height of the tree by 10m was welcome but remained unsatisfactory due to its impact on wildlife habitat; the proposal submitted by Stanwix Rural Parish Council to reduce the tree by 12m was preferable and would maintain habitat for wildlife.

The Chair invited the Officer to respond to the issues raised by the Objector.

The Head of Development Management noted that the proposal from the Parish Council would see a greater portion of the large branch retained. Given the significant fracture in the tree and the weight of the branch it was not known what impact the proposal would have, the Officer did not object to the proposal.

The Committee then gave consideration to the application.

In relation to tree T6, a Member expressed the view that it was unsafe accordingly he proposed that it be felled, and a replacement tree planted.

A number of Members expressed their support for the retention of the tree in relation to the appearance in the landscape and climate change issues.

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

RESOLVED - 1) That the crown raising and removal of deadwood (T7 and T8 Group G1 B (Oak) and C (Ash)) be approved.

3. Application 22/0760 Croft Villa, Wetheral, Carlisle, CA4 8JQ

Proposal: Retention of existing access; erection of boundary walls together with formation of vehicular access to the rear of the property (Part Retrospective).

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 March 2023.

The formation of the access did not require planning permission as it was not onto a trunk or classified road. Accordingly, in determining the proposal Members were required to assess whether the new boundary walls, which required planning permission, either side of the access would have a detrimental impact upon highway safety or not as well as the visual impact of the boundary treatment within the existing street scene.

Slides were displayed on screen showing: location plan, Site (Block) plan, Forward Visibility Splay, Wall and Gate details and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

In response to Members' questions Officers confirmed:

- The height of the boundary wall was currently 2 – 2.25m. Permitted Development Rights would allow a maximum height of 1m which was not considered sufficient to maintain privacy;

- There were no known plans for the access road to be adopted.

The Chair noted the Officer's recommendation was to approve the application subject to the imposition of relevant conditions. He put the matter to the vote whereupon the votes in favour and against the proposal were equal. The Chair gave his casting vote, and it was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as detailed in the Schedule of Decisions attached to these minutes.

4. Application 22/0366 St Nicholas Gate Retail Park, London Road, Carlisle, CA1 2EA

Proposal: Erection of hot food restaurant / takeaway with associated drive-thru and parking and car parking.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 March 2023. Slides were displayed on screen showing: location plan, the proposed site plan, the proposed GA and Roof plan, the proposed elevations, the proposed drainage layout, and photographs of the site an explanation of which was provided for the benefit of Members.

Following the publication of the report, two further representations had been received: one in support of the application and an objection. The objection was an additional submission from an individual who had previously objected to the application and reiterated points in relation to: the site not being sequentially acceptable as there were other preferable sites in the city centre (site at Hardwicke Circus and Viaduct Estate Road; the legal requirement in the National Planning Policy Framework and case law for the Council to consider more sequentially preferable sites; it was the objector's view that the application failed the Sequential Test.

In response to the objection, the Planning Officer noted that the site at Hardwicke Circus was within a flood zone and the land at Viaduct Estate Road was not available. As such, the application site was considered to be sequentially acceptable.

The issues identified by Cumbria Constabulary were set out and assessed in section 5 of the report. The Planning Officer advised that the Constabulary's response to the recently constructed drive-thru at London Road had expressed concerns, but no formal objection had been submitted in relation to that proposal subject to the imposition of a condition to limit trading hours similar to that of the premises at Kingstown.

Potential for crime, anti-social behaviour and adverse impacts to nearby residential properties had been mitigated through the imposition of planning conditions primarily to control the hours of opening for the drive-through restaurant and restrict access to the car park area.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

Discussion arose on the matter of the Constabulary's response to the consultation on the application. A number of Members noted the high level of concern set out in the organisation's response regarding the potential for increased anti-social behaviour. It was noted that the application site was in close proximity to residential properties which would be impacted by any anti-social behaviour which had previously been an issue at the site.

Members' attention was drawn to paragraph 6.41 of the report which listed the number and types of incidents requiring police service at two other drive-thru outlets in the vicinity of the application site. The report sought to address the concerns raised by the Constabulary within the context of planning issues.

The Planning Officer noted that the configuration of the wider retail park had been altered since the demolition of the former drive-thru which had been associated with anti-social behaviour: the number of vehicular entrance/egress points had been reduced thus the retail park no longer afforded a rat-run between different areas; the chicane within the park meant it was no longer possible to drive from one end of the park to the other; ANPR cameras had been installed which were able to monitor vehicles. Moreover, condition 15 required the submission of details of mechanism to be employed to minimise anti-social behaviour.

A Member was satisfied that the altered layout of the retail park and the reduced number of access/egress points were sufficient to mitigate anti-social behaviour. He moved the Officer's recommendation.

Another Member noted that ANPR cameras were installed for the purposes of monitoring the duration of a vehicle's stay at a site, not anti-social behaviour. Given the potential impact of anti-social behaviour on the living conditions of residents in adjacent properties, he was not satisfied that mechanism provided sufficient deterrent.

