

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 24 AUGUST 2018 AT 10.00 AM

PRESENT: Councillor T Sidgwick (Chairman), Councillors Bloxham, Christian, Earp, Glendinning, Graham, McDonald, Mrs Parsons, Paton (as substitute for Councillor Tinnion Ms Quilter (as substitute for Councillor Mrs Warwick), Shepherd, and S Sidgwick (as substitute).

OFFICERS: Development Manager
Legal Services Manager
Planning Officer x 3
Planning/Landscape Compliance Officer
Mr Allan – Cumbria County Council

DC.81/18 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Tinnion and Councillor Mrs Warwick, and the Corporate Director of Economic Development.

DC.82/18 DECLARATIONS OF INTEREST

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

Councillor Earp declared an interest in respect of the following applications:

- 18/0506 – Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him.
- 18/0497 – Mount Pleasant, Heads Nook, Brampton, CA8 9EH. The interest related to objectors being known to him.

Councillor Christian declared an interest in respect of application 18/0506 – Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him.

Councillor Shepherd declared an interest in respect of application 18/0539 – Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR. The interest related to the applicant being known to him.

Councillor Bloxham declared an interest in respect of application 18/0361 - Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN. The interest related the applicant being known to him.

DC.83/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.84/18 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 20 July 2018 and 22 August 2018 (site visit meeting) be approved.

DC.85/18 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.86/18 CONTROL OF DEVELOPMENT AND ADVERTISING

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

(2) That the applications referred to under the Schedule of Applications under B be noted.

1) Change of Use from 19no. sheltered housing units to 2no. flats and 7no. houses; demolition of single storey rear offshoot; window and door replacements; external alterations to provide 5no. new entrance points and re-rendering of elevations; provision of private gardens to the rear and 8no. additional car parking spaces and no. bin stores to the front, Barras House, Barras Close, Dalston, CA5 7NT (Application 18/0421).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 22 August 2018.

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

The Planning Officer reminded Members that at the Committee's previous consideration of the application, Councillor Allison (Ward Member) and Parish Councillors, during their Right to Speak had, made suggestions as to how parking provision on Barras Close could be increased. Following the Committee's decision to defer determination of the application an additional parking plan (displayed on screen for the benefit of Members) had been submitted by the applicant which illustrated the provision of a further 3 parking bays on the southern side of Barras Close. The Highway Authority was consulted on the plan and raised an objection to the parking bays on highway safety grounds. Accordingly, the applicant had decided to omit the plan from the proposal and proceed on the basis of the submitted block plan.

Further to the production of the report, additional comments had been received from an objector, the Parish Council and a supporter which were contained within the Supplementary Schedule. The Planning Officer summarised that the Parish Council and the objector remained concerned about the level of parking spaces provided.

In addition, the Parish Council remained of the view that the affordable housing ought to be secured via a Section 106 legal agreement, as opposed to Planning Condition. The letter of support was from a previous tenant of Barras House who supported the reuse of the building and confirmed that previous tenants had been offered first choice to return to the building once it has been modernised.

Further comments had also been submitted by Councillor Allison who confirmed that he supported the development in principle, but felt that the allocation of parking spaces fell short of the Highway Authority formula for determining the level of parking which produced a figure of 35 spaces to serve the number of dwellings. He noted that there were already tensions between the flats and bungalows over inadequate parking provision, and it seemed that Riverside were not prepared to demolish the garages at the rear of the flats to create additional provision.

Councillor Allison further noted that the former Riverside flats which fronted onto Carlisle Road had access to their own parking area behind the flats. Currently parking there was largely random. Without prejudice to their parking provision he suggested that, were parking bays to be properly marked out, there was scope for up to 10 parking spaces in that area.

Councillor Allison asked that approval of the application be subject to a more concerted effort to ensure adequate parking. He also raised concern in relation to there only being two flats for the elderly and suggested that wider staircases and toilets on both floors would make some of the houses more adaptable.

In response to the additional representations received, the Planning Officer noted that Members were aware that the Highway Authority had raised no objections to the level of parking provision. All of the properties were general needs housing and design considerations had been made to enable the adaptation of the properties in the future.

With reference to the securing of affordable housing by way of condition, the Planning Officer advised that method was a standard practice used by the Local Planning Authority in relation to schemes which were for 100% affordable housing by Registered Providers. In conclusion, the Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Mrs Doran (Applicant) explained that Barras House had been empty since November 2015, during which time the building had been affected by anti-social behaviour and had continued to be liable for Council Tax payments of £39,000/annum. The property had remained empty as the style of accommodation on offer did not meet the needs of those requiring affordable properties in the area. Riverside had considered 11 different options for the building, Mrs Doran considered that the proposal before Members reflected the demand for housing as demonstrated by data from Cumbria Choice, housing needs survey data, and the turnover of other affordable housing in the area.

Riverside had consulted with both the Local Planning Authority and the Highway Authority on the matter of parking provision as part of their development of the proposed scheme, to ensure that statutory requirements were met. The proposal would provide an improvement in parking provision through the reduction of the number of units from 19 to 9 and the creation of an additional 8 parking bays.

Mrs Doran stated that Riverside had consulted widely on the proposed scheme and had sought to incorporate feedback from consultee, including the Parish Council which had included a suggestion that an existing bungalow be demolished to provide further parking, however, it was not considered to be a viable option.

In conclusion, Mrs Doran stated the proposed scheme would enable the redevelopment of a redundant building with enhanced layout and appearance, and provide a mixed community.

The Committee then gave consideration to the application.

The Legal Services Manager noted that Councillors Paton and Ms Quilter had not been present at the previous meeting of the Committee where lengthy consideration of the application had taken place, therefore she advised them not to take part in the discussion or determination of the application.

A number of Members expressed concern that the level of parking provision was insufficient for the number of dwellings, and that the number proposed did not meet the number required by

Highway Authority's formula for calculating the number of spaces. It was suggested that the developer consider whether the internal courtyard at the site was able to be reconfigured so as to create further parking spaces.

In response Mr Allan confirmed that the level of parking provision was below that prescribed in the Highway Authority guidelines, however, consideration was also to the particular circumstance of a scheme. Given the application site's proximity to local services, the overall analysis concluded that the proposal would bring about a betterment to the existing situation as a result of the reduced number of dwellings and additional number of parking bays.

A Member expressed concern that parking at the site was able to be used by the public, she asked whether it was possible to restrict it to residents only.

The Planning Officer advised that was a matter for Riverside as owners of the land.

A Member sought confirmation that former tenants of Barras House had been offered accommodation within the proposed scheme.

The Planning Officer understood that such an offer had been made, and noted that a letter in support of the application had been received from a former tenant which had indicated that was the case.

Responding to a Member's suggestion that a condition be imposed to restrict the tenancy of the one bedroomed properties to single individuals, the Development Manager advised such a condition was unreasonable as the identity of the future tenants was not known, their circumstances may change, and it would not be appropriate to restrict it to individuals by a planning condition.

Turning to the matter of the Parish Council's concerns regarding Affordable Housing, a Member questioned why the Officer had recommended that the provision be secured by condition when the Council had latterly signed up to the Dalston Parish Neighbourhood Plan, which stipulated that Affordable Housing in the Parish was to be secured through a Section 106 Legal Agreement. He further noted that he had attempted to view the applicant's Affordable Housing Statement on the Council's website, but had been unable to do so, he sought reassurance that it replicated the requirements of the Neighbourhood Plan.

The Planning Officer advised that Policy H3 of the Neighbourhood Plan had various criteria relating to Affordable Housing, including Section 106 Agreements, and that the criteria of the applicant's Affordable Housing Statement was in line with its requirements. Furthermore, Section 106 Agreements were used when an applicant was required by Council policy to provide affordable housing as part of a development which offered open market housing. It was standard practice to use a Planning Condition when the applicant was a Registered Provider, as was the case with the current application.

The Member appreciated that the Officer's recommendation had been based in standard practice, but he did not consider it satisfactory given that the Council had signed up to the Neighbourhood Plan, he asked why it was not possible for the Affordable Housing to be dealt with via a Section 106 Agreement.

The Legal Services Manager explained that there were two ways by which the Affordable Housing provision could be secured: Planning Condition or Section 106 Agreement and that each had different mechanisms for enforcement which she outlined. Registered Providers were governed by different by their own rules which afforded the Council greater reassurance than would be the case with a commercial developer

She noted that thus far the Committee had given no indication that it was opposed to the application; further advising that, were Members minded to approve the use of a Section 106 Agreement, they were able to direct Officers to do so by proposing that Authority to Issue be granted to the Corporate Director of Economic Development to issue approval of the application, subject to the satisfactory completion of a legal agreement relating to the provision of the affordable housing element.