The Member further noted that the proposal necessitated the loss of car parking spaces within the retail park which other stores had expressed concerns about. The Highway Authority had not identified the issue in its response, and he questioned whether the matter was within the authority's jurisdiction. The Member was not satisfied that the matter had been given due consideration and felt it was important that the issue was properly understood as part of the determination of the application.

In response to a question from a Member regarding the maximum capacity of vehicles the development was able to hold in the drive-thru area and the potential for there to be an overspill on to the highway, the Planning Officer advised that the relevant data was contained in paragraph 6.34 of the report.

A Member proposed that determination of the application be deferred in order for further investigation to be undertaken in respect of highways and vehicle movement together with measures to minimise the potential for crime and disorder. The proposal was seconded and following voting it was:

RESOLVED - That determination of the application be deferred in order for further investigation to be undertaken in respect of highways and vehicle movement together with measures to minimise the potential for crime and disorder.

The meeting adjourned at 11:35am and reconvened at 11:45am.

Councillors Trevor Allison and John Collier left the meeting at 11:35am.

5. Application 22/0903 Land to the North Rose Cottage, Gelt Road, Brampton, CA8 1QB

Proposal: Erection 1no. dwelling to include foul water treatment plant and drainage.

The Planning Officer submitted the report on the application which had been subject to a site visit by the Committee on 22 March 2023. Sides were displayed on screen displaying: location plan, the front and side elevations, the rear and side elevations and photographs of the site, an explanation of which was provided for the benefit of

Members.

The Planning Officer recommended that:

1) Authority to Issue be given to the Corporate Director of Economic Development to approve the application subject to the implementation of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

A Member noted the steep gradient of the access to the proposed property and expressed concern that during periods of heavy rainfall debris from the access road would be washed on to the highway. He requested proper drainage be installed at the bottom of the drive to prevent matter accumulating on the highway.

The Planning Officer advised that any such drain would need to comply with the relevant highway authority legislation. Proposed condition 3 required the submission of a Construction Phase Traffic Management Plan for approval by the Local Planning Authority, should Members require it, that condition may be amended to include the provision of drainage at the bottom of the drive.

The Member clarified that his concern also related to surface water debris discharge following the completion of the development. He moved the Officer's recommendation along with the imposition of an additional condition requiring a surface water drain to be provided at the bottom of the drive. The proposal was seconded.

A Member commented that during the site visit he had observed that the site overlooked and was a prominent visual feature from Brampton. He noted that the application proposed stone cladding materials be used at the front of the dwelling and render on the rear elevation facing the town. He considered the use of cladding or full sandstone on the rear elevation would provide a more appropriate visual impact and requested that a condition be imposed to secure it. The Committee indicated its assent to the proposal.

The Chair noted that a proposal to accept the Officer's recommendation along with the imposition of additional conditions relating to the provision of a surface water drain at the bottom of the drive and the use of sandstone materials on the rear elevation had been proposed and seconded. The matter was put to the vote, and it was:

RESOLVED - 1) That Authority to Issue be given to the Corporate Director of Economic Development to approve the application subject to the implementation of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) That in the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

3) That additional conditions be imposed in relation to:

- i) The provision of a surface water drain at the bottom of the proposed drive;
- ii) The use of sandstone materials on the rear elevation of the property.

6. Application 22/0837 Land adjacent to West View, Lees Hill, Brampton, CA8 2BB

Proposal: Erection of 2no. dwellings (Outline).

The Planning Officer submitted the report on the application which had been subject to a site visit by the Committee on 22 March 2023. Sides were displayed on screen displaying: location plan, the proposed site plan and site visibility, 3D Indicative Section Through Site, proposed site sections and house elevations, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that:

1) Authority to Issue be given to the Corporate Director of Economic Development to approve the application subject to the implementation of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) In the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

A Member expressed concern in relation to the submitted indicative drawings of proposed dwellings which displayed a townhouse style, he did not consider such a design was appropriate to the setting of the application site and sought clarification on the matter.

The Planning Officer emphasised that the application was for Outline Permission with all matters other than access being reserved. Therefore, the submitted drawings were indicative and had no bearing on the future property design.

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

RESOLVED - 1) That Authority to Issue be given to the Corporate Director of Economic Development to approve the application subject to the implementation of relevant conditions as detailed in the report and the issue of nutrient neutrality being resolved.

2) That in the event of the issue of nutrient neutrality not being resolved, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

DC.027/23 Schedule B - Applications determined by other Authorities

RESOLVED - That the report be noted.

Chair's Comments

The Chair noted that the meeting was the final Development Control Committee of Carlisle City Council. He expressed his thanks to the Officers in the Development Management team for all their hard work supporting the Committee and the community in Carlisle. He further expressed appreciation to all members of the Committee past and present for their work and support. He considered the

upcoming transition to Cumberland Council would be a vast undertaking in the coming years and he wished all those involved in the process success in their endeavours.

The Meeting ended at: 12:01