A Member sought further clarification on which of the above mentioned options may best secure affordable housing.

The Legal Services Manager responded that the most prudent course of action depended upon the circumstances particular to the individual application. If Affordable Housing requirements were included in a Section 106 Agreement, any breach would be pursued through the County Court which may grant an injunction or damages. If a condition was used, a breach was dealt with via the criminal court where a maximum fine of £5,000 could be levied. She advised Members to consider which they felt was most appropriate in the circumstances.

Members considered and discussed both approaches for the provision of affordable housing relative to the application before them.

A Member moved the Officer's recommendation, which was seconded.

Another Member moved that Authority to Issue approval be granted to the Corporate Director of Economic Development, subject to the completion of a satisfactory legal agreement relating to the provision of affordable housing; which was also seconded.

The Committee voted upon the recommendations in turn, following which it was:

RESOLVED: That Authority to Issue be granted to the Corporate Director of Economic Development to issue approval of the application, subject to a satisfactory legal agreement relating to affordable housing.

2) Change of Use of for gym to Warehouse/Retail Shop (Retrospective/Revised application), Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR (Application 18/0359).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 22 August 2018.

Further to the production of the report, Brampton Parish Council had updated its comments on the application, which the Planning Officer read out for the benefit of Members.

Slides were displayed on screen showing; location plan; block plan; existing and proposed floor plans; parking layout plan submitted by the applicant; rear and front parking provision plans submitted by the objector, and photographs of the site, an explanation of which was provided for the benefit of Members.

The report outlined two principal issues for Member to consider in their determination of the application: firstly, the matter of parking provision and highway safety. Cumbria County Council as the Highway Authority had advised that 8 car parking spaces, 1 disabled space, 1 motorcycle and 2 pedal cycle spaces were required for the proposed development, based on a floor area of 225sqm. The requirement had been calculated using the Cumbria Development Design Guide and reflected the proposed intensification of the former use of the building.

Through continued discussions, the applicant had provided a parking plan for the site which demonstrated the provision of one parking space to the front for disabled persons and 8 of the 15 spaces to the rear available for use by the applicant's customers.

During the site visit, a Member had questioned the need for adequate parking, the Planning Officer noted that Paragraph 102 of the National Planning Policy Framework (NPPF) stated that:

"Transport issues should be considered from the earliest stages of plan-making and development proposals..." with Subsection (e) stating: *"patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places."* Furthermore, Chapter J of the Cumbria Development Design Guide 2017 stated that:

"Businesses operating on the site should be providing an adequate quantity of spaces for their own staff, visitors, trade, deliveries and storage of vehicles on-site."

Accordingly there was clear policy support for the need to provide adequate parking as part of any development.

The Planning Officer noted that parking was limited to the front of Craw Hall as the block paved area tapered towards the junction of Millfield meaning there was less distance in front of the building subject to the application site than neighbouring premises. Members witnessed on site the parking arrangement in front of the adjacent building where vehicles were protruding over the footpath. The use of the neighbouring premises was historic and there was no control over the parking arrangements; however, in determining this application, the Planning Officer stated that Members must have regard to the current policy requirements rather than comparing it to this arrangement.

Double yellow lines had recently been installed at the junction with Craw Hall and Millfield, which was a clear indication that there were parking issues in the vicinity. It was the Planning Officer's view that allowing a development with insufficient parking facilities would tip the balance and undermine highway safety in the area.

During the Committee site visit, a Member had put an alternate suggestion that cars could park on the road parallel with the building.

The Planning Officer explained that the distance from the edge of the building where it adjoined the neighbouring use and the edge of the double yellow lines was approximately 12 metres in length, sufficient for two cars to park on the road where there are no restrictions. However, he noted that parking further along the frontage of Craw Hall would impede access to neighbouring premises.

The applicant had suggested that they were able to provide the required parking at the rear of the building. The Planning Officer highlighted that it would be associated with the retail unit, and would protect pedestrian safety as customers would not have to park elsewhere and cross roads etc. It was noted that would not be the case were parking to be provided off-site, for example, in the form on-street parking elsewhere or in the centre of Brampton.

The Planning Officer considered that the principal issue was that not all the required spaces were able to be provided due to the physical obstacles and constraints in the courtyard at rear of the unit. He felt it was unrealistic that customers would park in the courtyard, walk to the shop and return to their vehicle having visited the premises, as doing so may necessitate the need to drive and park at the front of the premises to load item(s). No loading area was

proposed as part of the application, were parking to be provided on-street to the front of the unit, he noted that was not possible. Were customers not to use the courtyard, it may lead to displacement of cars in the vicinity and additional parking problems.

The second issue related to the retail use of the building. A retail use was defined in the NPPF as a 'main town centre' use which should be directed, in the first instance, to town centres to protect their vitality. The Planning Officer explained that a Sequential Test guided retail use premises towards town centre locations first, should no town centre locations be available, edge of centre locations were the next level of preferred siting. In cases where neither town centre locations nor edge of centre locations were available, out of town centre locations, with preference being given to accessible sites which were well connected to the town centre. The purpose of the Sequential Test was to support the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

The Planning Officer accepted that some of the neighboring premises had an element of retail use within them. In planning terms, it was permissible for a building to operate with a primary use whilst having a secondary use which is ancillary, for example, in a factory with an office and a staff canteen, the office and staff canteen would normally be regarded as ancillary to the factory.

The retail element in the adjoining premises was considered to be ancillary to the main use of the building which was the manufacture of stained glass items. However, the Planning Officer's view was that was not comparable to the planning use which Members were being asked to consider. He stated that no Sequential Test had been provided as part of the application, therefore no appropriate assessment was able to be made and as such the proposal was contrary to planning policies.

The use of the premises resulted in additional traffic and parking demands which would need to satisfy the criteria outlined in the Cumbria Development Design Guide. Whilst parking was shown within the courtyard, this was considered to be neither achievable nor realistic in terms of the practicalities of the use. On that basis, the Planning Officer recommended that the application be refused for the reasons detailed in the schedule.

A Member commented that he was surprised that the applicant has not submitted a Sequential Test as part of the application, he felt that the document would have provided important information to assist the Committee in determining whether the location of the business was appropriate. He stated that he was unclear as the Officer's reasoning for recommending that the application be refused.

The Member proposed that determination of the application be deferred in order to allow a Sequential Test be submitted and considered.

The Planning Officer responded that the applicant had been aware of the need to submit a Sequential Test, but that one had not been forthcoming. In terms of the rationale for the recommendation to refuse the application, the principle issue was parking provision and its impact on the highway. The Planning Officer advised that were Members minded to defer the application in order to allow for the submission of a Sequential Test, that a time limit for the submission be stipulated as the retail use of the application site had been in operation for some time.

The Member who proposed the deferral indicated that he wished the Test and a further report on the application to be submitted to the following meeting of the Committee. The proposal was seconded and put to the vote by the Chairman. The proposal was unanimously carried.

The Committee noted that a Right to Speak had been registered by a Ms Reay, on behalf of the applicant. The Development Manager sought clarification as to whether Ms Reay wished to address the Committee at the current meeting or when the matter was brought back before Members. Ms Reay indicated that she would address the Committee at its future consideration of the application.

A Member noted that, due to the recommendation to refuse the application, objectors had not been permitted a Right to Speak to the Committee, the Member considered such an approach to be unfair and suggested that the matter be reviewed.

The Development Manager advised that the Council operated a Rights to Speak policy that governed the process and which stipulated that Rights to Speak were not permissible when in support of a recommendation, as it was likely such representations would put forward the same or similar arguments as the Officer. In the case of a recommendation for refusal, the applicant or someone speaking on their behalf was able to address the Committee, he further noted that those permitted to address the Committee was a matter for the Chairman's discretion. Moreover, the Rights to Speak Policy was under review and a report on the matter would be submitted to a future meeting of the Committee.

RESOLVED: - 1) That determination of the application be deferred in order to allow the submission of a Sequential Test and a further report on the application be submitted to a future meeting of the Committee.

2) That a report on the review of the Council's Right to Speak policy be submitted to a future meeting of the Committee.

3) Demolition of lean to at 46 Broomfallen Road, an Erection of 5no. dwellings with associated infrastructure, Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE (Application 18/0506).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 22 August 2018.

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

The Planning Officer explained that the houses had been orientated within the site to take account of the topography and to avoid the excessive use of retaining walls. Thus, Plots 1 and 5, the dwellings closest to the existing dwellings, would be single storey with detached garages and face onto the access road with no windows in their gable elevations, thereby, affording greater protection from unacceptable overlooking. The minimum distances between primary facing windows and blank gables would exceed those highlighted within the Council's Achieving Well Designed Housing Supplementary Planning Document.

The application proposed that access to the development via Broomfallen Road. The width of the access road at its entrance, excluding the shared surfaces for pedestrians, would be 4.8 metres wide and extend 10 metres into the site. The width would allow two vehicles to exit and one to enter the site at the same time. The remainder of the access would be 4 metres wide excluding the shared surfaces for pedestrians. A bin store with capacity for housing ten waste bins and recycling bins was to be provided at the entrance to the application site.

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

Mr Acton (Objector) spoke against the application in the following terms: the current application was a 38% increase of scale compared with the Outline Permission; the steep 1:10 slope of the site was likely to cause drainage issues for the existing and adjacent dwellings; the properties were likely to dominate the existing dwellings; the proposal made no reference to and was not compliant with Carlisle District Local Plan 2015 – 30 (Local Plan) policy HO3 – Housing in Residential Gardens; the access was not sufficiently wide to allow two vehicles to pass, and the proposed arrangement would impact on the traffic flow of Broomfallen Road; the location of the bin store was unsuitable; the proposed dwellings were not single storey as they contained internal staircases.

Ms Lightfoot (Agent) responded noting that: the principle of developing the site had been established in 2014; the size of the site had only increased by 0.1 hectare overall and the number of dwellings had increased from 3 to 5; the access arrangements were the same as those approved through the Outline application; the increase in the proposed development had come about as a result of the site's topography and allowed the dwellings to sit better in the landscape; the current application oriented the dwellings towards an internal courtyard rather than overlooking existing properties, and the layout reduced the need to provide retaining structures; the required separation distances were met; no Statutory Consultee had objected to the proposal.

The Committee then gave consideration to the application.

Regarding the increase in the size, a Member considered that the site was not the same as that which had been granted Outline Planning Permission. He drew the Committee's attention to paragraph 6.4 of the report and questioned whether the increase in the proposed number of dwellings would prejudice the delivery of the Local Plan's Spatial Strategy.

With reference to paragraph 6.13 of the report, the Member felt that the increased scale and massing of the development meant that the proposed scheme was not compliant with Local Plan policy HO3. Furthermore, the design of the dwellings was not in-keeping with the built form of existing adjacent properties. Given those concerns, the Member stated that did not feel able to support the application.

Another Member reiterated those concerns particularly in relation to the increase in the number of dwellings which he considered would be intrusive to the existing properties adjacent to the site, he also indicated that he did not feel able to support the application.

The Planning Officer explained that the Outline Permission had included an indicative drawing showing the three proposed dwellings facing the existing dwellings. The current application sought full Planning Permission and therefore was a new application. In terms of scale and massing each dwelling had its own amenity space and parking provision. The properties closest to the existing dwellings along Broomfallen Road would be single storey whilst the properties to the rear of the site would be split-level all facing the central access road.

Turning to the issue of drainage, a Member noted that the surface water was to be managed by means of soakaways and a channel along the access road which would discharge into the existing highway drainage system. He was concerned, in light of the comments from the Lead Local Flood Authority (paragraph 6.26), that the arrangement would lead to flooding in the properties adjacent to the site access road and Broomfallen Road in periods of heavy rain.

Another Member commented that he was aware that flooding of the highway and surrounding properties was an existing problem.

The Planning Officer responded that the submitted surface water drainage scheme had the capacity to deal with a 1 in 30 year flood event, however, the Lead Local Flood Authority required systems to have capacity to manage a 1 in 100 year flood event plus a 40% allowance for climate change. Accordingly a pre-commencement condition had been included in the permission requiring the submission to and approval by the Local Planning Authority of a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Policy Framework.

A Member was aware that earth digging equipment had been delivered to the site which had caused significant issues on Broomfallen Road, he requested that, in the event of the application being approved, a condition be imposed requiring the submission of a Construction Traffic Management Plan. He agreed with the concerns expressed by other Members in relation to the application, and stated that he would not support a recommendation to approve the application.

Responding to a Member's concern that future residents would be required to take their refuse and recycling receptacles 60m to 80m to the bin store, the Planning Officer noted that the Council's Waste Service team had not objected to the proposal.

A Member sought clarification as to who would be responsible for the maintenance and upkeep of the access road and the walls between it and the adjacent properties, were the application to be approved. He noted that there was no provision of street lighting in the proposal.

The Development Manager advised that because the application was for five dwellings, the access road was classed as a private driveway and as such would not be adopted by Cumbria County Council nor would street lighting be installed. Accordingly, the maintenance and upkeep of the access road was a private matter and would be the responsibility of future occupiers perhaps through a management company.

In terms of the surface water drainage, the County Council would set the necessary standards for system which the future occupiers would be responsible for managing and maintaining the system, which was normal practice for developments of 5 dwellings.

The Development Manager noted that whilst a number of Members had expressed concerns regarding the application, no proposal for refusal had been forthcoming, he advised the Committee that were it minded to refuse the scheme, such a proposal would need to be supported by appropriate planning reasons.

A Member moved that the application be refused permission on the basis that it was not compliant with Local Plan policies HO3 – Housing in Residential Gardens and SP6 – Achieving Good Design. The proposal was seconded and it was:

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

The Committee adjourned at 11:46am and reconvened at 11:53am

4) Proposed Residential Development with relocated entrance to field widening providing access to the residential site and field (Outline) (Revised Application), Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN (Application 18/0361).

The Development Manager submitted the report on the application which had been the subject of a site visit by the Committee on 22 August 2018.

The application sought Outline Permission with access, landscaping, layout and scale included, with appearance being reserved for a later application. The Development Manager noted that as a consequence of the type of application, details had been provided showing the siting of the proposed dwelling as well as a relocated field access.

The Development Manager reminded Members that a previous Outline application with all matters reserved had been refused by the Committee as a result of its concerns in relation to the potential for the development to extend into the open countryside and impact on the form of the village. Since that refusal the owner had sought to address those concerns, consequently, the applications before Members included most of the necessary details for the siting to be considered.

In the current application access had been relocated to the north to provide a better location away from the junction, allow the widening of the lane as part of the visibility splay and being able to set the dwelling closer to the neighbouring property Hawklemass, whilst still complying with the Achieving Well Designed Housing - Supplementary Planning Document distance standards.

Slides were displayed on screen showing: proposed block plan; illustrative layout; location plan; annotated location plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

During the Committee's site visit, Members had observed an existing barn which the applicant proposed to relocate at the northern side of the field, and that the new access would be shared for both the dwelling and the field which was in the same ownership. Members had also inquired whether a precedent would be set for further development along the lane, the Development Manager explained that tree planting along north-western edge of the site was aimed at ensuring further development could be resisted.

Furthermore, Members at the site visit had expressed concerns about highway safety on the road adjacent to the site, and the junction; they had asked whether double yellow lines were able to be provided at the junction. The Highway Authority had not specified this requirement, and in further discussion with the Officer had indicated that it did not have the evidence to support such a request. The Development Manager therefore advised that it would be inappropriate to impose such a requirement by condition on the application.

A Member had asked about the form of the village as referred to in the earlier application. The Development Manager displayed a slide on screen showing the existing linear form of the village, he drew Members' attention to a noticeable expansion at the heart of the village around the church. The map had also been reproduced with the proposed dwelling, superimposed, as if it had been constructed; the Development Manager noted that the applicant had attempted to keep the dwelling as close as possible to retain the existing form. Whilst the proposed dwelling was taller than the existing Hawklemass property, it was intended to be sited gable end on, so would not overlook directly into that property.

The Development Manager recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member noted that in order to achieve the required visibility splays from the site access, 43 metres of the bank comprising the boundary between the site and highway required removal. The Member stated it was not certain that the removal of the bank would allow for the

necessary visibility splay to be achieved, he felt that the Highway Authority should look at the matter. Therefore, he proposed that determination of the application be deferred in order to allow the proposed access arrangements to be reconsidered.

Another commented on the high speed of roads users of the adjacent highway, which he considered to be single track. The proposed access area currently operated as a passing point for the road, as such he felt that retaining the current access, which had a broader visibility splay was a safer and therefore the preferable option. It was his view that the Highway Authority should carry out a site visit to determine which access was safer.

In response to a question from a Member regarding whether the Highway Authority visited planning application sites to carry out assessments, Mr Allan confirmed that site visits were undertaken for the vast majority of planning applications, and that one had been conducted in this case.

With respect to the application before Members, Mr Allan recognised that some details relating to highways matters had not been supplied, for example, how the necessary visibility splay would be achieved. Were the application to be approved, a pre-commencement condition had been included in the permission requiring the visibility splay to be achieved prior to development of the site.

Responding to a further question from a Member regarding the disparity of opinion between the Committee and the Highway Authority, Mr Allan responded that the two bodies approached applications from differing perspectives: whereas Members were required to consider the full context of the application i.e. design, environmental matters, etc, the Highway Authority only addressed highway issue and carried out assessments of applications to ensure the required technical standards were complied with. In terms of the current application, given the proposed imposition of conditions relating to highway matters, the Highway Authority had no justifiable reason upon which to object to the proposal.

A Member supported the proposal that determination of the application be deferred in order to allow the proposed access arrangements to be reconsidered.

Another Member stated that he did not object to the building and did not wish to see the application deferred, and indicated that he would support the application if the access arrangements were improved.

A Member commented that the drainage report stated that a mains drain ran under the existing access point, she felt the matter needed to be considered.

The Development Manager responded that the pipe was part of United Utilities infrastructure, and as such the Lead Local Flood Authority, would not address the issue. He understood that there was some disagreement over the precise location of the pipe, in the event of the site being developed the appropriate authority would need to consider whether relocation of the pipe was necessary.

A Member asked whether the Development Manager had indicated that were the application approved, Officers would undertake discussion with the Highway Authority regarding the location of the access.

The Development Manager clarified that were the application to be approved, the submitted drawings including the location of the site access would also be approved.

Regarding the Officer's recommendation to approve the proposal, a Member sought clarification as to what material changes had occurred which made the current proposal acceptable, when a previous application at the site had been refused.

The Development Manager advised that the changes related to the type of application, as the first application submitted had been for Outline Permission with all Matters Reserved, whereas the current application was for Outline Permission, with appearance only being a Reserved Matter. Therefore, the previous application had not provided details of the location of the proposed dwelling within the site, but had indicated that the existing access point, which was to be extended, would be used and had sought to incorporate a separation between the existing Hawklemass property and the proposed dwelling.

The reasons for the Committee's refusal of the previous application were detailed in the report, the Development Manager explained that in order to address the Members' concerns, the current application proposed a relocated access and the dwelling be located close to the existing property of Hawklemass. Were access to be retained at its current location, the proposed dwelling would need to be sited further away from Hawklemass.

The Development Manager instructed the Committee that it was a matter for Members to determine whether the proposed location of the building and the off-setting of the access made the current application acceptable.

The Chairman noted that a proposal to defer determination of the application in order for the access to be reassessed had been proposed and seconded. The motion was put to the vote and it was:

RESOLVED: That determination of the application be deferred in order for the access arrangements to be reassessed, and that a further report be submitted to a future meeting of the Committee.

5) Change of Use of part of field to create private Equestrian Arena/Ménage without compliance with condition 3 imposed by planning permission 17/1108 to allow equestrian tuition to take place, Mount Pleasant, Heads Nook, Brampton, CA8 9EH (Application 18/0497).

A Member moved that determination of the application be deferred in order for the Committee to undertake a site visit. The proposal was seconded, and following voting it was:

RESOLVED: That determination of the proposal be deferred, in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

6) Erection Of 5no. Dwellings And Provision Of Adjacent Public Car Park For Use By The Parish Of Kirklington (Outline) Land adj Fir Ends School, Skitby Road, Smithfield, Carlisle, CA6 6DL (Application 18/0192).

The Development Manager submitted the report on the application which sought Outline Planning Permission with all Matters Reserved. As the application was in Outline form there were no details, with the applicant only being required to provide a red line boundary which had been submitted.

The scale of the proposed site was below the threshold for allocating sites within the Carlisle District Local Plan 2015 - 30 (Local Plan) therefore the site had been considered under Policy HO2 - Windfall Housing Development. The report set out the detailed considerations of the policy and concluded that the proposed location of the housing would extend the settlement by

way of an unacceptable intrusion into the open countryside by breaking into a large open field with no natural boundaries within the site.

In mitigation for the proposed housing, the applicant had offered some land for the creation of a public car park which may assist with parking for the school or wider use. The Development Manager advised that whilst the proposed parking may create some benefit for the village, it would result in pushing the housing further into the open countryside. He noted that the applicant had held discussions with the Parish Council, which had not objected to the proposal, but had requested further details on the longer-term implications of the car park such as maintenance. The matter remained outstanding and would be subject of further discussions between those parties should the application be approved.

Cumbria County Council had indicated that a Public Right of Way crossed the site which would require diversion, were permission to be granted, as it would no longer align with the signposted route.

Photographs of the site were displayed on screen, an explanation of which was provided for the benefit of Members.

In conclusion, the Development Manager stated that the proposed housing development was contrary to Local Plan policies HO2 Windfall Housing Development and GI2 Landscapes, therefore he recommended that the application be refused permission.

Ms Lancaster (on behalf of applicant) spoke in support of the application in the following terms: the application sought to establish the principle of development at the site, and as part of the process the applicant had proposed to transfer, via Section 106 legal agreement, a piece of land to the community for car parking which would also provide for the management and maintenance of that facility. Additional parking provision was much needed in the area, Ms Lancaster displayed a slide on screen demonstrating the level of parking in area surrounding the school.

Ms Lancaster asserted that the central consideration in the determination of the application was whether the principle of development was acceptable. The site was not allocated for development in the Local Plan, and due the proposed number of dwellings, it fell below the threshold for allocation, therefore it was to be considered as windfall site. The whole field of which the application site was part of had been considered as a potential allocation site for housing development as part of the Council's Strategic Housing Land Availability Assessment.

The application site was flat, and part of a larger field which was bounded by existing development to the south and east. Ms Lancaster acknowledged that the application site did not have a defined boundary, however, she considered it was readily achievable through the installation with appropriate landscaping. Landscaping was a Reserved Matter, and were the current application to be permitted, details of a landscaping scheme would be submitted for approval through a future application.

Whilst a strong boundary existed between the application site and the school, Ms Lancaster asserted that in itself did not indicate the extent of the village, rather it acted as a means of enclosure of the school grounds. She stated that the application site would not extend beyond the existing curtilage of the school nor the existing residential developments to the east.

The community benefits associated with the application were significant, and had the support of the local community. No objection to the proposal had been raised by neighbouring properties or any Statutory Consultee and the site had previously been assessed by the Council as

suitable for development, therefore Ms Lancaster urged the Committee to approve the application.

The Committee then gave consideration to the application.

With reference to the photograph displayed on screen depicting parking levels at school collection time, a Member noted that more vehicles were able to park in the area than had been accommodated.

The Development Manager concurred that additional vehicles were able to park than those shown in the photograph. However, he acknowledged that the area did get congested at times, although he understood that there was, under normal circumstances, still sufficient passing room for vehicles.

A Member stated that as Ward Member, he was aware that the Parish Council had concerned regarding the maintenance and upkeep of the land offered by the applicant for parking provision.

The Development Manager advised that those issues would be addressed through a Section 106 legal agreement. There were a number of mechanisms by which the maintenance could be addressed; the gifting of a sum from the developer; the use of a management company, or the Parish Council may assume responsibility. The particular form of the agreement would be determined through negotiation.

A Member stated that he considered it important the Council policy was adhered to, and that he had not found any reason to contradict the Officer's recommendation. Accordingly he moved the Officer's recommendation, which was seconded, and it was:

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

DC.87/18 SCHEDULE B

A Member requested that in future reports in Schedule B contain a location map to assist Member's understanding. The Development Manager undertook to incorporate that into the format going forward.

RESOLVED - That future reports contained in Schedule contain a location map.

DC.88/18 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning/Landscape Compliance and Enforcement Officer submitted report ED.26/18 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council. She provided a verbal update on progress regarding a number of the cases which had occurred following the production of the report.

The Committee gave consideration to a number of enforcement cases set out in the report.

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

RESOLVED – That the content of the report be noted.

[The meeting closed at 12:47pm]